Item 4

3rd October 2023

Glasgow City Council

Environment and Liveable Neighbourhoods City Policy Committee

Report by George Gillespie, Executive Director of Neighbourhoods, Regeneration and Sustainability

Contact: Gary Walker **Ext: 78624**

Food Standards Scotland Food Law Audit Report and the Environmental Health Food Law Service Plan

Purpose of Report:

1. To present the findings of Food Standards Scotland's Audit of Glasgow City Council's implementation of the Interventions Food Law Code of Practice (Scotland) Food Law Enforcement Services.
2. For the Committee to note the annual Food Law Service Plan which details the food enforcement work planned.

Recommendations:

It is recommended that committee:

1. Note the update on the current progress of the Audit report findings as detailed in Appendix 1.
2. To note the Environmental Health Food Service Plan 2023/2024 as detailed in Appendix 2.

Ward No(s): Citywide: ✓

Local member(s) advised: No ☐ consulted: No ☐

OFFICIAL

PLEASE NOTE THE FOLLOWIN

Any Ordnance Survey mapping included within this Report is provided by Glasgow City Council under licence from the Ordnance Survey in order to fulfil its public function to make available Council-held public domain information. Persons viewing this mapping should contact Ordnance Survey Copyright for advice where they wish to licence Ordnance Survey mapping/map data for their own use. The OS web site can be found at <http://www.ordnancesurvey.co.uk> "

If accessing this Report via the Internet, please note that any mapping is for illustrative purposes only and is not true to any marked scale

1. Food Standards Scotland Food Law Audit

1.1 Audits of Local Authorities food law enforcement services are part of Food Standards Scotland's (FSS) arrangements to maintain and improve consumer protection and confidence in relation to food by ensuring that Local Authorities are providing an effective food law enforcement service. Provision of this food law enforcement service is a statutory duty. These arrangements recognise that the enforcement of UK food law relating to food safety, hygiene, composition, and labelling is largely the responsibility of Local Authorities. These Local Authority regulatory functions are delivered through NRS' Business Regulation Team in Environmental Health.

1.2 Local Authorities are chosen at random for audit and are given a few weeks' notice. The Service was advised that the audit would take place on 1st and 2nd November 2022. The purpose of the audit was to verify and validate the implementation by the Local Authority of the following planned arrangement: the Interventions – Food Law Code of Practice (Scotland) 2019 (hereafter referred to as the Interventions Code 2019). The Audit Report can be found at **FSS Glasgow City Audit Report**. The Audit scheme also provides the opportunity to identify and disseminate good practice and provide information to inform Food Standards Scotland policy on food safety and standards.

1.3 Specifically, the audit's aim was to:

- Verify that the Interventions Code 2019 had been implemented and all applicable food establishments have been transferred to a food law risk rating
- Verify the application and adherence to the Interventions Code 2019
- Identify and disseminate good practice applied by Local Authorities
- Identify information, evidence and potential recommendations to aid future Food Standards Scotland's policy and operational development

2. Audit Finding

2.1 The overall outcome, detailed in Paragraph 2.15 of the Audit report determined that there was "Insufficient assurance in that controls are not acceptable and have notable weaknesses. The findings show that there are significant weaknesses in the current risk, governance, and control procedures to the extent that the delivery of objectives is at risk. Exposure to the weaknesses is sizeable and requires urgent mitigating action."

2.2 This finding was determined as the audit team found that the scale of the task involved in the Local Authority (LA) Recovery Process and full implementation of inspection programme in Glasgow cannot be underestimated.

2.3 Nine recommended points of action were highlighted. The two main areas of concern were that the current allocated resource is insufficient to deliver the Food Law Rating Scheme (FLRS which is the food inspection programme) and an updated resource calculation should be carried out and presented to committee in the annual Food Law Service Plan.

2.4 The nine action points are:

1. The Service Plan requires to be reviewed and approved as a matter of priority.
2. Complete a resource calculation to demonstrate a projection of the total Full Time Equivalent resource required to satisfy the intervention programme.
3. Give further consideration to scheduling inspections of unrated establishments prioritised in terms of risk, the LA Recovery Plan, available resources and local intelligence with targets determined.
4. Review food establishments risk ratings and desktop risk ratings to ensure that Groups and Bands have been allocated appropriately.
5. Further consideration should be given, after appropriate checking, to reducing the number of unrated establishments by making more use of the Group 3A rating.
6. Specific timescales for corrective actions require to be provided in written warnings to businesses.
7. The inspection form and written report form require to be reviewed and updated to include references to food law legislation. Similarly, written warning letter headings should contain references to all applicable food hygiene and food standards legislation.
8. Revisits should be carried out where there is failure to comply with significant and serious statutory requirements or a number of requirements that, taken together, indicate ineffective management. Include an estimation of the number of revisits that will be made in the Intervention Programme and Service Plan.
9. Quality checks and internal monitoring checks require to be reinstated to ensure consistency across the service and to ensure that any issues are identified and corrected where required.

2.4.1 The majority of the recommendations have been completed with four in progress to be completed by their target dates.

2.5 Positive points raised at audit included our commitment to data-driven decision making and our commitment to learning and sharing experience within the team. In addition, two reality check visits were carried out during the audit where officers from the Service were accompanied by auditors. It was determined that these verification checks were carried out professionally, in a systematic manner and in accordance with the Interventions Code 2019 and Food Law Code of Practice (Scotland) 2019.

2.6 As anticipated in paragraph 2.8 of the audit report, the planned high risk 200 Group 1 and Approved Establishment Inspections were completed in 2022/23.

3. Impact of Covid-19

3.1 As recognised in the audit report in paragraph 1.6, the impact of COVID-19 on operators was most evident in the Business Regulation team. The businesses with which the team routinely engaged with were in many cases closed. Programmed inspections were suspended and instead engagement was with those businesses which continued to trade and was heavily focused on COVID-19 compliance. NRS started our Food Law Recovery programme in August 2021 ahead of the national start deadline and provided the specific detail of our plan in our Food Law Recovery Report to Committee on 15th March 2022. We are currently behind on our planned visits due to several contributing factors:

- We have a critical reduction in resources in food enforcement due to staff movement and a national crisis on recruitment meaning we have had limited success when advertising.

- Our proactive interventions are taking longer to close-off due to the increase in non-compliance. This is reflected in the number of enforcement notices we are issuing.

4. Staffing Resources

4.1 The full establishment number of field officer FTE posts for the service is 27.2. There are currently 17.2 full time equivalent (FTE) field officers in post who are involved with food related activities.

4.2 The Service has seen a number of changes since the pandemic began; retirement, internal promotions and staff leaving which has created challenging circumstances for service delivery. The Service has sought to recruit on various occasions since 2020 and all attempts to date have been unsuccessful with applicants lacking the essential qualifications. This is a challenge that is not unique to Glasgow and a very similar picture can be found across Scotland. The Environmental Health profession is in a national recruitment crisis, which has been recognised by the Scottish Government, CoSLA and SOLACE.

4.3 Environmental Health has five students on university placement with three preparing to present at the 2023 Professional Exam Diet in September to qualify as Environmental Health Officers. It is hoped these students will commence their professional career with this council.

4.4 The service will shortly advertise for Environmental Health Officers and Food Safety Officers and will accept students, graduates and others who satisfy the academic requirements to start the statutory qualifications.

4.5 When undertaken by the Service, The Resource Calculation for the 23-24 year (methodology contained in the FSS Recovery Guidance) indicates that there is a staffing resource full time equivalent requirement for food related work of 44.8, a deficit of 17.6 on the establishment figure. Due to this shortfall it is not possible to allocate all the food law interventions that are expected to be carried out every month. Consequently, the service is operating below 50% of due inspections.

5. Supporting Duties

5.1 NRS' Business Regulation team also provide support to events that Glasgow hosts; COP26, the UCI World Cycling championships and TRNSMT being examples.

5.2 Other activities such as occupational health and safety enforcement and licensing activities are also part of the team's remit. Not carrying out these statutory functions would also create other risks, challenges and reputational issues for the Service and the Council as a whole, therefore work is continually prioritised on a risk assessment basis.

6. Scottish Authority Food Enforcement Re-Build (SAFER Project)

6.1 There is work ongoing at both a local and national level to address the root causes of the current recruitment crisis. Indeed, FSS has recognised the national deficit of Environmental Health staff is impacting on the delivery of the national food enforcement delivery programme and this prompted FSS to initiate the Scottish Authority Food Enforcement Re-Build (SAFER) project. The aim of SAFER is to implement a new approach to Food Law implementation in Scotland which will deliver:

- Public health protection and assurance
- A sufficient, sustainable, and dynamic resource
- Alternative qualification pathways
- A Food Law delivery model focused on risk and non-compliance
- Vital training and practical guidance
- Technological and digital solutions

6.2 Officers from Glasgow City Council are actively engaged in the SAFER project to ensure that the unique challenges faced by the city are included in the work going forward.

6.3 The Royal Environmental Health Institute of Scotland acknowledges the lack of availability of qualified staff and recruitment issues and has recently introduced updated access routes to the profession. Historically, there was a very strict set of pre-requisite qualifications that allowed applicants to register with the Institute and undertake the required additional qualifications to allow them to become an Authorised Officer for Food Law inspections and related work. Applicants are now being assessed on a case-by-case basis where consideration is being given to previous experience. Any academic knowledge gaps are then identified, and the applicant is provided with suggestions of how these can be addressed. Once the knowledge gaps have been overcome the applicant can then register with the Institute to sit the necessary examinations. We are assessing how we can utilise this flexibility to fill some of our current vacancies and reviewing our workforce strategy accordingly.

6.4 The recommendations in the Audit Action Plan are being addressed and the confirmation of the Food Law Service Plan is part of this report. An update on the current progress is contained in Appendix 1.

7. Food Law Service Plan 2023-2024

7.1 All Local Authorities are required by the Statutory Food Law Code of Practice to prepare a service plan for food enforcement and to review our performance against it on an annual basis. Performance is included in our Annual Report presented to committee.

7.2 Four of the nine actions from the FSS audit related to the Food Law Service Plan. These actions included approval of the Plan with inclusion of the updated resource calculation, a process for unrated premises and an estimation of revisits likely to need resourced.

7.3 Food Standards Scotland sees the Service Plan as an important part of the process to ensure national priorities and standards of food enforcement are addressed and delivered locally. They suggest a common format for Food Regulatory Service Plans which should assist local authorities in performance reviews under the Best Value regime.

7.4 The Food Law Service Plan is included in the report in Appendix 2.

7.5 The Food Law Service Plan has been updated from the Plans previously brought to committee to incorporate the action points arising from the FSS Audit. The main points to note are:

- A process for unrated premises which has escalated their priority
- An estimation of the number of revisits based on the previous year's figures and compliance rate has been included

7.6 The Plan includes a programme for year 2023-2024 which specifies the type of intervention to be carried out in various types of food business. This programme of interventions has been driven by the implementation of the Covid-19 Food Law Recovery Plan.

Category of Premises	Number of Interventions due in 23/24	Intervention Frequency	Performance Target
Approved Establishments	28	12 monthly	100%
Group 1E, Group 2E and Group 3E	15	1 Month	100%
Group 1D, Group 2D and Group 3D	406	3 Monthly	100%
Group 1C	45	6 Monthly	100%
Group 1B	96	12 Monthly	100%
Group 2C	243	12 Monthly	0%

Category of Premises	Number of Interventions due in 23/24	Intervention Frequency	Performance Target
Group 1A (Manufacturing Premises)	4	18 Monthly	100%
Group 2B	76	18 Monthly	0%
Group 3C	70	24 Monthly	0%
Revisits	400	As Required	95%
Missed Premises	2258	None	200 per annum
Unrated	2207	None	700 per annum
TOTAL	**5848**		

8. Policy and Resource Implications

Resource Implications:

Financial: Currently the service, as proposed within the Food Law Service Plan, can be provided within the existing budget.

Legal: The power to set standards, monitor and audit the performance of enforcement authorities was conferred on FSS by Sections 3 and 25 of the Food (Scotland) Act 2015 and Regulation 7 of the Official Feed and Food Controls (Scotland) Regulations 2009. FSS has established external audit arrangements intended to ensure competent authorities are providing an effective and consistent service for the delivery of official controls and are meeting the general criteria laid out in retained EU Regulation (EC) 2017/625.

FSS has powers, following consultation with Ministers, to issue a Direction to a local authority requiring it to take specified steps to comply with the Code of Practice issued. Directions are enforceable through Court of Session Orders.

Although there is potential for FSS to issue a Direction, it is thought at this time to be highly unlikely and no discussions to date have indicated that FSS is considering this sanction soon. All resource is being directed towards the implementation of the SAFER strategy.

Personnel: Our workforce strategy is targeting students and graduates at present for the vacant EHO posts. For our Technical Officer Food Safety posts, we are looking to grow our own although this may be limited by the academic attainment required before being able to begin the professional training and qualification. We may have to consider employing external consultants to undertake some of the inspections in the short term.

Procurement: Works and services would be met from existing frameworks.

Council Strategic Plan:	Specify which Grand Challenge (s) and Mission (s) the proposal supports.
	Grand Challenge 1 – Mission 3 - Improve the health and wellbeing of our local communities. Grand Challenge 2 – Mission 2 - Support the growth of an innovative, resilient and net zero carbon economy. Grand Challenge 4 – Mission 1 - Create safe, clean and thriving neighbourhoods.

Equality and Socio - Economic Impacts:

Does the proposal support the Council's Equality Outcomes 2021-25? Please specify.

What are the potential equality impacts as a result of this report?	Our proposed targeting of higher risk food businesses impacts positively as many of these food business types are in our lower socio-economic neighbourhoods.

Please highlight if the policy/proposal will help address socio-economic disadvantage.

Climate Impacts:

Does the proposal support any Climate Plan actions? Please specify:	N/A

What are the potential climate impacts as a result of this proposal?

Will the proposal contribute to Glasgow's net zero carbon target?

Privacy and Data Protection Impacts:

Are there any potential data protection impacts as a result of this report **No**

If Yes, please confirm that a Data Protection Impact Assessment (DPIA) has been carried out

9. Recommendations

9.1 It is recommended that Committee:

1. Note the update on the current progress the Audit report findings as detailed in Appendix 1.
2. Note the Environmental Health Food Service Plan 2023/2024 as detailed in Appendix 2.

Appendix 1

Action Plan for Glasgow City Council Audit of Local Authority Implementation of Interventions Food Law Code of Practice (Scotland) Audit

Glasgow City Council Recommended	Point for Action Planned	Target Date for Completion	Status
1. The Service Plan requires to be reviewed and approved as a matter of priority.	Review by Group Manager and approved by Head of Service.	October 2023	For consideration at ELN Committee 3rd October 2023
2. Complete a resource calculation to demonstrate a projection of the total Full Time Equivalent resource required to satisfy the intervention programme.	Finalisation of resource calculation	Completed	Completed
3. Give further consideration to scheduling inspections of unrated establishments prioritised in terms of risk, the LA Recovery Plan, available resources and local intelligence with targets determined.	Review of process for allocation to ensure that higher risk unrated establishments are incorporated into the inspection lists. Staff reminded of need to follow procedure when new Food Business Registration Form is received.	Completed Completed	Completed Completed

	Service Plan to be revised to include a process for unrated premises. Alternative Enforcement Strategy to be finalised and incorporated into quarterly lists	Completed April 2024	Completed Paused due to staffing levels
4. Review food establishments risk ratings and desktop risk ratings to ensure that Groups and Bands have been allocated appropriately.	Reminder to team in relation to group classifications	Completed	Completed
5. Further consideration should be given, after appropriate checking, to reducing the number of unrated establishments by making more use of the Group 3A rating.	Noted as a longer-term objective and will coincide with re-introduction of Alternative Enforcement Strategy	April 2024	Paused due to staffing levels
6. Specific timescales for corrective actions require to be provided in written warnings to businesses.	Documentation being reviewed to incorporate recommended action	Completed	Completed
7. The inspection form and written report form require to be reviewed and updated to include references to food law legislation. Similarly, written	Service moving to typed reports in 2023 and legislation will be incorporated into these. This was being phased in at the time of audit.	Completed	Completed

warning letter headings should contain references to all applicable food hygiene and food standards legislation.			
8. Revisits should be carried out where there is failure to comply with significant and serious statutory requirements or a number of requirements that taken together indicate ineffective management. Include an estimation of the number of revisits that will be made in the Intervention Programme and Service Plan.	Service Plan to be revised to incorporate revisits. Refresher training with staff as to what constitutes a revisit	Completed Completed	For consideration at ELN Committee 3rd October 2023 Completed
9. Quality checks and internal monitoring checks require to be reinstated to ensure consistency across the service and to ensure that any issues are identified and corrected where required.	Monitoring was reintroduced in August 2022. As this was the first monitoring exercise carried out since pre-pandemic the most common findings were emailed to the full team with a view to improving consistency. Subsequent monitoring will be carried out and feedback given directly to individual by Team Leader/Assistant Group Manager.	Completed April 2024	Completed Started August 2022 but paused due to staffing levels.

	Moving forward the Service is also considering the introduction of some form of peer-review	April 2024	Paused due to staffing levels.

Appendix 2

NEIGHBOURHOODS, REGENERATION AND SUSTAINABILTIY

COMMUNITY SAFETY AND REGULATORY

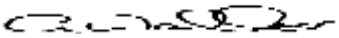
SERVICES ENVIRONMENTAL HEALTH

FOOD LAW SERVICE PLAN

2023-2024

Approval

This document has been approved by

Signed: … 

Date: 4th September 2023

	Contents
No.	**Item**
1	**Service Aims and Objectives**
2	**Background**
2.1	Profile of Local Authority
2.2	Organisational Structure
2.3	Operational Structure
2.4	Geographical Organisation
2.5	Scope of Food Service
2.6	Post Pandemic Working Arrangements
2.7	Demands on the Food Service
2.8	Additional Food Activity
2.9	Key Performance Indicators
3	**Enforcement Policy and Associated Procedures**
4	**Service Delivery**
4.1	Food Premises Profile
4.2	Interventions Planning
4.3	Approved Establishments
4.4	New Businesses
4.5	Service Requests
4.6	Home Authority Principle
4.7	Advice to Business
4.8	Food Sampling
4.9	Control and Investigation of Communicable Disease including Outbreaks and Food Related Infectious Disease
4.10	Food Law Incidents and Alerts
4.11	Food Crime

4.12	EU-Exit
4.13	Export Health Certificates
4.14	Liaison with other Organisations
5	**Staffing**
5.1	**Staff Resources**
5.2	**Staff Development and Training**
5.3	**Student Training**
6	**Monitoring**
7	**Areas for Development**

1. Service Aims and Objectives

1.1 It is the aim of the Service to:

- ensure that food produced, stored, offered for sale or used within the city is authentic, wholesome and safe to eat;
- protect the safety, health and well-being of residents, visitors and others, to protect consumers from being misled and to ensure acceptable trading practices in food;
- inspect or otherwise intervene with businesses in accordance with national guidelines using the risk-based approach outlined within the Food Law Code of Practice;
- ensure that the food law intervention recovery process is implemented post-pandemic;
- routinely sample food produced within the city and other food as appropriate;
- enforce the Food Safety Act 1990 (and associated legislation), the Food Hygiene (Scotland) Regulations 2006, The Food (Scotland) Act 2015 and other relevant legislation as may apply to the Service;
- to develop and implement strategies to improve compliance; and
- advise and assist businesses to comply with relevant current legislation, to promote the adoption of documented food safety management systems and to encourage adoption of best practice.

2. Background

2.1 Profile of the Local Authority

2.1.1 Glasgow is the largest city in Scotland with a population of around 600,000. It is a city with a great history built around the River Clyde and on the strength of its people and is the most ethnically diverse city in the country.

2.1.2 It is a city of contrasts, with parts of the city still affected by poverty and inequality. There are significant long term health challenges which stop citizens from reaching their full potential.

2.1.3 The city has a wide mix of housing types and extensive areas of commercial development.

2.1.4 Glasgow's vision is to have a world class city with a thriving, inclusive, economy where everyone can flourish and benefit from the city's success.

2.1.5 The priority of the council is to reduce inequality by creating inclusive growth through jobs and investment, tackling poverty and poor health in the city and improving neighbourhoods.

2.1.6 Glasgow City Council is a Scottish National Party-controlled unitary authority.

2.2 Organisational Structure

2.2.1 The Glasgow City Council structure comprises the following Services:

- Chief Executives Office
- Neighbourhoods, Regeneration and Sustainability
- Education Services
- Social Work Services
- Financial Services

2.2.2 Environmental Health sits within the Community Safety and Regulatory Services division of Neighbourhoods, Regeneration and Sustainability (NRS). Other Services delivered within NRS include:

- Cleansing – Refuse and Waste Disposal
- Provision and Maintenance of Parks and Open Spaces
- Maintenance and Development of Roads and Footways etc.
- Building Standards and Public Safety
- Planning
- Housing
- Sustainability

2.2.3 The council's political management system comprises a City Administration Committee with other City Policy and Regulatory Committees.

2.2.4 Food law enforcement is within the portfolio of the Environment and Liveable Neighbourhoods City Policy Committee.

2.3 Operational Structure

2.3.1 The Group Manager, Environmental Health, holds the role of Lead Food Officer for Food Law as defined in Section 4.7 of the Food Law Code of Practice Scotland.

2.3.2 Given the nature of the overall role of Group Manager, many aspects of day-to-day management of food law enforcement are delegated. Our service provides the full range of public protectives services associated with Environmental Health. Our Business Regulation team operates with a food law management team comprising the said Group Manager, 2 Assistant Group Managers and 4 Team Leaders. This team fulfils the overarching Lead Officer role - although the Group Manager retains overall responsibility for performance.

2.4 Geographical Organisation

2.4.1 Operationally, the daytime team is split into three geographical teams: south, east and west with a team leader in place for each.

2.4.2 Officers within each team focus upon regular, programmed work in specified locations within the city. However, it is commonplace for them to be asked to respond to a demand elsewhere, e.g. to accompany a colleague when formal action is required, to deal with an urgent service request or to assist in any other manner necessary. Additionally, many officers have recognised specialisms which call upon them to visit all areas of the city.

2.4.3 At the time of writing, the distribution of staff within each of the geographical teams is as follows:

- The South Team covers the area south of the River Clyde (Wards 1-8) and comprises 1 Team Leader, 2 Environmental Health Officers (EHOs) and 3 Food Safety Technical Officers (FSTOs)
- The North Team covers Wards 9 & 11-23 and has 1 Team Leader, 4 EHOs and 6 FSTOs

2.4.4 As part of our Out of Hours team two officers comprising 1 EHO and 1 FSTO operate across the city on a shift basis from 17:00 to 03:30 dealing with business regulation.

N.B. Figures given are not based on Full Time Equivalency. Prior to February 2023, the team structure differed slightly, however, this has been adapted to take account of one of the Assistant Group Managers taking maternity leave.

2.5 Scope of Food Service

2.5.1 The food law enforcement service is provided in-house within the Environmental Health Group with no external contractors being used. At 1st October 2022, Food Law Enforcement is delivered by a total of 27.2 officers including management, Environmental Health Officers and Food Safety Technical Officers.

2.5.2 Whilst Food Safety Technical Officers are dedicated to only food law matters, Environmental Health Officers have other duties which ultimately reduces the proportion of the time devoted to the function.

2.5.3 Other duties include, health and safety enforcement, Port Health, events and other licensing work.

2.5.4 The collection of informal samples is undertaken by Glasgow Scientific Services in liaison with Environmental Health.

2.6 Post Pandemic Working Arrangements

2.6.1 Environmental Health staff worked throughout the pandemic and attended the office as necessary during this time. As restrictions eased, the council implemented formal hybrid working arrangements, whereby attendance in the office is required.

2.6.2 A rota has been implemented within Environmental Health and Officers are expected to attend the office at least one day a week. On the remaining days, time is to be spent on site carrying out inspections or at home completing paperwork. Whilst the minimum expected attendance is one day per week, Officers are accommodated to attend more frequently.

2.7 Demands on the Food Service

2.7.1 There are currently 8076 food premises registered within the Glasgow City Council food database.

2.7.2 At 1st April 2023, there were 28 businesses involved in the handling of products of animal origin which are approved under EC Regulation 853/2004. In addition, there is an establishment approved for the of beansprouts.

2.7.3 Premises are inspected in line with the Food Law Code of Practice and risk rated accordingly. The Service is currently working on implementing the Covid-19 Recovery Plan as it applies to Food Law Interventions.

2.7.4 Environmental Health has devised a programme of interventions for year 2023-2024 which specifies the type of intervention to be carried out in various types of food business. This programme of interventions has been driven by the implementation of the Covid-19 Food Law Recovery Plan.

2.7.5 The Recovery Period officially commenced on 1st September 2021, however, Glasgow re-introduced food law inspections from 1st August 2021. The driving factor for early implementation was COP26 which was being held in November 2021 and a mass influx of delegates, activists and other visitors to the city was anticipated.

2.7.6 The table below illustrates the Group and associated risk of premises currently registered:

Group 1	Total No. Premises	Group 2	Total No. Premises	Group 3	Total No. Premises
A	17	**A**	63	**A**	103
B	109	**B**	1599	**B**	172
C	40	**C**	1027	**C**	184
D	11	**D**	59	**D**	13
E	1	**E**	5	**E**	1
Unrated	2311				

2.7.7 It has become apparent through the re-start process that compliance within premises across the city is significantly lower than anticipated. It is believed this is a result of limited intervention having taken place during the pandemic period, combined with current economic factors associated with the national recovery and a reduction in available workforce. As a result, a more intensive intervention regime has been required than had been considered during the recovery planning phase. The net effect of this being that the targets initially set at the outset of the recovery process are unlikely to be achieved.

2.7.8 Food premises are now subject to a rating scheme which combine food hygiene and standards. Consequently, no premises are rated specifically for food standards. However, there are 14 establishments approved and regulated for food hygiene by Food Standards Scotland. Due to the Scottish enforcement model, we are the enforcing authority for food standards in these premises.

2.8 **Additional Food Activity**

2.8.1 In addition to inspection of food businesses within the city, officers also carry out other food law related activities such as issuing export health certificates, review of documentation to process support attestations and customer service requests.

2.9 **Key Performance Indicators**

2.9.1 Environmental Health has set a series of KPIs, and updates are provided on a monthly basis to Senior Management within Neighbourhoods, Regeneration and Sustainability.

2.9.2 As a Service there is accountability within the process should there be significant deviation from these.

2.9.3 The table below shows the key KPIs for the Service:

Number of programmed food safety inspections carried out at premises rated as requiring intensive Intervention.
Percentage of programmed food safety inspections carried out at premises rated as requiring intensive Intervention 1 month
Percentage of programmed food safety inspections carried out at premises assessed as requiring a 3 month inspection
Percentage of programmed food safety inspections carried out at premises assessed as requiring a 6 month inspection
Percentage of programmed food safety inspections carried out at premises assessed as requiring a 12 month inspection
Percentage of programmed food safety inspections carried out at premises assessed as requiring an 18 month inspection
Number of food safety inspections carried out in new establishments
Number of food safety inspections carried out in missed establishments
Number of Food Law Notices
Number of Food Law Service Requests

3. Enforcement Policy and Associated Procedures

3.1 The Enforcement Policy, along with the Food Service Plan, is retained electronically within the council's Electronic Document Record Management System (EDRMS).

3.2 The Service seeks to adopt a fair and balanced approach to the enforcement of food law and to apply the principles of better regulation. The council strives to ensure that all food law enforcement activities are in accordance with the Scottish Regulators' Strategic Code of Practice.

3.3 Where possible, an informal, advisory approach will be used to ensure that businesses are aware of their legal responsibilities and comply as required. However, formal means of enforcement such as formal notices and prosecution will be used where necessary to ensure that the principal objective of public safety is achieved.

3.4 Food Law enforcement activity will be undertaken in accordance with the council's corporate goals relating to equality, service delivery and customer care.

Additionally, the approach taken will accord with the requirements of the Food Law Code of Practice 2019 in relation to the principles of Better Regulation and to the statutory duty to contributing to achieving sustainable economic growth without comprising our food safety functions.

3.5 To achieve the aims outlined within the Enforcement Policy there is a need for consistency within the Service and this is achieved through the implementation of, and adherence to, procedures and peer review. The Food Law procedures are held within EDRMS where they can be easily accessed by all staff and are subject to review as necessary.

3.6 The Enforcement Policy outlines the approach the Service will take when determining the type of enforcement action to take. Reference will also be made to Chapter 3.1 of The Code of Practice.

4. Service Delivery

4.1 Food Premises Profile

4.1.1 There are currently 8076 establishments listed within the Food Premises database. These can be categorised as follows:

Primary Producers	7
Manufacturers/Packers	311
Importers/Exporters	18
Caring Premises	486
Retailers	1489
Supermarkets/Hypermarkets	121
Distributors/Transporters	156
Hotels/Guest Houses	92
Mobile Food Units	537
Takeaways	1188
Schools/Colleges	200
Restaurants/Cafes/Canteens	1771
Restaurants and Caterers - Other	1259

Pub/Club	379
Other Premises	62
TOTAL	**8076**

4.2 Interventions Planning

4.2.1 Environmental Health, Neighbourhoods, Regeneration and Sustainability, has devised a programme of interventions for year 2023-2024 which specifies the type of intervention to be carried out in various types of food business. This programme of interventions has been driven by the implementation of the Covid-19 Food Law Recovery Plan.

Category of Premises	Number of Interventions due in 23/24	Intervention Frequency	Performance Target
Approved Establishments	28	12 monthly	100%
Group 1E, Group 2E and Group 3E	15	1 Month	100%
Group 1D, Group 2D and Group 3D	406	3 Monthly	100%
Group 1C	45	6 Monthly	100%
Group 1B	96	12 Monthly	100%
Group 2C	243	12 Monthly	0%
Group 1A (Manufacturing Premises)	4	18 Monthly	100%
Group 2B	76	18 Monthly	0%
Group 3C	70	24 Monthly	0%
Revisits	400	As Required	95%
Missed Premises	2258	None	200 per annum
Unrated	2207	None	700 per annum
TOTAL	**5848**		

4.2.2 Officers are instructed to undertake interventions according to the Food Safety Act 1990, Section 40 Food Law Code of Practice (Scotland) and in accordance with the internal Food Safety procedures.

4.2.3 It is not possible, in all circumstances, to carry out an intervention at every establishment that is due. Therefore, a prioritisation list of categories has been compiled to assist when deciding whether an establishment will receive an intervention.

4.2.4 The order of prioritisations is given below:

Establishment Categories by order of Priority
Approved Establishments
Group1E, 2E and 3E
Group 1D, 2D and 3D
Group 1C
Group 1B
Unrated (Estimated Group 1 and 2 Premises)
Group 1A
Missed Inspection Premises
Premises only liable for Food Standards Inspections
Group 2B, 2C, 3C
Unrated (Estimated Group 3 Premises)

4.2.5 A variety of options are available to deal with unsatisfactory circumstances including:

- Verbal warnings
- Informal warning letters
- Hygiene Improvement Notice
- Remedial Action Notice
- Hygiene Emergency Prohibition Notice
- Detention and Seizure of Food Failing Hygiene Regulations
- Referral to the Procurator Fiscal for the instigation of legal proceedings
- Suspension and Withdrawal of Approval (Approved Establishments only)

4.3 Approved Establishments

4.3.1 In 2018, Glasgow City Council participated in a national pilot project for the implementation of Official Control Verification (OCV) in Approved Establishments. Whilst the OCV approach has not yet been reflected in the Food Law Code of Practice, the application of this approach has continued, with Approved Establishments being inspected on a 12 monthly inspection cycle.

This is currently reflected through a notional application of a 12 monthly B rating under Annex 5 of the Food Law Code of Practice. The resource input for each establishment is identified by a resource calculator and, until the OCV approach is reflected in the Food Law Code of Practice, we will ensure that the resource input will be at least equivalent to that which would have been required had a true risk rating been carried out under Annex 5.

4.4 New Businesses

4.4.1 When a food business registration form is received this will be allocated to an officer who will contact the business to discuss operational proposals with a view to identifying the appropriate business group for the premises. This will allow for the new business to be captured correctly and ensure that the business is prioritised in accordance with the intervention plan. To comply with the recent FSS Audit Action Plan we are prioritising unrated premises above missed inspections.

4.5 Service Requests

4.5.1 The Uniform system is in place and utilised for receiving and allocating service requests across the team. A 5-day response period is specified. Detailed procedures for processing such requests are documented.

4.5.2 It is anticipated that approximately 2700 service requests will be received during 2023-2024.

4.6 Home Authority Principle

4.6.1 The Service acts as Home Authority for food businesses that are based within the city and as such will investigate complaints and enquiries from both consumers and other Local Authorities where required.

4.7 Advice to Business

4.7.1 Education, training and advice on matters of food law are an integral part of the function of the food law enforcement service. However, given the resource constraints experienced, most of the advice is given in the context of a programmed intervention/inspection.

4.7.2 The provision of HACCP based advice assists the food trade in Glasgow in the development and implementation of Food Safety Management Systems by the provision of materials. One-to-one advisory sessions can be provided on request and on-site consultations in targeted premises are delivered in accordance with Article 5 of EC Regulation 852/2004.

- Advice is offered in relation to Food Safety/HACCP-based food safety management systems and associated matters such as Civic Government and Liquor Licensing both in relation to existing and proposed food businesses.
- Advice is given verbally and/or in written form with letters, leaflets or direction to appropriate reading material etc.
- It is estimated that around 1900 requests for advice on food safety are received each year.

- The Environmental Health section of the Glasgow City Council website has been updated with relevant links that may be of use to consumers and businesses alike.

4.8 Food Sampling

4.8.1 During the Covid-19 pandemic period routine food sampling was suspended, however, this has since resumed.

4.8.2 Food sampling is carried out on behalf of Glasgow City Council, Environmental Health by Glasgow Scientific Services. At present sampling is being carried out for the purposes of FSS Surveys, whereby particular food stuffs are targeted.

4.8.3 Should an unsatisfactory result be returned, this shall be brought to the attention of the food business operator and advice provided in order to prevent recurrence.

4.8.4 It is intended to resume a structured sampling regime during the financial year. In the meantime, samples will also be taken in response to customer complaints, food poisoning allegations, confirmed food poisoning cases or any other reason as may be necessary.

4.9 Control and Investigation of Communicable Disease including Outbreaks and Food Related Infectious Disease

4.9.1 Glasgow City Council is a signatory to the Greater Glasgow and Clyde NHS Joint Health Protection Plan.

4.9.2 All alleged food poisoning notifications, however received, are investigated timeously and information is disseminated to interested parties.

4.9.3 Investigations into confirmed food poisoning outbreaks are undertaken in accordance with the Outbreak Control Plan, produced jointly by NHS Greater Glasgow and Clyde Health Board (NHS GG&C), Glasgow City Council and the five other local authorities contained within the Health Board area and the guidance issued by Food Standards Scotland together with the various internal food poisoning documents.

4.9.4 Dependent on the specific circumstances, personnel from other areas of Environmental Health within Glasgow will be involved in investigating and controlling any outbreak. In addition, in cases of resource difficulty, extra resources can be requested from other units of this Service, within the Health Board area or adjacent Councils.

4.9.5 Examination of control food samples associated with food poisoning outbreaks is undertaken by Glasgow Scientific Services at the Colston Laboratory. This service is accredited by UKAS. In the case of resource difficulty extra resources can be requested from other laboratories.

4.10 Food Law Incidents and Alerts

4.10.1 The number of food law incidents being received is increasing as National recovery progresses.

4.10.2 Systems are in place whereby the Authority is notified of incidents through the Central Logging of Intelligence Operations (CLIO) database for action and updates to Food Standards Scotland as required.

4.10.3 Internal arrangements are in place to distribute food alerts electronically on receipt to team members.

4.11 Food Crime

4.11.1 Glasgow City Council, Environmental Health will work with partners to help prevent Food Crime.

4.11.2 The service will support this agenda in several ways including:

- Partnership working with the Scottish Food Crime and Incidents Unit (SFCIU). This will include activities relating to criminal activity involving food, food recalls and local, national and international food incidents.
- Utilising the CLUE (case management system) intelligence database.
- Regular updates of intelligence logs and action on intelligence regarding criminal activities within the city.
- Active participation within food crime networks to advise and influence policy/strategy
- Adherence to the Food Crime Memorandum of Understanding between Food Standards Scotland (SFCIU) and the Society of Chief Officers of Environmental Health in Scotland.

4.12 EU-Exit

4.12.1 Post EU-exit, the process for export of shellfish/live fishery products to Europe changed and businesses are now required to provide an export health certificate to allow such products to enter Europe. Due to financial and operational reasons, there are currently no Glasgow businesses exporting Products of Animal Origin directly to Europe, with product instead being exported via distribution hubs. To use the distribution hubs, businesses require a Support Attestation, issued at a frequency based on the Risk Rating for that business. Currently three businesses in Glasgow receive support attestations with two of the three requesting these monthly, whilst the third receives these on a six-monthly cycle. An officer will carry out either a physical or documentary check prior to issue.

4.13 Export Health Certificates

4.13.1 Environmental Health issues health certificates to businesses which export foodstuffs where the importing authorities require such a certificate.

4.13.2 The products for which certificates are required include live shellfish, fishery products, activated carbon, coffee, beer, gin and whisky. All relevant businesses are subject to inspection by Environmental Health.

4.13.3 There are currently 7 businesses actively exporting produce outside the EU.

4.14 **Liaison with other Organisations**

4.14.1 Glasgow City Council, Environmental Health, takes the view that a strong commitment to liaison and partnership with other agencies and Local Authorities is vital to the delivery of a quality food enforcement service. Attendance at and full participation in a range of committees and working groups enables Glasgow to contribute to developments at a regional and national scale.

4.14.2 Changes to working practices and the normalisation of meeting virtually has enhanced the ability to engage with others across Scotland with ease and with minimal impact on operations. The use of virtual meeting solutions creates a more time efficient means of liaison as there are now few occasions where in person attendance is required.

4.14.3 Organisations and partners that the Authority regularly engages with includes:

- Food Standards Scotland
- Scottish Food Crime and Incidents Unit
- Scottish Food Enforcement Liaison Committee (SFELC) and associated working groups
- The Scottish Government
- NHS Greater Glasgow and Clyde
- West of Scotland Food Liaison Group
- Society of Chief Officers of Environmental Health in Scotland
- Environmental Health Uniform Users Group
- Glasgow City Council Uniform Users Group
- Police Scotland
- UK Borders Agency
- Glasgow City Council Catering and Facilities Management
- Property and Land Services
- Glasgow City Council - Area Partnerships
- Glasgow City Council – Environment and Liveable Neighbourhoods City Policy Committee
- Groupon/Just Eat/Uber Eats
- Marine Scotland
- HMRC
- Trading Standards Scotland
- Scottish Prison Service
- Royal Environmental Health Institute of Scotland

5. Staffing

5.1 **Staff Resources**

5.1.1 Food enforcement is currently delivered by our Business Regulation team comprising 27.2 Officers including managers, Environmental Health Officers and Food Safety Technical Officers.

5.1.2 The Service is currently operating with 17.2 FTE and it is acknowledged that this is a significantly reduced position. The Service has seen a number of changes

since the pandemic began; retirement, internal promotions and staff leaving which has created challenging circumstances for service delivery.

5.1.3 There are currently vacancies within the Service:

- Environmental Health Officers – 7
- Food Safety Technical Officers – 3

5.1.4 The Service has sought to recruit on various occasions since 2020 and all attempts to date have been unsuccessful with applicants lacking the essential qualifications. This is a challenge that is not unique to Glasgow and a very similar picture can be found across Scotland.

5.1.5 Food Standards Scotland resumed an updated resource calculation exercise, and the Service completed the calculation to incorporate the revisions recommended by FSS. The revised resource calculation took account a variety of factors which were not included in the original calculation exercise carried out in 2021. The updated resource calculation shown in Appendix 1 of this report details a resource deficit of 17.6 FTE Officers.

5.2 **Staff Development and Training**

5.2.1 The Service is committed to the ongoing development of staff within the team.

5.2.2 All officers involved in food law enforcement are required to receive a minimum of 10 hours food law-orientated CPD training each year. A training programme is in place.

5.2.3 A mixture of both internal and external training is utilised to ensure that Officers are competent to fulfil their roles. The Service strives to ensure that staff can achieve the necessary CPD each year to meet the terms of the Code of Practice.

5.2.4 A record of officer training is maintained by means of a spreadsheet within the Electronic Document Record Management System (EDRMS). This spreadsheet holds details of the training undertaken each year. In addition, each Officer has a folder within the EDRMS where they are expected to store evidence of the CPD training that has been undertaken

5.2.5 Training needs are assessed by Team Leaders, Assistant Group Managers and the Group Manager.

5.2.6 The Service also applies the SFELC Food Law Enforcement Service Matrix to ensure that officers are suitably experienced and trained in relevant food hygiene and standards matters. Officer competence is assessed by the Food Safety Management Team and officers are restricted in their duties – according to their competence level.

5.2.7 Officers are also encouraged to undertake training in other matters as may be applicable. In instances where attendance is restricted, cascade training will be provided for topics of particular significance.

5.3 **Student Training**

5.3.1 In addition to supporting staff development the Service is committed to training future Environmental Health Officers.

5.3.2 The University of West of Scotland Environmental Health degree course has been revised to include a Professional Practice element, whereby students spend an academic year with a Local Authority. During this time, they will undertake the 48 week training required to sit the Royal Environmental Health Institute professional examinations. The training is split in two blocks, with the initial 39 weeks taking place during the 3rd year of the course and the remaining 9 weeks in 4th year.

5.3.3 The course revision was introduced during the 2021-2022 academic year, and this saw two students joining the team between September 2021 and July 2022. It is the intention to support this year on year and a third student started in September 2022.

5.3.4 In addition to the training of UWS students, the Service is also supporting the career development of a Food Safety Technical Officer who holds the degree in Environmental Health. It is anticipated that the Officer will sit their professional examinations in October 2023 and be able to interview for an EHO post on successful completion.

5.3.5 Through our workforce plan we are considering how we can 'grow our own' with development of a national regulatory services' modern apprenticeship and funding for training for food safety officers from FSS is being considered.

6. Monitoring

6.1 Monitoring procedures are in place and implemented routinely to ensure that the Service is being delivered in a consistent manner.

6.2 Where deficiencies are noted these are discussed on a one to one basis with the officer and, if required, additional support and training provided to drive improvement.

7. Areas for Development

7.1 As a result of the recruitment challenges being faced by the profession it is vital that the Service looks forward and develops a resilient workforce.

7.2 There are several critical areas where reliance is placed upon one or two individuals creating a single point of failure. The Service has identified these areas and will be working towards a programme of training and succession planning.

7.3 The areas initially in scope for this are:

- Inspection of approved establishments
- Database management and report running

7.4 This will be subject to regular review and any further areas that are identified will be approached in a similar manner.

7.5 With increasing levels of non-compliance within food businesses being found post-pandemic we are spending significant resource undertaking enforcement action and enhanced compliance inspections. This is impacting on our ability to complete our proactive programme of food law inspections. We need to develop strategies for improving and maintaining levels of compliance.

7.6 The Service will work with Food Standards Scotland to create capacity for our officers to engage in the national SAFER work stream which has the aim of reimagining the food enforcement model for Scotland

Appendix 1

Resource Calculation 2023

FLRS Group	FLRS Rating	Estimated Hours
Group 1	A	98
	B	1963
	C	968
	D	260
	E	30
	New	1248
Group 2	A	240
	B	9040
	C	11823
	D	1260
	E	30
	New	19980
Group 3	A	270
	B	2145
	C	3474
	D	616
	E	0
	New	1379
Other Intervention Category		
Service Requests		5513
Sample Failure Investigations		250
Approvals		585
Service of the various food notices		1033
Seizure of foods		100
Witnessing for colleagues		382
Food Incidents		60
Food Alerts for Information		15

Food Alerts for Action	60
CPD Training Activity	260
Liaison group and SFELC activity	168
Liaising with FSS	104
Preparing for and participating in FSS audit	270
Internal validation/QA work	108
Database management	900
Management/Administration of FHIS	24
Export Health Certificates	537.5
Liquor Licensing, S.50 Applications	195
Event oversight	750
General business advice between inspections	2288
Street trader certificates of compliance	450
Student training	280
Totals	
Total Hours	69266.5
Resource Calculation	
1 FTE (Number of Days worked in a year X 7)	1547
	Full Time Equivalent
Total FTE for 100% Compliance	44.8
Current FTE	27.2 (Establishment)
Deficit	**17.6**