

agenda Item	7
Report No	CP/37/21

HIGHLAND COUNCIL

Committee: Communities and Place

Date: 10 November 2021

Report Title: Environmental Health Operational Plan to 31st March 2023

Report By: Executive Chief Officer Communities and Place

1. Purpose/Executive Summary

- 1.1 This report sets out the Environmental Health Operational Plan, describing the range of proactive and reactive work involved.
- 1.2 The plan details the objectives for the whole of the Environmental Health team, expanding on the service priorities set out in the Communities and Place Directorate Service Plan. The report is published to meet statutory requirements and provide Councillors, members of the public and businesses with information on the services provided by the team.
- 1.3 The plan includes a Food Safety Team Plan that provides specific information on the Council's role as statutory Food Authority. A specific food plan is required to meet the requirements of the statutory Food Law Code of Practice issued by Food Standards Scotland.

2. Recommendation

- 2.1 Members are asked to:
 - i. note and scrutinise the Environmental Health Operational Plan to 31st March 2023 as detailed in Appendix 1;
 - ii. note that the recent performance of the team in responding to the challenges of Covid19 including carrying out investigations of almost 1000 clusters & outbreaks; support to food businesses through EU Exit (including carrying out inspection of over 300 local fishing vessels and working with over 40 local exporting companies); and the recovery of statutory duties to over 6000 properties on private water supplies, over 5000 food businesses, and responding to almost 10,000 annual service requests on a wide range of public

- health, nuisance, licensing, safety, dog control, animal health and incivility issues;
- iii. note the work undertaken on preparing for and implementing new regulatory and operational requirements including: licensing for short-term lets, residential caravan sites and new pet and animal welfare activities, supporting the visitor management plan and new requirements for food labelling;
 - iv. note that the development of the C&P performance framework will include environmental health functions and be subject to future reports to Members; and
 - v. note that the team is preparing annual reports on local environmental health team performance for Area Committees. The first was provided to the Isle of Skye and Raasay Committee and the other areas will be provided in 2022.

3. Implications

3.1 Resource

The Environmental Health function has a revenue budget in 2021/22 of £2.3m. Covid grant from the Scottish Government of £218k was awarded to support the Environmental Health team with Covid duties in 2020/21 and 2021/22. This has been used to cover the costs of additional temporary staff. There are pressures on the 2021/22 budget arising from underachievement of income targets particularly on the supply of export health certificates where a pressure of £46k is predicted for the year end. This is as a result of the downturn in international trade affected by COVID19 and EU exit arrangements.

3.2 Legal

Environmental Health - As reported previously to Committee, the resources available have to be prioritised, focusing on areas of greatest public health significance. Where statutory responsibilities require a higher level of service standard, the team is exploring how to make this affordable, including reviewing associated income streams, working with Cosla regarding resource allocation and seeking efficiencies in working practice and team structure.

3.3 A specific food plan is required to meet the requirements of the statutory Food Law Code of Practice issued by Food Standards Scotland. This is included at Appendix 1 (annex 3).

3.4 The team follows an enforcement policy based on the Hampton Principles, the Legislative and Regulatory Reform Act 2006, the Regulatory Reform (Scotland) Act 2014, UK Regulators' Code and the Scottish Regulators' Strategic Code of Practice.

We aim to:

- a) ensure that regulated persons take action immediately to deal with serious risks;
- b) promote and achieve sustained compliance by regulated persons;
- c) treat all regulated persons fairly;
- d) be helpful to regulated persons who wish to comply;
- e) support those who comply by targeting those who don't, in particular by taking firm action against those who flout the law or act irresponsibly;
- f) protect the public in a way which does not stifle enterprise, hinder economic progress or place unnecessary burdens on businesses;

g) communicate this policy effectively to those people who are affected by it.

This follows the “five principles of Better Regulation”, i.e. work is: Proportionate, Consistent, Accountable, Transparent and Targeted.

3.5 **Community (Equality, Poverty and Rural)**

The Environmental Health team provide services across urban and rural communities. Any policy changes are subject to equalities screening and adjustments where required and possible.

3.6 **Climate Change / Carbon Clever** – The increase in remote working by the team over the past year has reduced business travel and associated carbon emissions.

3.7 **Risk**

The operational impact of Covid19 and EU Exit has resulted in additional burdens on the Environmental Health team. These combined work pressures present risks to service delivery and our statutory public health functions continue to be prioritised. The development of a performance framework for the C&P service will include environmental health performance and this will help to link performance with resources available. This activity will also identify where particular functions need to be reviewed and/or resourced differently.

3.8 The pressures on the environmental health profession have been noted by Cosla and the Scottish Government. Work is ongoing with the Royal Environmental Health Institute of Scotland (REHIS) and the Society of Chief Officers of Environmental Health in Scotland (SoCOEHS) to increase resilience of the service and a sustainable workforce. A new format of the BSc course at University of the West of Scotland which includes an integrated placement with Councils should encourage greater update of new EHOs. The Council are participating in the scheme to assist with our workforce planning.

3.8 Gaelic – There are no Gaelic implications arising from this report.

4. **Background**

4.1 Members will be aware that this Committee in May 2021 approved the Communities and Place Directorate Service Plan which sets out the general objectives for the Service. The Environmental Health team also submits a general operational plan for information. The plan provides Members with information on the objectives for the whole of the Environmental Health function, expanding on those areas included in the service plan. The report is published to provide members of the public and businesses with background information on the function.

4.2 Environmental Health carries out a wide range of statutory duties on behalf of the Council with the general remit to protect and improve public health. This includes:

a) Public Health Protection which includes communicable disease investigation (e.g. Food-borne / waterborne disease, Covid19 and legionnaires Disease), private water supplies, nuisances, smoking in public places, radon, airport and seaport health;

- b) Food Safety covering food hygiene, food labelling, food export certification and food import checks;
- c) Health and Safety including regulatory role in Local Authority enforced premises, accident at work investigations, business advice and complaint investigations.
- d) Private Sector Housing including sub-standard housing, improvement and repairs grants, closing and demolition orders, Houses in Multiple Occupation and housing defects;
- e) Pollution Control which includes Noise Control and local Air Quality management;
- f) Contaminated Land covering the regulatory role for contaminated land prevention through development control, advisory role to other council services on asset transfer and development;
- g) Animal Health & Welfare which can include dealing with Rabies control, Foot & Mouth disease, Anthrax, Avian Flu and Bluetongue;
- h) Licensing duties which include a general enforcement role for activities licensed under the Civic Government legislation. This will include the proposed licensing of short term lets. The team also undertake the administrative and enforcement role for licensing of caravan sites, venison dealers, animal boarding establishments, zoos, cinemas, riding establishments, theatres, sports grounds, dangerous wild animals, pet selling, operating certain animal welfare establishments (including rehoming centres and animal sanctuaries), engaging in other animal rehoming activities and dog, cat and rabbit breeding;
- i) Dog Control, Pest Control, Dog Fouling, Litter education & enforcement, fly-tipping, waste duty of care, abandoned vehicles.

4.3 The Operational Plan through to 31 March 2023 is provided in **Appendix 1**.

5. Recent performance

5.1 As with other Council teams, 2020/21 was an extremely challenging year for the environmental health team with significant pressures due to the Covid 19 pandemic and the transition through EU Exit.

5.2 Covid19 response

As detailed in previous report to Committee the team has had key duties in the Covid19 pandemic and continues to provide essential role. This includes:

- Advice and support to businesses and events on complying with Coronavirus regulations including the new Covid 'passports' for entry into certain premises and events;
- Enforcement role for Coronavirus regulations, working closely with Police Scotland who also has an enforcement role;
- Investigating clusters and outbreaks of Covid19 in conjunction with the Health Protection Team (HPT) of NHS Highland. The team have investigated almost 1000 referrals from the HPT since April 2020;

- Public health controls enforced at airports and ports in Highland;
- Maintaining the Council's temporary mortuary equipment to support NHS Highland and local funeral directors in case of additional deaths and coordinating additional deaths planning.

5.2 EU Exit

Prior to 31st December 2020 the team provided extensive support to local businesses on Export Health Certification, this included carrying out inspection of over 300 local fishing vessels and working with over 40 local exporting companies to ensure they were meeting required arrangements.

The ongoing additional workstreams from EU exit include:

- meeting the potential demands for Export Health Certification. This includes managing the process of issuing the certificates, the on-site verification checks and provision of attestations / assurances to other certificating authorities, including operating a temporary out of hours service;
- undertaking sufficient inspections / audits of exporting food businesses to verify legislative compliance. This is necessary as underpins the provision of Export Health Certification;
- controls on imported food from the EU having full effect in 2022.
- inspection and registration of the local fishing fleet to enable the catch to be sold within the EU.

5.3 The team have also continued to implement new regulatory and operational requirements including:

- New regulations on short term lets. The team will have a key role in the new Licensing scheme, as a Consultee on Applications, checking compliance at licensed premises e.g. in response to complaints and dealing with unlicensed premises.
- Supporting the response to visitor management including enforcement of fly-tipping issues and advising on legal standards for caravan sites/aires sites.
- Licensing of residential caravan sites;
- Licensing of pet selling, operating certain animal welfare establishments (including rehoming centres and animal sanctuaries), engaging in other animal rehoming activities and dog, cat and rabbit breeding.
- From 1st October 2021 new food labelling legislation which requires food businesses in Scotland to include the product name and full ingredient information on food sold prepacked for direct sale (PPDS). The new legislation improves information about allergens and other ingredients in food packed in advance, mainly at the same place where it's sold, before being offered to consumers. Commonly known as 'Natasha's Law', the new legislation has been introduced following the tragic death of teenager Natasha Ednan-Laperouse, who suffered a severe allergic reaction from a takeaway sandwich in 2016

6. Key objectives

6.1 The plan contains challenging objectives for Environmental Health to contribute to the aims of a healthier and safer Highlands. These are listed in **Appendix 2** of the plan. Key objectives are summarised below:

1. Continue work on recovery of proactive statutory duties in line with any Covid19 restrictions.

2. Undertake and complete the national FSS Covid19 food recovery project as it applies to the Highland Council Environmental Health team.
3. Continue to implement and complete the agreed Action Plan of the outstanding FSS External Audit including updating resource demands and reprofiling of existing staff priorities.
4. Undertake a review of resource demands and current charging regime for statutory private water supply monitoring to look at sustainable workforce going forward and improve performance in monitoring programme.
5. Implement new legal requirements for licensing.
6. Improve performance in key Performance Indicators on food safety and private water supplies, depending on resource availability.
7. Continue service improvements:
 - a. Performance: Review and develop improved methods of monitoring performance across all areas of work as part of the development of the C&P performance framework, linked to resources;
 - b. Supporting Procedures: Clear & consistent work procedures to improve efficiency and avoid duplication of effort;
 - c. ICT & Business Support: Continual improvement in use of technology & reducing administrative burdens;
 - d. Workforce Planning: sustainable workforce;
 - e. Officer Development: build capacity by improving learning and development process for officers;
 - f. Outcomes: Demonstrate benefits and Improve profile
 - g. Savings & Income: Increase income & identify further commercial opportunities, linked to the development of improving external income achievement across the C&P service;

Designation: ECO Communities and Place

Date: 26.10.21

Author: Alan Yates, Environmental Health Manager

Background papers

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**Communities and Place Service****Environmental Health****Operational Plan**

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BACKGROUND AND CONTEXT**1. Purpose, Timeframe and monitoring**

- 1.1 The Environmental Health team of the Communities and Place Service provides regulatory and advice functions within the Highland Council area. This Operational Plan outlines the Environmental Health approach to delivering all aspects of regulatory and advice functions through to 31st March 2023. The plan forms an important part of the Service's processes to ensure national priorities and standards are addressed and delivered locally.
- 1.2 The plan aligns with the Council's vision of being ambitious, sustainable and connected, the Council's Corporate Plan and the Communities and Place Service Plan.
- 1.3 The plan contains a Food Safety Team Plan that provides specific information on the Council's role as statutory Food Authority. A specific food plan is required to meet the requirements of the statutory Food Law Code of Practice issued by Food Standards Scotland.

2. Structure and resources

- 2.1 Environmental Health has 67 posts with a full-time equivalent of 60.64. This includes 5 fixed term/temporary posts. A structure diagram is provided in **Annex 1**.
- 2.2 The Service operates 3 operational areas and works through 7 offices throughout the area as shown below:

Operational Area	Offices
North Team – Caithness, Sutherland	Wick, Golspie
West Team – Skye and Lochaber	Portree, Fort William
Mid-Highland Team – Ross & Cromarty, Inverness, Nairn, Badenoch and Strathspey	Dingwall, Inverness and Kingussie

2.3 The Service has a revenue budget of £2.341m for 2021/22.

3. Roles and responsibilities

3.1 Environmental Health is the branch of public health which deals with all aspects of the natural and built environment that may affect public health, together with animal welfare and licensing duties. The main functions include:

- Public Health Protection which includes Water supplies, Nuisances, Smoking in Public Places, Port Health, Communicable disease investigation e.g. Food-borne / Waterborne disease, Covid 19, Legionnaires Disease;
- Food Safety covering enforcement and advisory role for food hygiene, food labelling, export certification, and imported food checks;
- Health and Safety at work including regulatory role in Local Authority enforced premises, accident at work investigations, business advice and complaint investigations;
- Private Sector Housing including sub-standard housing, improvement and repairs grants, closing and demolition orders, Houses in Multiple Occupation and housing defects;
- Pollution Control which includes Noise Control and local Air Quality management;
- Contaminated Land covering the regulatory role for contaminated land prevention through development control, advisory role to other council services on asset transfer and development;
- Animal Health & Welfare which can include dealing with Foot & Mouth disease, Anthrax, Avian Flu, Bluetongue and Imported Pets;
- Licensing duties which include a general enforcement role for activities licensed under the Civic Government legislation. This will include the proposed licensing of short term lets. The team also undertake the administrative and enforcement role for licensing of caravan sites, venison dealers, animal boarding establishments, zoos, cinemas, riding establishments, theatres, sports grounds, dangerous wild animals, pet selling, operating certain animal welfare establishments (including rehoming centres and animal sanctuaries), engaging in other animal rehoming activities and dog, cat and rabbit breeding;
- Dog Control, Pest Control, Dog fouling, Litter education & enforcement, abandoned vehicles;
- Assisting with Civil contingencies and emergency planning, with specific responsibilities regarding recovery from incidents.

3.2 Much of the work is preventative and the team has an important role in ensuring the Highlands maintains its reputation of a safe and healthy place in

which to live, work and holiday. We aim to support local businesses by providing advice on appropriate regulations and ensuring any regulatory activity follows the five principles of better regulation: Proportionate, Consistent, Accountable, Transparent and Targeted.

- 3.3 An approximate summary of officers allocated against function is provided below:

Function	Full time equivalent
Food Safety	12
Private Water supply	6
Animal Health & welfare	3.4
Licensing	3
Public Health (including Covid19)	9.5
Housing	7
Contaminated Land	2.3
Pollution control	1.5
Litter, dog and pest control, abandoned vehicles	8.5
General management	4
Dedicated IT support	1.4
Total	60.6

4. Demands

- 4.1 The workload for the environmental health can be simplistically split into proactive (programmable) work and reactive work.

4.2 Proactive work

- 4.2.1 The team carry out proactive/programmable work under certain legislation. The work is risk based and intelligence driven. Often specific proactive work is carried out in Partnership with other agencies such as Police Scotland, SEPA, HMRC and Scottish Fire and Rescue Service.

A summary of the some of the **proactive** demands is provided below.

4.2.2 Food Safety

Responsible as statutory Food Authority for approximately 5700 food businesses in Highland. Resources allow around 800 programmed inspections of premises in Highland per year focussed on those presenting highest risk. Approximately 150 proactive food samples are taken as part of national surveys.

4.2.3 Private Water Supplies

In Highland the population served by private supplies is estimated at 14%. There are currently 1013 "Regulated" supplies (commercial or large private water supplies) that are registered and subject to mandatory risk assessment and monitoring and intervention by the Council.

These supplies serve 6212 properties and an estimated population of 37857. The proactive programme aims to ensure each supply is visited annually to check they meet the required standards.

There are also 1680 domestic smaller private water supplies registered whereby our duty is to offer advice and assistance and discretionary powers in respect of sampling. These supplies serve 2532 properties and an estimated population of 17603.

4.2.4 Covid19

The team has statutory enforcement duties under Coronavirus restrictions legislation. The team work closely with Police Scotland on sharing intelligence and following the national Four E's enforcement approach (Engage, Explain, Encourage and Enforce). The team use proactive inspections to check compliance and provide advice and support to businesses and events on complying with coronavirus regulations.

4.2.5 Health & Safety at Work

Enforcement of health and safety at work legislation is divided between the Health and Safety Executive and local authorities. HSE is responsible for workplaces including factories, farms, building sites, schools, hospitals and offshore installations. The Council cover businesses including offices, shops, hotels, leisure premises, caterers, nurseries and clubs. In Highland the Environmental Health team have responsibility for over 5000 businesses.

In line with national guidance proactive work is carried out based on the HSE identified priorities for targeted interventions. and focussed on those sectors and activities with the most serious risks or where the risks are least well-controlled. Initiatives have looked at fixed LPG installations, riding establishments, risk of infection at animal petting farms, nail bars and gas safety in commercial catering premises. Around 40-60 targeted inspections are carried out per year in addition to general awareness raising campaigns

4.2.6 Animal Health and Welfare

Officers carry out proactive inspections of animal markets and other sales, and Assembly Centres to ensure compliance, in particular with biosecurity (vehicles, premises and people), livestock identification, welfare, transport, licensing and record keeping. Around 140 inspections are carried out per year. The team also investigate allegations of illegally imported pets from both the EU and third countries.

4.2.7 Dog fouling and littering patrols

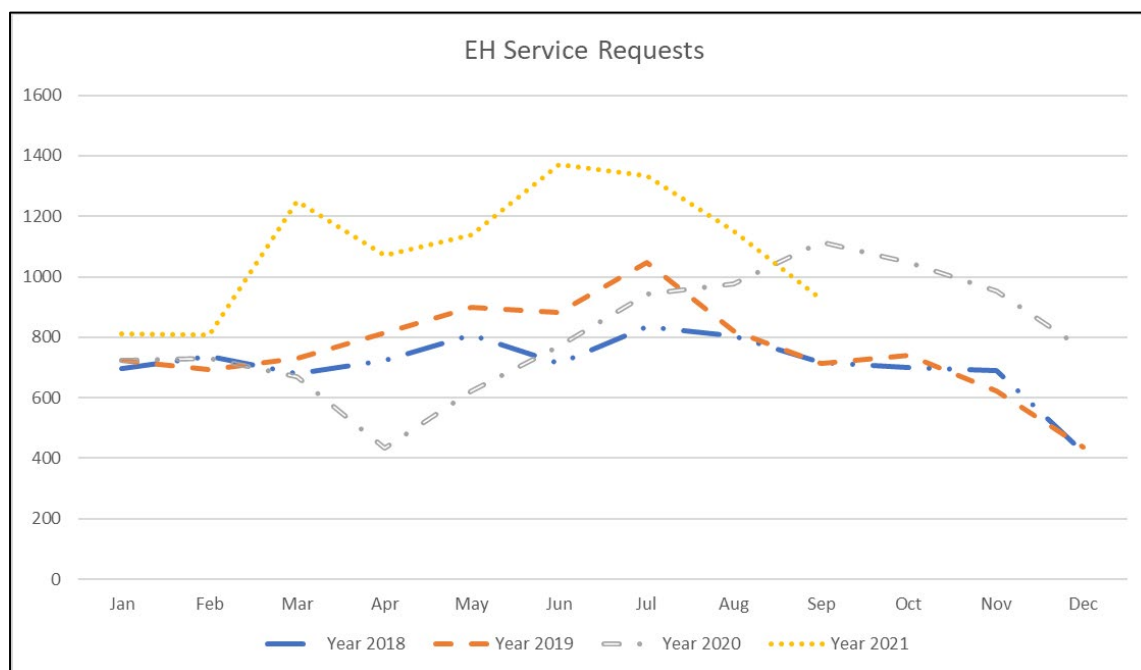
Officers prioritise and focus our patrols in the worst affected areas to maintain a visible profile and issue fixed penalty notices. Officers will also speak to dog walkers on best practices regarding dog control. Current resources only allow limited pro-active patrols to be carried out and these are targeted at the worst affected areas based on feedback from communities and members.

4.3 Reactive work

4.3.1 The team deal with significant number of incidents and major investigations in addition to the more routine service requests from the public and businesses.

The numbers of requests have been increasing year on year. Some of this may be down to improved and amended recording but the general trend is up.

Year	2016	2017	2018	2019	2020	2021
Total requests	6568	8779	8524	9123	9747	9861



The table below provides examples of the range of service requests received by the team in a year (based on 2019 data).

Category	count
Animal Health & Welfare	418
Dog fouling & general dog enquiries	329
Stray dogs	194
Aggressive dogs/dog bites	163
Planning & general consultation	583
FOI request	116
Abandoned vehicles	476
Litter, fly-tipping	250
Inverness Trade waste request	32
Accident reports	95
H&S complaints	117
H&S request for info	18
Smoking ban complaint	3
Licensing enquiry	191
Licensing Consultation	540

Category	count
Public Health Incidents (pollution/flooding)	4
National Assistance Burial enq	18
Home Burial enquiry/request	4
Housing grant enquiry	593
Housing general enquiry	17
Housing complaint – dampness	29
Housing complaint – structural	12
Housing complaint – other	21
Housing visit for immigration	8
Request for Housing Condition	112
Pest control requests	529
Food Premises Registration	335
food safety enquiry	400
Fish/Shellfish Export Cert	785
Food (non Fish/Shellfish) Export cert	785

Licensing complaint	35	Approval/Lic/Auth application	6
Noise enquiry	56	Shellfish Registration Document	48
Noise complaint	447	Shellfish sites closure	8
Dirty house complaint	31	Complaint – Food (Unfit)	118
Foul Odours	66	Complaint – Hygiene of Premises	117
Dust Complaint	4	Complaint – Food Standards (e.g. labelling)	27
Smoke Complaint	100	Infectious disease enquiry/rep	12
General Nuisance – Other	52	Infectious disease notification	35
Light Nuisance	12	Outbreak investigation	2
Insect Nuisance	10	Ship Sanitation Certificate Request	28
Choked/Defective Drain / Sewer	44	Ship/aircraft request for sample	7
Choked/Defective Septic Tank	34	Private water supply enquiry	336
Blue Green Algae Alert	7	Private water supply request for sample	149
Plant cmplt/query (injurious weeds)	3	Private water supply other	23
Whale/animal carcass	17	Public water supply query/cmplt	11
Air quality query or complaint	16		
Air quality Monitoring Unit Work	41		

4.3.2 Significant incidents can take considerable time to investigate and conclude as often complex issues involved. For example, a prosecution can take the equivalent of 4-6 weeks of one officer's time to investigate including interviewing witnesses and then to prepare a detailed case for the Procurator Fiscal.

In recent years the team have referred cases for offences under food safety, animal health, housing and health & safety legislation. The health & safety cases have followed investigations of fatalities or serious accidents.

Complex cases have included:

- major noise nuisance investigations at electric substations, and sawmills
- Two prosecution reports submitted to the Procurator Fiscal for breaches of health and safety legislation following serious workplace incidents.
- Significant animal welfare cases have been undertaken. These are usually conducted with partner agencies and where appropriate the Council will ensure support is provided to farmers e.g. through the RSABI charity.
 - o 2017 - emergency slaughter of poultry and 42 pigs were seized
 - o 2018 - seized 34 cattle as a result of poor welfare. The cattle were sold on.
 - o 2019 - illegally imported puppies – investigation into cases with officers from Highland Council EH, APHA and Police Scotland
 - o 2020 – seizure 93 cattle & 150 sheep as a result of poor welfare. The animals were sold on.
- Illegal Houses in Multiple Occupation (HMOs)

5. Risk Management

- 5.1 The team manages significant risks in relation to the consequences of serious foodborne or waterborne disease outbreak. This is identified in the Service Risk Register.

PRIORITIES AND OBJECTIVES

6. Priorities and challenges

- 6.1 Over the next period the team will be taking forward a range of projects and these are listed in in **Annex 2**. These include:
1. Continue work on recovery of proactive statutory duties in line with any Covid19 restrictions.
 2. Undertake and complete the national FSS Covid19 food recovery project as it applies to the Highland Council Environmental Health team.
 3. Continue to implement and complete the agreed Action Plan of the outstanding FSS External Audit including updating resource demands and reprofiling of existing staff priorities.
 4. Undertake a review of resource demands and current charging regime for statutory private water supply monitoring to look at sustainable workforce going forward and improve performance in monitoring programme.
 5. Implement new legal requirements for licensing.
 6. Improve performance in key Performance Indicators on food safety and private water supplies, aligned to resources
 7. Continue service improvements:
 8. Performance:
 - a. Review and develop improved methods of monitoring performance across all areas of work and as part of the development of a performance framework for the C&P service.
 - b. Supporting Procedures: Clear & consistent work procedures to improve efficiency and avoid duplication of effort;
 - c. ICT & Business Support: Continual improvement in use of technology & reducing administrative burdens;
 - d. Workforce Planning: sustainable workforce;
 - e. Officer Development: build capacity by improving learning and development process for officers;
 - f. Outcomes: Demonstrate benefits and Improve profile
 - g. Savings & Income: Increase income & identify further commercial opportunities.

7. Reporting and performance indicators

- 7.1 As reported to Committee, the team are now preparing annual reports on local environmental health team performance for the City and Local Committees. The first was provided to the Isle of Skye and Raasay Committee and the other areas will be provided in 2022.
- 7.2 Environmental Health currently has two key performance measures in the corporate performance framework and these are summarised below:

Additional Service Commitment	Ensure high risk food premises are inspected for food hygiene purposes.
Key Performance Results	95% of high risk food businesses inspected for Food Hygiene purposes (IPI)

Additional Service Commitment	Ensure Risk Assessment and sampling of all relevant Private Water Supplies to reduce risk of water borne disease.
Key Performance Results	95% of high risk Private Water Supplies inspected and sampled (IPI)

7.2 Key Performance Results:

Target	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21
95% of high risk food businesses inspected for food hygiene (Category A & B premises)	96%	94%	92%	85%	97%	91%	13%*
95% of high risk private water supplies are inspected and sampled (Regulated supplies)	95%	96%	87%	93%	84%	71%	17%*

*Note programmed work in 2020/21 severely impacted by Covid19 restrictions.

7.3 Other performance measures and outcomes

As a mainly preventative service, it is challenging to demonstrate the impact of all statutory interventions. The team are working with APSE on benchmarking and other appropriate performance measures for the future. This will contribute to the development of the C&P Service performance framework.

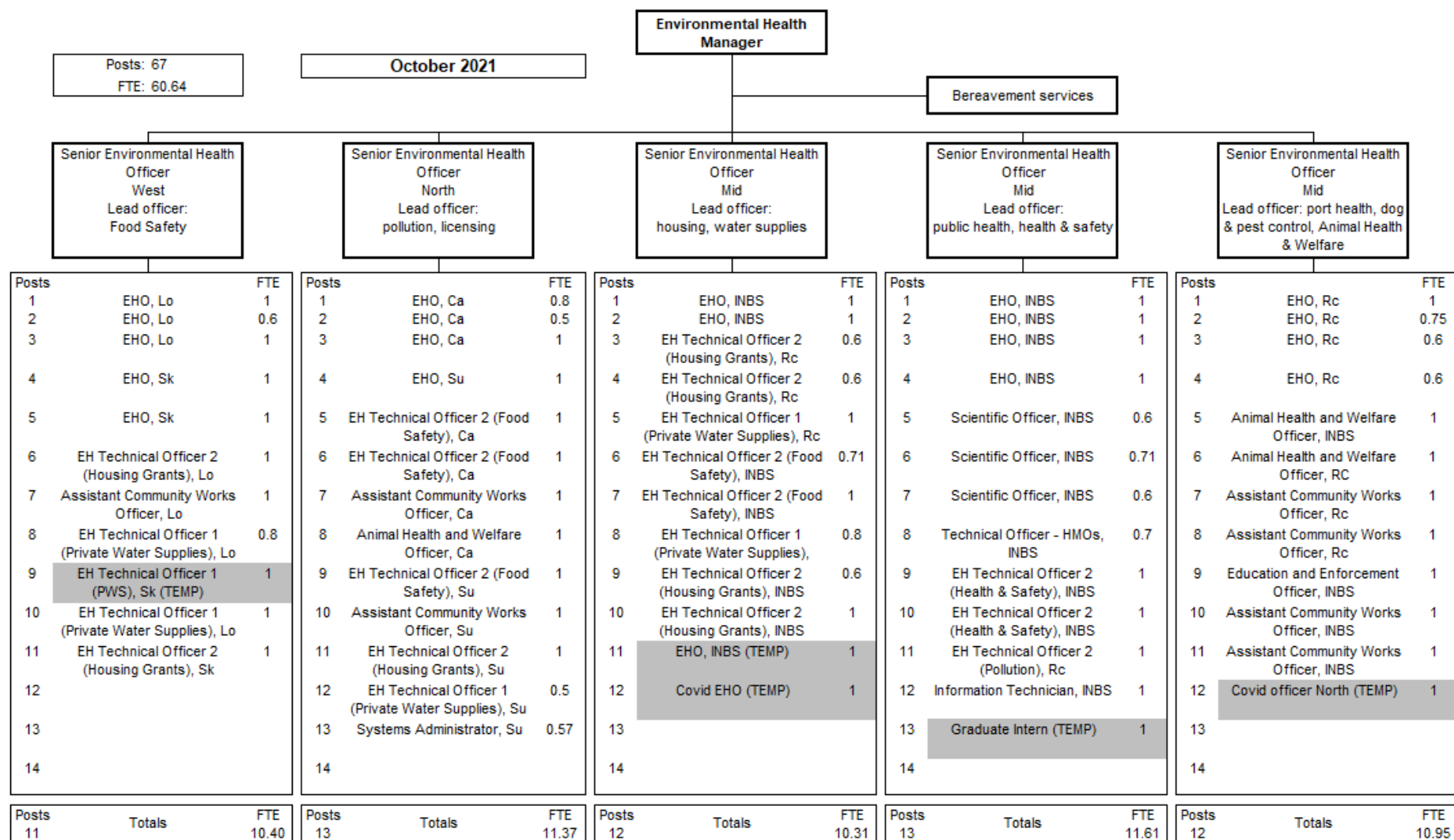
7.4 For food safety, the inspection programme is designed to check food hygiene standards and staff do take appropriate enforcement action, including closure of premises, where poor standards are found. These interventions are required under the statutory Code of Practice and will contribute to Food Standards Scotland (FFS) strategy for reducing foodborne illness. FSS have previously estimated the burden of foodborne disease in Scotland annually at 43,000 cases of illness, with 5,800 cases presenting to GPs and 500 cases requiring hospital treatment.

7.5 For Health and Safety at Work, interventions are intelligence led in liaison with the HSE. In addition to the direct impact of any workplace injury on the individual and their family, the HSE estimated the wider cost to society as

£39,700 for each case of 7 day or more absence due to work related ill health, £34,400 for each case of 7 day or more absence due to work related non-fatal injury, and £1.7m for each workplace related fatality.

- 7.6 In Highland, since 1/4/21 our officers have investigated 118 cases related to workplace injury and ill-health, and in the last 5 years have investigated 4 workplace fatalities. The benefits to workers, their families and the Highland economy of maintaining health and safety interventions are demonstrable.
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Annex 1 – Environmental Health team structure



Annex 2

Specific functional projects

1. Health & Safety at work

- 1.1 To devise and deliver a programme of health and safety interventions based upon Local Authority Circular (LAC67/2) (rev10) and the list of national priorities published by the HSE. The programme shall consist of work to deliver those national priorities set by HSE, work to deliver local priorities and an inspection programme that meets the requirements of the National Local Authority Enforcement Code.

During the covid pandemic all pro-active health and safety work was targeted at ensuring businesses had undertaken a covid 19 risk assessment and had effective controls in place at the workplace. Advisory and enforcement visits were prioritised to those workplaces where increased risk of Covid 19, particularly hospitality related premises.

1. **Nail Bars:** Following a recent increase in the number of nail bars within the Highlands and several local concerns having been identified with respect to levels of staff training, a lack of suitable and sufficient risk assessments and lack of controls when using chemical substances, our Service wish to raise awareness of Health and Safety requirements in this sector and to ensure suitable health and safety arrangements are in place
2. **Minimising Infection at Animal Petting/open farms:** One of the HSE priorities is to reduce the risk of infections associated with animal petting farms (i.e E.coli, campylobacter etc). One of the principal controls is to ensure adequate handwashing facilities are available and readily accessible at such premises. Highland Council want to raise awareness of Health and Safety legislative requirements within this activity sector and ensure suitable and sufficient handwashing facilities.
3. **Trampoline Parks** – improved information provision and supervision of users Over the past few years there has been an increase in the number of accidents occurring at the parks, involving both children and adults, which resulted in a specified major injury (fracture) as well as a small number which resulted in life-changing injuries. Analysis of RIDDOR reports suggests a lack of user understanding of the risks accompanied by reckless, unchallenged behaviour plays a factor in the number of injuries reported by this sector.
4. **Commercial Gas Safety.** One of the HSE priorities is to improve gas safety within commercial kitchens. It is important that all gas equipment is properly maintained by a competent Gas Safe engineer and that all employees are trained in the use of equipment. Highland Council want to raise awareness of Health and Safety legislative requirements within the catering industry with respect to gas safety.

2. Licensing enforcement and administration

- 2.1 To prepare for and implement the proposed licensing scheme for short term lets.

- 2.2 To implement the Licensing of pet selling, operating certain animal welfare establishments (including rehoming centres and animal sanctuaries), engaging in other animal rehoming activities and dog, cat and rabbit breeding. Establish an online register as required by the legislation.

3. Private Water Supplies

- 3.1 Undertake a review of resource demands and current charging regime to look at sustainable workforce going forward and improve performance in monitoring programme.
- 3.2 To identify unregistered commercial (Regulated) supplies using available resources and risk assess these supplies.
- 3.3 Continue to work in partnership with NHS Highlands concerning reports of illness and links to PWS.
- 3.4 Review how our PWS register data is stored.
- 3.5 Advise, educate and promote the private water supply grant funding scheme so that supplies are improved to provider safer drinking water

4. Food Safety

- 4.1 Undertake and complete the national FSS Covid19 food recovery project as it applies to the Highland Council Environmental Health team.
- 4.2 Continue to implement and complete the agreed Action Plan of the outstanding FSS External Audit including updating resource demands and reprofiling of existing staff priorities.
- 4.3 Food Safety – inspection priorities
It must be noted that investigations, or enforcement action, significant to public health will take priority over the targets specified below.

Priority 1: Routine programme

To inspect the following on time for the due date (*or within 28 days subject to Senior EHO approval*):

0. Food Hygiene: 100% target for high-risk premises:
 - Food Hygiene (Category A&B Approved Premises)
 - Food Law (Category E&D Premises)
1. Food Hygiene: 100% target for Food Law Category C;
2. Food Hygiene: Where resources permit, most overdue Category B.
3. Food Standards: 100% target for Category A;
4. Food Standards: 100% target for Category B that are manufacturers where resources permit.

Priority 2: Unrated food hygiene premises

Senior EHOs and officers to ensure all food hygiene premises that are Unrated premises are given priority and inspected according to the service procedure and the area list of unrated food hygiene premises is reviewed monthly.

- 4.4 Work with the Food Standards Scotland on implementation of all national legislation and standards, in particular implementation of a new method of undertaking official controls in our Approved Establishments (manufacturers of products of animal origin).
- 4.5 Reconfiguring the EH food officer resource to optimise delivery of official controls in the Approved Establishments and other high-risk manufacturers. Purpose being to protect public health and support economic development.
- 4.6 Continue to engage with partners in Scottish Government and Industry to ensure EH Service is structured and financed to best facilitate the needs of the export market and appropriate arrangements are in place for imported food including Border Control Points if required.
- 4.7 Continue to support the national working groups, such as the high-risk foods working group, tasked with providing clear and consistent guidance for service delivery.

5. Private Sector Housing (PSH)

- 5.1 Review our policy and procedures on PSH inspection and intervention in relation to both BTS standard (Housing Act 1998) and the Repairing Standard (Housing (Scotland) Act 2006).
- 5.2 BTS referrals - approx. 95% of these property inspections relate to minor non-compliance with the Repairing Standard. Improve how we record PSH inspection data in Civica APP i.e. categories of non-compliance for BTS/repair standard so as to enable future reporting on PSH stock condition and the scoping of future initiatives.
- 5.3 To review aspects of the Scheme of Assistance for Private Sector Housing Grants, in particular the current eligibility benchmarking figures allocated to specific house improvement repairs.

6. General Public Health Protection

- 6.1 Continue key duties related to Covid19 response
 - 1. Advice and support to businesses and events on complying with coronavirus regulations including the new Covid 'passports' for entry into certain premises and events;
 - 2. Investigating clusters and outbreaks of Covid19 in conjunction with the Health Protection Team of NHS Highland;
 - 3. Public health controls enforced at airports and ports in Highland;
 - 4. Maintaining the Councils temporary mortuary equipment to support NHS Highland and local funeral directors in case of additional deaths.

7. Local environment issues (dog control, pest, abandoned vehicles, litter)

- 7.1 **Abandoned vehicles:**
 - a) Complete the protocol for abandoned vehicles and update the Highland Council Website to provide advice and information to the public on the service provision of Highland Council.
 - b) If resources permit, provide information of the number of vehicles uplifted by Highland Council onto the Highland Council website for freedom of information enquiries.

- c) If resources permit, carry out a focused enforcement initiative of unlicensed vehicles in collaboration with Police Scotland and DVLA within Highland Council.

7.2 **Litter and Dog Control:**

- a) Review the operational requirements for the provision of dog control and litter control staff within Highland Council to ensure suitable provision of enforcement through the area.
- b) Where resources permit, carry out focused litter control initiatives with Police Scotland within Inverness city centre.
- c) Where resources permit, carry out dog fouling initiatives in collaboration with local communities.
- d) Where resources permit, provide information to the Highland Council website on the number of notices issued for dog control and littering for freedom of information enquiries.

7.3 **Seagulls**

- a) Review and where necessary update information provided to the public on seagulls (website & information leaflet)
- b) If resources permit, develop further campaign material on not feeding gulls in targeted areas affected by foraging gulls.

8. **Pollution**

8.1 **Local Air Quality Management**

- a) Continue work on Local Air Quality Management Area Action Plan
- b) Review local air quality issues in Queensgate, Inverness and wider Local Air Quality Management strategy.
- c) Maintain monitoring facilities at Queensgate, Inverness, Telford Street, Inverness and Strath Viach.
- d) Prepare and submission of annual Local Air Quality Progress Report to the Scottish Government

8.2 **Contaminated land:**

- a) Review information and reports submitted in support of Planning Applications and to liaise with Planning and Building Control Officers to ensure sites are safely redeveloped through the planning process.
- b) Promote ways of providing contaminated land advice in-house to other Services within the Council in order to minimise spend on external consultants.
- c) Continue to provide support and assistance to other Council departments regarding the development of the Longman site.
- d) Assist and advise when consulted on sites being considered under the Vacant and Derelict Land Fund.
- e) Continue to advise relevant authorities regarding non-radioactive contamination during the decommissioning of the Dounreay Nuclear Facility.

9. **Animal Health and Welfare**

- 9.1 a) Participate in the Animal Health & Welfare Framework agreement.
- b) Provide support, through advice and enforcement, to agricultural industry on animal disease issues of concern.

10. **General management**

- 10.1 Continue the recovery of proactive work in line with any Covid19 restrictions.
- 10.2 Continue general review of approach to work to improve effectiveness and efficiency (redesign). Including:
- a) Performance: Review and develop improved methods of monitoring performance across all areas of work
 - b) Supporting Procedures: Clear & consistent work procedures to improve efficiency and avoid duplication of effort;
 - c) It & Business Support: Continual improvement in use of technology & reducing administrative burdens;
 - d) Workforce Planning: sustainable workforce;
 - e) Officer Development: build capacity by improving learning and development process for officers;
 - f) Outcomes: Demonstrate benefits and Improve profile
 - g) Savings & Income: Increase income & identify further commercial opportunities;
- 10.3 Continue internal improvements on internal communications and internal Health & Safety policies including stress management.
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Annex 3

Environmental Health: Food Safety Team Plan

1. Introduction

- 1.1 The Environmental Health team within Communities and Place Service carries out the statutory role of Food Authority within the Highland Council area. This Food Safety Team Plan outlines the Environmental Health approach to delivering all aspects of food regulatory and advice functions.

2. Background Information

2.1 Profile of the Local Authority

- 2.1.1 In geographical terms the Highland Council is the largest Council in Scotland, spanning an area of 26,000 square kilometres – one third of the landmass of Scotland, one eighth of landward Britain. With a population estimate of 235,540 in 2018, the Highlands has the 7th highest population of the 32 authorities in Scotland (235,540) while having the lowest population density at 8 persons per square kilometre.

Detailed profile information on the Highland area is available at:

http://www.highland.gov.uk/info/695/council_information_performance_and_statistics/165/highland_profile_-_key_facts_and_figures

2.2 Organisational structure

- 2.2.1 The Council structure has been undergoing review and has seven strategic services:

1. Communities and Place
2. Education and Learning
3. Health and Social Care
4. Infrastructure, Environment and Economy
5. Performance and Governance
6. Property and Housing
7. Resources and Finance

Full details are available at:

http://www.highland.gov.uk/info/695/council_information_performance_and_statistics/387/council_structure

- 2.2.2 This Service Plan does not address Feedingstuffs as responsibility for this aspect of food legislation lies within the Trading Standards team.

2.3 The Scope of the Food Safety Service

- 2.3.1 Operational responsibility for food safety and food standards enforcement in premises subject to local authority enforcement currently lies totally with Highland Council Communities and Place Service. No duties are currently outsourced. Field staff include EHOs and technical Officers (Food Safety). Many of these Officers carry out other functions in addition to food safety and food standards work, e.g. several of the EHOs involved in food safety and food standards work also carry out the full range of environmental health

duties e.g. health and safety inspections and investigation of public health complaints.

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3. Demands on the Food Safety team

3.1 Total businesses:

3.1.1 The team has responsibility for **5755** food business in the Highland area. This breaks down as follows:-

Type of food business	No. of Business
Primary producers	413
Fishing Vessels	360
Manufacturers & packers	421
Importers/Exporters	4
Distributors/Transporters	79
Retailers	905
Restaurants and caterers	3574
Total	5755

3.1.2 **Approved establishments:** The numbers given in 3.1.1 include premises that have been formally approved. Food Hygiene Legislation requires premises that manufacture and wholesale products of animal origin to be approved by their local Food Authority before they start trading.

3.1.3 With 74 Approved establishments Highland has a significant number of approved premises when compared to other Scottish authorities (Aberdeenshire have 88, Argyll & Bute 59, Glasgow City 48 and other authorities have lower numbers). Approved establishments include cheese producers, milk processors, ice cream producers, fish processors and smokers, shellfish dispatch centres, and manufacturing butchers.

3.1.4 The approach to interventions at Approved premises and other manufacturers is currently being reviewed in a joint approach by Food Standards Scotland and a Local Authority Officer group. The review is to ensure a risk-based approach to these establishments is taken, with detailed review of their specialist food safety management systems. Future interventions at these establishments will require **greater** commitment of staff resources.

3.1.5 **Food Hygiene Information Scheme:** The Council have fully implemented the national Food Hygiene Information Scheme (FHIS). The scheme is designed to provide further information to the public on outcomes of hygiene inspections of food business where the public have access e.g. caterers and retailers. The display of such information at the business is voluntary but all outcomes will be displayed on the web.

3.1.6 Ratings at September 2021:

FHIS rating	number
Pass & Eatsafe	28
Pass	2288
Improvement Required	397
Awaiting Inspection	1707
Pass & Exempt	180
Outwith scope	524
Sensitive - pass	119
Sensitive - improvement required	4
sensitive - awaiting inspection	117

The inspection results for inspected premises are listed on the internet at ratings.food.gov.uk. A searchable mobile phone app is also available.

3.2 Inspection performance

3.2.1 The statutory Food Law Code of Practice issued by Food Standards Scotland requires local authorities to carry out interventions in a risk-based approach at the frequencies specified in the Code. Current resources do not permit full compliance with these requirements. Resources are focussed on premises presenting the highest risk to consumers.

3.2.2 There has been a decrease in total food hygiene inspections carried out by officers in the last few years with total inspections dropping to around 800 per year.

3.2.3 The drop in inspections is due to (a) increasing workload in other key areas (exports, incidents, complaints, service requests); (b) extra time required during inspections to cover significant risk assessments; and (c) reduction in dedicated staff through workload re-structure and staff absence.

3.2.4 Not yet rated

Highland have had a significant number of premises that have yet to be rated. The premises may have never been inspected or have only received a pre-opening advisory visit. Officers assess any new premises that register with us and assign a priority for inspection based on type of food business. Any given 'high' priority premises are fitted in with monthly inspection programmes. There are a significant number of low-risk businesses within the list such as B&Bs, childminders and deer larders.

3.3 Planned improvements:

3.3.1 As reported to Committee in 2019, an FSS Audit in 2018 identified a number of areas for improvement including the need to increase resources for food safety. Some work has been done on this with 1 temporary EHO and 1 permanent Food Safety Officer employed. Work has also been done to reprofile workload of EHOs to increase FTE time on food safety. The team are undertaking a FSS Covid19 recovery project that will further review resource demands and efficiency related to food safety.

3.3.2 To improve performance on inspections of both existing and new food businesses, the team are also taking forward a number of initiatives:

- **Through managing demands and different approaches to other work:** Work is ongoing on reviewing the approach to all EH workload (redesign process). This may allow further EHO time to be committed to food hygiene inspection work.
- **Improving efficiency and effectiveness of inspections:** Officers are using further electronic communications to improve efficiency of inspections and approaches to inspections are being reviewed to improve effectiveness. In line with our enforcement policy, this will target enforcement work at businesses that ignore or wilfully avoid compliance with hygiene standards.

3.3.3 The impact of these improvements will be monitored and in the context of the challenging workload for the teams overall including the ongoing response to and recovery from Covid and EU exit impacts.

3.4 Other demands

3.4.1 The Service recognises its responsibilities for the hygiene inspection of shipping, aircraft and trains. Shipping includes international cruise vessels, merchant shipping, and ferry services that visit or operate in the Highland area.

3.4.2 Highland Council has 20 shellfish Classified Sites (PODS). The Council works closely with Food Standards Scotland to ensure production areas are closed if naturally occurring algal toxin levels increase.

3.4.3 The Service recognises its responsibilities for general surveillance work on imported foods at retail and catering level. This is carried out during routine inspections.

4. Service Delivery

4.1 Food Safety Inspections

4.1.1 Food Law

In 2019 the FSS brought in a new approach to programmed work by combining the previously separate inspection regimes for food hygiene and food standards into one new regime 'Food Law'. The Council have implemented this programme and all inspections are under the new approach other than inspections of Approved Premises. Following interventions, food premises are being risk assessed under Food Law approach and categorised in terms of the Code of Practice. Inspection programmes have been generated for the Food Law approach. The transition to bring all relevant food premises under the new Food Law approach will be completed in 2022.

Approved premises - Food Hygiene and Food Standards

Approved premises have been risk assessed and categorised in terms of the Code of Practice for food hygiene and food standards. Food Standards work is concerned with composition and labelling of food. All premises are entered onto the Flare database and inspection programmes have been generated.

4.2 Food Complaints

4.2.1 The Service has a policy for dealing with complaints raised regarding food premises enforced by the Service. This covers complaints from the public such

as poor hygiene of premises, foreign body contamination, out of date food, food poisoning, pests in premises and poor personal hygiene practices.

4.3 Home Authority Principle

4.3.1 Environmental Health supports the Home Authority Principle, and will assist any other food authority in the UK with an enquiry about food produced in the Highland area.

4.4 Advice to Business

4.4.1 The food team work closely with local food businesses are happy to offer advice on areas of food safety. Officers are encouraged to attend and provide advice to any food industry meetings in their areas, in addition to offering advice during inspections and on request at our offices.

4.5 Food Sampling

4.5.1 Environmental Health has contracts for bacteriological examination and chemical analysis of foodstuffs with the Public Analyst, City of Edinburgh Council.

4.5.2 In addition to locally targeted sampling, Environmental Health participates in sampling surveys organised by the Scottish Food Enforcement Liaison Committee and in UK food surveys co-ordinated by the FSA.

4.6 Control and Investigation of Outbreaks and Food Related Infectious Disease

4.6.1 Environmental Health works closely with NHS Highland on the investigation of Foodborne and Waterborne disease. A national Public Health Incident Plan is followed with any actual or threatened major outbreak within the Highland Council area. Procedures for investigating sporadic cases of foodborne diseases are outlined in the Council's Protocol for Investigation of Enteric Disease.

4.6.2 Standard infectious gastro-enteritis questionnaires are used by all Officers for investigation purposes and procedures are in place for the investigating officer to forward the completed forms to the Consultant in Public Health Medicine at NHS Highland. A copy is also sent simultaneously to the Environmental health manager. There is on-going close liaison between Environmental Health and the NHS Highland including joint infectious disease outbreak exercises.

4.7 Food Safety Incidents

4.7.1 Food Alerts are currently brought to the attention of Environmental Health by email. Food Standards Scotland is aware of the procedure for contacting relevant Officers outwith normal working hours via Council's emergency out-of-hours number.

4.8 Liaison with other organisations

4.8.1 Environmental Health takes measures to ensure that enforcement action taken in its area is consistent with that in neighbouring authorities. The lead Senior EHO is a member of the North of Scotland Food Liaison Group (NSFLG) which comprises members of all food authorities in the north of Scotland, i.e. Highland, Orkney, Shetland, Aberdeenshire, Aberdeen, Moray and Western Isles. This group meets regularly to discuss matters of mutual concern and

seeks to ensure uniform enforcement action across the entire area. Minutes from all meetings are forwarded to Environmental Health Area offices.

4.8.2 The Environmental Health Manager is also a member of the Environmental Health Liaison Group which has representatives from NHS Highland, Animal Health, Scottish Environment Protection Agency, Health Protection Scotland, Scottish Agricultural College and Scottish Water. This group provides a forum for discussion of various environmental health matters including food safety and the presence of NHS Highland and HPS officials provide regional and national perspectives respectively.

4.8.3 Environmental Health Officers currently liaise with the Council's Planning and Building Control Service with regard to examining planning applications and building warrant applications which may relate to food safety activities. This provides opportunities for advising planning or building control officials of any relevant problems and also for contacting applicants/agents to discuss proposals and offer advice and guidance.

4.9 Food Safety and Standards Promotion

4.9.1 The resources available to Environmental Health are limited and hygiene inspections of high-risk food premises have been given priority. Consequently, food safety promotion has to be very focussed. Officers promote the Food Hygiene Information Scheme and the Eatsafe awards during routine work.

4.10 Enforcement Policy

4.10.1 The Highland Council has formally adopted an Enforcement Policy that includes food safety.

5. Staff

5.1 Information on finance and staffing is contained within the EH Operational plan.

5.2 **Staff Development** - Officers are and will be encouraged to identify courses in which they have a particular interest. In particular:

- Regular Food Working Group meetings provide a focus for discussion of training needs.
- Every Officer has received in-house training in the operation of the Civica APP database system.
- Officers shall be permitted to attend external training courses and seminars
- The Service has access to online food hygiene training courses

6.1 Priorities and Targets

6.1.1 Priorities and targets for food safety are included with the EH operational plan.
