

Argyll and Bute Council
Food Law Enforcement Policy 2014-15
Extract and Summary

1 Purpose

- 1.1 The Council Food Law Enforcement Policy falls to be approved by Council annually in accordance with the Food Framework Agreement. The purpose of this briefing is to obtain Members approval for revisions to the Enforcement Policies on Food Safety ; Food Standards and Feed which were approved at the Protective Services and Licensing Committee on the 22nd May 2013

2 Recommendations

- 2.1 That Members formally endorse these enforcement policy for Food Safety Law Enforcement and require the Regulatory Services Manager to implement this policy

3 Enforcement Policy

- 3.1 The service ethos to enforcement remains unchanged. It seeks to :-
- Ensure that all enforcement activity is proportionate, consistent to the risks to food safety; statutory requirements and public health
 - Provide an effective food law enforcement service by focusing resources on a risk-based approach
 - That enforcement staff are competent and authorised officers.
 - To protect food safety through working with businesses and the public. As appropriate
 - To support the concept of the "informed consumer".

- 3.2 A revision to current policies has been undertaken against 'emerging regulatory landscape' and our service delivery arrangements. The policy is predicated on proportionate risk-based, enforcement action designed to protect food safety and public health, whilst also avoiding placing undue regulatory burdens upon business. This is consistent with the national better regulation agenda and the pending Scottish Governments Regulators Strategic Code.

- 3.3 The revision has identified that there is no need to significantly amend the enforcement policy although we will review this in the course of this year, once the revised Food Safety Code of Practice and the Scottish Governments Regulators Strategic Code are published.

We have made some changes to the Food Safety Enforcement Policy to detail our policy in the event of actions to be taken in the event of non-compliance and our policy in respect of the emerging issues of food crime nad food fraud. These are detailed in chapters 3 and 4 of the enforcement policy, and are as follows:

- (i) Non-compliance - It is the policy of Argyll and Bute Council, when it identifies non-compliance, to take action to ensure that the Food Business Operator remedies the situation. When deciding which action to take, the

Council shall take account of the nature of the non-compliance and that operator's past record with regard to non-compliance.

- (ii) Food Crime/Food Fraud - It is the policy of the Argyll and Bute Council that when it establishes, on the basis of objective evidence, that there is a deliberate breach of food law relating to food crime and food fraud, to adopt a more immediate and appropriate enforcement action or intervention, rather than the graduated and hierarchical approach to selecting interventions and enforcement action.
- (iii) Shellfish Provenance- that it be our policy of Argyll and Bute Council to consider the provenance of shellfish as critical to food safety, and to comply with Article 5 of Regulation (EC) 852/2004.

3.4 The enforcement policy relates to the areas of food hygiene, food standards and feed.

4 **Conclusions**

4.1 The existing policies have been reviewed by the service and in my opinion, are sufficient to enable Argyll and Bute Council to meet its duties as "the food authority",

4.2 Through this Policy, the Council will continue to provide appropriate food law enforcement designed to protect food safety and public health. There is a programme to review our enforcement procedures in the course of 2013-14. These will be approved by the Regulatory Services Manager, working with the nominated Lead Officers, who will ensure they are consistent with this Policy and national Frameworks.



Regulatory Services Manager; 11th June 2014