

Food Regulatory Service Plan 2025-6

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Orkney Islands Council

Planning and Regulatory Services

Environmental Health

Food Regulatory Service Plan for 2025/26

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Foreword

Orkney Islands Council recognises the importance that the local food industry plays in relation to employment, economic growth, healthy communities and the “Orkney brand”. The Council also recognises that poorly managed and non-compliant food businesses create risks to the public and economic disadvantage to those businesses who wish to comply with the law.

Therefore, the Council takes its duties and responsibilities as a statutory Food Authority and a regulator of food law seriously and commits to delivering a food law service which is appropriate for the needs of Orkney businesses, residents and visitors.

This Food Service Plan provides the strategy for the coming year and our intention to target the Council’s Environmental Health resources towards frontline services and the regulation of the higher-risk activities. It provides the framework for monitoring the impact of the service and the level of regulatory compliance that is achieved.

The plan fits with, and adds support to the Environmental Health Team Plan, setting out the standard of performance that is expected and our priorities for the year. Through this Service Plan and the Council’s adopted enforcement policy, the Council acknowledges and supports the idea that assisting and encouraging business to meet food law requirements is as important as identifying non-compliance, thereby contributing to the Council’s overall vision of working together for Orkney.

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Service Aims and Objectives

Aims of the service

This plan commits to the following as far as practicable:

- To deliver the Council's duties and responsibilities as a statutory Food Authority and regulator of food law.
- To help ensure that food placed on the market at local, national, or international level which is produced, stored, distributed, or handled within Orkney, is compliant with necessary food law.
- To support local business and encourage sustainable economic growth including through issuing certification to help local businesses trade in markets overseas and encouraging local businesses to meet best practice in regard to food law compliance.

Service Objectives

These commitments will be achieved through the following supporting objectives:

- Providing advice and support to help businesses comply with their legal obligations.
- Delivering a programme of official control verification (OCV) interventions at approved premises and higher risk manufacturers
- Delivering a programme of risk-based interventions in relation to food businesses
- Ensuring that any action following an intervention is consistent, transparent, and proportionate to the risk.
- Maintaining an up-to-date register of food premises and list of approved premises
- Investigating complaints and taking appropriate and proportionate action regarding food, food standards or food premises/practices.
- Undertaking targeted risk based environmental and food samples as part of a planned programme or to support a specific incident or investigation.
- Investigation of the causes of notified infectious diseases and assisting in educating on the prevention of their potential spread.
- Raising the profile of the service and the efforts of local businesses to deliver quality outcomes

Strategic planning and links to the council priorities

The Council has approved a Council Plan for 2023-28 which sets out how the Council will deliver its ambitions for Orkney's future and deliver the very best for communities and businesses. Although the Plan highlights in some detail the important strategic priorities for the Council, it also emphasises that the essential statutory services provided by the council are a top priority. This includes the Council's function as a Food Authority and regulator of food law.

The Council plan emphasises the Council's ambitions to help improve the local economy and maintain our existing high standards of service. The themes of the Council plan, including delivering front line statutory services, are reflected through the Council Delivery Plan, Directorate Action plan(s) and individual Team Plans.

A critical reality for the Council is to ensure a sustainable budget and all services have been reminded of the imperative to contain spending within the agreed budget.

Whilst the majority of food law activity is undertaken by the Council's Environmental Health Team, the Council recognises and acknowledges the valuable support from other Council teams including legal services and also partners such as FSS, NHSO, the Police, Marine Scotland, COPF service and the Scottish Authorities in their assistance in meeting our obligations and duties in relation to food law.

Background

Local Profile

Orkney is located about 9 miles north of the mainland of Scotland and is an archipelago of 54 islands, of which 18 are inhabited. Orkney covers an area of 974 square kilometres, with more than half being taken up by the mainland of Orkney. The largest island is known as Mainland, with the south isles of Burray, Lamb Holm, Glimps Holm and South Ronaldsay joined by the Churchill Barriers. The outer islands to the north of Mainland are Shapinsay, Rousay, Egilsay, Wyre, Westray, Eday, Sanday, Stronsay, Papa Westray, North Ronaldsay and to the south of Mainland Hoy, Graemsay and Flotta.

The total population of Orkney is estimated at over 22,000, with approximately 80% living on the Mainland of Orkney and linked islands. Population projections show Orkney overall is ageing at a faster rate than Scotland, and that the population is set to continue to increase.

Agriculture remains a primary source of economic activity, followed closely by tourism. The public sector is a significant employer with other industries including oil, fishing, salmon farming, renewable energy, craft industries and food and drink processing.

Although Orkney is geographically isolated, the islands are well served by transport links to mainland Scotland.

Organisational Structure

The food law activities of the Council are provided by the “commercial team” within Environmental Health which, along with Trading Standards, is part of the Council’s Planning and Regulatory Service. A structure chart for Environmental Health is in appendix 1 and it will be noted that Environmental Health staff cover the full range of environmental health duties on behalf of the Council. Administrative support is provided by the Council’s directorate support service.

The Service Manager – Environmental Health has the responsibility for the operational delivery and strategic direction of the Environmental Health service and the Service Manager – Trading Standards has responsibility for the operational delivery and strategic direction of the Trading Standards Service which includes the regulation of animal feed.

The Lead Food Officer is an Environmental Health Officer within the Commercial Team and that team on paper comprises 3 full time members of staff. However, this does not equate to 3 full time equivalent staff members for food law activities, as the commercial team is responsible for the delivering in addition, amongst other things, the Council’s functions as a health and safety enforcing authority, infectious disease control. It also supports the functions of Port Health and alcohol licensing standards. Two members of this team are also completing professional qualifications which will help with building a sustainable and resilient team but this means for the lifetime of this service plan some of their operational time will be devoted to their professional studies. There will also be time commitments for senior staff to provide mentor and structured support to the learning. Once qualified as an EHO one officer will pick up additional duties, further diminishing the time they have for food law work. Furthermore, sickness absence and 2 significant workplace incidents which the team has responsibility to formally Investigate have had an impact on the work of the team, leading to a need to reprioritise resources for the coming year.

Service Delivery Points

Staff are based at the main Council Offices in Kirkwall and the Council has introduced the option of a hybrid working scheme which employees are able to request. This is being trialled by one member of the team and is still pending the issue of a finalised corporate policy. The general approach is that engagement with duty holders and food business operators is at the business address rather than at the main Council offices. The Service can also be accessed by telephone, email or in person during office hours at the council reception in Kirkwall (however appointments are preferred in order to make sure an appropriate officer is available). In addition, out of hours inspections/visits may also take place according to risk and business need. This includes out of hours work to support the Council’s role as a Port Health Authority.

Voice mail systems are in place for calls received out of hours and, with the exception of the port health email account, e-mails will only be dealt with during office working hours. The service does not operate a formalised out of hours emergency response service but informal arrangements are in place for the Service Manager - Safety and Resilience and the Emergency Services (including NHS Orkney, FSS, Scottish Water and HSE) to contact Environmental Health or Trading Standards outside normal office hours in response to an emergency. However, the informal nature of this arrangement does not guarantee a

response can be made before the next working day. Out of hours services are managed within the Flexibe Working/Time off in Lue provisions and management as appropriate and is thus reliant upon the team ethic and goodwill of team members.. There is not sufficient resource to establish a formal stand-bye/duty rota system in place.

Scope of Service

The portfolio of food businesses within Orkney fluctuates, but at the time of writing is in the order of 780 and ranges from primary production sites, international exporters, to caterers and “honesty boxes”. Orkney products have international renown and are sold locally as well being exported worldwide. 19 businesses were found to have closed during the year, however this figure also includes businesses that have changed hands and subsequently re-opened under new management.

The numbers and categories of food hygiene/food standards premises, as defined by Food Standards Scotland, are shown in Table 1.

Table 1: Number and Type of Food Businesses (excluding approved premises)

Type of food business	Number 2024/25	Number at start 2025/26	Difference
Caring premises	32	35	+3
Caterer – other	61	76	+15
Distributor/transport undertaker	5	7	+2
Fishing vessel	115	122	+7
Hotel/guesthouse	62	62	0
Manufacturer/packer	60	57	-3
Mobile food unit	23	24	+1
Nursery	2	18	+16
Primary producer	100	96	-4
Pub/club	13	13	0
Restaurant/café/canteen	106	108	+2
Restaurants and caterers – other	20	20	0
Retailer	45	54	+9

School/college	22	22	0
Smaller retailer	47	48	+1
Supermarket/hypermarket	6	6	0
Takeaway	12	12	0
	731	780	+49

Key functions of the Council in relation to food law

The following are the key functions carried out by the environmental health team on behalf of the Council as a Food Law authority.

- Inspection of premises where food is manufactured, processed, prepared, or sold to ensure that it is handled and produced safely and that the premises operate in a hygienic manner to at least minimum legal requirements.
- Inspection of food businesses to ensure legal compliance with quality, composition, labelling, presentation, and advertising.
- Issuing approvals for premises that manufacture or process designated high risk products of animal origin.
- Undertaking official control verification at approved premises.
- Providing advice and guidance to food business operators on how they can achieve compliance with the law, manage risks and implement best practice.
- Investigation of food complaints in respect of contamination, composition, labelling and unhygienic practices.
- Obtaining samples of food and submitting them for examination and analysis to ensure it is free from contamination and that the composition and labelling is accurate.
- Investigation of cases and outbreaks of food poisoning and food borne disease in partnership with NHS Orkney.
- Issuing relevant export certificates to facilitate trade outwith the UK.
- Issuing registration documents to allow the harvesting and movement of certain species of shellfish.

- Responding to food alerts, allergen alerts, food incidents and participation in incident management teams as necessary.
- Sharing intelligence and information on food crime, food fraud and other issues of concern with FSS and other relevant partners.
- Responding to information requests.
- Implementing product withdrawals.
- Liaison with Food Standards Scotland, in particular the Food Crimes and Incident Branch.
- Promoting issues of priority or concern to businesses, residents and visitors to Orkney
- Training and development of staff to maintain a competent and sustainable cadre of Authorised Officers
- Providing certificates to enable street trading and food sales as part of a premises licence.
- Maintaining an accurate database of food premises and activities.

Key functions of the Council in relation to animal food and feed

The council's Trading Standards Team carries out the following functions in relation to food and feed:

- Inspects premises in which feed is manufactured and stored for sale to establish that procedures are in place to ensure compliance with the compositional and labelling requirements of feed legislation and to ensure compliance with feed hygiene and primary production requirements.
- Inspects livestock and arable farms to ensure safe production of feed and good animal feeding practices.
- Investigates complaints about feed.

- Takes samples of feed when necessary for examination and analysis to ensure freedom from contaminants and compliance with compositional and labelling requirements.
- Provides advice and information to businesses that manufacture, store, distribute and supply feed on the requirements of applicable legislation.
- Has a statutory duty to enforce legislation applicable to fertilisers and can undertake this duty along with feed enforcement at applicable premises.
- Provides the council's statutory animal welfare functions

Animal Feed Update

On 1 April 2021 Food Standards Scotland (FSS) became the authorised body for animal feed enforcement replacing local authorities. This was to address weakness in feed enforcement in some areas of Scotland, mainly urban, where animal feed, animal welfare, and primary production was not considered a priority and had not been adequately resourced with no staff maintaining the annual statutory continuous professional development (CPD) in this area of work.

FSS invited all local authorities to enter into Direct Service Level Agreements (DSLAs) with them to enforce animal feed legislation in their areas and Orkney Islands Council duly contracted to do so, initially entering a 3 year agreement which was reviewed annually and has been extended for at least a further 12 months.

FSS is now responsible for management of the statutory animal feed register which has almost 800 businesses registered in Orkney and prescribes which registered premises Orkney Islands Council has to visit and inspect each year and how many formal or informal feed samples the local authority has to take. These inspections are programmed to dovetail with animal welfare inspections so the duty is not onerous and FSS provides free training each year to ensure all officers involved maintain the annual statutory 10 hours continuous professional development required. Presently the Trading Standards Manager and the Animal Welfare Officer maintain the necessary CPD with the option of the newly appointed Trainee Trading Standards Officer being added to the training programme.

In 2024/25 Orkney Islands Council undertook all the enforcement activity prescribed in the DSLA and does not expect FSS to have any issues with the service provided on Orkney.

Demands on the Food Service

Approved Premises

There are 36 premises in Orkney that (at the time of writing) hold approval status under Regulation (EC) No 853/2004. These approved premises meet higher legal requirements as they process or handle products of animal origin. Approved premises are subject to Official Control Verification (OCV).

Products	Number of approvals
Coldstore	2
Dairy	8
Eggs	9
Fishery products	12
Meat preparations	2
Meat products	3
Shellfish	12

Note some premises hold more than one approval.

Premises subject to Official Control Verification have an enhanced system of intervention deemed necessary to ensure businesses undertaking high risk activities with products of animal origin meet the stringent requirements for food safety. Where previously an inspection could have taken 2½ hours, an official control verification intervention (where the premises are ready for this approach) could take between 5 and 8 days, according to the size and complexity of the operation. This has a great potential impact on the service demands.

Milk Production Holdings

In addition to the above Approved premises under Regulation (EC) No 853/2004, there are a number of premises approved as milk production holdings. These are not regulated by the Council.

Programmed interventions – Policy and approach

The Food Law Code of Practice aims to ensure an effective, consistent and proportionate approach to the delivery of Food Official Controls by Local Authorities across Scotland to protect food safety and the wider interests of consumers. The term “food law” is used to cover food safety, food hygiene and food standards. The term intervention is used to indicate formal interactions between the Council as the Food Law Authority and food businesses that operate in Orkney. The Council acknowledges the wide definition of “food business” under food law and recognises that this will cover all premises where food is placed on the market for consumers.

Orkney Islands Council considers programmed “interventions” at food premises to be an essential element in protecting consumers. However increasingly the resource efficacy of the traditional system of formalised “inspections” is being called into question for low and lower risk premises and the Council is aware of the national SAFER¹ programme which may result in change in frequency/approach to inspections and interventions. Until then, and in accordance with the Statutory Codes of Practice, all food premises are either inspected on a risk assessed basis as part of a rolling programme or in the case of approved premises subjected to at least 1 official control verification (OCV) intervention per year. However, owing to legacy issues, we continue to work with many approved businesses to bring them to a level where OCV approaches can be applied.

For premises subject to a risk-based inspection, the frequency of inspection is determined in line with the Code of Practice. The assessment has three groups (1 to 3), each sub-divided into 5 bands (A to E), each having their own inspection frequency. The groups identify the production and handling activities and the band is a measure of risk as identified through the compliance achieved by the business in terms of food law. From this matrix the next inspection can be identified, be that 1 month or up to 60 months frequency.

Service requests and infectious disease

The service receives requests of all types relating to food law. These may include requests to provide information and guidance, through to responding to food alerts and participating in Incident Management Teams dealing with serious issues.

Port health

Officers provide the Port Health function and at the time of writing recruitment is underway for a new post of Environmental Health Technical Officer – Port Health. This follows the establishment of funding for a new post as a permanent budget uplift for the service introduced by the Council as part of its budget setting process in April 2025.

Orkney is not a Border Control Point, so the port health work primarily relates to ship sanitation inspections, granting of free pratique and general support to the cruise ship and commercial port operations. This results in pressures, especially during the summer “cruise season” where out of hours work is necessary. Orkney is one of the busiest cruise port destinations in the UK, making this a significant task and responsibility each summer. An assessment of the new Border Target Operating Model (BTOM) following the UK exit from the European Union has not resulted in a significant impact for the work of the team. However, should economic activities shift and Orkney seeks to become a port of entry for food, a further assessment against the BTOM would be required and this is likely to result in significant additional work.

Backlog and legacy premises

There are still a number of premises which, owing to staff resources, covid19 and pressures of other work are still in need of an inspection. These are considered as “backlog/legacy” premises and have been factored into the resource calculation for the coming year. Plans

¹ Scottish Local Authorities Food Enforcement Rebuild (SAFER) – a partnership project between all local authorities in Scotland and Food Standards Scotland which is looking at future approaches and sustainable solutions for food law regulation and enforcement in Scotland.

are being considered to complete inspections of these premises, which may involve an external contractor/ additional resource.

Non inspection interventions

Where appropriate and resources allow the Council also undertakes alternative non inspection interventions including sampling, monitoring, surveillance or education and this enables a lighter touch for compliant premises meaning resources can be targeted on non-compliant premises in line with the enforcement policy.

Food law database

The Council's food law database is currently provided by Civica APP software (on a rolling contract) and is automatically linked to the Scottish National Database (SND) meaning that data relating to official controls and other interventions at food businesses across all Scottish Authorities is held centrally in one place for consumers to access. It is recognised that a "de-support notice" may be issued for the Civica APP system and this will entail obtaining a replacement, keeping in mind the FSS SAFER programme and council's IT strategy. There are historic issues regarding the interface between the Civica APP system and the SND of which both the software supplier and FSS are aware and this means there may be data inaccuracies between the 2 systems.

Additionally, and rather disappointingly, following a data cleansing exercise the Civica computer system still has 119 anomalies relating to historic/legacy data. These are being looked at individually and will take time to resolve, so have been factored into the resource calculation for the year.

Food hygiene information scheme

The Council participates in the Food Hygiene Information System (FHIS), which is a FSS/local authority partnership initiative for providing consumers with information about hygiene standards in places where they eat or shop for food. The overarching aim is to reduce the incidence of foodborne illness (and the associated cost to the economy) through improved hygiene standards. Relevant businesses are able to display a 'Pass' or 'Improvement Required' certificate which is issued by the council after inspection of a relevant premises. Premises in the scheme which are yet to be inspected are issued an "awaiting inspection" categorisation.

Primary Authority Scheme

The Council acknowledges the Primary Authority scheme, but there are few businesses within Orkney that are participants of the scheme. Where a business does operate a primary Authority, the officers of the Council will take note of any inspection plan produced by the primary authority to improve the effectiveness of inspection, avoid repeated checks and enable better sharing of information.

The service also acknowledges the need to respond to requests for originating authority reports from any food authority whose investigations identify a manufacturer or supplier within Orkney.

The Council acts as originating authority for all Orkney food businesses and referrals from other competent authorities are dealt with on the basis of risk.

Advice to Business

The bulk of advisory work is carried out during inspections and visits. This includes advice on compliance with all aspects of food law (ie hygiene, safety and standards). The Service also provides advice to potential business start-ups or when significant refurbishment is being considered.

The Service provides advice on request to both businesses and consumers.

Food Sampling

Sampling programmes incorporate the North of Scotland Food Liaison Group initiatives and national surveys initiated by the Scottish Food Enforcement Liaison Committee (SFELC), the Health Protection Scotland (HPS), Food Standards Scotland, and Food Standards Coordinating Working Group (FSCWG). Where possible, sampling is focused on food produced for local consumption in Orkney or wider distribution.

The Council supports the Scottish Food Safety Database which electronically records and downloads all food and feed sampling. Sample results are placed on a secure website where national trends can be easily identified. The Council has appointed a Public Analyst and Food Examiner, and they are based in Edinburgh.

Importantly, the logistics of taking “formal samples” (for example in connection with enforcement) and the transfer of those to the Public Analyst in Edinburgh in compliance with the code are very challenging; this is a recognised risk and would need to be factored into the response to any serious incident or outbreak. Only trained Food Enforcement Officers carry out formal sampling.

Control and Investigation of Outbreaks and Food Related Infectious Disease

The Service works with NHSO colleagues to investigate, respond and control cases and outbreaks of infectious disease, including potential or actual cases of food poisoning and foodborne disease. In the event of a food or water-borne incident, and where issues of public health dictate, staff will be diverted from pro-active work to attend to the incident. A Joint Health Protection Plan, prepared with NHSO, covers this work.

The Service has no formal out-of-hours arrangements and relies on the good will of officers to respond to out-of-hours incidents, should they be able.

Food Safety Incidents

The Food Service receives notification of “Food/allergy Alerts” from FSS by email. This system is monitored throughout each working day and out-of-hours contact arrangements

are registered with the FSS for emergencies. Additionally Officers within the Service may receive intelligence relating to food crime via the FSS CLEAR system.

Food and Feeding stuffs Complaints

The Service will consider and, where appropriate, fully investigate every food complaint in accordance with procedures and the Food Law Code of Practice including recording data on the relevant national databases. All food complaints are evaluated on receipt by an Authorised Officer. Complainers are informed of the proposed course of action and of the progress and outcome of their complaint. The Council has appointed a Public Analyst and Food Examiner(s) to assist with investigation of food complaints and the analysis of samples.

Where food involved in a complaint originates outside Orkney, liaison with the appropriate Primary/originating or enforcement authority is undertaken. Arrangements are in place to allow the transfer of information and investigatory responsibilities with other Local Authorities or Food Standards Scotland when necessary. All subjects of complaint, if sent to the Public Analyst for examination or analysis, are recorded on the national electronic Food Surveillance System/Scottish Food Sampling database, in accordance with laid down procedures.

Liaison with Other Organisations

The principal vehicle for inter-authority liaison is the North of Scotland Food Liaison Group, where the Lead Food Officer represents the Council. The attendance at these meetings ensures consistency of enforcement and best practice in regard to food law issues and cooperation with key partner agencies such as Food Standards Scotland. Attendance is also a requirement of the Framework agreement between local authorities and the FSS

The Service Manager - Environmental Health attends meetings of the Orkney Local Emergency Planning Coordination Group (OLECG), which is a multi-agency group set up to deal with any emergency incident affecting Orkney. Officers also attend the Scottish Health Protection Network Gastro, Intestinal and Zoonotic Diseases group (SHPN GIZ). Regular meetings take place between the Service Manager, Scottish Water Public Health Team and NHSO Consultant in Public Health Medicine.

The Service also has internal liaison arrangements with the Building Standards and Planning Services for prospective and refurbishment of food business premises and with the Licensing Committee and Board for licensed food premises and Street Traders.

Food Safety Promotion

The authority will also participate in promotional activities with external agencies and other services within the Council, where it is deemed to support the protection of public health and resources allow. For example a presentation was made during 2024 to managers of community halls in Orkney and in 2025 to the managers of nursery school establishments to help them comply with their legal responsibilities.

Enforcement Policy

The Council has adopted the Cabinet Office Enforcement Concordat and this is incorporated within the General Enforcement which has also taken into consideration the Legislative and Regulatory Reform Act 2006, the Hampton Principles, and the Scottish Regulators' Strategic Code of Practice.

A full review of the enforcement policy involving consultation with the public, local businesses and partners took place in 2023 and resulted in a revised general enforcement policy being agreed by elected members and signed off by the Full Council in December 2023. The revised policy is on the Council website at Policy [Enforcement Policy \(orkney.gov.uk\)](https://www.orkney.gov.uk/policies/enforcement-policy)

Through the enforcement policy the Council recognises the so called “4 Es” of enforcement – “Engage, Explain, Educate, Enforce” and the service endeavours to apply these in order of preference, having regard to the nature of the risk and particular situation.

The range of interventions available allows food enforcement officers who work under delegated authority to use their professional judgement in applying a proportionate level of enforcement to each situation/business, in line with the Council's enforcement policy, with a minimum being a summary report left with the business after every visit/inspection.

Service Delivery for 2025/26

The number of premises due for inspection will vary year by year, depending upon risk profile and there is also additional variability as to the exact number of service requests, cases of infectious disease/food poisoning or food alerts that will be received during the year. Therefore, this section of the plan sets out the activities (identified at the time of writing) which are planned to be undertaken during 2025/26. Given staff resources, priority will be allocated to work on the basis of risk.

Approved premises

In accordance with the code of practice every approved premises will receive a minimum of 1 official control verification intervention during the year (or equivalent if they are not OCV ready).

OCV interventions are time consuming so a pre-audit questionnaire may be issued in advance of an OCV intervention in order to make the most efficient use of time.

Following a series of water samples, work will continue with the owners of holding ponds to resolve identified legacy issues to help ensure the safety of products leaving Orkney to other parts of Scotland and further afield.

This means a minimum of 36 OCV interventions are scheduled to be made, subject to any new premises requiring approval.

There are several premises which are currently being supported through the process to gain approval status and this work will continue, although it is difficult to generally predict the resource required to assist each premises to gain approval, as this will depend upon the nature of activity and level of current compliance.

Work with approved premises is deemed a priority for the coming year.

Programmed interventions

For the year 2025/26 and based on current MIS data, 192 premises throughout Orkney are scheduled to require a programmed risk-based intervention.

The distribution of these premises across the risk categories is shown below. Interventions are scheduled by month, but this is not an even distribution so for efficiency purposes premises can be “brought forward” as convenient.

Group and band	Number due during 2024/25
1A	5
1B	8
1C	1
2A	11
2B	36
2C	7
3A	79
3B	42
3C	3
	192

(There are no premises in the other groups and bands scheduled for programmed inspection this year)

Additionally, a number of manufacturing premises, that are not required to be approved, have been identified as benefiting from an OCV style approach to intervention. This is because of the nature of the manufacturing activity, risk profile or economic significance and this approach may be used where helpful.

Rolled over premises

For a number of reasons it was not possible to fully complete all the programmed food law interventions for 2024-25, meaning 49 premises have been rolled over to be completed in 2025-26.

Backlog and legacy premises

Although inroads have been made there remains a considerable backlog of premises requiring an intervention. This is due to legacy issues, staff shortages and the covid19 pandemic. Having reviewed the backlog of premises and keeping in mind the geography of Orkney, seasonality of trade and transport efficiencies this plan advocates a geographical approach to clearing the backlog. At the time of writing the backlog of premises still due for inspection is as follows:

Island	Number of premises due a routine visit
Eday	0
Flotta	1
Hoy	7
Mainland and linked isles	151
North Ronaldsay	1
Papa Westray	2
Rousay	2
Sanday	1
Shapinsay	0
Stronsay	5
Westray	22
	192

The intention being that when an officer visits one of the isles for a programmed intervention, they would also attend to any legacy premises on that island that need a visit – subject to time constraints.

Service requests, infectious disease and food poisoning

Based on the data available for 2024/25 the service would expect to deal with approximately 300 food law related service requests and 45 cases of infectious disease. Service requests will be dealt with on the basis of risk priority and public health significance, and it may be that visits and inspections need to be prioritised over service requests.

Support to new, existing and developing businesses

It is anticipated that throughout the year the service will be approached for advice on all aspects of compliance with food law. Experience shows this can be from existing business, those that are expanding or from individuals wishing to start up a new business. As well as environmental health and trading standards working together, we intend to try and build stronger links with the Council's economic development team to ensure the council operates a joined up approach to business support.

Sampling

The Council expects to participate in a food sampling programme, with samples being procured for the purposes of microbiological examination and chemical analysis. Priority will be given to relevant foods on the FSS national sampling programme.

Food safety promotion

The Council is not intending to run any food hygiene training during the year. Training courses are available locally, for example through Orkney College and other providers.

Throughout the year opportunities will be taken to make proactive media/information releases to deliver food safety messages. It is anticipated these will focus on:

- Food business registration/approval
- Natasha's law
- Food hygiene information scheme
- Additionally it is anticipated that reactive media releases will be made as the situation demands, for example in relation to particular food/allergy alerts

Licensing consultations

The service anticipates a small number of applications for section 39 and section 50 certificates throughout the year. The service is also a consultee for short term lets licences and this has identified a number of food premises that are required to be registered.

Staff training and development

It is expected that the requirement for all Authorised Food Officers undertake a minimum of 10 hours food related continuous professional development during the year, and individual training plans will be discussed and agreed with each Authorised Officer with a view to ensuring that sufficient time and capacity is allowed to achieve this minimum requirement. Additionally, as part of the Council's commitment to a sustainable workforce, the Council will during the year continue to support technical officers in becoming trained and qualified as Environmental Health Officers/Food Safety Officers.

Port health

The Orkney Islands are the UK's most popular cruise ship destination with over 178 cruise ships planned to call this year. Our approach is to visit all ships on their first calling within Orkney. Additionally, there are requests expected throughout the year for ship sanitation inspections and the issuing of ship sanitation certificates. This includes vessels such as tugs, tankers and oil rigs. Port health work places considerable demands on the service, especially during the "cruise season" where out of hours work becomes even more of a necessity to support the 24-7 nature of harbour operations. It will only be possible to deliver a full service once the (new) vacant post of Environmental Health Technical Officer – Port Health has been recruited.

Management information system and database

Whilst considerable work has been undertaken to update the MIS, it has become apparent that the data held on the MIS is not consistent with other datasets. Work has been undertaken to check premises are correctly held within the datasets and also to triangulate with data held

on other council systems to avoid any missing premises. Unfortunately, the databases are not efficiently linked and in some cases rely on manual intervention to update the data and whilst confidence in the system has improved there may well still be some latent errors. A report run at the time of preparing this service plan revealed 125 errors that need to be checked and most of these can hopefully be resolved as a “desktop” task as they appear to relate to how information has been coded into the computer system.

Summary of inspections and interventions for 2025-26 based on MIS data

Type	Number
Premises due a routine programmed risk based inspection in 2025-26	192
Premises due a routine programmed risk based inspection in 2024-25 but that were not able to be inspected for a variety of reasons	129
Premises due an OCV intervention during 2025-26	36
Premises reported by the MIS as having a potential error with inspection dates which need to be checked and inspected if necessary	0
Legacy backlog premises	119
Legacy new premises	62
Total (note some premises may appear on more than one list)	540

Staffing Allocation and resources

Resources required

The current staff structure is shown in appendix 1.

In accordance with instructions from FSS a revised resource calculation has been undertaken using the methods prescribed by FSS. This has been agreed with the Council’s Corporate Leadership Team and submitted to FSS. Although the resource calculation is subject to a number of variables, assumptions and “unknowns” it provides an indication of resources needed by the Council to deliver its responsibilities as a Food Authority. This includes estimates for travel, keeping in mind the geography of Orkney.

For the year 2025/26 the resource calculation suggests the Council is under-resourced to deliver its food law responsibilities by the equivalent of 2.25 FTE officers. This is broadly in line with the findings of an FSS audit of the Council in 2022 which has previously been reported to Senior Management, and identified on the Service risk register. This takes into account the additional 1 FTE which was established this year for Port Health.

The key resource requirements being:

Activity	Estimated FTE
Premises subject to programmed risk based interventions	0.69

Other statutory food law code of practice tasks	2.29
Non food law code of practice tasks	0.25
Additional activities	0.03
Premises subject to OCV regulation	1
Total FTE required	4.36

This does not include management and administrative support or detailed follow up work from inspections and the complexities associated with enforcement actions or emergency interventions. It does not include resources needed in connection with trading standards work, staff training (other than mandatory CPD) or work required in connection with port health functions.

Resources available

Given the size of the team and the need to ensure flexibility and resilience within the team, the calculation of full-time equivalents is subject to a degree of uncertainty and is therefore less than helpful when making comparisons or undertaking benchmarking; however, it can be used to make an assessment in accordance with the FSS methodology to give an indication if there is an adequate resource available to deliver the council's responsibilities as a Food Authority which is a statutory requirement under the Food Safety Act 1990.

As the team is not just responsible for the delivery of food work, the table below shows the approximate percentage of time available which equates to 396 Authorised Officer days available for food related duties.

Authorised Officers	FTE (food)	Notes
Officer 1	0.5	Also Lead Food Officer, Health and Safety Inspector, a Designated Local Authority Competent Person under the Public Health etc (Scotland) Act 2008 and a Port Health Officer
Officer 2	0.2	Undertaking studies to qualify as an EHO and therefore carrying out other duties.
Officer 3	1	Currently only authorised for group 2 and 3 premises and food export certification
Officer 4	0.1	Manager of Service, not involved in operational service delivery.
Officer 5	0.33	Support officer providing administrative and some IT support including to Civica MIS

Officer 6	0	New post currently under recruitment – will cover port health work and food law work
TOTAL FTE available	2.13	

In addition, it was anticipated that a trainee EHO will be able to undertake some appropriate food law work as part of their practical training, but this post was deleted from the establishment following the resignation of the post holder and cannot therefore be counted towards the FTE of authorised officers.

Therefore, according to the method provided by FSS the resource calculation suggests the Council requires as a minimum an additional 2.25 FTE to adequately deliver its food law functions for the year 2025/26. However, this assumes that there is no difference in levels of authorisation between officers and the resource calculation is naturally subjective. In reality a resource review is needed to be undertaken on a regular basis in light of officers gaining additional qualifications and the wider needs of the service.

As part of the council's commitment to "growing its own talent" the service is supporting a Technical Officer to graduate as an EHO. This officer is currently an experienced food law officer, however, once qualified they will take on additional duties, meaning the time available for them to deliver food law work will be greatly reduced.

In terms of administrative and management support the resource calculation shows there is adequate resource in place to support Food Authority functions, keeping in mind that the manager and administrative officer work across all aspects of environmental health.

Staff Development Plan

Officers are responsible for managing their own Continuous Professional Development requirements and identifying opportunities to meet their needs. These are discussed at regular one2ones with the Service Manager to ensure that:

- All staff involved in food safety/standards interventions are appropriately qualified for the interventions they are authorised to undertake and have sufficient time allowed for training, including as a minimum the 10 hours a year requirements.
- Staff involved in the seizure or assessment of foods by inspection are Environmental Health Officers or Authorised Officers with specialist qualifications in food inspection.
- All staff involved in delivery of interventions at approved premises and higher risk manufacturers have completed the Official Control Verification (OCV) course.
- The Council has a budget available for staff training and development and every member of staff discusses and identifies their training needs at a yearly development review with the service manager.

In recognition of the national shortage of environmental health staff, the Council has made a commitment to a “grow your own programme” to support technical officers in qualifying as environmental health officers. The investment of time needed from senior/qualifies staff to assist with such officer training is *not* included in the resource calculation but is considered worthwhile in order to provide a sustainable workforce to meet the Council’s duties. Whilst there has been some success, unfortunately one officer left the programme during 2024.

Financial Allocation

The environmental health budget does not contain separate budget lines relating to food service activities. The budget for the financial year 2025/26 covering all environmental health activities is shown in appendix 2. However, the Council is under considerable financial pressure in order to achieve a sustainable budget and all managers have been reminded that they must keep within the allocated budget.

Quality Assessment

The Service has a historic “Quality Management System” (QMS) for a variety of regulatory activities; the Service Manager and Lead Food Officer have formed the opinion this is now outdated and in need of review and replacement. This task was included in the Environmental Health service plan, with a view to replacing the QMS system with a smaller number of meaningful procedure documents and maximising the functionality of the Civica APP system. This will take account of the new approaches to Food Law interventions and Official Control Verification. This is a significant piece of work and remains ongoing.

Review

The Service Plan will be reviewed on an annual basis following the end of each financial year and a “review of the year” and deviations from the service plan will be included in the service plan for the next year.

Review of the year 2024/5

Notable activities throughout the year

The year 2024-25 was another busy year and key notable activities in relation to food law work are described below. They are not presented in any priority order.

The Food Safety Officer (who has changed career) completed their studies to gain the REHIS approved qualification.

Staff have been supported to commence training as Environmental Health Officers as part of the Council's commitment to "grow our own talent" and to help create a sustainable workforce, these studies are bearing fruit with excellent marks being achieved in the assessments and exams to date.

All officers undertook relevant continuous professional development (CPD) to either refresh existing knowledge and skills or acquire new relevant skills meaning the requirements for CPD in the Code of Practice were met.

Advice and support has been given to local manufacturers and this has included advice on product recalls, dealing with unsaleable food, business expansion and the export of food into Europe and the far East following the exit of the UK from the EU.

The method of identification for groupings and OCV were changed during the year by FSS such that all OCV premises were given a notional banding of 1B irrespective of type, approval or risk.

The Lead Food Officer is now a sitting member on both the Scottish Food Enforcement Liaison Committee subgroups for cold smoked fish that has been linked to a national outbreak and on the shellfish working group.

The service has assisted and approved the first distillery to become approved for the production of whey-based spirits.

Successful growth was achieved to create a new post covering port health and food law duties, at the time of writing this is currently being advertised.

Key data

Officers have been active throughout the year delivering food safety interventions as well as providing support to local businesses and advice to the public.

Key data from the management information system (MIS) for the year includes:

Activity	Number undertaken	Number due
Official control verifications undertaken	17 (during 01 April 24 – 31 March 2025)	36 (at the start of the year, although some premises ceased approval status during the year)
Official control interventions made as per 23/24 risk based programme	216	129
Official control interventions made to “backlog/legacy premises	40 18	119 (for routine visit) 62 (for initial visit)
Other food related visits/inspections/interventions	51	N/A
Food related service requests dealt with	292	N/A
Cases of infectious disease dealt with	44	N/A
Enforcement notices served (see below)	4	N/A
Samples taken	18	N/A

Enforcement notices served

Notice type	Reason (summary)	Outcome
Remedial Action Notice	Requirement for depuration of oysters as harvest waters are class B.	Complied with – waters now class A
Remedial Action Notice	Requirement for depuration of oysters as harvest waters are class B.	Ongoing
Remedial Action Notice	Cease operation and use of approval identification mark.	Ongoing
Remedial Action Notice	Cease production, processing and dispatch of fishery products.	Complied with

Review against the previous service plan priorities

The table below shows the status of work that was identified in the 2024/25 Food Service plan.

Commitment	Comment
Endeavour to perform a first contact intervention with a new food business within 28 days of a food business registration form being received.	Businesses are triaged as to the scope and extent of their operation ensuring that the correct grouping is applied supplementing the information identified on the registration form and to provide guidance and assistance to aid compliance with food law requirements from the start of business activities.
Implement a programme of timely official control verification visits to all approved food premises.	The program of visits was set however due to staffing shortages and resource intensive investigations the OCV inspection program had to just concentrate on the ultra-high risk businesses
Undertake re-approval of all approved establishments if trade or activities change in a timely manner.	4 businesses had their approval withdrawn of those, 2 have changed hands and are in the process of applying for reapproval. A further 2 had their approval conditions altered 4 further businesses were granted full approval and to date 3 businesses have submitted approval applications for consideration.
Implement a programme of risk-based interventions to businesses on the food	The implementation of the risk based program was undertaken but as stated above, was impacted by staffing shortages.

businesses register that are due for an intervention this year.	The food law officer's completion of the higher certificate has made some impact to the intervention program.
Provide timely support and guidance to new businesses and those which intend to expand or diversify their business activities.	All businesses seeking guidance and direction including those seeking approval have had in a timely interaction including visits where appropriate. In addition a watching brief is kept on new technologies especially in the seafood sector to ensure the businesses affected within Orkney have up to date information and additional support
Ensure all Authorised Officers complete relevant CPD for the year.	All officers have met their CPD requirements to maintain competency and to have up to date training on emerging issues trends and processes
Continue to develop and support staff in their training to become EHO and REHIS approved food safety officers.	Both officers have received assistance and professional guidance on the completion of course work and training where identified
Continue the review of food related policies and procedures with a view to reducing their number and complexity.	This is still ongoing and remains work in progress
Resolve the outstanding issues relating to making reports using the SRA system.	As a SRA the service can now gain access to make reports to the Fiscal service and training/awareness is now needed amongst the wider team.
Support the organisers and venues to help prepare for a safe and successful Island Games in 2025.	The organisers, venues, and proposed caterers involved have received and will continue to receive advice assistance and guidance to support the event
Review and appropriately bring to conclusion the latest batch of "legacy" premises which the Civica MIS is now reporting as having missing dates and data.	Ongoing in roads have been made into the backlog premises both in cleaning the data and those missed interventions placing them back into the inspection program
Undertake a programme of food sampling, with priority given to relevant foods on the national FSS sampling programme.	The FSS sampling program was undertaken to the full extent where applicable to the island's infrastructure and community. Engagement wherever possible to locally produced/sourced foods were targeted rather than those found in National chains.
Implement new enforcement policy and peer review system.	Ongoing implementation and peer review is taking place to ensure consistency of approach and evaluation of risk in line with Code of Practice
Continue and improve relationship with trade associations that promote the Orkney brand.	Liaison and engagement with the Chair and representatives of Orkney food and drink is well established further engagement with

	other partners and businesses are being actively pursued
Resolve the outstanding issues between the Civica MIS and FSS SND system.	The service is working with partners to resolve the problems and routinely feeds new concerns to those partners for reconciliation
Continue to respond to FSS requests for data and information and contribute to SAFER programme as required.	Responses to FSS are attempted to be answered within 24 hours or where this is not practical by the requested deadline
Keep a watching brief on “Owen’s law” and support businesses as appropriate.	On going
Support those businesses that may need to implement depuration following changes to classification of waters.	The businesses affected by the classification change were supported and guided through the approval process one attaining full approval for the activities and the second decided to decline engagement but is looking for approval in 25/26
Support businesses following the withdrawal of the Neogen test kits in workable solutions for their business whilst still protecting the public.	The service was in contact with FSS and with relevant government quangos to seek information and raised the concerns of the local businesses to find a solution to the testing problem. Recently information regarding two approved testing kits was passed to the affected businesses to enable them to undertake their own checks in compliance with EU export requirements and assimilated UK law

Planned work in 2025/26

As well as the actions detailed in the Environmental Health Team Plan 2025/26, the following food specific priority areas of work have been identified to be undertaken in the year.

- Further rollout of the OCV program to approved establishments and identified manufacturers
- Encouragement and support to businesses seeking approval or accreditation national schemes such as BRC or SALSA
- Exploring viability of new methods to deliver the program and remove the backlog of interventions

- Enhanced engagement with local harvesters to ensure traceability and food safety is paramount.
- Provision of a presentation on allergens to SMEs to encourage and enable compliance
- Further support and assistance to Orkney Island Games 2025 and participating businesses to ensure a safe event without incident to, public, athletes or spectators.
- Further identification and publication of self-help guides to local businesses
- Active engagement with more businesses in outer isles to reduce targeting of mainland Orkney centric intervention.
- Consideration to online survey feedback on interventions to highlight positive or negative feedback
- Identification of database of businesses exporting activities be that out with EU, UK or Orkney.
- Viability of email communication systems to businesses to enable faster notification of alerts new legislation/ guidance and matters of local concern

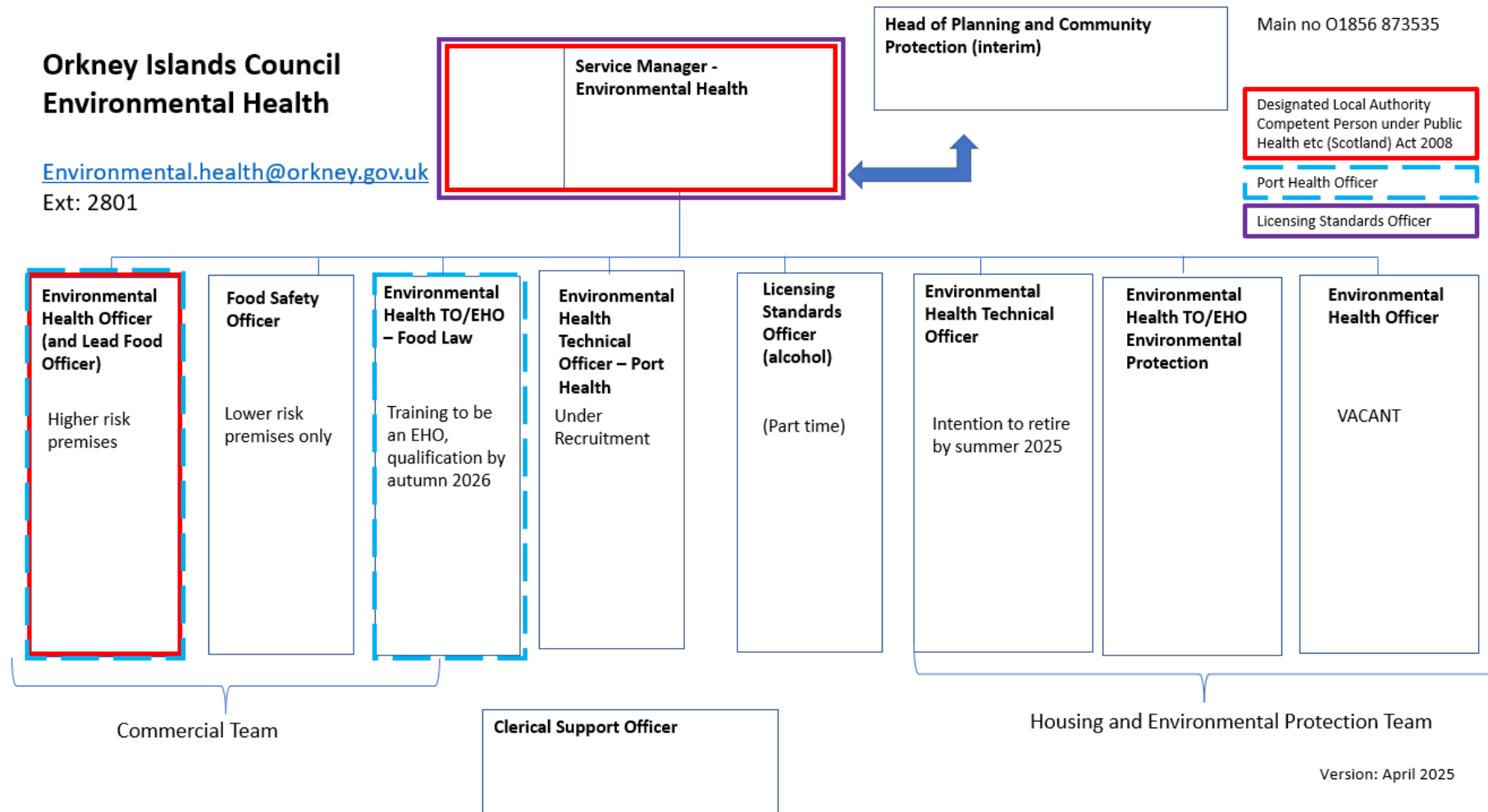
Glossary

BREXIT	Colloquial term for the arrangements and impacts of the decision by the UK government to leave the European Union
BTOM	Border Target Operating Model. The arrangements for inspection of foods/plants arriving at the UK border post BREXIT
Civica APP	Software used by the council to record, manage and report on environmental health cases
CLEAR	The secure system used by FSS and Local authorities to share information and intelligence relating to food crime and fraud
COPF	Crown Office and Procurator Fiscal Service
CPD	Continuous Professional Development
DSLA	Direct Service Level Agreements
EC	European Community
EHO	Environmental Health Officer
FHIS	Food Hygiene Information Scheme
FSCWG	Food Standards Coordinating Working Group
FSS	Food Standards Scotland
FTE	Full time equivalent. A potential way of accounting for and comparing staff resources
Hampton Principles	The Hampton Review set out a vision for a risk-based approach to regulation and included a set of principles for regulatory inspection and enforcement, based around risk and proportionality,
HPS	Health Protection Scotland
HSE	Health and Safety Executive
IT	Information Technology
LFO	Lead Food Officer
MIS	Management Information System – a generic term for the computer software used to record, manage and report on food law activities by the council
Natasha's law	Natasha's Law is a regulation that requires full ingredient and allergen labelling on all food made on premises and pre-packed for direct sale. It is named after Natasha Ednan-Laperouse, who died from a sesame allergy after eating a baguette with sesame seeds that were not listed on the packaging. It is intended to help those living with food allergies or intolerances to make safe choices when buying food items. It is also a campaign to support people with food allergies and prevent similar tragedies
NHSO	National Health Service Orkney

OCV	Official Control Verification
OLECG	Orkney Local Emergency Coordination group. A multi-agency group which is set up to help plan for and respond to emergencies affecting Orkney.
Owen's law	'Owen's law' are proposals launched by the family of a teenager who died after an allergic reaction. Owen Carey suffered an anaphylactic shock after eating chicken containing buttermilk, despite telling restaurant staff he was allergic to dairy.
PAG	Problem Assessment Group – a meeting usually convened by Public Health to examine a particular issue and often as a precursor to an Incident Management Team being convened
QMS	Quality Management System
REHIS	Royal Environmental Health Institute of Scotland
SAFER	Scottish Authorities Food Enforcement Rebuild. A joint project between Scottish Government, FSS and all Local Authorities in Scotland to review the approaches to food law enforcement within Scotland
SALSA	Safe and Local Supplier Approval – a recognised industry standard
SFLELC	Scottish Food Enforcement Liaison Committee
SGRPID	Scottish Government Rural Payments and Inspections Directorate
SHPN GIZ	Scottish Health Protection Network Gastro, intestinal and zoonotic diseases group
SME	Small to Medium Sized Enterprise (ie a smaller business)
SND	Scottish National Database
TOM	Target Operating Model
UKHSA	United Kingdom Health Security Agency

Appendix 1

Structure chart for Orkney Islands Council Environmental Health



Version: April 2025

Appendix 2. EH Budget

Provisional Budget Profile Statement 2025/2026

R29010000

ENVIRONMENTAL HEALTH

Budget Holder: Long, Nick

<u>Date</u>	<u>Profile No.</u>	<u>Profile Description</u>	<u>Amount</u>
01/04/2025	13	APT&C Monthly	597,600.00
Staff Costs			597,600.00
01/04/2025	14	Equal Monthly Late	28,800.00
01/04/2025	21	Bi-annual Months 6/12	5,500.00
01/04/2025	23	Annual Period 1	5,500.00
Supplies & Services			39,800.00
01/04/2025	14	Equal Monthly Late	16,200.00
Transport, Vessel & Plant			16,200.00
01/04/2025	14	Equal Monthly Late	9,900.00
Administration			9,900.00
01/04/2025	34	Annual Period 12	155,400.00
Apportioned Costs			155,400.00
01/04/2025	14	Equal Monthly Late	1,100.00
Third Party Payments			1,100.00
01/04/2025	14	Equal Monthly Late	1,200.00
Miscellaneous Costs			1,200.00
Expenditure			821,200.00
01/04/2025	14	Equal Monthly Late	(22,200.00)
01/04/2025	23	Annual Period 1	(17,300.00)
Fees & Charges			(39,500.00)
Income			(39,500.00)
Cost Centre Net Total			781,700.00