

Food Standards Agency in Scotland

**Report on the Audit of Local Authority
Assessment of Regulation (EC) No 852/2004
on the Hygiene of Foodstuffs in Food Business
Establishments**

**Perth and Kinross Council
10-12 August 2010**

Foreword

Audits of Local Authorities food law enforcement services are part of the Food Standards Agency's arrangements to improve consumer protection and confidence in relation to food and feed. These arrangements recognise that the enforcement of UK food law relating to food safety, hygiene, composition, labelling, imported food and feeding stuffs is largely the responsibility of Local Authorities. These Local Authority regulatory functions are principally delivered through Environmental Health and Trading Standards Services. The Agency's website contains enforcement activity data for all UK local authorities and can be found at:

www.food.gov.uk/enforcement/auditandmonitoring.

The attached audit report examines the Local Authority's Food Law Enforcement Service. The assessment includes the local arrangements in place for Officer training, competency and authorisation, particularly on Hazard Analysis and Critical Control Point (HACCP) principles, inspections of food businesses and internal monitoring. The audit scope was developed specifically to address Recommendations 9 and 15 of the Public Inquiry Report¹ into the 2005 *E. coli* outbreak at Bridgend, Wales. The audit focused on the Local Authority's training provision to ensure that all Officers who check HACCP and HACCP based plans, including those responsible for overseeing the work of those Officers, have the necessary knowledge and skills. Also, that existing inspection arrangements and processes to assess and enforce HACCP related food safety requirements in food businesses are adequate, risk based, and able to effect any changes necessary to secure improvements.

Agency audits assess Local Authorities' conformance against the Food Law Enforcement Standard ("The Standard"), the 5th revision of which was published in April 2010 by the Agency as part of the Framework Agreement on Official Feed and Food Controls by Local Authorities and is available on the Agency's website at:

<http://www.food.gov.uk/multimedia/pdfs/enforcement/frameworkagreementno5.pdf>

It should be acknowledged that there will be considerable diversity in the way and manner in which Local Authorities may provide their food enforcement services reflecting local needs and priorities.

The main aim of the audit scheme is to maintain and improve consumer protection and confidence by ensuring that Local Authorities are providing an effective food law enforcement service. The scheme also provides the opportunity to identify and disseminate good practice and provide information to inform Agency policy on food safety, standards and feeding stuffs. Parallel Local Authority audit schemes are implemented by the Agency's offices in all of the countries comprising the UK.

For assistance, a glossary of technical terms used within this audit report can be found at Annexe C.

¹ <http://wales.gov.uk/ecolidocs/3008707/reporten.pdf?skip=1&lang=en>

CONTENTS

1.0	Introduction	3
	Reason for the Audit	3
	Scope of the Audit	3
	Background	4
2.0	Executive Summary	5
3.0	Audit Findings	6
3.1	Organisation and Management	6
	<i>Strategic Framework, Policy and Service Planning</i>	6
	<i>Documented Policies and Procedures</i>	6
	<i>Officer Authorisations</i>	7
	<i>Training in HACCP</i>	7
3.2	Food Premises Inspections	8
	<i>Inspection Reports and Records</i>	8
	<i>Verification Visits to Food Premises</i>	9
3.3	Enforcement	11
3.4	Internal Monitoring	12
	Annexe A - Action Plan for Perth and Kinross Council	13
	Annexe B - Audit Approach/Methodology	14
	Annexe C – Glossary	16

1.0 Introduction

- 1.1 This report records the results of an audit at Perth and Kinross Council with regard to food hygiene enforcement, under relevant headings of The Standard in The Framework Agreement on Official Feed and Food Controls by Local Authorities. The audit focused on the Authority's arrangements for the management of food premises inspections, enforcement activities and internal monitoring. The report has been made available on the Agency's website at: www.food.gov.uk/enforcement/auditandmonitoring/auditreports.

Reason for the Audit

- 1.2 The power to set standards, monitor and audit Local Authority food law enforcement services was conferred on the Food Standards Agency by Section 12 the Food Standards Act 1999 and Regulation 7 of The Official Feed and Food Controls (Scotland) Regulations 2009. This audit of Perth and Kinross Council was undertaken under section 12(4) of the Act, and Regulation 7(4) of the Regulations as part of the Food Standards Agency in Scotland audit programme.
- 1.3 The last audit of Perth and Kinross Council's Food Service took place in 2006.

Scope of the Audit

- 1.4 The audit covered the Local Authority services for the delivery of official controls in relation to Regulation (EC) No 852/2004 on the hygiene of foodstuffs. In particular:
- The provision and adequacy of Officer training on HACCP principles and the validation and verification of food safety management systems based on HACCP principles;
 - The means by which the Local Authority ensures that Officers are competent to effectively assess food safety management systems based on HACCP principles;
 - The implementation and effectiveness of intervention activities including food safety management systems based on HACCP principles at food business premises;
 - The maintenance and management of appropriate records in relation to enforcement activity at food businesses, including the detailed assessment of food safety management systems based on HACCP principles;
 - Internal monitoring arrangements.

- 1.5 The audit examined Perth and Kinross Council's arrangements for food premises interventions and internal monitoring with regard to food hygiene law enforcement, with particular emphasis on Officer competence in assessing food safety management systems based on HACCP principles. This included verification visits to food businesses to assess the effectiveness of official controls implemented by the Local Authority at the food business premises and, more specifically, the checks carried out by the Authority's Officers to verify food business operator (FBO) compliance with legislative requirements. The scope of the audit also included an assessment of the Authority's overall organisation and management, and the internal monitoring of other related food hygiene law enforcement activities.
- 1.6 The audit examined key food hygiene law enforcement systems and arrangements to determine that they were effective in supporting business compliance, and that local enforcement was managed and delivered effectively. The on-site element of the audit took place at the Authority's offices at Kinnoull Street, Perth on 10-12 August 2010.

Background

- 1.7 The profile of Perth and Kinross Council's food business at March 2010 was as follows:

Type of food premises	Number
Primary Producer	103
Slaughterhouse	2
Manufacturer	46
Packer	9
Importers	1
Distributors	34
Retailer	426
Restaurant/Caterer	1229
Manufacturer Mainly Retail	37
Total number of food premises	1887

- 1.8 The Food / Health & Safety Team are responsible for delivery of Food Hygiene and Food Standards Enforcement within Perth and Kinross. The staffing allocation available to undertake that food law enforcement at the time of audit was 9.6 Full time Equivalent Officers.

2.0 Executive Summary

- 2.1 The Authority had developed and implemented a detailed Food Service Plan for 2009-2010 which satisfies the Service Planning Guidance in the Framework Agreement. The plan is due to be submitted to the Executive Council for approval.
- 2.2 Appropriate authorisation was provided across the food service, with Officers being subject to regular reviews of performance.
- 2.3 Individual Officer training needs were identified as part of their annual performance review and personal development planning. Training records contained evidence that each Officer had completed a minimum 10 hours relevant training in the last year.
- 2.4 The Service had developed and implemented a wide range of documented policies and procedures covering its food law enforcement responsibilities. These documents were available to all Officers in electronic format on a central directory and those evaluated during the audit contained up to date references to legislation and official guidance.
- 2.5 File checks of six general food hygiene premises confirmed that in all cases the Authority were completing detailed inspections, including the assessment of HACCP based food safety management systems. Food business operators were provided with clearly worded reports or letters confirming the findings from inspections. The information retained within the premises files provided sufficient evidence to support the basis for Officers' enforcement decisions.
- 2.6 The procedures and documentation provided for inspections were being appropriately and consistently completed. From the files checked it was evident that Officers were clear on the Authority's procedure for conducting inspections and adhered to the Authority's Enforcement Policy.
- 2.7 It was evident from audit checks that Officers were taking a graduated approach to enforcement and actively worked with businesses to achieve compliance. The information reviewed relating to Hygiene Improvement Notices and a report to the Procurator Fiscal identified that in each case the enforcement decisions reached were appropriate to the contraventions identified.
- 2.8 Discussion and review of internal monitoring procedures and practices indicated that the Authority was routinely monitoring all aspects of food law enforcement work. Extensive internal monitoring was taking place. Records of internal monitoring activities were retained on file.

3.0 Audit Findings

3.1 Organisation and Management

Strategic Framework, Policy and Service Planning

- 3.1.1 The Authority had developed and implemented a detailed Food and Feedingstuffs Service Delivery Plan for 2010, which satisfies the Service Planning Guidance in the Framework Agreement. This plan is due to be approved.
- 3.1.2 The Authority also have a Food, Health & Safety Team Plan for 2010/2011 which includes a review of the 09/10 plan and details the Authority's intervention programme, which prioritises interventions at higher risk premises over lower risk premises.
- 3.1.3 Performance against the Food, Health & Safety Team Plan is monitored on a quarterly basis and reported to the senior management team. Any variance is flagged up and action is taken to address the variance.
- 3.1.4 The Food and Feedingstuffs Service Delivery Plan for 2010 confirmed the Environment Service's role in relation to Food and Feedingstuffs enforcement and details its contribution to the Council's Strategic Objectives of:
- A safe, secure and welcoming environment
 - Healthy Caring Communities and
 - A prosperous, sustainable and Inclusive Economy

Documented Policies and Procedures

- 3.1.5 The Authority had developed a portfolio of documented policies and comprehensive procedures relating to their food law enforcement responsibilities. Many of the procedures had recently been reviewed and updated. For food hygiene inspections, a documented procedure and a suite of subject specific aides memoire were in place for Officers to use.
- 3.1.6 There was a document control system in place and all policies and procedures are managed by the Principal Officer (Food Hygiene). All Officers have access to the current versions from the shared drive.

Good Practice

Well designed documentation, particularly the Butchers Food Safety Inspection Record, was being appropriately completed.

Officer Authorisations

- 3.1.7 The Authority had developed a documented procedure for the authorisation of Officers based on their competence. The Principal Officer is responsible for reviewing performance and ensuring that each Officer has the appropriate level of authorisation based on their competence.
- 3.1.8 The Authority had implemented an Employee Review and Development Policy and individual Officer training needs were identified as part of the annual review. The Authority has a documented training programme in place for all Officers.
- 3.1.9 From the records checked, all Officers had received a minimum of 10 hours relevant training in the last year based on the principles of continuing professional development.
- 3.1.10 Audit checks confirmed that all Officers' qualifications were available and that copies of relevant qualification and training certificates had been retained by the Authority.

Training in HACCP

- 3.1.11 Most Officers have completed HACCP training, with nearly all having attended the FSA five-day Assessment of HACCP Systems Course. The Principal Officer who has lead responsibility for food hygiene enforcement and a specialist Officer dealing with Butchers premises have not completed any recent HACCP training.

Recommendation

- 3.1.12 The Authority should:

Ensure that specialist enforcement Officers and also Principal Officers receive the training needed to be competent to deliver the technical and administrative aspects of the work in which they will be involved.

[The Standard – 5.4]

3.2 Food Premises Inspections

- 3.2.1 File and database checks confirmed that the Authority was implementing a risk based food premises intervention programme and had taken the decision to continue to carry out inspections as their preferred choice of intervention.
- 3.2.2 The Food Service Plan details the Authority's intervention programme which prioritises interventions at higher risk premises over lower risk premises.
- 3.2.3 From the files checked, some high risk premises had not been inspected at the frequency specified in the Food Law Code of Practice. The Authority explained that this was due to lack of resource and to long term sick leave. The Authority has planned to prioritise this backlog of during 2010/11 before other less critical activities.
- 3.2.4 Comprehensive records were being maintained in accordance with the Enforcement Procedures section of the Authority's Food Hygiene Enforcement Policy.

Recommendation

3.2.5 The Authority should:

Carry out food hygiene interventions at a frequency which is not less than that determined by the food establishment intervention rating scheme in the Food Law Code of Practice (Scotland).

[The Standard – 7.1]

Inspection Reports and Records

- 3.2.6 File checks of six general food hygiene premises confirmed that in all cases the Officers were following the provided guidance notes and completing detailed inspections including the assessment of HACCP based food safety management systems which were recorded on the appropriate aide memoire. The information retained within the premises files and database provided sufficient evidence to support the basis for Officers enforcement decisions.
- 3.2.7 In the files checked, risk rating of the premises was complete, accurate and in accordance with the Food Law Code of Practice requirements.
- 3.2.8 Food business operators were provided with clearly worded reports confirming the main findings from inspections with appropriate timescales for the required works to be completed. They also consistently differentiated between legal requirements and recommendations of good practice. Revisits were made to

premises where necessary to ensure that required works had been completed. Reports of inspection contained all of the details required by the Food Law Code of Practice.

- 3.2.9 Every inspection generated a completed copy of the Food Safety Enforcement Action Template, which accompanied either the letter or summary inspection report provided to the food business operator. The template clearly indicated the resulting enforcement actions of the authority to the business.

Good Practice

The Food Hygiene Inspection Policy for Article 5 Requirements provides guidance to Officers on pre-requisites, together with suggested requirements and detailed guidance for a variety of retailing and catering situations.

Verification Visits to Food Premises

- 3.2.10 During the audit, verification visits were undertaken to two higher risk premises. In this Authority these were to a retail butcher and a caterer serving vulnerable groups. One of visits was carried out with the Officer from the Authority who had conducted the recent programmed food hygiene inspection of the premises. At the other visit the original Officer was unavailable and therefore another specialist Officer accompanied the auditors. The main objective of the visits was to assess the effectiveness of the Authority's assessment of food business compliance with the food law requirements of Regulation (EC) No 852/2004.
- 3.2.11 Interviews were held with the individual Officers before the verification visits took place, to confirm the contents of the file records and to explain the format and objectives of the visit. It also gave the Officers the opportunity to explain the inspection process, i.e. the preparatory work carried out prior to an inspection, and the general process while on site which included a preliminary interview with the Food Business Operator (FBO), the general hygiene checks to verify compliance with the structure and hygiene practice requirements and checks carried out to verify compliance with HACCP based procedures.
- 3.2.12 Both visits confirmed that inspections carried out by Officers were detailed, thorough and had adequately assessed business compliance with structure and hygiene practice. Officers had assessed HACCP compliance and commented where appropriate. The inspection forms for both premises noted the implementation of a Food Safety Management System (FSMS) and the letters sent to the businesses following the inspection detailed the requirement to improve the FSMS.
- 3.2.13 At the recent programmed inspection of the Butchers premises, the Officer carried out an extensive review of the FSMS and a number of deficiencies

were identified with the documentation and its implementation. The Officer also identified a substantial number of contraventions of Annex II on the general hygiene requirements for all food business operators. These findings were reported under structural deficiencies, cleanliness and temperature controls. The Officer was concerned with the potential for physical cross contamination, vacuum packing practices, cleaning schedules and practices and training policies.

The contraventions identified and the requirement to review the FSMS were clearly identified within the letter sent to the business.

- 3.2.14 At the catering premises, the Officer's inspection report made extensive comments on the structural and cleanliness contraventions and it was reported that there was a partial FSMS in place. The FBO was asked to review the FSMS and to put in place a documented system appropriate to the size and nature of the business, which was to include prerequisites, monitoring and the establishment of any corrective actions required.

3.3 Enforcement

- 3.3.1 The Authority has an enforcement policy in place which was originally approved by Committee in 1997 and amended in November 2005. The current version is dated March 2009.
- 3.3.2 It was evident from audit checks that The Authority were using their documented procedures for all formal food law enforcement actions. Officers were taking a graduated approach to enforcement and actively worked with businesses to achieve compliance in line with the Service's enforcement policy. The Authority had instigated formal enforcement action where required by the enforcement policy.
- 3.3.3 The information reviewed relating to Hygiene Improvement Notices and the Report to the Procurator Fiscal identified that in each case the enforcement decisions reached were appropriate to the contraventions identified.

Good Practice

The Food Safety Enforcement Action Template is an example of clear and concise communication with Food Business Operators, which leaves no doubt about the outcome of the inspection and the subsequent actions of the Local Authority.

3.4 Internal Monitoring

- 3.4.1 The Service has a documented internal monitoring procedure in place to monitor the consistency and quality of food hygiene inspections. This includes formal action proposals, file document checks, accompanied visits, discussions with Officers and documented self checks by officers.
- 3.4.2 Following each inspection, Officers complete a Self Audit Checklist which helps ensure that all elements associated with an inspection and the required administrative procedures have been completed. A percentage of these are checked by the principal Officer.
- 3.4.3 The Self Audit Checklist also serves as a record for the Food Hygiene Information Scheme if, following a revisit, the premises changes from an Improvement Required to a Pass certificate.

Good Practice

The Food Hygiene / Food Standards team Self Audit Checklist which is completed following every inspection helps ensure that all required elements are considered.

Auditors: Marion McArthur
Graham Forbes

Food Standards Agency
Audit Branch, Scotland

ANNEXE A

Updated Action Plan for Perth and Kinross Council

Date of Audit : 10-12 August 2010

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	PROGRESS	ACTION TAKEN
<p>The Authority should ensure that specialist Enforcement Officers and also Principal Officers receive the training needed to be competent to deliver the technical and administrative aspects of the work in which they will be involved.</p> <p>[The Standard – 5.4]</p>	31/03/11	Training needs established via Employee Review and Development Scheme – appropriate training will be provided.	Completed	
<p>The Authority should carry out food hygiene interventions at a frequency which is not less than that determined by the food establishment intervention rating scheme in the Food Law Code of Practice (Scotland).</p> <p>[The Standard – 7.1]</p>	31/03/11	All high risk inspections to be completed by end of 2010/11 programme	Completed	Full complement of high risk inspection resources now available due to return to work of staff on maternity leave

Actions accepted by auditors. Audit file closed 20 July 2012.

ANNEXE B

Audit Approach/Methodology

The audit was conducted using a variety of approaches and methodologies as follows:

(1) Examination of Local Authority policies and procedures.

The following Local Authority policies, procedures and linked documents were examined before and during the audit:

- Food Premises Inspections and Inspection Reports
- HACCP Training Record
- Food Hygiene Intervention Policy (October 2009)
- Food Hygiene Intervention Policy for Approved Premises (June 2010)
- Food Hygiene Inspection Policy for Article 5 (October 2009)
- Food Hygiene Enforcement Policy (March 2009)
- Food / Health and Safety Division Authorisation Procedures (April 2010)
- Report to Community Safety Committee - 7 March 2007
- Contraventions Recording Sheet (October 2009)
- Food Hygiene Team Self Audit Checklist (October 2008)
- Design Proofing Form (June 2009)
- Food Hygiene Report Form (Food Safety Management System Compliance) (June 2010)
- Food Hygiene Report Form (June 2010)
- Aide Memoire for Retailer Preparing and Selling High Risk (October 2009)
- Aide Memoire for Retailer Cooking/Reheating High Risk (October 2009)
- Aide Memoire for Retailer Selling Open High Risk (October 2009)
- Aide Memoire for Retailer Selling Pre Packed and Open Low Risk
- Aide Memoire for Caterer Selling Open High Risk Food (October 2009)
- Aide Memoire for Butchers Food Safety Inspection Record (September 2009)
- Contravention Recording Sheet (October 2009)
- Food Hygiene Report Form (June 2010)
- Food Safety / Standards Inspection Record (CATERERS) (June 2010)
- List of Inspections Completed 29 March – 29 June 2010
- Food / Health and Safety Division Team Plan 2010/11 (March 2010)
- Internal Monitoring Procedures - Food Safety Division (June 2010)
- Authorisation Procedures (April 2010)

(2) File reviews

The following Local Authority file records were reviewed during the audit:

- Training files & Qualifications
- Food Premises Inspections and Inspection Reports
- Hygiene Improvement Notices (March 2009-June 2010)

- Files relating to the Report to the Procurator Fiscal
- (3) *Officer interviews*

The following Officers were interviewed:

- Audit Liaison Officer
- Authorised Officer who carried out the most recent inspection at the catering premises selected for a verification visit.
- Authorised Officer who specialises in the category of premises selected for a verification visit.

Opinions and views raised during officer interviews remain confidential and are not referred to directly within the report.

(4) *On-site verification check:*

Verification visits were made with the Authority's Officers to two local food businesses. The purpose of the visits was to verify the outcome of the last inspection carried out by the Local Authority and to assess the extent to which enforcement activities and decisions met the requirements of relevant legislation, the Food Law Code of Practice (Scotland) and other official guidance, having particular specific regard to Local Authority checks on FBO compliance with HACCP based food safety management systems.

ANNEXE C

Glossary

Audit	means a systematic and independent examination to determine whether activities and related results comply with planned arrangements and whether these arrangements are implemented effectively and are suitable to achieve objectives.
Authorised Officer	A suitably qualified Officer who is authorised by the Local Authority to act on its behalf in, for example, the enforcement of legislation.
E. coli	<i>Escherichia coli</i> microorganism, the presence of which is used as an indicator of faecal contamination of food or water. <i>E. coli</i> 0157:H7 is a serious food borne pathogen.
Food Law Code of Practice (Scotland)	Government Codes of Practice issued under Section 40 of the Food Safety Act 1990, Regulation 24 of the Food Hygiene (Scotland) Regulations 2006 and Regulation 6 of the Official Feed and Food Controls (Scotland) Regulations 2009, as guidance to Local Authorities on the enforcement of food legislation.
Food Hygiene	The legal requirements covering the safety and wholesomeness of food.
Food Standards Agency	<p>The Food Standards Agency is an independent Government department set up by an Act of Parliament in 2000 to protect the public's health and consumer interests in relation to food.</p> <p>Everything we do reflects our vision of Safe food and healthy eating for all.</p>
Framework Agreement	<p>The Framework Agreement consists of:</p> <ul style="list-style-type: none"> • Chapter One Service Planning Guidance • Chapter Two The Standard • Chapter Three Monitoring of Local Authorities • Chapter Four Audit Scheme for Local Authorities <p>The Standard sets out the Agency's expectations on the planning and delivery of food law enforcement.</p> <p>The Monitoring Scheme requires Local Authorities to submit an annual return to the Agency on their food enforcement activities i.e. numbers of inspections, samples and prosecutions.</p>

Under the **Audit Scheme** the Food Standards Agency will be conducting audits of the food law enforcement services of Local Authorities against the criteria set out in The Standard.

Full Time Equivalents (FTE)	A figure which represents that part of an individual Officer's time available to a particular role or set of duties. It reflects the fact that individuals may work part-time, or may have other responsibilities within the organisation not related to food enforcement.
HACCP / FSMS	Hazard Analysis and Critical Control Point – a food safety management system (FSMS) used within food businesses to identify points in the production process where it is critical for food safety that the control measure is carried out correctly, thereby eliminating or reducing the hazard to a safe level.
LAEMS	Local Authority Enforcement Monitoring System is an electronic system used by local authorities to report their food law enforcement activities to the Food Standards Agency.
Member forum	A local authority forum at which Council Members discuss and make decisions on food law enforcement services.
Risk rating	A system that rates food premises according to risk and determines how frequently those premises should be inspected. For example, high risk premises should be inspected at least every 6 months.
Service Plan	A document produced by a Local Authority setting out their plans on providing and delivering a food service to the local community.