

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**

Stirling Council

18 - 20 July 2011

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
	Strategic Framework, Policy and Service Planning	6
	Documented Policies and Procedures	6
	Officer Authorisations	7
	Training in HACCP	7
3.2	Food Premises Interventions	8
	Intervention Reports and Records	8
	Verification Visits to Food Premises	8
3.3	Enforcement	10
3.4	Internal Monitoring	11
	Annexe A - Action Plan for Stirling Council	12
	Annexe B - Audit Approach/Methodology	13
	Annexe C - Glossary	15

1.0 Introduction

- 1.1 This report records the results of an audit at Stirling 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 of the Food Standards Act 1999 and Regulation 7 of The Official Feed and Food Controls (Scotland) Regulations 2009. This audit of Stirling 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 Stirling Council's Food Service took place in August 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 Stirling 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 Viewforth, Pitt Terrace, Stirling FK8 2ET.

Background

- 1.7 The most recent profile of premises by risk rating was detailed in the Food & Feeding Stuffs Service Plan of 24 September 2007.

Risk Rating of premises	Number
A	7
B	160
C	716
D	341
E	204
F (not used since October 2000)	64
Total	1492

- 1.8 The return submitted by the Local Authority to the Food Standards Agency through the Local Authority Enforcement Monitoring System (LAEMS) return for 2009-2010 reported as follows:

Risk Rating of premises	Number
A	4
B	132
C	608
D	335
E	253
Not risk rated	114
Total	1446

2.0 Executive Summary

- 2.1 The Authority has a Food & Feedingstuffs Service Plan in place which has not been reviewed and updated since 2007. The Authority however advised that the plan is currently being reviewed with the intention that it will be approved in February 2012.
- 2.2 Appropriate authorisation was provided across the food service, with Officers being subject to regular reviews of performance.
- 2.3 Training records contained evidence that Officers had completed a minimum 10 hours relevant training in the last year and that Officers conducting inspections had received training in HACCP principles.
- 2.4 The procedures and documentation provided for interventions were consistently completed and subject to internal monitoring. From the files examined it was evident that Officers were clear on the Authority's procedure for conducting interventions and adhered to the Authority's Enforcement Policy.
- 2.5 File checks of 6 general food hygiene premises confirmed that in all cases the Authority was completing detailed inspections including the assessment and recording of HACCP based food safety management systems. Food business operators were provided with clearly worded letters confirming the main findings from the inspection.
- 2.6 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 identified that the enforcement decisions reached were appropriate to the contraventions identified.
- 2.7 The Authority has a Food Safety and Feedingstuffs Enforcement Policy in place which provides detail on formal enforcement actions and refers Officers to other documentation including the Food Law Code of Practice and Practice Guidance for further reference.
- 2.8 The Authority has a documented internal monitoring procedure in place which had lapsed due to various external factors. This has however recommenced.

3.0 Audit Findings

3.1 Organisation and Management

Strategic Framework, Policy and Service Planning

- 3.1.1 The Authority has a Food & Feedingstuffs Service Plan in place which has not been reviewed and updated since 2007. Although not current, the plan follows the Service Planning Guidance in the Framework Agreement.
- 3.1.2 The Authority however advised that the plan is currently being reviewed with the intention that it will be approved at the next Committee meeting in February 2012.

Recommendation

3.1.3 The Authority should:

Ensure that a performance review is carried out at least once a year based on the Service Delivery Plan, documented and submitted for approval. Any variance in meeting the Service Delivery Plan shall be addressed by the Authority in its subsequent plan.

[The Standard – 3.2, 3.3]

Documented Policies and Procedures

- 3.1.4 The Authority has developed documented policies and procedures relating to their food law enforcement responsibilities. Food Hygiene inspection aides memoire and standard inspection report forms are in place for Officers to use.
- 3.1.5 There is an electronic document control system in place. The wording of policies and procedures is discussed and agreed with the team under the direction of the Team Leader who has control of the final document. Policies and procedures are reviewed and updated where necessary.

Officer Authorisations

- 3.1.6 The Authority has an authorisation procedure in place which was updated during the audit to reflect the current structure and scheme of delegation.
- 3.1.7 Individual Officer training needs are discussed formally via a yearly performance review, then reviewed throughout the year through the internal monitoring procedure and team meetings. Advantage is taken of suitable training courses as they become available. The performance review system is a council wide system which has recently been revised and is currently being implemented within the Team.
- 3.1.8 From the records checked, Officers had received a minimum of 10 hours updated food related CPD training in the last year.
- 3.1.9 Copies of Officer authorisations, qualifications and training certificates are retained on file.

Training in HACCP

- 3.1.10 Officers have received training in HACCP principles with most having attended recent Food Standards Agency training in the assessment of HACCP systems.

3.2 Food Premises Interventions

- 3.2.1 The Authority was implementing an effective 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 Inspections have been carried out at the minimum frequency required by the Food Law Code of Practice.
- 3.2.3 Revisits were being carried out where appropriate and were generally being done to the target set by the Authority. It was evident from audit checks that Officers were taking a graduated approach to enforcement and actively worked with businesses to achieve compliance.

Good Practice

The aide memoire used for food hygiene inspections records the Food Business Operator practices and is updated at subsequent inspections.

Intervention Reports and Records

- 3.2.4 File checks of 6 general food hygiene premises confirmed that in all cases the Authority was completing detailed inspections including the assessment and recording of HACCP based food safety management systems.
- 3.2.5 Food business operators were provided with clearly worded letters confirming the main findings from the inspection. The details required by Annex 6 of the Food Law Code of Practice were contained within the letter. An indication of timescales for achieving compliance with identified contraventions was not routinely included on letters to FBOs. However, letters frequently contained a reference to the Local Authority timescale for a revisit to check on progress. These revisits were consistently being made on time to premises where necessary to ensure that required works had been completed.
- 3.2.6 In the files checked, risk rating of the premises was complete and recorded on the database; however where the risk rating had been revised from the previous intervention, the reason was not always recorded on file.

Verification Visits to Food Premises

- 3.2.7 During the audit, verification visits were undertaken to two higher risk premises. In this Authority these were to a butcher and a caterer. The Authorised Officers who had carried out the recent programmed inspection

accompanied the auditors on the verification visits. The main objective of each visit was to assess the effectiveness of the Authority's assessment of the food business operators' compliance with the food law requirements of Regulation (EC) No 852/2004.

- 3.2.8 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.
- 3.2.9 Both visits confirmed that inspections carried out by Officers were detailed, thorough and had adequately assessed business compliance with HACCP and structural requirements as well as hygiene practice. Officers had commented appropriately in reports sent to the Food Business Operator. In both cases the FSMS had been reviewed and in both businesses the Local Authority had required that the documented food safety management system be fully completed and implemented.
- 3.2.10 At the catering premises, the Officer's inspection report highlighted that the documented food safety management system was not available but that some progress had been made towards implementing a HACCP based system. The FBO was asked to put in place a flow diagram of the catering operation, draw up and implement House Rules, implement monitoring at critical control points, complete records and review the FSMS.
- 3.2.11 The Officer's comprehensive notes on the food safety checklist recorded evidence of assessment of Regulation (EC) No 852/2004 and the Food Law Code of Practice, highlighting cooling practices being poor and dirty hand washing facility with towels missing.
- 3.2.12 At the recent programmed inspection of the Butchers premises, the Officer carried out a review of the HACCP based system and highlighted a number of areas where it was incomplete or not fully implemented. The Officer also identified an area where very recent Agency guidance on cross contamination was not being followed. The requirements of Regulation (EC) No 852/2004 Annex II on the general hygiene requirements for all food business operators were not being followed and were reported under the headings of cleaning, structural maintenance and training.
- 3.2.13 The verification visit established that the butcher may have failed to inform the Officer at the programmed inspection of the full extent and range of operations carried out in the very small production area of the shop. As a result of this new information the Officer clearly informed the FBO that prompt and serious discussions were required.

3.3 Enforcement

- 3.3.1 The Authority has a Food Safety and Feedingstuffs Enforcement Policy in place which was approved by the Executive in September 2007. The policy provides detail on formal enforcement actions covering Improvement Notices, Detention and Seizure of Food, Hygiene Emergency Prohibition Notices, Remedial Action Notices and Detention Notices for Approved Premises and Reports to the Procurator Fiscal. Officers also consider other appropriate guidance when considering formal enforcement action.
- 3.3.2 Hygiene Improvement Notices were being used appropriately; however of those checked some had minor drafting errors on either the template or regulations contravened.
- 3.3.3 These drafting errors were corrected during the audit and a replacement template notice was saved on the shared drive for Officers to use with immediate effect.
- 3.3.4 Evidence of service was being recorded and details of the local court were provided with the Notice.
- 3.3.5 In some cases where businesses had requested a time extension this was after the Notice had expired and the file had not always contained evidence of the reasons for the extension being accepted. Notices had been withdrawn and re-served in accordance with the Food Law Code of Practice.

Recommendation

3.3.6 The Authority should:

Ensure that the Food Businesses Operator is advised when the Hygiene Improvement Notice is served that any request for an extension of time should be made in writing before the Notice expires and also that the Officer should note the reasons for their decision to grant an extension on the establishment file.

[The Standard – 15.3]

3.4 Internal Monitoring

- 3.4.1 The Authority has a documented internal monitoring procedure in place to monitor the consistency and quality of food hygiene inspections. The Team Leader is responsible for internal monitoring.
- 3.4.2 The procedure includes: inspection outcome checks, bi-monthly checks on food hygiene inspection programme lists, monthly quality monitoring checklists and accompanied visits.
- 3.4.3 From the records checked, there was a gap in the internal monitoring between November and April. The Authority advised that this was due to various factors including an office move, bad weather and lack of resources. Internal monitoring had recommenced following this.

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ANNEXE A

Action Plan for Stirling Council

Audit date: 18 - 20 July 2011

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	PROGRESS	ACTION TAKEN
<p>The Authority should ensure that a performance review is carried out at least once a year based on the Service Delivery Plan, documented and submitted for approval. Any variance in meeting the Service Delivery Plan shall be addressed by the Authority in its subsequent plan.</p> <p>[The Standard – 3.2 & 3.3]</p>	Feb 2012	<p>A performance review of the food law enforcement service will be undertaken and reported to the Council. The current Food & Feedingstuffs Service Plan will also be revised at this time.</p>	Completed	<p>Service Plan has been reviewed and approved. Performance review of the Service has also been undertaken and is included in Appendix III of the Plan.</p> <p>Update : May 2013 Copies of Approved Service Plan and Performance Review provided.</p> <p>Accepted by auditors.</p>
<p>The Authority should ensure that the Food Businesses Operator is advised when the Notice is served that any request for an extension of time should be made in writing before the Notice expires, and also that the Officer should note the reasons for their decision to grant an extension on the establishment file.</p> <p>[The Standard – 15.3]</p>	Oct 2011	<p>Standard letters are to be used for inclusion with all Hygiene Improvement Notices.</p>	Completed	<p>Standard Letters are used by all officers.</p> <p>Accepted by auditors.</p>

Actions accepted by auditors. Audit closed 30 May 2013.

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 & Feeding Stuffs Service Plan of 24 September 2007
- Minutes of meeting of the Executive of Stirling Council of 23 October 2007
- Food and Feedingstuffs Service Plan and Audit report of 23 October 2007
- Food Service Plan review of 2007
- Food Safety & Feedingstuffs Enforcement Policy of 26 September 2007
- Officer training records
- Food Safety Inspection Checklist
- Inspection Procedure for Food Hygiene and Food Standards Inspections
- CookSafe House Rules of 16 December 2009
- Standard Food Hygiene letter format
- Intervention list for previous 3 months
- Formal notices list from 01 January 2009
- Food Safety Lead Officer Quality Monitoring Procedure
- Food Hygiene Accompanied Visit checklist
- Food Safety Lead Officer's Quality Monitoring Monthly checklist
- Bi-monthly check of Food Hygiene Inspection programme lists
- Principal Officer Inspection outcome check form
- Staff Authorisation Procedure
- Environmental Health Authorisation and Training Policy
- Stirling Council Scheme of Delegation of 29 October 2009

(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

(3) Officer interviews

The following Officers were interviewed:

- Audit Liaison Officer
- Authorised Officers who carried out the most recent inspection at the two 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:

A verification visit was made with the Authority's Officers to two local food businesses. The purpose of the visit 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	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 Safer Food For the Nation.</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,</p>

samples and prosecutions.

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.