

# **Food Standards Agency in Scotland**

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

**East Renfrewshire Council  
06 - 08 June 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](http://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 Report<sup>1</sup> 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 5<sup>th</sup> 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.

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

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## 1.0 Introduction

- 1.1 This report records the results of an audit at East Renfrewshire 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](http://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 East Renfrewshire 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 East Renfrewshire Council's Food Service took place in August 2007.

### 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 East Renfrewshire 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 the Environment Department, Thornliebank Depot, Carnwadric Road, Thornliebank, G46 8HR on 06-08 June 2011.

### Background

- 1.7 The profile of premises by risk rating was detailed in the Food and Feedingstuffs Service Plan 2011/2012.

Risk Rating of premises	Number
A	5
B	72
C	236
D	49
E	139
Not risk rated	0
<b>Total</b>	<b>501</b>

- 1.8 The Protective Services Section of the Environment Department, Environmental Services and Roads Division has responsibility for Food Safety. The staffing allocation available to undertake food law enforcement at the time of audit was 2.3 Full Time Equivalent Officers as detailed in the Food and Feedingstuffs Service Plan.

## 2.0 Executive Summary

- 2.1 The Authority had developed and implemented a detailed Food and Feedingstuffs Service Plan for 2010-2011, which satisfies the Service Planning Guidance in the Framework Agreement.
- 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. 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 six general food hygiene premises confirmed that in all cases the Authority were completing detailed interventions, including the recording of the assessment of HACCP based food safety management systems. Food business operators were provided with clearly worded letters confirming the main findings from intervention. The information retained within the premises files generally provided sufficient evidence to support the basis for Officers' enforcement decisions.
- 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 in each case were appropriate to the contraventions identified.
- 2.7 Discussion and review of internal monitoring procedures and practices indicated that the Authority was consistently monitoring food law enforcement work.

### **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 for 2011/2012 which follows the Service Planning Guidance in the Framework Agreement. The plan has been approved by the Environment Convenor and the Director of Environment. A review of the previous year's Service Plan was carried out prior to drafting of the 2011/2012 Plan.
- 3.1.2 The Food and Feedingstuffs Service Plan is part of the Environment Departments Service Plan, linking to the Corporate Strategy and the Authority's Service Standards with the objective of improving the well being of the community of East Renfrewshire.
- 3.1.3 Each Service Plan contains a detailed list of tasks to be achieved by each Division. These plans are monitored by the Corporate Management Team and the Cabinet to ensure actions are being met.

##### ***Documented Policies and Procedures***

- 3.1.4 The Authority has developed a portfolio of documented policies and comprehensive procedures relating to their food law enforcement responsibilities.
- 3.1.5 A document control system is in place and all policies and procedures are ultimately signed off by the Environmental Services Manager. Officers have access to the current versions from a shared computer drive. Policies and Procedures are reviewed and updated where necessary.

##### ***Officer Authorisation and Training***

- 3.1.6 The Authority has in place a documented procedure for the authorisation of Officers which was revised in December 2010.
- 3.1.7 The designated Lead Officer for Food recently retired from the Authority; however two Officers are currently sharing this responsibility while the future of the post is being considered by the Authority.
- 3.1.8 Individual Officer training needs are discussed via yearly one to one discussions during the performance review process and then reviewed throughout the year; advantage is taken of training courses as they become available.
- 3.1.9 All training records examined contained evidence of a minimum 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 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 File and database record checks confirmed that the Authority was implementing an effective risk based food premises intervention programme and had taken the decision to continue to carry out inspections as the preferred type of intervention for all categories of premises except those in category E which were subject to an alternative enforcement strategy.
- 3.2.2 Consecutive planned inspections were being achieved on time and revisits were being carried out where appropriate. It was evident from audit checks that officers were taking a graduated approach to enforcement and actively worked with businesses to achieve compliance.

### *Intervention Reports and Records*

- 3.2.3 File checks of six general food hygiene premises confirmed that in all cases the Authority were completing detailed interventions including the assessment and recording of HACCP based food safety management systems using the appropriate aide memoire (Hazard Analysis Assessment Form for A&B rated premises or Hazard Analysis Assessment Form for C&D rated premises).
- 3.2.4 Food business operators were provided with a clearly worded letter following the intervention confirming the main findings. Legal requirements and recommendations of good practice were consistently differentiated. 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, revisits were made to premises where necessary to ensure that required works had been completed.
- 3.2.5 Officers were provided with specifically designed numbered notebooks to record significant information that could be required in a formal setting.
- 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 recorded on file.

### ***Recommendation***

3.2.7 The Authority should:

Where risk ratings have been revised from the previous intervention the reason must be recorded on the establishment file. (Food Law Code of Practice 4.1.5.2.5)

[The Standard – 16.1]

### ***Verification Visits to Food Premises***

- 3.2.8 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. 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.
- 3.2.9 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.
- 3.2.10 Both visits confirmed that the checks carried out by Officers were complete, detailed, thorough and had adequately assessed business compliance with structure and hygiene practice. Officers had assessed HACCP compliance during the inspection using the appropriate aide memoire (Hazard Analysis Assessment Form for A&B rated premises or Hazard Analysis Assessment Form for C&D rated premises) and had commented where appropriate.
- 3.2.11 During the recent programmed inspection of the Butchers premises, the Officer carried out a review of the food safety management system which was found to be satisfactory. The Officer identified contraventions of Regulation EC No 852/2004 Annex II on the general hygiene requirements for all food business operators. These findings were reported under structural deficiencies, equipment maintenance, cleanliness, training of staff and personal hygiene. The Officer was concerned with the potential for cross contamination and had ensured that separation procedures for the single use vacuum packing machine were implemented.
- 3.2.12 During the recent programmed inspection of the catering premises, the Officer had reviewed the food safety management system and had identified that critical control points at two stages had not been correctly identified and that there were contraventions of Regulation EC No 852/2004 Annex II which related to equipment/maintenance, cleaning/cleanliness and cross contamination. The Officer took the opportunity to follow up these issues during the verification visit, where further advice and guidance was given with regard to the food safety management system.

### 3.3 Enforcement

- 3.3.1 The Authority has a Food Safety Enforcement Policy in place which has recently been updated. The policy was approved in May this year.
- 3.3.2 It was evident from audit checks that 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 Hygiene Improvement Notices were being used appropriately, were correctly drafted and had evidence of service recorded. However, where businesses have requested a time extension these were generally verbal and Notices were not generally withdrawn and re-issued with the new agreed date for compliance.

#### ***Recommendation***

3.3.4 The Authority should:

Ensure that the food business operator is advised when an Improvement Notice is served that any request for an extension of time should be made in writing before the Notice expires. If the Officer considers that the request is reasonable, they should make a note of the reasons for their decision on the relevant establishment file. The existing Notice should then be withdrawn and a new notice issued reflecting the new time limit by which compliance must be achieved (Food Law Practice Guidance, Scotland 3.2.6.)

[The Standard –15.3]

### 3.4 Internal Monitoring

- 3.4.1 The Authority has a documented internal monitoring procedure in place to monitor implementation of procedures in relation to food safety activities. This includes a monthly review of all relevant documentation relating to programmed interventions by the System Support Officer, accompanied inspections, slice audits and regular checks on progress of the planned inspection programme.
- 3.4.2 With regard to enforcement action, details of Notices issued are logged within the Improvement Notice register and are individually referenced, details of which are checked by the System Support Officer. Any discrepancies are referred back to the inspecting Officer.
- 3.4.3 Internal monitoring records are retained and individual establishment files are annotated to show that they have been audited.

***Good Practice***

A thorough Internal Monitoring procedure is effectively being implemented by the System Support Officer.

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Audit Branch, Scotland

## ANNEXE A

Updated Action Plan for East Renfrewshire Council

Date of Audit : 06 - 08 June 2011

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	PROGRESS	ACTION TAKEN
<p>The Authority should ensure that where risk ratings have been revised from the previous intervention the reason must be recorded on the establishment file. (Food Law Code of Practice 4.1.5.2.5)</p> <p>[The Standard – 16.1]</p>	22/07/2011	<p>The internal monitoring procedure will now include checking to determine if the risk rating has changed and if so that a reason has been given for this.</p>	Completed	<p>All staff have been advised of this requirement.</p> <p>An additional section has been added on to the hazard analysis assessment for A, B, C &amp; D category premises.</p>
<p>The Authority should ensure that the food business operator is advised when an Improvement Notice is served that any request for an extension of time should be made in writing before the Notice expires. If the Officer considers that the request is reasonable, they should make a note of the reasons for their decision on the relevant establishment file. The existing Notice should then be withdrawn and a new notice issued reflecting the new time limit by which compliance must be achieved (Food Law Practice Guidance, Scotland 3.2.6.)</p> <p>[The Standard – 15.3]</p>	22/07/2011	<p>Food Business Operators will no longer be permitted to request an extension of time verbally.</p> <p>Where a written request is received prior to the expiry of a notice, it will be determined if this is acceptable. If so a new notice will be issued stating the new time limit and the existing notice will be withdrawn. A note of this will be made in the establishment file.</p> <p>The internal monitoring procedure will now include checking to ensure that any requests for an extension of time are made prior to the expiry of notices, are made in writing, a reason is noted in the file for agreeing to this and that the existing notice is withdrawn and a new notice issued.</p>	Completed	<p>All staff have been advised of this requirement.</p> <p>It has been highlighted on the notes on the notice to food business operators that a request for an extension of time must be made in writing prior to the expiry of the notice.</p> <p>It is currently being determined whether to note this on the notes within the file or whether a specific form should be developed.</p>

14 December 2011 : Actions taken accepted by auditors. Audit file closed.

## 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 & Feedingstuffs Service Plan 2011/2112 of 11/05/11
- Covalent Performance indicator review data
- HACCP training record
- Food Safety Enforcement Policy of 25/05/11
- Food Hygiene Interventions Procedure (revised 18/10/10)
- Alternative strategies procedure (revised 02/10/09)
- Procedure for the inspection of Production holdings/dairy farms (revised 30/12/10)
- Procedure for the inspection of product specific establishments subject to approval (revised 20/03/09)
- Aide memoire for Hazard analysis for A and B (premises) (22/11/10)
- Aide memoire for Hazard analysis for C and D (premises) (22/11/10)
- Report template for main interventions
- Revisit report template
- Enforcement procedures for the following:
  - Hygiene Improvement Notice service (09/08/07)
  - Hygiene emergency prohibition (30/12/10)
  - Voluntary closures (December 2010)
  - Detention and seizure of foods (05 /01/11)
  - Submission of Reports to the Procurator Fiscal (February 2011)
- Internal monitoring procedures (November 2010)
- Authorisation of Officers carrying out food enforcement activities (30/12/10)
- Scheme of delegated functions (updated 21/09/10)

*(2) File reviews*

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

- Training Files & Qualifications
- Food Premises Intervention and Intervention 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 Safe Food and Healthy Eating for all.</p>
Framework Agreement	<p>The Framework Agreement consists of:</p> <ul style="list-style-type: none"> <li>• Chapter One Service Planning Guidance</li> <li>• Chapter Two The Standard</li> <li>• Chapter Three Monitoring of Local Authorities</li> <li>• Chapter Four Audit Scheme for Local Authorities</li> </ul> <p>The <b>Standard</b> sets out the Agency's expectations on the planning and delivery of food law enforcement.</p> <p>The <b>Monitoring Scheme</b> 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.