



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**

Renfrewshire Council

25 - 27 October 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 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 Annex C.

¹ <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 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 of the Food Standards Act 1999 and Regulation 7 of The Official Feed and Food Controls (Scotland) Regulations 2009. This audit of 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 Renfrewshire Council's Food Service took place in February 2008.

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 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 Renfrewshire House, Cotton Street, Paisley, PA1 1BR on 25 - 27 October 2011.

Background

- 1.7 The Food Service is delivered by officers within the Business Regulation Team operating within the Consumer Protection Division of Regulatory Services. 7.5 full time equivalent officers carry out the Food Hygiene and Food Standards Inspection programme; these include 2 dedicated Food Safety Officers. Premises falling within specific geographical areas are allocated to nominated Officers.
- 1.8 The profile of premises within Renfrewshire Council as of May 2011 is as follows:

Premises	Number
Restaurants/other caterers	929
Food retailers	417
Food manufacturers / Processors	29
Food Distributors	14
Manufactures selling by retail	6
Food producers	29
Food packers	4
Food importers /exporters	15
Slaughterhouses	1
Total	1444

- 1.9 The number of food hygiene inspections programmed for 2011-2012 are detailed within the Environmental Services, Regulatory Services Food Service Plan 2011 to 2012.

Risk Band	Number of inspections programmed
A	9
B	147
C	450
D	99
E	127
Unrated	19
Total	851

2.0 Executive Summary

- 2.1 The Authority has a Food Service Plan in place for 2011/2012 which follows the Service Planning Guidance in the Framework Agreement. The Plan was submitted for approval in June 2011 to the Environment and Infrastructure Policy Board together with a comprehensive review of the previous year's performance.
- 2.2 The Authority had developed documented policies and operational procedures relating to their food law enforcement responsibilities, including a food hygiene procedure, an aide memoire, an inspection template and a standard letter template. These documents were available to all Officers in electronic format on a central directory and those evaluated at audit contained up to date references to legislation and official guidance.
- 2.3 Appropriate authorisation was provided across the food service, with Officers being subject to regular reviews of performance.
- 2.4 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.
- 2.5 The procedures and documentation provided for inspections were being appropriately and consistently completed. From the files examined it was evident that Officers were clear on the Authority's procedure for conducting inspections and adhered to the Authority's Enforcement Policy.
- 2.6 File checks of six general food hygiene premises confirmed that in all cases the Authority were completing detailed inspections, including the recording of the assessment of the HACCP based food safety management systems. Food business operators were provided with clearly worded letters or reports confirming the main findings from inspections. The information retained within the premises files provided sufficient evidence to support the basis for Officers' enforcement decisions.
- 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 Reports to the Procurator Fiscal identified that the decisions reached and actions taken were appropriate to the contraventions identified.
- 2.8 The Authority has an Integrated Enforcement Policy in place which was recently updated following the review of the Regulatory Services Integrated Operational Plan.
- 2.9 Comprehensive internal monitoring procedures and practices indicated that the Authority was monitoring many aspects of food law enforcement work. Records were retained on file.

3.0 Audit Findings

3.1 Organisation and Management

Strategic Framework, Policy and Service Planning

- 3.1.1 The Authority has a Food Service Plan in place for 2011-2012 which follows the Service Planning Guidance in the Framework Agreement. The Plan was submitted for approval in June 2011 to the Environment and Infrastructure Policy Board together with a comprehensive review of the previous year's performance.
- 3.1.2 The Food Safety Service Plan is an extension of the Regulatory Services Integrated Operational Plan which details the links to the corporate objectives and plans. The Operational Plan is an expansion of the general objectives relating to Regulatory Services contained in the Service Improvement Plan (2011-2014) for Environmental Services and plays an integral part in fulfilling the objectives of the Renfrewshire Community Plan and Renfrewshire Council Plan 2008-2012 'Transforming Renfrewshire'.

Documented Policies and Procedures

- 3.1.3 The Authority has developed a food hygiene inspection procedure, an aide memoire following the Local Government Association (LGA) model, an inspection record form and a standard letter template relating to their food law enforcement responsibilities.
- 3.1.4 There is an electronic document control system in place as all policies and procedures are ultimately signed off by the Consumer Protection Manager. Officers have access to read-only versions from the shared drive. Policies and Procedures are reviewed and updated where necessary and at least annually. There was evidence that many policies and procedures have recently been updated in accordance with the procedure.

Officer Authorisations

- 3.1.5 The Authority has developed a documented procedure for the authorisation of Officers which refers to the Council's scheme of delegation.
- 3.1.6 Individual Officer training needs are discussed via yearly training needs analysis and reviewed on a 6 months basis. Advantage is also taken of training courses as they become available.
- 3.1.7 Copies of Officer authorisations, qualifications and training certificates are retained on file and from the records checked Officers had received a minimum of 10 hours updated food related CPD training in the last year.

Training in HACCP

- 3.1.8 All Officers have received training in HACCP principles with most having attended the FSA in Scotland training course on the assessment of HACCP systems.

3.2 Food Premises Interventions

- 3.2.1 File and database 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 their preferred choice of intervention for all categories of premises.
- 3.2.2 Inspections had been carried out at the minimum frequency required by the Food Law Code of Practice. Revisits were being carried out where appropriate and were being done within the timescale specified in letters to the Food Business Operators.

Intervention Reports and Records

- 3.2.3 File checks of six general food hygiene premises confirmed that the Authority were completing detailed inspections which included the assessment and recording of HACCP based food safety management systems by ticking the 'HACCP Food Safety Management System' on the record of inspection form.
- 3.2.4 In the files checked, risk rating of the business was complete, accurate and in accordance with the requirements of the Food Law Code of Practice.
- 3.2.5 Food business operators were provided with reports and where necessary clearly worded letters 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 reports and letters. An indication of timescales for achieving compliance with identified contraventions was not routinely included on letters to FBOs; however revisits were made to premises to ensure that required works had been completed.

Good Practice

Each file contained a completed and regularly updated Food Premises Details form which provided important information about the operation of the food business which could be quickly referenced.

Verification Visits to Food Premises

- 3.2.6 During the audit, verification visits were undertaken to two higher risk premises. In this Authority these were to a retail 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.

- 3.2.7 Discussions 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 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.
- 3.2.8 At the most recent inspection of the catering premises, the Officer had assessed the Food Safety Management System and the inspection report stated that the FBO had not maintained the previously implemented system. Specifically the previous document had been lost, temperature monitoring had not been completed since mid June 2011, high risk food had no details of use-by date and perishable foods were exceeding their stated shelf life.
- 3.2.9 A letter was sent to the business and the findings reported under the template headings of Overview, HACCP-Food Safety Management, Staff training, food handling, cleanliness, structure and layout, personal hygiene and other matters. The reasons for these being documented were explained during the reality check and it was demonstrated how the non-compliances had been identified and considered in relation to the inspection procedure, the enforcement policy and the *E. coli* O157 Control of Cross Contamination Guidance.
- 3.2.10 At the Butchers premises, the Officers had assessed the Food Safety Management System and considered the *E. coli* O157 Control of Cross Contamination Guidance. Specific Article 5 deficiencies had been identified in relation to the requirement to maintain monitoring records.
- 3.2.11 A letter was sent to the business and the findings reported under the template headings of Overview, HACCP-Food Safety Management, Staff training, food handling, cleanliness, structure and layout, personal hygiene and other matters.
- 3.2.12 The reality checks demonstrated that the inspections had followed the Authority's policies and procedures and that the contraventions detailed in the letter sent following the inspection were relevant and appropriate.

3.3 Enforcement

- 3.3.1 The Authority has an Integrated Enforcement Policy in place which was recently updated following the review of the Regulatory Services Integrated Operational Plan. The updated enforcement policy was approved in March 2011 by the Environment and Infrastructure Policy Board. The Food Enforcement Policy which is available in leaflet format for the public is in the process of being reviewed and reprinted.
- 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 Authority's Integrated Enforcement Policy.
- 3.3.3 Information was reviewed relating to Hygiene Improvement Notices, and Reports submitted to the Procurator Fiscal. These were prepared and documented appropriately and it was identified that in each case the enforcement decisions reached and timescales were appropriate to the contraventions identified. All Notices had been correctly completed and served.
- 3.3.4 Where Hygiene Improvement Notices had been extended at the request of the FBO, the Authority were recording that this had taken place but were not always recording the reason for granting the request. The Authority accepted that the required information was to be recorded in future extensions of Hygiene Improvement Notices.

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 Consumer Protection Manager and the Business Regulation Manager are responsible for different elements of the procedure. The procedure includes accompanied inspections, file checks, one to ones with staff and internal audits. Comprehensive records on internal monitoring are retained.

Good Practice

Internal Audits are regularly carried out against the Framework Agreement on Official Feed and Food Controls by Local Authorities and are documented.

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ANNEXE A**Action Plan for Renfrewshire Council**

Audit date: 25-27 October 2011

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
There are no recommendations.			

Audit closed 12 December 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:

- Training Files & Qualifications
- Food Premises Inspections and Inspection Reports
- Hygiene Improvement Notices
- File relating to the Report to the Procurator Fiscal
- Environmental Services Regulatory Services Food Service Plan 2011 to 2012
- Environmental Services Regulatory Services Integrated Operational Plan 2011 to 2012
- Report to Environment & Infrastructure Policy Board 8 June 2011
- Minute of the Environment & Infrastructure Policy Board 8 June 2011
- Environmental Services Regulatory Services, Integrated Enforcement Policy, March 2011
- Report to Environment & Infrastructure Policy Board 2 March 2011
- Record of Inspection
- Food Hygiene Inspection Procedures, October 2011
- Hygiene Improvement Notice Procedure, May 2011
- Hygiene Emergency Prohibition Procedures, May 2011
- Enforcement Procedure for the Inspection, Detention, Seizure, Voluntary Surrender and Storage of Food, May 2011
- Environmental Services Regulatory Services Prosecution Report Procedure, undated
- Internal Monitoring Procedure – Quality Checks, May 2011
- Documented Procedure for the Authorisation of Food Enforcement Officers, April 2011
- Renfrewshire Council Scheme of Delegation, June 2010
- Minute of Meeting of Renfrewshire Council 24 June 2011 – For Scheme of Delegation

(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
- Hygiene Emergency Prohibition Notice

(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 FOOD BUSINESS OPERATOR 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.
<i>E. coli</i>	<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	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. Everything we do reflects our vision of Safe Food and Healthy Eating for all.
Framework Agreement	The Framework Agreement consists of: <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 The Standard sets out the Agency's expectations on the planning and delivery of food law enforcement. 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.

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.