



FOOD
STANDARDS
AGENCY

SCOTLAND

Buidheann
Inbhe-Bidhe
an Alba

FRAMEWORK AGREEMENT ON LOCAL AUTHORITY FOOD LAW ENFORCEMENT

Stirling Council

Audit Report

25 & 26 July 2001

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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. 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.

The full audit examines the Local Authority's Food Law Enforcement Service. The assessment includes the local arrangements in place for inspections of food businesses and foodstuffs, sampling and analysis, internal management, food safety promotion and educational activities. It is 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.

Agency audits assess Local Authorities' conformance against The Framework Agreement on Local Authority Food Law Enforcement "The Standard", which was published by the Agency and is available on the Agency's Website at:

www.foodstandards.gov.uk/pdf_files/fsa_framework.pdf

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.

The Website contains enforcement activity data for all UK Local Authorities and can be found at:

www.foodstandards.gov.uk/lalist/authindex.htm

For assistance a Glossary of technical terms used within the audit report can be found at Annex A.

INTRODUCTION

Reason for the Audit

Section 12 of the Food Standards Act 1999 provides the necessary powers for the Food Standards Agency Scotland to monitor the performance of enforcement authorities in enforcing relevant legislation in Scotland. The Food Standards Agency Scotland function, under section 12, includes setting standards of performance and auditing Local Authorities' enforcement activities. The Framework Agreement on Local Authority Food Law Enforcement was published and issued to Local Authorities in September 2000 (The Standard).

The audit scheme in Scotland will assess a Local Authority's conformance with The Standard and any associated guidance. The Food Standards Agency Scotland will carry out partial audits of all the Authorities in Scotland on an annual basis and ensure that all are fully audited over a three year period.

The aims of the audit are to:

- Help to protect public health by promoting effective local enforcement of food law
- Maintain and improve customer confidence
- Identify and disseminate good practice to aid consistency
- Promote compliance with The Standard and any relevant guidance and Codes of Practice
- Provide a means to identify under performance in Local Authority food law enforcement
- Promote self regulation and Inter Authority auditing
- Identify continuous improvement

Audit Scope

The Food Standards Agency has a remit to oversee Local Authority food law enforcement activities to ensure appropriate local services are in place. The audit assessed the authority's conformance against the Framework Agreement on Local Authority Food Law Enforcement.

The audit covered Stirling's food law enforcement service comprising of the following elements of The Standard:

- Service Plan (3.0)
- Authorised Officers and Training (5.0)
- Facilities and Equipment (6.0)
- Food Hygiene Inspections (7.0)
- Food Premises Database (11.0)
- Enforcement Policy (15.0)

The on-site element of the audit took place at the Authority's offices at Municipal Buildings, Corn Exchange Road, Stirling.

Background

Stirling council has a population of 85,220. The main population centre is the greater Stirling area incorporating the old town but much of the area is rural with many small towns and villages scattered throughout the council's 848 square mile area.

At the time of audit Stirling council had 1449 registered food premises. There are over 500 farms and agricultural premises within Stirling Council of which 220 are registered or approved under the Feedingstuffs (Establishments and Intermediaries) Regulations 1999.

The food service is based at the Municipal Buildings, Corn Exchange Road, Stirling. Office hours are 9am – 5pm Monday to Friday with one Officer on duty for food emergencies during weekends and public holidays. In addition Officers will occasionally be on duty outwith normal office hours where the opening hours of a premises requires it e.g. carryouts, which only open in the evening and fetes, held at the weekends.

Resources

Resources involved in food and feedingstuffs enforcement are as follows:

Post Title	Enforcement responsibility for Food Safety % officer time allocation
(1) Food Safety Manager (EHO)	100%
(2) Environmental Health Officer	100%
(3) Environmental Health Officer	100%
(4) Environmental Health Officer	100%
(5) Environmental Health Officer	100%
(6) Technical Officer	50%
(7) Technical Officer	50%
(8) Trading Standards Manager	10%
(9) Trading Standards Officer	10%
(10) Trading Standards Officer	10%
(11) Trading Standards Officer	10%
(12) Enforcement Officer	10%
Total resource available	6.5 Full Time Equivalent Staff

The following budget allocation figures for 2001/2002 were set out in the Authority's Food Standards Agency Service Plan:

		Food Safety	Feedingstuffs
Expenditure	Employee Costs	£227,480	£22,024
	Purchase of samples	£390	£100
	Equipment	£6,690	£300
	Analysis fees	£17,570	£1,400
	Food Hygiene course costs	£490	N/A
	Insurance	£4,590*	£446
	Car allowance	£14,010	£1,196
Income	Food Hygiene Course Income	£2,750	N/A
	Issue of unsound food certificates	£156	N/A
Total		£274,126	£25,466

* includes Health Services and Public Health Act compensation insurance

The Authority's Official Control of Foodstuffs Directive (OCD) returns for 2000 indicated that the service was responsible for enforcing food hygiene legislation in 1425 premises. These premises were predominately in the retail and catering sectors. The OCD returns for the same period indicate that the Authority undertook the following enforcement activity:

Enforcement Activity	No
Food Hygiene Inspections	1110
Food Standards Visits	255
Samples for Microbiological Examination	256
Samples for Chemical Analysis	164

EXECUTIVE SUMMARY

The Authority's Strengths

The Authority is providing a good level of food law enforcement overall. The Service is able to demonstrate a commitment to continuous improvement to achieve compliance with The Standard.

Food Service Plan – The plan is detailed, comprehensive and well written. Committee has approved it.

Staff – The members of staff who were interviewed were found to be knowledgeable and motivated at all levels.

Documented Procedures – Internal documented procedures are generally concise and provide sufficient information on the Authority's systems to be of practical use. These procedures will allow effective monitoring of enforcement activities to ensure appropriate and effective enforcement. The Authority has put in place the necessary arrangements and has a solid base of effective performance upon which to build and progress toward full compliance with The Standard.

Food Hygiene Inspections – All inspections appear thorough and have been carried out in full accordance with official guidance. There is evidence of a consistent and thorough approach to all food hygiene inspections, including those premises licensed as Butchers.

Staff Training and Authorisation – Authorisation cards have been issued to all members of staff. The Authority has good arrangements in place for staff training. Comprehensive records of Officer qualifications and training are kept.

Key Areas for Improvement

Product Specific Premises – Before an Officer carries out inspections of product specific premises they should have knowledge of the subject area.

In some instances the files for premises approved by the Local Authority under product specific legislation are not detailed enough.

Improvement Notices – There were some deficiencies in the Authority's service of Improvement Notices, highlighting a need for additional staff training in this area and an increased level of internal monitoring. In order to be effective formal enforcement action must be carried out in accordance with relevant legislation and Codes of Practice.

Equipment – The Authority in general has made available all necessary equipment to permit all activities associated with the service to be carried out. However, in terms of the Food Safety Act 1990 Code of Practice No.7: Sampling for analysis or examination (revised November 2000) food samples need to be appropriately stored i.e. kept in a secure fridge / freezer. In accordance with Code of Practice No. 9 the Authority do not provide sufficient protective clothing consistent with good industry practice.

Inspection Reports – In general reports were not completed within 10 days as stated in the Councils Policy. The Food Safety Manager has considered this and the Policy is to be amended.

Food Premises Database – A check on the accuracy of the database showed that 10 out of 11 businesses randomly selected had been entered into the database. The database is capable of providing any information that could reasonably be requested by the Food Standards Agency. However, 4 of the entries have inexact data.

AUDIT FINDINGS

The Audit findings are set out in detail under the headings of the Framework Agreement on Local Authority Food law Enforcement. The follow-up action plan is attached.

Organisation and Management (The Standard 3.0)

The Authority has a Food Service Plan that was approved by Committee in June 2001.

The Food Safety Service under the Food Safety Manager enforces food safety and food standards legislation. Feedingstuffs legislation is enforced by the Trading Standards Service under the Trading Standards Manager.

Stirling Council is an active member of the Central Food Liaison Group. The group provides a forum where Local Authorities within a geographical area can meet to discuss Food Safety issues. The aim of this group is to ensure consistency between Local Authorities systems and practices.

Stirling Council, along with seven other Councils, form the Central and East Scotland benchmarking partnership. The partnerships established in 1997 provides a forum where Local Authorities of similar size and structure, facing similar issues and problems can meet. Its main purpose is to encourage service improvement by sharing and comparing information as well as procedures and practices. The other members of the partnership are Clackmannanshire, East Lothian, Inverclyde, Midlothian, North Ayrshire, East Renfrewshire and Perth & Kinross Councils.

Stirling Council is Home Authority for seven food businesses and one feedingstuffs business and Originating Authority for two food businesses.

Authorised Officers and Training (The Standard 5.0)

Stirling Council has delegated powers to administer the Food Safety Act 1990 and authorise Officers to enforce relevant provisions of the Act to the Director of Environmental Services. The Service Managers are responsible for ensuring that their Officers follow / comply with said authorisations and training requirements.

Officers have in general been authorised in accordance with the Food Safety Act 1990 Code of Practice No. 19: Qualifications and experience of authorised Officers (Revised November 2000). However, at least one Officer carrying out inspections of Product Specific Premise did not have detailed knowledge on the specific subject areas.

The Authority has appointed appropriate lead Officers with responsibility for food safety legislation and feedingstuffs legislation as required by Code of Practice No.19.

The Authority in accordance with their policy document maintains records of Officer qualifications.

The Authority has a documented training programme for all members of staff. Individual training needs are assessed on an annual basis or as necessary.

Facilities and Equipment (The Standard 6.0)

The Authority has made available all necessary equipment to permit all activities associated with the service to be carried out. The Authority has a documented procedure for ensuring that equipment is properly maintained and calibrated. Details of equipment calibration are recorded.

In terms of the Food Safety Act 1990 Code of Practice No.7: Sampling for analysis or examination (revised November 2000) food samples need to be appropriately stored i.e. kept in a secure refrigerator/freezer.

At the time of audit an unlabelled food sample was stored within the unsecured refrigerator contrary to the recommendations of Code of Practice No.2.

The Authority has a procedure for ensuring that appropriate back-up systems are implemented to minimise the risk of corruption or loss of information held on the database.

Food Hygiene Inspections (The Standard 7.0)

The Authority reported the following:

Risk Category	No
A	17
B	141
C	610
D	153
E	133
F	357
Outside Inspection Programme	56
Total	1467

The Authority's Service Plan stated that there are a growing number of Indian and Chinese restaurants in the area where the proprietor and / or staff are not fluent in English. Regular food hygiene training courses are provided in the appropriate language to ensure that all food workers within Stirling Council receive the same training opportunities. The Service holds appropriate food hygiene material in various languages and they have access to a translation service if required.

The Authority's approach to licensing Butchers' premises entailed the use of standardised sets of forms to record the detail of the inspection and ensure that all requirements of the regulations had been considered prior to issuing the license. All of the Butchers' premises files examined contained complete records and clear evidence that the procedure had been effective in practice. The license documents themselves accorded fully with regulations and related guidance.

There was evidence in the files examined to indicate that the Authority has liaised with Home Authorities where complaints etc had been received.

The Authority has a documented procedure for food hygiene inspections, including follow up actions.

The inspection histories of 12 premises were examined. These premises had all been inspected in the 2 years prior to the audit. The risk rating scores and the details of how they had been calculated was recorded in the database. As this information was not duplicated in the hard copy file, it was difficult for the auditors to verify whether the premises had been inspected at the correct frequency according to risk or to ascertain whether there was any progress towards compliance with Regulation 4(3) of the General Food Hygiene Regulations 1995 as required by Stirling Councils Food Hygiene Inspections policy.

Officer's notes of inspection were legible and retrievable. All reports were written with the use of standard paragraphs with the aim of ensuring consistent and accurate advice.

The Authority's list of approved premises does not concur with the list held by the Food Standard Agency. The Authority had recently allocated an approval number to a premise under The Meat Products (Hygiene) Regulations 1994. However, according to the Food Standards Agency list of approved premises, the number along with the suffixes P and FE had already been allocated to another premises within the Authority. (The suffixes after the number indicate approval for both Meat Products and Fishery Products).

On examination of the files for approved product specific premises, it was evident that in some instances relevant information was not recorded e.g. Details about hygiene training provided to food handlers or details about cleaning programmes and chemicals used.

Correspondence to the proprietor(s) of some product specific approved premises do not refer to the appropriate product specific legislation.

Food Premises Database (The Standard 11.0)

The Authority has a computerised database of the food premises in its area. A documented procedure for updating the database has been implemented. The Auditors were advised that the Lead Officer had been constructively merging two databases into the current format being used by the Service. This work would appear to be progressing satisfactorily and may account for some inexact data found during the audit.

A check on the accuracy of the database showed that 10 out of 11 businesses randomly selected had been entered into the database.

The system is capable of providing information that could reasonably be requested by the Food Standards Agency. However, 4 of the entries checked had inexact data including two cases where data had been entered more than once.

Premises will only be deleted from the database (with the Service Managers approval) if they have been demolished or permanently reverted to non-food use.

Enforcement Policy (The Standard 15.0)

The Food Safety department has reviewed its Enforcement Policy and produced a service standard document for the areas of the Standard being audited.

The Authority has undertaken the following formal enforcement activities in the 2 years preceding the audit.

- Improvement Notices served on food businesses
- Voluntary Surrenders of food

All files relating to Improvement Notices were examined. In all cases Improvement Notices had been correctly preceded by a 'Minded to' Notice as required by the Deregulation (Improvement and Enforcement Procedures) (Food Safety Act 1990) Order 1996.

In some instances the use of Improvement Notices was inappropriate, as the requirements specified by the Officer did not concur with the recommendations contained within Code of practice No 5.

It is a requirement that all Improvement Notices are signed. In one instance, the file copy was incomplete in that the page with the officer's signature was missing.

There is a requirement in Code of Practice No.5 that the proprietor(s) of food businesses are notified that they had satisfactorily complied with the requirement of the Improvement Notices. This was not the case in all instances where Notices had been served.

In one instance an Officer had advised the proprietor that the contravention in the Notice had been complied with, however the report sent to the proprietor implied that the contravention had not been fully complied with.

File records of voluntary surrenders of food were examined. It was evident that the foods had been disposed of in accordance with the Food Safety Act Code of Practice No.4: Inspection, Detention and Seizure of Suspect Food.

FOLLOW-UP ACTION PLAN FOR STIRLING COUNCIL

NON-CONFORMANCE UNDER THE FRAMEWORK AGREEMENT ON LOCAL AUTHORITY FOOD LAW ENFORCEMENT	FOLLOW-UP ACTION	AGREED COMPLETION DATE
(The Standard 5.3)	The existing system for assessing staff training needs shall be revised to ensure that more emphasis is given to specific vocational issues and, where these are identified, suitable training shall be given either in house or externally.	19 November 2001
(The Standard 6.1)	Regular checks shall be made to ensure that existing officers always have a spare white coat and, where necessary additional white coats shall be issued.	1 October 2001
(The Standard 6.1)	The fridge shall be provided with a lock.	1 October 2001
(The Standard 7.2)	The obsolete approval number shall be formally cancelled.	1 October 2001
(The Standard 7.4)	A guidance document shall be prepared for staff summarising the relevant legislation for each premise type.	12 November 2001
(The Standard 7.6)	A computer report has now been written to enable closer monitoring to be carried out. The policy shall be amended to set a more realistic target.	3 December 2001
(The Standard 11.2)	A computer report has now been written to highlight duplicate inspection entries. This will be run on a quarterly basis (or prior to providing statistical information) and the necessary amendments made.	3 December 2001
(The Standard 15.2)	The existing standard paragraph system for report letters shall be expanded to include specimen notices for the common contraventions.	10 December 2001

GLOSSARY

Agricultural Analyst	A person, holding the prescribed qualifications, who is formally appointed by a Local Authority to analyse feedingstuffs samples.
Approved Premises	Food manufacturing premises that has been approved by the Local Authority, within the context of specific legislation, and issued a unique identification code relevant in national and/or international trade.
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.
Best Value	<p>A Government policy which seeks to improve local government performance in the delivery of services to local communities – from education and care for the elderly through to environmental health and road maintenance. Best Value aims to ensure that the cost and quality of these services are of a level acceptable to local people by:</p> <ul style="list-style-type: none"> • Increasing the role of local people in deciding the priorities for local government services. • Improving the way authorities manage and review their business. • Building on the experience and expertise of staff.
Border Inspection Post	Point of entry into the UK from non-EU countries for products of animal origin.
Codes of Practice	Government Codes of Practice issued under Section 40 of the Food Safety Act 1990 as guidance to Local Authorities on the enforcement of food legislation.
Enforcement Concordat	Government guidance setting out principles and procedures of good enforcement which local authorities may adopt. Developed in consultation with businesses, local and central government, consumer groups and other interested parties. It sets out what businesses and others being regulated can expect from enforcement officers.
Environmental Health Officer (EHO)	Officer employed by the Local Authority to enforce food safety legislation.
Feedingstuffs	Term used in legislation on feed mixes for farm animals and pet food.
Food Examiner	A person holding the prescribed qualifications who undertakes microbiological analysis on behalf of the Local Authority.

Food Hazard Warnings	This is a system operated by the Food Standards Agency to alert the public and Local Authorities to national or regional problems concerning the safety of food.
Food Hygiene	The legal requirements covering the safety and wholesomeness of food.
Food Standards	The legal requirements covering the quality, composition, labelling, presentation and advertising of food and materials in contact with food.
Framework Agreement	<p>The Framework Agreement consists of:</p> <ul style="list-style-type: none"> • Food Law Enforcement Standard • Service Planning Guidance • Monitoring Scheme • Audit Scheme <p>The Standard and the Service Planning Guidance set out the Agency's expectations on the planning and delivery of food law enforcement.</p> <p>The Monitoring Scheme requires local authorities to submit quarterly returns to the Agency on their food enforcement activities i.e. numbers of inspections, samples and prosecutions.</p> <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.</p>
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	Hazard Analysis Critical Control Point – a food safety management system 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.
Home Authority	An authority where the relevant decision making base of an enterprise is located and which has taken on the responsibility of advising that business on food safety/food standards issues. Acts as the central contact point for other enforcing authorities' enquiries with regard to that company's food related policies and procedures.
Improvement Notice	A notice served by an Authorised Officer of the Local Authority under Section 10 of the Food Safety Act 1990, requiring the proprietor of a food business to carry out suitable works to ensure that the business complies with the requirements of food hygiene or food processing legislation.

Inter Authority Auditing	A system whereby local authorities might audit each other's food law enforcement services against an agreed quality standard.
Member Forum	A Local Authority forum at which Council Members discuss and make decisions on food law enforcement services.
Minded to Notice	A notice served by an Authorised Officer of the Local Authority under the Deregulation (Improvement and Enforcement Procedures) (Food Safety Act 1990) Order 1996. This notice is served prior to an 'improvement notice' and gives food business proprietors a specified period to make either a written or oral representation to the enforcement authority about the enforcement action.
OCD Returns	Returns on local Food Law Enforcement activities required to be made to the European Union under the Official Control of Foodstuffs Directive.
Originating Authority	An authority in whose area a business produces or packages goods or services and for which the Authority acts as a central contact point for other enforcing authorities' enquiries in relation to the those products
Public Analyst	An officer, holding the prescribed qualifications, who is formally appointed by the Local Authority to carry out chemical analysis of food samples.
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.
Trading Standards	The Department within a Local Authority which carries out, amongst other responsibilities, the enforcement of feedingstuffs legislation.
Trading Standards Officer (TSO)	Officer employed by the Local Authority who, amongst other responsibilities, enforces feedingstuffs legislation.