



FOOD
STANDARDS
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SCOTLAND
Buidheann
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an Alba

Report on the Food Law Enforcement Service

Renfrewshire Council

11-14 February 2008

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: <http://www.food.gov.uk/enforcement/>

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 report contains some statistical data. The Agency's website contains enforcement activity data for all UK Local Authorities and can be found at: <http://www.food.gov.uk/enforcement/>

For assistance a Glossary of technical terms used within the audit report can be found in the Annex to this report.

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1.0 Introduction

- 1.1 This report records the results of the audit under the headings of the Food Standards Agency Food Law Enforcement Standard. It is publicly available on the Food Standards Agency website at: <http://www.food.gov.uk/enforcement/auditscheme/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 The Food Standards Act 1999 and Regulation 8 of The Official Feed and Food Controls (Scotland) Regulations 2005. The audit of the official control services for food and feeding stuffs at Renfrewshire Council was undertaken under section 12(4) of the Act and Regulation 8(4) of the Regulations as part of the Agency in Scotland's core audit programme.

Audit Scope

- 1.3 The audit covered Renfrewshire Council's official control services for food hygiene, food standards and feeding stuffs. The on-site element of the audit took place at the Authority's offices at Renfrewshire House, Cotton Street, Paisley between 11 and 14 February 2008.

- 1.4 This core audit covered the following elements of The Standard:

- Organisation and Management
- Review and Updating of Documented Policies and Procedures
- Authorised Officers
- Facilities and Equipment
- Food and Feeding Stuff Premises Inspections
- Food, Feeding Stuff and Food Premises Complaints
- Food and Feeding Stuff Premises Database
- Food and Feeding Stuff Inspection and Sampling
- Food Safety Incidents
- Enforcement
- Records and Inspection Reports
- Internal Monitoring

Background

- 1.5 Renfrewshire Council's area of approximately 270 square kilometres lies to the south of the City of Glasgow, extending southwards to North Ayrshire, to East Renfrewshire in the east, and to Inverclyde in the west. It has a population of around 170,650 and is the ninth largest local authority in Scotland.
- 1.6 The area is a mix of farmland, light and heavy industry, airport-related operations around Glasgow International Airport, residential suburbs adjoining the City of Glasgow, and towns such as Paisley (Scotland's largest), Renfrew, Erskine and Johnstone.

Resources

- 1.7 The 2007-2008 Food Service Plan states that the Regulatory Services Division of the Authority's Department of Environmental Services has responsibility for official controls relating to food safety, food standards and feeding stuffs.
- 1.8 The Department had begun a major restructuring at the time of the audit and was due to complete the reorganisation and have the new service structure fully implemented and operational during 2007-2008.
- 1.9 The official control service for food safety and standards has an establishment of 8.5 Full Time Equivalent (FTE) posts, comprising 6.5 Environmental Health Officers and 2 Food Safety Officers. The official control service for feeding stuffs has 0.25 FTE posts.
- 1.10 The Authority's budget as detailed below indicates the level of resources available within Consumer Protection during 2007/08. The Food Service is an integral part of Consumer Protection and is allocated an appropriate portion of this budget.

	Food
Staffing	£1,061,000
Transport	£41,570
Equipment / IT	£10,550
Promotion and Training	£17,400
Sampling and testing	£102,500
Export certificates	(£12,800)
Training fees	(£10,600)
Total	£1,209,620.00

Executive Summary

- 2.1 Renfrewshire Council is a Scottish Unitary Local Authority and therefore has responsibility for conducting food hygiene, food standards and feeding stuffs official controls within the Authority's area;
- 2.2 The Authority has a 2007-2008 Food Service Plan covering official controls for food hygiene, food standards and feeding stuffs that meets the requirements of the Service Planning Guidance in the Framework Agreement;
- 2.3 An annual performance review based on the 2006-2007 Service Plan has been carried out but had not been approved by Members at the time of the audit;
- 2.4 According to the 2007-2008 Service Plan, 1457 businesses in the Authority's area are subject to official controls for food hygiene and standards. There are also 85 registered establishments under feeding stuffs legislation;
- 2.5 The Authority has appointed authorised officers and inspectors to carry out food safety, standards and feeding stuffs official controls, and qualification and training records demonstrate that those Officers are appropriately qualified, trained and experienced;
- 2.6 Food hygiene and food standards premises inspections are generally being conducted at the minimum frequencies, having regard to the risk-rating scheme in the Food Law Code of Practice;
- 2.7 Food and feeding stuffs complaints and complaints about the hygiene of food business premises are being investigated appropriately, and complainants and food and feed business operators are generally kept informed about the progress and outcome of investigations;
- 2.8 Sampling policies, procedures and programmes for food and feeding stuffs have been developed and are being implemented, and adverse food and feeding stuffs sample results are being followed-up appropriately;
- 2.9 Officers use a range of official control options to secure compliance, including letters, voluntary surrenders of food for destruction, hygiene improvement notices, voluntary closures of food businesses, and reports to the Procurator Fiscal for prosecution.
- 2.10 Service performance is being monitored in accordance with required standards, and non-conformities are being followed-up appropriately and necessary remedial action taken.

3.0 Audit Findings

3.1 Organisation and Management

3.1.1 The Authority has a 2007-2008 Food Service Plan that covers official controls for food hygiene, food standards and feeding stuffs.

3.1.2 The Service Plan refers to the Authority's corporate aims and objectives and meets the requirements of the Service Planning Guidance in the Framework Agreement.

3.1.3 The Service Plan also takes account of a performance review of the 2006-2007 Service Plan, although Members had not approved the review at the time of the audit, due to the recent departmental restructuring and local elections.

3.1.4 *Non Conformity*

The performance review of the 2006-2007 Service Plan has not been reported to, and approved by, the appropriate Member-level forum.
[The Standard – 3.2]

3.2 Review and Updating of Documented Policies and Procedures

- 3.2.1 The Authority has management systems for controlling standard documents, including policies and procedures for enforcement activities covered by The Standard in the Framework Agreement.
- 3.2.2 Officers have access to up to date copies of relevant documents, including legislation, the Food Law Code of Practice and Practice Guidance, Industry Guides, and other appropriate documentation. These are available both in hard copy, electronically and online via the Internet.
- 3.2.3 Master copies of internal policies, procedures and standard documents, which had all recently been updated at the time of the audit, are held centrally on the corporate network and are available for Officers to use as and when required.
- 3.2.4 Up to date copies of other documents are available online via the Internet.

3.2.5 <i>Non Conformity</i> None in this section

3.3 Authorised Officers

- 3.3.1 The Authority has documented procedures for the authorisation of Officers in accordance with the Food Law Code of Practice.
- 3.3.2 Delegated powers give the Director of Environmental Services the authority to appoint and authorise Officers to carry out official controls for food and feeding stuffs
- 3.3.3 Officers are issued with authorisation documents that are signed by the Director in accordance with the documented procedures and the Scheme of Delegation.
- 3.3.4 Trading Standards staff are authorised under the Agriculture Act, the European Communities Act, and Regulations made under those Acts, which includes feeding stuffs legislation.
- 3.3.5 Environmental Health and Food Safety Officers are authorised under the Food Safety Act, the Food and Environment Protection Act, and relevant Regulations made under the European Communities Act.
- 3.3.6 Qualification and training records for the environmental health staff that were examined during the course of the audit demonstrated that Officers are appropriately qualified for the range of official controls and other duties that they are authorised to perform.
- 3.3.7 Officers' training needs are identified as a part of the corporate personnel development process, and training records demonstrate that food Officers are achieving the minimum 10 hours continuing development training required by the Food Law Code of Practice.
- 3.3.8 The Authority has appointed Officers who have lead responsibility for official controls for food hygiene, food standards and feeding stuffs legislation in accordance with the Food Law Code of Practice and the Standard in the Framework Agreement.
- 3.3.9 A rota system is in operation to ensure that an appropriately qualified Officer is available at all times to conduct official controls on imported food at Glasgow International Airport, which is designated as an EU Border Inspection Post.

3.3.10 <i>Non Conformity</i> None in this section
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3.4 Facilities and Equipment

- 3.4.1 The Authority has provided all the facilities and equipment that are necessary to enable the food and feeding stuffs official control services to function effectively.
- 3.4.2 There is a documented procedure for the calibration and checking of equipment, and relevant equipment has generally been calibrated and checked in accordance with the documented procedure. Calibration certificates and other records are available.
- 3.4.3 It was evident from reports that were requested and produced during the course of the audit that the computer system is capable of providing information required by the Food Standards Agency.
- 3.4.4 The Authority has security and backup systems that it is satisfied are sufficient to minimise the risk of corruption or loss of information held on the database.

3.4.5 <i>Non Conformity</i> None in this section

3.5 Food and Feeding Stuffs Premises Inspections

- 3.5.1 The Authority has documented inspection procedures and aides memoire that cover food safety, food standards and feeding stuffs premises inspections and audits.
- 3.5.2 Food hygiene inspection procedures have been updated to take account of Regulations EC No. 852/2004 and EC No. 853/2004.
- 3.5.3 Trading Standards inspection procedures have been updated to take account of recent legislation relating to feeding stuffs.

Food Hygiene and Standards

- 3.5.4 Files relating to ten premises that are subject to Regulation EC No 852/2004, nine premises that are subject to food standards regulations, and one establishment that is subject to Regulation EC No 853/2004 were checked during the course of the audit.
- 3.5.5 All inspections had been carried out by appropriately qualified Officers, and had been carried out at the correct frequency, having regard to the risk-rating scheme in the Food Law Code of Practice.
- 3.5.6 Spreadsheets that were produced from the database during the course of the audit indicated that food hygiene and food standards inspections were generally up to date.

Feeding Stuffs

- 3.5.7 Eighty-five businesses have been registered under feeding stuffs legislation, all of which have been risk-rated under the Food Standards Agency scheme and included in the Trading Standards inspection programme.
- 3.5.8 Files relating to ten premises that are subject to feeding stuffs legislation indicated that inspections had been conducted on a risk-assessed basis and in accordance with the Authority's documented procedures.

3.5.9 <i>Non Conformity</i> None in this section

3.6 Food, Feeding Stuffs and Food Premises Complaints

- 3.6.1 The Authority has documented procedures covering the investigation of complaints about food, feeding stuffs, and the hygiene of food premises.
- 3.6.2 Records of one food hygiene complaint, six food standards complaints, three complaints about the hygiene of food premises, and one feeding stuffs complaint were examined during the course of the audit.
- 3.6.3 These were compared with relevant requirements of the Food Law Code of Practice, centrally issued guidance, and the Authority's own documented procedures.
- 3.6.4 It was evident from the records that were examined during the course of the audit that Officers had carried out appropriate investigations in all cases in accordance with relevant documented procedures and centrally issued guidance.
- 3.6.5 Liaison with home and originating authorities had taken place where appropriate, and complainants and businesses had generally been kept informed about the progress and outcome of investigations.

3.6.6 <i>Non Conformity</i>

None in this section

3.7 Food and Feeding Stuffs Premises Database

- 3.7.1 The Authority has set up a database of premises in its area that are subject to food and feeding stuffs official controls, and has documented procedures for keeping the database accurate and up to date
- 3.7.2 Twelve addresses of businesses that appeared to be food businesses within the Authority's area were randomly selected from the local business directory and checked against the food premises database.
- 3.7.3 All twelve addresses were recorded as being occupied by food businesses on the database and were included in the planned food hygiene and food standards inspection programmes;
- 3.7.4 Two spreadsheets that were produced from the database during the course of the audit indicated a small number of apparent anomalies in the data, although these were all satisfactorily explained during the course of the audit.

3.7.5 <i>Non Conformity</i> None in this section

3.8 Food and Feeding Stuffs Inspection and Sampling

- 3.8.1 The Authority has documented policies and procedures covering the sampling of food for microbiological examination and chemical analysis and for the sampling and analysis of feeding stuffs.
- 3.8.2 The Authority also has planned food and feeding stuffs sampling programmes covering participation in co-ordinated sampling surveys, sampling of locally produced food and feed, and sampling in connection with consumer complaints and other incidents.
- 3.8.3 On-farm sampling of feeding stuffs is programmed to take place during winter months when on-farm mixing is actually taking place.
- 3.8.4 Records of seven food samples and six feeding stuffs samples were examined, all of which had been taken in accordance with documented procedures, centrally issued guidance, and the Authority's planned food and feeding stuffs sampling programmes.
- 3.8.5 All food and feeding stuffs sample results were recorded in the Authority's database and in the UK Food Surveillance System, and hard copy records were retained in premises files.
- 3.8.6 Sample results that had been reported as unsatisfactory had all been notified to the business concerned and followed-up appropriately.

3.8.7 <i>Non Conformity</i> None in this section

3.9 Food Safety Incidents

- 3.9.1 The Authority has an e-mail system that is capable of receiving Food Alerts that are issued by the Food Standards Agency Scotland.
- 3.9.2 There is also a documented procedure for dealing with Food Alerts and Food Safety Incidents that takes account of the Food Alert system in the Food Law Code of Practice.
- 3.9.3 The auditors examined records of ten Food Alerts that had been issued by the Food Standards Agency Scotland in the weeks prior to the audit, all of which were for information.
- 3.9.4 Records of all ten were available in hard copy format, as were records of incidents that had occurred locally that had been reported to the Food Standards Agency Scotland in accordance with requirements of the Food Law Code of Practice.
- 3.9.5 Copies of Food Alerts had been circulated to all relevant Officers, and records included details of the action that had been taken and the outcome in all cases.

3.9.6 <i>Non Conformity</i>

None in this section

3.10 Enforcement

- 3.10.1 The Authority has a documented enforcement policy covering official controls for food, which was approved by the Regulatory Functions Board on 12 December 2001.
- 3.10.2 The Trading Standards Enforcement Policy, which was approved by the Board on 17 March 2004, covers official controls for feeding stuffs.
- 3.10.3 It was evident that Officers make use of a range of informal and formal enforcement options, including letters, voluntary surrenders of food for destruction, hygiene improvement notices, voluntary closures, and reports to the Procurator Fiscal.
- 3.10.4 Records of seven hygiene improvement notices that were examined indicated that procedures and documentation generally met statutory requirements and centrally issued guidance, in particular LACORS guidance on the drafting and service of improvement notices.
- 3.10.5 Records of the voluntary surrender of food for destruction that were examined indicated that procedures were in accordance with the Food Law Code of Practice and centrally issued guidance.
- 3.10.6 Procedures relating to the voluntary closure of food businesses were well documented and generally met the requirements of the Food Law Code of Practice and centrally issued guidance.
- 3.10.7 Decisions on official control options had taken account of the particular circumstances of each case, and in the cases that the auditors examined, the decisions appeared to have been proportionate and correct.

3.10.8 <i>Non Conformity</i>

None in this section

3.11 Records and Inspection Reports

- 3.11.1 Inspections and audits of food and feeding stuffs businesses are recorded on the relevant aide memoire, and include the issues that need to be addressed by the Food Business Operator.
- 3.11.2 Primary and secondary inspections of businesses subject to Regulation EC No. 853/2004 are clearly differentiated in inspection reports and database records, and sufficient data is being recorded, including current operations, products produced, use of identification marks, and effectiveness of Critical Control Points (CCP) and CCP records.
- 3.11.3 Post-inspection reports or letters that meet the requirements of Annex 6 of the Food Law Code of Practice are sent at the conclusion of every inspection or audit.

3.11.4 <i>Non Conformity</i>

None in this section

3.12 Internal Monitoring

- 3.12.1 The Authority has documented monitoring procedures covering its food and feeding stuffs official control services.
- 3.12.2 There was evidence that performance is being monitored and reviewed on a regular basis, and that qualitative and quantitative checks take place through file checks, checks on the database, checks on reports, correspondence and other records, and accompanied inspections and other visits.
- 3.12.3 It was also evident that non-conformities are addressed so as to help achieve continuing improvements in the Authority's food hygiene, food standards and feeding stuffs official control services.

3.12.4 <i>Non Conformity</i>

None in this section

4.0 Previous Audits

- 4.1 Renfrewshire Council's Food Standards Agency audit files for 2001, 2002 and 2003 have been closed. The Authority has fully implemented its action plans in relation to those audits.

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ACTION PLAN FOR RENFREWSHIRE COUNCIL

TO ADDRESS (NON CONFORMITY INCLUDING STANDARD PARAGRAPH)	BY (date)	IMPROVEMENTS PLANNED	COMMENTS
<p>The performance review of the 2006-2007 Service Plan has not been reported to, and approved by, the appropriate Member-level forum. [The Standard – 3.2]</p>	<p>30 June 2008</p>	<p>The performance review of the 2006-2007 Service Plan will be reported to, and approved by, the appropriate Member-level forum.</p>	

ANNEX

Glossary

Agricultural Analyst	A person, holding the prescribed qualifications, who is formally appointed by a Local Authority to analyse feeding stuffs 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.
Feeding stuffs	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 Alerts	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

The **Standard** and the **Service Planning Guidance** set out the Agency's expectations on the planning and delivery of food law enforcement.

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.

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	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 others 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.
Metropolitan Authority	A Local Authority normally associated with a large urban conurbation in which the County and District Council functions are combined.
Minded to Notice	A notice served by an Authorised Officer of the Local Authority under the Deregulation (Improvement of 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.
Monitoring/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
Premises outside the inspection programme	Food premises that have been assessed as having no inspectable risk and are therefore not included in the food hygiene or food standards

inspection programmes.

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 feeding stuffs legislation.
Trading Standards Officer (TSO)	Officer employed by the Local Authority who, amongst other responsibilities, may enforce feeding stuffs legislation.
Unrated premises	Food premises which have not yet been inspected to allocate a risk rating. These are often premises that have recently opened or are about to open.