

**To: ENVIRONMENT POLICY BOARD**

**On: 27<sup>th</sup> JANUARY 2016**

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**Report by: DIRECTOR OF COMMUNITY RESOURCES**

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**Heading: Food Standards Scotland - Audit of Renfrewshire Council**

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## **1. Summary**

- 1.1 The Business Regulation team is responsible for food law enforcement to regulate the 1500 food businesses within Renfrewshire. The range of activities provided by the service includes inspection, advice, food sampling, investigating complaints and audits of food safety management systems. The service is provided by a team of Environmental Health Officers and Food Safety Officers, with colleagues in Trading Standards enforcing animal feeding stuffs premises.
- 1.2 The business advice supplied, as well as the enforcement carried out, is critical to supporting businesses to develop locally. The team support some of the area's biggest employers – including Diageo, Chivas, Braehead and the Airport. They are an essential driver in promoting good practice in businesses and a key foundation in supporting the regeneration of town centres around leisure and night time economies.
- 1.3 Food Standards Scotland (FSS), the independent body which ensures that food law enforcement is delivered consistently across the country, undertakes regular audits of the work of Local Authorities to ensure that the provisions of the Food Safety Act are being adequately enforced.

- 1.4 In addition to auditing the practical enforcement activities and arrangements within Councils that are essential for the protection of public health and the prevention of food borne illness and food poisoning, FSS assess the commitment demonstrated by Councils to the importance placed on food safety, food information and food fraud.
  - 1.5 An Audit of Renfrewshire Council's Food Law Enforcement Service, delivered by the Business Regulation Team based in Community Resources, was carried out by FSS between 22 and 24 September 2015. This independent external audit closely scrutinised all food law activities delivered by the Council.
  - 1.6 The final report from the audit has now been received and details a very positive audit outcome, with no recommendations raised and one area of good practice highlighted. A copy of the full audit report is attached at Appendix 1.
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## **2. Recommendations**

- 2.1 It is recommended that the Policy Board notes the report and the positive audit outcome.
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## **3. Background**

- 3.1 The Business Regulation team is responsible for food law enforcement to regulate the 1500 food businesses within Renfrewshire. The range of activities provided by the service includes inspection, advice, food sampling, investigating complaints and audits of food safety management systems. The service is provided by a team of Environmental Health Officers and Food Safety Officers, with colleagues in Trading Standards enforcing animal feeding stuffs premises.
- 3.2 The team are highly experienced and effective. Renfrewshire are the servicing authority for relevant Scotland Excel contracts and carry out food audits on their behalf – a national role that is unique within Scotland.
- 3.3 In addition to ensuring that food safety standards are maintained by all businesses operating within Renfrewshire, the range of activities that the team are involved in includes working closely with Glasgow Airport, Border Force colleagues, Food Standards Scotland and export suppliers to address and tackle food fraud and protect legitimate suppliers, importers and exporters.

3.4 The business advice supplied, as well as the enforcement carried out, is critical to supporting businesses to develop locally. The team support some of the area's biggest employers – including Diageo, Chivas, Braehead and the Airport. They are an essential driver in promoting good practice in businesses and a key foundation in supporting the regeneration of town centres around leisure and night time economies.

#### **Audit Expectations and Process**

3.5 The Framework Agreement on Local Authority Food Law Enforcement was first issued to Local Authorities by the Food Standards Agency in 2000 and most recently revised in 2015. This document sets out the standards which Local Authorities must adhere to in the provision of their Food Law Enforcement Service. In particular the Agreement sets standards for:

- Authorisation of officers,
- Food and feeding stuffs inspections,
- Organisation and management,
- Internal monitoring,
- Records and reports, and
- Investigation of complaints.

3.6 Food Standards Scotland, which replaced the Food Standards Agency (Scotland) as the statutory food authority for Scotland in April 2015, is responsible for carrying out regular audits in order to monitor the performance of Local Authorities against the standards set out in the Framework Agreement. The previous audit of Renfrewshire Council was during October 2011 with a positive audit outcome noted.

3.7 The Council was notified in July 2015 that a further audit was due to take place in September 2015. Preparations included the submission of a pre-audit questionnaire and numerous associated documents to the auditors.

3.8 The audit was carried out from 22 to 24 September 2015 and consisted of in-depth documentary checks of the Council's policies and procedures; detailed interviews with management and officers, including senior managers and the Chief Executive; and onsite visits with two Environmental Health Officers. The auditors were highly supportive of the approach of officers when on site.

### **Audit Outcomes**

3.9 The overall audit outcome was very positive with no recommended actions for improvement noted. The key audit findings were that:

- The Authority has comprehensive and up to date Business Regulation Service Plans in place, that meet the guidance set out in the Framework Agreement and performance against outcomes is being reported appropriately.
- Policies and procedures generally comply with the requirements of the Framework Agreement, are easily understood and are being updated appropriately.
- Officers are appointed to exercise both general and specific powers and duties appropriate to their office and the documented procedure for the authorisation of food enforcement officers has a suitable appendix listing the appropriate delegated legislation. Documents were readily available and there is a letter appointing Glasgow Scientific Services as the public analyst.
- Both general and specific training has been undertaken by Officers in many subjects including Hazard Analysis and Critical Control Points; and validation and verification.
- Officers are clear on the Authority's procedure for conducting inspections and adhere to the Authority's Enforcement Policy and inspection procedures. File checks of five general food hygiene premises confirmed that in all cases the procedures and documentation provided for inspections were being appropriately and consistently followed and completed, including the assessment of cross contamination risks and HACCP based food safety management systems.
- Food Business Operators were provided with reports and letters confirming the main findings from inspections. The information retained within the premises files provided sufficient evidence to support the basis for Officers' enforcement decisions and the Food Hygiene Information Scheme (FHIS) rating given.
- It was evident that officers are taking a graduated approach to enforcement and actively work with businesses to achieve compliance. The information reviewed relating to a series of Notices identified that the enforcement decisions reached were appropriate to the contraventions identified.

- Discussion and review of internal monitoring procedures and practices indicated that the Authority is routinely and consistently monitoring many aspects of food law enforcement work. Records of internal monitoring activities were available and the Record of Probation training/mentoring is very detailed and comprehensive
- 3.10 In addition to the key findings the auditors also noted one area of good practice:
- The system and the operation of monitoring checks and the resulting operational performance reports and Information Bulletin are comprehensive and thorough. These provide information which contributes towards Official Controls being achieved in a satisfactory manner.
- 3.11 The full version of the audit report is attached at Appendix 1 and will be published on the Council's website.
- 3.12 As there are no recommendations in the audit report, there is no requirement for an audit action plan to be implemented. However, the existing internal monitoring procedures will ensure continued performance measurement and improvement is carried out.
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### **Implications of the Report**

1. **Financial** *None*
2. **HR & Organisational Development** – *None*
3. **Community Planning** – *None*

**Jobs and the Economy** – Supporting responsible food businesses to provide safe food contributes to their success as does challenging and taking proportionate enforcement action where necessary.

**Safer and Stronger** – A successful food law enforcement service helps to ensure consumers in Renfrewshire are protected from exposure to unsafe food.

4. **Legal** – *None*
5. **Property/Assets** – *None*

6. **Information Technology** – *None*
  7. **Equality & Human Rights** - The recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report. If required following implementation, the actual impact of the recommendations and the mitigating actions will be reviewed and monitored, and the results of the assessment will be published on the Council's website.
  8. **Health & Safety** – *None*
  9. **Procurement** –*None*
  10. **Risk** -*None*
  11. **Privacy Impact** – *None*
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#### **List of Background Papers**

- (a) Food Standards Scotland: Report on the Core Audit of Local Authority Official Controls in relation to Regulation (EC) No 852/2004 on the Hygiene of Foodstuffs in Food Business Establishments and the Application of the Food Hygiene Information Scheme - Renfrewshire Council, 22 - 24 September 2015
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## **Food Standards Scotland**

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# **Report on the Core Audit of Local Authority Official Controls in relation to Regulation (EC) No 852/2004 on the Hygiene of Foodstuffs in Food Business Establishments and the Application of the Food Hygiene Information Scheme**

**Renfrewshire Council  
22 - 24 September 2015**

## Foreword

Audits of Local Authorities food law enforcement services are part of Food Standards Scotland 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 Food Standards Scotland website contains enforcement activity data for all UK local authorities and can be found at:

**[www.foodstandards.gov.scot/food-safety-standards/regulation-and-enforcement-food-laws-scotland/audit-and-monitoring#la](http://www.foodstandards.gov.scot/food-safety-standards/regulation-and-enforcement-food-laws-scotland/audit-and-monitoring#la)**

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, inspections of food businesses and internal monitoring. The audit scope was detailed in the audit brief issued to all Local Authorities under reference ENF/S/14/016 on 21 May 2014. 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. This audit was developed to gain assurance that Local Authority food hygiene law enforcement service systems and arrangements are effective in supporting food business compliance, and that local enforcement is managed and delivered effectively.

The Audit scheme also provides the opportunity to identify and disseminate good practice and provide information to inform Food Standards Scotland policy on food safety, standards and feeding stuffs. Parallel Local Authority audit schemes are implemented by the Food Standards Agency's offices in all of the countries comprising the UK.

Specifically, this audit aimed to establish that:

- The organisation and management structure of the Local Authority is capable of delivering the requirements of the Food Law Code of Practice;
- Internal Local Authority service monitoring arrangements and documented procedures are consistent, appropriate, effective and comply with internal policies and procedures, and that corrective actions are implemented to ensure that interventions are carried out competently;
- Local Authority interventions and assessment of food safety management systems based on HACCP principles at food business premises monitor, support and increase food law compliance and are timely, appropriate, risk-based and effectively managed;
- Local Authority food business and enforcement records, including those in relation to food safety management systems based on HACCP principles, are sufficiently detailed, accurate, up to date and effectively managed;
- The Local Authority ensures consistency in implementation and operation of the Food Hygiene Information Scheme (FHIS). The aim is to ensure that where food business establishments are rated under FHIS and where consumers see FHIS branding, they



can be confident that the local authority is operating the FHIS as the Food Standards Scotland (FSS) intends.

Food Standards Scotland 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 Food Standards Agency as part of the Framework Agreement on Official Feed and Food Controls by Local Authorities and is available on the Food Standards 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.

For assistance, a glossary of technical terms used within this audit report can be found at Annexe C.

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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 implementation of the Food Hygiene Information Scheme. The report has been made available on the Food Standards Scotland website at: [www.foodstandards.gov.scot/food-safety-standards/regulation-and-enforcement-food-laws-scotland/audit-and-monitoring#la](http://www.foodstandards.gov.scot/food-safety-standards/regulation-and-enforcement-food-laws-scotland/audit-and-monitoring#la)

### Reason for the Audit

- 1.2 The power to set standards, monitor and audit Local Authority food law enforcement services was conferred on Food Standards Scotland by Sections 3 and 25 of the Food (Scotland) Act 2015 and Regulation 7 of The Official Feed and Food Controls (Scotland) Regulations 2009. This audit of Renfrewshire Council was undertaken under section 25 (1-3) of the Act, and Regulation 7(4) of the Regulations as part of the Food Standards Scotland audit programme.
- 1.3 The last audit of Renfrewshire Council's Food Service was undertaken by the Food Standards Agency (Scotland) in October 2011. The previous audit to that was 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 Service Plan, associated reviews and management of variances;
  - The review of all documented policies and procedures for enforcement activities;
  - The delivery of official controls for the intervention programme associated with the Regulation;
  - 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 the assessment of 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;
  - The scoring of premises and the allocation of an outcome for the Food Hygiene Information Scheme;
  - Internal monitoring arrangements.

- 1.5 The audit examined Renfrewshire Council's arrangements for official controls in relation to Regulation (EC) No 852/2004 on the Hygiene of Foodstuffs. The audit included verification visits to food businesses to assess the effectiveness of the 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 1UJ

### **Background**

- 1.7 Renfrewshire Council's food law enforcement service is provided by Regulatory Services – Consumer Protection, within Renfrewshire Council's Community Resources. One of the aims of Consumer Protection is to provide an effective enforcement service for food safety and food standards to ensure that the Council's statutory responsibilities are met.

In order to achieve this aim, Community Resources will:

- Enforce the relevant legislation at premises enforced by the Local Authority
  - Work in partnership with agencies such as Food Standards Scotland to achieve nationally agreed strategic aims
  - Ensure that all staff involved in enforcement are properly qualified and competent to undertake their duties
  - Operate a risk based approach to management of inspection programmes
  - Carry out a programme of specific, targeted and appropriate interventions in order to improve food safety standards
  - Work with local businesses in a n open and transparent manner
  - At all times take appropriate action in line with the Regulatory Services Enforcement Policy
- 1.8 The scope of Consumer Protection includes enforcing relevant legislation in terms of food safety, as well as Occupational health and Safety at Work. The Regulation Enforcement Manager is the Lead Officer responsible for delivery of Official Food Controls in both food standards and hygiene.

## 2.0 Executive Summary

- 2.1 The Authority had developed a Business Regulation Service Plan for 2014-2015 which is comprehensive with the format and content in accordance with the Service Planning Guidance in the Framework Agreement. The Plan had been approved by the Environment Policy Board in November 2014 together with a report on the performance against the outcomes of the Regulatory Services Business and Operational Plan 2013/14
- 2.2 The authority have policies and procedures that generally comply with the requirements of the Framework Agreement. The procedures are easily understood and some have been recently updated with others awaiting an imminent Committee decisions before being updated. There is a letter appointing Glasgow Scientific Services as the public analyst.
- 2.3 The authorisation documents checked showed that the officers were appointed to exercise both general and the specific powers and duties appropriate to their office. These documents were readily available and were provided on request. There was a documented procedure for the authorisation of food enforcement officers that had a suitable appendix listing the appropriate delegated legislation.
- 2.4 Both general and specific training had been undertaken by Officers in many subjects including Hazard Analysis and Critical Control Points (HACCP) and validation and verification.
- 2.5 It was evident that Officers were clear on the Authority's procedure for conducting inspections and adhered to the Authority's Enforcement Policy and inspection procedures. File checks of five general food hygiene premises confirmed that in all cases the procedures and documentation provided for inspections were being appropriately and consistently followed and completed. including the assessment of cross contamination risks and HACCP based food safety management systems.
- 2.6 Food Business Operators were provided with reports and letters confirming the main findings from inspections. The information retained within the premises files provided sufficient evidence to support the basis for Officers' enforcement decisions and the Food Hygiene Information Scheme (FHIS) rating given.
- 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 a series of Notices identified that the enforcement decisions reached were appropriate to the contraventions identified.
- 2.8 Discussion and review of internal monitoring procedures and practices indicated that the Authority was routinely and consistently monitoring many aspects of food law enforcement work. Records of internal monitoring activities were available and the Record of Probation training/mentoring is very detailed and comprehensive

### 3.0 Audit Findings

#### 3.1 Organisation and Management

##### *Service Planning*

- 3.1.1 Renfrewshire Council have a Community Plan that was approved in 2013 and sets out an ambitious vision to improve the quality of life in Renfrewshire. The Council's new plan for action for 2014-2017, *A Better Future, A Better Council* was approved in December 2013 and outlines how Renfrewshire Council will contribute to delivering improved outcomes for local people and businesses with the continuing transformation of the Council at its core. These priorities are embedded in Community Resources' strategic planning framework.
- 3.1.2 The Authority also have a Service Improvement Plan One of the purposes of which is to enable elected members to take stock of what is happening in the service and to consider and develop policy options which reflect changing circumstances, both in terms of customer needs and resource availability, in the context of the council's priorities and the need to deliver Best Value.
- 3.1.3. The Service Improvement Plan is part of the process of cascading the council's priorities throughout the organisation. It also provides the means to integrate the various other operational plans and action plans. Service Improvement Plans link council and community planning priorities to individual development plans, so that every employee knows how they help contribute to the council achieving its objectives.
- 3.1.4 At the core of the Service Improvement Plan lies the action plan. It sets out the priorities being addressed, the key tasks to be implemented, the implementation timetable and the outcomes and measures against which progress can be assessed.
- 3.1.5 The Service Improvement Plan provides a comprehensive statement of what the service aims to achieve over the next three years. It takes account of the themes, actions, outcomes and targets set out in the Council Plan, Community Plan and Single Outcome Agreement. It sets out what the service will do over the next three years, based on the resources likely to be available and it details the specific actions which will be taken to contribute to the implementation of the council's priorities.
- 3.1.6 Implementation of the Service Improvement Plan is monitored and reported to the Environment Policy Board on a six monthly basis to allow the Board to review progress.
- 3.1.7 The Community Resources Service Improvement Plan 2015–2018 has at Priority 1. A Better Future a Local Outcome (03): A safer and stronger Renfrewshire. This has a performance indicator for Food Safety – percentage of broadly compliant food premises based on food business risk assessment scores which is reported Quarterly and another which has the percentage of premises which currently achieve a Pass rating

Of 1,599 food premises in Renfrewshire, 1,371 are broadly compliant with current food legislation. (The target for this indicator has been reviewed as 90% is not realistically achievable. Moving forward the target will reflect a good balance of rigorous inspection by Environmental Health Officers and the quality of food establishments across Renfrewshire and a revised target of 85% ( $\pm 3\%$ ) has been agreed).

- 3.1.8 The Authority then have a Business Regulation Service Plan in place for 2015-16 which is comprehensive and is drafted in line with the Service Planning Guidance in the Framework Agreement. There has been a suitable review of the service delivery plan which was presented in a report to the Environment Policy Board in November 2014.
- 3.1.9 The aim of this plan is to provide an effective enforcement service for food safety, on behalf of Renfrewshire Council, ensuring the Council's statutory responsibilities are met. The objective of the service is to improve the quality and effectiveness of these enforcement activities, and in doing so ensure public health and food safety is maintained.
- 3.1.10 The Director of Community Resources reports regularly to the Environment Policy Board under the heading of "Operational Performance Reports" to highlight the Regulatory Services work in topical areas of business regulation.
- 3.1.11 **Profile of food businesses in Renfrewshire as at 1 April 2015:**

Premises	Number
Primary Producers	15
Manufacturers and Packers	43
Importers/Exporters	7
Distributors/Transporters	14
Supermarket/Hypermarket	32
Smaller Retailers	259
Retailers, Other	61
Restaurant/ Cafe/Canteen	282
Hotel/Guest House	24
Pub/Club	185
Take Away	183
Caring Establishment	189
School/College	84
Mobile Food Unit	77
Restaurants & Caterers, Other	154
<b>Total</b>	<b>1630</b>

3.1.12 **Food Hygiene Programmed Inspections for 2015/16**

<b>Risk Band</b>	<b>Number of Inspections</b>
A	4
B	152
C	454
D	90
E	69
Unrated	14
<b>Total</b>	<b>783</b>

3.1.13 There are 10 Approved Premises (2 meat and fishery products, 4 meat products, and 2 cold stores) operating within Renfrewshire, all of which are approved under Regulation (EC) 853/2004.

3.1.14 Glasgow Scientific Services (GSS) provide analytical and microbiological services in addition to being the appointed food examiner for Renfrewshire Council. There is a suitable letter of appointment from Renfrewshire Council

### ***Enforcement Policy***

3.1.15 The Authority has a Regulatory Services Integrated Enforcement Policy which was approved by the Environment & Infrastructure Policy Board in March 2011. There is also an effective food safety enforcement procedure in place.

3.1.16 When considering exercising its regulatory powers Regulatory Services will:

- Determine whether formal enforcement action is necessary,
- Adopt the most effective approach to enforcement,
- Clearly state the differences between legislative requirements and recommendations,
- Provide an opportunity to discuss issues before formal action is taken, as appropriate,
- Where immediate action is required, provide an explanation of why such action is required, and
- Provide advice on the rights of appeal, where applicable, where formal enforcement action has been taken.

3.1.17 The Enforcement Policy covers informal action, such as verbal advice, letters and a written warning. Formal action includes the service of formal notices, emergency prohibition procedures and prosecutions. The Enforcement Policy is available on the Authority website.



***Documented Policies and Procedures***

- 3.1.18 The Authority has a set of policies and procedures that generally comply with the requirements of the Framework Agreement and Food Law Code of Practice. These procedures are easily understood and some have been recently updated and others await the result of imminent Committee decisions before being updated. There are some amendments to be made to ensure they are comprehensive and follow the Code of Practice for example with regard to the action taken when granting an application to extend the period of a Hygiene Improvement Notice (HIN).
- 3.1.19 A Primary Food Inspection Report is used supported by an aide memoire for EC 852 and Food Inspection Procedure. The Primary Food Inspection Report is currently being considered for updating to include less areas of general information for the Food Business Operator (FBO) allowing for greater space for recording matters and evidence arising from the inspection.
- 3.1.20 An electronic document control system is in place and all policies and procedures are managed by the Business Regulation Manager who is the appointed Lead Food Officer. Officers have access to the current versions from the shared drive. Procedures are updated to reflect legislative or other changes.
- 3.1.21 Procedures and templates are in place for many areas of formal enforcement including notices.

***Authorisation and Training Files***

- 3.1.22 The Authorisation documents checked showed that the Officers were appointed to exercise both general and specific powers and duties appropriate to their office. These documents were readily available and were provided on request. There was a documented procedure for the authorisation of food enforcement Officers that had a suitable appendix listing the appropriate delegated legislation.
- 3.1.23 General and specific training had been undertaken by Officers in many subjects including the Campden BRI five day Hazard Analysis and Critical Control Point (HACCP) course, or the Royal Environmental Health Institute of Scotland (REHIS) three day advanced HACCP course. There was some evidence of Officers subsequently attending the additional two day validation and verification course. It would be good practice to have all officers complete both these courses when available.
- 3.1.24 Audit checks confirmed that all Officers' authorisations were appropriate, that qualifications were available, and that copies of relevant qualification certificates had been retained by the Authority.
- 3.1.25 Individual Officer training needs were identified annually as part of the annual performance development plan. 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.

### ***Database and Monitoring Returns***

- 3.1.26 Checks of the database reports produced were found to show that there was a very low number of known premises that had an overdue date for an intervention. The reports showed that the authority were actively ensuring that establishments were being inspected at the correct frequencies..
- 3.1.27 The Authority had 1660 premises reported through The Local Authority Enforcement Monitoring System (LAEMS) on 31 March 2015. Inspection frequencies were found to be in accordance with the 2014 Food Law Code of Practice.

## **3.2 Enforcement**

- 3.2.1 It was evident from audit checks and interviews that Officers were taking a graduated approach to enforcement and actively worked with businesses to achieve compliance.

### ***Food Premises Inspections***

- 3.2.2 The Authority was implementing an effective risk based food premises intervention programme which included multiple revisits prior to the consideration of formal enforcement action.

### ***Premises Files including Inspection Reports and Records***

- 3.2.3 The Authority has an electronic database for record keeping in relation to interventions and official controls. The system is capable of providing information required by Food Standards Scotland and appropriate security and backup systems appear to be in place to minimise the risk of corruption or loss of data.
- 3.2.4 We undertook five file checks of recent food interventions and the records were found to be comprehensive and detailed. A LACORS aide memoire was used to inform inspections, Officers then recorded the outcome directly onto an inspection report form for the majority of inspections, butchers premises used a second and additionally detailed record form. The inspection report was generally suitable for purpose, however officers had a lack of space to sufficiently detail their findings and in some cases many required details were not recorded on the form provided, leaving it uncertain as to whether the required information had been verified. This is an area the Authority are reviewing as part of the revision of the form used. The inspection report form was left with the business at the time of inspection.
- 3.2.5 From the files examined, inspection frequencies were in accordance with the Food Law Code of Practice. Officers clearly distinguished between legal requirements, Hazard Analysis Critical Control Point or Food Safety Management Scheme requirements and recommendations in their correspondence with Food Business Operators (FBOs). There were insufficient details provided to the FBO to indicate timescales for compliance between minor contraventions and more serious ones. Major contraventions

were dealt with by prompt revisits. Letters were sent where a revisit was carried out and these were sent within suitable timescales. Actions compatible to the Scottish Food Enforcement Liaison Committee (SFELC) Cross Contamination strategy had been implemented effectively. The authority were using the Code of Practice score values for broadly compliant premises.

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

- 3.2.6 During the audit, verification visits were undertaken to two premises. These were to a local Butchers and a Bakers shop/cafe. The Authorised Officers who had carried out the recent programmed inspections 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 FBOs compliance with the food law requirements of Regulation (EC) No 852/2004.
- 3.2.7 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 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 and the decision process for the Food Hygiene Information Scheme (FHIS) outcome.
- 3.2.8 Both visits confirmed that checks carried out by Officers were detailed thorough and had adequately assessed business compliance with the structure and hygiene practice. Officers had assessed cross contamination and HACCP compliance during the inspection and had commented where appropriate. The Inspection Report Forms examined found that the officers had verified much more pertinent information than the contents of the forms included. It was found that on occasion a layout sketch of the premises from the previous visits was very relevant. It was clear that the Officers were knowledgeable about the premises, the authority's policies and procedures, the relevant legislation and had the confidence of the FBO's
- 3.2.9 In both visits, Officers had been found to have correctly assessed the premises in terms of the Food Hygiene Information Scheme, as Improvement Required.

### ***Notices and Prosecutions***

- 3.2.10 Five Hygiene Improvement Notices (HINs) were examined. The notice format followed the Code of Practice (CoP) and the wording was satisfactory. The matters arising that required a notice were suitable and there was evidence of suitable service. Follow up visits were numerous and the letters were in accordance with the CoP. Auditors discussed the practices regarding requests for extensions to compliance times and the withdrawal of notices.
- 3.2.11 Three Remedial Action Notices (RAN's) were examined one notice format followed the CoP and the wording was satisfactory, In another it would have

been possible to use a Hygiene Emergency Prohibition Notice to achieve the closure required as the health risk condition had been fulfilled. The third RAN was served for the reason that the Inspection had been “hampered” and this was correct. Discussions took place on the need for a separate template for this type of RAN in particular more suitable wording and Food Standards Scotland will take this forward. On the Remedial Action Notices examined, it was found that prompt enforcement action had been taken.

3.2.12 Where a notice was to be served we found evidence that two Officers carried out the function. Follow up visits and letters had been completed and were in accordance with the practice guide.

3.2.13 There were no Regulation 27 notices to check at the time of audit.

### ***Voluntary Closures***

3.2.14 Three Voluntary Closures were examined. The reasons for the Voluntary Closures were appropriate, and had been confirmed in writing with the food business operator. The Authority had visited the premises to check that the business closure and re-opening were in accordance with the agreement.

### ***Seizure, Detention and Voluntary Surrender of Food***

3.2.15 Two Voluntary Surrender of Food Notices were examined and the correct procedure had been properly followed, however they lacked detail on the destruction of the food. Discussion found the food had been uplifted by Renfrewshire Council’s cleansing vehicles and followed to landfill where destruction was witnessed.

### ***Food Sampling***

3.2.16 There is a documented sampling policy and Officers manage, organise and conduct the sampling programme collectively. Samples are taken with a local focus agreed. Four samples checked had been taken by an appropriate Officer. The results were all on file and the appropriate follow up action had been taken on receipt of the results.

### ***Alternative Enforcement Strategies***

3.2.17 The Authority were not implementing any Alternative Enforcement Strategies at the time of Audit.

## **3.3 Investigations and Promotion**

### ***Food Related Infectious Disease Notifications and Investigation***

3.3.1 Infectious disease notifications are received from Greater Glasgow & Clyde Health Board (GG&CHB) where the investigation has been completed, the LA are sometimes requested to follow up incomplete cases. This has been the subject of discussion within the 6 Local Authorities who are in GG&CHB. It is noted that the Health Board do not routinely notify the local authority of

Campylobacter cases. The Agency are to consider the impact of these developments.

### ***Food Alerts, Incidents and Rapid Alert System for Feed and Food (RASFF)***

- 3.3.2 Notification of alerts, incidents or a RASFF are received at Renfrewshire Council from Food Standards Scotland. There is a Food Alerts procedure managed by the Business Regulation Manager/Lead Food Officer. The Food Alert for Action process was discussed and found to be satisfactory. The Food Alerts procedure includes references to the initiation of a food alert within Renfrewshire Council.

### ***Food Hygiene Information Scheme (FHIS)***

- 3.3.3 Food Standards Scotland, in partnership with local authorities, operates the FHIS in Scotland. The scheme encourages businesses to improve hygiene standards. The overarching aim is to reduce the incidence of foodborne illness and is designed to give straightforward information to the general public about how each food outlet fared at its last food hygiene inspection carried out by its local authority.

#### *Inspection Outcomes of the Scheme*

- 3.3.4 Food hygiene inspections aim to measure food establishments against compliance criteria. Regular inspections are already carried out as part of routine enforcement duties and the outcome of inspections is that an establishment is deemed to be broadly compliant or not.
- 3.3.5 The inspection outcomes of the Food Hygiene Information Scheme should reflect compliance and should be visible at the establishment, on the Local Authority web site and also on [www.foodstandards.gov.scot](http://www.foodstandards.gov.scot)

#### *The key features of the scheme*

- 3.3.6 The scheme is voluntary and provides transparency of enforcement inspection outcomes which are shown in simple and clear terms. The assessment of compliance for the purposes of the scheme is significantly different from assessment of risk-rating undertaken following programmed inspections. This ensures that there is no conflict between these assessments, which are designed to serve different purposes.
- 3.3.7 Renfrewshire Council participates in the Food Hygiene Information Scheme (FHIS). Five file checks were undertaken in connection with the Food Hygiene Information Scheme and it was noted that the Scottish Food Enforcement Liaison Committee trigger values were being used. Three premises were Improvement Required and two were awarded a Pass certificate, which had been issued to the premises concerned. The Authority does not notify businesses of the appeal mechanism for an Improvement Required Certificate. They do revisit within seven days where the Broadly Compliant standard has not been made.

3.3.8 Premises had been correctly selected for the Scheme and had been correctly scored for the appropriate award. Where premises had gone from Improvement Required to a Pass, as a result of a further visit, the risk rating of the premises had not been altered, which is correct and in line with the FHIS guidance. All FHIS updates were uploaded to the web every three to four days. Officers commented that some larger businesses were not as enthusiastic about the Scheme as local small caterers.

### 3.4 Internal Monitoring

3.4.1 The Authority had a very comprehensive and detailed system of monitoring both quantity and quality of work which was being regularly completed and recorded. Officers were informed of the outcomes of their individual monitoring and were able to discuss these collectively on a regular basis and at team meetings.

3.4.2 Quantitative monitoring checks are carried out by the production of routine reports from the electronic database which detail the interventions completed within a set period. These are reported upwards to senior management on a regular basis. There are regular documented team meetings where officers discuss issues relevant to enforcement consistency. There is comprehensive evidence of suitable in depth monitoring.

3.4.2 The documentation for the Record of Probation training/mentoring is very detailed and comprehensive. It provides satisfactory evidence that the requirements of the Food Law Code of practice are being achieved.

#### ***Good Practice***

The system and the operation of monitoring checks and the resulting Operational Performance reports and the Information Bulletin within the department are comprehensive and thorough. These provide information which contributes towards Official Controls being achieved in a satisfactory manner.

Auditors: Graham Forbes  
Kevin McMunn

Food Standards Scotland  
Audit Branch, Scotland

**ANNEXE A****Action Plan for Renfrewshire Council**

Audit date: 22-24 September 2015

<b>TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)</b>	<b>BY (DATE)</b>	<b>PLANNED IMPROVEMENTS</b>	<b>ACTION TAKEN TO DATE</b>
There were no recommendations from this audit			

## ANNEXE B

### *(1) Examination of Local Authority policies and procedures*

The following Local Authority policies, procedures and linked documents were examined before and during the audit:

- Environment Board, 12 November 2014, regulatory Services Operational Update
- Environment policy Board, 26 August 2015, Operational Performance Report
- Regulatory Services Business Regulation Service Plan 2014/15
- Regulatory Functions Board terms of Reference
- Environment and Infrastructure policy Board, 02 March 2011, Regulated Services Integrated Enforcement Policy
- Procedure for Authorisation of Food Enforcement Officers
- Food Hygiene Inspection procedures
- Food Sampling Policy and Procedure
- Business Regulation Team meeting minutes ( 28 Aug 2015)
- Public Sector Incident protocol
- Appointment of Public Analyst letter
- Training history records
- Individual Development Plans
- Scheme of delegated Functions (3<sup>rd</sup> October 2013)
- Information Bulletin (27 (February 2015) Notices and Licences issued by Community Resources: 29 November 2014-04 February 2015
- Information Bulletin (June 2015) Notices and Licences issued by Community Resources: 05 February -04 June 2015
- Food Safety Questionnaire (for Alternative Enforcement Strategy)
- Record of Inspection form
- Sampling Plan 2015/16
- Cross contamination focussed inspection form
- Hygiene Improvement Notice list
- Hygiene improvement Notice Procedure
- Remedial Action Notice list
- Remedial Action notices procedure
- Hygiene Emergency Prohibition procedures
- Voluntary closure list
- Regulation 27 Notice register
- Detention notices list
- Voluntary surrender list
- Prosecution report procedure
- Procedure for keeping premises database up to date
- Food complaints policy
- Outbreak control procedure
- Procedure for the investigation of notifications of food borne infections
- Food safety alerts and incidents procedure
- Internal monitoring procedure – quality checks



- Enforcement Procedure for the inspection, detention, seizure, voluntary surrender and storage of food
- Information Security policy - Instructions for implementation.

### *(2) 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.

### *(3) On-site verification visits*

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 Regulation (EC) No 852/2004 and the Food Hygiene Information Scheme.

## 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 Scotland	<p>FSS is the public sector food body for Scotland and was established by the Food (Scotland) Act 2015 as a non-ministerial office, part of the Scottish Administration, alongside, but separate from, the Scottish Government.</p> <p>FSS develops policies, provides policy advice to others, and protects consumers through delivery of a robust regulatory and enforcement strategy.</p> <p>See more at: <a href="http://www.foodstandards.gov.scot/about-us">http://www.foodstandards.gov.scot/about-us</a></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 Food Standards Scotland's expectations on the planning and delivery of food law enforcement.</p> <p>The <b>Monitoring Scheme</b> requires Local Authorities to</p>

submit an annual return to Food Standards Scotland on their food enforcement activities i.e. numbers of inspections, samples and prosecutions.

Under the **Audit Scheme** Food Standards Scotland 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 Food Standards Scotland.
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.