

**FOOD SAFETY ENFORCEMENT IN ARGYLL AND BUTE –
OUTCOME OF FOOD STANDARDS AGENCY AUDIT**

1. PURPOSE

- 1.1** The Council's Environmental Health service was the subject of a rigorous three day audit by the Food Standards Agency (Scotland). (FSA) on 13th – 15th September 2011. The purpose was to audit the level of compliance with the requirements for a Food Authority, regulating food establishments subject to Regulations (EC) 852 and 853/2004.
- 1.2** Members are advised of the positive audit report which has been received from the FSAS This recognises the work of the Council's Environmental Health service and identifies a performing service with competent and professional staff protecting food safety in Argyll and Bute and the wider population. It also affirms the service ethos of proportionate risk-based enforcement and working with businesses to secure compliance.
- 1.3** The audit report also identifies three major areas of best practice, including our very comprehensive inspection procedures, the supporting aide memoire and business profile information documentation.

2. RECOMMENDATIONS

- 2.1** That Members recognise the findings of the FSAS audit and the excellent work undertaken by Environmental Health staff, within Regulatory Services, to protect food safety.
- 2.2** That Members approve the action plan, which addresses minor issues, raised by the audit, and require the Regulatory Services Manager, as the Council's Head of Food Safety, to respond formally to the FSAS on this matter.
- 2.3** That a progress report be submitted to PPSL Committee on the action plan, at the March 2012 Committee.

3. /....

3. BACKGROUND

3.1 The Council, as the statutory food authority, require to undertake its duties under the Food Hygiene (Scotland) Regulations 2004, implementing the requirements of various EC Regulations and to meet the terms of the Framework Agreement on Local Authority Food Law Enforcement (Food Framework).

3.2 The 2011 Focused Audit Programme in Scotland targeted Argyll and Bute, Highland, and Aberdeenshire Councils. These Councils were selected because they represent the principal Authorities in Scotland regulating food manufacturing and processing. Argyll and Bute Council was selected because it regulates:-

- (i) One of the main shellfish sectors in Europe, including the largest by volume supply of processed oysters
- (ii) The main wild pectinidae (Scallop) sector in Scotland
- (iii) One of the main salmon smokery sectors in Scotland
- (iv) Overall the third largest by number manufacturing sectors in Scotland

3.3 The audit of Argyll and Bute was undertaken on 13th – 15th September 2011 and focused on the following aims :-

- (i) To audit the performance of the Local Authority against the Food Framework for the enforcement of food safety at 843/2004 approved establishments. These are manufacturers and processors of higher risk food products authorised by the Local Authority to trade throughout Europe under an approval code, and include principally fish and shellfish processing plants, and dairy processing establishments (e.g. cheese manufacturers). There are 61 approved establishments in Argyll and Bute.
- (ii) To undertake visits to selected premises with enforcement staff.
- (iii) To assess the appropriateness of systems, processes and the level of enforcement undertaken by the Council.

3.3 The audit process produces a draft report which is sent to the Council within 20 working days of the audit. The Local Authority is required to develop an action plan to address any non-conformity, and to submit this to the FSA within 20 working days. The final report is then issued to the Local Authority, published by the FSA nationally on its website (www.food.gov.uk), and reported to the European Commission.

4. DRAFT AUDIT REPORT

4.1 The closing verbal report and draft audit report for Argyll and Bute Council were very positive and recognise the exemplary work being undertaken by Environmental Health staff to protect food safety. The important comments to note are :-

- (i) /....

- (i) The audit identified that our inspection procedures are HACCP (Hazard Analysis Critical Control Point)-focused and verify systems as they would expect.
- (ii) Our Officers are trained and demonstrated suitable skills on audit.
- (iii) Inspections were undertaken professionally and competently.
- (iv) Our enforcement decisions were proportionate and appropriate.
- (v) There was evidence to demonstrate that we were actively working with businesses to achieve compliance.
- (vi) Adequate internal monitoring procedures and systems are in place.

4.2 The audit process identified examples of Best Practice from audits which are highlighted to other Local Authorities. The audit identified three major areas of Best Practice for the Council's inspection procedures, the business profile and inspection aide memoire documentation. It should be noted that the Council's inspection procedures are currently being considered as a "national standard" by the Scottish Food Enforcement Liaison Committee (SFELC).

4.3 The audit identified a number of areas which require further attention by the Council. It was noted that the Food Service Plan 2011/2012 does not meet the requirements of the Food Code of Practice and some minor administrative issues were also identified.

4.4 By way of comment, the Food Service Plan was approved by PPSL and reflects a risk-based approach to enforcement and resource allocation. The Plan reflected the resource difficulties within the service at that time, and the intention not to undertake the full intervention strategy for low risk premises.

5. ACTION PLAN

5.1 The audit identified some areas for improvement, namely:

- (i) The Food Service Plan must meet the Food Law Code of Practice. The Food Service plan 2011-12, approved by Committee, does not meet the requirements. *It is hoped we will meet the requirements of the Food Code of Practice, as a result of the service review outcomes and new delivery arrangements.*
- (ii) Ensure that inspections at approved establishments include a check on the format of the Business Identification Mark.
- (iii) Ensure that they follow our own procedure and issue their standard letters to food business operators following inspection..

5.2 It is my considered opinion that the proposed action plan in appendix I will meet these issues and subject to approval by Committee will be forwarded to the FSAS.

6. CONCLUSIONS

6.1 The Audit of the Council's food safety arrangements within Environmental Health by the Food Standards Agency has been very positive and identifies a performing service with competent and professional staff. It also supports the service ethos of proportionate risk-based enforcement and working with businesses to secure compliance.

6.2 The action plan in Appendix I will address the areas for improvement identified by the FSAS audit. The plan is based on a verbal report and the final draft report is due to be published on 14th October 2011. In the event that this report is different, a revised action plan will be taken to Committee on 19th October 2011

7. IMPLICATIONS

Policy The service requires to review its resources to meet the requirements of the food framework

Financial Will require to review service plan against Food Law Framework and Code of Practice

Equality None

Personnel None

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**FOOD STANDARDS AGENCY AUDIT REPORT
ARGYLL AND BUTE COUNCIL AUDIT – SEPTEMBER 2011
ACTION PLAN FROM AUDIT REPORT, REF. XXX**

Non-Conformance Identified	Proposed Actions	Details	Timescale
Ensure that Food hygiene interventions are carried out at a frequency which is not less than that determined by the food establishment intervention rating scheme in the Food Law Code of Practice (Scotland). [The Standard – 7.1]	Develop the Food Service Plan 2012-13 to meet the requirements for the Food Law Code of Practice and identify any issues of non-compliance for consideration by PPSL Committee	<ol style="list-style-type: none"> 1. The Food Service Plan 2012-13 will be prepared to identify service priorities for 2012-13 and meet the requirements of the Food Law Code of Practice for the food hygiene inspections of high, medium and low risk premises 2. The programme will be monitored through the services performance management systems. 	31 st March 2012
Ensure that inspections at approved establishments include a check on the format of the business Identification Mark. {The Standard 7.3	<p>Review the inspection aide memoire to review this information as part of every inspection</p> <p>Discuss new requirements with authorised officers</p>	<ol style="list-style-type: none"> 1. The approval status will be confirmed as part of the inspection, rather than the one-off annual approval process where an administrative error was identified. 2. The inspection documentation has been reviewed to include the areas relating to waste management, etc, which are detailed in the food practice 3. Raise at team meetings and at inspection planning sessions. 	30 th November 2011
Ensure that they follow their own procedure and issue their standard letters to food business operators following inspection. [The Standard 16.1]	Review the standard letters procedures and reissue	<ol style="list-style-type: none"> 1. Determine why letters not being issued and issue instructions based on findings 2. Review inspection procedures and the use of standard letters and notifications 3. The current project to implement an electronic document management system within Regulatory Services will address the reference to non-standard documentation 	<p>1st November 2011</p> <p>31st January 2012</p> <p>1st April 2012</p>