

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

1. PURPOSE

- 1.1** The Council is a statutory food authority under the Food Safety Act 1990 and this work is undertaken by Environmental Health, within Regulatory Services. The Food Standards Agency undertakes formal audits of the Council, so ensuring it is meeting its statutory duties and is in compliance with the national Food Framework Agreement.
- 1.2** During 13 – 15 September 2011 an audit of our work in the approved sector (ie, those businesses exporting across Europe with an approved establishment number) identified three major areas of best practice relating to our comprehensive inspection procedures, and some areas for improvement. An action plan was approved at the PPSL Committee on 19 October 2011 and this report advises Members on the current position.

2. RECOMMENDATIONS

- 2.1** This is a good news story. Members should note that the audit report of September 2011 has been signed off by the Food Standards Agency, and recognise the work undertaken to continue this “clean bill of health”.
- 2.2** The Council’s Environmental Health service provides a risk-based proportionate approach to enforcement, to working with businesses and to protection of food safety and public health. Together with this health protection remit, this also supports the local economy enabling business to trade on a nationally and internationally.

3. 2011 AUDIT

- 3.1** The audit was positive in reviewing the work we undertake in the approved sector and in food safety generally. This is an important sector to Argyll and Bute, and we were selected for audit because Argyll and Bute has :-
- (i) One of the main shellfish sectors in Europe, including the largest by volume of processed oysters in Scotland.
 - (ii) The main wild pectinidae (scallops) sector in Scotland

- (iii) One of the main salmon smoking sectors in Scotland, and
- (iv) Over all the third largest, by number, manufacturing sectors in Scotland.

3.2 The audit focused on systems and procedures, documentation, enforcement outcomes, and included accompanied visits to selected premises with enforcement staff.

3.3 The audit identified **three areas of best practice** relating to our inspection procedures, business profile information form and inspection aide-memoire. It identified our risk-based, proportionate approach to enforcement, our competent workforce, and evidenced that we were actively working with businesses to achieve compliance.

3.4 The areas identified for improvement related to our inability to meet the full requirements of the Code of Practice relating primarily to low risk businesses, non-compliance with our own written procedures for inspection documentation (on occasions) and the need to check the Approval Marking at each visit.

3.5 The action plan (see Appendix 1) was approved and we have been working to address these issues. We have

- (i) reviewed and developed our procedures to reflect the audit findings.
- (ii) re-emphasised our procedures to staff.
- (iii) implemented an electronic document management system and have a plan to extend this across the service, to aid document management and performance/internal monitoring, and
- (iv) implemented an alternative enforcement strategy to target low-risk businesses to support them in managing their business and meeting legislation and process changes.

3.6 The Food Standards Agency have now audited this work and sought evidence of the measures we had taken. We have now received formal notification from the Food Standards Agency that the action plan has been completed to their satisfaction and that the audit was formally closed on the 31st August 2012.

4. CONCLUSIONS

4.1 We received a positive audit in 2011 and the action plan, developed in response to its findings, is now complete and has been formally signed off by the Food Standards Agency.

4.2 /....

4.2 This reflects the work undertaken by the Environmental Health service in terms of food safety law enforcement, and our work to protect food safety and public health. This work is critical in ensuring that food produced and manufacturer local is safe, and supports the economy of Argyll and Bute which is reliant on its food and drink industry.

5. IMPLICATIONS

- 5.1 Policy: We received a positive audit in 2011 and the action plan, developed in response to its findings, is now complete and has been formally signed off by the Food Standards Agency.
- 5.2 Financial: None
- 5.3 Legal: The positive audit demonstrates that the Council is meeting its statutory duties as a “food authority”.
- 5.4 HR: None
- 5.5 Equalities: None
- 5.6 Risk: Low
- 5.7 Customer Service: None

**ALAN MORRISON
REGULATORY SERVICES MANAGER**

AM/KT/ 7293 Oct 2012

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LIST OF BACKGROUND PAPERS :

Updated Action Plan for Argyll and Bute Council

Date of Audit : 13-15 September 2011

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	PROGRESS	ACTION TAKEN
<p>The Authority should 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).</p> <p>[The Standard - 7.1]</p>	<p>31.03.2012</p>	<p>Develop the Food Service Plan 2012-13 to meet the requirements of the Food Law Code of Practice and identify any issues of non-compliance for consideration by PPSL Committee.</p> <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. 	<p>Completed. The Strategy for <i>E.coli 0157</i> guidance will impact on programmed activity, subject to FSA decision on short-term suspension of COP for medium and low risk activities.</p> <p>Completed and integrated into our procedures.</p>	<p>In respect of audit action plan</p> <ol style="list-style-type: none"> 1. Food Service plan and Enforcement policy agreed by Councils Planning and Protective Services Committee on 18th April 2012 2. Internal monitoring programme in place. The strategy will be delivered through a formal project which will be effectively managed and subject to performance monitoring and review, reporting to the Regulatory Services Manager. <p>This planned improvement has been carefully reviewed and re-appraised in the light of subsequent developments; principally the confirmation of the FSA's Guidance on Cross Contamination and the FSA's workshop on Cross Contamination (held in Perth in January 2012). Accordingly, the Council has responded by /....</p>

APPENDIX 1 (Cont'd)

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	PROGRESS	ACTION TAKEN
				<p>by developing an <i>E.coli</i> Strategy, which applies the FSA guidance on Cross Contamination as informed by the FSA at the Perth Workshop.</p> <p>The Strategy has been approved by the Regulatory Services Manager and Elected Members of Argyll and Bute Council, through the Food Service Plan and the Enforcement Policies of April 2012, and is due to take effect from September 2012-15 once we have developed the implementation and project plan, which includes engagement with business.</p> <p>We await the formal decision from the FSA on the “suspension of low and medium risk interventions” which will allow local authorities to focus operational resources on the higher risk establishments and implement the <i>E.coli</i> 0157 guidance.</p> <p>Following /....</p>

APPENDIX 1 (Cont'd)

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	PROGRESS	ACTION TAKEN
				<p>Following that period the Council will review the Strategy and remains committed to complying with the Food Law Code of Practice in relation to high, medium and lower Risk establishments. It is noteworthy that there is significant overlap between the <i>E.coli</i> Strategy and the original planned improvement, through the continuing (and in fact enhanced) focus on the higher risk establishments and activities. Otherwise the Council's focus upon higher risk establishments (known as the Red List) remains unchanged.</p>
<p>The Authority should ensure that inspections at approved establishments include a check on the format and use of the correct Identification Mark.</p> <p>[The Standard - 7.3]</p>	<p>30.11.2011</p>	<p>Review the inspection aide memoire to review this information as part of every inspection.</p> <p>Discuss new requirements with authorised officers.</p> <p>1. /....</p>	<p>All 3 actions have been completed</p>	<p>The inspection Aide memoir has been reviewed and has found to comply with legislative requirements, with the Food Law Code of Practice and with current guidance. Authorised Officers have been reminded of the need to confirm /....</p>

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	PROGRESS	ACTION TAKEN
		<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. 		<p>confirm the Approval status following every inspection.</p> <p>Erratum & Correction: - An integral aspect of the inspection procedure has been to confirm the Approval status after every inspection. This is not carried out on an annual basis.</p> <p>The approval exercise referred to, was carried out in relation to the leading court case Allan Rich Seafood's v. Lincoln Magistrates' Court [2009] EWHC 3391 (Admin), where a single administrative error occurred. This error has been corrected.</p>
The Authority should /....				

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	PROGRESS	ACTION TAKEN
<p>The Authority should ensure that they follow their own procedure and issue their standard letters to food business operators following inspection.</p> <p>[The Standard - 16.1]</p>	<p>01.11.2011</p> <p>31.01.2012</p> <p>01.04.2012</p>	<p>Review the standard letters procedures and reissue.</p> <p>1. Determine why letters not being issued and issue instructions based on findings.</p> <p>2. Review inspection procedures and the use of standard letters and notifications.</p> <p>3. The current project to implement an electronic document management system within Regulatory Services will address the reference to non-standard documentation</p>	<p>Complete</p> <p>Complete</p> <p>Ongoing</p>	<p>1. An investigation was undertaken. The use of a non-standard inspection report arose due to a mistake. This was attributed to operational pressures during a time when the local Area Team were operating significantly shorthanded.</p> <p>2.. The standard inspection report has been reviewed and confirmed as compliant with the Food Law Code of practice and extant guidance.</p> <p>3. The implementation of the document management systems has been delayed and whilst in place for service requests, it is not fully operational for documentation associated with food safety interventions. This is planned for October 2012</p> <p>Measures /....</p>

APPENDIX 1 (Cont'd)

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	PROGRESS	ACTION TAKEN
				Measures have been taken to resolve the issues identified at audit and are complete. The EDM system seeks to support this process, rather than being the improvement action.

Actions accepted by auditors. Audit file closed 31 August 2012.