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. In undertaking this duty, the service design and delivery arrangements must meet the requirements of the national code, produced by the Food Standards Agency (FSA).

1.2 Our food safety activities are essential in terms of health protection and also in working towards the Council’s outcome of supporting the economy, through our work supporting businesses and ensuring that they produce safe food. This enables businesses to continue trading locally and internationally, promoting food from Argyll, and protects public health. The aim is to help compliant businesses to thrive through the provision of advice and support, and to focus interventions on non-compliant businesses, ensuring that they do not benefit at the expense of compliant businesses.

1.3 Critical to this work is the shellfish monitoring contract which we deliver on behalf of the FSA, which supports the shellfish industry in ensuring the product is safe, and our enforcement responsibilities, ensuring that shellfish used for human consumption is safe. Through this work, sites are classified for use for production and harvesting, microbiological and toxin levels are assessed, and controls can be implemented where their standards exceed prescribed levels for micro-organisms and toxins.

1.4 Our shellfish monitoring work was audited by the FSA on 19 – 21 August 2013, and this report outlines the outcome of the Audit, and an Action Plan for addressing areas identified for improvement.

2. RECOMMENDATIONS

2.1 Note the findings of the Food Standards Agency’s audit report and our action plan

3. BACKGROUND TO OUR SHELLFISH MONITORING ACTIVITIES

3.1 The shellfish industry is important to the economy of Argyll and Bute and it is transported throughout the UK and internationally. There are very prescriptive EU regulations placed on the shellfish sector which govern food safety in the production, harvesting of shellfish, processing (including depuration) and its sale.
3.2 Integral to the safety of shellfish and the regulation of the industry is the production of high quality, safe shellfish, and the work undertaken by the Environmental Health team is central in ensuring that shellfish are harvested from clean, classified waters, treated and processed appropriately, and transported safely to processing premises and/or the final consumer with appropriate traceability.

3.3 Argyll and Bute Council successfully tendered and secured a contract with the FSA Scotland (only one of two Authorities to have won – the other was Highland) to undertake shellfish monitoring which involves the monitoring of water quality and shellfish from classified waters, and to support the classification of new sites, as necessary, subject to the needs of industry. The contract expires on 31 March 2015, with the possibility of an extension up to a maximum of 2 further years.

3.5 The arrangements we have in place to deliver the FSA contract are working well and this work is provided by a dedicated shellfish team, with any enforcement related work carried out by authorised officers within the wider environmental health team. The shellfish team visit all shellfish harvesting sites to take samples of shellfish and water quality at designated sites to identify the quality of the shellfish, and undertake sampling to either open “closed sites” or classify sites where the industry have an interest in harvesting shellfish. In terms of contract monitoring we are achieving the key performance measures and delivering the contract specifications. This work is well regarded by the FSA and we are also supporting them in training of other sampling officers.

3.6 The FSA Audit considered the monitoring activities defined in the contract and our associated official control work. This included an assessment of the Council’s overall organisation and management, its delivery and enforcement actions, and internal monitoring arrangements of other food law enforcement duties. There were also verification checks to assess the effectiveness of the official controls undertaken by the Shellfish Sampling Officers, where auditors accompanied Shellfish Sampling Officers to assess their work and practices “in the field”.

4. AUDIT FINDINGS

4.1 We are awaiting the final report from the FSA, although we have received the draft Audit Report and have developed an Action Plan to address areas for improvement. We are awaiting the final Audit Report and will have some copies available for members in Committee Room 1 prior to the meeting.

4.2 In general, the FSA were satisfied with the food safety law enforcement service plan and procedures which are in place within Argyll and Bute. These were found to satisfy the FSA Framework Agreement and were being implemented. The on-site verification visits recognised the important and difficult role of the Shellfish Sampling Officers and confirmed that procedures and documentation, and sampling were generally being undertaken in accordance with protocol and the contract. It also confirmed that appropriate enforcement actions were being taken by the environmental health team.

4.3 The Audit identified a number of areas for improvement to ensure compliance with the contract and Framework Agreement. These included:-

   (i) Procedures evaluated at audit did not always contain up-to-date references to legislation and guidance.
(ii) The Authority has documented schemes of delegation, although there is no evidence that the arrangements have been updated to reflect the new service arrangements.

(iii) Training records did not demonstrate that the Shellfish Sampling Officers were achieving their minimum 10 hours appropriate Continued Professional Development training annually.

(iv) Internal monitoring practices did not demonstrate active monitoring of many aspects of the work undertaken by the Shellfish Sampling Officers.

4.4 In general terms, I am pleased that the Audit recognised the work undertaken by the service and in particular the Shellfish Sampling Officers, who monitor shellfish in very difficult and challenging conditions. However, the report identifies that the “management” arrangements relating to the review of policies and procedures, and internal monitoring, require to be improved. This is symptomatic of resource difficulties which we have experienced, where these activities tend to be overtaken by operational demands to deliver programmed or reactive work. We have a framework in place to meet these demands, and our Action Plan will address these issues. Any inadequacies and improvements will be identified in this process, with the outcome of meeting these standards in respect of shellfish monitoring. Thereafter we will consider these issues across the whole area of food safety and environmental health. Once achieved, the aim is to implement these across the other disciplines within Regulatory Services.

This should be seen as a “health warning”, and that we need to have a better focus on these aspects, and our ability to do so will be considered in detail.

4.5 An Action Plan has been developed and accepted by the FSA to address the areas for improvement. This will be completed by 1 April 2014.

5. CONCLUSIONS

5.1 The FSA Audit confirmed that the shellfish monitoring work was generally being undertaken in compliance with procedures and standards, although it identifies areas for improvement relating to policies and procedures. I am disappointed that we had not previously implemented new internal monitoring arrangements as part of our new service delivery model, but these will be reviewed.

5.2 I am satisfied, as the Council’s Head of Food Safety, that our Action Plan will meet the FSA’s requirements. As part of our response, early discussions have been held with Highland Council who has similar audit findings in respect of internal monitoring, and training, to identify how we can work together on these.

5.3 Notwithstanding this, the report highlights potential issues relating to resources, and these will be considered in more detail as we review the adequacy of our arrangements across food safety and the wider service.

6. IMPLICATIONS

6.1 Policy No impact to Council policy, although we need to review our policies relating to authorisation of Officers and internal monitoring.

6.2 Finance None in response to the report, although there may be
further resources required to meet training needs and undertake appropriate internal monitoring.

6.3 Legal
The Audit confirmed that the Council were generally meeting its requirements as a Food Authority in terms of its shellfish monitoring activities.

6.4 Personnel
None

6.5 Equal Opportunities
None

6.6 Risk
We need to address these areas of non-conformance in order to continue to deliver this contract, which is critical to the shellfish industry locally and the Council’s role of supporting the economy. It should also be seen as a “health” indicator and an issue we need to consider across the wider service, in preparation for future external audits.

ALAN MORRISON
Regulatory Services Manager

AM/KT/7408 October 2013

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Regulatory Services Manager
Tel: 01546 604292
e-mail: alan.morrison@argyll-bute.gov.uk
### Report on the Audit of Local Authority Shellfish Sampling Activities

In accordance with the contract between the Food Standards Agency and Argyll & Bute Council
19-21 August 2013

<table>
<thead>
<tr>
<th>TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)</th>
<th>BY (DATE)</th>
<th>PLANNED IMPROVEMENTS</th>
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<tbody>
<tr>
<td>The Authority should ensure that the level of authorisation and duties of officers should be consistent with their qualifications, training, experience and the relevant Code of Practice.</td>
<td>1st April 2014</td>
<td>Revision of Procedure on Officer Authorisations, in order to comply with the competency requirements of Regulation EC 882.2004, the Food Law Code of Practice and with the SFELC Competency Matrix.</td>
<td>1st meeting between the Lead Officer for Food Control and the Environmental Health Manager (West) considering the current situation and identification of the improvements and challenges to revising Policy and Procedure. Action plan by the 30th November 2013</td>
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<td>The training requirements of the Shellfish Sampling Officers will be evaluated and appropriate training will be identified through an annual training plan, to meet the required CPD minimum hours.</td>
<td>31st December 2013</td>
<td>Revision of Procedure on Officer Authorisations in terms of the legal requirements for delegated responsibility.</td>
<td>Authorisation policy has been drafted having regard to Councils Scheme of Delegation</td>
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<td>The Authority should ensure that equipment is properly maintained and calibrated.</td>
<td>1st April 2014</td>
<td>Revision of Procedure on Calibration and Maintenance of Approved Equipment Procedures, in order to encompass all Approved Equipment (including the digital thermometers) used for shellfish monitoring.</td>
<td>1st meeting between the Lead Officer for Food Control and the Environmental Health Manager (West) considering the current situation and identification of the improvements and challenges to revising Policy and Procedure. Action plan by the 5th November 2013</td>
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<td>Additional temperature monitoring will be undertaken on Fridges/Freezers within the council utilised for sample storage. Replacement of the thermometers used for shellfish sampling and freezer(s) and fridges(s) as appropriate for storage of ice pack and samples.</td>
<td>Completed</td>
<td>Freezer temperatures are now routinely monitored in the shellfish store. The Lead Officer is currently considering sourcing appropriate digital thermometers</td>
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[The Standard – 5.3]

[The Standard – 5.4]

[The Standard – 6.2]
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| The Authority should implement a sampling programme that shall accord with any centrally issued or relevant guidance. | Completed | 1. Loading sample boxes. Boxes being packed and loaded according to Protocol for sampling and transport of shellfish for the purpose of Official Control Monitoring of classified shellfish production areas under Regulation EC 854/2004”.  
2. Temperature monitoring. Measurement according to Protocol for sampling and transport of shellfish for the purpose of Official Control Monitoring of classified shellfish production areas under Regulation EC 854/2004’  
3. Sampling technique – See notes below  
4. Biosecurity – See notes below | Implemented |
| The Authority should carry out food law enforcement in accordance with the relevant legislation, Codes of Practice and centrally issued guidance. | 1st April 2014 | 1. Revision of Procedure on Officer Authorisations in order to comply with the competency requirements of Regulation EC 882.2004, the Food Law Code of Practice and with the SFELC Competency Matrix.  
2. Revision of Procedure on Officer Authorisations in terms of the legal requirements for delegated responsibility. | 1st meeting between the Lead Officer for Food Control and the Environmental Health Manager (West) considering the current situation and identification of the improvements and challenges to revising Policy and Procedure. |
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<td>The Authority should, in relation to shellfish sampling, verify its conformance with relevant legislation, relevant centrally issued guidance and the Authority’s own documented procedures.</td>
<td>1st April 2014</td>
<td>Revision of Procedure on Internal Monitoring, together with a consideration of the requisite resources. Implementation of the new arrangements.</td>
<td>General discussions had regarding development of internal monitoring scheme and project plan to deliver this.</td>
</tr>
<tr>
<td>The Authority should, in relation to shellfish sampling, make a record of all internal monitoring. This shall be kept for at least 2 years.</td>
<td>1st April 2014</td>
<td>Appropriate document recording and management arrangement will be implemented to achieve the standards required by the Code.</td>
<td>Consideration of the resource requirements of adequate internal monitoring and record keeping. Action plan by the 31st November 2013.</td>
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**NOTES**

**Sampling Technique**

**Section 3.3.4**
The sample bags were not always sealed in accordance with the protocol for oysters.

**Section 8**
Preparation and Packaging of Samples detailed within “Protocol for sampling and transport of shellfish for the purpose of Official Control Monitoring of classified shellfish production areas under Regulation EC 854/2004” stated the following;

- “Shellfish must be placed inside a strong food grade plastic bag and the bag tied leaving some air space. The sample submission form should be completed. The bagged sample and form should then be placed in a second bag and resealed, then placed in the container provided along with frozen cool packs and foam. Freezer packs should not come into direct contact with the samples or sample bags.”

The method utilised by Argyll & Bute Council sampling officers for oyster samples is as follows;
1. A single plastic bag is placed inside another of the same size/type.
2. Oyster sample is collected and placed inside inner bag.
3. Inner bag is cable tied closed.
4. Sample form is completed and placed in small zip close bag. This is placed between inner and outer plastic bag.
5. Outer plastic bag is sealed ready for transport.

The method detailed above results in the same configuration of packaging as outlined in the sampling protocol. The reason for double bagging to start with is that once a sample of oysters is collected then it is difficult (if not impossible) to place the bag into another of the same size. This would also commonly result in the outer bag being damaged. If we are to adopt triple bagging then a larger plastic bag should be provided to place the sample and paperwork in.

Biosecurity

Marine Scotland Science
Scottish Shellfish Farm Production Survey
2012 Report

Targeted surveillance continued in 2012 on 13 sites holding susceptible Pacific oysters, no evidence of the presence of Oyster Herpes Virus has been found in Scottish waters to date. Active surveillance is to continue in 2013 under article 43 of Directive 2006/88/EC. A submission (Declaration from the United Kingdom for disease-free status for Ostreid herpes virus (OsHV-1 µVar) under Article 43 of Council Directive 2006/88/EC) has been made following the third complete year of surveillance for the UK.

http://www.scotland.gov.uk/Topics/marine/science/Research/aquaculture/diseases/notifiableDisease/oshvdec

The declaration was updated recently and continues to identify no evidence of OsHV - Version 2 (amended 31 July 2013)

Scotland's fish, molluscs and crustaceans are protected by legislation including the Aquatic Animal Health (Scotland) Regulations 2009. This requires the owner or any person attending aquatic animals, veterinarians or any person with an occupational relationship with the aquatic animals to report the symptoms of certain diseases to the Fish Health Inspectorate.

http://www.scotland.gov.uk/Topics/marine/Fish-Shellfish/aquaculture/diseases/notifiableDisease

Molluscs
- Oyster Herpesvirus (OsHV-1 µvar)
Infection with:
- Bonamia exitiosa
- Perkinsus marinus
- Microcytosis mackini
- Mareilina refringens
- Bonamia ostreae

At present no areas are visited by our shellfish sampling officers where the species identified above are present. If any notifiable disease was to be recorded then increased biosecurity measures will be implemented. Further guidance is to be provided by FSA and CEFAS on the suitability and practicality of the methods detailed in the Shellfish Sampling Protocol in addition to a suitable disinfectant.