



FOOD
STANDARDS
AGENCY

SCOTLAND

Buidheann
Inbhe-Bidhe
an Alba

**FRAMEWORK AGREEMENT
ON
LOCAL AUTHORITY
FOOD LAW ENFORCEMENT**

Argyll and Bute Council

Audit Report

13 May 2003

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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:

www.food.gov.uk/multimedia/pdfs/updateframework

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 Website contains enforcement activity data for all UK Local Authorities and can be found at:

www.food.gov.uk/enforcement/role/39188

For assistance a Glossary of technical terms used within the audit report can be found at Annex A.

INTRODUCTION

Reason for the Audit

Section 12 of the Food Standards Act 1999 provides the necessary powers for the Food Standards Agency Scotland to monitor the performance of enforcement authorities in enforcing relevant legislation in Scotland. The Food Standards Agency Scotland function, under section 12, includes setting standards of performance and auditing Local Authorities' enforcement activities. The Framework Agreement on Local Authority Food Law Enforcement was published and issued to Local Authorities in September 2000 (The Standard).

The audit scheme in Scotland will assess a Local Authority's conformance with The Standard and any associated guidance. The Food Standards Agency Scotland will carry out partial audits of all the Authorities in Scotland on an annual basis and ensure that all are fully audited over a three year period.

The aims of the audit are to:

- Help to protect public health by promoting effective local enforcement of food law
- Maintain and improve customer confidence
- Identify and disseminate good practice to aid consistency
- Promote compliance with The Standard and any relevant guidance and Codes of Practice
- Provide a means to identify under performance in Local Authority food law enforcement
- Promote self regulation and Inter Authority auditing
- Identify continuous improvement

Audit Scope

The Food Standards Agency has a remit to oversee Local Authority food law enforcement activities to ensure appropriate local services are in place. The audit assessed the authority's conformance against the Framework Agreement on Local Authority Food Law Enforcement.

This third audit covered Argyll & Bute Council's food law enforcement service comprising of the following elements of The Standard:

- Organisation and Management (The Standard 3)
- Facilities and Equipment (The Standard 6)
- Food and Feedingstuffs Premises Inspections – Feedingstuffs (The Standard 7)
- Food, Feedingstuffs and Food Premises Complaints (The Standard 8)
- Home Authority Principle (The Standard 9)
- Food & Feedingstuffs Inspection & Sampling - Feedingstuffs (The Standard 12)
- Enforcement (The Standard 15)
- Records and Inspection Reports (The Standard 16)
- Complaints about the Service (The Standard 17)
- Liaison with Other Organisations (The Standard 18)
- Third Party or Peer Review (The Standard 20)

The on-site element of the audit took place at the Authority's offices at Kilmory, Lochgilphead, on 13 May 2002.

Background

Argyll and Bute Council is a unitary Authority with a resident population of 90,550 and a geographical area of 693,500 hectares, including 26 inhabited Islands located within the West Highlands of Scotland.

The Authority's food safety law enforcement role is delivered through the Public Protection Service, which embraces the Animal Health, Environmental Health and Trading Standards Services.

The Council has adopted a decentralised service delivery model, in keeping with the expectations of central government. The Council area is therefore sub-divided into four administrative areas:

- Mid Argyll, Kintyre and Islay
- Oban, Lorn and the Isles
- Bute & Cowal
- Helensburgh & Lomond

Representative staff are available at seven area offices:

- Bowmore (By appointment)
- Campbeltown (By appointment)
- Dunoon
- Helensburgh
- Lochgilphead
- Oban
- Rothesay

This is in addition to staff based at headquarters in Lochgilphead.

All Council offices are open Monday to Friday from 09:00–17:00 hours, with the exception of local and public holidays. Some of the smaller offices may, from time to time be closed to the public over the lunch period, which is normally 13:00–14:00.

The widespread geographic area of Argyll and Bute, with a diverse spread of communities and related Islands, can make the delivery of the food safety and animal feedingstuffs law enforcement services problematic. Specific issues include the distance between communities, and the need for ferry travel to the Islands.

Resources

At the time of audit the Authority reported that the equivalent of **0.5** full time staff were involved in feedingstuffs law enforcement, and **9.8** full time staff in food law enforcement.

The budget allocation figures for 2003/2004 for food law enforcement are as follows:

	Budget
Staff	£ 271,972
Travel and Subsistence	£ 31,420
Equipment	£ 1,887
Sampling	£ 39,000
Total	£ 344,279

The budget allocation figures for 2003/2004 for feedingstuffs enforcement are as follows:

	Budget
Staff	£ 17,625
Travel and Subsistence	£ 790
Equipment	£ 500
Sampling	£ 6,000
Total	£ 24,915

The Authority has received extra funding of £16,000 per year for three years from the Food Standards Agency to address additional burdens of feedingstuffs enforcement, a figure that reflects the Authority's predominantly rural nature.

It plans to spend this extra funding on sampling and the associated increased farm visits and inspections.

EXECUTIVE SUMMARY

The Authority's Strengths

Service Plan – A Service Plan has been produced which covers both food and feedingstuffs enforcement. This plan meets the requirements of the standard and is due to be reviewed for 2003/2004.

Food and Feedingstuffs Premises Inspections – The Authority has risk-rated all its registered feedingstuffs premises.

Feedingstuffs Sampling – The Authority has been carrying out feedingstuffs sampling in accordance with its programme.

Facilities & Equipment – The Authority has made available all necessary equipment to permit all activities associated with the Service to be carried out.

Complaints Against the Service – A policy and procedure is in place.

Food, Feedingstuffs & Food Premises Complaints – These have been followed up in accordance with the Authority's procedure.

Follow-Up Action to Year 1 & 2 Non-Conformances – These have been completed and the audit files have been formally closed.

Areas for Improvement

Facilities & Equipment – Calibration and recording of equipment had not been carried out in accordance with the Authority's procedure.

AUDIT FINDINGS

The Audit findings are set out in detail under the headings of the Framework Agreement on Local Authority Food law Enforcement. The follow-up action plan is attached.

Organisation and Management (The Standard 3)

Argyll and Bute Council has drawn up a Service Delivery Plan for 2002/2003 following an internal performance review of the plan for 2001/2002, which is in line with the service planning guidance in the Framework Agreement on Food Law Enforcement. The plan is comprehensive and covers all areas of service activity, including feedingstuffs. A review of this plan was due to take place prior to production of the plan for 2003/2004.

The Environmental Health Service undertakes food hygiene and food standards enforcement, and the Trading Standards Service undertakes feedingstuffs enforcement.

At the time of audit, the Authority had identified 141 feedingstuffs establishments in its area, reflecting its predominantly rural nature. All of these premises have been registered. There are no approved establishments.

Facilities and Equipment (The Standard 6)

The Authority had provided the facilities and equipment necessary to permit all activities associated with the Service to be carried out.

A documented procedure has been produced to ensure that equipment is properly calibrated, maintained and removed from service when found to be defective.

On examination of calibration records it was noted that external calibration of reference thermometers had not been carried out at the frequency specified in the Authority's procedure, although the procedure had subsequently been changed to address this. It was also noted that following a staff vacancy, an Officer had recently been appointed who had responsibility for calibration and maintenance of equipment.

At the time of audit it was also noted that there were errors in the recording of serial numbers of thermometers on the calibration record sheets. However, prior to publication of the final report the Authority has updated their procedure to rectify this.

Food & Feedingstuffs Premises Inspections – Feedingstuffs (The Standard 7)

The Authority has produced an Animal Feedingstuffs Inspection procedure that sets out the inspection process, including a useful flow chart that covers routine visits, complaints, revisits, new premises and sampling.

At the time of audit the Authority reported that it had registered 141 businesses under the provisions of the Feeding Stuffs (Establishments and Intermediaries) Regulations 1998. It estimated that a total of 347 businesses were subject to feedingstuffs legislation, although around 61 of these would simply be using feedingstuffs rather than mixing.

The Authority had assessed the risk profile of these businesses, using the model "North Yorkshire criteria" issued by LACORS, as follows:

Risk Category	No. of Premises	Programmed Inspections
High	0	0
Medium	0	0
Low	286	40
Very Low / No Inspectable Risk	61	0

The Authority also has a number of Scotch Whisky distilleries in its area and has identified the direct supply of distillery by-products to farms for use as animal feed as an issue that it intends to raise with other members of its regional liaison group.

Food, Feedingstuffs and Food Premises Complaints (The Standard 8)

The Authority has a documented procedure in place for dealing with food complaints and complaints made against food premises.

The investigations of 6 food safety complaints and food premises complaints were examined. All had been conducted in accordance with the Authority's policy and procedure. Details of the complaints were recorded.

The Authority had not received any feedingstuffs complaints.

Home Authority Principle (The Standard 9)

The Authority's Food Service Plan 2002/2003 confirmed the Authority's support for the Local Authority Co-ordinators of Regulatory Services (LACORS) Home Authority Principle.

Argyll and Bute Council does not have any formal Home Authority agreements, although discussions have been held with the Loch Fyne Oyster Group and British Trust Hotels. From records examined, the Authority appears to implement the Home Authority Principle to a reasonable degree.

At the time of audit the Authority had not registered any businesses for which it is Home or Originating Authority on the LACORS Home Authority database.

Food & Feedingstuffs Inspection & Sampling - Feedingstuffs (The Standard 12)

The Authority has an annual feedingstuffs sampling programme and had taken 40 samples during the year 2002/03. Not all results had been received at the time of audit, although those that had been received had been followed-up where the analyst had reported that the result was unsatisfactory.

Appointment details for the Agricultural Analyst were examined and found to be satisfactory.

The laboratory used is accredited and on the list of official laboratories.

Enforcement (The Standard 15)

Argyll & Bute Council has a Food Safety Law Enforcement Policy and a Trading Standards Service Enforcement Policy that incorporate the principles of the Enforcement Concordat by placing emphasis on proportionality, consistency, targeting of resources, and enforcement transparency.

The Authority's Public Service and Licensing Committee approved the Trading Standards Enforcement Policy in May 2002.

Records and Inspection Reports (The Standard 16)

Records and inspection reports for registered feedingstuffs premises, and feedingstuffs samples, were examined and found to be comprehensive and well maintained.

Complaints about the Service (The Standard 17)

The Authority had implemented a corporate customer complaints procedure.

Two complaints had been made against the Food Service in the two years preceding the audit. Records indicated that the Authority had investigated the complaints in accordance with their policy and procedure. The Authority had kept records of the complaints.

No formal complaints about the Trading Standards Service in relation to feedingstuffs had been received in the two years preceding the audit.

Liaison with Other Organisations (The Standard 18)

The Authority has arrangements in place with neighbouring Authorities and other appropriate bodies aimed at facilitating consistent enforcement. This includes participation in the following groups:

- West of Scotland Food Liaison Group
- The Argyll Benchmarking Group
- Argyll & Clyde Health Board, Medical, Veterinary and Environmental Health Liaison Group
- West of Scotland Feedingstuffs Group

Liaison group minutes were available and confirmed regular attendance by a representative of the Service.

Argyll & Bute Council, along with seven other Authorities, form the Argyll Benchmarking Partnership. The partnership, established in 1997, provides a forum for Local Authorities of similar size and structure, and that are facing similar issues, to meet and consider issues of mutual interest.

Its main purpose is to encourage service improvement by sharing and comparing information as well as procedures and practices. The other members of the Partnership are Angus, Aberdeenshire, Dumfries and Galloway, Scottish Borders, Perth and Kinross, Comhairle Nan Eilean Siar and Highland Councils.

Third Party or Peer Review (The Standard 20)

The Authority is currently working towards BS EN 45004 accreditation. The Authority had recently completed a scrutiny review of its Public Protection Service, including Environmental Health and Trading Standards.

FOLLOW-UP ACTION PLAN FOR ARGYLL AND BUTE COUNCIL

NON-CONFORMANCE UNDER THE FRAMEWORK AGREEMENT ON LOCAL AUTHORITY FOOD LAW ENFORCEMENT	FOLLOW-UP ACTION	AGREED COMPLETION DATE
(The Standard 6.2)	The design of the form used to record the serial numbers and calibration test results of thermometer equipment has been redesigned, to prevent the erroneous recording of the serial number of individual thermometers.	Completed

GLOSSARY

Agricultural Analyst	A person, holding the prescribed qualifications, who is formally appointed by a Local Authority to analyse feedingstuffs 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.
Feedingstuffs	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 Hazard Warnings	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 <p>The Standard and the Service Planning Guidance set out the Agency's expectations on the planning and delivery of food law enforcement.</p> <p>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.</p> <p>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.</p>
Full Time Equivalent (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 other's 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.
Minded to Notice	A notice served by an Authorised Officer of the Local Authority under the Deregulation (Improvement and 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.
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
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 feedingstuffs legislation.
Trading Standards Officer (TSO)	Officer employed by the Local Authority who, amongst other responsibilities, enforces feedingstuffs legislation.