



FOOD
STANDARDS
AGENCY

SCOTLAND

Buidheann
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an Alba

Report on the Food Law Enforcement Service

East Ayrshire Council

03 - 06 December 2007

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: <http://www.food.gov.uk/enforcement/>

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 report contains some statistical data. The Agency's website contains enforcement activity data for all UK Local Authorities and can be found at: <http://www.food.gov.uk/enforcement/>

For assistance a Glossary of technical terms used within the audit report can be found in the Annex to this report.

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1.0 Introduction

- 1.1 This report records the results of the audit under the headings of the Food Standards Agency Food Law Enforcement Standard. It is publicly available on the Food Standards Agency website at: <http://www.food.gov.uk/enforcement/audits>

Reason for the Audit

- 1.2 The power to set standards, and monitor and audit Local Authority food law enforcement services was conferred on the Food Standards Agency by the Food Standards Act 1999 (the Act) and Regulation 8 of The Official Feed and Food Controls (Scotland) Regulations 2005 (the Regulations). The audit of the food service at the East Ayrshire Council was undertaken under section 12(4) of the Act and regulation 8(4) of the Regulations as part of the Agency in Scotland's core audit programme.

Audit Scope

- 1.3 The audit covered the food hygiene, food standards and feeding stuffs law enforcement service. The on-site element of the audit took place at the Authority's Environmental Health offices at Western Road, Kilmarnock, KA3 1LL
- 1.4 This core audit covered the following elements of The Standard:
- Organisation and Management
 - Review and Updating of Documented Policies and Procedures
 - Authorised Officers
 - Facilities and Equipment
 - Food and Feeding Stuffs Premises Inspections
 - Food, Feeding Stuffs and Food Premises Complaints
 - Food and Feeding Stuffs Premises Database
 - Food and Feeding Stuffs Inspection and Sampling
 - Food Safety Incidents
 - Enforcement
 - Records and Inspection Reports
 - Internal Monitoring

Background

- 1.5 East Ayrshire is predominantly a rural area with a population of 118,607 spread over an area of 490 square miles. East Ayrshire has good transport links, with the new M77 as the main route south out of Glasgow to East Ayrshire, going on to Stranraer for the ferry to Northern Ireland.
- 1.6 The economy of East Ayrshire is diverse and comprises both traditional and new industries, with a long history of textile manufacture, ranging from traditional lace making in the Irvine Valley to knitwear manufacturing throughout the area. Agriculture in Ayrshire carries a world-wide reputation for quality and leading from that primary production, the food and drink sectors are significant both in employment and turnover.

- 1.7 The Authority have approximately 1152 premises, ranging from food manufacturers and producers, bakeries, butchers' shops, hotels, restaurants, takeaway food premises, to mobile shops and catering vehicles within their enforcement area. There are 9 premises approved in terms of EU legislation, including a meat products canning factory. There are also 181 approved and 1 registered establishments under feeding stuffs legislation.
- 1.8 Within East Ayrshire there are 23 towns or villages with a population over 500, the major ones are Kilmarnock (44096), Cumnock (9127), Stewarton (64700), Galston (4931), Hurlford & Crookedholm (4987), Auchinleck (3399).

Resources

- 1.9 The 2006-2007 Service Plan indicates 6.25 full time equivalent (FTE) staff are involved in the food law official control service and approximately 1 FTE are involved in the feeding stuffs service.
- 1.10 The Authority's budget allocation figure for food safety is £234,380, the budget for feeding stuffs official control services for 2007-2008 is £8,000.

Executive Summary

- 2.1 East Ayrshire Council is a Scottish Unitary Local Authority and therefore has responsibility for enforcing food hygiene, food standards and feeding stuffs law within the East Ayrshire area;
- 2.2 According to the March 2006 Food Service Plan, approximately 1152 businesses in the Authority's area are subject to food law official controls. There are also 181 approved and 1 registered establishments under feeding stuffs legislation;
- 2.3 The Authority has a Food Service Plan covering food hygiene and food standards that meets the requirements of the Service Planning Guidance in the Framework Agreement. The equivalent for Feeding Stuffs is the Trading Standards Department Food Service Plan – Feeding Stuffs 2007-08 which also meets the requirements of the Service Planning Guidance in the Framework Agreement;
- 2.4 However, no annual review based on the 2006 Food Service Plan has been carried out. The 2007 Food Service Plan has been reported to, and approved by, the appropriate Member forum;
- 2.5 The Authority has appointed authorised Officers and inspectors to carry out official controls under food and feeding stuffs law, and qualification and training records for food law enforcement Officers demonstrate that Officers are appropriately qualified and receiving continuing development training in accordance with the Food Law Code of Practice;
- 2.6 Documented policies and procedures that have been produced are generally comprehensive and concise, although in relation to food law official controls there is no effective system for controlling documents, resulting in some being out of date and in need of review and updating;
- 2.7 Some records relating to official controls under Regulation EC No. 853/2004 are not sufficiently detailed to determine whether inspections and audits have assessed compliance with all aspects of relevant legislation and not all records were available.
- 2.8 Approved premises files are generally well maintained, although the records available were not always complete.
- 2.9 Sampling policies, procedures and programmes for food and feeding stuffs have been developed and are being implemented, and adverse food and feeding stuffs sample results are generally being followed-up appropriately;
- 2.10 Officers use a range of informal options to secure compliance. No formal enforcement action has taken place since the new hygiene legislation took effect on 1 January 2006.
- 2.11 Service performance is generally being monitored in accordance with the Food Law Code of Practice.

3.0 Audit Findings

3.1 Organisation and Management

- 3.1.1 The Authority has a 2007 Food Service Plan that covers food hygiene and food standards, and a Food Service Plan – Feeding Stuffs 2007-08 covering feeding stuffs. The 2007 Food Safety Service Plan was approved by the East Ayrshire Council Cabinet on 24 October 2007.
- 3.1.2 The 2007 food service plan covers official controls for food hygiene, food standards and relates to the Authority's corporate aims and objectives. Official controls for feeding stuffs are covered by the Food Service Plan – Feeding Stuffs. These meet the requirements of the service planning guidance in the Framework Agreement.
- 3.1.3 The Framework Agreement requires an annual performance review based on the service plan to be conducted, documented, and reported to the appropriate Member forum. Any variance is to be addressed in the next year's service arrangements.
- 3.1.4 The 2007 service plans for both food and feed do not include a review of 2006 service performance so the relevant Member level forum have not been informed about the progress against the service plan.

3.1.5 *Non Conformity*

A performance review based on the previous year's service delivery plan has not been carried out and therefore not submitted for appropriate annual member approval.

[The Standard – 3.2]

3.2 Review and Updating of Documented Policies and Procedures

- 3.2.1 The Authority has a Document Control system for food enforcement documents dated 2004, however there appears to be no effective and systematic process for controlling standard documents relating to official controls for food hygiene and food standards covered by the Standard in the Framework Agreement.
- 3.2.2 Officers have access to up to date copies of relevant documents, including legislation, the Food Law Code of Practice and Practice Guidance, Industry Guides and other centrally issued guidance either in hard copy, or electronically.
- 3.2.3 Master copies of internal policies, procedures and standard documents are held in hard copy and are also available centrally on the corporate intranet and are available to Officers for use as and when required. Up to date copies of other documents are available online via the Internet.
- 3.2.4 Internal policies and procedures are subject to review and update but not all take account of the latest version of the Food Law Code of Practice and Practice Guidance that were issued in September 2006. Consistency in their review and updating is required as there are numerous inconsistencies within written procedures for food safety enforcement.
- 3.2.5 However, it became evident during the course of the audit that some field Officers are not using current versions of some standard inspection and record forms.
- 3.2.6 The required policies and procedures for feeding stuffs enforcement are in place.

3.2.7 *Non Conformity*

In relation to food law official controls, the Authority has not ensured that all documented policies and procedures are reviewed and kept up to date;
[The Standard – 4.1]

3.3 Authorised Officers

- 3.3.1 The Delegated powers give the Director the Authority to authorise Officers for the performance of statutory duties. This would include the appointment and authorisation of Officers to carry out food and feeding stuffs law official controls.
- 3.3.2 Officers have been issued with general authorisation documents that are signed by the Director of Community Services in accordance with the documented procedure and the Scheme of Delegation applicable at that time, which is in accordance with the Food Law Code of Practice.
- 3.3.3 Subsequent reorganisation of the Authority has however changed the reporting structure and the scheme of delegation is currently under review. Therefore authorisations should be updated to reflect the new reporting structure.
- 3.3.4 Trading Standards staff are authorised to enforce the Agriculture Act, the European Communities Act, and Regulations made under those Acts, which includes feeding stuffs legislation.
- 3.3.5 Environmental Health Officers and Food Safety Officers are authorised to enforce the Food Safety Act, the Food and Environment Protection Act, the European Communities Act, and non specific Regulations made under those Acts.
- 3.3.6 These authorisations do not have any differentiation between different Officers or specific functions relevant to individual legal provisions or actions such as notices. Thus needs to be reviewed and updated to take account of different levels of authorisation.
- 3.3.7 Qualification records for the six environmental health staff that were audited demonstrate that Officers are appropriately qualified for the range of duties they have been authorised to perform.
- 3.3.8 Officers' training needs are not being formally identified, as the corporate East Ayrshire General Employee and Review scheme (EAGER) has lapsed and there is subsequently no structured training plan for staff that are carrying out official controls for food safety and standards as required by the Code of Practice. However Officers are informed of available training which they are encouraged to attend.
- 3.3.9 Training records for all Officers demonstrate that they are generally meeting the minimum of ten hours food-law related continuing development training required by the Food Law Code of Practice. The records available do not always show the content, objectives and any assessment of the training.
- 3.3.10 Officers are not formally assessed against the HACCP competencies as set out in Annex 2 of the Code of Practice.
- 3.3.11 Officers authorised for feeding stuffs enforcement are also subject to the EAGER scheme which is conducted annually. Officers are informed of available training which they are encouraged to attend.

3.3.12 The Authority has appointed Officers who have lead responsibility for official controls under food hygiene, food standards and feeding stuffs legislation.

3.3.13 *Non Conformities*

It is not evident from the records examined that the Authority has ensured that its Officers' HACCP competencies meet the requirements of the Code of Practice.

[The Standard – 5.3]

The Authority has not maintained and implemented a documented training programme for its food law enforcement Officers.

[The Standard – 5.4]

3.4 Facilities and Equipment

- 3.4.1 The Authority has provided the facilities and equipment that are necessary to enable the official control services for food and feeding stuffs to function effectively.
- 3.4.2 There is a documented procedure covering the calibration and checking of probe thermometers and data loggers. These items of equipment are being calibrated in accordance with the documented procedure and calibration certificates are available as detailed in the procedure.
- 3.4.3 Trading Standards have a documented procedure covering calibration and maintenance of equipment relating to feeding stuffs enforcement.
- 3.4.4 It was evident from reports that were requested during the course of the audit and subsequently provided after the audit that the computer system is capable of providing information required by the Food Standards Agency.
- 3.4.5 Appropriate security and backup systems appear to be in place to minimise the risk of corruption or loss of information held on the system. Procedures are in place for both the food and feeding stuffs databases to ensure that appropriate database security is in place.

3.4.6 <i>Non Conformity</i> None in this section

3.5 Food and Feeding Stuffs Premises Inspections

- 3.5.1 The Authority has documented inspection procedures covering food safety, food standards and feeding stuff premises inspections. However, some food hygiene inspection procedures have not been updated to take account of the new Food Law Code of Practice, or specific European Community regulations from 2006, see 3.2.1 and 3.2.5.
- 3.5.2 Trading Standards inspection procedures have been updated to take account of new legislation relating to feeding stuffs.

Food Hygiene and Standards

- 3.5.3 Files relating to eleven businesses that are subject to inspection under Regulation EC No. 852/2004, nine businesses also subject to Regulation EC No. 853/2004, and seven businesses that are subject to food standards regulations were checked during the course of the audit.
- 3.5.4 All of the businesses that are subject to Regulation EC No. 852/2004 and food standards regulations have been inspected at the correct minimum frequency, having regard to the inspection rating scheme in the Food Law Code of Practice.
- 3.5.5 Premises risk-ratings generally appeared to have been appropriate. However some butchers premises have been incorrectly rated to produce a higher frequency of inspection than required. These ratings did not appear to have taken account of the Food Law Code of Practice Inspection Rating Scheme.
- 3.5.6 Some recent inspections of businesses subject to Regulation EC No. 853/2004 are not always being inspected at the required frequency, having regard to the risk-rating scheme in the Food Law Code of Practice Inspection Rating Scheme.
- 3.5.7 A report that was produced from the database during the audit showed that there were no inspections overdue.

Feeding stuffs

- 3.5.8 The Authority have 181 premises registered and 1 approved premises under Feed (Hygiene and Enforcement) (Scotland) Regulations 2005, all of which have been risk-rated under the LACORS scheme and included in the Trading Standards inspection programme.

3.5.9 *Non Conformities*

In relation to some businesses that are subject to Regulation EC No. 853/2004 the Authority is not carrying out all food hygiene premises inspections at a frequency that is not less than that determined under the inspection rating system set out in the Food Law Code of Practice.

[The Standard - 7.1]

In relation to food hygiene legislation, the Authority is not able to demonstrate that it is conducting some inspections of a specific type of premises in accordance with the Food Hygiene Inspection Rating Scheme in the Food Law Code of Practice and centrally issued guidance.

[The Standard – 7.2]

In relation to some inspections of food businesses that are subject to Regulation EC No. 853/2004, the Authority is not able to demonstrate that they are carrying out official controls fully in accordance with the Food Law Code of Practice.

[The Standard – 7.3]

3.6 Food, Feeding Stuffs and Food Premises Complaints

- 3.6.1 The Authority has a documented policy and procedure covering the investigation of consumer complaints about food although this needs to be reviewed and updated to include complaints against the hygiene of premises. There is a documented Trading Standards policy and procedure that covers feeding stuffs complaints.
- 3.6.2 Records of 8 food standards complaints were examined; there were no food hygiene complaints to examine.
- 3.6.3 Appropriate investigations had generally been carried out in accordance with relevant documented procedures and centrally issued guidance. However, in two cases involving national retailers there was no evidence that to avoid duplication of enforcement resources the originating or Home Authority for the retailer had been kept aware of the investigation or its conclusion.
- 3.6.4 Complainants and businesses had generally been kept informed about the progress of the investigation and advised of the outcome. The standard form provided to complainants at the start of a complaint investigation was well thought out and provided useful information on the authorities intended actions
- 3.6.5 There has been one complaint about feeding stuffs premises during the last twelve months and this had been investigated and resolved satisfactorily.

3.6.6 *Non Conformity*

The Authority has not maintained and implemented an up to date documented policy and procedure in relation to food complaints, and have not included reference to complaints against food premises.

[The Standard – 8.1]

3.7 Food and Feeding Stuffs Premises Database

3.7.1 The Authority has set up electronic databases of both food and feeding stuffs premises.

3.7.2 Ten food business addresses were randomly selected from the local business directory and checked against the database. Most were recorded on the database and, with the exception of one new business, all were included in the planned food hygiene and food standards inspection programmes.

3.7.3 The database maintained by the Authority was not able to provide the information requested by the Agency during the audit; this information was subsequently provided as a result of the Authority approaching the IT provider who were able to supply a report that provided the requested information from the database

3.7.4 <i>Non Conformity</i>

None in this section

3.8 Food and Feeding Stuffs Inspection and Sampling

3.8.1 The Authority has documented food and feeding stuffs sampling policies, procedures and planned sampling programmes covering participation in co-ordinated surveys, sampling of locally produced food and feed, and sampling in connection with consumer complaints and other incidents.

3.8.2 Records of ten food samples were examined, all of which had been taken in accordance with the planned food sampling programme. Food and feed samples and results are recorded on the UKFSS database. Results had been reported as unsatisfactory in 8 of these samples. Generally the results of the samples had been notified to the business concerned, although in one case examined there was no evidence of any appropriate follow-up action following receipt of the unsatisfactory result.

3.8.3 There were 2 recent unsatisfactory feeding stuffs samples that are currently under investigation.

3.8.4 <i>Non Conformity</i>

None in this section

3.9 Food Safety Incidents

- 3.9.1 The Authority has an e-mail system that is capable of receiving Food Alerts that are issued by the Food Standards Agency Scotland.
- 3.9.2 There is a documented procedure for dealing with Food Alerts that has yet to be updated to take account of the Food Alert system in the Code of Practice (See 3.2.4).
- 3.9.3 Records of ten Food Alerts that had been issued by the Food Standards Agency Scotland in the weeks prior to the audit were examined, all of which were 'for information only.'
- 3.9.4 Records of all ten were available, including details of the action that had been taken.

3.9.5 <i>Non Conformity</i> None in this section

3.10 Enforcement

- 3.10.1 The Authority has a documented enforcement policy covering both Trading Standards and Environmental Health. This was approved by the Chair of the Community Services Committee in June 2004. This is available to food business operators and citizens.
- 3.10.2 There are also Enforcement Procedures documents covering food safety inspections, food sampling, food complaints, food standards inspections, animal feeding stuffs inspections, seizure and detention of feeding stuffs and animal feeding stuffs sampling,
- 3.10.3 The Food Law Code of Practice requires Authorities to document their approach to food law official controls in their own premises. This requirement had not yet been addressed at the time of the audit. On the next review of the enforcement policy it should include details of the arrangement where the Authority is the proprietor of the food business as required by the Food Law Code of Practice.
- 3.10.4 It is evident from the records we have examined that the Authority's general approach is to use inspections and letters then informal options and voluntary procedures to secure compliance, rather than notices or reports to the Procurator Fiscal.
- 3.10.5 There were no hygiene improvement notices or hygiene emergency prohibition notices available to audit as none have been served since 1 January 2006 under the current EC Regulations.
- 3.10.6 There were no records of voluntary surrenders of food for destruction to be examined as again none had been issued recently.
- 3.10.7 There were no reports to the Procurator Fiscal for prosecution to examine as again none had been reported since 1 January 2006.

3.10.8 *Non Conformity*

On the next review of the enforcement policy it should include details of the arrangement where the Authority is the proprietor of the food business as required by the Food Law Code of Practice.

[The Standard – 15.3]

3.11 Records and Inspection Reports

- 3.11.1 Records and reports of food hygiene and food standards inspections were of a variable quality. Where inspection records have been fully completed there is a comprehensive record of the business concerned and the inspection that has been carried out demonstrating both the scope and the outcome of the inspection, audit, or other official control.
- 3.11.2 However, this was not consistent because some audit and inspection record forms were only partially completed and others were missing altogether. On one occasion both the original and carbonised inspection form were left at the premises with no copy being retained or otherwise available on file. The details of the inspections that were recorded on file were not consistent in either content or quality; as a result the requirements of the Code of Practice were not being complied with.
- 3.11.3 Documentation in some of the premises files did not always meet the requirement of the Food Law Code of Practice as it did not always include details of the correct and the specific legislation under which the inspection was conducted, This would appear to be as a result of the original completed copy of the inspection form being left with the food business operator. Some letters, and the file copy of the inspection form, did not include all of the information required by the Food Law Code of Practice, including the information set out in Annex 6.
- 3.11.4 Primary and secondary inspections of businesses subject to inspection under Regulation EC No. 853/2004 were not always being clearly differentiated in file reports or database records. Many records contain generally insufficient detail regarding the current operation of the business as required by the Food Law Code of Practice.
- 3.11.5 Inspection records of establishments subject to Regulation EC No. 853/2004 were frequently incomplete, with the size and scope often not being specified in the inspection report that is left with, or sent to, the proprietor at the conclusion of the inspection. There is considerable inconsistency in the format used to record these inspections, with many inspections carried out under Regulation EC No. 853/2004 not being subject to the recording of details relating to compliance with the prerequisites of Regulation EC No. 852/2004.
- 3.11.6 Some recent inspections for both Regulation EC No. 852/2004 and Regulation EC No. 853/2004 had not been based on the relevant inspection form, and in some cases under Regulation EC No. 853/2004 incomplete inspection and audit records made it impossible to ascertain whether all operations carried out had been assessed.
- 3.11.7 For some inspections carried out under Regulation EC No. 853/2004 there had been many of the requirements under the Food Law Code of Practice and Practice Guidance in relation to recording details of the business missing. These related to confirmation of operations carried out, products produced, examination of the effectiveness of Critical Control Points (CCPs) or CCP

records, review of the use of health marks or commercial documents, synopsis of the business, plans or layout of the approved premises. equipment layout, work flow, emergency withdrawal plan, copies of labels, supplier information, and emergency contacts.

3.11.8 Reports left on site also did not generally differentiate between recommendations and legal requirements. Letters sent afterwards however did give clear guidance on the different requirements.

3.11.9 In some cases the relevant current LACORS inspection form is not being used. Where it is used, these were often comprehensive and indicated both the scope and the outcome of the inspections, However, the use of inappropriate versions of LACORS or other forms requires to be better controlled.

3.11.10 *Non Conformities*

The Authority has not maintained up to date, accurate records for the food premises in its area subject to Regulations EC No. 852/2004 and 853/2004 in accordance with the Food Law Code of Practice and the Practice Guidance. Some records are incorrect or incomplete or missing in relation to reports of inspections and visits and the determination of compliance with legal requirements made by authorised Officers.

[The Standard - 16.1]

Records of the inspection summary left at the conclusion of a food hygiene inspection or a detailed letter to the proprietor afterwards for inspections carried out under Regulation EC No. 853/2004 were not always available on file.

[The Standard – 16.1]

3.12 Internal Monitoring

- 3.12.1 The Authority has documented procedures for monitoring food law official controls and for Trading Standards, and there is evidence that the Authority's performance indicators are being regularly monitored and followed-up.
- 3.12.2 There is also evidence that performance is being monitored centrally, and that some qualitative and quantitative monitoring is taking place through team meetings and the signing system in place for letters. Shadowed inspections are happening on an ad-hoc basis, however details of these are not recorded but Officers are given individual feedback on an informal basis.
- 3.12.3 However, the monitoring of the quality and consistency of food law inspections and the other aspects of the food enforcement service that are required to be monitored by the Code of Practice had failed to identify the non-conformities detailed in this report.
- 3.12.4 Regular checks on the database and correspondence are also being carried out by either the Team leader or Principal Officer

3.12.5 *Non Conformity*

The Authority has not verified and recorded all internal monitoring to ensure its conformance with The Standard, relevant legislation, the Food Safety Act Code of Practice, relevant centrally issued guidance and the Authority's own documented policies and procedures.
[The Standard – 19.2]

4. Previous Audits

- 4.1 East Ayrshire Council's Food Standards Agency audit files for 2001, 2003 and 2004 have been closed as the Authority has fully implemented its action plans in relation to those audits.
- 4.2 However, many of the observations contained in this report are similar to observations made previously.

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ACTION PLAN FOR EAST AYRSHIRE COUNCIL

TO ADDRESS (NON CONFORMITY INCLUDING STANDARD PARAGRAPH)	BY (date)	IMPROVEMENTS PLANNED	COMMENTS
<p>A performance review based on the previous years service delivery plan has not been carried out and therefore not submitted for appropriate annual member approval. [The Standard – 3.2]</p>	<p>October 2008</p>	<p>A review of both the 2006 and 2007 plans will be submitted to Cabinet for approval.</p>	<p>The Environmental Health Service was recently moved to a new department, with a new Head of Service, following departmental restructuring within the Council. As a result of the upheaval and structural change this task was overlooked.</p>
<p>In relation to food law official controls, the Authority has not ensured that all documented policies and procedures are reviewed and kept up to date. [The Standard – 4.1]</p>	<p>December 2008</p>	<p>All Policy and Procedure documents will be subjected to review to take into account issues raised and changes to the Code of Practice / Guidance</p>	<p>It must be appreciated that there have been a large number of changes required recently to reflect changes in legislation, central guidance and reorganisation within the council and whilst updates have not been made to the formal documents, members of staff have been kept informed of all updates.</p>
<p>It is not evident from the records examined that the Authority has ensured that its Officers' HACCP competencies meet the requirements of the Code of Practice. [The Standard – 5.3]</p>	<p>Immediate</p>	<p>A checklist based on Annex 2 of the Code of Practice will be devised and each officer will be monitored by the Food Team Leader</p>	<p>The report states that qualification records for the six environmental health staff that were audited demonstrate that officers are appropriately qualified for the range of duties they are authorised to perform. This non conformity</p>

			relates to competency requirements not being documented.
The Authority has not maintained and implemented a documented training programme for its food law enforcement Officers. [The Standard – 5.4]	Immediate	The Council's EAGER process will identify training requirements and a forward plan will be based on the training requirements identified.	Training records are maintained for all members of staff and officers are meeting the minimum 10 hours food-law related continuous development required. This non conformity relates to a lack of forward planning in relation to training.
In relation to businesses that are subject to Regulation (EC) No. 853/2004 the Authority is not carrying out all food hygiene premises inspections at a frequency that is not less than that determined under the inspection rating system set out in the Food Law Code of Practice. [The Standard - 7.1]	Immediate	The necessity for Secondary inspections to be carried out on time has been re-emphasised to the enforcement officers. Increased monitoring will be applied.	The re-introduction of risk-based inspection frequencies as detailed in the new Code of Practice will ensure improved tracking of inspection dates.
In relation to food hygiene legislation, the Authority is not able to demonstrate that it is conducting inspections in accordance with the Food Hygiene Inspection Rating Scheme in the Food Law Code of Practice and centrally issued guidance. [The Standard – 7.2]	Immediate	The necessity to apply the risk rating scores correctly and consistently has been re-emphasised. Increased monitoring will be applied.	In a few instances, the Council over, rather than under, regulated in order to help those premises maintain a higher standard. Public health is not compromised by this.
In relation to some inspections of food businesses that are subject to Regulation (EC) No. 853/2004, the Authority is not able to demonstrate that they are carrying	Immediate	Further guidance has been issued to enforcement staff. Secondary inspection checklist has been introduced temporarily.	This non conformity refers to the inspections that have been carried out but only partially recorded in the files.

out official controls fully in accordance with the Food Law Code of Practice. [The Standard – 7.3]		Internal monitoring will be increased.	
The Authority has not maintained and implemented an up to date documented policy and procedure in relation to food complaints and have not included reference to complaints against food premises. [The Standard – 8.1]	December 2008	The Food Complaints Policy and Procedure documents will be subjected to review to take into account issues raised and changes to the Code of Practice / Guidance.	
On the next review of the enforcement policy it should include details of the arrangement where the Authority is the proprietor of the food business as required by the Food Law Code of Practice. [The Standard – 15.3]	At next review	The Enforcement Policy will be reviewed and submitted to Cabinet for Approval.	It is noted that these details are not mentioned in the enforcement policy, however, it is our policy to treat such premises in exactly the same way as we treat other food premises, with the addition that as stated in the Code of Practice, serious breaches are also notified to the Chief Executive.
Records of the inspection summary left at the conclusion of a food hygiene inspection or a detailed letter to the proprietor afterwards for inspections carried out under EC Regulation 853/2004 were not always available on file. [The Standard – 16.1]	Immediate	Steps have already been taken to ensure that copies of all inspection records / letters are kept on file. Our newly updated software system will allow us to electronically tag all letters to premises files.	
The Authority has not maintained up to date, accurate records for the food premises in its area subject to Regulations	Immediate	The necessity for enforcement officers to follow correct procedures in all cases has been	It is accepted that in some cases the quality of some of the information held on record could be

<p>EC 852/2004 and 853/2004 in accordance with the Food Law Code of Practice and the Practice Guidance. Some records are incorrect or incomplete or missing in relation to reports of inspections and visits and the determination of compliance with legal requirements made by authorised Officers. [The Standard - 16.1]</p>		<p>re-emphasised.</p>	<p>improved.</p>
<p>The Authority has not verified its conformance with The Standard, relevant legislation, the Food Safety Act Code of Practice, relevant centrally issued guidance and the Authority's own documented policies and procedures. [The Standard – 19.2]</p>	<p>Immediate</p>	<p>Internal monitoring by Food Team Leader has been increased and will be recorded</p>	<p>It is important to highlight that spot checks are carried out and shadow visits take place. The non conformities highlighted by the report in no way compromise public health.</p>

Glossary

Agricultural Analyst	A person, holding the prescribed qualifications, who is formally appointed by a Local Authority to analyse feeding stuffs 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.
Code of Practice	Government Code 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.
Feeding stuffs	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 Alerts	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.
Hygiene Improvement Notice	A notice served by an Authorised Officer of the Local Authority under Regulation 6 of The Food Hygiene (Scotland) Regulations 2006, 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.
Hygiene Emergency Prohibition Notices and Orders	A notice served by an Authorised Officer of the Local Authority under Regulation 8 of The Food Hygiene (Scotland) Regulations 2006 where the Officer is satisfied that the health risk condition is fulfilled with respect to any food business.
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 others 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 of 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.
Monitoring/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 food standards and feeding stuffs legislation.
Trading Standards Officer (TSO)	Officer employed by the Local Authority who, amongst other responsibilities, may enforce feeding stuffs legislation.
Unrated premises	Food premises which have not yet been inspected to allocate a risk rating. These are often premises that have recently opened or are about to open.