



FOOD  
STANDARDS  
AGENCY

SCOTLAND

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Inbhe-Bidhe  
an Alba

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# **Report on the Food Law Enforcement Service**

**South Lanarkshire Council**

**23 – 26 May 2005**

## 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' Conformity 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 audit of the food service at South Lanarkshire Council was undertaken under section 12(4) of the Act as part of the Agency in Scotland's core audit programme.

### **Audit Scope**

- 1.3 The audit covered South Lanarkshire Council's food hygiene, food standards and feeding stuffs law enforcement activities. The on-site element of the audit took place at the Authority's offices in East Kilbride and Hamilton from 23 to 26 May 2005.

- 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 South Lanarkshire is a diverse area, combining a modern, prosperous urban economy with a rural landscape in the heart of the central lowlands of Scotland. Modern high technology food processors contrast with long-established traditional farming and food production. Around 10% of the area is urban with the remainder comprising smaller rural communities
- 1.6 In terms of geographic area, South Lanarkshire is the fifth largest local authority in Scotland. It has a population of more than 307,000 and extends over 700 square miles, from the densely populated areas of Cambuslang, Rutherglen, East Kilbride and Hamilton in the North and West to rural towns and villages such as Lanark, Biggar, and Douglas in the South and East.

- 1.7 The Environmental Health service provides a wide variety of services to meet a range of the Authority's duties and responsibilities, including food hygiene and food standards law enforcement.
- 1.8 The Trading Standards Service undertakes a range of enforcement duties including feeding stuffs legislation, and offers advice and assistance to businesses and consumers.
- 1.9 The Environmental Health and Trading Standards Services both operate within an ISO 9002 accredited Quality Management System,

**Resources**

- 1.10 The Authority has the equivalent of 19.9 full time staff involved in food law enforcement. The Trading Standards Service are involved in feeding stuffs law enforcement, although this was not given in terms of full time equivalent.
- 1.11 The Authority's budget allocation figures for food law enforcement for 2005/2006 was not detailed:

	<b>Budget</b>
Staffing	
Training	
Travel and Subsistence	
Sampling	
Other	
<b>Total</b>	

## 2.0 Executive Summary

- 2.1 South Lanarkshire Council is a Scottish Unitary Local Authority and therefore has responsibility for the enforcement of food hygiene, food standards and feeding stuffs law in the area of central Scotland centred on East Kilbride;
- 2.2 Food that is produced in South Lanarkshire is distributed and sold throughout the world and is an important part of the local economy;
- 2.3 Approximately 2550 businesses in the Authority's area, including dairy farms, are subject to food law enforcement, and 246 registered businesses are subject to feeding stuffs law enforcement;
- 2.4 The Authority has Business Plans covering food hygiene, food standards and feeding stuffs law enforcement, although they do not fully meet the requirements of the Service Planning Guidance in the Framework Agreement.
- 2.5 An annual review based on the Service Plans has not been carried out, and has therefore not been reported to the appropriate Member forum.
- 2.6 The Authority has appointed authorised Officers and inspectors to enforce food and feeding stuffs law who also have responsibilities for enforcing a range of other environmental health and trading standards legislation.
- 2.7 Qualification and training records for Officers who have been authorised to enforce the Food Safety Act are incomplete, and insufficient to demonstrate that Officers are appropriately qualified and receiving an acceptable level of continuing development training.
- 2.8 Some food hygiene and food standards premises inspections are not being conducted at the required minimum frequencies.
- 2.9 The licensing and inspection of butcher shops and the inspection of other food business premises that are subject to general food hygiene legislation are being carried out systematically and in accordance with relevant procedures.
- 2.10 Documentation relating to the approval of establishments that are subject to product-specific food hygiene legislation was insufficiently detailed in some cases to determine whether approval procedures and inspections had assessed compliance with all aspects of the relevant regulations.
- 2.11 Sampling programmes for food and feeding stuffs have been developed and are being implemented. Adverse sample results are followed-up appropriately.
- 2.12 Although records in a number of areas were comprehensive and well maintained, their availability and accuracy in other areas did not meet required standards.

## **3.0 Audit Findings**

### **3.1 Organisation and Management**

- 3.1.1 The Authority has a three-year business planning cycle that is reflected in the Environmental Health and Trading Standards Business Plans for 2005-2007. These plans cover food hygiene and standards enforcement and feedingstuffs enforcement respectively and are linked to the Authority's corporate aims and objectives.
- 3.1.2 Both Business Plans incorporate some elements of the Service Planning Guidance in the Framework Agreement, including organisational structure and scope of the services, but neither fully meets the requirements.
- 3.1.3 Elements of the Service Planning Guidance that are missing include premises profiles, numbers of programmed inspections, and the estimated resources that are required to deliver the Authority's food and feeding stuffs law enforcement services.
- 3.1.4 The Environmental Health Business Plan includes the completion of 96% of inspections of A and B rated premises by the due date as performance targets for food hygiene and food standards enforcement.
- 3.1.5 The 2005-2007 Environmental Health and Trading Standards Business Plans are part of the Authority's Community Resources Directorate Resource Plan that was approved by the Community Resources Committee on 5 April 2005.
- 3.1.6 The financial allocations to the Environmental Health and Trading Standards Services are set out in the respective Business Plans. Global sums are allocated to specified actions that are necessary to achieve the Business Plan objectives.
- 3.1.7 The Framework Agreement requires an annual performance review based on the service plan to be conducted, documented, and reported to Members.
- 3.1.8 It was evident that service managers are reviewing performance at regular intervals during the year, but an annual review has not been reported to Members. Such a review should identify any aspects of the service that are not being achieved and bring these to the attention of Members.
- 3.1.9 Missed or overdue food hygiene and standards inspections are being brought into the subsequent year's service arrangements by rolling them forward to the subsequent year. However, this should be identified in the annual performance review and brought to the attention of Members, who will then be in a position to consider whether the allocation of resources to the service is sufficient.

3.1.10 *Non Conformity*

The Authority's service delivery plans for food and feeding stuffs enforcement are not fully in accordance with the Service Planning Guidance in Chapter 1 of the Framework Agreement.

[The Standard – 3.1]

The Authority has not carried out a performance review at least once a year based on the service delivery plan that has been documented and submitted for appropriate member approval.

[The Standard – 3.2]

## 3.2 Review and Updating of Documented Policies and Procedures

- 3.2.1 The Authority has an ISO 9000 based system for controlling documentation and for reviewing and updating documented policies and procedures for enforcement activities covered by the Standard. The system is documented in the "Procedure for Document and Data Control".
- 3.2.2 The system has not, however, ensured that all documented procedures are up to date. Some need to be reviewed and updated, such as the documented procedure for the Food Safety Incidents that is out of date in a number of respects, including reference to a superseded method of receiving Food Alerts from the Food Standards Agency.
- 3.2.3 Documented policies and procedures that refer to the Food Safety Act Codes of Practice also need to be reviewed and updated to take account of the new Food Safety Act Code of Practice and Practice Guidance that were issued in Scotland in October 2004.
- 3.2.4 With the exception of the matters mentioned above, Officers have access to up to date copies of relevant documents. These include legislation, the Food Safety Act Code of Practice, the Food Safety Act Practice Guidance, Industry Guides, and other appropriate documentation.

### 3.2.5 *Non Conformity*

The Authority has not implemented a control system for all documentation relating to its enforcement activities that ensures that changes to documents or amendments to documents are carried out without undue delay to ensure timely availability.

[The Standard – 4.2]

### **3.3 Authorised Officers**

- 3.3.1 The Authority has a documented procedure for the authorisation of Environmental Health Officers and Technical Officers that covers the authorisation of Officers to enforce the Food Safety Act.
- 3.3.2 The Scheme of Delegation includes a delegated power for the Executive Director (Community Resources) to authorise Officers to enforce the Food Safety Act. Officers are issued with authorisation documents that are signed by the Director, which is in accordance with the Scheme of Delegation.
- 3.3.3 The Scheme of Delegation also covers the authorisation of Officers to enforce the Agriculture Act, the Food and Environment Protection Act and the European Communities Act and subordinate Regulations made thereunder, and the issue of butcher shop licences and approvals under product-specific food hygiene Regulations.
- 3.3.4 Environmental Health Officers are issued with generic authorisation documents, which means that some Officers whose routine duties and responsibilities do not include enforcement of the Food Safety Act are nonetheless authorised to do so. If these Officers are to continue to be authorised to enforce the Food Safety Act they must undertake a minimum of 10 hours of food law enforcement-related continuing development training per year.
- 3.3.5 The Authority has appointed appropriate lead Officers with responsibility for food safety and food standards legislation as required by the Food Safety Act Code of Practice, and for feeding stuffs legislation.
- 3.3.6 There is a documented training plan for Officers, demonstrating that Officers' training needs are being assessed, and there was evidence that continuing development training is being undertaken.
- 3.3.7 However, qualification and training records for Environmental Health staff are incomplete, and there is no documented competence assessment for newly appointed Officers.
- 3.3.8 It was not therefore possible to satisfy the auditors that Officers are appropriately qualified for the food law enforcement duties they are undertaking, or that they are receiving at least the minimum 10 hours of food-related continuing development training per year required by the Code of Practice.
- 3.3.9 Officers who are involved in the approval and inspection of establishments under product-specific food hygiene legislation and the inspection and licensing of butcher shops have received some HACCP-related training, although there is no record of the content, objectives or assessment of the course.

3.3.10 *Non Conformity*

The Authority has not demonstrated that the authorised Officers it has appointed under the Food Safety Act to carry out the work set out in the approved service delivery plan have suitable qualifications, training and experience consistent with their authorisation and duties.

[The Standard – 5.3]

Where continuing development training of authorised Officers has been undertaken, the Authority has not maintained records of the content and objectives of the course, or of its duration, or of any assessment of the training.

[The Standard – 5.4]

### **3.4 Facilities and Equipment**

- 3.4.1 The Authority has made available the necessary facilities and equipment to permit activities associated with the service to be carried out.
- 3.4.2 The “Procedure for Control of Inspection Measuring and Test Equipment” documents the procedure for maintaining and calibrating relevant equipment and removing it from service when found to be defective.
- 3.4.3 Temperature measuring equipment has been checked and calibrated in accordance with the documented procedure and certificates are available for all items that are currently in use.
- 3.4.4 It was evident from reports that were requested and produced during the course of the audit that the computer system is capable of providing information required by the Food Standards Agency.
- 3.4.5 The Authority has security and backup systems that it is satisfied are sufficient to minimise the risk of corruption or loss of information held on the database.

3.4.6 <i>Non Conformity</i> None in this section.
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### **3.5 Food and Feeding Stuffs Premises Inspections**

- 3.5.1 The Environmental Health Business Plan includes, as one of the Authority's objectives, the provision of an effective and comprehensive food safety enforcement, training and advisory service to minimise the risk of food borne illness.
- 3.5.2 However, the Business Plan also includes targets of inspecting only 96% of higher risk businesses at the required frequency, and only 85% of lower risk businesses.
- 3.5.3 There are documented procedures for general food hygiene, butcher shop and food standards inspections and a generic procedure for Trading Standards visits that covers feeding stuffs inspections.
- 3.5.4 Inspection procedures for product specific premises are contained within the food hygiene inspection and enforcement guidelines.

#### **Food Hygiene**

- 3.5.5 Files relating to 10 premises that had been inspected under general hygiene regulations, 7 premises inspected under product-specific hygiene regulations, and 10 licensed butcher shops were checked.
- 3.5.6 All of the premises that are subject to the general food hygiene regulations that were examined had been inspected at the correct frequency, as determined by the Code of Practice food hygiene risk rating.
- 3.5.7 Butcher shop licensing inspections had been recorded systematically in accordance with the documented procedure and inspections had addressed the licensing requirements. The Officer's recommendation is recorded on file, although the time limit for determining applications had been exceeded in some cases.
- 3.5.8 Inspections of establishments that are approved under product-specific food hygiene regulations had been conducted at the correct frequency. The basic scope of each inspection is recorded on a food hygiene inspection form, and the standard hazard analysis assessment form has also been used in some cases.
- 3.5.9 There is no standard inspection form or aide memoire for the inspection of such establishments, and the detail that has been recorded is insufficient in some cases. It is therefore not evident from the information on file that inspections have assessed compliance with all aspects of the relevant regulations in some cases, including the critical assessment of HACCP plans. Approval documentation is also inadequate.
- 3.5.10 A report produced from the database during the audit showed that a relatively small number of food hygiene inspections are overdue, although this includes 2 premises rated "A", 8 premises rated "B", and 15 premises rated "C".

3.5.11 However, these figures do not include the missed inspections from the previous year that have been rolled-forward into the current year's inspection programme by manual alteration of the "next inspection due" date.

### **Food Standards**

3.5.12 Files relating to 12 premises at which food standards inspections had been conducted during the 12 months prior to the audit were checked.

3.5.13 Only two files contained records of more than the latest food standards inspection, and of the two premises for which there was a record of more than one inspection, only one had been inspected at the correct frequency, having regard to the Code of Practice food standards risk rating.

3.5.14 A standard inspection report form had been produced for Officers to use to record details of food standards inspections, although it had not been used in most cases, leaving significant gaps in the information on file.

3.5.15 A report produced from the database during the audit showed that 110 food standards inspections are overdue, although this does not include missed inspections that have been rolled-forward into the current year from 2003-2004 by alteration of the "next inspection due" date.

### **Feeding Stuffs**

3.5.16 The Authority has no approved feeding stuffs establishments and 246 feeding stuffs business premises that are registered under the provisions of the Feeding Stuffs (Establishments and Intermediaries) Regulations 1999.

3.5.17 Premises that are subject to feeding stuffs enforcement have been risk rated in accordance with the LACORS risk rating system and an annual programme of visits has been established and is being implemented.

3.5.18 An annual programme of visits has been established and implemented.

3.5.19 *Non Conformity*

Records of inspections in the Authority's database indicate that some food hygiene and some food standards inspections are not being carried out at a frequency that is not less than that determined under the inspection rating system set out in the Food Safety Act Code of Practice.

[The Standard - 7.1]

In relation to product-specific food hygiene legislation and in relation to food standards generally, the Authority is not able to demonstrate that it is conducting inspections and/or approvals in accordance with the relevant legislation, the Food Safety Act Code of Practice and centrally issued guidance.

[The Standard – 7.2]

The Authority has not set up, maintained and implemented a documented procedure for the inspection of premises that are subject to product-specific food hygiene Regulations.

[The Standard – 7.4]

### **3.6 Food, Feeding Stuffs and Food Premises Complaints**

- 3.6.1 The Authority has a documented Work Instruction for Consumer Complaints that covers the investigation of complaints about food, although there is no documented procedure covering the investigation of complaints about the hygiene of food premises.
- 3.6.2 There is also a generic Trading Standards documented Procedure for Consumer Complaints, Enquiries and Advice that covers the investigation of complaints about feeding stuffs.
- 3.6.3 Records of five food hygiene complaints, five complaints about the hygiene of food premises, five food standards complaints, and three complaints about feeding stuffs (two relating to pet food) were examined and compared against the Food Safety Act Code of Practice, centrally issued guidance, and the Authority's own documented procedures.
- 3.6.4 All of the complaints had been investigated appropriately, and full details were available either on file or recorded on the database. Investigation results had been conveyed to complainants and businesses concerned, and there had been liaison with home and originating authorities where appropriate.

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

### 3.7 Food and Feeding Stuffs Premises Database

- 3.7.1 The Authority has set up a database of premises in its area that are subject to food and/or feeding stuffs enforcement, and has a documented Work Instruction for Maintenance of Database Records.
- 3.7.2 15 food business addresses were randomly selected from the local business directory and checked against the database. All were recorded on the database, and 14 of the 15 businesses had been risk-rated and included in the food hygiene and food standards inspection programmes. The other business was a new trader that had recently been recorded by the Trading Standards Service.
- 3.7.3 Two spreadsheets that were produced from the database during the audit showed that the number of premises that were included in the food hygiene and food standards inspection programmes was similar, although the small difference between the two should be resolved.
- 3.7.4 It was also evident from the database records that were examined during the audit that Officers do not always record the fact that a business has ceased trading, which may result in errors in the Authority's monitoring data that is sent to the Food Standards Agency.

3.7.5	<i>Non Conformity</i> None in this section
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### **3.8 Food and Feeding Stuffs Inspection and Sampling**

#### **Food Hygiene and Food Standards**

- 3.8.1 The Authority has a documented sampling strategy, procedure and work instruction for food safety and standards sampling.
- 3.8.2 Food hygiene and food standards sampling programmes are linked to inspections that are due to be conducted during the year, as specified in the documented procedure.
- 3.8.3 Samples are taken before the planned inspection is due to be carried out, which gives an opportunity for results to be discussed and any concerns raised and resolved during the course of the inspection.
- 3.8.4 The auditors examined records of 4 food hygiene samples and 6 food standards samples that had been taken in the six months prior to the audit.
- 3.8.5 Results of all samples had been notified to the business concerned, and the one unsatisfactory sample result had been appropriately followed-up and was due to be re-sampled in the week after the audit.

#### **Feeding stuffs**

- 3.8.6 The Authority has a feeding stuffs sampling plan and programme that includes a target of taking 20 feeding stuffs samples during the year.
- 3.8.7 This sampling programme has been agreed with the Agricultural Analyst and the programme was underway at the time of the audit, although results had yet to be received.

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

### 3.9 Food Safety Incidents

- 3.9.1 The Authority has a computer e-mail system that is capable of receiving Food Alerts that are issued by the Food Standards Agency, and a documented policy and procedure for dealing with Food Incidents.
- 3.9.2 The documented procedure needs to be updated to take account of the Food Alert system that was introduced in the new Food Safety Act Code of Practice, and to refer to the database and e-mail systems that the Authority is currently using to receive and record Food Alerts.
- 3.9.3 Records of 10 Food Alerts that had been issued by the Food Standards Agency Scotland in the weeks prior to the audit were examined, 2 of which required the Authority to take action.
- 3.9.4 Copies of all 10 Food Alerts were available in electronic format and details of each had been logged on the database, including the action that had been taken in 9 of the 10 cases.

#### 3.9.5 *Non Conformity*

The Authority has not maintained its documented procedure for responding to food alerts it receives from the Food Standards Agency.  
[The Standard – 14.1]

### **3.10 Enforcement**

- 3.10.1 The Authority has a documented Enforcement Policy covering Trading Standards and Environmental Health, which was approved by the Authority's Public Protection Committee in 1997. A copy is available to local businesses and consumers and can also be accessed and downloaded on the Authority's Internet web site.
- 3.10.2 There are also "Enforcement Guidelines" and "Procedure for Enforcement" documents for Food Safety that give practical guidance for Officers on the implementation of the Enforcement Policy in relation to food safety matters and related enforcement options.
- 3.10.3 Records that the auditors examined demonstrate that Officers use a combination of formal and informal enforcement options to achieve compliance, including letters, "minded-to" notices, voluntary surrenders of food, improvement notices, emergency prohibitions and reports to the Procurator Fiscal.
- 3.10.4 Decisions on appropriate options have taken account of the particular circumstances of each case, and in the cases that the auditors examined, the decisions appear to have been proportionate and correct.
- 3.10.5 Records relating to one report to the Procurator Fiscal, one emergency prohibition notice, eleven improvement notices, and eleven voluntary surrenders of food, were examined and checked against centrally issued guidance, the Authority's enforcement policy, and relevant documented procedures.
- 3.10.6 The report to the Procurator Fiscal had been authorised by an Officer who had delegated authority to do so under the Authority's Constitution and the file itself was comprehensive and well prepared.
- 3.10.7 The Emergency Prohibition Notice had been served in appropriate circumstances but the application for an Emergency Prohibition Order had not gone ahead due to a delay in arranging the hearing.
- 3.10.8 Hard copy records of two of the eleven Improvement Notices could not be located in the Authority's filing system. One had been recorded on the database as a "minded-to" notice that had been complied with, and the other had been recorded as "pending" with no further detail.
- 3.10.9 In two cases the wording of the notice made it difficult to determine exactly what measures were required to achieve compliance, in three cases the proprietor had not been addressed by his or her full name, and in seven cases the address of the local court had not been included.
- 3.10.10 The time limit for compliance for one notice had been extended to November 2004 but there was no further record of any action after that time and the record had not been closed on the database at the time of the audit.

3.10.11 *Non Conformity*

In relation to improvement notices and emergency prohibition notices/orders the Authority is not following procedures set out in the Food Safety Act Code of Practice and centrally issued guidance.

[The Standard – 15.2]

### 3.11 Records and Inspection Reports

- 3.11.1 In relation to records and inspection reports of establishments that have been approved under product-specific food hygiene regulations there is generally insufficient detail regarding the operation of the business and the basis on which approval has been granted.
- 3.11.2 Application forms, approval documents and inspection records are missing or incomplete in most cases, a situation that was observed in the Authority's previous audit report covering approved establishments.
- 3.11.3 Records of food standards inspections were also generally insufficient to determine the scope or outcome of the inspection. They generally do not provide a clear inspection compliance history, and are insufficient to determine the nature and scale of the business. They do not therefore meet the requirements of the Food Safety Act Code of Practice.
- 3.11.4 Records of butcher shop licensing inspections and general food hygiene inspections were generally comprehensive and well maintained.
- 3.11.5 Some errors, omissions and inconsistencies in database records relating to food premises inspections, actions and outcomes are referred to elsewhere in this report.
- 3.11.6 The auditors noted the improvements that have been made in relation to the Authority's register of feeding stuffs premises, and the fact that all feeding stuffs premises have now been risk-rated using the LACORS risk-rating scheme.

#### 3.11.7 Non Conformity

The Authority has not maintained up to date, accurate records for all food premises in its area in accordance with the Food Safety Act Code of Practice.

[The Standard – 16.1]

### 3.12 Internal Monitoring

3.12.1 The Environmental Services Section has a documented “Procedure for Planning, Monitoring and Review of Services” which includes the preparation of the annual business plan, and performance and review mechanisms including customer evaluation of services.

3.12.2 However, this does not cover all aspects of the service that the Food Safety Act Code of Practice requires the Authority to monitor.

3.12.3 It was, however, evident during the audit that the Authority’s internal performance indicators for food enforcement are being monitored on a monthly basis, although it was also evident that any qualitative monitoring of the service had not taken place for some time.

#### 3.12.4 *Non Conformity*

The Authority has not verified its conformance with all relevant aspects of The Standard, legislation, the Food Safety Act Code of Practice, centrally issued guidance, and the Authority’s own documented policies and procedures.

[The Standard – 19.2]

#### **4.0 Previous Audits**

- 4.1 South Lanarkshire's Food Standards Agency audit files for 2001, 2002 and 2003 have been closed as the Authority has fully implemented its action plans in relation to those audits.
  
- 4.2 However, observations relating to the approval and inspection of establishments that are subject to product-specific food hygiene legislation that are contained in this report are similar to observations that were made in the Authority's audit report dated June 2002.

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## ACTION PLAN FOR SOUTH LANARKSHIRE COUNCIL

TO ADDRESS (NON CONFORMANCE INCLUDING STANDARD PARAGRAPH)	BY (date)	IMPROVEMENTS PLANNED	COMMENTS
<p>The Authority's service delivery plans for food and feeding stuffs enforcement are not fully in accordance with the Service Planning Guidance in Chapter 1 of the Framework Agreement.</p> <p>[The Standard – 3.1]</p>	31 <sup>st</sup> March 2006	<p>Premises profile, numbers of programmed inspections to be included in Service Plan. Budget figures to be split to show estimate for food safety work.</p>	<p><b>FSA COMMENT</b> The service plan should also include an estimate of the resources required to deliver the service. The estimate of resources required is not necessarily the same as the resources that the Authority actually provides.</p>
<p>The Authority has not carried out a performance review at least once a year based on the service delivery plan that has been documented and submitted for appropriate member approval.</p> <p>[The Standard – 3.2]</p>	31 <sup>st</sup> May 2006	<p>Separate food safety performance report to be submitted for member approval.</p>	<p>As noted in the draft report we have carried out not annual but monthly performance review. Currently, some of the higher level indicators from our Service plan are incorporated into our Resource Plan which is submitted to the elected members.</p> <p><b>FSA COMMENT</b> The Authority should review and document its performance against all targets and performance levels set out in its Service Plan every year and submit each review for appropriate member approval.</p>

<p>The Authority has not implemented a control system for all documentation relating to its enforcement activities that ensures that changes to documents or amendments to documents are carried out without undue delay to ensure timely availability.</p> <p>[The Standard – 4.2]</p>	<p>31<sup>st</sup> March 2006</p>	<p>Reviews of existing procedure continuing. To be completed by 31<sup>st</sup> March 2006.</p>	
<p>The Authority has not demonstrated that the authorised officers it has appointed under the Food Safety Act to carry out the work set out in the approved service delivery plan have suitable qualifications, training and experience consistent with their authorisation and duties.</p> <p>[The Standard – 5.3]</p>	<p>31<sup>st</sup> December 2005</p>	<p>All Officers will be required to update their training files, obtaining copy certificates where necessary.</p> <p>QA procedures will be updated to ensure that competence assessments for new officers and ongoing 10 hour per annum training is adequately evidenced</p>	<p>Officers undertaking food safety enforcement duties have suitable qualifications, training and experience to deliver this service. We recognise that records require to be updated</p>
<p>Where continuing development training of authorised officers has been undertaken, the Authority has not maintained records of the content and objectives of the course, or of its duration, or of any assessment of the training.</p> <p>[The Standard – 5.4]</p>	<p>31<sup>st</sup> March 2006</p>	<p>Joining instructions will be kept with training certificates in order to evidence content, objectives and duration. Current QA training procedure to be reviewed and amended to facilitate assessment of training.</p>	

<p>Records of inspections in the Authority's database indicate that some food hygiene and some food standards inspections are not being carried out at a frequency that is not less than that determined under the inspection rating system set out in the Food Safety Act Code of Practice.</p> <p>[The Standard – 7.1]</p>		<p>Review "closed premises" to ensure all inspection cycles have been detected to prevent the appearance that premises are overdue for inspection. Review completed by Feb 2006 to ensure closed premises are not included in returns for 2005/06 nor in plans for 2006/07.</p>	<p>At the time of the audit there were no overdue A&amp;B FH inspections for the 2005/06 inspection programme. The 2 "A", identified by the Excel spreadsheet had been closed during 2004/05, one for refurbishment and the other as it was a seasonal business and did not trade last year.</p> <p>Of the 8 "B" deemed overdue, one was done in April and still to be scored by our homeworker, one was a business that ceased trading in 2002 and was in the programme due to a data conversion issue; 2 had actually been inspected in 2004 and the visit recorded in a different format (see attachment); 2 were missed visits from 2004/05 due to access problems which were rescheduled and the other 2 were premises which had been temporarily closed in 2004/05 for refurbishment and rescheduled for 2005/06. The other "overdue" inspections follow a similar pattern.</p> <p>Of the 110 overdue food standards visits referred to, many are due to database anomalies and the practice of retaining temporarily closed premise records on the database to assist with record retention rather than opening new records on each occasion that a business reopens. Others are down to lack of access due to the seasonal nature of some businesses. Arrangements continue to be made to bring overdue visits back into inspection cycles and indeed many of the 110 had, prior to the audit visit, been reprogrammed for inspection.</p> <p>Whilst accepting we need to improve our</p>
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			<p>historical data records to prevent closed premises from being counted; the foregoing apparently “overdue” visits were for reasons outwith our control.</p> <p>We believe that our published statutory performance indicator figures speak for themselves. Over the last 3 years, our performance has been as follows:</p> <p><b>04/05</b>  A Risk 100%  B Risk 98.2%%  C-F Risk 96.2%</p> <p><b>03/04</b>  A Risk 100%  B Risk 98.9%  C-F Risk 95.3%</p> <p><b>02/03</b>  A Risk 98.4%  B Risk 97.8%  C-F Risk 93.6%</p> <p>In connection with rolling forward missed inspections into future years, we see no other way of dealing with this situation and would welcome the views of the FSA as to how this situation can be satisfactorily dealt with.</p> <p><b>FSA COMMENT</b>  Re wording of the non-conformity which, it should be noted, relates not only to food hygiene inspections but also to food standards inspections.</p>
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			<p>The report produced at the time of the audit indicated that 110 food standards inspections were overdue.</p> <p>At the time of the audit the Authority's database showed that 2 premises that were rated "A" had not been inspected since May and July 2003 respectively - i.e. had not been inspected for almost two years. "A" rated premises should be inspected at least every six months.</p> <p>Five "B" rated premises, which should be inspected at least every 12 months, had not been inspected since June 2001, November and December 2002, and May 2003 (x2) respectively.</p> <p>Two "C" rated premises (minimum 18 month inspection frequency) had not been inspected since March and May 2000, another one had not been inspected since December 2001, another two had not been inspected since February 2002, and eleven others had last inspection dates going back as far as January 2003.</p>
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<p>In relation to product-specific food hygiene legislation and in relation to food standards generally, the Authority is not able to demonstrate that it is conducting inspections and/or approvals in accordance with the relevant legislation, the Food Safety Act Code of Practice and centrally issued guidance.</p> <p>[The Standard – 7.2]</p>	<p>30<sup>th</sup> September 2005</p>	<p>We will ensure that officers complete standard templates for all food standards inspections.</p> <p>We will introduce a standard approved premises assessment template 3 months after completion by LACORS of the review of the current template.</p>	<p>At the close out meeting, it was stated that the auditors were happy with the content of the food standards inspection form and that it demonstrated that the scope of the inspection did meet the requirements of the code of practice. A few of these forms had not been completed.</p> <p><b>FSA COMMENT</b> Although there was a food standards inspection form available it had not been used in most cases, leaving significant gaps in the information on file</p>
<p>The Authority has not set up, maintained and implemented a documented procedure for the inspection of premises that are subject to product-specific food hygiene Regulations.</p> <p>[The Standard – 7.4]</p>	<p>31<sup>st</sup> March 2006</p>	<p>The existing food hygiene and food standards enforcement and inspection guides which cover all food inspections will be reviewed in light of the new legislation and amended code of practice</p>	<p>We note your comments regarding a lack of a procedure relating to product specific food hygiene premises but we would comment that the standard requires us to implement procedures for the range of inspections that we carry out. This does not preclude us from covering product specific premises within our food hygiene inspection and enforcement guidelines. We would appreciate some direction from the FSA as to why our current guidelines do not meet the standard</p> <p><b>FSA COMMENT</b> It is acceptable to include procedures for different types of premises within the one procedure provided that appropriate elements for the business concerned are considered.</p> <p>.</p>

<p>The Authority has not maintained its documented procedure for responding to food alerts it receives from the Food Standards Agency.</p> <p>[The Standard – 14.1]</p>	<p>31<sup>st</sup> December 2005</p>	<p>Relevant procedure will be reviewed and amended.</p>	<p>This evidences but repeats the non conformity detailed against section 4.2. Is this not double counting?</p> <p>We accept this but still feel that it is double counting. It is in our view not particularly helpful for the auditors to make a general comment regarding a failure to update procedures and then to highlight a specific procedure that requires updating as a separate non conformity.</p> <p><b>FSA COMMENT</b> The non-conformity in relation to section 4.2 is the failure to have a system. The Agency agrees that this non-conformity under section 14.2 may be a result of the failure to have a system, but it is a specific requirement of The Standard that the Authority should maintain this particular documented procedure.</p>
<p>In relation to improvement notices and emergency improvement notices/orders the Authority is not carrying out food law enforcement in accordance with the Food Safety Act Code of Practice and centrally issued guidance.</p> <p>[The Standard – 15.2]</p>	<p>31<sup>st</sup> March 2006</p>	<p>We will update staff guidance following review of the existing Code of Practice and will undertake refresher training with officers to improve administrative arrangements.</p>	

<p>The Authority has not maintained up to date, accurate records for all food premises in its area in accordance with the Food Safety Act Code of Practice.</p> <p>[The Standard – 16.1]</p>	<p>31<sup>st</sup> March 2006</p>	<p>Database will be updated by 31<sup>st</sup> March 2006 and on a regular basis thereafter.</p>	
<p>The Authority has not verified its Conformity with all relevant aspects of The Standard, legislation, the Food Safety Act Code of Practice, centrally issued guidance, and the Authority's own documented policies and procedures.</p> <p>[The Standard – 19.2]</p>	<p>October 2005</p>	<p>We will introduce a new regime of internal checks commencing October 2005</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"> <li>• increasing the role of local people in deciding the priorities for local government services</li> <li>• improving the way authorities manage and review their business</li> <li>• building on the experience and expertise of staff.</li> </ul>
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.
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"> <li>• Food Law Enforcement Standard</li> <li>• Service Planning Guidance</li> <li>• Monitoring Scheme</li> <li>• Audit Scheme</li> </ul> <p>The <b>Standard</b> and the <b>Service Planning Guidance</b> set out the Agency's expectations on the planning and delivery of food law enforcement.</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.

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.

Full Time Equivalents (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 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.
Metropolitan Authority	A Local Authority normally associated with a large urban conurbation in which the County and District Council functions are combined.
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
Premises outside the inspection programme	Food premises that have been assessed as having no inspectable risk and are therefore not included in the food hygiene or food standards inspection programmes.
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 food standards and 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.