



FOOD  
STANDARDS  
AGENCY

SCOTLAND

Buidheann  
Inbhe-Bidhe  
an Alba

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

West Lothian Council

1-4 August 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' 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 audit of the food service at West Lothian 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 West Lothian Council's food hygiene, food standards and feeding stuffs law enforcement activities. The on-site element of the audit took place at the offices of the Environmental Health Department at County Buildings, High Street, Linlithgow and the Trading Standards Department at Inchmuir Road, Bathgate from 1 to 4 August 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 West Lothian Council covers a mixed rural and urban area of 42,504 Hectares, a resident population of around 159,000, and approximately 1363 food premises including farms, retailers, caterers and large manufacturers.
- 1.6 Food hygiene and food standards law enforcement is carried out by the Food Team, and feeding stuffs law enforcement by the Trading Standards team. These are parts of the Environmental Health & Trading Standards Service of the Authority's Directorate of Development and Regulatory Services.

## Resources

- 1.7 The Authority indicated in pre-audit documentation that the full time equivalent (FTE) of 9.25 staff are involved in food law enforcement and 0.3 FTE staff are involved in feeding stuffs law enforcement.
- 1.8 The Authority's budget allocation figures for food law enforcement for 2004/2005 and 2005/2006 are:

2004/2005	Food Law Budget
Staffing	£378,069.00
Training	£2,000
Travel and Subsistence	£23,000.00
Sampling	£104,700.00
Other	£5,041.00
<b>Total</b>	<b>£510,810.00</b>

2005/2006	Food Law Budget
Staffing	£389,222.00
Training	£2,080
Travel and Subsistence	£23,000.00
Sampling	£77,000.00
Other	£5,000.00
<b>Total</b>	<b>£494,222.00</b>

## 2.0 Executive Summary

- 2.1 West Lothian Council is a Scottish Unitary Local Authority. It therefore has responsibility for the enforcement of food hygiene, food standards and feeding stuffs law within its area;
- 2.2 Approximately 1363 food premises including farms, retailers, caterers and large manufacturers are registered on the Authority's database. There are also 82 businesses that have registered with the Authority under feeding stuffs legislation;
- 2.3 The Authority has Service Plans covering food hygiene, food standards and feeding stuffs law enforcement that generally meet the requirements of the Service Planning Guidance in the Framework Agreement;
- 2.4 An annual review based on the Food Service Plan has been carried out and reported to the appropriate Member forum;
- 2.5 The Authority has appointed authorised Officers and inspectors to enforce food and feeding stuffs law, although the Food Service Plan indicates that the number of food Officers is insufficient to deliver the service;
- 2.6 Qualification and training records for Officers who have been authorised to enforce the Food Safety Act demonstrate that they are appropriately qualified but insufficient to demonstrate that they are receiving adequate continuing development training;
- 2.7 Food hygiene and food standards premises inspections are generally being conducted at the required minimum frequencies;
- 2.8 Records of the licensing and inspection of butcher shops and the inspection and approval of food business premises that are subject to product-specific food hygiene legislation are insufficient to demonstrate that they are being carried out systematically and in accordance with relevant procedures;
- 2.9 Documentation relating to the approval of establishments that are subject to product-specific food hygiene legislation is insufficiently detailed in some cases to determine whether approval procedures and inspections have assessed compliance with all aspects of the relevant regulations;
- 2.10 Sampling programmes for food and feeding stuffs have been developed and are being implemented. Adverse sample results are followed-up appropriately.
- 2.11 Internal monitoring of the service is being carried out but needs to be improved to meet the requirements of the Code of Practice and the Authority's own documented procedures.

### **3.0 Audit Findings**

#### **3.1 Organisation and Management**

- 3.1.1 The Authority has a Food Service Plan for 2005-2006 covering food hygiene food standards and feeding stuffs law enforcement that was approved by the Community Safety Committee on 7 June 2005. There is also a generic Environmental Health and Trading Standards Service Plan.
- 3.1.2 The format and content of the Food Service Plan follows the service planning guidance in the Framework Agreement and includes links to both corporate and departmental aims and objectives.
- 3.1.3 The Food Service Plan indicates that the Authority's food sampling budget for 2005/2006 has been reduced by more than 25% compared to the previous year, although the food sampling target level remains the same.
- 3.1.4 The Food Service Plan includes a performance review based on the previous year's service plan, as required by the Framework Agreement. This review has highlighted a continuing difficulty in completing food standards inspections due to a shortage of qualified staff.
- 3.1.5 The minutes of the Community Safety Committee record that the service plan report was approved.
- 3.1.6 It is recommended that the Service Plan annual performance review should also include actual performance against the food sampling target levels set out in the Food Service Plan in addition to reporting the actual number of samples taken during the year.
- 3.1.7 The Authority's recently introduced alternative strategy for food standards enforcement in low risk premises was not documented in the Food Service Plan at the time of the audit.
- 3.1.8 Under the new Code of Practice that was published in Scotland in October 2004 the Authority should document any alternative enforcement strategy it is planning to undertake in relation to lower risk businesses in either in the Food Service Plan or the Enforcement Policy.

3.1.9 *Non Conformity*

None in this section.

### **3.2 Review and Updating of Documented Policies and Procedures**

- 3.2.1 The Authority has a system for controlling documents, including policies, procedures and standard forms for the enforcement activities covered by The Standard in the Framework Agreement. These have been updated to take account of the new Code of Practice and Practice Guidance.
- 3.2.2 Officers have access to up to date copies of relevant documents, including legislation, the Food Safety Act Code of Practice, the Food Safety Act Practice Guidance, Industry Guides, and other appropriate documentation.
- 3.2.3 Master copies of policies, procedures and standard documents are held on the internal computer network or in hard copy format and are available to Officers as and when required.
- 3.2.4 Up to date copies of other documents are available either in the office in hard copy format or online via the Internet which is accessible from Officers' desktop PC's.

3.2.5 <i>Non Conformity</i>
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None in this section.
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### **3.3 Authorised Officers**

- 3.3.1 The Authority has delegated its power to authorise Officers in the Environmental Health and Trading Standards Service to take action under legislation that they are responsible for enforcing to the Head of Development and Regulatory Services. This power has subsequently been duly sub-delegated to the Environmental Health and Trading Standards Manager.
- 3.3.2 Authorisations for environmental health staff include the Food Safety Act, the Food and Environment Protection Act, regulations made under those Acts, and specific regulations made under the European Communities Act. Trading Standards staff are authorised under the Agriculture Act and Regulations made thereunder, which includes legislation relating to feeding stuffs.
- 3.3.3 Delegated powers also provide for the Environmental Health and Trading Standards Manager to grant, suspend or revoke butcher shop licences and approvals under product-specific food hygiene legislation.
- 3.3.4 Officer authorisation documents have been issued and signed in accordance with the delegated powers, and the Authority's records demonstrate that Officers are appropriately qualified for the range of duties that they have been authorised to perform.
- 3.3.5 Since the Food Service Plan was adopted the Authority has developed an alternative strategy for food standards enforcement in businesses that have been assessed as being low risk, having regard to the food standards inspection-rating scheme in the Code of Practice.
- 3.3.6 Some Officers who are undertaking this strategy do not fully meet the qualification requirements of the Code of Practice. This is permitted, providing the relevant provisions of the Code of Practice are met, although these requirements are not being met in practice in all cases.
- 3.3.7 The Authority's Staff Development Review process identifies Officers' training needs and there is evidence that regular reviews are being undertaken and documented.
- 3.3.8 Training records demonstrate that Officers are undertaking continuing development training but records are not sufficient to demonstrate that the minimum of 10 hours of relevant food-law related training per year is being achieved by authorised Officers in most cases.
- 3.3.9 Some 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 specific training in the principles and application of HACCP. However, it was not evident from the Authority's records that Officers had been assessed against the HACCP competencies set out in the Code of Practice.

3.3.10 Authorisation documents that are issued for environmental health staff are generic which results in Officers whose routine duties and responsibilities do not include enforcement of the Food Safety Act are nonetheless authorised to do so.

3.3.11 The Code of Practice requires that if these Officers are authorised to enforce the Food Safety Act then the requirement to undertake a minimum of 10 hours of food-law related continuing development training per year applies.

3.3.12 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.

3.3.13 In relation to staff resources, the Food Service Plan states that:

- Demands on the team from inspection programmes and other work requirements are unlikely to be met within existing resources. The additional workload is anticipated to require two additional Officers for 2005/2006 and beyond.
- Team input to education and promotion of food safety and standards is limited by current resources and yet it is an area of work, which needs significant attention if we are to continue being effective in improving standards.
- The food standards inspection programme continued to suffer due to lack of qualified staff able to inspect categorised premises. Of the 257 inspections due in 2004/2005 166 were completed.

3.3.14 *Non Conformity*

The Authority's Food Service Plan indicates that the Authority has not appointed a sufficient number of authorised Officers to carry out the work set out in the approved service delivery plan.

[The Standard – 5.3]

The Authority has not demonstrated that all of the Officers it has appointed under the Food Safety Act have received the required level on continuing development training.

[The Standard – 5.3]

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

[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 documented procedure entitled "Maintenance of Equipment" sets out the measures that the Authority has put in place to ensure that relevant equipment is maintained and calibrated and removed from service when found to be defective.
- 3.4.3 Officers are responsible for checking the calibration of electronic thermometers that have been issued to them and for maintaining their own records of these checks. It was evident from records, however, that some Officers are not recording their checks at the required four-monthly frequency as required by the documented procedure.
- 3.4.4 It was also noted that temperatures of the fridge/freezer used for storing food samples are checked by reading the digital displays on the front of the unit, although there is no check that these displays are accurate.
- 3.4.5 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.
- 3.4.6 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.

3.4.7 *Non Conformity*

The Authority has not ensured that its documented procedure relating to the maintenance and calibration of equipment has been fully implemented.  
[The Standard – 6.2]

### **3.5 Food and Feeding Stuffs Premises Inspections**

- 3.5.1 The Authority has a generic documented inspection policy and a detailed documented inspection procedure covering food hygiene and food standards inspections. This includes reference to aides memoire for specific types of inspections including product-specific approval and butcher shop licensing inspections. There are also standard inspection forms for food hygiene and food standards inspections.
- 3.5.2 In most cases completed copies of these inspection records are on file in relation to the inspection records that were checked during the audit, giving a comprehensive record of the inspection that was carried out. In some cases, however, it was noted that the inspection record had not been fully completed.

#### **Food Hygiene**

- 3.5.3 Files relating to eight premises that had been inspected under general hygiene regulations, three premises approved under product-specific hygiene regulations and ten licensed butcher shops were checked.
- 3.5.4 Six of the eight premises that are subject to the general food hygiene regulations had a history of more than one inspection and these six had all been inspected at the correct frequency, having regard to the inspection-rating and relevant inspection frequency in the Code of Practice.
- 3.5.5 In relation to butcher shop licensing, the 42-day time limit for determining applications had been met in the cases where there was an application form on file, although one premises had been licensed that did not meet the requirements of the Food Safety (Temperature Control) Regulations. In another case a licence had been issued subject to conditions that measures be undertaken to comply with licensing requirements. There was no evidence on file that these conditions had been met. In one case there was no application form and in four cases there was no copy of the licence.
- 3.5.6 It was also noted that the inspecting Officer's recommendation is not recorded and there is no evidence on file that the conditions for issuing a licence are considered by the Officer who issues the licence.
- 3.5.7 In relation to approvals and inspections of premises subject to product-specific food hygiene regulations it was not evident from the information on file that approval inspections and subsequent primary and secondary inspections had assessed compliance with all aspects of the relevant regulations. Some key documents were also missing from some files.
- 3.5.8 A report that was produced from the database indicated that a small number of food hygiene inspections appeared to be overdue at the time of the audit, although further investigation suggested that this may have been due to a database processing error. The Authority will raise this with the software supplier. There were also around 110 food premises records on the database that did not have a next food hygiene inspection due date.

## Food Standards

- 3.5.9 Files relating seven premises at which food standards inspections had been conducted during the 12 months prior to the audit were checked, some of which had been combined with food hygiene inspections.
- 3.5.10 Those that had been conducted as “stand alone” food standards inspections were well documented and had been followed-up by detailed post-inspection reports. However, the combined inspections were less well documented and follow-up letters generally included little feedback on food standards issues.
- 3.5.11 A relatively small number of inspections appeared to have been overdue at the time of the audit, but this is also likely to have been due to the same database processing error. There were also around 55 premises records that did not have a next food standards inspection due date, and 162 premises that were not included in the food standards inspection programme at the time of the audit.
- 3.5.12 This is being addressed by the Authority through its alternative enforcement strategy for low-risk food standards premises, and by combining food safety and standards inspections in other premises. It should be resolved within twelve months.

## Feeding Stuffs

- 3.5.13 The Authority has no approved feeding stuffs establishments and 82 premises that have been registered under the provisions of the Feeding Stuffs (Establishments and Intermediaries) Regulations 1999. These have been risk rated in accordance with the LACORS risk rating system and included in the Trading Standards inspection programme.

### 3.5.14 *Non Conformity*

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

[The Standard – 7.2]

In relation to butcher shop licensing and product-specific food hygiene legislation, the Authority is not adequately assessing the compliance of some relevant food business premises and systems to legally prescribed standards.

[The Standard – 7.3]

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

- 3.6.1 The Authority has a documented procedure covering the investigation of consumer complaints about food and complaints about the hygiene of food premises. There is also a documented procedure covering the investigation of feeding stuffs complaints.
- 3.6.2 Records of four food hygiene complaints, four complaints about the hygiene of food premises, four food standards complaints and one complaint about feeding stuffs were examined and compared against the Food Safety Act Code of Practice, centrally issued guidance, and the Authority's own documented procedures.
- 3.6.3 All of the complaints had been investigated appropriately in accordance with relevant documented procedures and centrally issued guidance and full details were available either on file or recorded on the database.
- 3.6.4 Investigation results had been conveyed to the businesses concerned, and there had been liaison with home and originating authorities where appropriate.

<p>3.6.5 <i>Non Conformity</i></p>
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<p>None in this section.</p>
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### **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 feeding stuffs enforcement, and has a documented Procedure for Keeping the Database Accurate and up to Date.
- 3.7.2 Twelve food business addresses were randomly selected from the local business directory and checked against the database. All twelve addresses were recorded on the database, and ten had been risk-rated and included in the food hygiene and food standards inspection programmes.
- 3.7.3 One of the remaining two businesses was a theatre. This had been inspected and determined not to be a food business but was regularly inspected for public entertainment and health and safety purposes.
- 3.7.4 The twelfth business was known to the Authority, having sent in a food premises registration form in February 2004. However there was no evidence that this application for registration had been acted upon or that the business had subsequently been visited or inspected.
- 3.7.5 Two spreadsheets that were produced from the database records during the audit showed a difference in numbers of premises included in the food hygiene and food standards inspection programmes.
- 3.7.6 This difference is being addressed through the alternative food standards enforcement strategy that has been adopted for low risk businesses and by combining food hygiene and standards inspections. The difference will therefore reduce over time as these activities are completed.
- 3.7.7 It also appeared from checking the spreadsheets against the database that some inspection records were not being properly recorded by the system. The Authority raised this with its software supplier during the course of the audit.

<p>3.7.8 <i>Non Conformity</i></p>
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<p>None in this section.</p>
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### **3.8 Food and Feeding Stuffs Inspection and Sampling**

- 3.8.1 The Authority has documented sampling policies and procedures for food hygiene, food standards and feeding stuffs sampling.
- 3.8.2 Food and feeding stuffs sampling programmes cover participation in co-ordinated surveys and the sampling of locally produced food and feeding stuffs.
- 3.8.3 The auditors examined the Authority's food hygiene and food standards sample records in the Scottish Food Surveillance System, and records in the Authority's own registers of food and feeding stuffs samples that had been taken in the six months prior to the audit.
- 3.8.4 Sample records were comprehensive, well maintained, and demonstrated that unsatisfactory sample results are routinely notified to the business concerned and appropriately followed-up. Copies of relevant correspondence were on file in all cases.

3.8.5 *Non Conformity*

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. The Authority also subscribes to the Agency's SMS Food Alert system.
- 3.9.2 There is also a documented procedure for dealing with Food Incidents that has been updated to take account of the Food Alert system in the Code of Practice. This procedure also covers the handling of food incidents that occur locally and their notification to the Food Standards Agency.
- 3.9.3 The auditors examined records of nine Food Alerts that had been issued by the Food Standards Agency in the weeks prior to the audit, all of which required the Authority to take action. Records of all nine were available in hard copy format although in some cases the versions were those that had been issued in England, not Scotland.
- 3.9.4 The Authority explained that this happened if an e-mailed version had not been received within a short period after receiving an SMS alert. If this happened the Authority downloaded a copy from the Agency's web site without realising that different versions are issued in England, Northern Ireland, Scotland and Wales.
- 3.9.5 A record sheet attached to each Food Alert copy included a summary of action that had been taken and the outcome, or up to date situation at the time of the audit, in all nine cases.

3.9.6 *Non Conformity*

None in this section.

### 3.10 Enforcement

- 3.10.1 The Authority has documented enforcement policies covering Food Safety, Food Standards and Trading Standards, and documented procedures for the seizure, detention or voluntary surrender of food that are part of the inspection procedure.
- 3.10.2 The Authority's Community Safety Committee approved the original Food Law Enforcement Policy on 25 September 2001. An updated version was approved on 2 December 2003.
- 3.10.3 There is evidence that Officers make use of a range of informal and formal enforcement options, including letters, "minded-to" notices, voluntary closures of premises, 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 four reports to the Procurator Fiscal, six emergency prohibition notices, and one voluntary closure of food premises were examined and checked against centrally issued guidance, the Authority's enforcement policy, and relevant documented procedures.
- 3.10.6 Records of the four reports to the Procurator Fiscal that were examined included a full Officer report of the case and other documents that were comprehensive and well prepared. Documents that would have completed the record of cases that had been referred to the Procurator Fiscal were held by the Legal Section and were not made available to the auditors.
- 3.10.7 At the time of the audit the Authority was planning to participate in a pilot scheme to refer cases to the Procurator Fiscal electronically, which the Authority believed would streamline the process and provide improved information on the progress and outcome of such cases.
- 3.10.8 The service of Emergency Prohibition Notices was generally well documented with records indicating that notices had been served in appropriate circumstances and signed by properly authorised Officers. However, copies of some documents relating to applications to the Court for Emergency Prohibition Orders and subsequent action were held by the Legal section and not made available to the auditors.

#### 3.10.9 *Non Conformity*

In relation to the reference of cases to the Procurator Fiscal and the application for Emergency Prohibition Orders, from available records it cannot be ascertained whether the Authority was carrying out food law enforcement in accordance with 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 approved establishments there was generally insufficient detail regarding the operation of the business, principally because inspection records were missing or incomplete.
- 3.11.2 Observations relating to the quality and content of records of establishments that are subject to product-specific food hygiene Regulations featured in the Authority's previous audit report that covered these establishments.
- 3.11.3 Records of butcher shop licensing inspections were not consistent and relevant documentation was not on file in some cases.
- 3.11.4 A copy of the most recent inspection report was not on file In two of nine food hygiene inspection records that were checked, and details of the size and scale of the business, the assessment of hazard analysis, and information on hygiene training was incomplete in some cases.
- 3.11.5 Food standards inspection records were on file in all 7 of the files that were checked, although details of the size and scale of the business and an assessment of any documented systems had not always been completed.

#### 3.11.6 *Non Conformity*

The Authority has not maintained accurate records for some food premises in its area as required by the Food Safety Act Code of Practice.  
[The Standard – 16.1]

### 3.12 Internal Monitoring

3.12.1 The Authority has a documented procedure for monitoring food law enforcement although this only covers the quality of inspections. Other aspects of the service that are required to be monitored under the Code of Practice such as adherence to the planned inspection programme are not covered by the documented procedure, although it is being carried out.

3.12.2 There is evidence that monitoring that is covered by the documented procedure, together with the other monitoring that is being carried out is being discussed at monthly team meetings and considered and reviewed by departmental management. However, at the time of the audit there had been no accompanied visits.

#### 3.12.3 *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. Previous Audits

- 4.1 The Food Standards Agency has been unable to close two of West Lothian Council's audit files from the previous audit programme because the Authority has not fully implemented its action plans in relation to those audits.
- 4.2 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 closed audit report dated 2001.

#### 4.3 *Non Conformity*

The Authority has not fully implemented its action plans in relation to audit files from the previous audit programme. A number of deficiencies that are highlighted in this report have already been identified in the Agency's previous audit reports.

[The Framework Agreement – Chapter 5 – Paragraph 11]

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## ACTION PLAN FOR WEST LoTHIAN COUNCIL

TO ADDRESS (NON CONFORMANCE INCLUDING STANDARD PARAGRAPH)	BY (date)	IMPROVEMENTS PLANNED	COMMENTS
<p>The Authority's Food Service Plan indicates that the Authority has not appointed a sufficient number of authorised Officers to carry out the work set out in the approved service delivery plan.</p> <p>[The Standard – 5.3]</p>	<p>Sept 2005</p> <p>April 2006</p> <p>March 2006</p>	<p>Report submitted to policy &amp; resource committee seeking additional funding. Decision is awaited.</p> <p>Three Officers are working towards the SFSORB Higher Certificate in food standards.</p> <p>Review service plan.</p>	
<p>The Authority has not demonstrated that all of the Officers it has appointed under the Food Safety Act have received the required level on continuing development training.</p> <p>[The Standard – 5.3]</p>	<p>April 2006</p>	<p>Authorised Officers without the required continuing development training will only be used in emergencies and will work under the direction of an appropriate Officer.</p>	<p>All EHO's are authorised under the Food Safety Act 1990 to allow them to assist in emergency situations. Whilst the code of practice requirements are clear, Officers would only be used in situations with which they were competent to deal. 10 hours training on an annual basis for such Officers is an unnecessary burden for their limited involvement in future incidents.</p> <p><b>FSA COMMENT</b> The Code of Practice requires that Food Authorities should ensure that authorised Officers receive relevant structured on-going training. The minimum</p>

			ongoing training should be 10 hours based on the principles of continuing professional development
Where continuing development training has been undertaken, the Authority has not maintained complete records of the content and objectives of the course, its duration, or a training assessment.  [The Standard – 5.4]	From 01/09/05	Training records will be improved in line with code of practice requirements.	Certificates of attendance are only recently being made available and much of Officers training is through the FSA low cost training programme.
The Authority has not ensured that its documented procedure relating to the maintenance and calibration of equipment has been fully implemented.  [The Standard – 6.2]	01/09/05	Procedures have been reviewed and updated. The necessary checks on equipment have been carried out.	
In relation to butcher shop licensing and product-specific food hygiene legislation, the Authority is not able to demonstrate that it is conducting inspections, licensing and approvals in accordance with the relevant legislation, the Food Safety Act Code of Practice and centrally issued guidance.  [The Standard – 7.2]	From 01/09/05  Complete  From 01/09/05	File administration is being reviewed and improved in an attempt to prevent premises information not being filed properly.  Staff retraining/review to ensure full understanding of cop requirements was completed in June 2005.  In relation to approved establishments Officers will be following the inspection aide	It is considered that FSA expectations in relation to the type of paperwork to be held is unreasonable – e.g. full HACCP documents.  In relation to butchers' shop licensing no further action is planned unless new applications are received.  However Officers have been instructed to ensure that in all files where action is required by a

		<p>memoirs and guidance contained in the code of practice.</p>	<p>business there is a record of compliance with such matters held on file to demonstrate that licence conditions were met.</p> <p><b>FSA COMMENT</b> The Agency does not expect full HACCP documents to be kept on file it expects the Authority's inspection records to include an assessment of the business compliance with the appropriate hazard analysis, or HACCP requirements ('own checks').</p>
<p>In relation to butcher shop licensing and product-specific food hygiene legislation, the Authority is not adequately assessing the compliance of some relevant food business premises and systems to legally prescribed standards.</p> <p>[The Standard – 7.3]</p>	<p>From 01/09/05</p>	<p>Retention of evidence of compliance will be improved as premises are presented for inspection.</p>	<p>The exact content of this point is disputed. The point was raised due to missing paperwork. Missing paper work does not demonstrate a failure to assess a business in terms of complying with the law, it does however give lack of evidence which is unacceptable.</p> <p><b>FSA COMMENT</b> If records maintained by the Authority are incomplete, the Authority cannot demonstrate that they are adequately assessing the compliance of food business premises and systems to legally prescribed standards.</p>

<p>In relation to the reference of cases to the Procurator Fiscal and the application for Emergency Prohibition Orders, the Authority was not able to demonstrate that it is 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>From 01/09/05</p>	<p>Retention of paperwork will be improved for our files. Further instruction has been given to Officers and the inspection procedures will be updated.</p>	<p>The additional paperwork requested by auditors is held by legal services and the Procurator Fiscal and does not form part of premises records.</p> <p><b>FSA COMMENT</b> It is acceptable for these documents to be held by the Legal Services department of the Authority, however we cannot complete the audit if key documents are not provided, regardless of which department holds the records.</p>
<p>The Authority has not maintained accurate records for some food premises in its area as required by the Food Safety Act Code of Practice.</p> <p>[The Standard – 16.1]</p>	<p>complete</p>	<p>No further action required</p>	<p>Since July two Officers have been designated to check all premises files prior to filing to ensure all required paperwork is present.</p>
<p>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.</p> <p>[The Standard – 19.2]</p>	<p>April 2006</p>	<p>Accompanied visits with Officers will be carried out in line with our own internal monitoring procedures.</p>	<p>This non conformance statement only relates to internal monitoring. It is unfortunate that little guidance could be offered by auditors in terms of what was acceptable in terms of internal monitoring.</p> <p><b>FSA COMMENT</b> For information. The links below are to the focused audits on internal monitoring, and third party and</p>

			<p>peer review carried out in England.</p> <p><a href="http://www.food.gov.uk/enforcement/auditscheme/internalpeer_audit_prog/iaasummaryreport">http://www.food.gov.uk/enforcement/auditscheme/internalpeer_audit_prog/iaasummaryreport</a></p> <p><a href="http://www.food.gov.uk/enforcement/goodpractice/goodprac_frmwrk_agmnt">http://www.food.gov.uk/enforcement/goodpractice/goodprac_frmwrk_agmnt</a></p>
<p>The Authority has not fully implemented its action plans in relation to audit files from the previous audit programme. A number of deficiencies that are highlighted in this report have already been identified in the Agency's previous audit reports.</p> <p>[The Framework Agreement – Chapter 5 – Paragraph 11]</p>	<p>April 2006</p>	<p>Improvements have been made and continue to be made.</p>	<p>The ongoing deficiencies in many cases relate to administration errors and file maintenance. It is unfortunate that due to the large volume of work undertaken, occasional errors occur. Although important, priority is given to improvement of food safety over administrative systems.</p> <p><b>FSA COMMENT</b></p> <p>If records maintained by the Authority are incomplete, the Authority cannot demonstrate compliance.</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.