

ABERDEEN CITY COUNCIL

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| COMMITTEE | Audit, Risk and Scrutiny |
| DATE | 26 November 2015 |
| DIRECTOR | Pete Leonard |
| TITLE OF REPORT | Food Standards Scotland Core Audit Of Local Authority Official Controls In Relation To Regulation (EC) 852/2004 On The Hygiene Of Foodstuffs In Food Business Establishments And The Application Of The Food Hygiene Information Scheme |
| REPORT NUMBER | CHI/15/297 |
| CHECKLIST COMPLETED | Yes |

1. PURPOSE OF REPORT

This report presents the findings of the Food Standards Scotland Core Audit of Aberdeen City Council's Official Controls in relation to Regulation (EC) 852/2004 on the Hygiene of Foodstuffs in Food Business Establishments and the application of the Food Hygiene Information Scheme.

2. RECOMMENDATION(S)

That the Committee notes the Audit Report and the associated Action Plan prepared by the Environmental Health Service.

3. FINANCIAL IMPLICATIONS

None

4. OTHER IMPLICATIONS

None

5. BACKGROUND/MAIN ISSUES

Audits of Local Authorities food law enforcement services are part of Food Standards Scotland's (FSS) arrangements to improve consumer

protection and confidence in relation to food and feed. 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. These Local Authority regulatory functions are principally delivered through the Commercial Team of the Environmental Health and Trading Standards Service with the exception of feeding stuffs enforcement which is undertaken by the Trading Standards team.

The Core Audit undertaken from the 28th to 30th July 2015 examined the Environmental Health Food Law Enforcement Service. The audit process involved checking documented Service policies, procedures and file records along with “reality checks” to premises where FSS auditors accompanied Environmental Health Officers on visits to establishments that had previously been inspected. Assessment of the local arrangements in place for Officer training, competency and authorisation, inspections of food businesses and internal monitoring was also undertaken. The aim of the FSS Audit Scheme is to maintain and improve consumer protection and confidence by ensuring that Local Authorities are providing an effective food law enforcement service and to gain assurance that Local Authority food hygiene law enforcement service systems and arrangements are effective in supporting food business compliance. In addition it also verifies that local enforcement is managed and delivered effectively.

The Audit scheme also provides the opportunity to identify and disseminate good practice and provide information to inform Food Standards Scotland policy on food safety and standards. Parallel Local Authority audit schemes are implemented by the Food Standards Agency’s offices in the other countries comprising the UK.

Local Authorities’ conformance is assessed against the Food Law Enforcement Standard (“The Standard”), the 5th revision of which was published in April 2010 by the Food Standards Agency as part of the Framework Agreement on Official Feed and Food Controls by Local Authorities.

Specifically, this Core Audit aimed to establish that:

- The organisation and management structure of the Environmental Health Service is capable of delivering the requirements of the Food Law Code of Practice;
- The Authority’s Internal monitoring arrangements and documented procedures are consistent, appropriate, effective and comply with internal policies and procedures, and that corrective actions are implemented to ensure that interventions are carried out competently;
- The Authority’s interventions and assessment of food safety management systems based on HACCP principles at food business

premises monitor, support and increase food law compliance and are timely, appropriate, risk-based and effectively managed;

- The Authority's food business and enforcement records, including those in relation to food safety management systems based on HACCP principles, are sufficiently detailed, accurate, up to date and effectively managed;
- The Authority ensures consistency in implementation and operation of the Food Hygiene Information Scheme (FHIS). The aim is to ensure that where food business establishments are rated under FHIS and where consumers see FHIS branding, they can be confident that the local authority is operating the FHIS as the Food Standards Scotland (FSS) intends.

Summary of Audit Findings

The Audit outcome was extremely positive with only one issue highlighted as requiring attention. That issue related to the carrying out of interventions in accordance with the relevant legislation, Codes of Practice, centrally issued guidance and policies and procedures. This matter has already been addressed and more information can be found in Annexe A of the Audit Report a copy of which can be found in Appendix 1 of this report. The main findings are summarised in the bullet points below.

- The Authority had developed an Official Food Control Service Plan for 2015-2016. The format and content of this is generally in accordance with the Service Planning Guidance in the Framework Agreement.
- The Authority had developed a series of documented policies and operational procedures relating to their food law enforcement responsibilities, many of which had been recently reviewed. These documents were available to all Officers in electronic format on a central directory.
- The authorisation format and supporting authorisation documents were generally satisfactory, Authorisation documents were available and were being used by Officers.
- Individual Officer training needs were identified as part of their annual performance review and development plan. Officers were subject to regular reviews of performance including detailed occasional shadowed inspections. Training records contained evidence that many Officers had completed a minimum of 10 hours relevant training in the last year.
- The procedures and the associated multiple forms that required to be maintained for each inspection were very onerous but were

being appropriately and consistently followed and completed. From the files examined, it was evident that Officers were aware of the Authority's procedures for conducting inspections and adhered to these, Food Business Operators were generally provided with hand written reports or occasional letters confirming the main findings from inspections. In one case there was an interval of over 30 months between registration and inspection.

- File checks of five general food hygiene premises confirmed that the Authority were completing detailed inspections, including the assessment of cross contamination risks and Hazard Analysis and Critical Control Points (HACCP) based food safety management systems. The information retained within the premises files provided sufficient evidence to support the basis for Officers' enforcement decisions and the Food Hygiene Information Scheme (FHIS) rating given.
- It was evident from audit checks that Officers were taking a graduated approach to enforcement and actively worked with businesses to achieve compliance. The information reviewed relating to a series of Notices identified that the enforcement decisions reached were appropriate to the contraventions identified and that the Enforcement Policy was being followed.
- Discussion and review of internal monitoring procedures and practices indicated that the Authority was routinely and consistently monitoring many aspects of food law enforcement work. Records of internal monitoring activities were available.

6. IMPACT

Improving Customer Experience –

The Environmental Health Service, Commercial Team, has two categories of customers:

- i. The general public who are protected as officers ensure that food which is provided by businesses in the City is safe to eat. The Audit report highlighted officers were completing detailed food safety inspections including the assessment of cross contamination risks. Enforcement decisions reached were also deemed to be appropriate to the contraventions identified.

- ii. Businesses who are given advice and support to ensure that they have the necessary knowledge to comply with the relevant legislation.

The Audit report confirmed that officers were taking a graduated approach to enforcement and actively worked with businesses to achieve compliance with the law.

Improving Staff Experience –

The Audit Report confirmed that enforcement staff are appropriately authorised and trained. The report helped to boost staff morale and recognised the consistent effort that officers routinely invest when undertaking their duties.

Improving our use of Resources –

The Environmental Health Service operates a priority based preventative inspection programme designed to concentrate resources on businesses involved in higher risk activities. A risk based approach to each inspection is adopted by officers, concentrating on those aspects which are most important to ensure food safety and food quality are maintained. In addition all complaints received about food or food businesses are investigated where sufficient supporting evidence/information is available.

Corporate -

The work of the Environmental Health Service contributes to making Aberdeen a highly successful City which is a great place to live, work and visit.

- a. Links to the 5 year Corporate Business Plan

The Service has a flexible, skilled and motivated workforce that makes best use of the financial resources available, delivering improvement in the specific service priorities in the most cost effective manner

- b. Links to Community Planning Single Outcome Agreement 2013

Ensuring that businesses are given relevant advice and guidance and food legislation is appropriately enforced contributes to making Aberdeen an attractive, clean, healthy and safe place to live and work; a City that is welcoming to business and values its business community

- c. Links to Aberdeen- the Smarter City

The work undertaken by the officers of the Environmental Health Service links with the visions contained within Aberdeen- the Smarter City. The Service assists with the promotion of Aberdeen as a great

place to do business and visit and works with partners to promote the city as a place to export from.

Public –

This report will be of interest to the public as it concerns an assessment of how the local authority enforce food safety law. The public are aware that there is the potential to contract food poisoning after consuming food made in premises that do not comply with food hygiene legislation.

7. MANAGEMENT OF RISK

Non Applicable

8. BACKGROUND PAPERS

The Framework Agreement on Official Feed and Food Controls by Local Authorities

<http://www.food.gov.uk/multimedia/pdfs/enforcement/frameworkagreementno5.pdf>

9. REPORT AUTHOR DETAILS

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Appendix 1: Food Standards Scotland Report on the Core Audit of Aberdeen City Council's Official Controls in relation to Regulation (EC) 852/2004 on the Hygiene of Foodstuffs in Food Business Establishments and the application of the Food Hygiene Information Scheme- 28-20th July 2015.