



# **Food Standards Scotland**

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## **Report on the Core Audit of Local Authority Official Controls in relation to Regulation (EC) No 852/2004 on the Hygiene of Foodstuffs in Food Business Establishments and the Application of the Food Hygiene Information Scheme**

**Aberdeen City Council  
28-30 July 2015**

## Foreword

Audits of Local Authorities food law enforcement services are part of Food Standards Scotland 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 Environmental Health and Trading Standards Services. The Food Standards Scotland website contains enforcement activity data for all UK local authorities and can be found at:

**[www.foodstandards.gov.scot/food-safety-standards/regulation-and-enforcement-food-laws-scotland/audit-and-monitoring#la](http://www.foodstandards.gov.scot/food-safety-standards/regulation-and-enforcement-food-laws-scotland/audit-and-monitoring#la)**

The attached audit report examines the Local Authority's Food Law Enforcement Service. The assessment includes the local arrangements in place for Officer training, competency and authorisation, inspections of food businesses and internal monitoring. The audit scope was detailed in the audit brief issued to all Local Authorities under reference ENF/S/14/016 on 21 May 2014. 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. This audit was developed to gain assurance that Local Authority food hygiene law enforcement service systems and arrangements are effective in supporting food business compliance, and 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, standards and feeding stuffs. Parallel Local Authority audit schemes are implemented by the Food Standards Agency's offices in the other countries comprising the UK.

Specifically, this audit aimed to establish that:

- The organisation and management structure of the Local Authority is capable of delivering the requirements of the Food Law Code of Practice;
- Internal Local Authority service 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;
- Local Authority 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;
- Local Authority 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 Local 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.

Food Standards Scotland audits assess Local Authorities' conformance against the Food Law Enforcement Standard ("The Standard"), the 5<sup>th</sup> 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 and is available on the Food Standards Agency's website at: <http://www.food.gov.uk/multimedia/pdfs/enforcement/frameworkagreementno5.pdf>

It should be 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.

For assistance, a glossary of technical terms used within this audit report can be found at Annexe C.

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## 1.0 Introduction

1.1 This report records the results of an audit at Aberdeen City Council with regard to food hygiene enforcement, under relevant headings of The Standard in The Framework Agreement on Official Feed and Food Controls by Local Authorities. The audit focused on the Authority's arrangements for the management of food premises inspections, enforcement activities and implementation of the Food Hygiene Information Scheme. The report has been made available on the Food Standards Scotland website at: [www.foodstandards.gov.scot/food-safety-standards/regulation-and-enforcement-food-laws-scotland/audit-and-monitoring#la](http://www.foodstandards.gov.scot/food-safety-standards/regulation-and-enforcement-food-laws-scotland/audit-and-monitoring#la)

### Reason for the Audit

- 1.2 The power to set standards, monitor and audit Local Authority food law enforcement services was conferred on Food Standards Scotland by Sections 3 and 25 of the Food (Scotland) Act 2015 and Regulation 7 of The Official Feed and Food Controls (Scotland) Regulations 2009. This audit of Aberdeen City Council was undertaken under section 25 (1-3) of the Act, and Regulation 7(4) of the Regulations as part of the Food Standards Scotland audit programme.
- 1.3 The last audit of Aberdeen City Council's Food Service was undertaken by the Food Standards Agency (Scotland) in April 2013. The previous audit to that was in August 2011

### Scope of the Audit

- 1.4 The audit covered the Local Authority services for the delivery of official controls in relation to Regulation (EC) No 852/2004 on the hygiene of foodstuffs. In particular:
- The Service Plan, associated reviews and management of variances;
  - The review of all documented policies and procedures for enforcement activities;
  - The delivery of official controls for the intervention programme associated with the Regulation;
  - The means by which the Local Authority ensures that Officers are competent to effectively assess food safety management systems based on HACCP principles;
  - The implementation and effectiveness of intervention activities including the assessment of food safety management systems based on HACCP principles at food business premises;
  - The maintenance and management of appropriate records in relation to enforcement activity at food businesses;
  - The scoring of premises and the allocation of an outcome for the Food Hygiene Information Scheme;
  - Internal monitoring arrangements.
- 1.5 The audit examined Aberdeen City Council's arrangements for official controls in relation to Regulation (EC) No 852/2004 on the Hygiene of Foodstuffs. The audit included verification visits to food businesses to assess the effectiveness

of the official controls implemented by the Local Authority at the food business premises and, more specifically, the checks carried out by the Authority's Officers to verify Food Business Operator (FBO) compliance with legislative requirements. The scope of the audit also included an assessment of the Authority's overall organisation and management, and the internal monitoring of other related food hygiene law enforcement activities.

- 1.6 The audit examined key food hygiene law enforcement systems and arrangements to determine that they were effective in supporting business compliance, and that local enforcement was managed and delivered effectively. The on-site element of the audit took place at the Authority's offices at Marischal College, Broad Street, Aberdeen.

## **Background**

- 1.7 Aberdeen City Council's food law enforcement service is provided by the Environmental Health Section. The Service Aims and Objectives are to protect public health, consumer interests and consumer confidence with respect to the safety, composition, description and labelling of food.

This aim is pursued through a mix of interventions that include:

- (a) Intervention, partial intervention, audit; both programmed preventative visits and also visits in response to complaints and enquires.
- (b) Verification, to ensure specified requirements have been fulfilled at establishments
- (c) Education, which includes advice given during interventions as well as the provision of education, training and the general promotion of food safety and food standards issues.
- (d) Intelligence, which includes the gathering of information through food sampling, monitoring technological/legislative changes and inter-authority/agency communication.

- 1.8 The main objectives of these enforcement approaches are:
- Improvement in hygiene practices and standards within food premises.
  - The prevention of the causes and spread of food-borne infections.
  - The removal of unsafe food from the food chain.
  - The prevention of illegal and unfair trading practices.

## **1.9 The Food Regulatory Service**

The food regulatory service is provided from within the Environmental Health Commercial Section of the Communities, Housing and Infrastructure Service by a mix of staff that includes Environmental Health Officers, Authorised Officers and administration staff. A number of the staff have joint responsibility for both food enforcement and enforcement of Health and Safety at Work. The section also has responsibilities for port health work, liaison with the Licensing Board and Licensing Committee and for liaison over planning and building warrant applications with a view to providing advice on environmental health issues that may be involved.

- 1.10 Environmental Health have a statutory role in the enforcement of legislation that is intended to ensure the hygienic handling of food and the safety of the final product in terms of its wholesomeness and fitness for consumption.

The term 'enforcement' is taken to include:

- The provision of advice about the application and interpretation of legislation.
- The provision of advice about best practice.
- Encouragement of food businesses to achieve compliance and adopt good practice through awareness raising, promotion, education and provision of feedback.
- Raising the awareness of consumers about safe food handling practices and about how to interpret labelling and descriptions of food in order to make informed choices.
- Partnership arrangements with the business and voluntary sectors and other agencies.

Formal enforcement options available to the Local Authority include:

- The use of enforcement notice procedures to require improvements to safety controls or prohibit or limit any dangerous operations.
- The power to seize or detain unfit food.
- Reporting matters to the Procurator Fiscal with a view to instigating prosecution.

The circumstances under which these options are judged appropriate are set out in the Food Safety Enforcement Policy.

The actions associated with enforcement are concerned with the monitoring of food safety and food standards performance through the following:

- Intervention and audit of food handling and manufacturing operations and processes.
- Investigation of consumer complaints.
- Sampling of food.
- Investigation of issues passed on by other food authorities or Food Standards Scotland
- Investigation of cases of food-borne disease.
- Review of guidance issued to businesses in the light of technical or legislative developments.

## 2.0 Executive Summary

- 2.1 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.
- 2.2 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.
- 2.3 The authorisation format and supporting authorisation documents were generally satisfactory, Authorisation documents were available and were being used by Officers.
- 2.4 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.
- 2.5 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.
- 2.6 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.
- 2.7 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.
- 2.8 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.



### 3.0 Audit Findings

#### 3.1 Organisation and Management

##### *Service Planning*

- 3.1.1 The Authority has an Environmental Health and Trading Standards Food and Feed Regulatory Service Plan in place for 2015/2016 as required. The Plan was comprehensive and is drafted in line with the Service Planning Guidance in the Framework Agreement. There has been a suitable review of the 2013/2014 Service Plan and the Plan has been suitably approved by the Communities, Housing and Infrastructure committee on 18 March 2015.
- 3.1.2 The aim of the Food Service is to protect public health, consumer interests and consumer confidence with respect to the safety, composition, description and labelling of food. This aim is pursued through a mix of interventions with the main objectives of these enforcement approaches being the improvement in hygiene practices and standards within food premises, the prevention of the causes and spread of food-borne infections, the removal of unsafe food from the food chain and the prevention of illegal and unfair trading practices.
- 3.1.3 Aberdeen City Council has a responsibility for the provision of food law enforcement protection services covering approximately 2000 food businesses. Table 1 illustrates the number and type of food businesses within Aberdeen City.

**Table 1: Number and Type of Food Businesses within Aberdeen City**

Food business Type	Premises	
	1 April 2013	1 April 2014
Primary Producers	4	4
Manufacturers & Packers	61	60
Importers/Exporters	1	1
Distributors/Transporters	41	40
Retailers	445	457
Restaurant & Caterers	1487	1520
Total	2039	2082

The principal responsibility is the intervention and audit of these premises, however there is also responsibility to investigate food complaints relating to the safety or standards of food sold from these establishments. This includes a responsibility to investigate, where appropriate, on behalf of other enforcement agencies under the Home Authority Principle.

Additionally, the authority has responsibility for co-ordinating a monitoring and surveillance programme for foods produced in the area.

3.1.4 The Authority had recently completed the 3 year SFELC Implementation Strategy for Controlling the Risk of Cross Contamination by following Agency Guidance to implement a cross contamination inspection strategy from 2012 to 2015. This had the result of ensuring that high and medium risk establishments were regularly inspected and compliance achieved, with many low risk and unrated remaining to be inspected. This result is acceptable to Food Standards Scotland.

3.1.5 The completed official controls as detailed in the LAEMS returns for 2014-15 were as follows:

	Totals
Total Premises at 31 Mar 2014	2095
Inspections and audits	841
Verification and surveillance	906
Sampling visits	229
Advice and education	38
Information/intelligence gathering	0
Total premises subject to official control	950

3.1.6 Specialist services are provided by Aberdeen Scientific Services who provide analytical services and microbiological services in addition to being the appointed food examiner for Aberdeen City Council.

### 3.1.7 Profile of Premises and Service

The number of approved fish processing premises is a particular feature of demand in the Aberdeen area. The City also contains a high concentration of large 'superstore' retail outlets which serve a significant number of consumers beyond the Aberdeen City boundary.

The City has a comparatively small number of major manufacturers outside the fish processing sector.

### Number of business due for food hygiene Interventions in 2014/2015

Risk category	Inspection Frequency	Number of premises
A	6 months	16
B	12 months	151
C	18 months	Currently excluded 320 Included 217
D	24 months	96
Not risk rated	N/A	96
E	Alternative Enforcement Strategy every 3 years	126
Overdue from previous year		4
Total		706

Category A & B premises are to be inspected before their due date, C premises will be dealt with in line with the Scottish Food Enforcement Liaison Committee's Cross Contamination Strategy, Category D premises, will be carried out when competing service demands allow. Work will be prioritised firstly by the risk and secondly by the length of time the intervention has been overdue. Category E premises requiring food hygiene interventions will be tackled by an Alternative Enforcement Strategy (AES) in the form of a telephone questionnaire that will be undertaken by the Administration Team.

- 3.1.8 The Food Service Plan for 2014-2015 details the current number of full time staff allocated to the Food Regulatory Service as:

<b>Section Management</b>	
Trading Standards and Commercial premises Manager	0.2
Commercial team leader	0.5
Principal Environmental Health Officers	1.6
<b>Field Staff</b>	
Environmental Health Officers	7.6
Senior Authorised Officers	1.6
Authorised Officers	3.0
<b>Section Support</b>	
Administrative Staff	3.0
<b>TOTAL</b>	<b>17.5</b>

The LA Resources Questionnaire return to the Food Standards Agency for this Authority on 23 April 2015 indicated that there were 15.0 full time equivalents (FTE) in post doing both food hygiene and food standards.

- 3.1.9 The current Service Plan shows the financial allocation for staff for food work is £849,729 with a net cost for the service of £1,162,025.

#### 3.1.10 Taking Enforcement Action

The Food Authority seek to ensure through the provision of advice, education, publicity, guidance and where appropriate, fair and reasonable formal enforcement action is taken in accordance with documented instruction and guidance.

#### ***Enforcement Policy***

- 3.1.11 The Authority has a Food Safety Enforcement Policy and Procedure document in place. The Policy had been approved by the Housing and Environment Committee in March 2013.

#### 3.1.12 The Authority will:

- Register any premise which is the subject of a legal requirement for registration within 28 days of receipt of a registration form and carry out a preliminary programmed inspection of such premises within 28 days of registration where possible.

- Approve any premise which is the subject of such a legal requirement in accordance with the Services' inspection procedures and relevant legislation.
- Detect all premises requiring registration as far as is practicable. Identification of unregistered premises will be facilitated, using all available intelligence provided to the Council's regulatory services.
- Undertake a priority based preventative inspection programme designed to concentrate resources on businesses involved in higher risk activities.
- Identify and differentiate between explicit requirements of the legislation and those issues which are raised by way of recommendation and good practice, within reports raised as a result of these inspections.
- Adopt a risk based approach to inspections concentrating on those aspects which are most important to ensuring food safety and food quality are maintained.
- Inspect food premises within the ownership of Aberdeen City Council in exactly the same manner as any other premises.
- Investigate all complaints which we receive about food or food businesses, where sufficient information and/or evidence is available. In accordance with the Food Safety Service Plan.
- Investigate all reports, both suspect and confirmed of incidents of food borne infection notified to us where a food premises is implicated as a source of infection.
- Respond promptly and appropriately to all food alerts received from the Food Standards Scotland.
- Plan and implement a risk based food standards inspection programme to monitor the quality of food and level of compliance with composition and labelling requirements.
- Inspect and where necessary carry out appropriate veterinary checks on foodstuffs imported from countries out with the European Union.

3.1.13 The Authority aim to ensure food business operators (FBO) and other responsible persons adopt effective food safety management systems based on HACCP Principles by providing:

- [a] Cook Safe manuals and CD Roms combined with consultation sessions with food business operators.
- [b] In depth discussions on the principles of Hazard Analysis linked to practical examples given during routine inspections.
- [c] Reference to the most appropriate industry, government and other relevant guidance on risk assessment.
- [d] Where possible and necessary the adoption of a formal two stage Audit to assess compliance with the requirements of Article 5 (Hazard Analysis recognising the progress achieved by businesses). Firstly by an Adequacy Audit to assess the suitability of any policy or procedure used in relation to Hazard Analysis and secondly by a Compliance Audit to establish the effectiveness of implementation of these procedures.

### ***Documented Policies and Procedures***

3.1.14 Procedures are in place for many areas of enforcement, e.g. Food Hygiene Interventions, Seizure and Detention, Prohibitions, Formal Samples, Authorisation of Officers Food Complaints, Food premises database accuracy,

Investigation of Food related Infectious disease, Food alerts and Food Incidents and Food Fraud.

- 3.1.15 The series of policies and procedures generally comply with the requirements of the Framework Agreement and many of these have been recently reviewed. There are currently no specific procedures for the service of Hygiene Improvement Notices (HIN's), Remedial Action Notices (RAN's) or Regulation 27 certificates. A modification to the documented "Prohibition Procedures" could be adapted to cover all of these.
- 3.1.16 An electronic document control system is in place and all policies and procedures are managed by the Principal Environmental Officer (Food Safety). Officers have access to the current versions from the shared drive.
- 3.1.17 There are numerous aide memoires and forms used in the inspection process which require Officers to follow a set scheme of work and devote a considerable amount of time to compliance with the complicated procedure and associated paperwork. The premises that had been registered then not inspected for over 30 months would appear to have not been picked up by adherence to the documented enforcement policy.

***Recommendation***

3.1.18 The Authority should:

Carry out interventions in accordance with the relevant legislation, Codes of Practice, centrally issued guidance and the Authority's policies and procedures.

[The Standard – 7.2]

***Authorisation and Training Files***

- 3.1.19 The Authorities authorisation documents were available and listed the legislation that individual Officers were able to enforce. Two Officers authorisation documents were checked and were satisfactory.
- 3.1.20 The Staff Authorisation Procedure is clear and comprehensive. Many Officers have completed the Campden five days Hazard Analysis and Critical Control Point (HACCP) course, some had been on the additional two day validation and verification course. It would be good practice to have all officers complete both these courses when available, especially the newly qualified officers. There were records of attendance at many different formal training events.
- 3.1.21 Audit checks confirmed that all Officers' qualifications were available, that copies of relevant qualification certificates had been retained by the Authority and were current.

- 3.1.22 Individual Officer training needs were identified annually as part of the annual performance development plan. All training records examined contained evidence of a minimum 10 hours relevant training in the last year based on the principles of continuing professional development.

### ***Database and Monitoring Returns***

- 3.1.23 The electronic database is used as the central reference point for the majority of information stored within the service. As such it is important that there are good protocols for data storage and retrieval to ensure that consistent methods are used. The procedure to prevent corruption or loss of data on the system appears to be sufficient to ensure this outcome.
- 3.1.24 Checks of the database reports produced were found to show that premises were generally being inspected at the correct frequencies. There were very low numbers of high risk A and B rated premises and a small amount of category C's missed. There were many D and E rated premises and unrated premises missed as a result of the Local Authority following the Scottish Food Enforcement Liaison Committee Guidance on the implementation of the Cross Contamination Strategy. This was acceptable to Food Standards Scotland.
- 3.1.25 The Authority had 2095 premises reported through The Local Authority Enforcement Monitoring System (LAEMS) on 31 March 2015. The returns indicated that the following activities had been recorded:

Total Premises at 31 March 2015	2095
Inspections and Audits	841
Verification and Surveillance	906
Sampling visits	229
Advice and education	38
Information/Intelligence gathering	0
Total premises subject to official controls	950

## **3.2 Enforcement**

- 3.2.1 It was evident from audit checks and interviews that Officers were taking a graduated approach to enforcement and actively worked with businesses to achieve compliance.

### ***Food Premises Inspections***

- 3.2.2 The Authority was implementing an effective risk based food premises intervention programme which included revisits prior to the consideration of formal enforcement action.

### ***Premises Files including Inspection Reports and Records***

- 3.2.3 The Authority has an electronic system for record keeping. The system is capable of providing information required by Food Standards Scotland and appropriate security and backup systems appear to be in place to minimise the risk of corruption or loss of data.



- 3.2.4 Five file checks of recent food interventions were undertaken. The information was available both electronically and in hard copy. File records were found in the most part to be comprehensive and detailed. Sometimes these were difficult to follow as there are many different forms being completed for each intervention. The apparent lack of a simple procedure together with Officers approaching written records in different ways had resulted in the carbon copy form left at the time of the initial visit sometimes being the main method of reporting interventions. In certain cases this ran to four pages of notes and included detailed contraventions.
- 3.2.5 Food Business Operators who received the carbon copy form as the only form of correspondence received no details of the Senior Officer to contact to allow them to discuss the outcome of the intervention.
- 3.2.6 Aide memoires were used as required and were generally well completed. In both reality check visits the Officers had displayed initiative by conducting the intervention using the aide memoire as a prompt with the details being completed contemporaneously after the inspection. From the five files examined one premises had not been inspected within the correct frequencies, the other four had inspection frequencies in accordance with the Food Law Code of Practice. Officers clearly distinguished between legal and article 5 requirements and any recommendations in their correspondence with Food Business Operators.
- 3.2.7 A Food Business Information Sheet was required to be updated at each intervention and this included verifying the status of the Food Business Operator. In 2 cases of subsequent enforcement action following an intervention, it had led to the repeat service of notices as we understand that the Food Business Operators had provided misinformation on their status. Any review of the procedure for the service of notices should have regard to this issue.

### ***Verification Visits to Food Premises***

- 3.2.8 During the audit, verification visits were undertaken to two premises. These were to a café and a Restaurant. The Authorised Officers who had carried out the recent programmed inspections accompanied the auditors on the verification visits. The main objective of each visit was to assess the effectiveness of the Authority's assessment of the FBOs compliance with the food law requirements of Regulation (EC) No 852/2004.
- 3.2.9 Interviews were held with the individual Officers before the verification visits took place to confirm the contents of the file records and to explain the format and objectives of the visit. It also gave the Officers the opportunity to explain the inspection process, i.e. the preparatory work carried out prior to an inspection and the general process while on site, which included a preliminary interview with the FBO, the general hygiene checks to verify compliance with the structure and hygiene practice requirements and checks carried out to verify compliance with HACCP based procedures and the decision process for the Food Hygiene Information Scheme outcome.

- 3.2.10 Both visits confirmed that checks carried out by Officers were detailed, thorough and had adequately assessed business compliance with structure and hygiene practice. Officers had assessed cross contamination and HACCP compliance during the inspection and had commented where appropriate. The inspection aide memoire used at the visits detailed that the CookSafe System was being used and that records and other appropriate documents had been examined by the Officer.
- 3.2.11 In both visits, Officers had been found to have correctly assessed the premises in terms of the Food Hygiene Information Scheme, as Improvement Required in one instance and a pass in the other instance.

### ***Notices and Prosecutions***

- 3.2.12 Five Hygiene Improvement Notices (HIN's) and two Remedial Action Notices (RAN's) were examined. The matters arising that required a notice were suitable and there was evidence of suitable service. In one file multiple notices had been served under cover of the standard inspection letter which does not draw attention to the seriousness of the situation. Follow up visits and letters had been completed and were generally in accordance with the Practice Guidance. This had proven difficult to verify during the audit given the amount of paper work completed for each intervention.
- 3.2.13 The referral to the Procurator Fiscal was for the lack of a Hazard Analysis Critical Control Point (HACCP) system and was found to be well prepared and appeared to be an appropriate course of action.

### ***Seizure, Detention and Voluntary Surrender of Food***

- 3.2.14 There had been no action taken in this area at the time of audit.

### ***Food Sampling***

- 3.2.15 There is a documented sampling policy and each of the suitably qualified Officers take it in turns to manage, organise and conduct the sampling programme on a monthly basis. Samples are taken from businesses producing high risk foods within the Council area. Where samples fail investigations to establish cause and further sampling takes place. Official Controls are discussed with the Food Business Operator to improve Food Safety.

### ***Alternative Enforcement Strategies***

- 3.2.16 Low risk food hygiene Category D premises interventions will be carried out when competing service demands allow. Work will be prioritised firstly by the risk and secondly by the length of time the intervention has been overdue. Category E premises requiring food hygiene interventions will be tackled by an Alternative Enforcement Strategy (AES) in the form of a telephone questionnaire that will be undertaken by the Administration Team.



### **3.3 Investigations and Promotion**

#### ***Food Related Infectious Disease Notifications and Investigation***

- 3.3.1 The Authority receive infectious disease notifications from the NHS Grampian. They are logged by administration staff onto the Civica database and allocated to an Officer by the Principal Environmental Health Officer/s for investigation, recording and reporting back to the Health Board. It was noted that the Health Board do not notify the Authority of Campylobacter cases.

#### ***Food Alerts, Incidents and Rapid Alert System for Feed and Food***

- 3.3.2 Notification of alerts, incidents or a RASFF are received at Aberdeen City Council from Food Standards Scotland. There is a Food Alerts procedure managed by the Principal Environmental Health Officer (Food Safety). The procedure includes the action to take if an incident originates within Aberdeen City. The checks found the correct actions required had been completed and documented.

#### ***Food Hygiene Information Scheme***

- 3.3.3 Food Standards Scotland, in partnership with local authorities, operates the FHIS in Scotland. The scheme encourages businesses to improve hygiene standards. The overarching aim is to reduce the incidence of foodborne illness and is designed to give straightforward information to the general public about how each food outlet fared at its last food hygiene inspection carried out by its local authority.

#### ***Inspection Outcomes of the Scheme***

- 3.3.4 Food hygiene inspections aim to measure food establishments against compliance criteria. Regular inspections are already carried out as part of routine enforcement duties and the outcome of inspections is that an establishment is deemed to be broadly compliant or not.
- 3.3.5 The inspection outcomes of the Food Hygiene Information Scheme should reflect compliance and should be visible at the establishment, on the Local Authority web site and also on [www.foodstandards.gov.scot](http://www.foodstandards.gov.scot)

#### ***The key features of the scheme***

- 3.3.6 The scheme is voluntary and provides transparency of enforcement inspection outcomes which are shown in simple and clear terms. The assessment of compliance for the purposes of the scheme is significantly different from assessment of risk-rating undertaken following programmed inspections. This ensures that there is no conflict between these assessments, which are designed to serve different purposes.
- 3.3.7 Aberdeen City Council participates in the Food Hygiene Information Scheme. Five file checks were undertaken in connection with the Food Hygiene Information Scheme and it was noted that the SFELC trigger values are being used.

3.3.8 All premises had been correctly selected for the Scheme and had been correctly scored for the appropriate award. Where premises had gone from Improvement Required to a Pass, as a result of a further visit within 7 days of contraventions being remedied, the risk rating of the premises had not been altered, which is correct and in line with the FHIS guidance. All FHIS updates were uploaded to the web every month. Certificates were issued to the premises with the inspection letter. Improvement Required certificates are not issued and formal appeal procedures are not offered. Aberdeen post intervention letters on the Council website.

### **3.4 Internal Monitoring**

3.4.1 The Authority had a procedure for internal monitoring by the Principal Environmental Health Officer which included the assistance of an Administrative Officer. Evidence was provided in a file. Qualitative monitoring is done by selecting one file per Officer per calendar month and reviewing the content with the documenting of outcomes. There are one to ones taking place frequently with all Officers being given the opportunity to discuss any issues or performance related topics with the Principal Officer.

3.4.2 Quantitative monitoring checks are carried out by the production of regular reports from the electronic database. These are discussed with Officers where appropriate. There are regular technical (team) meetings where Officers discuss issues relevant to enforcement consistency.

### **3.5 General Points**

3.5.1 In discussion with Officers on the Food Hygiene Information Scheme a suggestion was made that a third category of award between the pass and the Eatsafe award would be a good idea. It would give greater recognition to premises that were very good but did not have the food preparation staff with the Intermediate Food Hygiene Certificate necessary for Eatsafe. This would set good premises apart from those that do the minimum required for a pass certificate.

Auditors: Graham Forbes  
Kevin McMunn  
Claire Moni

Food Standards Scotland  
Audit Branch,  
Aberdeen

**ANNEXE A****Action Plan for Aberdeen City Council**

Audit date: 28-30 July 2015

<b>TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)</b>	<b>BY</b>	<b>ACTION TAKEN TO DATE</b>
<p>The Authority should:</p> <p>Carry out interventions in accordance with the relevant legislation, Codes of Practice, centrally issued guidance and the Authority's policies and procedures.</p> <p>[The Standard – 7.2]</p>		<p><b>The Principal Environmental Health Officer (Food Safety) (PEHO) has been given access to the spread sheet of newly registered food businesses generated by the Admin team.</b></p> <p><b>This spread sheet is checked by the PEHO on a weekly basis and inspection jobs are allocated to officers.</b></p>

## **ANNEXE B**

### *(1) Examination of Local Authority policies and procedures*

The following Local Authority policies, procedures and linked documents were examined before and during the audit:

- Food Safety Enforcement Policy (January 2013)
- Housing and Environment Committee minutes 12 March 2013
- Communities, Housing and Infrastructure Committee Minutes of 18 March 2015
- Environmental Health and Trading Standards Food and Feed Regulatory Service plan 2015/2016
- Assessment Questionnaire for food businesses
- Procedure for Seizure and detention (June 2013)
- Prohibition Procedures (June 2015)
- Procedure for Formal Samples (June 2015)
- Authorisation of Officers Policy and Procedures (May 2015)
- Documented Food Complaints Procedures
- Procedure to ensure Food premises Database is accurate, reliable and up-to-date (May 2015)
- Food Hygiene Intervention Procedures A Quality Monitoring management System (June 2015)
- Documented Food Sampling Policy (May 2015)
- Procedure for Investigating Food related Infectious disease (April 2015)
- Procedure for dealing with food alerts (June 2015)
- Food Incidents and Food Fraud policy and Procedures (June 2015)
- Guidance on the issue of green slips and hand written reports (Supplementary Procedures to the Food Hygiene/Safety Inspection Procedures) (May 2015)
- Authorisation documents
- File monitoring record template (March 2015)
- Infectious Disease Incident Plan NHS Grampian (Version 6)
- Post Inspection Assessment sheet (revision date 03/06/15)
- Environmental Health visit report

### *(2) Officer interviews*

The following Officers were interviewed:

- Audit Liaison Officer
- Authorised Officers who carried out the most recent inspection at the two premises selected for a verification visit.

Opinions and views raised during Officer interviews remain confidential and are not referred to directly within the report.

### *(3) On-site verification visits*

A verification visit was made with the Authority's Officers to two local food businesses. The purpose of the visit was to verify the outcome of the last inspection carried out by the Local Authority and to assess the extent to which enforcement activities and decisions met the requirements of relevant legislation, the Food Law Code of Practice (Scotland) and other official guidance, having particular specific regard to Local Authority checks on FBO compliance with Regulation (EC) No 852/2004 and the Food Hygiene Information Scheme.

## ANNEXE C

### Glossary

Audit	Audit means a systematic and independent examination to determine whether activities and related results comply with planned arrangements and whether these arrangements are implemented effectively and are suitable to achieve objectives.
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.
E. coli	<i>Escherichia coli</i> microorganism, the presence of which is used as an indicator of faecal contamination of food or water. <i>E. coli</i> 0157:H7 is a serious food borne pathogen.
Food Law Code of Practice (Scotland)	Government Codes of Practice issued under Section 40 of the Food Safety Act 1990, Regulation 24 of the Food Hygiene (Scotland) Regulations 2006 and Regulation 6 of the Official Feed and Food Controls (Scotland) Regulations 2009, as guidance to Local Authorities on the enforcement of food legislation.
Food hygiene	The legal requirements covering the safety and wholesomeness of food.
Food Standards Scotland	<p>FSS is the public sector food body for Scotland and was established by the Food (Scotland) Act 2015 as a non-ministerial office, part of the Scottish Administration, alongside, but separate from, the Scottish Government.</p> <p>FSS develops policies, provides policy advice to others, and protects consumers through delivery of a robust regulatory and enforcement strategy.</p> <p>- See more at: <a href="http://www.foodstandards.gov.scot/about-us">http://www.foodstandards.gov.scot/about-us</a></p>
Framework Agreement	<p>The Framework Agreement consists of:</p> <ul style="list-style-type: none"><li>• Chapter One Service Planning Guidance</li><li>• Chapter Two The Standard</li><li>• Chapter Three Monitoring of Local Authorities</li><li>• Chapter Four Audit Scheme for Local Authorities</li></ul> <p>The <b>Standard</b> sets out the Food Standards Scotland's expectations on the planning and delivery of food law enforcement.</p>

The **Monitoring Scheme** requires Local Authorities to submit an annual return to Food Standards Scotland on their food enforcement activities i.e. numbers of inspections, samples and prosecutions.

Under the **Audit Scheme** Food Standards Scotland 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 / FSMS	Hazard Analysis and Critical Control Point – a food safety management system (FSMS) 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.
LAEMS	Local Authority Enforcement Monitoring System is an electronic System used by local authorities to report their food law enforcement activities to Food Standards Scotland.
Member forum	A local authority forum at which Council Members discuss and make decisions on food law enforcement services.
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.