

REPORT TO: ENVIRONMENT COMMITTEE - 18th MAY 2015
REPORT ON: FOOD STANDARDS AGENCY CORE AUDIT
REPORT BY: DIRECTOR OF ENVIRONMENT
REPORT NO: 194- 2015

1.0 PURPOSE OF REPORT

- 1.1 To advise Committee on the findings of the recent Food Standards Agency's audit of Dundee City Council's Food Safety Service.

2.1 RECOMMENDATIONS

- 2.1 It is recommended that Committee note the content of this report and remit the Director of Environment to progress with the further improvement measures detailed in section 4.6.

3.0 FINANCIAL IMPLICATIONS

- 3.1 There are no direct financial implications arising from this report.

4.0 MAIN TEXT

- 4.1 The Food Standards Agency in Scotland carried out an audit of the Environment Department's Food Safety Service in January 2015. The assessment covered inspection procedures of food businesses, officer competency, authorisation and training. A copy of the audit report is provided in Appendix 1.
- 4.2 The audit scheme 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.
- 4.3 Specifically, this audit aimed to establish that:
- The Council's organisation and management structure is capable of delivering the requirements of the Food Law Code of Practice;
 - Internal service monitoring arrangements and documented procedures are consistent, appropriate, and effective, and that corrective actions are implemented to ensure that interventions are carried out competently;
 - Inspections, and interventions of food safety management at food business premises monitor, support and increase food law compliance and timely, appropriate, risk-based and effectively managed;
 - Records, including those in relation to food safety management systems are sufficiently detailed, accurate, up to date and effectively managed;
 - The Council ensures consistency in implementation and operation of the Food Hygiene Information Scheme (FHIS).
- 4.4 The main findings of the audit were that the Environment Department's Food Safety Service had developed a series of documented policies and procedures relating to

food law enforcement and officers were taking a graduated yet firm approach to enforcement and actively worked with businesses to achieve compliance. The report also highlights an area of good practice in the use of Remedial Action Notices.

- 4.5 There are no formal recommendations from the report, however a number of internal improvement actions are to be implemented aimed at assisting food businesses achieve a 'PASS' rating in accordance with the FHIS.

5.0 POLICY IMPLICATIONS

- 5.1 This report has been screened for any policy implications in respect of Sustainability, Strategic Environmental Assessment, Anti-poverty, Equality Impact Assessment and Risk Management. There are no major issues.

6.0 CONSULTATIONS

- 6.1 The Chief Executive, Director of Corporate Services and the Head of Democratic and Legal Services have all been consulted in relation to this report.

7.0 BACKGROUND PAPERS

- 7.1 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

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Director of Environment

Kenny Kerr
Head of Environmental Protection

30th April 2015

Food Standards Agency in Scotland

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

Dundee City Council

20 - 22 January 2015

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 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 Agency's website contains enforcement activity data for all UK local authorities and can be found at:

www.food.gov.uk/enforcement/auditandmonitoring

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 Agency policy on food safety, standards and feeding stuffs. Parallel Local Authority audit schemes are implemented by the Agency's offices in all of the 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 Agency (FSA) intends.

Agency audits assess Local Authorities' conformance against the Food Law Enforcement Standard ("The Standard"), the 5th revision of which was published in April 2010 by the Agency as part of the Framework Agreement on Official Feed and Food Controls by Local Authorities and is available on the 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 Dundee 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 will be made available on the Food Standards Scotland website after 20 April 2015.

Reason for the Audit

- 1.2 The power to set standards, monitor and audit Local Authority food law enforcement services was conferred on the Food Standards Agency by Section 12 the Food Standards Act 1999 and Regulation 7 of The Official Feed and Food Controls (Scotland) Regulations 2009. This audit of Dundee City Council was undertaken under section 12(4) of the Act, and Regulation 7(4) of the Regulations as part of the Food Standards Agency in Scotland audit programme.
- 1.3 The last audit of Dundee City Council's Food Service by the Agency took place in May 2010. The previous audit to that was in June 2005.

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 Dundee 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 3 City Square, Dundee DD1 3BA.

Background

1.7 Profile of Premises

A wide range of food business premises are currently operating within Dundee City Council and a breakdown of premises type is contained within the Food Safety Service Plan 2014/2015 as follows:

| Premises Type | Number |
|---------------------------|--------|
| Producers | 2 |
| Manufacturers | 24 |
| Importers/Exporters | 6 |
| Distributors/Transporters | 30 |
| Retailers | 331 |
| Caterers including: | |
| Restaurant/Café/Canteen | 179 |
| Hotel/Guest House | 48 |
| Pub/Club | 199 |
| Take-away | 158 |
| Caring Establishments | 294 |
| School/College | 58 |
| Mobile food unit | 40 |
| Restaurant/caterers other | 125 |
| Total | 1494 |

In terms of risk rating, the inspection profile at 01 April 2014 was as follows:

| | | |
|---|---|-----|
| A | - | 8 |
| B | - | 203 |
| C | - | 390 |
| D | - | 112 |
| E | - | 86 |

- 1.8 In the Food Safety Service Plan 2014/2015, the Profile of Premises states that there were also 19 unrated premises (premises that had not yet been inspected and risk-rated in terms of the Food Law Code of Practice (Scotland)). These premises are included in the inspection programme for 2014/15. A total of 39 premises have been identified as being outside the inspection programme as they are very low risk. These include premises such as church and village halls and low risk child-minders only serving beverages.

- 1.9 The Authority returned data on LAEMS for the year ending 31 March 2014 for interventions achieved, which showed that for A rated premises all 28 interventions were achieved, and for B rated all 372 were achieved on time. For Category C rated premises of the 500 planned there were 107 remaining at the end of the year, together with 85 D rated and 91 E rated. There were 91 unrated premises reported as having an intervention achieved. The C and some D rated premises are included in the Cross Contamination strategy.

The programme achievements for 2013-14 were as follows:

| | |
|--|-----|
| • Inspections and audits | 943 |
| • Verification and surveillance visits | 1 |
| • Sampling visits | 60 |
| • Advice and education visits | 11 |
| • Information/intelligence gathering | 23 |
| • Total premises subject to official control | 635 |

1.10 Corporate Food Safety

Dundee City Council is the largest food provider in the city. Involvement in or support of food provision includes such diverse areas as:

- Meals service for pensioners some with special dietary requirements
- Nursery and school catering
- Civic catering at the City Chambers
- Events such as the Flower Show & Food Festival
- Community Services

Corporate Food Safety provides advice on best practice in relation to compliance with food safety and food standards legislation to Council departments which have an input to food provision within the City.

This information can be found on the web site for Dundee City Council at <http://www.dundee.gov.uk/environment/corporatefood/>

2.0 Executive Summary

- 2.1 The Authority had developed and implemented a Food Safety Service Plan for 2014/2015 which is reviewed and re-issued annually. The format and content of the stand-alone Food Safety Plan is in accordance with the Service Planning Guidance in the Framework Agreement. The Environment Department Food Safety Service Plan had been approved by the Director of Environment on 1 December 2014. There was also a higher level Environment Department Service Plan 2012-2017 entitled "Changing for the Future" which contains references to food safety.
- 2.2 The Authority had developed a series of documented policies and operational procedures relating to their food law enforcement responsibilities which were available to all Officers in electronic format on a central directory.
- 2.3 The authorisation format and supporting documents were satisfactory. Authorisation documents were available and were being used by Officers.
- 2.4 Individual Officer training needs were identified as part of their Employee Performance and Development Review. Training records contained evidence that each Officer had completed the minimum 10 hours relevant training required in the last year; however further specialist training in procedures and technological developments relevant to food businesses subject to their inspection was not completely sufficient. Officers were subject to regular reviews of performance including detailed shadowed inspections.
- 2.5 The procedures and documentation provided for inspections were being appropriately and consistently reviewed and completed. From the files examined it was evident that Officers were clear on the Authority's procedure for conducting inspections and adhered to the Authority's Enforcement Policy and Inspection Procedures.
- 2.6 File checks of five general food hygiene premises confirmed that in all cases 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. Food Business Operators were provided with clearly worded reports and letters confirming the main findings from inspections. The information retained within the premises database was sometimes difficult to locate and was not always easily identifiable; however when the information was located it 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 yet firm 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.
- 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 a dedicated Food Service Plan in place for 2014/2015 which is comprehensive and is drafted in line with the suggested common format for Service Planning Guidance in the Framework Agreement. If this was not the case then any corporate format or plan should have separately identifiable food details ensuring that the information required in the Framework Agreement is included.
- 3.1.2 There has been a suitable review of the previous Service Plan incorporated in the 2014/2015 Service Plan and this has been suitably approved by the Authority.
- 3.1.3 The Food Safety Service Plan contributes to the content of the Dundee City Council “Changing for the Future” Environment Department Service Plan 2012 – 2017.
- 3.1.4 The aim of the Food Safety Service is to ensure food is produced to a high quality standard to prevent food poisoning, food and water borne illness and to prevent the production or sale of unfit food within the City.

The Food Safety Team’s objectives are to:

- provide food safety advice and information to food businesses and the public
- promote high standards of food safety and food hygiene in Dundee
- carry out a programme of planned risk-based inspections of food premises
- identify any contaminated food by a planned and coordinated sampling programme
- investigate notified cases of food poisoning and food poisoning outbreaks
- investigate complaints of unfit, unsound or contaminated food
- implement the Food Hygiene Information Scheme (FHIS)
- promote a consistent approach to enforcement on a risk-related basis
- comply with the Food Standard Agency’s Framework Agreement on food law enforcement
- participate in regional and national food safety liaison networks, in particular the East of Scotland Food Liaison Group (ESFLG) and Scottish Food Enforcement Liaison Committee (SFELC)

The following Food Standards Agency objectives, as outlined in their strategic plan to 2015, Safer Food for the Nation, are also supported:

- Food produced or sold in the UK is safe to eat
- Imported food is safe to eat
- Enforcement is effective, consistent, risk-based, proportionate and is focused on improving public health

- 3.1.5 The Service Plan states that the authority has participated in the Food Hygiene Information Scheme (FHIS) since 10 October 2010. The date format of 10/10/10 smartly reflects the required minimum scores a Food Business has to achieve to be considered a pass under the Scheme.
- 3.1.6 Specialist services are provided by Tayside Scientific Services (TSS) who provide analytical services and microbiological services in addition to being the appointed food examiner for Dundee City Council. The Authority are to obtain an information letter from TSS detailing the names and qualifications of the analysts and examiners.
- 3.1.7 The Lead Food Officer also has management responsibilities for health and safety functions.
- 3.1.8 The Food Safety Service Plan for 2014/2015 details the current number of Environmental Health practitioners that work within the Food and Health and Safety team as 7.45 Full Time Equivalents (FTE). This includes the Manager, a Senior Officer, Environmental Health Officers and Food Safety Officers.
- The LA Resources Questionnaire return to the Agency for this Authority on 02 May 2014 indicated the same numbers for FTE's in post.
- 3.1.9 The current Service Plan shows the revenue budget associated with the provision of the Food Safety Services to be £712,000.

Enforcement Policy

- 3.1.10 At Audit the Authority had an Enforcement Policy – Food Safety and Standards that had been suitably approved by the Environment Services Committee in August 2010 and was supported by an Enforcement Policy (Operating Procedures) document. Since the Audit a new and satisfactory Enforcement Policy for the Environmental Protection Division has been submitted to the Environment Committee for approval.
- 3.1.11 Any decision to take Enforcement Action is based on this table within the Enforcement Policy (Operating Procedures):

| Contravention Grade | Action |
|----------------------------|---|
| i) Minor | Recommendation to take corrective action may be made verbally or in writing. Verbal recommendations must be recorded in the file notes. |
| ii) More Serious | Send letter requiring that corrective/preventive action be taken. |
| iii) Major | Serve Hygiene Improvement Notice requiring that necessary corrective/preventive action be taken. |

- 3.1.12 The Enforcement Policy (Operational Procedures) details when Hygiene Improvement Notices should be served with reference to the Code of Practice (COP). It also details when Remedial Action Notices, Detention Notices, Hygiene Emergency Prohibition Notices and Voluntary Closure Procedures should be used with reference to the COP and the Practice Guide. It also details the circumstances that would lead to a report being made to the Procurator Fiscal Service.

Documented Policies and Procedures

- 3.1.13 The Authority has a set of policies and procedures that generally comply with the requirements of the Framework Agreement. The procedures are easily understood. The Environmental Protection Division Enforcement Policy of January 2015 will need to be updated when the Food Standards Agency become Food Standards Scotland on 1st April 2015, and the Food Service Plan requires to be published to comply with the statement that it is available on the Councils website.
- 3.1.14 A set of well-designed food hygiene information recording forms are in place and the authority uses a self-carbonating inspection report form which is left when necessary with the Food Business Operator (FBO) on completion of an inspection/visit.
- 3.1.15 An electronic document control system is in place and all policies and procedures are managed by the Lead Food Officer. All Officers have access to the current versions from the shared drive. Procedures are updated to reflect procedural or legislative changes.

Authorisation and Training Files

- 3.1.16 The Authority had developed and implemented a documented procedure for the Authorisation of Officers. The authorisation documents checked were detailed and readily available and the procedure document was clear and comprehensive.
- 3.1.17 General and specific training had been undertaken by most Officers in many subjects including the five day Hazard Analysis and Critical Control Point (HACCP) course, but only one had been on the additional two day validation and verification course. It would be good practice to have all officers complete both these courses as they become available. There were records of attendance at many different formal enforcement training events; however specialist training in Rapid Alert System for Food and Feed (RASFF), presenting evidence, imported food and general approved establishment training was not suitably covered. It is understood that the service does not use the Regulation of Investigatory Powers (Scotland) Act 2000 (RIPSA) surveillance procedures.
- 3.1.18 Audit checks confirmed that all Officers' qualifications were available, that copies of relevant qualification certificates had been retained by the Authority and were current.
- 3.1.19 Individual Officer training needs were identified annually as part of the annual employee performance and development review (EPDR). 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

- 3.1.20 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.
- 3.1.21 Checks of the database reports produced were found to show that premises were generally being inspected at the correct frequencies with a small number known to be overdue. Sometimes information that had been stored was difficult to find as links were not always in place or easily identifiable. In one instance there was no record of how the premises had been scored or of the risk rating. It was found that small batches of inspection reports had not been entered on the database but these were evidenced by letters and reproduced scoring documents. This was possibly due to the disturbance involved with the moving of offices in May 2014 as the timings were similar.
- 3.1.22 The Scottish Food Enforcement Liaison Committee (SFELC) Implementation Strategy for the FSA Cross Contamination Guidance was being used with regard to the inspection strategy. The database had been reprogrammed by the Authority in November 2014 following the contents of the recently published FSA Food Law Code of Practice. This appears to have had an impact on category C rated premises as the reprogramming had rolled backwards to previously risk rated premises and had altered and extended some of the previously entered programmed inspection dates. The Authority should investigate this issue as there may be some FBOs in the database who have been granted an extended period for an inspection as a result. The Agency are also to enquire with system providers to verify a solution to the risk of establishments being granted an extension of time between interventions.
- 3.1.23 The Authority had 1506 premises reported through the Local Authority Enforcement Monitoring System (LAEMS) on 01 April 2014.

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.
- 3.2.2 To implement the FSA Guidance on Controlling the Risk of Cross Contamination from *E.coli* O157 and the Scottish Food Enforcement Liaison Committee (SFELC) Implementation Strategy for the FSA Guidance, the authority have a Cross Contamination Focussed Inspection Strategy which started on 1st April 2013 and is to be reviewed following the completion of the current years inspection programme.
- 3.2.3 Category C premises are prioritised by a desk top assessment based on the anticipated need to control *E.coli* O157; all category C premises with either a risk score of 55 or above were inspected. Where the premises were given additional scores if the ultimate consumers of the product produced included a vulnerable risk group of more than 20 persons or the risk of ready-to-eat food being or becoming contaminated with micro-organisms or their toxins that are pathogenic to humans, e.g. *E.coli*, these establishments were also included in the strategy.

Food Premises Inspections

- 3.2.4 The Authority was implementing an effective risk based food premises intervention programme which involved Officers conducting revisits to verify if compliance was being achieved prior to the consideration of formal enforcement action.

Premises Files including Inspection Reports and Records

- 3.2.5 The Authority has an electronic system for record keeping. The system is capable of providing information required by the Food Standards Agency and appropriate security and backup systems appear to be in place to minimise the risk of corruption or loss of data.
- 3.2.6 File checks of five electronic files of recent food interventions were undertaken. The records were sometimes difficult to locate through the normal links within the system, even by experienced operators, but when found they were comprehensive and detailed. From the files examined, inspection frequencies were generally in accordance with the Food Law Code of Practice, with a very small number being slightly outside the Food Law Code of Practice 28 day permitted extension to the programmed date.
- 3.2.7 Appropriate aide memoires were always used as required and were suitably completed to gather information on the operation of the business, compliance with the *E.coli* cross contamination strategy and an assessment of Article 5 (of Regulation (EC) No 852/2004) on Hazard Analysis and Critical Control Points and also the pre-requisite requirements. There was generally a record of the size and scale of the business and a brief sketch of the layout of the premises.

- 3.2.8 Risk ratings had been correctly applied and inspections had been carried out by suitably qualified Officers. The files contained evidence of appropriate enforcement actions.
- 3.2.9 FBOs were provided with a letter after the inspection or a summary inspection hand written report form was left, confirming the main findings from the inspection. Letters were clearly worded, and consistently differentiated between legal requirements, including Article 5 Hazard Analysis and Critical Control Points requirements, and recommendations of good practice. However in general the letters did not give an indication of the timescales required to secure compliance with legal contraventions identified.

Letters usually confirmed the person interviewed during the inspection but the time of inspection was not always present. The routine use of photographs within the letters was considered good practice. Revisits were made to premises where necessary to ensure required works had been attended to.

Verification Visits to Food Premises

- 3.2.10 During the audit, verification visits were undertaken to two premises. These were to a Chinese Takeaway and to a Bakery with a retail outlet. 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 853/2004 on the Hygiene of Foodstuffs.
- 3.2.11 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, checks carried out to verify compliance with HACCP based procedures and the decision process for the Food Hygiene Information Scheme outcome.
- 3.2.12 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 pest proofing, cross contamination and HACCP compliance during the inspection and had commented where appropriate. The inspection aide-memoire used for the visits detailed that the House Rules on Hygiene / Food Safety procedures were either being displayed or were not appropriate due to the inspection process. Records and other appropriate documents had been examined by the Officer.
- 3.2.13 In both visits Officers had been found to have correctly assessed the premises in terms of the Food Hygiene Information Scheme as Improvement Required.

- 3.2.14 In the case of the visit to the takeaway, it was established that the enforcing Officer had initially found the business to be in a very poor condition with a major rodent infestation in place. It was established that there had been significant improvements in the management, condition and operation of the food business establishment as a result of the series of interventions, and the authority are continuing to monitor the situation.

Notices and Prosecutions

- 3.2.15 Three Hygiene Improvement Notices were selected for examination. In one case the Food Business Operator had requested an extension of time and this had been done correctly. The notice format however did not fully follow the Code of Practice. There was no reference to the address of the Sheriff Court on the notices or accompanying letter and in only two of the three notices was there evidence of suitable service of the notice. One Voluntary Closure notice was checked; the wording was accurate and followed Agency Guidance. The Authority is to correct these omissions on the template documents.
- 3.2.16 Three Remedial Action Notices (RANs) were examined and found to have been correctly issued with two of them remaining active. Similar to other notices however there was no court address within the appeal information. The service of a RAN on premises because the layout, design, construction and size did not permit good hygiene practices including protection against cross contamination was considered an example of good practice.
- 3.2.17 The matters arising that required a notice had been suitably identified and any replacement notices were satisfactory. Follow up visits and letters had been completed and were in accordance with the Food Law Code of Practice.
- 3.2.18 There were no Regulation 27 Notices to audit.

Good Practice

The service of a Remedial Action Notice on premises because the layout, design, construction and size did not permit good hygiene practices including protection against cross contamination was considered as an effective use of a notice.

Seizure, Detention and Voluntary Surrender of Food

- 3.2.19 At the time of audit, the Authority had not recently been required to take formal action in line with the above.

Food Sampling

- 3.2.20 There is a documented sampling policy and the Authority manage, organise and conduct the routine sampling programme using three Food Safety Officers. Samples are taken with a local focus agreed with the liaison group and Tayside Scientific Services. The sample checked had been taken by an appropriate Officer. The result was on file and the appropriate action had been taken on receipt of the results.

Alternative Enforcement Strategies

- 3.2.21 The Authority had an Alternative Enforcement Strategy (AES) for Lower Risk Premises, defined as premises which fall within category E when classified in accordance with The Food Law Code of Practice (Scotland) as being risk rated with a score of 30 or less. In these cases a letter and Enforcement Questionnaire is sent to the food business and they are asked to undertake a self-assessment and review of food safety issues. The FBO is advised that failure to return the questionnaire may result in an inspection of the premises.
- 3.2.22 On receipt of the requested details, the Food and Health & Safety Manager assesses whether the premises needs to be reintroduced into the inspection programme. In 2014/15 out of 164 premises subject to AES, ten premises that returned the questionnaire were selected for inspection.

3.3 Investigations and Promotion***Food Related Infectious Disease Notifications and Investigation***

- 3.3.1 The Authority receives infectious disease notifications from NHS Tayside. They came via telephone, are logged by administration staff and allocated to an Officer on a rotational basis for investigation, recording and reporting back to the Health Board. It was noted that NHS Tayside notify the Local Authority of Campylobacter cases which are sent out a questionnaire and advice leaflet.

Food Alerts, Incidents and Rapid Alert System for Feed and Food (RASFF)

- 3.3.2 Notification of alerts, incidents or a RASFF are received at Dundee City Council from the Food Standards Agency. There is a Food Alerts procedure managed by the Lead Food Officer. The procedure includes the initiation of a food hazard and the local implementation of Article 19 on withdrawal and recall of food by a Food Business Operator.

No food alerts were examined during this audit.

Food Hygiene Information Scheme

- 3.3.3 The Food Standards Agency, in partnership with local authorities, operates the Food Hygiene Information Scheme (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.

Dundee City Council participates in the Food Hygiene Information Scheme (FHIS). They have been participating since 10th October 2010.

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 FHIS should reflect compliance and should be visible at the establishment, on the Local Authority web site and also from the Agency's web site.

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 The Authority issues an Awaiting Inspection Certificate to those on its programme of Childminders to be inspected.
- 3.3.8 Five file checks were undertaken in connection with FHIS and it was noted that the SFELC trigger values were being used. Three of the premises were Improvement Required and two were a Pass. A Pass certificate had been issued to the premises concerned. The three premises with Improvement Required were offered a revisit on the completion of outstanding works. The Authority does not notify businesses of the appeal mechanism for an Improvement Required Certificate. The removal of the previous Pass certificate at the initial inspection was informed as sometimes having a positive effect on the business with regard to future compliance; however there was also the view that sometimes Food Business Operators were not always enthusiastic about the benefits to business of the scheme.
- 3.3.9 All premises audited 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, 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 on a weekly basis.

3.4 Internal Monitoring

- 3.4.1 The Authority had a procedure for internal monitoring including both quantity and quality of work. This was being regularly completed and recorded in a variety of formats and level of detail.
- 3.4.2 Quantitative monitoring checks are carried out in the form of the production of regular work programmes from the database. The Authority has a system where each Officer completes a self-audit of ten of their own inspection files each year. Evidence of these was provided. It could be of greater benefit if there were also additional audits of other Officer's files.
- 3.4.3 The Monitoring Procedure has a detailed and comprehensive checklist to be used in monitoring activities and also details that validation inspections may be carried out and will be within two weeks of the initial inspection.

3.5 General Observation

- 3.5.1 Currently the Food Service within Dundee City Council is demonstrating a willingness to follow the policies and procedures required by the Framework Agreement, but the level of administrative support means there is a substantial backlog in entering data and generating chronological records which could be a risk to completing the inspection programme and to the timescales required by the Food Law Code of Practice (Scotland) 2014. This also has a potential impact on the status of Food Hygiene Information Scheme certification.

Auditors: Graham Forbes
Kevin McMunn

Food Standards Agency
Audit Branch, Scotland

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

Audit date: 20-22 January 2015

| TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH) | BY (DATE) | PLANNED IMPROVEMENTS | ACTION TAKEN TO DATE |
|---|-----------|----------------------|----------------------|
| <p data-bbox="815 552 1532 584">There are no recommendations from this audit.</p> | | | |
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Audit file closed 19 March 2015.

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 Service Plan 2014/2015
- Dundee City Council “Changing for the Future” Environment Department Service Plan 2012-2017
- Environment Committee Environment Department Service Plan Review 8/12/14
- Environment Committee Environment Department Service Plan Review 23/09/13
- Environment Committee Environment Department Service Plan Review 11/06/12
- Standing Orders of the Council and Schemes of Administration
- Policy 1 Food Sampling Issue 4 of 15 December 2014
- Policy 2 Enforcement policy – Food safety and standards issue 2 of 19 February 2010
- Committee approval of Enforcement policy 23 August 2010
- Procedure 1 Enforcement policy (Operating Procedures) issue 5 of 15 December 2014
- Procedure 2 Outbreak Control Plan issue 5 of 8 December 2014
- Procedure 3 Food Alert System Issue 5 of 10 December 2014
- Procedure 4 Authorisation of Food Enforcement officers Issue 5 of 15 December 2014
- Procedure 5 Inspection procedures (Generic) issue 7 of 15 December 2014
- Procedure 6 Document Control System Issue 6 of 16 December 2014
- Procedure 7 Monitoring of Enforcement Activities Procedure and verification of Conformance Issue 7 of 17 December 2014
- Procedure 8 Control, maintenance and calibration of Equipment Issue 6 of 11 December 2014
- Procedure 10 Procedure for the investigation of Notifications of Food related infectious disease issue 4 of 15 December 2015 (sic)
- Procedure 11 Procedure to prevent corruption of, or loss of, information held on databases issue 3 of 2 April 2013
- Procedure 13 Food and Feeding Stuffs Complaints and Food Hygiene Complaints procedure Issue 5 of 12 December 2014
- Email detailing Officer Food Enforcement Duties
- NHS Tayside Joint Public Health Protection Plan 2014-2016
- Step team briefing of 9/12/14
- Local Authority Training Strategy Survey 2014-2015
- Food and Health and Safety Learning and development plans February 2013 and March 2014
- Officer training records
- Blank template for Report of a Food Hygiene inspection
- Blank template for Food hygiene / Food standards combined (Food hygiene risk rating A or B)
- Blank template for Food hygiene / Food standards combined (Food hygiene rating C or below))

- Blank template for Food business revisit / premises closed / or contact record form
- Blank template for Food hygiene / Food standards combined (Food hygiene risk rating A or B)
- Blank template for Butchers inspection
- Blank template for Assessment form for establishments requiring approval under Regulation (EC) 853/2004
- Blank template for Food hygiene / Food standards combined (Food hygiene - Childminders)

(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

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| 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 Agency | <p>The Food Standards Agency is an independent Government department set up by an Act of Parliament in 2000 to protect the public's health and consumer interests in relation to food.</p> <p>Everything we do reflects our vision of Safe Food and Healthy Eating for all.</p> |
| Framework Agreement | <p>The Framework Agreement consists of:</p> <ul style="list-style-type: none">• Chapter One Service Planning Guidance• Chapter Two The Standard• Chapter Three Monitoring of Local Authorities• Chapter Four Audit Scheme for Local Authorities <p>The Standard sets out the Agency's expectations on the planning and delivery of food law enforcement.</p> <p>The Monitoring Scheme requires Local Authorities to submit an annual return to the Agency on their food enforcement activities i.e. numbers of inspections, samples and prosecutions.</p> |

Under the **Audit Scheme** the Food Standards Agency will be conducting audits of the food law enforcement services of Local Authorities against the criteria set out in The Standard.

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| 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 the Food Standards Agency. |
| 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. |