

# Glasgow City Council – Audit of Local Authority implementation of Interventions Food Law Code of Practice (Scotland)

## Food Law Enforcement Services

**November 2022**

Final Report issued May 2023



# Foreword

Audits of Local Authorities food law enforcement services are part of Food Standards Scotland'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 audit scope is detailed in the audit brief and plan issued to all Local Authorities under reference [FSS/ENF/22/011](#) on 22 July 2022. 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 verify and validate the implementation by Local Authorities of the following planned arrangement: the Interventions – Food Law Code of Practice (Scotland) 2019 (hereafter referred to as the Interventions Code 2019).

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.

Specifically, this audit aimed to;

- Verify that Local Authorities have implemented the Interventions Code 2019 and fully transferred all applicable food establishments to a food law risk rating.
- Verify Local Authorities' application and adherence to the Interventions Code 2019.
- Identify and disseminate good practice applied by Local Authorities.
- Identify information, evidence and potential recommendations to aid future Food Standards Scotland's policy and operational development

Food Standards Scotland audits assess Local Authorities' conformance against retained [Regulation \(EU\) 2017/625](#) and the [Food Law Code of Practice \(Scotland\) 2019](#) and the [Interventions Food Law Code of Practice \(Scotland\) 2019](#)

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.

Following the audit, it is expected that for any recommended points for action the

Local Authority will prepare and implement an action plan, which will incorporate a root cause analysis of any non-compliance.

Root cause analysis is a technique that senior management should use to identify the root causes of non-conformities identified at the audit have been effectively addressed. An important aspect is that there is a need to ensure that the non-conformity does not recur. This should be achieved by the accurate identification of the cause(s) of the non – conformity ( i.e. the root cause) and the introduction of effective preventative action.

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## 1.0 Introduction

- 1.1 The primary objective of this audit will be to verify and validate the implementation by Local Authorities of the following planned arrangement: the Interventions – Food Law Code of Practice (Scotland) 2019 (hereafter referred to as the Interventions Code 2019).
- 1.2 The Interventions Code 2019 was issued under Section 40 of the Food Safety Act 1990 (“the Act”), Regulation 24 of the Food Hygiene (Scotland) Regulations 2006 and Regulation 6 of the Official Feed and Food Controls (Scotland) Regulations 2009, which empowers Scottish Ministers to issue Codes of Practice concerning the execution and enforcement of Food Law by Food Authorities.
- 1.3 The Interventions Code 2019 sets out instructions, processes and criteria to which Food Authorities are required to have regard to when they carry out Official Controls relating to all Registered Food Businesses. The Interventions Code 2019 does not apply to establishments at the level of Primary Production or Approval.
- 1.4 Implementation represents Phase 2 of a wider project by Food Standards Scotland to review and overhaul the Food Law Code of Practice (Scotland) 2019.
- 1.5 The Interventions Code 2019 introduced the Food Law Rating System (FLRS). FLRS combines the rating systems for Food Hygiene and Food Standards into one Food Law Intervention scheme based upon a new Food Business Performance Model that targets resources on high to medium risk and non-compliant businesses. The initial agreed implementation date was 1st July 2019 with ratings to be assigned as Inspection Programmes progressed. Further detail is provided within [FSS-ENF-19-007](#).
- 1.6 During the Covid-19 epidemic Inspection Programmes were halted, but as part of the Covid-19: Local Authority Recovery project, four deadlines were set by which Local Authorities should have undertaken specific tasks. Two of these deadlines related specifically to implementation of the Code with a target completion date of 1st July 2021:
  - Desktop Transfer (of Registered Businesses to FLRS)
  - Creation of an Intervention Programme (as required by the Interventions Code)

- 1.7 The audit aim will primarily be to cover the following points:
- Verification that official controls are being carried out in compliance with planned arrangements.
  - Verification that planned arrangements are applied effectively.
- 1.8 The final report will be 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

- 1.9 The provisions for exercising the audit function are provided for in Article 3 of the Food (Scotland) Act 2015. Under that Article the general functions of Food Standards Scotland include a requirement to monitor the performance of, and promote best practice by, enforcement authorities in enforcing food legislation. Similar powers are also contained within Regulation 7 of the Official Feed and Food Controls (Scotland) Regulations 2007.
- 1.10 Retained Regulation (EU) 2017/625 on official controls performed to ensure the verification of compliance with feed or food law also includes a requirement for competent authorities to carry out internal audits or to have external audits carried out.
- 1.11 To fulfil this requirement Food Standards Scotland, has established external audit arrangements in respect of competent authorities. These arrangements are intended to ensure competent authorities are providing an effective and consistent service for the delivery of official controls and are meeting the general criteria laid out in retained Regulation (EU) 2017/625.
- 1.12 The previous Audit of Glasgow City Council's Food Service was a Fisheries Establishment Audit undertaken by Food Standards Agency in Scotland in March 2014. The food related audit prior to that was a pre-Commonwealth Games Food Standards Audit in February 2013.

### Scope of the Audit

- 1.13 It is intended that the audit scope will cover:
- Verification that Local Authorities have implemented the Interventions Code 2019
  - The verification of application and adherence to, the Interventions Code 2019
  - An assist in the identification and dissemination of good practice with regards to the Interventions Code 2019

- The provision of information, evidence and potential recommendations to aid future FSS policy and operational development

1.14 The audit examined Glasgow City Council's arrangements for official controls in relation to Retained Regulation (EU) 2017/625, the Interventions Food Law Code of Practice (Scotland) 2019 and the Food Law Code of Practice (Scotland) 2019 on the verification of compliance with feed and food law.

1.15 The audit took place on-site over the course of two days.

## 2.0 Executive Summary

2.1 A Food Law Service Plan has been drafted and will be reviewed to include the revised resource calculation, possibly as an Annex, and approved once the newly appointed Group Manager has taken up the post and been fully appraised.

2.2 The current allocation of full-time equivalent (FTE) staff to the Food Service is 19.5. and it is acknowledged that this is a significantly reduced position. The Service has seen a number of changes since the pandemic began; retirement, internal promotions and staff leaving which has created challenging circumstances for service delivery. There are currently eight vacancies within the Service:

- Environmental Health Officers (EHOs) – 7
- Food Safety Technical Officers – 1

The scale of the task involved in the Local Authority (LA) Recovery Process and full implementation of FLRS in Glasgow cannot be underestimated. It is evident that the current allocated resource is incapable of fully delivering FLRS, which is the main reason why an Insufficient Level of Assurance has been assigned to this audit.

2.3 Recruitment and retention of officers has been challenging. Some managers left prior to and during the pandemic. The two most recent attempts to recruit EHOs in Glasgow proved unsuccessful. One of the legacies of Covid-19 is that the work done by the Environmental Health Service during the pandemic has been appreciated and recognised by Senior Management and Elected Members. Funding for the posts is available and there is no suggestion that the vacancies will be removed from the establishment. Overtime has been offered to staff but has not been taken up. The majority of officers have been lost due to retirement or moves to other Authorities. A Group Manager post has now been filled and there are currently four student EHOs training with Glasgow Council. Furthermore, the Authority has committed to continue to support placements for those studying for the degree in Environmental Health at the University of West of Scotland.

- 2.4 FLRS interventions in Glasgow recommenced in August 2021, ahead of the 1st September deadline. While in normal circumstances higher risk premises would have been prioritised and issued to officers in their geographic areas, it was considered appropriate, for an event attracting global attention, during August, September, and October to prioritise COP26 venues, premises in their vicinity, high footfall areas likely to be frequented by COP26 visitors and premises in the COP26 supply chain.
- 2.5 In addition to COP26 taking place in the City, the Authority was also heavily impacted by the return of live music and events following the pandemic. The City, a United Nations Educational, Scientific and Cultural Organisation (UNESCO) City of Music, hosted the TRNSMT festival in September 2021, which was one of the first large-scale events held post-pandemic. The re-introduction of events impacted upon the ability of the Service to meet Recovery Plan deadlines. Furthermore, during the 2022 event season there were significantly more events than would normally take place over a summer due to many having been re-scheduled from previous years. Significant officer time is required to facilitate large scale events taking place in the City and this has a knock-on impact on other aspects of Service delivery.
- 2.6 The intervention programme for the whole of 2022-23 was provided along with details of inspections achieved.
- 2.7 2206 out of 7292 (30.25%) of food premises remain unrated but all of these have had Groups assigned. The desktop transfer from Annex 5 to FLRS scoring has been completed.
- 2.8 It is anticipated that all 200 Group 1 and Approved Establishments will be inspected in 2022/23. An intervention programme for the Approved Establishments was also submitted as evidence that these have all been planned to be inspected. These inspections were not carried out in accordance with the LA Recovery Priority timescales, in part, as a result of the factors outlined in section 2.4. A desktop transfer issue was identified whereby a Group 1 Butcher (previously risk rated as a D under Annex 5) had not been inspected since 2015, as mentioned it is anticipated that this will be completed by the end of 2022/23.
- 2.9 The Authority is implementing the Interventions Code 2019 with some recommendations to specific areas identified throughout the audit. All food establishments (with the exception of Approved establishments and primary producers) are receiving a full food law intervention as per the Interventions Code 2019.
- 2.10 Operationally, 462 inspections were planned and allocated in quarter 2. Auditors were informed that approximately 50% of these inspections are being achieved because intelligence demands are diverting officers to deal with unplanned work that needs to be prioritised. Examples include premises that need notices served require officers to be accompanied by a witness and that witness officer's planned work cannot be achieved, there is an increasing number of complaints being received where an inspection is being required due to the nature of the complaint or the fact that the premises is due. Furthermore, a cruise ship housing 1700



Ukrainian refugees is currently berthed in Glasgow that didn't exist when the programme was prepared in April 2022 but has required considerable attention since then. Evidence was provided to demonstrate that 749 inspections have been carried out since 1 April 2022. Evidence was also provided to show that 152 notices (including 83 Remedial Action Notices (RANs), 67 Hygiene Improvement Notices (HINs), and 2 Hygiene Emergency Prohibition Notices (HEPNs)) had been served since 1 April 2022. This level of enforcement activity supports the Authority's view that compliance levels within food establishments are significantly lower than previously anticipated. This is believed to be a result of limited intervention having taken place during the pandemic period, combined with current economic factors associated with the National recovery and a reduction in available workforce.

- 2.11 As a result, a more intensive intervention regime has been required than had been considered during the recovery planning phase. The net effect of this being that the targets initially set at the outset of the recovery process are unlikely to be achieved.
- 2.12 Inspection priorities have been correctly identified in line with the Interventions Code as detailed in table 4.2 in the draft service plan. The Local Authority Recovery Programme steps 1 – 4 were completed and the service is working on achieving interventions as per the priority levels but is unable to achieve them with its current resources for the reasons outlined in 2.3 above.
- 2.13 The inspection forms and written report forms need to be reviewed and updated to include references to Food Law and scoring matrices. Information about high risk processes was less detailed than would have been expected. In some cases, it was not clear what Food Hygiene Information Scheme (FHIS) rating had been awarded or, based on the seriousness of the contraventions that had been identified, awarding Pass status seemed questionable. Some issues were identified with not detailing the scope of the inspection or explaining why the scope of inspection had been hampered. A Group 2 establishment was identified as requiring a change to a Group 1 establishment due to the preparation and handling of uncooked ready to eat food of animal origin (oysters). This had been identified by management in August 2022 and monitoring procedures were reviewed, updated and re-introduced.
- 2.14 Verification visits carried out as part of the audit were conducted professionally and in accordance with the Food Law Code of practice. Officers followed a logical sequence to the visits with opening meetings, assessment of risks and closing meetings. Good questioning was noted throughout, and officers had good engagement with food business operators. Food standards matters were identified and there were appropriate assessments made on allergen management and pre - packed for direct sale (PPDS) requirements.

### **Level of Assurance**

- 2.15 As detailed in the Audit Charter Document (reference [FSS/ENF/18/001](#)) the audit has been assigned as below:

<b>Insufficient Assurance</b> Controls are not acceptable and have notable weaknesses	There are significant weaknesses in the current risk, governance and/or control procedures, to the extent that the delivery of objectives is at risk. Exposure to the weaknesses identified is sizeable and requires urgent mitigating action.
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## 3.0 Audit Findings

3.1 The findings reported below detail both corrective and preventive actions which are not confined to addressing specific technical requirements, but also include system-wide measures. Conclusions address the compliance with the planned arrangements, the effectiveness of their implementation and the suitability of the planned arrangements to achieve the stated objectives as appropriate.

### 3.2 Section 2. Registration of Food Business Establishments

Sub Section	Audit Findings
2.1.2	Requirements of new food business registration were being carried out by the Authority and there was a documented food business registration procedure (FSP08(C)) in place. The Draft Service Plan also detailed and referenced how new food businesses are included into the Authority's intervention programme.
2.1.4	An online Food Business Registration service is available on the Authority's website. This highlights the legal requirement of registration and provides the department's contact details if further information or assistance with the process is required by Food Business Operators (FBO). The Food Business registration form provided contained a General Data Protection Regulation (GDPR) Privacy Notice as outlined in the Code of Practice Annex 8 Model Application Form for the Registration of a Food Business Establishment.
2.1.4	On receipt of a new business, the duty officer will allocate this to an officer as a service request. The allocated officer will contact the business to discuss their proposed operation and ensure that all information that is required has been provided. The officer issues a new business pack and any other relevant information to the business, as considered appropriate, to the e-mail address provided. The premises details are entered onto the Management Information System (MIS), taking care to ensure that the correct business category code and FLRS Group type are selected and ensuring that any previous entries for the premises are closed. The service request is linked to the new premises record. The registration form details are also entered into the MIS – detailed instructions (using

	screenshots) are contained in the New Food Premises Procedure for officers to follow.
2.2.1	An up-to-date list of registered food establishments within the Authority's area is available upon request and the Authority can easily run this list along with other MIS reports to ensure that up to date information is provided.
	Turnover of premises is a known issue, particularly in a large city Authority, with many FBOs failing to register and business ownership changing as many as five times in two years.
2.5.1	There are three markets as well as farmer's markets, it is a condition of Glasgow City Council's Market Operator's Licence that the licence holder shall ensure that all food businesses trading at the proposed market are registered with the Environmental Health Department of their home Local Authority.

### Recommendation

There were no recommendations for this section.

### 3.3 Section 3. Interventions

Sub section	Audit Findings – Service Planning, Interventions Programme.
3.1.5	A Food Law Service Plan has been drafted and will be reviewed to include the revised resource calculation, possibly as an Annex, and submitted for Committee Approval once the newly appointed Group Manager has taken up the post and been fully appraised. It is recommended that the Service Plan is reviewed and approved as a matter of priority. ( <a href="#">See Recommendation 1</a> ).
3.1.5	<p>The Service is currently operating with 19.5 FTE and it is acknowledged that this is a significantly reduced position. The Service has seen a number of changes since the pandemic began; retirement, internal promotions and staff leaving which has created challenging circumstances for service delivery. The existing Operational Structure is Group Manager, Environmental Health (Lead Food Officer), two assistant Group Managers &amp; four Team Leaders.</p> <p>The Operational team is split into three geographical areas.</p> <p>There are currently eight vacancies within the Service:</p> <ul style="list-style-type: none"> <li>• Environmental Health Officers – seven</li> <li>• Food Safety Technical Officers – one</li> </ul>

	<p>It is evident that the current allocated resource is incapable of fully delivering FLRS. Complete a resource calculation to demonstrate a projection of the total FTE resource required to satisfy the intervention programme. <a href="#">(See Recommendation 2)</a></p>												
	<p>There are currently four student EHOs training with Glasgow Council. The Authority is commended for continuing to support student development and training of EHOs and Practitioners for the future.</p>												
	<p>As a result of the recruitment challenges being faced by the profession, Section 7 of the Draft Service Plan details a number of areas where resilience is placed upon one or two individuals and is working towards a programme of knowledge transfer and succession planning.</p> <p>The areas initially in scope for this are:</p> <ul style="list-style-type: none"> <li>• Inspection of approved establishments and</li> <li>• Database management and reporting.</li> </ul> <p><b>The Audit Team recognises the importance of improving resilience of the workforce and commends this initiative.</b></p>												
	<p>The current quarter intervention programme contains 462 inspections due (including six approved establishments).</p> <p>The breakdown of intensive interventions due is as follows:</p> <table border="1"> <tr> <td>1E</td> <td>2E</td> <td>1D</td> <td>2D</td> <td>3D</td> <td>1C</td> </tr> <tr> <td>4</td> <td>10</td> <td>9</td> <td>71</td> <td>5</td> <td>18</td> </tr> </table> <p>There is a system for flagging more intensive interventions automatically and these appear on the officer's worklist after the inspection has been carried out and the MIS has been updated. This ensures that all monthly inspections are captured during the quarter.</p>	1E	2E	1D	2D	3D	1C	4	10	9	71	5	18
1E	2E	1D	2D	3D	1C								
4	10	9	71	5	18								
3.7.2	<p>The total number of registered food establishments within Glasgow is 7292 (including 200 Group 1 and 28 Approved establishments). The Authority participated in the FLRS pilot and 3,800 premises required to be given a notional rating as part of the desktop transfer process. 2206 premises (30.25%) remain unrated. Evidence was provided to show that all of these have had Groups assigned. The Authority should give further consideration to scheduling inspections of unrated establishments prioritised in terms of risk, the LA Recovery Plan, available resources and local intelligence with targets determined as set out in the table below:</p> <table border="1"> <thead> <tr> <th>FLRS Group</th> <th>Timescale for Initial Inspection</th> </tr> </thead> <tbody> <tr> <td>Group 1</td> <td>x months</td> </tr> <tr> <td>Group 2</td> <td>y months</td> </tr> <tr> <td>Group 3</td> <td>z months</td> </tr> </tbody> </table>	FLRS Group	Timescale for Initial Inspection	Group 1	x months	Group 2	y months	Group 3	z months				
FLRS Group	Timescale for Initial Inspection												
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	<a href="#">(See Recommendation 3)</a>																													
3.5	Following completion of the desktop transfer, an outline intervention programme was prepared for the years 21/22, 22/23 and 23/24.																													
3.1.6	<p>Inspection priorities have been correctly identified in line with the LA Recovery Process Guidance and as per the Interventions Code 2019 as follows:</p> <table border="1" data-bbox="517 479 1174 1458"> <thead> <tr> <th>Establishment Categories by order of Priority</th> </tr> </thead> <tbody> <tr><td>Approved Establishments</td></tr> <tr><td>Group 1E, 2E and 3E</td></tr> <tr><td>Group 1D, 2D and 3D</td></tr> <tr><td>Group 1C</td></tr> <tr><td>Group 1B, 2C</td></tr> <tr><td>Unrated (Estimated Group 1 Premises)</td></tr> <tr><td>Premises only liable for Food Standards Inspections</td></tr> <tr><td>Group 1A</td></tr> <tr><td>Missed Group 2 Premises</td></tr> <tr><td>Unrated (Estimated Group 2 Premises)</td></tr> <tr><td>Group 2B, 3C</td></tr> <tr><td>Unrated (Estimated Group 3 Premises)</td></tr> </tbody> </table> <p>The Authority's Draft Service Plan and Enforcement Policy contain details as to how new food business establishments are included in the Authority's planned intervention programme as follows:</p> <table border="1" data-bbox="397 1648 1294 2016"> <thead> <tr> <th>Category of Premises</th> <th>Number of Interventions due in 22/23</th> <th>Intervention Frequency</th> <th>Performance Target</th> </tr> </thead> <tbody> <tr> <td>Approved Establishments</td> <td>28</td> <td>12 monthly</td> <td>100%</td> </tr> <tr> <td>Group 1E, Group 2E and Group 3E</td> <td>15</td> <td>1 Month</td> <td>100%</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	Establishment Categories by order of Priority	Approved Establishments	Group 1E, 2E and 3E	Group 1D, 2D and 3D	Group 1C	Group 1B, 2C	Unrated (Estimated Group 1 Premises)	Premises only liable for Food Standards Inspections	Group 1A	Missed Group 2 Premises	Unrated (Estimated Group 2 Premises)	Group 2B, 3C	Unrated (Estimated Group 3 Premises)	Category of Premises	Number of Interventions due in 22/23	Intervention Frequency	Performance Target	Approved Establishments	28	12 monthly	100%	Group 1E, Group 2E and Group 3E	15	1 Month	100%				
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Approved Establishments	28	12 monthly	100%																											
Group 1E, Group 2E and Group 3E	15	1 Month	100%																											

Group 1D, Group 2D and Group 3D	406	3 Monthly	100%
Group 1C	45	6 Monthly	100%
Group 1B	96	12 Monthly	100%
Group 2C	243	12 Monthly	100%
Group 1A (Manufacturing Premises)	4	18 Monthly	100%
Group 2B	76	18 Monthly	0%
Group 3C	70	24 Monthly	0%
Missed Premises	2258	None	400 p .a
Unrated	2207	None	500 p. a
<b>TOTAL</b>	<b>5448</b>		

The above table requires to be reviewed because the missed premises have been allocated a notional Group and Band as per the desktop transfer process and should be programmed accordingly. Similarly, numbers of unrated establishments should be prioritised into the intervention programme as per their Group.

A desktop transfer issue was identified where a Group 1 Butcher had not been inspected since 2015 and another Group 1 premises was re grouped a 2, when it should have remained a 1 due to the handling and preparation of oysters (uncooked ready to eat food of animal origin). Review food establishments risk ratings and desktop risk ratings to ensure that Groups and Bands have been allocated appropriately. It should be noted that this equates to approximately 0.06% of transferred premises. [\(See Recommendation 4\)](#)

3.7.2

There are 89 Group 3A premises and controls exist to ensure that higher risk establishments are not given this Group and Band. A business can be rated as a Band 3A either following initial or subsequent intervention or where the food registration form gives sufficient information to make determination that there is minimal inherent risk. The Lead Food Officer can then decide to either place the business on a 60 month intervention frequency or choose not to undertake a proactive intervention. Further consideration should be given, after appropriate checking, to reducing the number of unrated establishments by making more use of this rating. [\(See Recommendation 5\)](#)

	All food establishments (with the exception of Approved establishments and primary producers) are now receiving a full food law intervention as per the Interventions Code 2019.																
3.12	<p>Evidence was provided that 462 inspections were planned and allocated in quarter 2. The auditors were informed that approximately 50% of these inspections are being achieved because intelligence demands are diverting officers to deal with unplanned work that needs to be prioritised. Examples include premises that need notices served require officers to be accompanied by a witness and that witness officer's planned work cannot be achieved, there is an increasing number of complaints being received where an inspection is being required due to the nature of the complaint or the fact that the premises is due. Furthermore, a cruise ship housing 1700 Ukrainian refugees is currently berthed in Glasgow that didn't exist when the programme was prepared in April 2022 but has required considerable attention since then. Evidence was provided to demonstrate that 749 inspections have been carried out since 1 April 2022. Evidence was also provided to show that 152 notices (including 83 Remedial Action Notices (RANs), 67 Hygiene Improvement Notices (HINs), and 2 Hygiene Emergency Improvement Notices (HEPNs)) had been served since 1 April 2022. This level of enforcement activity supports the Authority's view that compliance levels within food establishments are significantly lower than previously anticipated. This is believed to be a result of limited intervention having taken place during the pandemic period, combined with current economic factors associated with the National recovery and a reduction in available workforce.</p>																
	<p>740 inspections had been completed since 1 April 2022 as shown in the table below:</p> <table border="1" data-bbox="320 1312 1370 1496"> <thead> <tr> <th data-bbox="320 1312 596 1402">Food Law Risk Rating Group</th> <th data-bbox="596 1312 855 1402">Group 1</th> <th data-bbox="855 1312 1114 1402">Group 2</th> <th data-bbox="1114 1312 1370 1402">Group 3</th> </tr> </thead> <tbody> <tr> <td data-bbox="320 1402 596 1496">No of inspections completed</td> <td data-bbox="596 1402 855 1496">103</td> <td data-bbox="855 1402 1114 1496">571</td> <td data-bbox="1114 1402 1370 1496">66</td> </tr> </tbody> </table> <p>Evidence was provided to show that 152 notices had been served since 1 April 2022.</p> <table border="1" data-bbox="320 1648 1370 1760"> <thead> <tr> <th data-bbox="320 1648 580 1704">Type of Notice</th> <th data-bbox="580 1648 842 1704">RAN</th> <th data-bbox="842 1648 1104 1704">HIN</th> <th data-bbox="1104 1648 1370 1704">HEPN</th> </tr> </thead> <tbody> <tr> <td data-bbox="320 1704 580 1760">No. served</td> <td data-bbox="580 1704 842 1760">83</td> <td data-bbox="842 1704 1104 1760">67</td> <td data-bbox="1104 1704 1370 1760">2</td> </tr> </tbody> </table> <p>This level of enforcement activity supports the Authority's view, as detailed in the draft Service Plan, that compliance levels within food establishments are significantly lower than previously anticipated. This is believed to be a result of limited intervention having taken place during</p>	Food Law Risk Rating Group	Group 1	Group 2	Group 3	No of inspections completed	103	571	66	Type of Notice	RAN	HIN	HEPN	No. served	83	67	2
Food Law Risk Rating Group	Group 1	Group 2	Group 3														
No of inspections completed	103	571	66														
Type of Notice	RAN	HIN	HEPN														
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	the pandemic period, combined with current economic factors associated with the National recovery and a reduction in available workforce.
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Recommendation	
1.	The Service Plan requires to be reviewed and approved as a matter of priority.
2.	Complete a resource calculation to demonstrate a projection of the total Full Time Equivalent resource required to satisfy the intervention programme.
3.	Give further consideration to scheduling inspections of unrated establishments prioritised in terms of risk, the LA Recovery Plan, available resources and local intelligence with targets determined.
4.	Review food establishments risk ratings and desktop risk ratings to ensure that Groups and Bands have been allocated appropriately.
5.	Further consideration should be given, after appropriate checking, to reducing the number of unrated establishments by making more use of the Group 3A rating.

### 3.4 Section 4. Food Law Rating System

Sub Section	Audit Findings
3.11	FLRS interventions in Glasgow re-commenced in August 2021, ahead of the 1st September deadline. While in normal circumstances higher risk premises would have been prioritised and issued to officers in their geographic areas, it was considered appropriate, for an event attracting global attention, during August, September, and October to prioritise COP26 venues, premises in their vicinity, high footfall areas likely to be frequented by COP26 visitors and premises in the COP26 supply chain.
	10 food business establishments were selected for review during the audit. The last intervention for each of the 10 premises was assessed by means of its accompanying documentation and computer record. For all 10 establishments, the last inspection form, letter and risk rating was assessed for compliance against the standard of the Interventions Code of Practice 2019.
	The Authority participates in the Scottish National Database (SND) Implementation Working Group and regular checks are carried out to ensure that the data on its MIS correlates as accurately as possible with the data being pulled through to SND. There are 7292 establishments on the Uniform database, whereas 7485 establishments exist on SND. The reasons for this have been identified by doing a data accuracy comparison between the MIS and SND. The Authority is working with FSS to identify and resolve approximately 248 erroneous entries. There are no Group 0 premises on the MIS or SND.



	<p>Evidence was provided to demonstrate that the Authority holds detailed records for their Approved Establishments - 26 have been granted full approval, 3 have been conditionally approved, 6 have had approval withdrawn and 1 approval has been suspended.</p> <p>Table 2: Number of approved establishment inspections completed since 01/04/2022</p> <table border="1" data-bbox="320 461 1370 642"> <thead> <tr> <th data-bbox="320 461 579 551">Annex 5 Risk Rating</th> <th data-bbox="579 461 775 551">A</th> <th data-bbox="775 461 973 551">B</th> <th data-bbox="973 461 1169 551">C</th> <th data-bbox="1169 461 1370 551">D</th> </tr> </thead> <tbody> <tr> <td data-bbox="320 551 579 642">No of inspections completed</td> <td data-bbox="579 551 775 642">1</td> <td data-bbox="775 551 973 642">5</td> <td data-bbox="973 551 1169 642">1</td> <td data-bbox="1169 551 1370 642">1</td> </tr> </tbody> </table> <p>The Authority anticipates that all 200 Group 1 and Approved Establishments will be inspected in 2022/23. An intervention programme for the Approved Establishments was submitted as evidence that these have all been planned to be inspected. These inspections were not carried out in accordance with the LA Recovery Priority timescales. The FTE resource required to inspect Approved Establishments needs to be included in the revised resource calculation.</p>	Annex 5 Risk Rating	A	B	C	D	No of inspections completed	1	5	1	1
Annex 5 Risk Rating	A	B	C	D							
No of inspections completed	1	5	1	1							
	<p>The Authority has upgraded to n -1 version of its MIS, which is in line with the current contractual arrangement with its IT provider. Recognising the importance of data management and reporting, the Authority created a service development officer post to improve the functionality and management reporting of the MIS. The Auditors view the Authority's commitment to data-driven decision-making as commendable.</p>										
	<p>The Authority is committed to the ongoing development of staff within the team. All officers involved in food law enforcement are required to receive a minimum of 10 hours food law orientated Continual Professional Development (CPD) training each year. A training programme is in place alongside a procedure. A mixture of both internal and external training is utilised to ensure that officers are competent to fulfil their roles.</p> <p>Evidence was provided of an in house FLRS training day in March 2020, which included sessions on Food Crime, Cured and Fermented Meats, Acrylamide, use of the MIS to ensure consistency, Cannabidiol (CBD) Food Supplements and an Official Control Verification (OCV) overview. Traceability, product recall and PPDS training was also delivered in house. Officers are encouraged to complete online training. Further consistency training was carried out at the start of 2022. 15 officers have completed OCV training, and more officers are being given opportunities to visit approved establishments and manufacturers to improve resilience within the operational team and not have all experience in the management team. The Auditors were impressed by the Authority's commitment to learning and sharing experience within the team.</p>										

3.8	<p>Two unannounced verification checks were carried out during the audit. The first was to a Group 1 manufacturer that has since moved to a Group 2 – vegan cheese (no longer manufacturing in large quantities since March 2022) The second verification check was to a Group 1 butcher</p> <p>The verification visits were conducted in a professional manner. Hazards were assessed in a systematic manner and dealt with throughout the visits. A number of food standards issues such as labelling and traceability, provenance and quantitative ingredient declarations were identified and dealt with. Officers followed a logical sequence to the visits with opening meetings, assessment of risks and closing meetings. Good questioning was noted throughout, and officers had good engagement with food staff/business operators.</p>
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<b>Recommendation</b>
There were no recommendations for this section.

**3.5 Section 5. Action Following an Intervention: Minimum Standards of report writing and record keeping**

Sub Section	Audit Findings
	Documented procedures were provided as part of the audit and were found to be well presented with good document control features that clearly show when the document was created and approved.
4.1.1	Due to time constraints, it was not possible to check whether the seven compliance categories are all being assessed as per the Food Law rating system. It was however noted during the review, that the inspection forms do not include the risk rating matrix and scores given after the intervention. For purposes of quality management, it is considered good practice that the risk rating is included on the inspection form. This clearly illustrates how the score is being derived from the evidence on the inspection form.
6.1	The Authority is moving to all reports and letters being typed as experience has shown that carbon copies are too difficult to read once scanned.
14.6.2 Food Law Code of Practice	It was found during the documentation review that specific timescales for corrective actions were not being provided in written warnings to businesses. Prioritisation needs to be given to businesses as to which contraventions need to be addressed immediately, for example cross contamination, or within a dedicated timescale for contraventions that can be addressed over a longer timescale. At the conclusion of every Intervention, the Authorised Officer should discuss and document any

	contravention of Food Law with the Food Business Operator highlighting the timescale for corrective action. <a href="#">(See Recommendation 6)</a>
4.1	Of the inspection forms reviewed, there was evidence to show that officers are checking issues such as allergen compliance, PPDS, general labelling and traceability. Some issues were identified, however, in terms of the forms being used, it was not clear when these were introduced or last reviewed, in some cases the legislation was missing. Information about high-risk processes was lighter in detail than what would have been expected. It was not clear what FHIS rating had been awarded or based on the seriousness of the contraventions that had been identified, awarding Pass status seemed questionable. Some issues were identified with not detailing the scope of the inspection or explaining why the scope of inspection had been hampered. <a href="#">(See Recommendation 7)</a>
	Revisits are carried out for food law inspections at the officer's discretion. The Authority's policy around revisits has not been documented in the Service Plan and this needs to be reviewed and addressed. It was noted during the document review that officers were stating on inspection reports: "revisit to be done in due course". It is recommended that the number of revisits that will be made is estimated and included in the Intervention programme and Service Plan. <a href="#">(See Recommendation 8)</a>

### Recommendation

6. Specific timescales for corrective actions require to be provided in written warnings to businesses.

7. The inspection form and written report form require to be reviewed and updated to include references to food law legislation. Similarly, written warning letter headings should contain references to all applicable food hygiene and food standards legislation.

8. Revisits should be carried out where there is failure to comply with significant and serious statutory requirements or a number of requirements that taken together indicate ineffective management. Include an estimation of the number of revisits that will be made in the Intervention Programme and Service Plan.

### 3.6 Section 6. Internal Monitoring

Sub Section	Audit Findings
39 Food Law Code of Practice	A documented procedure has been devised for internal monitoring and a weekly management report run to identify the number of inspections completed each week. In the future all food law interventions, other than Group 3s will result in typed reports and letters. All typed reports/letters are to be sent to Team Leaders or Assistant Group Managers for review. Checks will be carried out on 100% of inspections as the new processes are being re-introduced and be reduced proportionately after the process is more fully established. Thereafter, the internal monitoring procedure will be reviewed. To ensure that officers are scoring consistently, issues

	mentioned above such as priority timescales, inspection forms light on or missing detail and whether revisits are to be carried out, we recommend that quality checks and internal monitoring checks are reinstated to ensure consistency across the service and to ensure that any issues are identified and corrected where required. <a href="#">(See Recommendation 9)</a>
	Quarterly inspections lists are allocated, in line with what officers preferred so that they can manage their own workloads more efficiently, plan their travel arrangements and take account of any holidays.
	Officers are instructed to drop new or missed inspections if newly allocated D or E inspections are automatically allocated to their lists via the newly installed and integrated Enterprise App. Current workload comprises 12 higher risk inspections per month as well as a high number of service requests, which can also comprise new business inspections.
	Officers are finding their workload to be more intensive, mainly due to deterioration in standards during the pandemic and not being in the businesses for a long period of time. Some officers are regularly and routinely being allocated a high proportion of highest risk D & E inspections, which has been likened to firefighting, with a consequent danger that workloads will become unmanageable. Management have recognised the potential for staff burnout and following consultation with the Council's Human Resources team hold 1 to 1s with officers every 6 weeks to discuss workloads and internal monitoring issues. The quality of inspections is considered more important than quantity to the detriment of quantity.
	<p>The Authority has set a series of Environmental Health Key Performance Indicators (KPIs) and updates are provided on a monthly basis to Senior Management within Neighbourhoods, Regeneration and Sustainability.</p> <p>As a Service there is accountability within the process should there be significant deviation from these. The table below shows a selection of KPI results from September 2022</p>

#### REGULATORY SERVICES

2022/23 KPI No	REPORT/ COUNT	PERFORMANCE INDICATOR	MONTHLY TOTAL
<b>ENVIRONMENTAL HEALTH</b>			
RS13	REPORT	Number of programmed food safety inspections carried out at premises rated as requiring intensive Intervention.	8
RS14	REPORT	Percentage of programmed food safety inspections carried out at premises rated as requiring intensive Intervention 1 month	100

RS15	REPORT	Percentage of programmed food safety inspections carried out at premises assessed as requiring a 3 month inspection	99
RS16	REPORT	Percentage of programmed food safety inspections carried out at premises assessed as requiring a 6 month inspection	86
RS17	REPORT	Percentage of programmed food safety inspections carried out at premises assessed as requiring a 12 month inspection	86
RS18	REPORT	Percentage of programmed food safety inspections carried out at premises assessed as requiring an 18 month inspection	0
RS19	REPORT	Number of food safety inspections carried out in new establishments	16
RS20	REPORT	Number of food safety inspections carried out in missed establishments	10
RS23	REPORT	Number of Export Health Certificates Issued	44
RS24	REPORT	Number of Food Law Notices	20
RS26	REPORT	Number of Food Law Service Requests	207

### Recommendation

9. Quality checks and internal monitoring checks require to be reinstated to ensure consistency across the service and to ensure that any issues are identified and corrected where required.

### 3.7 Section 7. Items to take back to Food Standards Scotland

1.	It has become apparent through the re-start process that compliance within premises across the city is significantly lower than anticipated. It is believed this is a result of limited intervention having taken place during the pandemic period, combined with current economic factors associated with the National recovery and a reduction in available workforce. As a result, a more intensive intervention regime has been required than had been considered during the recovery planning phase. The net effect of this being that the targets initially set at the outset of the recovery process are unlikely to be achieved. (Service Plan P9)
2.	Food premises are now subject to a rating scheme which combine food hygiene and standards. Consequently, no premises are rated specifically for food standards. However, there are 14 establishments approved by FSS for which Glasgow City Council is the enforcing Authority for food standards. (Service Plan P9)
3.	The Food Hygiene Information Scheme (FHIS) should have been reset with the re-start of the LA Recovery Process Project. FHIS guidance –

	something similar to broad compliance is needed as guidance for officers on when a Pass status is appropriate.
4.	The nature of FLRS scoring makes planning and programming of inspections more onerous and unpredictable due to poorer performing premises requiring intensive interventions.
	The system itself makes sense – but it is more intensive. Glasgow was late in entering into the pilot. The time periods are too intensive for 1 – 3 month interventions but 12 months afterwards is too long to leave them.
5.	The Code of Practice needs reviewed.

## 4.0 Annex A – Action Plan

### Action Plan for Glasgow City Council Audit of Local Authority Implementation of Interventions Food Law Code of Practice (Scotland) Audit

Glasgow City Council Recommended Point for Action	Planned Actions	Target Date for Completion	Responsible Officer(s)
1. The Service Plan requires to be reviewed and approved as a matter of priority.	Currently subject to review by Group Manager. Once complete to be approved by Senior Management Team	DATE - TBC	Group Manager (Environmental Health)
2. Complete a resource calculation to demonstrate a projection of the total Full Time Equivalent resource required to satisfy the intervention programme.	Finalisation of resource calculation	Completed	
3. Give further consideration to scheduling inspections of unrated establishments prioritised in terms of risk, the LA Recovery Plan, available resources and local intelligence with targets determined.	Review of process for allocation to ensure that higher risk unrated establishments are incorporated into the inspection lists.	Completed	

Glasgow City Council Recommended Point for Action	Planned Actions	Target Date for Completion	Responsible Officer(s)
	<p>Staff reminded of need to follow procedure when new Food Business Registration Form is received.</p> <p>Service Plan to be revised to include a process for unrated premises</p> <p>Alternative Enforcement Strategy to be finalised and incorporated into quarterly lists</p>	<p>Completed</p> <p>DATE - TBC</p> <p>DATE - TBC</p>	<p>Group Manager (Environmental Health)</p> <p>Assistant Group Manager (Environmental Health)</p>
4. Review food establishments risk ratings and desktop risk ratings to ensure that Groups and Bands have been allocated appropriately.	Reminder to team in relation to group classifications	Completed	
5. Further consideration should be given, after appropriate checking, to reducing the number of unrated	Noted as a longer term objective and will coincide with re-introduction of	DATE - TBC	Assistant Group Manager



Glasgow City Council Recommended Point for Action	Planned Actions	Target Date for Completion	Responsible Officer(s)
establishments by making more use of the Group 3A rating.	Alternative Enforcement Strategy		(Environmental Health)
6. Specific timescales for corrective actions require to be provided in written warnings to businesses.	Documentation being reviewed to incorporate recommended action	Completed	
7. The inspection form and written report form require to be reviewed and updated to include references to food law legislation. Similarly, written warning letter headings should contain references to all applicable food hygiene and food standards legislation.	Service moving to typed reports in 2023 and legislation will be incorporated into these. This was being phased in at the time of audit.	Completed	
8. Revisits should be carried out where there is failure to comply with significant and serious statutory requirements or a number of requirements that taken together indicate ineffective management. Include an estimation of the number of revisits that will be made in the Intervention Programme and Service Plan.	Service Plan to be revised to incorporate revisits.  Refresher training with staff as to what constitutes a revisit	(TBC once Service Plan has been approved)  Completed	Group Manager (Environmental Health)

Glasgow City Council Recommended Point for Action	Planned Actions	Target Date for Completion	Responsible Officer(s)
<p>9. Quality checks and internal monitoring checks require to be reinstated to ensure consistency across the service and to ensure that any issues are identified and corrected where required.</p>	<p>Monitoring was reintroduced in August 2022. As this was the first monitoring exercise carried out since pre-pandemic the most common findings were emailed to the full team with a view to improving consistency.</p> <p>Subsequent monitoring will be carried out and feedback given directly to individual by TL/AGM.</p> <p>Moving forward the Service is also considering the introduction of some form of peer-review</p>	<p>Completed</p> <p>31 January 2023</p> <p>31 March 2023</p>	<p>Assistant Group Manager (Environmental Health)</p> <p>Group Manager (Environmental Health)</p> <p>Assistant Group Manager</p>

Glasgow City Council Recommended Point for Action	Planned Actions	Target Date for Completion	Responsible Officer(s)
			(Environmental Health)

## 5.0 Acknowledgements

The Audit Assurance Team would like to acknowledge the help and co-operation of all staff involved for their assistance while conducting this audit.

Auditors: Lindsay Matthew  
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Administration: Neil Douglas

Food Standards Scotland  
Audit Assurance Branch

May 2023

## Abbreviations

<b>CBD</b>	Cannabidiol
<b>CPD</b>	Continual Professional Development
<b>EHO</b>	Environmental Health Officer
<b>EU</b>	European Union
<b>FBO</b>	Food Business Operator
<b>FHIS</b>	Food Hygiene Information Scheme
<b>FLCoP</b>	Food Law Code of Practice
<b>FLRS</b>	Food Law Rating System
<b>FSO</b>	Food Safety Officer
<b>FSS</b>	Food Standards Scotland
<b>FTE</b>	Full Time Equivalent
<b>GDPR</b>	General Data Protection Regulation
<b>HEPN</b>	Hygiene Emergency Improvement Notices
<b>HIN</b>	Hygiene Improvement Notices
<b>KPI</b>	Key Performance Indicator
<b>LA</b>	Local Authority
<b>MIS</b>	Management Information System
<b>OCV</b>	Official Control Verification
<b>PPDS</b>	Pre - Packed for Direct Sale
<b>RAN</b>	Remedial Action Notices
<b>SND</b>	Scottish National Database
<b>UNESCO</b>	United Nations Educational, Scientific and Cultural Organisation