

# Perth and Kinross Council – Capacity and Capability Audit

Food Law Enforcement Services

June 2022

Final Report issued September 2022



# 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/16/014](#) in June 2021. 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 assess Local Authority capacity and capability to deliver the food service.

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:

- evaluate the organisational, management and information systems in place to ensure they are effective and suitable to achieve the objectives of the relevant food law.
- assess the capacity and capability of the Local Authority to deliver the food service.
- provide a means to identify under performance in Local Authority food law enforcement systems.
- assist in the identification and dissemination of good practice to aid consistency.
- provide information to aid the formulation of Food Standards Scotland policy.

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 This report records the results of the audit of Perth and Kinross Council, carried out in June 2022 with regard to their capacity and capability to deliver food enforcement, under relevant sections of retained Regulation (EU) 2017/625 on official controls performed to ensure the verification of compliance with feed or food law. An initial documentation review was carried out in May 2022. The audit focused on the Authority's arrangements for meeting certain operational criteria, particularly on staffing related issues, registration and approval of food business operators, enforcement actions, interventions, procedures for carrying out official controls and transparency about their enforcement activities.
- 1.2 Audits of Local Authorities' food law enforcement services were suspended in 2020/2021 due to the Covid – 19 pandemic. Deviations from the Food Law Code of Practice were granted to Local Authorities by the Minister for Public Health and Sport due to their active role in response to the pandemic and their role in the enforcement of the Health Protection (Coronavirus) (Restrictions and Requirements) (Additional Temporary Measures) (Scotland) Regulations 2020. Each Food Law Code of Practice deviation Enforcement Letter can be found here: [Register of Food Letters - 2015-2022](#)
- 1.3 Food Standards Scotland (FSS) recognise that the Covid – 19 pandemic has had an impact on the delivery of official controls carried out by Local Authority enforcement officers. Local Authority food law intervention programmes were adversely affected as numerous interventions were not undertaken during 2020 and 2021 due to the deviations in place.
- 1.4 In response to this, FSS in partnership with the Scottish Food Enforcement Liaison Committee (SFELC) developed a Local Authority Recovery Process which allowed Local Authorities to re – set their intervention programmes and incorporate all interventions into a new programme scheduled to restart on the 1st September 2021. Capacity and Capability Audits carried out post September 2021 take into account the Local Authority Recovery process.
- 1.5 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

- 1.6 The power to set standards, monitor and audit the performance of enforcement authorities was conferred on Food Standards Scotland by Sections 3 and 25 of the Food (Scotland) Act 2015, and Regulation 7 of The Official Feed and Food Controls (Scotland) Regulations 2009.

- 1.7 In addition, Article 6(1) of Retained Regulation (EU) No 2017/625 on official controls performed to ensure the verification of compliance with feed or food law, includes a requirement for competent authorities to carry out internal audits or to have external audits carried out.
- 1.8 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) No 2017/625.
- 1.9 The previous Audits of Perth and Kinross Council's Food Service were undertaken by Food Standards Scotland in April 2017 and by the Food Standards Agency in Scotland in November 2014.

### Scope of the Audit

- 1.10 The audit examined operational criteria such as having a sufficient number of staff who are suitably:
- qualified
  - experienced
  - competent
  - authorised, and
  - ensure staff are free from conflict of interest
  - have contingency plans for emergencies
  - have appropriate legal powers
  - have suitable facilities and equipment, and to,
- (a) Ensure that staff receive appropriate and on-going training.
- (b) Ensure effective and efficient co-ordination with other competent authorities and between different units of a single authority if applicable.
- (c) Have procedures in place for the registration/approval of establishments.
- (d) Take appropriate action where businesses do not comply with the law.
- (e) Carry out internal audits or have external audits undertaken.
- (f) Be transparent about its monitoring and enforcement activity.
- (g) Prepare reports of individual controls and provide copies to businesses.
- (h) Have, use and update as necessary, documented procedures for carrying out controls.
- 1.11 The audit examined Perth and Kinross Council's arrangements for official controls in relation to Retained Regulation (EU) 2017/625 on the verification of compliance with feed and food law.

1.12 The audit took place both remotely and with three days' on-site activity.

### Local Authority Background

1.13 Perth and Kinross Council is a unitary Authority which provides all local services for the Perth and Kinross Council area. The Council's officers are currently moving to a hybrid working arrangement and are allowed to work remotely from home and in the office when required.

1.14 Using a hierarchy of approach, Regulatory Services protect public health and strive to mitigate stressors which may prevent the population from leading a longer, healthier life, by protecting people in vulnerable circumstances and provision of an attractive and welcoming environment. Regulatory Services includes Trading Standards, Environmental Health, Private Water Supplies (also incorporating 2 public health compliance officers) and Food/Health Safety. These teams are part of the Wider Communities Service.

1.15 The Food/Health and Safety service is provided by the Food Safety/Health and Safety team as part of the Wider Communities Service, the team is made up of a Regulatory Services Manager (Lead Food Officer), a Principal Officer Food/Health and Safety, 4 Environmental Health Officers (EHOs) (1 EHO is on Maternity Leave & 1 EHO post is vacant) and 1.5 Food Safety Officers (FSOs).

## 2.0 Executive Summary

### Capacity

2.1 In conjunction with the SFELC food recovery programme work, the Audit found that the Local Authority's (LA) current calculated capacity was 4.31 FTE short, making it challenging to achieve and maintain the requirements of the Food Law Code of Practice (Scotland) 2019, the Interventions Food Law Code of Practice (Scotland) 2019 and retained Regulation (EU) 2017/625 of the European Parliament. At the time of Audit, the team was currently operating with a temporary shortfall of 1.8 FTE (one EHO vacant post and one EHO on Maternity Leave, these posts have not been included in the above figure).

2.2 The appointed Lead Food Officer is a Service Manager who has worked for the Authority for many years and has been previously responsible for the delivery of official controls.

- 2.3 In line with the LA Recovery Programme, the Authority have a detailed Service Planning document for the Local Authority Recovery Project and had suitably restarted programmed interventions (PIs) in September 2021.
- 2.4 As evidenced by the locally maintained programmed inspection spreadsheets provided, the LA had met nearly all of their planned interventions. This could be verified by auditors as a result of reports being created from the Management Information System (MIS).
- 2.5 The intervention programme is initially set and then is re-run quarterly to provide accurate information. Spreadsheets containing Food Law Ratings System (FLRS) ratings were available allowing auditors to verify risk assessment and intervention frequencies.

### **Capability**

- 2.6 The Authority has a large suite of Food Law policies and procedures in place which were stored electronically and were generally maintained up to date, however, there was a need to update those affected by UK's EU exit as the legislative references were not accurate.
- 2.7 Officers were clear on the Authority's procedure for conducting inspections and adhered to the Authority's 2019 Enforcement Policy (which needs to be updated with current legislation and codes) and the current inspection procedures.
- 2.8 The Authority has a satisfactory procedure covering officer authorisations; however, it was found in the corporate scheme of delegation, that the listed statutes relative to Food Law need to be updated.
- 2.9 Officers have maintained access to the LA's MIS whilst remote working from home. Official controls and associated food law interventions have continued to be recorded on the MIS during this time. The Principal Officer has correctly implemented the permitted deviations that were in place for the majority of Food Law interventions during this time.
- 2.10 Internal monitoring mainly consists of quantitative checking, with the procedural quality checks incorporating verification by a physical accompaniment on inspections to assess quality of inspection delivery and outcomes having lapsed during Covid.
- 2.11 The Recovery Project has been generally well managed and there was verification provided that Approved Establishments were either subject to an intervention or a desktop review during the allowed period. However, it was noted that one establishment had remained on Conditional Approval well beyond the requirements of the Food Law Code of Practice.

### **Level of Assurance**

- 2.12 As detailed in the Audit Charter Document of March 2020 (reference FSS/ENF/18/001) the audit has been assigned as below:



<b>Reasonable Assurance</b> <b>Controls are adequate but require improvement</b>	Some improvements are required to enhance the adequacy and effectiveness of procedures. There are weaknesses in the risk, governance and/or control procedures in place but not of a significant nature.
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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 Article 4. Designation of competent authorities

Article	Audit Findings
4. 2	The Authority has a comprehensive Service Delivery plan, dated August 2021 which is relevant in structure and format as it meets the requirements of Step 4 of <u>Local Authority Recovery project</u>
	<p>Service Planning has become more onerous as a result of the implementation of the Food Law Rating System which has an ongoing effect of an increase in planned interventions due to risk ratings being changed at the more frequent end. This makes Service Planning and resource allocation more complex and targets harder to achieve. The Service Plan should contain details of sampling priorities within Perth and Kinross, over and above FSS's funded programmes. As per the Food Law Code of Practice, a Food Authority's Sampling Policy and Programme should cover all types of sampling work undertaken. Food Authorities should also prepare a Sampling Programme that details their intended food sampling priorities. The programme should take account of the number, type and risk ratings of the food businesses and the type of food produced in the area, the Food Authority's Home or Originating Authority responsibilities and the need to ensure that the provisions of Food Law are enforced.</p> <p>Effective routine sampling is an essential part of a well-balanced Service Plan and therefore more attention needs to be placed on providing a robust sampling programme each year.</p>

4.2	The Authority has a Corporate Scheme of Delegation which post-dates the UK's EU exit and requires to be updated to be accurate. The Scheme of Delegated Functions enables the Chief Executive to authorise appropriately qualified staff to undertake duties in terms of regulatory functions. Within the Authority's scheme of delegated functions, the statutes relative to Environmental Health, and more specifically food related statute, is out of date and requires a review.
4.2	The Lead Food Officer (LFO) position is filled by an experienced Manager who does not carry out Official Controls. The routine work of compliance with the FSS's Codes of Practice is delegated to a Principal EHO.
4.3	The Enforcement Policy 2019 needs to be updated for current legislation and codes.

### Good Practice

The format and method of use of the Service Plan and associated Team Plan is an effective way to communicate the priorities and actions of the LA.

### Recommendation

1. Review and update the statutes listed in the Corporate Scheme of Delegation, and the Enforcement Policy.
2. Review the Service Plan to include more comprehensive detail on sampling and ensure it is suitably approved.

### 3.3 Article 5. General obligations concerning the competent authorities and the organic control authorities

Article	Audit Findings
5	As a Competent Authority required to deliver Official Controls, the recruitment of suitable candidates remains difficult due to a national skills shortage and there is an inability to access former training routes through the Derby MSc course, which is no longer accredited by REHIS. The Local Authority are, as a result, challenged as they have found that Officers already in post, cannot be developed internally to a higher qualification that is accredited by REHIS, this limits the Local Authority in delivering the full range of functions and providing a career path to officers.
5	The Royal Environmental Health Institute of Scotland (REHIS) also have written to a Local Authority, with a copy provided to the Auditors at this audit, stating that "the Chartered Institute of Environmental Health (CIEH) does not currently offer anything considered equivalent to the REHIS Diploma in Environmental Health and if Local Authorities are employing

	<p>any new officers, confirmation should be sought that they hold the REHIS Diploma, or the Certificate in Registration from the Environmental Health Registration Board/Environmental Health Officer Registration Board, even if they have been practicing in a role called an EHO in England, Wales or Northern Ireland previously”.</p> <p>The auditors discussed this with the Audit Liaison Officer and advised that the matters involved should be taken up through other professional channels as well as it being taken to FSS for discussion.</p>										
5.1	<p>The total FTE within the food team at the time of audit was 7.5 which included five EHOs, 1.5 Food Safety Officers and one Principal Officer. There was a stated gap of 4.9 FTE food officers required to carry out all food work for the 12 months following restart in September 2021, between the FTEs in post and the Recovery Resource calculation. The Team currently have one vacant EHO position. This has made it challenging at times to achieve and maintain the requirements of the Food Law Code of Practice (Scotland) 2019, the Interventions Food Law Code of Practice (Scotland) 2019 and retained Regulation (EU) 2017/625 of the European Parliament. Audit evidence and the current Service Plan both indicate that additional resource is required to ensure full service delivery.</p> <p>A Principal EHO actively manages the delivery of the Food Law Codes of Practice. The LFO is a manager who receives reports on the workload of the authorised officers within the team and liaises with the senior management team.</p>										
5.1	<p>A copy of the current Food Premises Register recording the number of registered food establishments was promptly provided when requested during the audit. Different spreadsheets were provided to verify inspection programmes. It was identified throughout the audit that obtaining accurate data from the Authority’s MIS was routine and regular, allowing close monitoring of inspection numbers.</p>										
5.1	<p>Officers have responsibility for a variety of food business operators, including those approved under Regulation (EC) No 853/2004 - laying down specific hygiene rules for food of animal origin. The Authority have a total of 7 approved establishments.</p> <p><i>Table 1 – Number of approved establishments pre establishment type</i></p> <table border="1" data-bbox="316 1653 1370 1924"> <thead> <tr> <th data-bbox="316 1653 528 1868">Dairy Products – Cheese</th> <th data-bbox="528 1653 740 1868">Dairy Products – Ice Cream</th> <th data-bbox="740 1653 952 1868">Fishery Products</th> <th data-bbox="952 1653 1165 1868">Meat/ Fish / Dairy Products – Ready Meals</th> <th data-bbox="1165 1653 1370 1868">Cold Store</th> </tr> </thead> <tbody> <tr> <td data-bbox="316 1868 528 1924">2</td> <td data-bbox="528 1868 740 1924">1</td> <td data-bbox="740 1868 952 1924">2</td> <td data-bbox="952 1868 1165 1924">1</td> <td data-bbox="1165 1868 1370 1924">1</td> </tr> </tbody> </table> <p>All approved establishments have been allocated a next due inspection date in line with the Recovery Programme priorities table, and desktop</p>	Dairy Products – Cheese	Dairy Products – Ice Cream	Fishery Products	Meat/ Fish / Dairy Products – Ready Meals	Cold Store	2	1	2	1	1
Dairy Products – Cheese	Dairy Products – Ice Cream	Fishery Products	Meat/ Fish / Dairy Products – Ready Meals	Cold Store							
2	1	2	1	1							

	audits of approved establishments were carried out during 2020/2021. Subsequently the Recovery Plan Guidance was followed. However, for one establishment the approval process was not followed as required in the Food Law Code of Practice.
5.1	The Local Authority have introduced a system called Total Mobile that streamlines administration by allowing Officers to produce a report and notices on a mobile telephone during the intervention at the FBO premises. This data is then sent electronically to the inspecting officer and the FBO, the Officer can use this and the hard copy aide memoir to update the MIS quickly, efficiently and accurately.
5.1	Officers continued to have access to the Local Authority's MIS throughout the period of working from home. This allowed ongoing official controls and associated food law interventions to be recorded onto the MIS during this time. Auditors verified that the permitted deviations were in place for about 150 planned but missed interventions during this time.
5.1	Extensive discussions around training opportunities and availability verified that officers were able to complete the required ten hours of Continuing Professional Development (CPD) of the Food Law Code of Practice.  Officers have responsibility for a variety of food establishments including those approved under Regulation (EC) No 853/2004 - laying down specific hygiene rules for food of animal origin. For officers carrying out interventions in these establishments, the Food Law Code of Practice requires competence in the inspection of specialist or complex manufacturing processes. As a result of Official Control Verification (OCV) implementation there is sufficient resilience within the Local Authority to deliver OCV.
5.4	As a result of most officers having Level 4 Hazard Analysis and Critical Control Point (HACCP) and OCV training, as well as unlimited access to online training, and officers with considerable experience of manufacturing premises, there is suitable contingency and resilience across the service.

### Good Practice

The use of an App on mobile telephones to capture and communicate outcomes direct to the FBO is an example of innovative and practical use of technology.

## Recommendation

3. The Local Authority should continue to work with professional bodies to clarify and document the status of Environmental Health Officers/Practitioners to allow the recruitment and appointment of suitably qualified officers.
4. Continue the recruitment processes to appoint additional officers in accordance with the Recovery Plan, the Service Plan and the Food Law Code of Practice requirements.
5. Ensure that the determination of Applications for Approved Establishments follow the content of the Food Law Code of Practice.

### 3.4 **Article 9. General rules on official controls**

Article	Audit Findings
9	<p>It appears from the spreadsheets provided which were generated from the (MIS), that nearly all planned interventions (PIs) were being achieved. Following discussions, it is understood that some Food Law Rating System (FLRS) Group 3 and Group 2 establishments were given future PI dates to ease the work pressure following the restart on the 1<sup>st</sup> of September 2021. These future intervention dates were allocated within the time frames outlined in the Local Authority Recovery Programme Guidance (Priorities Table).</p> <p>The 2021-22 FLRS programme was demonstrated as being achieved, however, the audit team have concerns about that accuracy of the information available for similar data on the Scottish National Database (SND) and the verification of accurate reporting.</p>

## Recommendation

No recommendation for this article.

### 3.5 **Article 12. Documented control procedures**

Article	Audit Findings
12.1	<p>The Authority has a large number of policies and procedures in place which were clearly laid out and well-documented. The format provided was easy to follow, maintained up to date, and approved by an appropriate manager, however, not all were up to date referencing post UK's EU exit changes.</p>
12.1	<p>The Authority has an internal monitoring procedure in place for monitoring progress of the planned intervention programme which focusses on quantitative recording and reporting. The procedure should also cover the quality and consistency of interventions undertaken by their Authorised Officers. A lack of evidence was provided to demonstrate</p>

	regular qualitative internal monitoring of food law interventions by physical shadowing during programmed interventions to assess quality of inspection delivery and outcomes, together with associated documentary reviews to ensure compliance with Food Law Codes for selected interventions carried out by officers.
12.1	Team meetings were scheduled to take place weekly on a virtual basis, these have been modified to alternate weeks with an in person meeting taking place once a month to re-establish previous working methods.
12.1	Quantitative monitoring was evidenced by internal key performance indicators.  The intervention programme is allocated by the Principal Officer (PO) on a quarterly basis and interventions are divided amongst the team. The Authority has a small team of officers and it was apparent during interviews with officers that they all work collaboratively and collectively to meet the intervention programme.

### Recommendation

6. Procedures which require updating post UK's EU exit should be reviewed and re-issued.

7. Formal monitoring of the quality of official control delivery should be reinstated with evidence of verification maintained.

### 3.6 Article 13. Written records of Official Controls

Article	Audit Findings
13.1	<p>A sample of three food establishments were selected for review during the audit. The documentation was assessed for accuracy and compliance with the requirements of the Code of Practice.</p> <p>The format for the Food Safety Inspection Report was generally satisfactory, however a number of items require updating, such as:</p> <ul style="list-style-type: none"> <li>• to reflect current legislation,</li> <li>• the LA address,</li> <li>• positive findings from the Official Control, and</li> <li>• timescales in the Food Safety Management System (FSMS) section.</li> </ul> <p>Sufficiently detailed notes of official control interventions should be well documented in the inspection form and include the evidence identified and or examined to demonstrate both compliance and non-compliance with Food Law.</p>

## Recommendation

8. The template for Food Safety Inspection Reports should be reviewed to reflect the current legislation post the UK's EU exit and compliance with the requirements of the Food Law Code of Practice.

9. Quality monitoring or some other means of ensuring that intervention documentation specifying timescales are given should be introduced.

### 3.7 **Article 14. Methods and techniques for official controls**

Article 14	
14 (a-d)	As there were no reality visits carried out during the audit it was only possible to check documentation and have conversations with Officers. The outcomes from these checks are detailed throughout this report.
14 (h)	The following information was extracted from the Scottish Food Sampling Database on 1 <sup>st</sup> June 2022, the database was queried from 1 <sup>st</sup> April 2019 until 31 <sup>st</sup> March 2022 for samples taken during that period. The FSS "sampling year" runs from 1 <sup>st</sup> July – 30 <sup>th</sup> June each year, so the sample collection for FSS's Sampling Grant priorities opens at the start of July.
14 (h)	In summary: <ul style="list-style-type: none"> <li>• 44 samples were collected, 20 of which were microbiological samples, 16 constituent samples, 5 undesirable substances samples, 1 additive sample and 2 substitution samples.</li> <li>• 42 samples were satisfactory and 2 samples were unsatisfactory. The two failures were, one unsatisfactory Listeria Mono detection in raw turkey kiev, and the other was the presence of dairy in a dairy-free meal.</li> <li>• 43 samples were taken as part of the FSS Sampling Grants Programme and analysed for the appropriate hazards, 1 sample were taken as a food complaint investigation; 22 of the samples from the FSS Sampling Grant Programme were from the 2019/20 programme and the remaining were from the 2021/22 programme. No samples were taken for the 2020/21 programme.</li> </ul>
	Auditing of the two unsatisfactory sampling results identified that a sample result that failed for Listeria had not been brought to the attention of the retailer, and for the second sample failure for allergens, during officer discussions it was stated that FBO had been informed of the results through letters and phone calls. There had been a planned official control recently before the sample and the two events contradicted each other in the outcome, no onsite follow up took place to verify the FBO response.



	however, a documented process would have provided a higher level of assurance of this.
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Recommendation	
10.	A revised procedure and implementation of it should be introduced to ensure compliance with Food Law Code of Practice requirements on sampling, including any follow up requirements.
11.	An allergen failure is considered to be a public safety concern that should result in a visit to the premises to conduct further investigation and discussion with the FBO.

**3.8 Articles 34 (1), (2), (4) and (5). Methods used for sampling, analyses, tests and diagnoses**

Article	
34	The Authority has a contract with Tayside Scientific Services (TSS) for the testing and reporting for food samples, however, they do not participate in the collective regional funding scheme, choosing to withdraw from that and use the laboratory on a pay as you go model.
	The Local Authority retain a contract to analyse any local samples taken. In practice a few non FSS funded samples are taken routinely, however, participation in these has not been demonstrated.

Recommendation	
No recommendation for this article.	

**3.9 Article 138. Actions in the event of established non-compliance**

Article	Audit Findings
138 (1)	Of the three establishments selected for review in the documentation check, one establishment was subject to a Remedial Action Notice (RAN) as there was no hot or cold running water available for hand washing.  The RAN was reviewed for detail and application and was found to be fit for purpose and served correctly.

Recommendation	
No recommendation for this article.	



## 4.0 Annex A – Action Plan

### Action Plan for Perth and Kinross Council’s Capacity and Capability Audit, June 2022

Perth and Kinross Council Recommended Point for Action	Planned Actions	Target Date for Completion	Responsible Officer(s)
<b>Satisfactory evidence was received from Perth and Kinross Council on the 19<sup>th</sup> October 2023 to allow for the closure of all Recommendations</b>			
<b>1. Review and update the statutes listed in the Corporate Scheme of Delegation, and the Enforcement Policy.</b>	<p>The Enforcement Policy has been reviewed and is satisfactory</p> <p><u>PKC Update March 23</u>-Scheme of Delegation Under review by CDS &amp; Legal Services</p> <p><u>PKC Update July 23</u> Scheme of Delegation -Awaiting copy via Senior Management.</p> <p><u>PKC Update Oct 23</u> – still awaited</p>	<p>Completed</p> <p>Ongoing</p>	<p>Environmental Health Team leader / Regulatory Services Manager</p>

<p><b>2. Review the Service Plan to include more comprehensive detail on sampling and ensure it is suitably approved.</b></p>	<p>Plan being revised and then presented to Senior Management Team.</p> <p>2023-24 Service Plan now complete. Approved at Environment, Infrastructure &amp; Economic Development Convenor/ Vice Convenor meeting on 9/6/23</p>	<p>1 July 2023</p>	<p>Environmental Health Team leader / Regulatory Services Manager</p>
<p><b>3. The LA should continue to work with professional bodies to clarify and document the status of EHOs/EHPs to allow the recruitment and appointment of suitably qualified officers.</b></p>	<p>A Situational Background Assessment Recommendation (SBAR) report to the Senior Management Team with a view to later presenting at the Convention of Scottish Local Authorities (CoSLA).</p>	<p>8 September 2022</p>	<p>Environmental Health Team leader / Regulatory Services Manager</p>
<p><b>4. Continue the recruitment processes to appoint additional officers in accordance with the Recovery Plan, the Service Plan and the Food Law Code of Practice requirements.</b></p>	<p>Ongoing.</p>	<p>Ongoing</p>	<p>Environmental Health Team leader / Regulatory Services Manager</p>

<p><b>5. Ensure that the determination of Applications for Approved Establishments follow the content of the Food Law Code of Practice.</b></p>	<p>Inspecting Officers will follow the Code and where potentially contentious will discuss with FSS.</p>	<p>1 October 2022</p>	<p>Environmental Health Team leader / Regulatory Services Manager</p>
<p><b>6. Procedures which require updating post UKs EU exit should be reviewed and re-issued</b></p>	<p>Plan to revise all procedures on annual basis.</p>	<p>1 September 2023</p>	<p>Environmental Health Team leader / Regulatory Services Manager</p>
<p><b>7. Formal monitoring of the quality of official control delivery should be reinstated with evidence of verification maintained.</b></p>	<p>Reinstating physical accompaniment on inspection visits.</p>	<p>1 April 2023 full roll out</p>	<p>Environmental Health Team leader / Regulatory Services Manager</p>
<p><b>8. The template for Food Safety Inspection Reports should be reviewed to reflect the current legislation post the UK's EU exit and compliance with the requirements of the Food Law Code of Practice</b></p>	<p>Total mobile dropdown allows officers to choose relevant food standards legislation from list</p>	<p>1 January 2023</p>	<p>Environmental Health Team leader / Regulatory Services Manager</p>

<p><b>9. Quality monitoring or some other means of ensuring that intervention documentation specifying timescales are given should be introduced.</b></p>	<p>Enlisting former internal auditor from Trading Standards Team to review using the monitoring procedure</p>	<p>1 July 2023</p>	<p>Environmental Health Team leader / Regulatory Services Manager</p>
<p><b>10. A revised procedure and implementation of it should be introduced to ensure compliance with Food Law Code of Practice requirements on sampling, including any follow up requirements.</b></p>	<p>Inspecting Officers will follow the Code and Sampling procedure and where potentially contentious will discuss with FSS.</p>	<p>1 September 2023</p>	<p>Environmental Health Team leader / Regulatory Services Manager</p>
<p><b>11. An allergen failure is considered to be a public safety concern that should result in a visit to the premises to conduct further investigation &amp; discussion with FBO</b></p>	<p>Re – establishing procedure at team meeting-</p>	<p>16 September 2022</p>	<p>Environmental Health Team leader / Regulatory Services Manager</p>

Satisfactory evidence was received from Perth and Kinross Council on the 19<sup>th</sup> October 2023 to allow for the closure of all Recommendations

## 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: Graham Forbes  
Áine Phelan

Administration: Neil Douglas

Food Standards Scotland  
Audit Assurance Branch

September 2022

## Abbreviations

<b>CIEH</b>	Chartered Institute of Environmental Health
<b>CoSLA</b>	Convention of Scottish Local Authorities
<b>CPD</b>	Continuing Professional Development
<b>EHM</b>	Environmental Health Manager
<b>EHO</b>	Environmental Health Officer
<b>EHP</b>	Environmental Health Practitioner
<b>EU</b>	European Union
<b>FBO</b>	Food Business Operator
<b>FLCoP</b>	Food Law Code of Practice
<b>FLRS</b>	Food Law Rating System
<b>FSMS</b>	Food Safety Management System
<b>FSO</b>	Food Safety Officer
<b>FSS</b>	Food Standards Scotland
<b>FTE</b>	Full Time Equivalent
<b>GSS</b>	Glasgow Scientific Services
<b>HACCP</b>	Hazard Analysis and Critical Control Point
<b>IC</b>	Interventions Code 2019
<b>ICT</b>	Information and Communications Technology
<b>LA</b>	Local Authority
<b>LFO</b>	Lead Food Officer
<b>MIS</b>	Management Information System
<b>OCV</b>	Official Control Verification
<b>PI</b>	Programmed Intervention
<b>PO</b>	Principal Officer
<b>REHIS</b>	Royal Environmental Health Institute of Scotland
<b>SBAR</b>	Situational Background Assessment Recommendation
<b>SEHO</b>	Senior Environmental Health Officer
<b>SFELC</b>	Scottish Food Enforcement Liaison Committee
<b>SND</b>	Scottish National Database