



Food Standards Scotland

Shetland Islands Council Food Law Enforcement Services

Capacity and Capability Audit Report

11 – 13 December 2017
12 – 13 December 2018



Foreword

Audits of Local Authorities food law enforcement services are part of Food Standards Scotland arrangements to improve consumer protection and confidence in relation to food and feed. These arrangements recognise that the enforcement of UK food law relating to food safety, hygiene, composition, labelling, imported food and feeding stuffs is largely the responsibility of Local Authorities. These Local Authority regulatory functions are principally delivered through Environmental Health and Trading Standards Services.

UK Local Authority Food Law Enforcement data is collected via the Local Authority Enforcement Monitoring System (LAEMS) and is published on the Food Standards Agency website. FSA continue to collect this data for Food Standards Scotland.
<https://www.food.gov.uk/enforcement/monitoring/laems/mondatabyyear>

The audit scope is detailed in the audit brief and plan issued to all Local Authorities under reference FSS/ENF/16/014 on 12 October 2016. 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 establish:

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

Food Standards Scotland audits assess Local Authorities' conformance against Regulation (EC) No 882/2004¹ on official controls performed to ensure the verification of compliance with feed or food law and the Food Law Code of Practice (Scotland) 2015'

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.

¹ (EC) No 882/2004

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. A template for this is provided at the end of this report.

CONTENTS

1.0 Introduction	5
<i>Reason for the Audit</i>	5
<i>Scope of the Audit</i>	5
<i>Local Authority Background</i>	6
2.0 Executive Summary	8
<i>Level of Assurance</i>	10
3.0 Audit Findings	10
3.1 Articles	10
<i>Article 3: General obligations with regard to the organisation of official controls</i>	10
<i>Articles 4(2) to 4(6): Designation of competent authorities and operational criteria</i>	12
<i>Article 6: Staff performing official controls</i>	12
<i>Articles 8(1) and 8(3): Control and verification procedures</i>	13
<i>Article 9: Reports</i>	14
<i>Article 10: Control activities, methods and techniques</i>	14
<i>Articles 11(1) to (3) and (5) to (7): Methods of sampling and analysis</i>	15
<i>Article 31: Registration/approval of feed and food business establishments</i>	15
<i>Article 54: Action in case of non-compliance</i>	15
4.0 Annex A - Action Plan	17

1.0 Introduction

- 1.1 This report records the results of the audit at Shetland Islands Council with regard to their capacity and capability to deliver food enforcement, under relevant sections of Regulation (EC) No 882/2004 on official controls performed to ensure the verification of compliance with feed or food law. 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 The report has been made available on the Food Standards Scotland website at:
www.foodstandards.gov.scot/food-safety-standards/regulation-and-enforcement-food-laws-scotland/audit-and-monitoring#la

Reason for the Audit

- 1.3 The power to set standards, monitor and audit Local Authority food law enforcement services was conferred on Food Standards Scotland by Sections 3 and 25 of the Food (Scotland) Act 2015 and Regulation 7 of The Official Feed and Food Controls (Scotland) Regulations 2009. This audit of Shetland Islands Council was undertaken under section 25 (1-3) of the Act, and Regulation 7(4) of the Regulations as part of the Food Standards Scotland audit programme.
- 1.4 As a designated competent authority as defined within Schedule 5 of the Official Feed and Food Control (Scotland) Regulations 2009 local authorities are required to comply with Article 4(6) of Regulation (EC) No 882/2004. In order to help local authorities fulfil this requirement, (as part of its central role under the Food (Scotland) Act 2015 and Official Feed and Food Control (Scotland) Regulations 2009) Food Standards Scotland will continue to deliver external audit arrangements (as done previously under Food Standards Agency). This however, does not preclude Local Authorities (LA's) from implementing their own audit regimes and in fact this will be encouraged. Food Standards Scotland's audit role therefore fulfils two different requirements.
- 1.5 The last audit of Shetland Islands Council's Food Service was undertaken by the Food Standards Agency (Scotland) in December 2013.

Scope for the Audit

- 1) Does the Local Authority meet certain operational criteria – such as:
- having a sufficient number of staff who are suitably:
 - qualified
 - experienced
 - competent
 - authorised

- ensuring that staff are free from conflict of interest
 - having contingency plans for emergencies
 - having appropriate legal powers
 - having suitable facilities and equipment
- 2) ensure that staff receive appropriate and on-going training
 - 3) ensure effective and efficient co-ordination with other competent authorities and between different units of a single authority, as applicable
 - 4) have procedures in place for the registration/approval of establishments
 - 5) take appropriate action where businesses do not comply with the law
 - 6) carry out internal audits or have external audits undertaken
 - 7) be transparent about its monitoring and enforcement activity
 - 8) prepare reports of individual controls and provide copies to businesses
 - 9) have, use and update as necessary, documented procedures for carrying out controls
- 1.6 The audit examined Shetland Islands Council's arrangements for official controls in relation to Regulation (EC) No 882/2004 on the verification of compliance with feed and food law. The audit included a verification visit to one local food businesses to assess the capacity and capability of the official controls implemented by the Local Authority at the food business premises and, more specifically, the relationship between Regulation (EC) no 882/2004, the Local Authority Policies and Procedures and the Authorised Officers ability to deliver official controls. The Port Health element of the Council's duties was not within the scope of this audit.
- 1.7 The on-site element of the audit took place at the Authority's offices in Lerwick.

Local Authority Background

- 1.8 Shetland Islands Council is a unitary authority which provides all local services for the Shetland Islands Council area which is an island archipelago consisting of over 100 islands and islets, of which 15 are inhabited. A number of these smaller islands are linked to the main island by ferry and/or air services, or by fixed links.

Shetland Islands is linked to the UK mainland by ferry and air services. Scotland's Census 2011 estimated that Shetland has a population of 23,167, with the main population and administrative centre of Lerwick home to roughly 7,000 inhabitants.

Between 2010 and 2013 the service had 3 Full Time Equivalent (FTE) Food Competent Officers. Due to staff leaving and a departmental re-organisation, the FTE figures given in previous service plans are considered an overestimate.

The Team Leader with overall responsibility for food safety enforcement is based in Lerwick. The Council discharges its operational responsibilities as a

food authority in relation to food hygiene and food standards enforcement through Environmental Health and Trading Standards Services, reporting through a Director to the Senior Management team and Chief Executive.

- 1.9 Shetland Islands Council has a Food Regulatory Service Plan for 2017/2018 which was approved by the Executive Manager, Environmental Services in July 2017. The plan is generally satisfactory as it contains references to strategic planning contained within the “Shetland Partnership – Community Plan 2012 – 2020”, comprehensive details on sampling, the staff development plan, and the quality assessment process.
- 1.10 Regulatory Services delivers Shetland Islands Council’s statutory food safety law enforcement role in a team which provides the range of services within Environmental Health, Animal Health, Trading Standards and Licensing Standards. The Authority explained that they have experienced difficulties in attracting and recruiting suitably qualified staff, and have also had operational issues recently resulting in resources being deployed to non-food service priorities.
- 1.11 The food regulatory service is provided by the Environmental Health and Trading Standards Services within the Infrastructure Service Department. Environmental Health is managed at a fourth tier level through the team leader as Head of Food Safety with the day to day operational lead for food safety delegated to the Environmental Health Officer (Food).
- 1.12 The Environmental Health food team comprises a mix of staff that includes a Team Leader – Environmental Health (also an operational EHO), Lead Environmental Health Officer (Food) and an Environmental Health Officer (EHO) (currently vacant) and a Food Safety Officer (all whom have a role in food regulation). The three qualified EHOs and Assistant EHOs are also responsible for the full remit of Environmental Health functions including: Civic Government Licensing, Licensing Standards, (Alcohol), Health and Safety, Public Health, Abandoned vehicles and so on. The Food Safety Officer is principally engaged in Food related activities, but very occasionally, as service demands, may assist Officers in other areas of work.

Together these arrangements and associated duties satisfy the requirement of the Food Law Code of Practice for the Authority to appoint a Lead Officer for food.

- 1.13 The Director of Infrastructure Services is an EHO and has also previously been the Team Manager and so has a great working knowledge and rapport with all members of the food team. The Team Leader has been in post since May 2014 and whilst responsible for all EH functions also has a regular involvement with both practical and management aspects of official controls. Environmental Health staff are multi-functional covering all aspects of Environmental Health duties.
- 1.14 Authorised Officers for Official Controls have varying levels of authorisations in the area of formal enforcement procedures relating to the service of notices.

As a result, there is an efficient use of resources in an Authority which covers such a large geographical area including island communities.

- 1.15 The Food Regulatory Service Plan 2017-2018 states at 4.1 that the budget for delivery of the Food Service in 2016/17 was £122,144. In discussions with both the Director and the Executive Manager it was indicated that the Authority would be looking for significant savings in future years.

Separately from the audit documentation the Authority returned a completed "Information Gathering Questionnaire for Local Authorities (June 2017)" The total expenditure was detailed and also came to £122,144.

2.0 Executive Summary

Capacity

- 2.1 The Team Leader has been in post since May 2014 and the Director since October 2013, this provides the basis for a well-managed small team. The audit team were informed there are currently an approximate 2.21 FTE authorised officers responsible for Food Hygiene and 1 FTE for administration. There is also a recently vacated post and the Team Manager is planning to reduce working hours in the near future. The current level of FTEs are meeting the service requirements in the short term however this is unlikely to be sustainable to ensure satisfactory completion of all official controls for Environmental Health workload in the areas of food work in the longer term.
- 2.2 The Lead Officer for Food post is a generalist EHO with an approximate 0.55 FTE spent on food safety. There is a 0.56 FTE Food Safety Officer working entirely on food safety. The remaining posts are either vacant or frozen.
- 2.3 Discussions took place on the full time equivalent staff (FTE's) allocated to food safety and it was established that reactive work is not always recorded, measured or quantified. At times this does have an adverse bearing on the capacity to deliver the food service as there are periods when sufficient staff required to deliver the service are unable to be absent from the office.
- 2.4 Based on the Local Authority's intervention programme and allocated staff numbers provided prior to audit, together with discussions and reviews of documentation and records, the capacity to deliver the intervention programme was considered unsatisfactory at the time of audit. Any delay or failure to redress the numbers of FTE's would potentially lead to further non-compliance with the Food Law Code of Practice.
- 2.5 The audit found that the Authority has an Official Food Controls Service Plan 2016-2017 which satisfactorily follows the template of the 2010 Framework Agreement on Official Feed and Food Controls by Local Authorities. The demands on the Local Authority are documented as are the Service Delivery interventions planned for the year.

- 2.6 The budget information produced by the Authority appeared to show a stable allocation of finance to the service at present, but future reductions were imminent.
- 2.7 The Local Authority Information Gathering Questionnaire for both 2016 and 2017 state that the Authority considered that there were insufficient qualified staff and this had been an issue for a number of years. Alternative solutions are being provided to address the recognised current and future shortage of suitable officers.
- 2.8 A live database report requested by the auditors during the audit showed that the intervention programme was being achieved using the available options from the Food Law Code of Practice. The database also showed that 10 hygiene premises were unrated and 160 were outside the scheme, the latter is not a permitted category in the Code and requires to be addressed.

Capability

- 2.9 Authorisation documents for all officers were readily available and these were detailed in a centrally held file. The system used is clear, simple and considered as effective.
- 2.10 Formal monitoring of the quantity or quality of work allocated or completed is carried out regularly by the team leader by a variety of different methods.
- 2.11 Informal monitoring takes place by officers working closely located within a single office.
- 2.12 For the Approved Establishments within the Authority, Officers are required to have particular knowledge of the processes within these establishments and not just a knowledge of Hazard Analysis Critical Control Point Systems. Evidence of specific training in products of animal origin and any associated specialist or complex processing was demonstrated by a variety of training having been completed.
- 2.13 With the port within the Authority being a regular stop off for commercial shipping there are additional requirements on the competent Authority and these include the provision and delivery of specialist knowledge and procedures on the application of the International Health regulations.
- 2.14 To assist in the appropriate delivery of enforcement there are a series of documented procedures available to all Officers in electronic format on a central directory. The majority of these documents are short, simple and are fit for purpose,
- 2.15 Officers were clear on the Authority's procedure for conducting inspections and adhered to the Authority's Enforcement Policy and inspection procedures. The procedures and documentation provided for inspections were generally being appropriately and consistently followed and completed.

Level of Assurance

- 2.16 As detailed in the Audit of Enforcement Authorities Policy Document of May 2016 (reference FSS/ENF/16/007) the audit has been assigned as below:
- 2.17 The Recommendations within this report detail the weaknesses in the controls that Shetland Islands Council should address.

<p>Limited Assurance Controls are developing but weak</p>	<p>There are weaknesses in the current risk, governance and/or control procedures that either do, or could, affect the delivery of any related objectives. Exposure to the weaknesses identified is moderate and being mitigated.</p>
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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.

Article 3 Regulation EC No 882/2004 - General obligations with regard to the organisation of official controls

- 3.2 Shetland Islands Council has a Food Safety Service Plan for 2017/2018 which was approved by the Executive Manager Environmental Services on 7th July 2017. The plan is satisfactory as it links into “Shetland Partnership – Community Plan 2102-2020” and contains references to Strategic Planning priorities such as communities being healthy and caring, safe and vibrant and sustainable.
- 3.3 The Food Service Plan indicates that there are a total of 207 programmed inspections for food safety and 51 for food standards during 2017-18. The 2016-17 Local Authority Enforcement Monitoring System recorded that 188 premises were visited resulting in 344 actions, of which 316 were either inspections or verifications.
- 3.4 The Local Authority Intelligence Gathering Questionnaire (2017) return to Food Standards Scotland indicated that the number of full time equivalent officers required to carry out the food hygiene work in the Food Regulatory Service Plan was not known, and in that plan the allocation of full time equivalent staff to the food service is described as “at best an approximation”
- 3.5 In recognition of this the Team Leader - Environmental Health is involved in the SOCEHS (Society of Chief Environmental Health Scotland) APSE (Association of Public Sector Excellence) Benchmarking Group currently

considering Performance Indicator 12 – Total number of inspections (category A to E premises) per FTE.

- 3.6 The 2016 – 2017 LAEMS Report published on 18 September 2017 shows that in Shetland Islands Council Food Hygiene there were 632 establishments in total, with 10 that were recorded as having not yet been rated for an intervention. There were 1 Category As, 13 Category Bs, 67 Category Cs, 87 Category Ds and 294 Category Es.

There were 112 establishments subject to written warnings and 7 subject to notices.

- 3.7 A live data report was requested from the food premises database and this was promptly provided. On analysis this showed the following:

- As of the end of October 2017 there were still a considerable number of premises (160) rated for food hygiene as Outside the programme, which is not a permitted category in terms of the Food Law Code of Practice (FLCoP).
- There were also a considerable amount of category E food hygiene interventions considered overdue (70 plus).
- There were 649 premises listed on the Food Premises database, nearly all were rated.
- There appear to be some issues with the reports being provided by the database, e.g. 4 future dates being before current dates, which has now been explained, and the recording of ship inspections as outside the inspection programme.

- 3.8 The 2016-2017 LAEMS return for FH details 100% completion of the planned intervention programmes for Cat A, B, C and D with only 6 at the lowest risk category E missed.

With over 600 premises there were 442 Interventions (16 A, 60 B, 109 C, 57 D 103 E, 62 Unrated and 35 Outside) including 160 inspections and audits, 156 verification and surveillance and 26 sampling visits achieved, this is considered as satisfactory.

- 3.9 The authority use an Alternative Enforcement Strategy for category E's, with the permitted variations allowed in the FLCoP being used for low risk C's and D's where the inherent hazards are not significant by virtue of their trading activities or the number of consumers they supply. The Authority advised that food standards interventions were carried out on a programmed basis at the same time as food hygiene.

Recommended Point for Action: Interventions

Food businesses should not be categorised as outside of the intervention programme, all premises are required to be given a category.

Article 8 of Regulation (EC) 882/2004 (Official Feed and Food Controls)
Section 27 of the Food Law Code of Practice (Scotland) 2015

Articles 4(2) to (6) Regulation EC No 882/2004 – Designation of Competent Authorities

- 3.10 The Authority has a scheme of delegation which appropriately delegates powers to individual officers. The documents are clear, concise and generally appropriate – with the required addition of the Trade in Animal Related Products Regulations being required.
- 3.11 Discussion took place on the scheme of authorisations and the LA has taken the pragmatic approach of defining the legislation where powers are available in one document common to all officers. The individual officer authorisation documents are then specifically and individually detailed by officer, and for example the Food Hygiene Scotland regs list the individual powers appropriately.
- 3.12 The Team Leader post is not the designated Lead Officer for Food, as this is currently being filled by an EHO. The Officers within the team have been in post for a considerable time, and are supported by their managers which has led to a settled and stable team.
- 3.13 At the time of audit discussion took place on the general scheme of authorisation and the method of individual documentation for officers.

Recommended Point for Action: Authorisation

The required authorisation for all legislation should be provided to relevant officer.

Article 8 of Regulation (EC) 882/2004 (Official Feed and Food Controls)
Section 4 of the Food Law Code of Practice (Scotland) 2015

Article 6 Regulation EC No 882/2004 – Staff performing official controls

- 3.14 Officers have the appropriate qualifications and copies of some are retained on file. Officers have also completed the required 10 hours of continuing professional development as required by the Food Law Code of Practice. The authority has committed to maintaining this required CPD and in addition encourage suitable training as far as possible.
- 3.15 Evidence of appropriate formal training in Hazard Analysis and Critical Control Points (HACCP) principles was provided and 2 officers have very recently successfully completed the Official Control Verification (OCV) course being piloted for the approval of premises under Regulation EC No. 853/2004.
- 3.16 When undertaking interventions in any category A food standards premises, if the business is engaged in the manufacture and processing of foodstuffs with documented quality assurance systems, the Food Law Code of Practice requires an Officer to have been appropriately trained and be able to

demonstrate that they are competent to assess quality assurance systems. The authority should ensure that Officers have received suitable training to allow them to carry out the food standards official controls at category A rated premises.

- 3.17 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. 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.
- 3.18 Appropriate training in dairy and cheese making has been completed in the past. Multiple online training modules relevant to effective food law enforcement have been completed.
- 3.19 There was a discrepancy in the number of establishments approved under Regulation EC No 853/2004 between the Authority's database and that notified to Food Standards Scotland. The FSS records showed 19 establishments (which included 2 egg premises) the LA database indicated that there were 26 in total. The difference would indicate there could potentially be a database management problem and a failure to satisfactorily record work being done.

Recommended Point for Action: Staff performing official controls

The recording of the status of approved establishments on the database requires to be investigated and an up to date set of records that matches between the Authority and Food Standards Scotland kept.

Article 6 of Regulation (EC) 882/2004
Section 34 of the Food Law Code of Practice (Scotland) 2015

Articles 8 (1) and 8 (3) Regulation EC No 882/2004 – Control and Verification procedure

- 3.20 The Authority have a number of policies and procedures in place containing information and instructions for the official controls and food law that it carries out, with the exception in particular of sampling related documentation. Most of these procedures are simple, short and are based on the text in the FLCoP and so are fit for purpose. Examples of these documents were produced for audit.
- 3.21 The Authority has an ongoing internal monitoring procedure which is delivered in many forms, including monthly minuted team meetings, on-going joint inspections, file reviews by team manager, discussions on all service of notices and single data entries on the database by an administration officer.
- 3.22 The Team Manager was able to produce documentation as evidence that work programmes were being set, monitored and supported by using the database to provide intervention programmes which can be monitored by running a report.

- 3.23 Qualitative assessments such as joint inspections are taking place, and dual visits are taking place where it is expected that there could be potential complications arising or if it is an 853 establishment.
- 3.24 The Authority had previously made use of the Food Standards Scotland issued guidance to all Scottish Local Authorities from March 2017 to assist in this process. The guidance is available here: [fss-enf-17-010-internal-monitoring-guidance](#)
- 3.25 Time monitoring for the Food Function was initiated in 2017 and is continuing so that a more accurate figure can be produced. This should enable better and more accurate work planning as the format uses the Local Authority Food Safety Regulation Resources Methodology produced by Scottish Food Enforcement Liaison Committee (SFELC) of December 2015.
- 3.26 The Authority generally undertakes food hygiene and food standards interventions at the same time, for food standards the majority of premises are considered low risk. An alternative enforcement strategy is used for these very low risk premises. This consists of questionnaires and verification visits for these businesses.

Recommended Point for Action: Control and Verification.

The required Policies and Procedures were not always available. The sampling policy and procedure when produced should comply with the Food Law Code of Practice

Article 8 of Regulation (EC) 882/2004 (Official Feed and Food Controls)
Section 39.3 of the Food Law Code of Practice (Scotland) 2015

Article 9 Regulation EC No 882/2004 – Reports

- 3.27 Intervention documentation is created as a letter with an inspection report which is sent to the food business operator following an intervention. From the records checked those relating to Food Hygiene and Food Standards matters generally appear to follow the requirements of the Food Law Code of Practice.
- 3.28 A timescale for achieving compliance with each legislative requirement is provided as required by the Food Law Code of Practice.
- 3.29 These records were available in hard copy and are also stored electronically and linked to the database.

Article 10 Regulation EC No 882/2004 – Control activities, Methods and techniques

- 3.30 The Audit Team undertook a real time un-announced programmed intervention visit with a Local Authority Officer at a medium risk catering premises (Care home) The Officer had previously inspected the premises and was familiar with the layout, food safety management documentation, menu

and operations. There was a short preparation for the intervention including reviewing the files and records.

- 3.31 At the intervention the inspecting Officer dealt with the matters arising in a professional, confident and satisfactory manner. The procedure for interventions was appropriately followed. The Officer completed a new aide-memoir during the intervention as required by the procedure.

The result of the intervention visit was the removal of the previous Pass certificate with an "Improvement Required" for a mainly structural issue.

Articles 11 (1) to (3) and (5) to (7) Regulation EC No 882/2004 – methods of Sampling and Analysis

- 3.32 The Authority sends samples for examination and analysis to Edinburgh Scientific Services.
- 3.33 A sampling programme is in place, but there is no comprehensive sampling policy or procedure detailing the ways in which it is to be conducted.
- 3.34 The audit looked at repeat sample failures, the Authority had followed these up appropriately and records were provided to verify this, as well as an officer discussion which clarified that the sampling procedure was being followed.

Article 31 Regulation EC No 882/2004 – Registration/Approval of Feed and Food Business Establishments

- 3.35 The Authority has an electronic database of the food premises within their area. At the time of audit the database appears to show a substantially different number of approved establishment premises from that on the official records held and published by Food Standards Scotland.

The database has been maintained and was able to produce reports and adequate records when these were requested during the audit. It was found that there is no UPRN as listed in the national gazetteer for food premises as the UPRN is made up of codes generated by the system to a specific formula unique to Shetland Islands Council. It was noted that the FBO was not listed routinely on the database reports requested.

Article 54 Regulation EC No 882/2004 – Action in case of non-compliance (Enforcement)

- 3.36 The Authority has a Food Enforcement Policy in place which is not fully supported by Procedures or Guidance notes. The available options of notices and certificates which could streamline some areas of work have not been included in the current documentation or systems of work. There has been little enforcement culminating in the requirement to serve formal notices, this is not clear if due to the lack of required written guidance.

- 3.37 There were 7 establishments subject to Hygiene Improvement Notices and none for Remedial Action Notices, with 112 establishments subject to written warnings from the 442 premises subject to official control during 2016-17.

Recommended Point for Action: Enforcement

The Authority should produce procedures that allow the full range of enforcement options, including service of notices, to be available.

Article 9 of Regulation (EC) 882/2004 (Official Feed and Food Controls)
Section 28 of the Food Law Code of Practice (Scotland) 2015.

Audit Team

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4.0 Annex A

Action Plan for Shetland Islands Council: Capacity and Capability Audit carried out in December 2017

Recommended Point for Action	Planned Actions	Agreed Target date	Action taken	Future actions planned (with dates)
<p><i>Interventions</i></p> <p>Food businesses should not be categorised as outside of the intervention programme, all premises are required to be given a category.</p> <p>Article 8 of Regulation (EC) 882/2004 (Official Feed and Food Controls) Section 27 of the Food Law Code of Practice (Scotland) 2015</p>	<p>Most premises outside the intervention programme, such as leisure centres with drinks vending machines, primary producers that sell meat direct via the slaughterhouse, premises with 'Klix' vending machines etc. will be re-categorised and included in the intervention programme as category E premises.</p> <p>Ships subject to sanitation inspections will remain outwith the programme.</p>	31 March 2018		<p><i>RE: <u>Ships subject to sanitation inspections</u></i></p> <p><i>The Authority will contact other Scottish Port Authorities and the Association of Port Health Authorities etc. to ascertain if and how the food aspect of ship sanitation inspections are recorded by them and whether there is a consistent usable method that can be adopted to reflect the work performed in this area.</i></p>
<i>Action plan for Article 8 above completed following a revisit on 12 -13 December 2018</i>				

<p>Authorisation</p> <p>The required authorisation for all legislation should be provided to relevant officer.</p> <p>Article 8 of Regulation (EC) 882/2004 (Official Feed and Food Controls) Section 4 of the Food Law Code of Practice (Scotland) 2015</p>	<p>Officers' Authorisations (Schedules of Legislation) carried to accompany ID cards will be updated to include the Trade in Animal Related Products (Scotland) Regulations 2012</p>	<p>31 March 2018</p>	<p>The Schedules of Legislation will be updated for all competent Food Enforcement Officers and signed by the Director of Infrastructure Services</p>	
<p><i>Action plan for Article 8 above completed following a revisit on 12 -13 December 2018</i></p>				

<p>Staff performing official controls</p> <p>The recording of the status of approved establishments on the database requires to be investigated and an up to date set of records that matches between the Authority and Food Standards Scotland kept.</p> <p>Article 6 of Regulation (EC) 882/2004 Section 34 of the Food Law Code of Practice (Scotland) 2015</p>	<p>The anomaly has been rectified and the approved premises database changed to include a column to record the date when Food Standards Scotland (FSS) is notified by e-mail. Copy of e-mails regarding approvals sent to FSS to be saved on the premises computer file.</p>	<p>Completed</p>	<p>FSS had fewer premises (by two) on their approved premises database than should be.</p> <p>A file note was made on Authorities' premises files when officers sent data to FSS to enter into their database. Copies of the e-mail correspondence was not always retained as evidence.</p> <p>Enforcement staff have been reminded via internal e-mail to save all emails to FSS relating to approval on the premises computer file (29/01/2018)</p>	<p>None</p>
<p><i>Action plan for Article 6 above completed following a revisit on 12 -13 December 2018</i></p>				

<p>Control and Verification.</p> <p>The required Policies and Procedures were not always available. The sampling policy and procedure when produced should comply with the Food Law Code of Practice</p> <p>Article 6 of Regulation (EC) 882/2004 Section 39.3 of the Food Law Code of Practice (Scotland) 2015</p>	<p>A sampling Policy and procedures will be produced in line with the Food Law Code of Practice (Scotland) 2015</p>	<p>31 March 2018</p>		<p><i>The document will be reviewed as and when needed and when the new Food Law Code of Practice is published</i></p>
<p>Action plan for Article 6 above completed following a revisit on 12 -13 December 2018</p>				

<p>Enforcement</p> <p>The Authority should produce procedures that allow the full range of enforcement options, including service of notices, to be available.</p> <p>Article 9 of Regulation (EC) 882/2004 Section 28 of the Food Law Code of Practice (Scotland) 2015</p>	<p>Procedures will be created as an addition to the Enforcement Policy to include service of notices and blank copies.</p>	<p>31 July 2018</p>	<p>Consolidation of <u>all</u> statutory notices served by the department is in progress.</p>	<p><i>The Shetland Islands Council Enforcement Policy, which is agreed via Council Committee, is due to be revised in 2020.</i></p> <p><i>A reference to the notice procedure will be included in the revised document.</i></p>
<p>Action plan for Article 9 above completed following a revisit on 12 -13 December 2018</p>				