

**Audit of the Environmental Health Food Service:  
Environmental Health Food Enforcement Policy****Report by Mary Smith, Director; Education, Communities and Economy****1 Purpose of Report**

- i) To inform Cabinet of the outcome of the audit of the Environmental Health Food Service by the Food Standards Agency (Scotland);
- ii) To seek approval of the revision of the Food Safety Enforcement Policy.

**2 Background**

2.1 The Food Standards Agency (FSA) has power under Section 12 the Food Standards Act 1999 and Regulation 7 of The Official Feed and Food Controls (Scotland) Regulations 2009 to audit the functions of local authority food enforcement services. FSA audits assess Local Authorities' conformance against the Food Law Enforcement Standard.

A full audit of the service was carried out during July 2014 with the auditors visiting the Council from 22-24 July 2014 for "reality checking" activities including staff interviews, food business visits and records inspection. A copy of the executive summary is attached as Appendix 1. The full FSA audit report has been placed in the Members library.

2.2 Specifically, the audit aimed to establish that:

- The organisation and management structure of the Local Authority was capable of delivering the requirements of the Food Law Code of Practice;
- Internal service monitoring arrangements and documented procedures were consistent, appropriate, effective and complied with internal policies and procedures and that corrective actions were implemented to ensure that interventions are carried out competently;
- Local Authority interventions and assessment of food safety management systems based on Hazard Analysis Critical Control Point principles at food business premises monitor, support and increase food law compliance and are timely, appropriate, risk-based and effectively managed; and
- Local Authority food business and enforcement records are sufficiently detailed, accurate, up to date and effectively managed.

- 2.3 The auditors found that the Food Service was being well run in an effective manner and commented that the team work identified during the audit, including well documented regular team meetings and the joint working between officers, was evidence of good practice by the authority.
- 2.4 The auditors noted that the service was being managed on a Partnership basis with the service in East Lothian Council and expressed interest in the impact this might have on the Midlothian Service.
- 2.5 The auditors made one minor recommendation with respect to the review of the Food Safety Enforcement policy. A reviewed copy is attached for approval at Appendix 2.

### **3 Report Implications**

#### **3.1 Resource**

Predicted budget implications arising from the Plan can be met from within the existing food safety revenue budget.

#### **3.2 Risk**

Environmental Health is a statutory function concerned with the protection of the health of consumers. The management and delivery of the service relies primarily on sufficient numbers of suitably qualified and authorised staff. Lower staffing levels would contribute result in an increased probability of these protective functions being compromised and would threaten the satisfactory fulfilment of the requirements of the Food Service plan.

#### **3.3 Single Midlothian Plan and Business Transformation**

Themes addressed in this report:

- ☒ Community safety
- ☐ Adult health, care and housing
- ☐ Getting it right for every Midlothian child
- ☐ Improving opportunities in Midlothian
- ☐ Sustainable growth
- ☒ Business transformation and Best Value
- ☐ None of the above

#### **3.4 Key Priorities within the Single Midlothian Plan**

The Food Safety Service contributes to economic growth and business support by providing high quality advice and guidance to new and established food businesses to assist them meet their responsibilities under current and emerging food safety legislation. The service will

take appropriate action where businesses are found to be deliberately evading compliance.

### **3.5 Impact on Performance and Outcomes**

Performance and outcomes will continue to be measured through an agreed monitoring, review and evaluation process.

### **3.6 Adopting a Preventative Approach**

The Food Standards Agency audit process assesses a Local Authority's capability to provide an inspection and intervention service sufficiently robust to deliver the requirements of the Food Law Code of Practice, thereby assisting businesses to operate in safe conditions within the requirements of the legislation and to address any identified failures; thereby protecting public health.

### **3.7 Involving Communities and Other Stakeholders**

The Food Safety Enforcement Policy will continue to be made available to all businesses and other stakeholders via [www.midlothian.gov.uk](http://www.midlothian.gov.uk). An engagement consultation with businesses who have received Food Safety regulatory services is conducted annually.

### **3.8 Ensuring Equalities**

As this report does not propose any new strategies or policies there are no identified equalities issues arising from this report.

### **3.9 Supporting Sustainable Development**

There are no sustainable development implications arising from this report.

### **3.10 IT Issues**

There are no IT implications arising from this report.

## **4 Recommendations**

It is recommended that Cabinet:

- (a) notes the findings of the Food Standards Agency Audit Report on Midlothian Council Food Service ;
- (b) recognises the sustained efforts of the Food & Safety team to provide a fully effective and efficient front line statutory service particularly in terms of the findings of the Food Standards Agency Core Audit relating to the good practice identified;

- (c) approves the revised Environmental Health Food Safety Enforcement Policy Issue 5 Rev1; and
- (d) submits this report to the Performance Review and Scrutiny Committee for consideration;

**Date: 04 February 2015**

**Report Contact:**

Edel Ryan Partnership Manager Environmental Health  
Tel No 0131 271 3742  
edel.ryan@midlothian.gov.uk

**Appendix 1** Executive summary of FSA Report on the Core Audit of Local Authority Official Controls

**Appendix 2** Food Safety Enforcement Policy

**Background Papers:** Food Law Enforcement Standard v5

<http://www.food.gov.uk/multimedia/pdfs/enforcement/frameworkagreementno5.pdf>