

APPENDIX D

Background Papers/Resource Links

Food Standards Agency Framework Agreement on Official Feed and Food Controls by Local Authorities

[Interventions Food Law Code of Practice \(Scotland\) 2019 | Food Standards Scotland](#)

THE FRAMEWORK AGREEMENT ON OFFICIAL FEED AND FOOD CONTROLS BY LOCAL AUTHORITIES

Amendment Five, April 2010

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PREFACE

The Framework Agreement on official feed and food law controls, by local authorities, has been developed in consultation with the local authorities themselves, the local government associations and the professional bodies. It has been approved by the Enforcement Liaison Group¹.

This is Amendment number 5 to the original Agreement (which was introduced from 2001) and is effective from **1 April 2009**.

The Framework Agreement sets out what the Food Standards Agency expects from local authorities in their delivery of official controls on feed and food law. This Amendment has been updated to take account of the Agency's New Vision² for food law enforcement, and the FSA Framework for Regulatory Decision Making³, which take account of the Government's better regulation agenda and of principles of good regulation.

The Agreement sets out the planning and delivery requirements of feed and food official controls, based on the existing statutory Codes of Practice. These provisions should be reflected in authorities' service plans operative from **1 April 2009**.

Details of the new monitoring system for local authority feed and food law enforcement, and of the new audit arrangements, are available as separate documents on the Agency website.

The operation and scope of the Framework Agreement remain under the oversight of the Enforcement Liaison Group, through its Sub-Group on the Framework Agreement.

¹ <http://www.food.gov.uk/enforcement/enfcomm/elg/>

² The Agency's New Vision for food law regulation is set out in paper PRO 06/10/02, approved by the FSA Board on 12 October 2006. This is available on the Agency's website.

³ <http://food.gov.uk/multimedia/pdfs/FSAreqframework.pdf>

Chapter One: Service Planning Guidance

Introduction

1 This guidance provides information on how service plans for official feed and food law controls should be structured, and on what they should contain. Service plans developed under these arrangements will provide the basis on which local authorities will be monitored and audited by the Food Standards Agency. This guidance should be read in conjunction with “The Standard” which can be found in Chapter Two.

Background

2 The Food Standards Agency has a key role as the central competent authority in overseeing official feed and food controls undertaken by local authorities. It also seeks to work in partnership with local authorities to help them to deliver official feed and food controls. The Agency is therefore proactive in setting and monitoring standards, and in auditing local authorities’ delivery of official controls, in order to ensure that this activity is effective, risk based, proportionate and consistent. Powers enabling the Agency to monitor and audit local authorities are contained in the Food Standards Act 1999 and in the Official Feed and Food Controls Regulations.

3 Service plans are seen as an important part of the process to ensure that national priorities and standards are addressed and delivered locally. Service plans will also help local authorities to:

- follow the principles of good regulation;
- focus on key delivery issues and outcomes;
- provide an essential link with corporate and financial planning;
- set objectives for the future, and identify major issues that cross service boundaries;
- provide a means of managing performance and making performance comparisons; and
- provide information on an authority’s service delivery to stakeholders, including businesses and consumers.

4 The Feed and Food Law Codes of Practice allow local authorities flexibility over how to deliver official feed and food controls. The service plan should set out how and at what level official feed and food controls will be provided, in accordance with the Codes of Practice. When developing its service plan, an authority should make it clear what period the plan covers, and what arrangements have been put in place for the regular review and updating of the plan.

5 This guidance, which should be read in conjunction with Chapter 2 – “The Standard”, provides local authorities with a service plan template, to ensure that all the areas of official feed and food controls covered by the Standard are included in the plan, whilst also allowing scope for locally defined objectives. The template will ensure that local authorities include in their service plans:

- information about the services they provide;
- the means by which they will provide those services, including the various requirements of the Standard;
- the means by which they will meet any relevant performance targets or performance standards; and
- a review of performance, in order to address any variance from meeting the requirements of the service plan and identification of areas for improvement.

Better Regulation

6 Local authorities should take account of the Government’s better regulation agenda when planning and delivering their services. Key to this agenda are the five principles of good regulation:

- targeting (to take a risk-based approach);
- proportionality (such as only intervening where necessary);
- accountability (to explain and justify service levels and decisions to the public and to stakeholders);
- consistency (to apply regulations consistently to all parties); and
- transparency (being open and user-friendly).

7 To achieve those principles, the Government’s better regulation programme includes a number of initiatives which local authorities will need to take account of in their Feed and Food service plans. As feed and food safety are devolved issues, the nature and impact of these initiatives will vary between the different parts of the United Kingdom.

8 The targeting of resources where they are most effective and at areas of highest risk is essential in providing the public with an effective service. It is the desired outcome, which may alter with changing circumstances, that should be the key influence when local authorities are selecting the appropriate interventions to be used. Attention should be given to longer term outcomes as well as short-term ones.

Common Format

9 Service plans are an expression of local authorities' own commitment to the development of the feed and food service. However, it is also important to consider the use made of the plans by the Food Standards Agency, which will require information about official feed and food control activities in a common format to enable it to assess local authorities' delivery of the service. In addition, service plans may be of use to other local authorities who will find analysis and comparison of their relative performance greatly facilitated by a common format. The guidelines are therefore structured in terms of a common format – with chapter and subject headings specified - and a general description of the content that should form part of each. There is no intention to remove local authority flexibility to include additional items under particular headings.

10 It is recognised that local authorities have had service plans for many years, and may have corporate style or templates that they wish to maintain. It is also recognised that some local authorities undertake the planning and review processes at separate times and issue the results of review as a separate document. Some local authorities include their plans for the feed and food service as part of a larger plan of authority services. While there is flexibility for local authorities to continue with a corporate format, they shall ensure that the information requirements in this guidance are included. Where feed or food service plans form part of broader corporate plans, the feed and food details shall be separately identifiable in their planning documents.

11 Similarly, in those cases where several authorities are unifying as a single authority, they should ensure that the requirements of this guidance are included and are separately identifiable in the planning documents for the new unitary authority. Where an enforcement service is shared between authorities, the requirements of this guidance should be identifiable in the planning documents for each authority.

12 Authorities should cover the following areas in their service plans for feed and food official controls:

- * Service Aims and Objectives
- * Background
- * Service Delivery
- * Resources
- * Quality Assessment
- * Review

Further guidance on the content of the plan in each of these areas is set out overleaf. However, each authority may choose its own way of formulating these plans – such as placing some aspects in management plans, and some in operational plans.

Member Approval

13 Authorities have the flexibility to decide locally whether or not service plans should be approved at Member level. To help to ensure local transparency and accountability, and to show their contribution to the authority's corporate plan, feed and food service plans and performance reviews should be approved at the relevant level established for that local authority, whether that is Member, Member forum, or suitably delegated senior officer level. Records should be kept to show that service plans have received appropriate approval.

Official Feed and Food Controls Service Plan Guidance

1. Service Aims and Objectives

1.1 Aims and Objectives	A statement of the service's aims and objectives.
1.2 Links to corporate objectives and plans	This section should identify how the service plan(s) fit into the Authority's corporate planning process and how it plays its part in meeting the Authority's objectives. This should include meeting any relevant national indicator. It should also identify any cross linkage with other plans that have been adopted by the Authority.

2. Background

2.1 Profile of the Local Authority	This section should include details of the population, size and nature of the Authority.
2.2 Organisational Structure	A simple chart showing the council services and committee structure which shows where the feed and food service fits in. The structure should identify the manager/s responsible for the delivery of official feed and food controls and the officer/s with specialist responsibility for food hygiene, food standards, and/or feedingstuffs if different, and the provision made for specialist services provided, for example, by public analysts, food examiners and agricultural analysts.
2.3 Scope of the Feed and Food Service	A brief statement that sets out the scope of the responsibilities and service provided. This should identify where areas of the feed and food service are provided by another organisation e.g. contractors. Any other services that are delivered alongside the feed and food service, e.g. health and safety inspections, can be described here.
2.4 Demands on the Feed and Food Service	This section should include a brief outline of: <ul style="list-style-type: none">• the establishments profile• the number of approved or registered establishments in the Authority's area;• any particular local requirements associated with specialist or complex processes.

	<p>The section should detail:</p> <ul style="list-style-type: none"> • the service delivery points used by the Authority and • the times at which the service is available from these points. <p>This section also enables the Authority to describe any external factors that may impact on their service. For example:</p> <ul style="list-style-type: none"> • the percentage of business owners whose first language is not English, • the percentage of food establishments that are manufacturing foods, • imported feed/food responsibilities, or • seasonal activities.
2.5 Regulation Policy	A brief reference statement to the Authority's documented enforcement policy.

3. Service Delivery

3.1 Interventions at Food and Feedingstuffs establishments	<p>A statement in relation to the Authority's policy on interventions and how they will be selected in individual cases, including details of the programme of interventions at feed/food establishments to be undertaken. This should include the establishments profile, the numbers of interventions programmed, an estimation of the number of revisits that will be made, and an estimation of resources required e.g. staffing. The plan should also detail any targeted intervention activity that the Authority intends to carry out including any extra resources this may require; this could include specific project work.</p> <p>The Authority should identify any priorities relating to nationally or locally driven outcomes, such as compliance with new legislation or improved compliance with existing legislation and other central government initiatives. The section should include, where appropriate, the arrangements the Authority has made to ensure that they have access to adequate appropriate expertise to enable competent inspection of any specialised processes identified in Section 2.</p>
3.2 Feed and Food Complaints	<p>A statement in relation to the Authority's policy regarding the investigation of feed and food complaints including an estimation based on previous years' trends of the likely demand on the service and an estimation of the resources required.</p>

3.3 Home Authority Principle and Primary Authority Scheme	A statement in relation to the Authority's policy on the Home Authority Principle and, where applicable, the Primary Authority Scheme, including an estimation of the resources required in relation to meeting and advising those businesses for whom it acts, developing intervention plans for those businesses for whom it is the Primary Authority, and responding to enquiries from other enforcing authorities..
3.4 Advice to Business	A statement in relation to the Authority's policy regarding advice to business (as part of the overall policy of interventions) including an estimation of the number of contacts from business and the resources necessary to provide the service. This section should include, where appropriate, any input the Authority has to business partnerships or forums.
3.5 Feed and Food Sampling	A statement in relation to the Authority's sampling policy including the basis of the sampling programme and an estimate of the numbers of samples that will be taken from establishments, or submitted in relation to complaints, and any relevant resource allocation including staffing. It should also detail the arrangements that the Authority has made for the analysis and/or examination of the samples.
3.6 Control and Investigation of Outbreaks and Food Related Infectious Disease	A statement in relation to the Authority's policy on the investigation of food poisoning notifications and outbreak control including an estimation based on previous years' trends of likely demand on the service and an estimation of the resources required.
3.7 Feed/Food Safety Incidents	A statement in relation to the Authority's policy on handling food alerts to confirm that it complies with the relevant Codes of Practice; an estimation of the likely demand on the service and an estimation of the resources required.
3.8 Liaison with Other Organisations	<p>The Authority should set out the arrangements it has made to ensure that enforcement action taken in its area is consistent with those of neighbouring local authorities. This section should include:</p> <ul style="list-style-type: none"> • any liaison the Authority has with other authorities; • any liaison, where appropriate, with LBRO; • any arrangements with other official control bodies or government inspectorates to co-ordinate feed and food controls;

	<ul style="list-style-type: none"> • any representation on Government working groups or committees; • liaison with professional body working groups; • liaison and involvement/participation with LACORS advisory groups and similar or related bodies; • any formal liaison with voluntary groups and other public sector bodies e.g. Health Authorities; • any formalised liaison with other services within the Authority e.g. review of building control applications; • any commitment to local/regional groups. <p>An estimation of the resource allocation should be included.</p>
3.9 Feed and Food Safety and Standards promotional work, and other non-official controls interventions	A statement of any feed/food safety promotional work, or information/intelligence gathering work, which the Authority intends to carry out in the year and the measures it will use to evaluate its effectiveness, with an estimate of the resource allocation including staffing to undertake this work.

4. Resources

4.1 Financial Allocation	This section should set out the overall level of expenditure involved in providing the service and examine the trend of growth or reduction in real terms. Detail shall be provided in terms of the non-fixed costs including staffing, travel and subsistence, equipment including investment in IT, sampling budgets and the financial provision made by the Authority for any legal action necessary as part of their enforcement function.
4.2 Staffing Allocation	A statement of the number of posts required to deliver the service, and of the number of staff working on feed/food law enforcement and related matters (in terms of full time equivalents); this should distinguish qualified staff from support staff.. These figures should be expressed in terms of levels of competency with reference to the appropriate Codes of Practice, including support staff.
4.3 Staff Development Plan	A statement in relation to any relevant ongoing training, including that to be provided in-house and externally for authorised and trainee officers in the year ahead.

5. Quality Assessment

5.1 Quality assessment and internal monitoring	A statement specifying the measures to be taken to assess the quality of the Authority's service including any relevant monitoring arrangements developed by the Authority to assess performance against the Standard. This should include any agreed inter-authority audit or peer review arrangements. The Authority will also wish to include details of any externally accredited or self assessment models used.
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6. Review

6.1 Review against the Service Plan	The Authority should set out the process for reviewing and reporting delivery of the service plan. This should include information on the previous year's performance against the service plan and any specified performance targets and performance standards and targeted outcomes.
6.2 Identification of any Variation from the Service Plan	The review should identify where the Authority was at variance from their service plan and, where appropriate, the reasons for that variance. The Authority may determine that additional work it has carried out in other areas of the enforcement mix has achieved the same objective. This should be clearly identified in this part of the plan.
6.3 Areas of Improvement	The Authority should set out plans for any relevant improvement or service development identified as necessary by the review or the quality assessment.

Chapter Two: The Standard

Introduction

This Chapter brings together the obligations on feed and food law enforcement authorities on official controls arising from existing legislation, statutory Codes of Practice and related guidance, and sets out the requirements for the planning, management and delivery of local authority feed and food law enforcement services.

Local authorities will need to ensure that the services they provide to support and achieve business compliance with the law address the whole package set out in the Standard, and that they deliver appropriate activities and actions in line with the better regulation policies applicable in their part of the United Kingdom.

The Standard

1 Scope

This Standard specifies the arrangements to be put in place and implemented by an Authority for the enforcement of food hygiene, food standards, feed law and imported feed and imported food legislation.

The Standard is applicable to those activities which should be included in an Authority's feed/food service. References to "Codes of Practice" in the Standard mean the Feed Law Enforcement Code of Practice (Great Britain) and the Food Law Codes of Practice issued in each of the countries in the United Kingdom, unless otherwise stated.

2. Terms and definitions

For the purposes of this Standard the following terms and definitions apply.

2.1 Authority

Any local authority whose responsibilities cover either food hygiene, food standards or feedingstuffs law enforcement, or a combination of those activities. This also includes port health authorities and authorities with points of entry for imported foods or feedingstuffs.

3 Organisation and Management

3.1 The Authority shall draw up, document and implement a service delivery

plan in accordance with the Service Planning Guidance in Chapter 1.

- 3.2 A performance review shall be carried out by the Authority at least once a year based on the service delivery plan, documented and submitted for approval to either the relevant member forum or, where approval and management of service delivery plans has been delegated to senior officers, to the relevant senior officer.
- 3.3 Any variance in meeting the service delivery plan shall be addressed by the authority in its subsequent service plan.

4 Review and Updating of Documented Policies and Procedures

- 4.1 The Authority shall ensure that all documented policies and procedures for each of the enforcement activities covered by this Standard are reviewed at regular intervals, and whenever there are changes to legislation or centrally issued guidance.
- 4.2 The Authority shall set up, maintain and implement a control system for all documentation relating to its enforcement activities. Whichever medium is chosen, such as electronic format or hard copy, the system shall ensure that:
 - a) up to date copies of the appropriate documentation including legislation and guidance are available at all relevant locations and to all relevant staff;
 - b) all changes to documents or amendments to documents are covered by the correct authorisation and are carried out without undue delay to ensure timely availability; and
 - c) superseded documents are removed from use throughout the Authority.

5 Authorised Officers

- 5.1 The Authority shall set up, maintain and implement a documented procedure for the authorisation of officers based on their competence and in accordance with the relevant Codes of Practice and any centrally issued guidance.
- 5.2 The Authority, where it is responsible for the enforcement of food hygiene, food standards and/or feed legislation, shall appoint an officer/s with specialist knowledge to have lead responsibility for that legislation. Where the Authority has specific responsibilities, for example it is a UK point of entry or it has establishments approved in accordance with Regulation (EC) No 853/2004, it should ensure that officers have the necessary specialist knowledge.
- 5.3 The Authority shall appoint a sufficient number of authorised officers to carry out the work set out in the service delivery plan. The level of authorisation and duties of officers should be consistent with their qualifications, training, experience and the relevant Code of Practice.
- 5.4 The Authority shall ensure that all authorised officers and appropriate support staff receive the training needed to be competent to deliver the technical and

administrative aspects of the work in which they will be involved, in accordance with the Code of Practice.

- 5.5 Records of relevant academic or other qualifications, training and experience of each authorised officer and appropriate support staff shall be maintained by the Authority in accordance with the relevant Codes of Practice.

6 Facilities and Equipment

- 6.1 The Authority shall make available the necessary facilities and equipment that are required to the effective delivery of all activities associated with the service to be provided.
- 6.2 The Authority shall ensure that equipment is properly maintained and calibrated, and is removed from service when found to be defective. To support this task, it shall set up, maintain and implement a documented procedure, which should include identification of equipment, evidence of maintenance and calibration, and the results of any in service checks.
- 6.3 Any computer software package or other method of record administration used by the Authority shall be reliable and capable of providing any information reasonably requested by the Food Standards Agency. Such systems shall be operated in such a way so as to be able to provide required information to the Agency.
- 6.4 The Authority shall set up, maintain and implement appropriate back up systems for any electronic databases, and systems or documented procedures which have been designed to minimise the risk of corruption or loss of information held on its databases. The Authority should ensure that reasonable security measures are in place to prevent access and amendment by unauthorised persons.

7 Food and Feedingstuffs Establishments Interventions and Inspections

- 7.1 The Authority shall carry out interventions/inspections (as required by the relevant Code of Practice) at all food hygiene, food standards and feedingstuffs establishments in their area, at a frequency which is not less than that determined under the intervention rating schemes set out in the relevant legislation, Codes of Practice or other centrally issued guidance.
- 7.2 The Authority shall carry out interventions/inspections, and approve or register establishments in accordance with the relevant legislation, Codes of Practice, centrally issued guidance and the Authority's policies and procedures.

NOTE: Establishments includes any ship or aircraft of a description specified in the relevant legislation.

- 7.3 The Authority shall assess the compliance of establishments and systems in their area to the legally prescribed standards.

NOTE: In assessing compliance, the Authority shall (as required by Article 10(2) of Regulation (EC) No 882/2004) take into account any relevant Industry Guides to Good Hygiene Practice and have regard to any other relevant centrally issued guidance.

The Authority shall take appropriate action on any non-compliance found, in accordance with the Authority's enforcement policy.

- 7.4 The Authority shall set up, maintain and implement documented procedures for the range of interventions/inspections/it carries out.
- 7.5 Observations made and/or data obtained in the course of an inspection/intervention shall be recorded in a timely manner to prevent loss of relevant information. Officers' contemporaneous records of interventions shall be legible and stored in such a way that they are retrievable.

8 Food, Feed and Food Establishments Complaints

- 8.1 The Authority shall set up, maintain and implement a documented policy and procedure(s) in relation to complaints about food and feed that originate within the UK, and those foods and feed originating from other EU member states, or from third countries and in relation to complaints against feed and food establishments. Procedures should cover any referral arrangements to inland authorities and/or authorities with responsibility for imported food and feed controls at the UK point of entry.
- 8.2 The Authority shall investigate complaints received in accordance with the relevant Code of Practices, centrally issued guidance and the Authority's policies and procedures.
- 8.3 The Authority shall take appropriate action on complaints received in accordance with the Authority's enforcement policy.

9 Primary Authority Scheme and Home Authority Principle

- 9.1 Where a Primary Authority partnership has been established for a business, under the terms of the Regulatory Enforcement and Sanctions (RES) Act 2008, and any Orders under that Act, the Primary Authority shall act in accordance with the relevant requirements and guidance. A Primary Authority partnership can cover the full range of regulatory service, or specific functions, such as health and safety; food safety or product labelling. Where a Primary Authority partnership has not been established for a business for a particular function, the Home Authority principle will continue to apply:
- 9.2 The Authority shall provide advice to businesses on legal compliance where they act as home and/or originating authority.
- 9.3 The Authority shall have regard to any information or advice it has received from any liaison with home and/or originating authorities.
- 9.4 The Authority shall liaise with the home and/or originating authority of a

business whose feed/food and/or premises have been subject to an intervention, and offences identified which are, or appear to be, associated with the business's centrally defined policies and procedures.

- 9.5 During a complaint investigation, the Authority shall liaise with the home and/or originating authority regarding matters which are or may be associated with the business's centrally defined policies or procedures.
- 9.6 The Authority shall liaise with the home and/or originating authority of a business in relation to any unsatisfactory samples which are or may be associated with the business's centrally defined policies or procedures.
- 9.7 The Authority, having initiated liaison with any home and/or originating authority, shall notify that authority of the outcome.

10 Advice to Business

- 10.1 The responsibility to comply with feed and food law rests with the business operator. As part of its approach to enforcement, the Authority shall work with businesses to help them comply with food and feed legislation. This may include, for example:
- running training courses/seminars (in accordance with the requirements in the Codes of Practice for avoiding potential conflicts of interest) ;
 - providing advice during interventions;
 - business information sheets;
 - responding to queries; and
 - dialogue with business through local business partnerships or similar fora.

11 Food and Feed Establishments Database

- 11.1 The Authority shall set up, maintain and implement a database of the food and feed establishments in its area.
- 11.2 The Authority shall set up, maintain and implement a documented procedure to ensure that its food and feed premises database is accurate, reliable and up to date, as the accuracy of such databases is fundamental to service delivery and monitoring.

12 Food and Feed Inspection and Sampling

- 12.1 The Authority shall ensure that food and feedingstuffs are inspected at all food and feed establishments, in accordance with relevant legislation, Codes of Practice and centrally issued guidance, to ensure that food and feed meet legally prescribed standards.

- 12.2 The Authority shall take appropriate action on any non-compliance found in accordance with the Authority's enforcement policy.
- 12.3 The Authority shall set up, maintain and implement documented procedures for the inspection of food and feedingstuffs.
- 12.4 The Authority shall set up, maintain and implement a documented sampling policy and programme that shall accord with any centrally issued or relevant guidance, and relevant Codes of Practice and shall include reference to its approach to any relevant national sampling programme centrally co-ordinated by the Food Standards Agency.

NOTE: The Authority should consider the nature of its food and feed establishments, and where applicable the nature of imported foods and feed, and also have regard to any relevant sampling programme centrally co-ordinated by the FSA, LACORS and the HPA and in Scotland, SFELC (the Scottish Food Enforcement Liaison Committee), in Wales the Welsh Food Microbiological Forum and the Welsh National Public Health Service and in Northern Ireland, the Public Health Laboratory.

- 12.5 The Authority shall set up, maintain and implement documented procedures for the procurement or purchase of samples, continuity of evidence and the prevention of deterioration or damage to samples whilst under its control in accordance with the relevant Codes of Practice and centrally issued guidance.
- 12.6 The Authority shall carry out sampling in accordance with its documented sampling policy, procedures and programme.
- 12.7 The Authority shall take appropriate action in accordance with its enforcement policy where sample results are not considered to be satisfactory.
- 12.8 The Authority shall, where appropriate, ensure a Public Analyst, and/or Agricultural Analyst is appointed to carry out examinations and analyses of food and feed samples. In making these appointments all relevant legal requirements and Codes of Practice shall be satisfied. All samples for examination should be submitted to a Food Examiner at a laboratory accredited for the purpose of examination.

13 Control and Investigation of Outbreaks and Food Related Infectious Disease

- 13.1 The Authority shall set up, maintain and implement a documented procedure which has been developed in association with all relevant organisations in relation to control of outbreaks of food related infectious disease in accordance with relevant central guidance.
- 13.2 The Authority shall set up, maintain and implement a documented procedure which has been developed in accordance with centrally issued guidance, and in association with all relevant organisations for the investigation of notifications of food related infectious disease.

- 13.3 All records relating to the control and investigation of outbreaks and food related infectious disease shall be kept for at least 6 years.

14 Feed and Food Safety Incidents

- 14.1 The Authority shall set up, maintain and implement a documented procedure for initiating and responding to feed and food alerts, in accordance with the relevant Codes of Practice. For UK points of entry, this procedure should also address RASFF notifications and relevant EC decisions. This procedure shall also include out of hours contact arrangements.
- 14.2 The Authority shall maintain a computer system capable of receiving feed and food alerts.
- 14.3 The Authority shall document its response to and the outcome of each feed and food alert.
- 14.4 The Authority shall set up, maintain and implement a documented procedure for responding to feed and food safety incidents.

NOTE: Feed and food safety incidents might be notified as part of the feed and food alert warning systems (see 14.1 above) or as separate notifications from the Food Standards Agency.

- 14.5 The Authority shall notify the Food Standards Agency of any serious localised incident or a wider feed/food safety problem in accordance with the relevant Codes of Practice.

15 Enforcement

- 15.1 The Authority shall set up, maintain and implement a documented enforcement policy, in accordance with the relevant Codes of Practice and other official guidance. This policy shall be approved by the relevant Local Authority Member forum or, where approval and management of service delivery plans has been delegated to senior officers, by the relevant senior officer

NOTE: The enforcement policy or an accurate summary should be readily available to the public and food businesses in the Authority's area.

- 15.2 The Authority shall set up, maintain and implement documented procedures for follow up and enforcement actions in accordance with the relevant Codes of Practice and official guidance.
- 15.3 The Authority shall carry out food law enforcement in accordance with the relevant Codes of Practice and centrally issued guidance.
- 15.4 All decisions on enforcement action shall be made following consideration of the Authority's enforcement policy. The reasons for any departure from the criteria set out in the enforcement policy shall be documented.

16 Records and Interventions/Inspections Reports

- 16.1 The Authority shall maintain up to date accurate records in retrievable form on all food and feed establishments in its area, and for all relevant checks on imported food and feed, in accordance with Codes of Practice and centrally issued guidance. These records shall include reports of all interventions/inspections, the determination of compliance with legal requirements made by the authorised officer, details of action taken where non-compliance was identified, details of any enforcement action taken, results of any sampling, details of any complaints and any action taken, and also relevant food and/or feed registration and approval information. The authority should also record, with reasons, any deviations from set procedures.
- 16.2 All records shall be kept for at least 6 years unless they have been marked for longer retention because of litigation or Local Government Ombudsmen review.

17 Complaints About the Service

- 17.1 The Authority shall set up, maintain, implement and make readily available to the public and the food and feed businesses in its area, a documented complaints procedure regarding complaints about the service.
- 17.2 The Authority shall investigate complaints received in accordance with the relevant centrally issued guidance.
- 17.3 A record shall be made of all complaints received and of the actions taken by the Authority in response to those complaints.

18 Liaison with Other Organisations

- 18.1 The Authority shall put in place liaison arrangements with neighbouring authorities and any other appropriate body, to facilitate efficient, effective and consistent enforcement in accordance with the relevant Codes of Practice and centrally issued guidance.
- 18.2 The Authority shall also put in place liaison arrangements with other official control bodies or government organisations, aimed at rationalising enforcement and reducing burdens on businesses.

19 Internal Monitoring

- 19.1 The Authority shall set up, maintain and implement documented internal monitoring procedures in accordance with Article 8 of Regulation (EC) 882/2004 (Official Feed and Food Controls), the relevant Codes of Practice and centrally issued guidance.
- 19.2 The Authority shall verify its conformance with this Standard, relevant legislation, the relevant Codes of Practice, relevant centrally issued guidance and the Authority's own documented policies and procedures.

- 19.3 A record shall be made of all internal monitoring. This should be kept for at least 2 years.

20 Third Party or Peer Review

- 20.1 The Authority shall participate in any appropriate third party or peer review process against the Standard.
- 20.2 Where the Authority participates in such processes, this should include the implementation of effective remedial actions to address non-conformances with the Standard identified through the processes.

21 Food and Feed Safety and Standards Promotion

- 21.1 The Authority shall promote food and feed safety and standards. For example this may include:
- * food safety and standards awards or competitions;
 - * participation in co-ordinated food and feed safety and standards `` campaigns;
 - * partnerships with voluntary organisations, the community and other agencies with a view to targeting specific groups;
 - * targeted dissemination of information on food and feed safety and standards issues;
 - * supporting food safety and standards training in schools and colleges; and
 - * raising awareness of imported food controls (this applies to all authorities, not solely those covering ports of entry).
- 21.2 The Authority shall maintain records of its food and feed safety and standards promotions.

Chapter Three: Monitoring of Local Authorities

Introduction

1 As part of its duties under the Food Standards Act 1999, and in accordance with the requirements of Regulation (EC) No 882/2004 on official controls, the Food Standards Agency is responsible for monitoring and reporting the performance of enforcement authorities in enforcing relevant legislation on feed and food safety.

2 The Agency therefore collects key data on how each local authority is delivering feed and food law enforcement, on an annual basis. This is achieved through the Local Authority Enforcement Monitoring System (LAEMS) which was introduced in April 2008, and is applicable from the financial year 2008/09 onwards.

Key Documents

3 The relevant documents to guide local authorities on how to implement LAEMS are available on the Agency's website:
<http://food.gov.uk/enforcement/>

Areas of data collected

- 4 The areas of data collected by LAEMS include:
- the number of feed, and of food establishments, categorised by types;
 - the numbers of interventions/inspections due, in accordance with the Codes of Practice, and the number of interventions/inspections carried out;
 - the rating scores awarded:
 - (a) for food hygiene:
 - compliance with the law, hygiene;
 - compliance with the law, structure;
 - confidence in management/control systems;
 - (b) for food standards:
 - level of current compliance; and
 - confidence in management/control systems
 - (c) for feed law:
 - level of current compliance; and
 - confidence in management/control systems.
 - the number of food samples taken for analysis, categorised by type of analysis;
 - the number of feed samples categorised by type of analysis;
 - the number of enforcement actions taken, categorised by type of action, and type of reason for that action.

5 LAEMS collects data for each feed/food establishment in the authority's area, and provides overall summaries which the Authority is required to amend, validate and agree.

Uses of the data

6 The Agency will use the data provided to assess both the levels of authorities' actions to deliver official controls, and the outcomes (in terms of business compliance levels) achieved by those actions. The outcome measure being applied from 2008/09 is the percentage of food establishments for which the Authority is responsible that are deemed to be "broadly compliant" with food law, based on the detailed rating scores awarded by the Authority's authorised officers. Further details are set out in relevant documents on LAEMS on the Agency's website, and in the Food Law Codes of Practice.

7 The data collected via LAEMS will be used by the Agency for the following purposes:

- to report feed and food control activities for the UK to the European Union, as part of the annual reports on the implementation of the UK's National Control Plan under Regulation (EC) No 882/2004;
- to report national data on feed and food control activities, trends and (for food businesses) compliance levels to the FSA Board;
- to identify levels of business compliance achieved (a key issue for the Agency) and of food control activity, by individual authority, to:
 - ensure effective feed and food law services are in place locally;
 - inform the Agency's audit programmes;
 - provide benchmarks for LAs; and
 - help inform the UK enforcement strategy.
- for English LAs, to assess performance against NI 184, the National Indicator for business compliance levels – which forms part of the CAA performance framework.

Details of the monitoring data submitted by each LA will be published annually on the FSA website.

8 The Agency will consult Authorities and other stakeholders, over any proposed changes to the use made of monitoring data.

Key definitions

9 The key definitions used in LAEMS, and in its analyses, are set out in guidance available on the Agency website at <http://www.food.gov.uk/enforcement/>

10 These definitions include:

- categories of feed/food establishments;
- categories of interventions;
- types of enforcement action;
- reasons for enforcement actions;
- types of samples;
- types of advisory and educational work.

Chapter Four: Audit Scheme for Local Authorities

Introduction

1 As part of its duty under the Food Standards Act 1999 of monitoring the performance of enforcement authorities, the Food Standards Agency has the powers to request information relating to enforcement action, and to make reports to any enforcement authority on their performance in enforcing relevant legislation. The Agency is also required to audit enforcement authorities in accordance with Regulation (EC) No 882/2004, and to follow relevant EC regulations, decisions and guidance.

2 The Framework Agreement audit scheme sets out the arrangements through which the Agency will audit local authorities' enforcement activities, to help ensure that local authorities are providing an effective service to protect public health and animal health.

Aims

3. The aims of the audit scheme are to:

- help to protect public health and animal health by promoting effective local enforcement of feed and food law;
- maintain and improve consumer confidence;
- carry out risk-based audit programmes that provide a means to identify under performance in local authority feed and food law enforcement;
- assist in the identification and dissemination of good practice to aid consistency;
- provide information to aid the formulation of Agency policy;
- promote conformance with the "Feed and Food Law Enforcement – Standard" (the Standard) and any relevant central guidance or statutory Codes of Practice;
- promote self regulation and Peer Review such as Inter Authority Auditing (IAA); and
- identify continuous improvement and good practice for wider dissemination.

Scope

4 The audit programme will cover all local authorities. The audit scheme will assess a local authority's conformance against the Standard and any associated guidance. The arrangements will cover the full range of local authority feed and food law enforcement activity i.e. food standards, food safety, animal feed and imported food, both at ports of entry at which imported feed and food is handled and checks made by inland authorities.

Key Documents

5 The key documents on the detailed operation of the Agency's audit scheme, including process timetables and audit report publication arrangements are available on the Agency's website at:

<http://www.food.gov.uk/enforcement/auditscheme/>

Complaints and disputes

6 Mechanisms are in place for resolving complaints and disputes by local authorities arising from feed and food service audits undertaken by the Agency. Details are available on the Agency's website.

Publication of audit reports

7 Information on local authority enforcement performance will be placed in the public domain. Audit reports will be issued to local authorities with the expectation that the reports will be presented to elected members within the appropriate local public forum. Copies of final audit reports will be placed on the Food Standards Agency website.

Follow-up action

8 Food Standards Agency follow-up action to Agency audits will depend on the level and type of non-conformance identified and the action plan produced by the local authority. Follow-up arrangements by the Agency will, in some circumstances, include revisits to local authorities. Where these arrangements identify a local authority failing to implement all or part of their action plan, subsequent Agency action will be considered on a case by case basis.

Contacts

9 Details of contact points in the Agency's offices in Aberdeen, Belfast, Cardiff and London are available on the Agency's website.

Review of the audit scheme

10 The Agency will keep the principles, operation and scope of the audit scheme under review.

Interventions Food Law Code of Practice (Scotland)



Laid before the Scottish Parliament pursuant to section 40(1) of the Act¹, regulation 24(1) of the Food Hygiene (Scotland) Regulations 2006² and regulation 6(1) of the Official Feed and Food Controls (Scotland) Regulations 2009³

¹ 1990 CHAPTER 16

² SSI 2006 No. 3

³ SSI 2009 No. 446

Foreword

The Interventions – Food Law Code of Practice (Scotland) 2019 (hereafter referred to as the Interventions Code 2019) is issued under section 40 of the Food Safety Act 1990, regulation 24 of the Food Hygiene (Scotland) Regulations 2006, and Regulation 6 of the Official Feed and Food Controls (Scotland) Regulations 2009. Scottish Ministers are empowered under this legislation to issue Codes of Practice (including Codes of Recommended Practice concerning the execution and enforcement of Food Law by Food Authorities. In turn, Food Authorities (may also be referred to as Enforcement Authorities and Local Authorities) are required to have regard to such Codes when discharging their duties, and follow the provisions of the Code that apply to them. Food Authorities may be directed to take specific steps in order to comply with a Code. The Interventions Code 2019 does not apply to establishments at the level of **Primary Production or Approval**.

In February 2014 the Scottish Food Enforcement Liaison Committee (SFELC) set up a Working Group to address recommendation 57 of the Scudamore Report commissioned by Scottish Ministers following the horse meat incident. The group were tasked with examining the existing arrangements in Annex 5 of the Food Law Code of Practice (Scotland) and to assess whether an alternative regime would deliver more effective prioritisation of Food Law enforcement in Scotland.

The key findings of the group were:

‘The Group’s unanimous view was that the conflation of food safety and standards into one food law inspection will benefit local authorities, consumers and the industry. It will ensure that the profile of food standards will be raised whilst reducing duplication and bureaucracy caused by two inspection schemes. Importantly, Local Authorities will be able to target resources on high risk and non-compliant businesses.’

The Interventions Food Law Code of Practice (Scotland) 2019 has been created to incorporate the following changes;

- Introduction of the Food Law Rating System. (FLRS).
- Alignment with Food Standards Scotland’s Regulatory Strategy.
- Alignment to reflect Food Standards Scotland’s Strategy to 2021 and the Scottish Government’s approach to Better Regulation as set out in the Scottish Regulators’ Strategic Code of Practice.

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1. Introduction

The statutory basis for the Interventions Code 2019 and overarching duties on Local Authorities is as follows:

1. The Interventions Code 2019 is 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 the Scottish Ministers to issue Codes of Practice concerning the execution and enforcement of Food Law by Food Authorities. The Interventions Code 2019 supersedes those sections of the Food Law Code of Practice (Scotland) 2019 listed in Annex 5
2. In Scotland, Food Standards Scotland (FSS) has statutory responsibilities including policy development in relation to food matters, advising Scottish Ministers in relation to food matters including, the arrangements necessary to meet EU requirements and on any additional national measures that are appropriate for the protection of public health or other consumer interests. Scottish Ministers may issue Codes of Practice for the guidance of Food Authorities, as regards the execution and enforcement of their functions in relation to these matters and , the applicable laws in relation to it. Food Authorities are required under the legislation described above to have regard to the Interventions Code 2019 when discharging their duties.
3. FSS seeks to work in partnership and to assist Food Authorities in implementing Codes of Practice. Whilst section 40(2)(a) of the Food Safety Act 1990 requires a Food Authority to have regard to the relevant provisions of this Code, section 40(3) does allow FSS to consult the Scottish Ministers in relation to non-compliance with the Interventions Code 2019, and then to the issue a direction to that Food Authority requiring it to take steps to comply with this Code. Under section 40(3) of the 1990 Act. failure by a Food Authority to comply with a Direction allows FSS to seek enforcement of the Direction by order of the Court of Session (see section 45 of the Court of Session Act 1988).
4. Food Authorities that do not have regard to relevant provisions of this Code may find their decisions or actions successfully challenged, and evidence gathered during a criminal investigation being ruled inadmissible by a court.
5. All references to legislation in this Code are made on the basis that the legislation may be subject to amendment and or revocation. The user and or reader of this Code, and any relevant corresponding guidance, must always ensure that the current legislation is referred to, in respect to any action taken in regard to Official Controls detailed in this Code; and seek their own legal advice as appropriate. Guidance on Scottish Food and Feed law is available on the FSS website.
6. For the purposes of this Code the terms Food Authority, Enforcement Authority and Local Authority are interchangeable, subject to any definitions in Food Law.

1.1. The Interventions Code 2019

The Interventions Code 2019 sets out instructions, processes and criteria to which Food Authorities are required to have regard when they carry out Official Controls relating to all **Registered Food Businesses** (see Figure 1 and sub-section 5.1). The Interventions Code 2019 **does not apply to establishments at the level of Primary Production or Approval and these business groups will be addressed in future Code publications.**

The Interventions Code 2019 and the accompanying associated guidance (see Annex 4) should reflect and help to enable the framework set out in Food Standards Scotland's Strategy to 2021, in particular Outcome 4 – Responsible Food Businesses Flourish.

The Interventions Code 2019 is part of a wider project by Food Standards Scotland to review and overhaul the Food Law Code of Practice . The review consists of three phases;

Phase One

The production and publication of the Food Law Code of Practice (Scotland) 2019 which updated the Food Law Code of Practice (Scotland) 2015 to reflect changes in legislation and practice since 2015 and to ensure it is in alignment with Food Standard Scotland's Regulatory Strategy.

Phase Two

The Interventions Code 2019 introduces 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 will target resources on high to medium risk and non-compliant businesses. (please see Figure 1)

Figure 1 – FLRS - The Performance Ladder and Compliance Matrix (please see section 5)

Group 1 Business	Performance Levels	Band	Intervention Frequency
<ul style="list-style-type: none">• Manufacturer of High Risk Foods.• Manufacturer, Caterer, Processor or Retailer that undertakes a specific method of processing that has the potential to increase the risk to public health beyond that of normal preparation, storage or cooking.• Manufacturers of Foods for Specific Groups.• All Exporters.• Manufacturers, Processors, Importers, Wholesaler, Distributor, Food Broker, Packers of Food at enhanced risk of food fraud, substitution, adulteration or contamination.	Sustained Compliance	1A	18 Months
	Compliant and confident in compliance going forward	1B	12 Months
	Minor Non-compliance and/or gaps in confidence in compliance going forward	1C	6 Months
	Significant Non-Compliance and/or no confidence in compliance going forward	1D	3 Months
	Sustained non-compliance and/or Issues of Public Health Significance or Fraudulent Activity	1E	Intensive Intervention. 1 month.
Group 2 Business	Performance Levels	Band	Intervention Frequency
<ul style="list-style-type: none">• All other Manufacturers, Processors, and Caterers.• Importers, packers, wholesalers and distributors of high-risk foods not in Group 1.• Head Office Business that undertakes a regional/national decision making function.• Retailers handling open high-risk foods.	Sustained Compliance	2A	24 Months
	Compliant and confident in compliance going forward	2B	18 Months
	Minor Non-compliance and/or gaps in confidence in compliance going forward	2C	12 Months
	Significant Non-Compliance and/or no confidence in compliance going forward	2D	3 Months
	Sustained non-compliance and/or Issues of Public Health Significance or Fraudulent Activity	2E	Intensive Intervention. 1 month.
Group 3 Business	Performance Levels	Band	Intervention Frequency
<ul style="list-style-type: none">• All other retailers, Food Brokers, Importers, packers, wholesalers and distributors.• Public Houses and similar Licenced Business not providing catering.• Business providing limited refreshments (e.g. tea, coffee, soft drinks) as an adjunct to main activity.• Child minders.• Supported Living Business.• Business producing low risk food based from a domestic dwelling.• Bed & Breakfasts.	Sustained Compliance or Businesses where information available at point of registration, indicates there is minimal inherent risk	3A	No Proactive Intervention or 60 months.
	Compliant and confident in compliance going forward	3B	36 Months
	Minor Non-Compliance and/or gaps in confidence in compliance going forward	3C	24 Months
	Significant Non-Compliance and/or no confidence in compliance going forward	3D	3 Months
	Sustained non-compliance and/or Issues of Public Health Significance or Fraudulent Activity	3E	Intensive Intervention. 1 month.

COMPLIANCE CATEGORY

FOOD SAFETY AND PRACTICE PERFORMANCE	Serious (wilful and/ or sustained serious) non-compliance. Any non-compliances that are an immediate risk to consumer health, allow consumers to make unsafe food choices or could give rise to fraudulent gain	Significant non – compliance Any non-compliances which may adversely affect consumer health or which might do so if not remedied quickly. Failure to comply with product or process specific requirements. Food Standards non-compliances where the consumer is misinformed or prejudiced.	Minor non – compliance Technical non-compliances which do not adversely affect consumer health or consumer choice but which require to be remedied.	Generally compliant No non-compliances or only very minor non-compliances which the LA has decided should not be pursued until the next intervention.	Full and continuing compliance and/or evidence of going beyond legislative requirements Evidence of a proactive approach. Evidence of compliance with third party programmes which are recognised as additional or beyond legislative requirements.
CROSS CONTAMINATION PERFORMANCE					
STRUCTURAL PERFORMANCE					
FOOD INFORMATION PERFORMANCE					
COMPOSITION PERFORMANCE					
FOOD SAFETY MANAGEMENT SYSTEM	Serious lack of control of food safety and/or standards. No appropriate FSMS or failure to follow FSMS.	No appropriate FSMS or general/significant failure to follow FSMS. Significant lack of control of food safety and/or standards.	An appropriate FSMS (HACCP based) is in place and is followed but with minor gaps in scope/use.	Fully Documented appropriate (HACCP based) FSMS in place and followed.	Fully Documented appropriate (HACCP based) FSMS in place and followed with additional 3rd party accreditation.
CONFIDENCE IN MANAGEMENT	No confidence. Unwilling to engage with obligations. Serious formal action required at this visit	Little confidence. Willing, but largely unable, to engage with obligations.	Some confidence. Engage with obligations but gaps in technical awareness. Reliant on LA. New Business or FBO.	Confident. Obligations are routinely met. Able to identify and control emerging issues. Good technical awareness.	Full and continuing compliance. Confident. Proactive approach to food safety management. Own or access to technical expertise. Implementation of externally audited FSMS at least equivalent to HACCP.
AVERAGE SCORE	5	4	3	2	1

COMPLIANCE LEVEL

The Interventions Code 2019 supersedes the sections listed below of The Food Law Code of Practice (Scotland) 2019 (please see Annex 5 of this Code for further information).

- Sub-section 6
- Sub-section 27
- Sub-section 28
- Sub-section 33
- Annex 5

Phase Three

The key aim is to develop a process to simplify future updates by producing further individual publications of the Food Law Code of Practice. It is important that the Code continually reflects current legislation as it sets out the instructions and criteria that Food Authorities are required to have regard to in their delivery of Official Controls.

2. Registration of Food Business Establishments

2.1 Introduction

1. Under Article 6(2) and (3) of Regulation (EC) No 852/2004, Food Business Operators must notify with a view to register each of their establishments with the appropriate Food Authority as Competent Authority.
2. Food Business Operators must normally register each separate unit of their Food Businesses that fall within the scope of Regulation (EC) No 852/2004, but see sub-section 6.8⁴ for exceptions to this with regard to moveable Food Business Establishments.
3. Article 6(2) of Regulation (EC) No 852/2004 provides that Food Business Operators must ensure that the Competent Authority always has up-to-date information on establishments, however the responsibility also rests with Food Authorities for drawing up and keep up to date a list of Food Business Establishments which have been registered with them under Article 31(1)(b) of Regulation (EC) No 882/2004.

2.1.1. Exemptions

1. In determining whether or not a particular establishment is subject to Regulation (EC) No 852/2004 only (and is hence required to be registered) consideration should be given to whether the business concerned is a 'Food Business' as defined in Regulation (EC) No.178/2002⁵ on general Food Law and to both Recital (9) and Article 1(2) of Regulation (EC) No 852/2004 which set out the circumstances under which the Regulation, and hence the requirement to register under Article 6(2), would not apply.
2. It should be noted that Food Brokers are required to be registered, even if they never actually receive, handle or supply food.
3. A Head Office Business that undertakes a regional and/or national decision making function is required to be registered.

2.1.2. Registration of New Food Business Establishments

1. Under Article 31(1)(a) of Regulation (EC) No 882/2004 the Competent Authority is required to establish procedures for Food Business Operators (FBOs) to follow when applying for the registration of their establishments. The following sub-sections set out these procedures.

2.1.3. Time Frame for Registration

1. Food Business Operators should register their Food Business Establishments with the appropriate Food Authority at least 28 days before food operations commence.

⁴ Food Law Code of Practice (Scotland) 2019

⁵ 41 Regulation (EC) No. 178/2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (as amended)

2.1.4. Registration Form

1. Food Business Operators must provide the relevant Food Authority with full details of the activities undertaken when registering their establishments. A model registration form as detailed in Annex 2 should be made available to, and completed by the Food Business Operator, for each establishment under their control and submitted to the relevant Food Authority.
2. Once a Food Business Operator has provided the relevant Food Authority with full details of the activities undertaken the Food Authority should assign the appropriate business grouping in accordance with sub-section 3.7.2 of the Interventions Code 2019.

2.1.5. Sites on which there is more than one Food Business Establishment

1. Establishments under the control of the same Food Business Operator

Sites will exist where there are two or more Food Business Establishments under the control of the same Food Business Operator. For example, in the case of a shopping centre in which there are two or more Food Business Establishments under the control of the same Food Business Operator, such operators must ensure that each establishment under their control is registered separately. Food Business Operators should therefore complete a registration form for each separate establishment.

2. Establishments under the Control of Different Food Business Operators

Sites will also exist on which there are two or more Food Business Establishments under the control of different Food Business Operators. For example, a supermarket may have a coffee shop on site under the control of a different Food Business Operator such as a coffee shop chain. In such cases, the coffee shop will not be covered by the supermarket's registration and must be registered in its own right by its operator. Coffee shops, snack bars etc. operated by the supermarket itself would be covered as part of the supermarket's registration.

2.2 Lists of Food Business Establishments

2.2.1. Requirements of Regulation (EC) No 882/2004

1. Article 31(1)(b) of Regulation (EC) No 882/2004 requires the appropriate Competent Authority to draw up and keep up to date a list of Food Business Establishments that have been registered, and permits existing lists to be used for this purpose.
2. The register of Food Business Establishments held by each Food Authority in accordance with the now revoked Food Premises (Registration) Regulations 1991, will satisfy this requirement and may be carried forward. Food Business Operators will not, therefore, need to re-register Food Business Establishments under their control which have already been registered with a Food Authority. Food Authorities must maintain their lists in accordance with the requirements of Article 31(1)(b) of Regulation (EC) No 882/2004.

3. Food Authorities should also ensure that an up-to-date list of Food Business Establishments registered with them is available for inspection by the general public at all reasonable times, in accordance with data protection law. The list should contain the following information about each Food Business and should be consistent with the information held in the Food Authority's database:
 - a. Name of the Food Business Operator,
 - b. Name of the Food Business Establishment,
 - c. Address of the Food Business Establishment,
 - d. Scope and nature of the Food Business.
4. Food Authorities may give or send a copy of their list or any entry on it to any person who makes a request for such information. All requests for information on Food Business Establishments should be handled with due regard to Freedom of Information and Data Protection legislation.

2.3 Action on Receipt of Completed Registration Form

1. On receipt of a completed registration form, Food Authorities should record the date of receipt on the form. They should ensure that if there are any activities indicated on the form outside of their enforcement remit, a copy of the form is sent without delay to the relevant Competent Authority.
2. Food Authorities should enter relevant information from the registration form on to the Food Business Establishment database the Food Authority maintains. The registration form should then be stored in a file in respect of that Food Business Establishment.
3. Food Authorities should keep application forms relating to businesses in a format that maintains their admissibility as evidence if required.
4. If any information is omitted from a registration form submitted by a Food Business Operator, the Food Authority should return the form to the Food Business Operator for full completion.
5. On receipt of a completed application form, Food Authorities should also schedule an inspection of the establishment in accordance with sub-section 3 of this code.

2.3.1. Establishments that are rated Group 3 Band A

1. 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.
2. In the case of a no proactive intervention the business should be informed accordingly. This can be undertaken as part of the receipt of registration (see sub-section 2.3.2).

3. If a business is already registered and has previously been included in an Alternative Enforcement Strategy in accordance with section 4.12 and 27.16 of the Food Law Code of Practice (Scotland) 2019 the Lead Food Officer has discretion to use historical information to determine whether a business can be awarded Sustained Compliance for a Band 3A.

2.3.2. Registration Certificates / Confirmation of Receipt

1. Certificates of Registration for Food Business Establishments should not be issued to Food Business Operators because of their potential to mislead consumers into believing that a Food Business Establishment is fully compliant with Food Law. Food Authorities may, however, choose to confirm safe receipt of registration forms and the entry of an establishment on to the list of registered Food Business Establishments. Any such confirmation should remind the Food Business Operator to advise the Food Authority of any subsequent changes to the business, in accordance with Article 6(2) of Regulation (EC) No 852/2004.

2.4 Changes to Activities after Registration

1. Under Article 6(2) of Regulation (EC) No 852/2004, Food Business Operators must ensure that the appropriate Competent Authority always has up-to-date information on their Food Business Establishments and must notify the relevant Competent Authority of any significant changes of activities or closure.
2. Any changes to the details previously supplied e.g. a change of operator, a change to the activities carried out in relation to food, the closure of an establishment, etc., should be notified by the Food Business Operator to the relevant Food Authority.

On receipt of a notification of a change of activities Food Authorities should update the list of registered Food Business Establishments as appropriate, and record the details on the file relating to that Food Business Establishment.

2.5 Moveable Establishments

2.5.1. Markets

1. In the case of caterers and retailers who operate vehicles and stalls (whether or not these stalls are provided by the controller of the market) and are used for transporting or preparing food or the sale of food to consumers within the area of a market, the Food Business Operator shall register the establishment in which their stocks of food to be sold are ordinarily kept with the relevant Food Authority.
2. If the controller of a market is the provider of permanent units (establishments) (and not simply stalls) within a market, the Food Business Operators operating their food businesses from those establishments should register each establishment with the relevant Food Authority.

2.6 Non-Registered Establishments Thought to Be Engaged in Activities Subject to Regulation (EC) No 852/2004

1. In such circumstances the Food Authority should ask the Food Business Operator to complete a registration form as soon as possible and satisfy itself that the Food Business Establishment is operating in compliance with the other provisions of Regulation (EC) No 852/2004 as appropriate.
2. The purpose of registration is to enable the Competent Authorities to have business details available, from external sources if necessary, so that businesses can subsequently be factored into the undertaking of Official Controls.
3. Officers are directed to sub-section 14⁶ for general guidance on enforcement.

Officers should be careful to ensure that such establishments are subject to Regulation (EC) No 852/2004.

3. Interventions

3.1 Introduction

4. This Code deals with Interventions of Food Law. It defines the different types of Interventions that Food Authorities may use, how they are planned, programmed and the circumstances in which they should be applied.
5. Each Food Authority should complete an annual Service Plan which details the Interventions programme for the coming year. They must ensure such a programme is adequately resourced and the overall plan is subject to approval timeously at the appropriate governance level within the Local Authority.
6. The Service Plan should include a statement in relation to the Food Authority's approach or policy on Interventions, Enforcement, and Service Delivery. The Interventions Programme should include the Food Business Establishment profile, the number of Interventions programmed, an estimate of the number of revisits that will be made and an estimation of resources required. The programme should also detail any targeted Intervention activity that the Food Authority intends to carry out including any extra resources this may require. The Food Authority should also identify any priorities relating to nationally or locally driven outcomes, such as compliance with new legislation or improved compliance with existing legislation and other central government initiatives, including compliance with this Code.
7. Interventions are key to improving compliance with Food Law. The Interventions Code 2019 allows Interventions to be applied in a risk based manner such that more intensive regulation is directed at those Food Business Establishments that present the greatest risk to public health or misleading of the consumer and have the poorest levels of performance.

⁶ Food Law Code of Practice (Scotland) 2019

8. Interventions are defined as activities that are designed to monitor, support and increase Food Law compliance within a Food Business Establishment. They include, but are not restricted to 'Official Controls'.
9. 'Official Controls' are defined at EU level at Article 2(1) of Regulation (EC) No 882/2004. They are any form of control for the verification of compliance with Food Law.
10. Methods and techniques for carrying out tasks related to Official Controls are specified at Article 10 of Regulation (EC) No 882/2004. These include inspection, monitoring, surveillance, verification, audit, sampling and analysis.
11. In addition to Official Controls, Interventions also include other activities that are effective in supporting Food Businesses to achieve compliance with Food Law such as the provision of targeted education and advice that takes place at Food Business Establishments or information and intelligence gathering.
12. Interventions that are Official Controls must provide sufficient information to Food Authorities to establish that food related activities carried out at Food Business Establishments comply with Food Law. In line with the general obligations set out at Article 3 of Regulation (EC) No 882/2004, they should be carried out at all stages of production, processing and distribution to establish whether the requirements of relevant Food Law are being met.
13. An Interventions Programme is central to a local regulatory and enforcement regime, and Food Authorities must ensure that such a programme is appropriately and adequately resourced.

3.2 Intervention Types

1. Interventions which are Official Controls include:
 - a. Inspections
 - b. Monitoring
 - c. Surveillance
 - d. Verification
 - e. Audit
 - f. Sampling where the analysis and or examination is to be carried out by an Official Laboratory.
2. Other interventions, i.e. those which do not constitute Official Controls include:
 - a. Education, advice and coaching provided at a Food Business Establishment.
 - b. Information and intelligence gathering (including sampling where the analysis or examination is not to be carried out by an Official Laboratory).

3. It is recognised that more than one type of Intervention may be carried out during a single visit to a Food Business Establishment. It is also recognised that the Intervention approach used may be influenced by the findings during a visit to an establishment. With regard to FLRS an Inspection requires to be undertaken that assesses all 7 Compliance Categories, in order to determine the performance banding of the business. (please see section 5).

3.3 Unannounced Official Controls

1. In accordance with Article 3(2) of Regulation (EC) No 882/2004, the general principle is that all Official Control Interventions must be un-announced. Regulation (EC) No 882/2004 Article 3(2) states that:

“Official Controls shall be carried out without prior warning, except in cases such as audits where prior notification of the Feed or Food Business Operator is necessary”

2. A Food Authority's Intervention Programme should provide for Food Business Establishments to be subject to Intervention at times when they are open for business, whether or not that coincides with the Food Authority's normal hours of work. Food Business Establishments that only operate at night, at weekends or in the early hours of the morning should be subject to Interventions at these times. Professional judgement should be applied in respect of establishments subject to 24 hour opening in determining the most appropriate time(s) to carry out an Intervention at such establishments.
3. In certain exceptional circumstances, there may be occasions when it is advantageous to give advance notice, particularly when the purpose of an Intervention is to observe and / or evaluate a particular process in operation. Authorised Officers should exercise discretion in this area guided by the overriding aim of ensuring compliance with Food Law (see also Section 7⁷ of the Code on obtaining entry to Crown Premises). In such circumstances (with the exception of relevant Crown Premises) it will be necessary to schedule unannounced visits within the Intervention Programme. Under no circumstances should all Interventions at an establishment be pre-announced.
4. A Food Authority's approach to Interventions out-of-hours should be documented in its Food Service Plan.
5. If a Food Authority has difficulty complying with this requirement in relation to specific establishments, this should be raised with FSS.

3.4 Records pertaining to Official Control Interventions (see sub-section 6)

1. Sufficiently detailed notes including an appropriate aide memoire, any contemporaneous notes, or similar, of Official Control Interventions must be produced and retained. These shall include:

⁷ Food Law Code of Practice (Scotland) 2019

- a. Identifying the full scope of the Official Control Intervention.
- b. Demonstrate the evidence identified and or examined to demonstrate both compliance and non-compliance with Food Law.

3.5 Food Law Intervention

1. Food Law Interventions are part of the system for ensuring that food meets the requirements of Food Law, including microbiological quality, absence of pathogenic micro-organisms and safety for consumption, including proper presentation, labelling and advertising so as not to confuse or mislead; compliance with compositional standards; and the absence of non-permitted or excessive levels of additives, contaminants and residues.
2. Each Food Authority should document, maintain and implement an Interventions Programme that includes all relevant establishments for which the Food Authority has enforcement responsibility for Food Law.
3. The programme should be based on the performance bandings that have been determined in accordance with FLRS.(please see section 5)
4. A full Inspection has been the traditional method to ensure Food Business Operators comply with Food Law. In accordance with FLRS, (please section 5) an Inspection is the appropriate intervention to utilise in this respect unless in the rare occurrence where an audit is the only option available to the Authorised Officer.

3.6 Definitions

1. Article 2 of Regulation (EC) No. 882/2004 provides the following definitions included in the definition of Official Controls:

‘Inspection’ means the examination of any aspect of feed, food, animal health and animal welfare in order to verify that such aspect(s) comply with the legal requirements of feed and food law and animal health and welfare rules.

‘Monitoring’ means conducting a planned sequence of observations or measurements with a view to obtaining an overview of the state of compliance with feed or food law, animal health and animal welfare rules.

‘Surveillance’ means a careful observation of one or more feed or food businesses, feed or food business operators or their activities.

‘Verification’ means checking by examination and the consideration of objective evidence, whether specified requirements have been fulfilled.

‘Audit’ means a systematic and independent examination to determine whether activities and related results comply with planned arrangements and whether these arrangements are implemented effectively and are suitable to achieve objectives.

‘Sampling for analysis’ means taking feed or food or any other substance (including from the environment) relevant to the production, processing and distribution of feed or food or to the health of animals, in order to verify through analysis compliance with feed or food law or animal health rules.

3.7 Inspections and Audits

3.7.1. Carrying out a Food Law Inspection

1. A Food Law Inspection should allow assessment of all the relevant FLRS Compliance Categories.
2. During a Food Law Inspection where the inspecting authorised officer determines that one or more of the compliance categories would be a score of 5 and therefore a business would be rated as Band E, only these relevant categories would be expected to be assessed. All relevant remaining categories should be assessed after the business is no longer subject to intensive intervention.
3. A Food Law Inspection form should be completed for each Food Law Intervention. Food Authorities can develop their own Food Law Intervention Inspection form providing all elements of the relevant compliance categories are considered and assessed.
4. With respect to Official Controls undertaken to verify compliance with Food Law an Authorised Officer can use the full range of Interventions types, detailed in section 3.2. Within the context of FLRS an Inspection which assesses all of the seven compliance categories, if applicable, is required in order to provide a performance band. The only exception to this would be where an authorised officer is unable to conduct this assessment due to having to deal with a serious issue (or issues) and the business is rated as being a band E where intensive intervention is required. (please see section 5)
5. An audit may be carried out where a Food Business Operator has put in place a documented food safety management system to address the requirements of Article 5 of Regulation (EC) No 852/2004. Authorised Officers will require an awareness of the food safety management system operated by the business, in order to plan an appropriate audit. An audit may include:
 - a. Audit of a complete food safety management system;
 - b. Audit of selected elements of a food safety management system, where the system is complex;
 - c. Audit of part of a system in relation to a particular product; or
 - d. Audit of certain organisational arrangements, for example, temperature monitoring (see sub- section 20⁸ regarding food temperature checks).

⁸ Food Law Code of Practice (Scotland) 2019

3.7.2. Initial Inspections of New Food Establishments

1. **This sub-section does not apply to establishments at the level of Primary Production or Approval.**
2. Food Authorities should make use of information supplied to them by Food Business Operators in connection with the registration in accordance with Article 31 of Regulation (EC) No 882/2004 in order to determine when to carry out the initial inspection.
3. New Food Business Establishments that come to the attention of the Food Authority for the first time should be subject to an initial inspection following which the Business Group and subsequently the performance banding for the establishment should be determined. The exception would be Band 3A in circumstances where the food registration form gives sufficient information to make determination that there is minimal inherent risk.
4. An Authorised Officer carrying out the initial inspection of a new Food Business Establishment must:
 - a. Establish the scope of the business and the relevant Food Law that applies to the operations taking place;
 - b. Thoroughly and systematically gather and record information from the observation of practices, procedures and processes, including procedures based on HACCP principles and discussion with food handlers, contractors, Food Business Operators and managers,
 - c. Determine whether it is necessary to collect samples of raw materials, ingredients, additives, intermediates, finished products or materials and articles in contact with food for analysis and/or examination,
 - d. Identify any actual or potential breaches of Food Law and if appropriate, gather and preserve evidence,
 - e. Determine relevant enforcement action and communicate to the Food Business Operator an intention to carry out such action(s).

3.7.3. Samples

1. All samples which are sent to an Official Laboratory whether informal or formal constitute Official Control samples.
2. Sub-section 38.1⁹ provides the definition of “formal” samples which is relevant to any possible legal proceedings in the Courts relating to the results of analysis and/or examination of samples.

3.8 Frequency of Intervention at Establishments

⁹ Food Law Code of Practice (Scotland) 2019

1. The performance bands determine:
 - a. The interval that should elapse between one Intervention at a Food Business Establishment and the next; and
 - b. The priority of the next Intervention at that Food Business Establishment, relative to the other Food Business Establishments in the Food Authority's planned Intervention Programme.
2. The Food Authority Service Plan must contain details on how new Food Business Establishments are to be included in the Authority's planned Intervention Programme.

3.9 Establishments Subject to FLRS

1. Intervention Programmes should be planned so that establishments receive an Intervention no later than 28 days after the scheduled date, unless they are rated Band E, as detailed in FLRS. In circumstances outside the control of the Food Authority, such as seasonal business closures, Food Authorities have the discretion to reschedule an Intervention.
2. Any other additional Intervention, such as audit, revisit, sampling or education and training should be recorded against the establishment for the purpose of monitoring but should not be used as the programmed Intervention as determined by FLRS.

3.10 Revising the Intervention type and Intervention rating

1. The performance level of a Food Business Establishment may only be revised at the conclusion of a programmed inspection and in accordance with FLRS (or any amendment thereto that may be notified to Food Authorities by the FSS). The only exception to this is when an Authorised Officer determines that during an intervention a business should be rated as a Band E and would be subject to intensive intervention.
2. An Authorised Officer must have gathered sufficient information to justify the performance band and sufficient evidence for the reasons must be recorded on the establishment file and management information software.
3. Where new information arises, in the case of a justified complaint or unsatisfactory sampling result, the Food Authority should consider whether it is appropriate to conduct an Intervention to investigate the matter.
4. The choice of Intervention should be documented in the Food Business Establishment file and management information software in every case.
5. If when conducting a planned Intervention an Authorised Officer establishes that the nature of a food business has changed substantially or the level of compliance has deteriorated or improved, the Intervention frequency and/or grouping should be changed in accordance with FLRS and the Intervention rating revised as necessary. Equally, where new information arises, in the case for example of a justified compliant or poor sampling

result, the Food Authority should reconsider both the scheduling and appropriateness of the next planned Intervention for that establishment.

3.11 Timing of Interventions

1. To determine the appropriate timing of Interventions, Food Authorities should have regard to all relevant and available information. This includes:
 - a. The hours of operation of the Food Business Establishment.
 - b. Seasonal factors (where applicable).
2. A Food Authority's Intervention Programme should provide for Food Business Establishments to be subject to Intervention at times when they are open for business, whether or not that coincides with the Food Authority's normal hours of work. Food Business Establishments that operate at night, at weekends or in the early hours of the morning should be subject to Interventions at these times. Professional judgement should be applied in respect of establishments subject to 24 hour opening in determining the most appropriate time(s) to carry out an Intervention at such establishments.
3. The Food Authority's approach to Interventions out-of-hours should be documented in its Food Service Plan.

3.12 Need to Defer Planned Intervention

1. Circumstances may arise where FSS requires Food Authorities to defer their Interventions in order to take urgent action over a period of time.
2. Such situations may include those where there is evidence that:
 - a. An unsafe practice is occurring or has occurred which represents a significant hazard to public health;
 - b. A particular food handling or food preparation practice is found to entail a previously unsuspected hazard to public health;
 - c. A foodstuff previously thought to be safe is found to be hazardous to public health;
 - d. A food with widespread distribution is found to be contaminated and thereby presents a significant hazard to public health;
 - e. A Food Authority requires assistance in delivering Official Controls, for example, in relation to: large scale public events (e.g. sporting events, music festivals etc.); adverse weather; emergency situations; significant food incidents;
 - f. As a result of an FSS direction.
 - g. A food with widespread distribution is the subject of fraud in labelling or presentation.

3. Where such a situation arises FSS, by means of a communication issued in accordance with sub-section 11.2¹⁰, may require Food Authorities to take specific action. Food Authorities are required to have regard to and to act on, any such communication.
4. Discussions will normally take place with SFELC before Food Authorities are asked to defer their Interventions. In all cases, FSS will, before taking action under this section, consider whether urgent action by Food Authorities is necessary to protect public health or the interests of consumers.
5. Food Authorities will be asked to provide information to FSS about the action that they have taken, in response to requests under this section and any action taken should be documented (also see section 12¹¹).

3.13 Larger Food Establishments

1. Larger Food Business Establishments may have smaller Food Business Establishments on site under the control of different Food Business Operators e.g. coffee shops. Such establishments are subject to separate registration (see sub-section 6.4.6¹²) and hence separate Interventions are required as appropriate. Food Authorities may, however, wish to co-ordinate their activities in such a way that they may carry out programmed Interventions of these smaller establishments whilst they are on site to inspect the main Food Business Establishment.

¹⁰ Food Law Code of Practice (Scotland) 2019

¹¹ Food Law Code of Practice (Scotland) 2019

¹² Food Law Code of Practice (Scotland) 2019

4. How Interventions Should Be Carried Out

4.1 Interventions – General

1. Authorised Officers should use an appropriate Intervention form, to gather and record sufficient information regarding the scope and nature of the food operation in order to make judgements about legal compliance
2. The Intervention form is intended to assist Authorised Officers and Food Business Establishments by introducing a structured approach consistent with quality assurance practice.
3. The Intervention process should begin with a review of the information held on record by the Food Authority in relation to the Food Business Establishment. (See sub-section 3.4)
4. At an appropriate point at the beginning of the Intervention, the Authorised Officer should discuss with the Food Business Operator or representative the purpose and scope of the Intervention, whether there have been any changes in activities since the last visit and what the Authorised Officer intends to do. The Authorised Officer should document the outcome of the conversation.
5. An Intervention should include the identification of all the food related activities undertaken by the business, the areas of the establishment used for the preparation, production and storage of foodstuffs, any processes used and the staff involved.
6. Staff of Food Business Establishments who have been given specific responsibilities for ensuring compliance with relevant legal requirements may be questioned in order to verify that they understand their duties and are carrying them out effectively. The Authorised Officer should document this conversation.
7. The Authorised Officer should make an assessment of whether to take samples, and if so what to sample. This is an integral part of every inspection but particularly in Manufacturing, Packing and Catering Food Business Establishments. The Authorised Officer should document the reasons for the decision to take any samples.
8. Interventions may also be for purposes connected with the Home Authority, Originating Authority, or Primary Authority (England only), for example, advising Food Business Operators on Food Law and ways in which they can comply with it.
9. The Authorised Officers should offer guidance on how to achieve compliance with Food Law where it is appropriate or is requested, and should encourage Food Business Operators through an educative approach to adopt best and/or good practice. When offering guidance to Food Business Operators the Authorised Officers should:
 - a. take care not to offer any guidance that falls outside the scope of that Officer's competence or expertise;
 - b. ensure that Food Business Operators understand that the guidance given is made in reliance on the accuracy of the information provided by them; and

c. document any guidance given to Food Business Operators.

10. At the conclusion of every Intervention, the Authorised Officer should document and discuss any contravention of Food Law with the Food Business Operator or authorised representative highlighting:

a. any corrective action necessary;

b. the time-scale for corrective action; and

c. any further action the Authorised Officer intends to take and any recommendations of best and/or good practice that the Authorised Officer considers appropriate.

11. In the closing discussion and in subsequent reports or correspondence, Authorised Officers should clearly differentiate between action required to comply with legal requirements and recommendations of best and/or good practice.

12. The Authorised Officer should, on request, advise and discuss with the Food Business Operator, the Intervention or rating applied to the business. The Authorised Officer should document the outcome of such discussion.

13. The Authorised Officer may wish to consider if further intervention strategies may be appropriate e.g. sampling, education or training.

4.2 Clothing and Equipment

1. Food Authorities should provide Authorised Officers with clean protective clothing, including but not limited to head gear and footwear, consistent with good industry practice when they carry out an Intervention.

2. Food Authorities should require Authorised Officers to wear clean and appropriate protective clothing, give any relevant information on their health status when requested and adhere to any reasonable precautions that are required by the business. Authorised Officers should wear appropriate protective clothing etc. if it is provided by the Food Business.

3. Food Authorities should provide their Authorised Officers with the equipment and facilities necessary to enable them to carry out their Intervention in accordance with Food Law and this Code.

5. Food Law Rating System

5.1 The Ladder

Group 1 Business	Performance Levels	Band	Intervention Frequency
<ul style="list-style-type: none"> Manufacturer of High Risk Foods. Manufacturer, Caterer, Processor or Retailer that undertakes a specific method of processing that has the potential to increase the risk to public health beyond that of normal preparation, storage or cooking. Manufacturers of Foods for Specific Groups. All Exporters. Manufacturers, Processors, Importers, Wholesaler, Distributor, Food Broker, Packers of Food at enhanced risk of food fraud, substitution, adulteration or contamination. 	Sustained Compliance	1A	18 Months
	Compliant and confident in compliance going forward	1B	12 Months
	Minor Non-compliance and/or gaps in confidence in compliance going forward	1C	6 Months
	Significant Non-Compliance and/or no confidence in compliance going forward	1D	3 Months
	Sustained non-compliance and/or Issues of Public Health Significance or Fraudulent Activity	1E	Intensive Intervention. 1 Month.
Group 2 Business	Performance Levels	Band	Intervention Frequency
<ul style="list-style-type: none"> All other Manufacturers, Processors, and Caterers. Importers, packers, wholesalers and distributors of high-risk foods not in Group 1. Head Office Business that undertakes a regional/national decision making function. Retailers handling open high-risk foods. 	Sustained Compliance	2A	24 Months
	Compliant and confident in compliance going forward	2B	18 Months
	Minor Non-compliance and/or gaps in confidence in compliance going forward	2C	12 Months
	Significant Non-Compliance and/or no confidence in compliance going forward	2D	3 Months
	Sustained non-compliance and/or Issues of Public Health Significance or Fraudulent Activity	2E	Intensive Intervention. 1 Month.
Group 3 Business	Performance Levels	Band	Intervention Frequency
<ul style="list-style-type: none"> All other retailers, Food Brokers, Importers, packers, wholesalers and distributors. Public Houses and similar Licenced Business not providing catering. Business providing limited refreshments (e.g. tea, coffee, soft drinks) as an adjunct to main activity. Child minders. Supported Living Business. Business producing low risk food based from a domestic dwelling. Bed & Breakfasts. 	Sustained Compliance or Businesses where information available at point of registration, indicates there is minimal inherent risk	3A	No proactive Intervention or 60 months.
	Compliant and confident in compliance going forward	3B	36 Months
	Minor Non-Compliance and/or gaps in confidence in compliance going forward	3C	24 Months
	Significant Non-Compliance and/or no confidence in compliance going forward	3D	3 Months.
	Sustained Non-Compliance and/or Issues of Public Health Significance or Fraudulent Activity	3E	Intensive Intervention. 1 month.

5.2 Description

1. Each business group (1, 2, and 3) contains a selection of businesses, a set of five performance bands (A to E) which maps to a corresponding intervention frequency.
2. Each business will remain within its designated group (unless the business processes or activity change) and will move up and down the Ladder, based on the performance level which will determine its banding and next intervention frequency.

5.3 Business Group Descriptions and Glossary

1. For the purposes of allocating business groups the following descriptions are to be used.
 - a. **Manufacturer** – Creates a product from a single or multiple ingredients which is ready for use by the final consumer and supplies the product to another business and/or to another outlet of the same business.
 - b. **Processor** – Creates a product from a single or multiple ingredients for further processing at another business and/or to another outlet of the same business.
 - c. **Exporter** – Manufacturer, processor, importer, packer, wholesaler or distributor who exports food to the European Union and/or a Third Country.
 - d. **Importer** – Imports food and supplies this to other businesses or direct to the final consumer.
 - e. **Packer** – Packs (or repacks) food products without any other processing and supplies the product to another business.
 - f. **Wholesaler** – Stores food at premises and sells food to other businesses.
 - g. **Distributor** – Stores food at premises and supplies this to other business. May supply on behalf of third parties.
 - h. **Retailer** – sells food direct to the final consumer. May include on site production of food but does not include premises supplying food for sale at other premises.
 - i. **Caterer** – prepares and sells food to the final consumer for immediate consumption.
 - j. **Food Broker** – Sells food to other businesses. Food need not be stored at premises.

5.4 Further advice for Group 1 Businesses

1. **Manufacturer of High Risk Foods** - a Food Business Establishment to which the term high risk for any aspect of Food Law can apply. This may for example be a Food Business that ordinarily could fall within the scope of Regulation (EC) No. 853/2004, but a specific exemption applies or a business that produces a specific product where the risk to the general public or specific groups is increased.
2. **Manufacturers of Foods for Specific Groups**- a Food Business to which the Foods for Specific Groups (Scotland) Regulations 2016 apply.

3. Manufacturers, processors, importers, packers of food at enhanced risk of food fraud, substitution, adulteration or contamination. A Food Business which produces a product that is of particular enhanced risk due to its nature, substance or quality and/or where either local or national intelligence indicates an enhanced risk.
4. Specific Method of Processing.
 - a. Group 1 includes establishments that undertake a specific method of processing that has the potential to increase the risk to public health beyond that of the normal preparation, cooking or storage.
 - b. Below is a non-exhaustive list of processing types that should result in a business being included in Group 1. Authorised officers will need to make a judgement regarding additional processing types not listed below. The overriding principle to assess is whether the process itself creates an increased risk and /or the intention is to increase the shelf life of the product by applying it.
 - i. Canning or other aseptic packing of low-acid foods;
 - ii. Vacuum packing (other than of raw foods only).
 - iii. Sous-vide processes.
 - iv. Cook chill catering - a large scale catering process whereby meals or meal components are fully cooked, then cooled by controlled chilling, e.g. blast chilling, and subsequently stored at a temperature above freezing point (i.e. $\leq 3^{\circ}\text{C}$), prior to regeneration and/or service.
 - v. Fermentation of meats e.g. to produce salamis and other fermented sausages;
 - vi. Air or freeze drying e.g. dried hams, biltong, jerky;
 - vii. Application of specific chemical, biological, physical or packaging processes intended to extend the durability of food. For example:
 1. addition of salt and/or other preserving agents;
 2. control of the water activity, pH, aqueous salt concentration, redox potential
 3. packing in evacuated or modified atmosphere
 - viii. Preparation, and/or service of uncooked or lightly cooked ready to eat food of animal origin, whose nature poses a residual microbiological food safety hazard. This is intended to include caterers/manufacturers producing foods such as steak tartar, meat Carpaccio, other raw meat dishes, types of sushi or sashimi, ceviche and burgers intended to be eaten less than thoroughly cooked through controlled procedures.

5.5 Further advice for Group 2 Businesses

1. Retailers handling open high-risk foods. This may include a Food Business that is a retailer, but also produces a small amount of ready to eat foods on site as an adjunct to its main activity or directly handles raw and ready to eat foods as part of its normal operation (e.g. fishmonger, retail only butchers).
2. Importers, packers, wholesalers and distributors of high-risk foods. This is intended to include a Food Business who handle foods likely to support the reproduction of pathogenic micro-organisms or the formation of toxins and therefore must not be kept at temperatures that might result in a risk to health. Such business will require to ensure maintenance of the cold chain.

5.6 Scope of Business, Consumers and Vulnerable Groups

1. The scope of a Food Business, including consideration of consumers and vulnerable groups should be included in the overall compliance level given for the Food Safety Management System by the Authorised Officer.

5.7 The Compliance Matrix and Definitions

COMPLIANCE CATEGORY	FOOD SAFETY AND PRACTICE PERFORMANCE	Serious (wilful and/or sustained serious) non-compliance. Any non-compliances that are an immediate risk to consumer health, allow consumers to make unsafe food choices or could give rise to fraudulent gain	Significant non – compliance Any non-compliances which may adversely affect consumer health or which might do so if not remedied quickly. Failure to comply with product or process specific requirements. Food Standards non-compliances where the consumer is misinformed or prejudiced.	Minor non – compliance Technical non-compliances which do not adversely affect consumer health or consumer choice but which require to be remedied.	Generally compliant No non-compliances or only very minor non-compliances which the LA has decided should not be pursued until the next intervention.	Full and continuing compliance and/or evidence of going beyond legislative requirements Evidence of a proactive approach. Evidence of compliance with third party programmes which are recognised as additional or beyond legislative requirements.
	CROSS CONTAMINATION PERFORMANCE					
	STRUCTURAL PERFORMANCE					
	FOOD INFORMATION PERFORMANCE					
	COMPOSITION PERFORMANCE					
	FOOD SAFETY MANAGEMENT SYSTEM	Serious lack of control of food safety and/or standards. No appropriate FSMS or failure to follow FSMS.	No appropriate FSMS or general/significant failure to follow FSMS. Significant lack of control of food safety and/or standards.	An appropriate FSMS (HACCP based) is in place and is followed but with minor gaps in scope/use.	Fully Documented appropriate (HACCP based) FSMS in place and followed.	Fully Documented appropriate (HACCP based) FSMS in place and followed with additional 3 rd party accreditation.
	CONFIDENCE IN MANAGEMENT	No confidence. Unwilling to engage with obligations. Serious formal action required at this visit	Little confidence. Willing, but largely unable, to engage with obligations.	Some confidence. Engage with obligations but gaps in technical awareness. Reliant on LA. New Business or FBO.	Confident. Obligations are routinely met. Able to identify and control emerging issues. Good technical awareness.	Full and continuing compliance. Confident. Proactive approach to food safety management. Own or access to technical expertise. Implementation of externally audited FSMS at least equivalent to HACCP.
	AVERAGE SCORE	5	4	3	2	1
	COMPLIANCE LEVEL					

5.8 Description

1. The Compliance Matrix is the average scoring mechanism for FLRS and it determines the performance band of a Food Business Establishment on the Ladder.

5.8.1. Compliance Categories

1. The y-axis of the Compliance Matrix details the breakdown of the Compliance Categories. There are 7 categories:
 - a. Food Safety Systems and Practice Performance.
 - b. Cross Contamination Performance.
 - c. Structural Performance.
 - d. Food Information Performance.
 - e. Composition Performance.
 - f. Food Safety Management Systems.
 - g. Confidence in Management.

5.8.2. Compliance Level

1. The x-axis of the Compliance Matrix details the compliance levels. Each Individual compliance category is awarded a corresponding compliance level.
2. The individual scores attributed for each of the compliance categories are averaged and rounded up or down to the nearest whole number. That whole number equates directly to the performance band within the appropriate Business Group of the Ladder.
 - a. 1 – Risk Band A
 - b. 2 – Risk Band B
 - c. 3 – Risk Band C
 - d. 4 – Risk Band D
 - e. 5 – Risk Band E

5.9 Compliance Levels Glossary of Definitions

1. **Serious** - any non-compliances that are an immediate risk to consumer health, allow consumers to make unsafe food choices or could give rise to fraudulent gain
2. **Significant** - any non-compliances which adversely affect consumer health or which might do so if not remedied quickly. Failure to comply with product or process specific requirements. Food Standards non-compliances where the consumer is misinformed or prejudiced.

3. **Minor** – technical non compliances which do not adversely affect consumer health or consumer but which require to be remedied
4. **Generally Compliant** - no non-compliances or only minor non-compliances which the LA has decided should not be pursued until the next intervention.
5. **Beyond legislative requirements- Third party programmes which are recognised as additional to or beyond legislative requirements.** - Evidence of a proactive or above and beyond approach.
6. **No appropriate FSMS or failure to follow FSMS** – Serious lack of control of food safety and/or standards.
7. **No appropriate FSMS or general/significant failure to follow FSMS** – Significant lack of control of food safety and/or standards.
8. **Appropriate (HACCP based) FSMS** - A documented food safety management system in which the process steps and critical control points have been identified and are appropriate to the **scope and size of the business, however there may still be some minor gaps in scope/use and also takes cognisance of vulnerable groups where applicable.**
9. **Fully Documented Appropriate (HACCP based) FSMS** – A fully documented food safety management system appropriate to the scope and size of the business covering the full range of process steps and critical controls relevant to the food operation with no gaps in scope or use.
10. **Fully Documented Appropriate (HACCP based) FSMS in place and followed with additional 3rd party accreditation** – same as above but 3rd party accreditation does not include an internal audit or local authority intervention.
11. **Technical awareness** - Ability of FBO to identify, resolve and control scientific, process or legal issues affecting their business. Includes consideration of any external assistance the FBO has in place.
12. **Technical expertise** - Professional Food Law, scientific and legal advice.

5.10 Scoring System and Rules

5.10.1 Establishment rated a Band E

1. Any Food Business with a single Serious (5) Non- compliance automatically gets rated a Band E. The reassessment of a Business in Band E can occur at a visit earlier than the 1 month if the officer is satisfied the serious non-compliance has been rectified. This is only applicable to Band E.
2. In most cases these will be serious situations that require immediate action such as serving a Hygiene Emergency Prohibition Notice, Voluntary Closure or Remedial Action

Notice to prohibit part or all of an operation. This would also include situations that involve Detention and Seizure of food for non-compliance(s) for Food Safety or Food Information Law. It should not be used for significant issues including those that may still require enforcement action for e.g. serving a Hygiene Improvement Notice.

3. Any Food Business which at the previous intervention was rated a Band E can only be promoted to Band D regardless of the average scoring.

5.10.2 Establishment rated a Band D

1. Any Food Business with three Significant (4) compliance levels is automatically rated a Band D.

5.10.3 Establishment rated Band A

1. Any Food Business rated as a Band B on three consecutive occasions should be promoted automatically to a Band A (Sustained Compliance) for all 3 Business Groups.

5.10.4 Compliance Categories rated Non-Applicable

1. Where any of the seven Compliance Categories (**not including Food Safety Management System and Confidence in Management**) within the Compliance Matrix is deemed “non-applicable” for example no cross contamination or composition due to all products being pre-packaged then the officer should score that compliance category as “Non-Applicable”. **The average score will then be based on the average of the remaining compliance categories.**

6. Action Following an Intervention: Minimum Standards of Report Writing and Record Keeping

6.1. Reports following an Intervention

1. The outcome of an Intervention must always be reported in writing to the Food Business Operator either at the conclusion of the visit or as soon as practicable thereafter, even if the outcome was satisfactory.
2. Where the Official Control was an inspection, or audit, the information detailed in Annex 6 of the Food Law Code of Practice (Scotland) 2019 should be included in report.
3. Reports may include other legislation covered during Interventions at Food Business Establishments, e.g. health and safety at work; although matters relating to Food Law should be clearly differentiated from other law.

6.2. Establishment Record Files (also see sub-section 3.4)

1. The Food Authority's establishment record files and / or management information software, should be updated after each Intervention and should include:
 - a. Information on the size and scale of the business and its customer base;
 - b. Information on the type of food activities undertaken by the business, including any special equipment, processes or features;
 - c. Copies of any relevant correspondence with the business, including documentation associated with Approvals, complaints or licensing;
 - d. Copies of food sample analysis and / or examination results;
 - e. A system of flagging for significant or serious issues, including details of any non-compliance to be reviewed at future interventions. This was highlighted following the Public Enquiry set up by the Welsh Assembly Government to enquire into the circumstances that led to the outbreak of E.coli 0157 infection in South Wales in September 2005.
 - f. Information about the food handling practices and processes observed by the Authorised Officer during the intervention visit in particular with regard to personal hygiene and cross contamination.
2. In respect of establishments inspected for Food Law purposes:
 - a. Information describing the outcome of the Authorised Officer's assessment of the business' compliance with procedures based on HACCP principles where appropriate;
 - b. Information on training undertaken by employees, including any training on the implementation and operation of the Food Safety Management System.

- c. The existence and assessment of the Food Safety Management System or any other documented quality system.
 - d. Details of other businesses that produce or import for the business.
 - e. Details of any export of food undertaken by the business.
3. Food Authorities must maintain up to date records of the outcomes of the Interventions carried out detailing the observations noted by Authorised Officers. In particular information to support the scoring allocated under FLRS by the Authorised Officer must be retained by the Food Authority; and retained as per sub-section 3.4¹³.

6.3. Retention of Records Relating to Interventions.

- 1. Records relating to interventions should be retained in the Food Business Establishment file and associated management information software for a maximum of six years, unless required for longer retention because of Litigation, Local Government Ombudsman review, the document retention policy of the Food Authority or instruction by FSS.

¹³ Food Law Code of Practice (Scotland) 2019

ANNEXES

ANNEX 1: Glossary of Terms

Authorised Officer	In relation to an Food Authority, any suitably qualified person who is authorised by a Local Authority in writing, either generally or specifically, to act in matters arising under Food Law.
CCP	Critical Control Point
Competent Authority	Regulation (EC) No 882/2004 Article 2 defines competent authority as ‘the central authority of a Member State competent for the organisation of official controls or any other authority to which that competence has been conferred; it shall also include, where appropriate, the corresponding authority of a third country’ Article 4 describes the designation of competent authorities and operational criteria for the purposes of official controls.
<i>E. coli</i> O157	<i>Escherichia coli</i> O157
EHO	Environmental Health Officer
Enforcement Authority	Interchangeable with Food Authority and Local Authority
EU	European Union
Food Authority	Interchangeable with Enforcement Authority and Local Authority
Food Business	Food Business - any undertaking, whether for profit or not and whether public or private, carrying out any of the activities related to any stage of production, processing and distribution of food. As defined in Regulation (EC) No 178/2002.
FBO	Food Business Operator - the natural or legal persons responsible for ensuring that the requirements of Food Law are met within the food business under their control. As defined in Regulation (EC) No 178/2002.
FSG	Foods for Specific Groups as defined in the Foods for Specific Groups (Scotland) Regulations 2016.
FSA	Food Standards Agency

FSS	Food Standards Scotland
FLRS	Food Law Rating System
Home Authority (HA)	The Home Authority for a Food Business is the Local Authority where the decision making base of a business is located. For Food Businesses with more than one branch, the Home Authority is generally the Local Authority where the head office (or another decision making centre) is located.
HACCP	Hazard Analysis and Critical Control Point
HEPN	Hygiene Emergency Prohibition Notice
HIN	Hygiene Improvement Notice
Lead Officer	A suitably qualified, competent and experienced Officer appointed by the Local Authority to take lead operational and management responsibility for food hygiene, food safety and food standards
LGR	Local Government Regulation
Local Authority	Interchangeable with Food Authority and Enforcement Authority
NPOAO	Not Product of Animal Origin
Primary Authority	Agreements that exist in England but have no legal standing in Scotland in relation to food.
RAN	Remedial Action Notice.
REHIS	Royal Environmental Health Institute of Scotland.
SFELC	Scottish Food Enforcement Liaison Committee is an independent non FSS committee. Its membership is drawn from across local enforcement authorities and industry stakeholders. It supports the work of FSS by providing information and expert advice in relation to food and feed law enforcement. SFELC contributes to the development and implementation of FSS strategies and policies for fulfilling its core functions in respect of food and feed safety and consumer protection.
SFSORB	Scottish Food Safety Officers' Registration Board.

SND	Scottish National Database.
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ANNEX 2: Model Application Form for the Registration of a Food Business Establishment

APPLICATION FOR THE REGISTRATION OF A FOOD BUSINESS ESTABLISHMENT

(Regulation (EC) No. 853/2004 on the Hygiene of Foodstuffs, Article 6(2))

This form should be completed by Food Business Operators in respect of new Food Business Establishments and submitted to the relevant food authority 28 days before commencing food operations. On the basis of the activities carried out, certain Food Business Establishments are required to be Approved rather than Registered. If you are unsure whether any aspect of your food operations would require your establishment to be approved, please contact [Local Authority] for guidance.

1. **Name of Food Business** (Trading Name) _____

2. **Address of establishment** (or address at which moveable establishment is kept) _____

Post Code _____ **Telephone no:** _____

3. **Full Name of Food Business Operator** _____

4. **Address of Food Business Operator** _____

Post Code _____

Telephone No. _____ **E-mail** _____

5. **Type of Food Business** (Please tick ALL the boxes that apply):

- | | |
|--|--|
| Farm Shop <input type="checkbox"/> | Staff restaurant/canteen/kitchen <input type="checkbox"/> |
| Food manufacturing/processing <input type="checkbox"/> | Catering <input type="checkbox"/> |
| Packer <input type="checkbox"/> | Hospital/residential home/school <input type="checkbox"/> |
| Importer <input type="checkbox"/> | Hotel/pub/guest house <input type="checkbox"/> |
| Wholesale/cash and carry <input type="checkbox"/> | Private house used for a food business <input type="checkbox"/> |
| Distribution/warehousing <input type="checkbox"/> | Moveable establishment e.g. ice cream van <input type="checkbox"/> |
| Retailer <input type="checkbox"/> | Market stall <input type="checkbox"/> |
| Restaurant/café/snack bar <input type="checkbox"/> | Food Broker <input type="checkbox"/> |
| Market <input type="checkbox"/> | Takeaway <input type="checkbox"/> |
| Seasonal Slaughterer <input type="checkbox"/> | Other (please give details): <input type="checkbox"/> |

6. **Type of Business:**

- Sole Trader ☐
Partnership ☐
Limited Company ☐
Other (please give details) ☐

(If Limited Company, please complete 7. below)

7. **Limited Company Name** _____ **Company No** _____

Registered Office Address _____

8. **If this is a New Business?** Yes / No If Yes, please specify the date you intend to open _____

9. **If this is a Seasonal Business?** Yes / No If Yes please specify the period during which you intend to be open each year _____

Signature of Food Business Operator _____

Date _____

Name _____ (BLOCK CAPITALS)

AFTER THIS FORM HAS BEEN SUBMITTED, FOOD BUSINESS OPERATORS MUST NOTIFY ANY CHANGES TO THE ACTIVITIES STATED ABOVE TO [THE FOOD AUTHORITY] AND SHOULD DO SO WITHIN 28 DAYS OF THE CHANGE(S) HAPPENING.

For Official Use Only

FLRS Group – Tick box that applies.

Group 1 ☐ Group 2 ☐ Group 3 ☐

PRIVACY NOTICE

What we need

[Local Authority] and Food Standards Scotland (FSS) are Joint Data Controllers of the personal information you provide to us on this form. The information we collect about you includes name, postal address, email address and telephone number.

Why we need it

- As Joint Data Controllers, we need to collect this information for the purposes of Food Law Enforcement.
- Regulation (EC) No 882/2004 on Official Controls performed to ensure the verification of compliance with Food Law, requires that **[Local Authority]** and FSS coordinate effectively in the field of Environmental and Health protection, carrying out their activities with a high level of transparency, making relevant information available to the public as soon as possible.
- Each Local Authority is required to maintain an up to date list of registered Food Business Establishments in its area and divulge this information for the purposes of ensuring public health and the effective enforcement of Food Law.
- The Food (Scotland) Act 2015, enables FSS to set performance standards, report on enforcement action by others and require relevant information from **[Local Authority]**
- The Official Feed and Food Controls (Scotland) Regulations 2009, allow the exchange and provision of information by FSS and **[Local Authority]** for the execution and enforcement of relevant Food Law, and makes provision for **[Local Authority]** to provide FSS with Food Business information.
- **[Local Authority]** and FSS are required to fulfil the statutory obligations required by Article 44 of Regulation (EC) No 882/2004, which places a requirement on Local Authorities and FSS to provide the information specified in that Article and to report to the European Commission.
- FSS maintains a national database that can be accessed by both Food Standards Scotland and the Local Authority to which the information pertains. The reporting toolset allows information to be strategically analysed, allowing both organisations to adhere to the principles of the Scottish Regulators' Strategic Code of Practice.
- We will only collect the data that we need as required by the above regulations and legislations, and not collect any personal information from you that we do not need.

What we do with it

The information on this form will be retained by **[Local Authority]** and FSS for the duration of your business registration. Additionally if your business closes, or your registration details are otherwise amended then this information will continue to be retained for a maximum of six years following notification of the closure or the amendment of your registration details.

The information collected on your business relating to Food Law enforcement activity will be retained by **[Local Authority]** for a maximum of six years for Freedom of Information purposes. Food Standards Scotland collects food business information from **[Local Authority]** on a regular basis for the purposes of Food Law Enforcement. The same information will be retained by FSS for a maximum of 6 years, also for Freedom of Information purposes and the monitoring of enforcement action by Local Authorities.

FSS have put in place appropriate and adequate technical and organisational measures to protect your personal information. FSS data is located within the European Union, on cloud based services procured through the government framework agreements, and assessed against the national cyber security centre cloud security principles.

[Local Authority to insert details about their technical and organisational measures in place to protect FBO personal information.]

We want to assure you that no third parties have access to your personal information unless the Law allows them to do so.

What we may also be required to do with it

The information may be shared with other Regulators in line with the principles of the Scottish Regulators Strategic Code of Practice for compliance and risk mitigation purposes. This is limited to circumstances where the law allows such sharing of information by regulators with common interests or activities.

What are your rights?

You have a right to see the information we hold on you by making a request in writing to the email addresses below. If at any point you believe the information we process on you is incorrect you can request to have it corrected. If you wish to raise a complaint on how we have handled your information, you can contact our Data Protection Officers who will investigate the matter. If you are not satisfied with our response or believe we are not processing your information in accordance with the law you can complain to the Information Commissioner's Office (ICO).

ANNEX 3: The Compliance Matrix Aide-Mémoire Table

Food Safety and Practice Performance	Cross contamination Performance (micro/chemical/physical)	Structural Performance	Food Information Performance	Composition Performance	Food Safety Management System	Confidence in Management
Regulation (EC) No 852/2004, Annex II.(unless otherwise stated)						
<ul style="list-style-type: none"> • Chapter I • Chapter II • Chapter III • Chapter IV • Chapter VI • Chapter VII 	<ul style="list-style-type: none"> • Chapter V • Chapter VIII • Chapter IX • Chapter X. 	<ul style="list-style-type: none"> • Chapter I 	<ul style="list-style-type: none"> • Food Information (Scotland) Regulations 2014. • Labelling requirements of product specific legislation. • All other Food Labelling legislation. 	<ul style="list-style-type: none"> • Additives/ colouring/ preservatives/ supplements legislation • Product specific composition legislation • Section 14, Food Safety Act 1990. 	<ul style="list-style-type: none"> • Article 5. 	<ul style="list-style-type: none"> • Chapter XII.
<ul style="list-style-type: none"> • General Cleanliness of all areas. • Changing facilities & Personal Hygiene. • Food contact equipment maintenance and cleanliness. • Food waste. • Transport. • General Personal Hygiene (PPE etc) • Private Water Supply considerations. 	<ul style="list-style-type: none"> • E. Coli o157 control of cross contamination guide. • Hand Washing Practices. • Chemical storage. • Cleaning/ disinfection to BS EN 1276/13697 where appropriate. • Allergen Control. • Food Handling practices. • Separation. • Use of Utensils And Equipment. • Wrapping/packaging materials 	<ul style="list-style-type: none"> • Walls/Floors Ceilings. • Drains. • Fixtures/ Fittings and their ability to be cleaned. • I.V.S. • Lighting. • Maintenance. • Wash Basin/ Sink provisions and Water Supply. • Staff Facilities. • Ventilation. • Pest Control. 	<ul style="list-style-type: none"> • Allergens. • Nutritional Information. • Language. • Font sizes. • Menu Descriptions • Information to the final consumer. • QUID declaration on packaging. • Minimum durability markings. 	<ul style="list-style-type: none"> • Additives/ colouring/ preservatives/ supplements. • Recipes consistency/ product specific including QUID and Allergens. • Statutory Compositional Standards • Adulteration/ Substitution. • Speciation • GM foods • Meat Contents. • Product specific composition. • Reserved descriptions. • Verification of claims. 	<ul style="list-style-type: none"> • Article 5 compliance related issues including: • Hazard Identification • Stock Control • Cleaning Schedules. • House Rules and Policies. • Product Traceability/Recall Capability • Temperature Control. • Monitoring Records • Vulnerable groups • Scope of Business • Validation and Verification. 	<ul style="list-style-type: none"> • Training (including in HACCP principles) • Compliance history. • Staff turnover. • Use Of 3rd Party Audits, Industry Guides, Technical Advice, Self Audit etc. • FBO attitude, ability and willingness to achieve Food Law compliance.

ANNEX 4: Superseded Sections of the Food Law Code of Practice (Scotland) 2019

The Interventions Code 2019 supersedes the following sub-sections in the Food Law Code of Practice (Scotland) 2019 when carrying out Official Food Controls relating to **all Registered Food Businesses only** (see Figure 2). These changes **do not apply to establishments at the level of Primary Production or Approval**.

Figure 2 – Superseded Sections of the Food Law Code of Practice (Scotland) 2019

Sub-section	
Sub-section 6	6.4, 6.4.1, 6.4.2, 6.4.3, 6.4.4, 6.4.5, 6.4.6, 6.5, 6.5.1, 6.6, 6.6.1, 6.7, 6.8.3, 6.9
Sub-section 27	27.1, 27.2, 27.3, 27.4, 27.7, 27.8.1, 27.8.2, 27.8.3, 27.9, 27.16, 27.17, 27.18, 27.19, 27.20
Sub-section 28	28.1, 28.5
Sub-section 33	33.1, 33.2, 33.3
Annex 5	Annex 5

ANNEX 5: Associated Guidance

Food Law Code of Practice (Scotland) 2019:

<https://www.foodstandards.gov.scot/publications-and-research/publications/food-law-code-of-practice-scotland-2019>

E.coli O157 Control of Cross Contamination Guidance:

<https://www.foodstandards.gov.scot/publications-and-research/publications/ecoli-o157-control-of-cross-contamination>

SFELC - Guidance on the Safe Service of Less Than Thoroughly Cooked Beef Burgers:

<https://www.foodstandards.gov.scot/publications-and-research/publications/guidance-on-the-safe-service-of-less-than-thoroughly-cooked-beef-burgers>

Guidance on Temperature Control legislation:

<https://www.foodstandards.gov.scot/publications-and-research/publications/guidance-on-temperature-control-legislation>

Food Standards Training Manual:

https://www.foodstandards.gov.scot/downloads/Food_Standards_Training_Manual.pdf

Acrylamide in food – Guidelines for local authorities:

<https://www.foodstandards.gov.scot/publications-and-research/publications/acrylamide-in-food-guidelines-for-local-authorities>

Food Law Code of Practice (Scotland) 2019 - Practice Guidance:

<https://www.foodstandards.gov.scot/publications-and-research/publications/food-law-code-of-practice-scotland-2019>