

REPORT TO: ENVIRONMENTAL AND CONSUMER PROTECTION COMMITTEE –
18 FEBRUARY 2002

REPORT ON: FOOD STANDARDS AGENCY AUDIT OF DUNDEE CITY COUNCIL'S
ENVIRONMENTAL AND CONSUMER PROTECTION DEPARTMENT

REPORT BY: DIRECTOR OF ENVIRONMENTAL AND CONSUMER PROTECTION

REPORT NO: 106-2002

1.0 PURPOSE OF REPORT

- 1.1 To advise the Committee of the outcome of the audit including the final report, executive summary, four areas of non-conformance in terms of the Framework Agreement on Local Authority Food Law Enforcement and proposed follow up action.

2.0 RECOMMENDATIONS

- 2.1 That the Committee notes the contents of the report, which were placed in the public domain on the Food Standards Agency Website on 7 February 2002.
- 2.2 That the Committee accept the follow up action necessary to resolve the areas of non-conformance.

3.0 FINANCIAL IMPLICATIONS

- 3.1 All costs will be contained within the existing Environmental and Consumer Protection Department Revenue Budget.

4.0 DUNDEE 21 IMPLICATIONS

- 4.1 Ongoing audits by the Food Standards Agency will ensure that Dundee City Council's food law enforcement service fully complies with the Framework Agreement on Food Law Enforcement (The Standard).

5.0 EQUAL OPPORTUNITIES IMPLICATIONS

- 5.1 None.

6.0 BACKGROUND

- 6.1 The White Paper "The Food Standards Agency – A Force for Change" identified the need for stronger links between central and local government on food law enforcement.
- 6.2 The White Paper also identified the Food Standards Agency (FSA) as having a key role in overseeing local authority enforcement action.

- 6.3 Section 12 of the Food Standards Act 1999 provides the necessary powers for the Food Standards Agency Scotland to monitor the performance of enforcement authorities in enforcing relevant legislation in Scotland. The vehicle for implementing these powers is the Framework Agreement on Local Authority Food Law Enforcement known as “The Standard”, which was published by the Agency and issued to Local Authorities in September 2000 and is available on the Agency’s Website at:

www.food.gov.uk/multimedia/pdfs/frameagreefoodlaw?version:1

- 6.4 In 2001 the Food Standards Agency in Scotland introduced an auditing scheme to examine the Food Law Enforcement Service within each of the 32 Local Authorities on an annual basis and in particular to assess conformance against “The Standard”.
- 6.5 An audit of Dundee City Council’s Environmental and Consumer Protection Department Food Safety team was carried out on 23 and 24 October 2001.
- 6.6 The audit covered Dundee City Council’s food law enforcement service comprising of the following elements of The Standard:
- Organisation and Management (The Standard 3.0)
 - Authorised Officers (The Standard 5.0)
 - Food and Feedingstuffs Premises Inspections – Food Standards (The Standard 7.0)
 - Control and Investigation of Outbreaks and Food Related Infectious Diseases (The Standard 13.0)
 - Food Safety Incidents (The Standard 14.0)
 - Enforcement Policy (The Standard 15.0)
- 6.7 The scope of the audit represents approximately one third of the elements of The Standard and further audits will be carried out in the next two years to ensure that all elements are fully audited over a three year period.
- 6.8 The Authority’s strengths were described as follows in the Executive Summary
“The Authority is providing a good level of food law enforcement overall. The service is able to demonstrate a commitment to continuous improvement to achieve compliance with The Standard”.
- 6.9 Four areas were identified as requiring improvement, and these are shown in Appendix 1. The non-conformance in relation to the enforcement of Food Standards has been actioned by allocating an Environmental Health Officer to specialise in this area and a Food Standards Inspection Programme has been drawn up for 2002/2003. The three other relatively minor non-conformances have also been dealt with in accordance with the Action Plan. Details of the Action Plan are shown at Appendix 2.

7.0 CONSULTATIONS

- 7.1 The Chief Executive, Director of Finance, Director of Support Services have been consulted and are in agreement with the contents of this report.

8.0 BACKGROUND PAPERS

- 8.1 Dundee City Council Audit Report 23 and 24 October 2001.

9.0 SIGNATURE

APPENDIX 1

Key Areas for Improvement

Food Standards Inspections – From the files checked it is evident that within the last two years food standards inspections have not been fully carried out in accordance with Food Safety Act Code of Practice No 8. However, it was noted that in manufacturing premises files dated pre 1999 extensive food standards visits had been carried out.

Control and Investigation of Outbreaks and Food Related Infectious Diseases – The Food Poisoning Outbreaks Contingency Plan requires to be updated to reflect changes in legislation and recommended practice.

Authorisation – In general staff are correctly authorised. However, the warrant card of one newly appointed Officer with less than two years experience indicates full authorisation. This is not in accordance with paragraph 27 of Food Safety Act Code of Practice No. 19.

The files containing the qualifications of some Officers were incomplete. Detailed documentation should exist to show that Officers are authorised to enforce food safety legislation in accordance with the relevant Food Safety Act Codes of Practice, to ensure that the powers they exercise are appropriate to an individual's qualifications, training and experience. Failings in this area can undermine legal action.

APPENDIX 2

FOLLOW-UP ACTION PLAN FOR DUNDEE CITY COUNCIL

NON-CONFORMANCE UNDER THE FRAMEWORK AGREEMENT ON LOCAL AUTHORITY FOOD LAW ENFORCEMENT	FOLLOW-UP ACTION	AGREED COMPLETION DATE
(The Standard 5.3)	The warrant card style will be altered to ensure that the authorisation of the officer will be appropriately described in terms of the relevant Code of Practice	31 st January 2002
(The Standard 5.5)	All Officers who have not submitted copies of their qualifications will be requested to supply these to the Departments Training Officer who shall keep them on file with the Officers individual training records.	15 th January 2002
(The Standard 7.1)	An Authorised officer will be allocated to work with the Food Safety Officer on the Food Standards Inspection programme in early January 2002. An inspection programme complying with Code of Practice No 8 will commence with inspections being carried out in higher risk rated premises. A full programme will be included in the Food Safety and Standards Plan for 2002/2003.	31 st March 2002
(The Standard 13.1)	The current Outbreak Control Plan (dated July 99) will be revised and updated in conjunction with Tayside Health Board and any other relevant stake holders.	31 st March 2002