



Food Standards Law Enforcement Manual 2012

**Including Policy in Respect to
Food Standards Law
Enforcement & **Upon the
Informed Consumer** in terms of
Food, including Enforcement
Guidelines for Officers**

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CONTENTS

Section 1: Status of the Policy as a Work Instruction

Status of the Policy as a Work Instruction Chapter One Page 1

Section 2: Introduction

Definition of Terms Chapter One Page 1

Fundamental Principles Chapter Two Page 1

Establishment of Policy Chapter Three Page 1

Section 3: Enforcement – General Criteria

Policy on Food Standards Interventions Chapter One Page 1

Statement of Policy in Relation to Decision Making in Enforcement and Interventions Chapter Two Page 1

Statement of Policy in Relation to Scope of Interventions and of Enforcement Options Chapter Three Pages 1-2

Statement of Policy in Relation to Evidential Requirements in Enforcement Decision Making Chapter Four Page 1

Section 4: Interventions, Inspections and Follow-up Visits

Purposes of Food Standards Interventions Chapter One Page 1

Objectives of Food Standards Interventions Chapter Two Page 1

Requirements During Interventions and Inspections Chapter Three Page 1

Statement of Policy in relation to Trigger Values for Enforcement and Secondary Inspections Chapter Four Page 1

CONTENTS (Cont'd)

Section 5: Development of an Interventions Programme

Priority Planning in the Development of an Interventions Programme	Chapter One	Pages 1-4
Statement of Policy in Relation to the LACOTS Principle of the Home Authority and in relation to Co-ordination of Advice and Enforcement	Chapter Two	Pages 1-2

Section 6: New Businesses

Statement of Policy in Relation to New Businesses	Chapter One	Page 1
---	-------------	--------

Section 7: Language

Statement of Policy in Relation to Enforcement where English is not the First Language	Chapter One	Page 1
--	-------------	--------

Section 8: Consistency and Review

Statement of Policy on Securing Consistency of Enforcement with this Policy	Chapter One	Page 1
Statement of Policy in Relation to Policy Review	Chapter Two	Page 1
Statement of Policy in Relation to Priority Planning and Programmes for Food Standards Inspections	Chapter Three	Pages 1-2
Statement of Policy in Relation to Public Awareness of Enforcement Requirements	Chapter Four	Pages 1-2
Co-ordination of Advice and Enforcement	Chapter Five	Page

SECTION 1

STATUS OF THE POLICY AS A WORK INSTRUCTION

Section 1		
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Author:- AJ MacLeod: Lead Environmental Health Officer, Food Control

Chapter One

STATUS OF THE POLICY AS A WORK INSTRUCTION

- 1.0.0** All enforcement in relation to Food Standards legislation shall comply with this Policy.
- 1.1.0** Compliance with the Policy represents an instruction binding upon the conduct of Authorised Officers in relation to Food Standards legislation.

Signed :

Regulatory Services Manager

Section 1	Chapter One	Page 1
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SECTION 2

INTRODUCTION

Section 2		
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Chapter One

DEFINITION OF TERMS

1.0.0 For the purposes of this policy the following definitions are applicable:-

(a) 'Food Standards' means, "Legal requirements covering the

Quality with particular emphasis upon composition as it may lead to nutritional issue including long-term chronic exposure by the consuming public.

Composition with particular emphasis upon composition as it may lead to a Food Safety risk or a nutritional issue including long-term chronic exposure by the consuming public.

Labelling with particular emphasis upon how labelling informs the consumer in making positive decisions in relation to food consumption.

Presentation

Advertising of food, and

Of materials or articles in contact with food."

(b) 'Food standards intervention' means, "An intervention carried out in order to establish whether food standards are being met."

(c) 'Programmed Inspection' means, "An inspection carried out as part of a planned programme."

Section 2	Chapter One	Page 1
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Chapter Two

FUNDAMENTAL PRINCIPLES

1.0.0 The Argyll and Bute Council will enforce Food Standards legislation where it accords with the Council's General Policy on Food Standards.

1.1.0 The Council's General Policy On Food Standards is as follows:-

“The Argyll and Bute Council is committed to its role as a statutory food authority and will seek to ensure foods and food packaging meet relevant standards for quality, composition and labelling and that reputable food business are not prejudiced by unfair competition. This will be achieved by providing consistent, effective and efficient enforcement, appropriately resourced with an emphasis placed on prevention through advice.”

The Argyll and Bute Council will, in addition to the exercise of its statutory enforcement role, work to support all food businesses in a sense of partnership, helping to meet emergent challenges.

Section 2	Chapter Two	Page 1
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Chapter Three

ESTABLISHMENT OF POLICY

1.0.0 Argyll and Bute Council, in establishing their Food Standards Enforcement Policy, has had regard to, and will continue to have regard to:-

- the Food Law Code of Practice
- **the needs and views of consumers, particularly in terms of nutritional issues where this is based upon sound and rigorous scientific advice.**
- the needs and views of businesses;
- the profile of locally and non-locally produced food and packaging materials; and
- the need for proportionate enforcement action

in order to assist the Authority to ensure that consumers and businesses have a reliable, competent and effective local Food Standards Enforcement service.

Section 2	Chapter Three	Page 1
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<p style="text-align: center;">SECTION 3</p> <p style="text-align: center;">ENFORCEMENT – GENERAL CRITERIA</p>
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Section 3		
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Chapter One

POLICY ON FOOD STANDARDS INTERVENTIONS

- 1.0.0** It is the policy of the Argyll and Bute Council in its role as a Statutory Food Authority to utilise interventions flexibly as provided for within the Food Law Code of Practice and informed by a process of risk assessment. **It is also the Policy of Argyll and Bute Council to recognise the limitations of its available resources and therefore whilst selecting and applying interventions and whilst making this risk assessment to give prominence to considerations of Food Safety and to considerations of nutrition.**
- 1.1.0** It is therefore also the policy of the Argyll and Bute Council that those food businesses that are compliant with Food Law should be subject to interventions that reflect the level of compliance that has been achieved by the Food Business Operator. Consistent with this approach it is, furthermore, the policy of the Argyll and Bute Council that more intensive interventions should only be directed at those Food Businesses that present the greatest risk to Public Health. **in terms of Food Safety and in terms of nutrition.**
- 1.2.0** It is the policy of the Argyll and Bute Council to review on an annual basis its strategy on interventions and in so doing to be guided by the Food Law Code of Practice and the principle of risk assessment.

Chapter Two

STATEMENT OF POLICY IN RELATION TO

DECISION MAKING IN ENFORCEMENT AND INTERVENTIONS

- 1.0.0** The Regulatory Services Manager, following the advice of the Lead Environmental Health Officer, Food Control, will authorise Officers to select interventions and to take enforcement action appropriate to their qualifications and experience
- 1.0.1** In deciding whether an Officer should be authorised to select interventions, and initiate enforcement action, consideration will be given to the qualifications of the Officer and his/her level of experience in Food Safety enforcement. Decisions will be made following reference to the guidance given in the Food Law Code of Practice.
- 1.0.2** All precognitions must be submitted timeously (having regard to Human Rights legislation and any time bar) to the Lead Environmental Health Officer, Food Control.
- 1.0.3** The decision to submit a Report to the Procurator Fiscal will be made by the Regulatory Services Manager, in consultation with the Lead Environmental Health Officer, Food Control.

It is the policy of the Argyll and Bute Council to require that Authorised Officers select interventions in accordance with the Food Law Code of Practice and in accordance with the following criteria, although not exclusively so:-

- (i) Where to do so would comply with the General Policy of the Argyll and Bute Council in relation to Food Safety, and with this Policy, particularly Section 3, Chapter 3.

Chapter Three

STATEMENT OF POLICY IN RELATION TO

SCOPE OF INTERVENTIONS AND ENFORCEMENT OPTIONS

1.0.0 This Authority recognises the importance of ensuring that enforcement decisions are consistent, fair, proportional to risk(s) and based on published standards. The Argyll and Bute Council will adopt and comply with the guidance contained in the Food Law Code of Practice, and in the circulars and other guidance issued by the SFCC/LACOTS, including advice relating to the Home Authority Principle, where appropriate.

1.0.1 Before making a decision on the form of intervention or need for any enforcement action, Officers are required to consider:-

- (i) The identification of a food safety hazard and an evaluation of the risks to public health, so far as this is possible and relevant to do so.
- (ii) **The importance of an issue in terms of nutrition and nutritional claims, taking into account the possibility of chronic and long-term exposure of the consuming public where it is possible and appropriate to do so.**
- (iii) The seriousness of any offence
- (iv) The past history of the food business
- (v) Confidence in management
- (vi) The consequences of non-compliance, and
- (vii) The likely effectiveness of available enforcement options
- (viii) The causes of non-compliance
- (ix) The economic impact of an intervention or an enforcement action, although the priority criteria shall be (i) to (vii) above

1.0.2 /....

Chapter Three (Cont'd)

SCOPE OF INTERVENTIONS AND ENFORCEMENT OPTIONS

- 1.0.2** Once all the criteria described above have been considered, together with other relevant information, the Officer shall determine:-
- (a) The most appropriate intervention in accordance with the Food Law Code of Practice.
 - (b) That there is no need for action
 - (c) To take informal action
 - (d) That a report should be submitted to the Procurator Fiscal
- 1.0.3** Authorised Officers will not select an intervention, nor take any enforcement action which is inconsistent with the advice issued by the SFCC/LACOTS or Enforcement Service Policies without raising the issue with the Council's Lead Environmental Health Officer, Food Control. Where indicated, including where the issue appears to be of national significance, the matter will be referred to the SFCC for consideration by the LACOTS National Food Safety Panel if appropriate.
- 1.0.4** It is the policy of Argyll and Bute Council to recognise that in most instances prosecution should not be the first option although there will be circumstances, such as a deliberate action or where action has been ignored, when a prosecution may be regarded as the most effective action.

Chapter Four

STATEMENT OF POLICY IN RELATION TO

EVIDENTIAL REQUIREMENTS IN ENFORCEMENT DECISION MAKING

It is the policy of the Argyll and Bute Council to require that Authorised Officers - prior to making any enforcement decision - obtain sufficient evidence to validate this decision. Before making any enforcement decision an Officer **must** ensure that they comply with this requirement.

1.0.0 It is the policy of the Argyll and Bute Council to consider evidence as according to the definition made within BS EN ISO 8402: 1995 Quality Management and Quality Assurance – Vocabulary (as amended):-

"Information that can be proved true, based upon facts obtained through observation, measurement, test or other means"

SECTION 4

INTERVENTIONS, INSPECTIONS AND FOLLOW-UP VISITS

Section 4		
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Chapter One

PURPOSES OF FOOD STANDARDS INTERVENTIONS

1.0.0 Food Standards interventions throughout the area of Argyll and Bute Council will be carried out to ensure that food standards requirements are met, consumers are provided with food that is properly presented, labelled and advertised, and that, so far as resources allow, taking into account competing priorities, fair trading conditions are maintained in the food sector. In particular, Food Standards interventions will include:-

- An assessment of the risk of the enterprise failing to meet food standards requirements, in particular those standards that most directly affect Food Safety and Public Health in terms of nutrition and nutritional claims.
- A consideration of the existence and effectiveness of management systems designed to ensure that food standards requirements are met and, where they exist, verifying their effectiveness.
- An assessment of compliance with food standards requirements by examining and assessing Food Safety Management Systems, labels, descriptions, menus, claims, recipes, other records and, if appropriate, taking samples;
- Offering advice on legal requirements and good practice;
- Initiating effective enforcement action in accordance with Argyll and Bute Council's enforcement policy including, if appropriate, agreeing remedial action by the enterprise within a specified timescale.

1.0.1 In relation to Food Standards interventions, Argyll and Bute Council had regard to the Food Law Code of Practice in designing and implementing their intervention programmes. Inspections are designed to cover all stages of production, manufacture, and import into the community, processing, storage, transport, distribution and trade.

Chapter Two

OBJECTIVES OF FOOD STANDARDS INTERVENTIONS

1.0.0 Food Standards interventions throughout the area of Argyll and Bute Council will be carried out so as to meet the following four objections:-

- To assess compliance with composition and labelling requirements, product presentation and advertising requirements **on the basis of particular consideration and emphasis being given to issues relevant to Food Safety, nutrition and nutritional claims**
- Determine if any preventative action can be recommended which may reduce the likelihood of an infringement;
- Detect breaches of legal requirements and, where appropriate, gather evidence to support formal action;
- Assess the risk presented by the premises to determine the next intervention date.

Chapter Three

REQUIREMENTS DURING INTERVENTIONS AND INSPECTIONS

1.0.0 All Authorised Officers must be aware that:-

- Formal action may result from interventions, and as such the inspection must also include the gathering of evidence in support of any legal action which may result in infringements detected during the inspection;
- The completion of a Food Standards risk assessment is to establish a risk profile for businesses in Argyll and Bute Council's area and enable the Authority's planned inspection programme to be targeted to risk, and
- All inspections must cover all aspects of production from field to table excluding livestock farms. All inspections offer an opportunity for finished foods and ingredients to be sampled out in terms of the Food Law Code of Practice.

Section 4	Chapter Three	Page 1
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Chapter Four

STATEMENT OF POLICY IN RELATION TO

TRIGGER VALUES FOR ENFORCEMENT AND SECONDARY INSPECTIONS

- 1.0.0** It is the policy of Argyll and Bute Council to initiate the appropriate enforcement when a Food Businesses is confirmed to be failing to comply with significant statutory requirements and when an Authorised Officer gives a score of 15 or more in either of the compliance rating elements within the inspection-rating scheme. Significant contravention shall be determined by reference to Section 2, Chapters 1 and 2 and Section 3, Chapter 3 of this Manual
- 1.1.0** The appropriate enforcement action shall accord with the Fundamental Principles, with the Enforcement General Criteria stated with Sections 2 and 3 of this Manual respectively and with the relevant requirements stated elsewhere within this Manual.
- 1.2.0** Secondary interventions for Food Safety purposes will be carried out when a Food Business is confirmed to be failing to comply with significant statutory requirements. When an Authorised Officer provides a score of 15 or more in either of the compliance elements of the Inspection Rating scheme, this will act as a 'trigger' for a secondary inspection to be scheduled.
- 1.3.0** The timing of the secondary inspection will be determined by the nature of the contravention and the action required to secure the compliance. It is the policy of Argyll and Bute Council that, in any case, the secondary inspection will take place no longer than 3 months after the primary inspection unless a statutory Notice has been served which specified a longer time.
- 1.4.0** It is the policy of Argyll and Bute Council to take the appropriate enforcement action when Food Businesses have failed to remedy the significant contraventions, which initiated the secondary inspection.

Section 4	Chapter Four	Page 1
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SECTION 5

**DEVELOPMENT OF
AN INTERVENTIONS PROGRAMME**

Section 5		
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Chapter One

PRIORITY PLANNING IN THE DEVELOPMENT OF AN INTERVENTION PROGRAMME

- 1.0.0** In designing and implementing the intervention programme for Food Standards interventions, Argyll and Bute Council has taken full regard of the Food Law Code of Practice in respect of the interventions and inspection procedures and will continue to do so.
- 1.0.1** The requirement to carry out “regular” intervention is in terms of the relevant EU Regulations.
- 1.0.2** The record of premises for interventions is based on the food business database kept by the Environmental Health Section to meet the requirements of the Food Law Code of Practice.
- 1.0.3** The documented programme for food safety interventions has been based on risk frequency and the minimum inspection frequencies have been calculated in accordance with the recommendations in the Food Law Code of Practice and this will be continued.
- 1.0.4** The highest risk premises are subject to intervention in accordance with the Food Law Code of Practice.
- 1.0.4.1** These frequencies can and are subject to alteration based on the following examples:-
- (a) Home Authority;
 - (b) Originating authority for a manufacturer, whose products are to be distributed outside the UK.
- 1.1.0** /....

Chapter One (Cont'd)

PRIORITY PLANNING IN THE DEVELOPMENT OF AN INSPECTION PROGRAMME

1.1.0 Requirements of the Priority Programme

The priority programme takes account of the following:-

1.1.1 Argyll and Bute Council's Sampling Strategy

Argyll and Bute Council's sampling strategy, in terms of Food Law Code of Practice, sets out the consumer protection factors, which are used to determine the desired level of sampling to be undertaken during or following inspections of food premises.

1.1.2 Exemptions from Food Standards Intervention Programmes

It has been considered that there are some premises where the risks of infringement of food law are minimal but nonetheless the premises are used as food businesses. It is considered that such premises would require very infrequent interventions.

1.1.2.1 Based on the merits of each case, Argyll and Bute Council will decide whether these premises should be included in their 5 year intervention programme or whether it should be put on a separate or less frequent schedule of visits. However, in all cases if the premises are subject to a justified consumer complaint or adverse sampling results, the premises **will** be placed in the 5-year programme for monitoring.

1.1.3 Exceptions from Food Standards programmes have been agreed and include:-

- (a) Childminders based in private accommodation with facilities for no more than four children; and
- (b) Bed and breakfast accommodation with no bar or restaurant facilities for non-residents and with no more than four letting rooms.

1.1.4 /....

Chapter One (Cont'd)

PRIORITY PLANNING IN THE DEVELOPMENT OF AN INSPECTION PROGRAMME

1.1.4 It has been agreed that non-manufacturing and non-processing premises dealing with food, where labelling requirements are applicable, will not be excluded from the Food Standard intervention programme. These types of premises include:-

- (a) Premises handling non pre-packed foods
- (b) Premises handling foods pre-packed for direct sale
- (c) Premises handling alcoholic drinks sold otherwise than pre-packed
- (d) Premises selling food subject to "Use By" dates, or
- (e) Premises handling foods labelled with nutritional information

1.1.5 Intervention Rating Programme

The intervention-rating programme is based on an assessment of the risk that premises may fail to meet food standards, such as composition and labelling. The inspection-rating programme gives a higher priority to premises, which present a high risk to food standards.

1.1.5.1 The intervention rating programme gives a priority classification to all food premises in Argyll and Bute using the inspection rating system as to whether premises are likely to present a high, medium or low risk to food standards.

1.1.5.2 The intervention-rating programme is not based on a category system but it recognises that some food premises and some food businesses may present a greater food standards risk than others. This variation can take place in any of the areas of potential risk (see Appendix 1 - Inspection Rating Programme - Premises Inspection Rating Guide)

1.2.0 /....

Chapter One (Cont'd)

PRIORITY PLANNING IN THE DEVELOPMENT OF AN INSPECTION PROGRAMME

1.2.0 Frequency of Interventions

It is the policy of Argyll and Bute Council, once the relevant extent of risk, as set out in Annex A, has been determined, premises should be inspected within the following minimum frequencies:-

1.2.1 Band Minimum Frequency of Inspection

- High High-risk premises will receive a minimum of one intervention during the calendar year. The inspection frequency should be a minimum of 10 months from the previous inspection and maximum of 14 months.
- Medium Every 2 years.
- Low Every 5 years.

1.2.1.1 It is the policy of Argyll and Bute Council to regard these intervention frequencies as the minimum and will provide for more frequent inspections where they consider this appropriate especially, for example, where Argyll and Bute Council act as “Home Authority” or is the originating authority for a manufacturer, whose produces are to be distributed outside the UK.

Chapter Two

STATEMENT OF POLICY IN RELATION TO

THE LACOTS PRINCIPLE OF THE HOME AUTHORITY AND IN RELATION TO CO-ORDINATION OF ADVICE AND ENFORCEMENT

- 1.0.0** It is the policy of Argyll and Bute Council to fully recognise that:-
- 1.0.1** - The co-ordination of food authority advice and enforcement is essential to ensure uniformity of treatment and consistency in dealing with food businesses, especially those that have more than one branch or unit and these are situated in different food authority areas.
- 1.0.2** - It is the policy of Regulatory Services to fully recognise, acknowledge and support the LACOTS Principle of the Home Authority.
- 1.0.3** - In considering enforcement action against a national company, the Council will act in accordance with the LACOTS Principle of the Home Authority.
- Authorised Officers, in considering enforcement action against a national company, **must** act in accordance with the LACOTS Principle of the Home Authority and must liaise with the Lead Environmental Health Officer, Food Control and any Home or Originating Authority.
- 1.2.0** The Council will be guided by the LACOTS Principle of the Home Authority where the Council is unable to adhere to this principle. The Council will consult with LACOTS and, should the matter not be resolved, the Food Standards Agency will be consulted.
- 1.3.0** The Council will be guided by LACOTS Home Authority Principle in determining which Food Authority should take the lead. The Home Authority should take responsibility for giving advice to food businesses which have more than one branch or unit situated in different food authority areas on matters relating to food standards legislation.
- 1.4.0** /....

Chapter Two (Cont'd)

THE LACOTS PRINCIPLE OF THE HOME AUTHORITY AND IN RELATION TO CO-ORDINATION OF ADVICE AND ENFORCEMENT

1.4.0 It is the policy of Argyll and Bute Council in considering whether to give detailed advice or taking any enforcement action in relation to food businesses which have branches or units situation within other Food Authority areas to also consider whether there is a need to contact and liaise with the Home Authority before doing so.

1.5.0 It is also the policy of the Council to recognise that this liaison will be necessary for example:-

Where the advice or enforcement action related to centrally agreed policies or procedures of a food business. It would not be necessary, however, where such action relates to matters of an exclusively local nature.

1.6.0 It is the policy of Argyll and Bute Council to recognise that, when acting as the Home Authority, it will be providing advice to a particular food business, whose decision making base is located in their area. There will be other similar food businesses in the same sector of the industry who have other food authorities acting as Home Authority, e.g. the different national chains of pizza houses.

1.6.1 In such situations it is also the policy of the Council to liaise closely with LACOTS.

SECTION 6
NEW BUSINESSES

Section 6		
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Chapter One

STATEMENT OF POLICY IN RELATION TO NEW BUSINESSES

1.0.0 The Argyll and Bute Council recognises that, from time to time, new businesses will be established and that existing businesses will change ownership. In such situations, it is the policy of the Argyll and Bute Council to work as closely with food business proprietors as possible, giving as much information and advice to them as resources allow.

1.0.1 The Argyll and Bute Council will:-

- (a) make new owners aware of their legal responsibilities.
- (b) make new owners aware of the existence of this Policy and the implications to their business where non-compliance is established.
- (c) endeavour for an Officer to undertake an inspection and effect a risk assessment/appraisal, at the earliest opportunity following the Council being notified. In so doing the Lead Environmental Health Officer, Food Control and Service Managers have the discretion to direct this activity in consideration of available resources and in accordance with the principles within Section 3, Chapter 3, paragraph 1.0.1.
- (d) provided that no significant risk to public health exists, agree a programme of compliance with the proprietor.
- (e) where imminent risk to health is established, apply the enforcement procedures described within Section 4, Chapters 3, 4 and 5 of this Policy.

SECTION 7

LANGUAGE

Section 7		
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Chapter One

STATEMENT OF POLICY IN RELATION TO

ENFORCEMENT WHERE ENGLISH IS NOT THE FIRST LANGUAGE

- 1.0.0** It is the policy of the Argyll and Bute Council to recognise Gaelic and ethnic minority languages. A covering letter must accompany Improvement Notices. If English is not the first language of the proprietor, a copy of the Warning Notice “Untranslated Food Safety Act Material - Legal Implications” must be included.

<p style="text-align: center;">SECTION 8</p> <p style="text-align: center;">CONSISTENCY AND REVIEW</p>
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Section 8		
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Chapter One

STATEMENT OF POLICY ON

SECURING CONSISTENCY OF ENFORCEMENT WITH THIS POLICY

- 1.0.0** All enforcement decisions taken by all Authorised Officers **must** be made in compliance with this Policy. Any departure from the Policy will be **exceptional**, capable of being justified and be fully considered in consultation with the Lead Environmental Health Officer, Food Control.
- 1.0.1** It is the policy of Argyll and Bute Council to issue procedures, work instructions and prescriptive standards as is necessary. These are deemed binding as an instruction, which Enforcement Officers must comply with when carrying out Food Standards enforcement. Similarly it is also the policy of Argyll and Bute Council to issue guidance as is necessary, to which Enforcement Officers must have regard in carrying out Food Safety enforcement.
- 1.0.2** In order to ensure that the Policy is consistently applied, an introduction to the Policy will be included as part of the induction training received by all Authorised Officers at commencement of employment with the Council.
- 1.0.3** The review of enforcement activity will form part of the routine performance monitoring carried out within Argyll and Bute Council. Where indicated, additional training, refresher courses etc, will be given to all Officers.

Chapter Two

STATEMENT OF POLICY IN RELATION TO

POLICY REVIEW

1.0.0 This Enforcement Policy will be kept continually under review by the Lead Environmental Health Officer, Food Control, and reviewed at least once per year by the Head of Service in light of developments, and in conjunction with other operational policies of the Service, by the Head of Service.

1.0.1 The review will have regard to all new legislation Codes of Practice or LACOTS guidance, which concern food safety enforcement action.

1.1.0 Enforcement Policy and Practice

Argyll and Bute Council has taken the view that enforcement policy and practice should concentrate on achieving the aims of food standards requirements:-

Through the prevention of infringements;

Recognising the complementary roles of advice, education, and partnership;
and

Formal enforcement action including surveillance and monitoring

in order to meet performance data set down by Central Government, take account of best enforcement practice, but remain responsive to local circumstances and priorities.

1.2.0 The initial inspection of any unregistered food business of which the Environmental Health Section becomes aware will be carried out as soon as possible and, to coincide with discussions, to require the proprietor of the premises to register those premises as a food business.

1.3.0 If Argyll and Bute Council find that their Food Standards enforcement service or their Policy is inconsistent with advice offered centrally, all discussions regarding the approach will be discussed with colleagues within those bodies and/or local liaison groups.

1.4.0 Argyll and Bute Council actively participate in their local and regional food liaison groups and in the past have given, and in the future will continue to give, consideration to sharing information collated with other members of the group and other groups.

Section 8	Chapter Two	Page 1
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Chapter Three

STATEMENT OF POLICY IN RELATION TO

PRIORITY PLANNING AND PROGRAMMES FOR FOOD STANDARDS INSPECTIONS

1.0.0 Timing of Interventions

To determine the timing of interventions, Argyll and Bute Council will have regard to all relevant and available information, including:-

- (a) The factors used in risk assessment (listed in Annex A); Seasonal factors (particularly relevant tourist centred businesses - i.e. Island communities);
- (b) The need to check compliance with new legislative requirements;
- (c) The time which has elapsed since the previous inspection.

1.0.1 In view of the fact that some food premises only operate in the early hours of the morning, late at night or at weekends, any interventions programme, to be effective, will need to recognise that such food businesses should be visited outside core hours of work..

1.0.2 Argyll and Bute council will endeavour to undertake an inspection of any newly registered food business within a period of 28 days, following receipt of the application for registration.

1.1.0 Urgent Action Outside the Interventions Programme

1.1.0.1 Where necessary, and when required by central government Departments, urgent action outside the interventions programme may be required.

1.1.0.2 /....

Section 8	Chapter Three	Page 1
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Chapter Three (Cont'd)

PRIORITY PLANNING AND PROGRAMMES FOR FOOD STANDARDS INTERVENTIONS

1.1.0.2 The Food Alert System and the Allergen Alerts will be such communications. However, others may be necessary in terms of the following:-

- (a) A food related problem arises which requires urgent action to be taken to protect public health;
- (b) Evidence emerges that an unsafe practice, which represents a significant hazard to public health, is occurring in certain settings;
- (c) A particular food handling or food preparation practice, previously thought to be safe, is found to entail a previously unsuspected hazard to public health.
- (d) A foodstuff previously thought to be safe is found, for whatever reason, to be hazardous to public health;
- (e) A particular food or foods, with national distribution, is/are found to be contaminated and thereby to present an imminent risk of injury to health.

1.1.0.3 Any urgent action deemed necessary by food authorities will be documented with any returns necessary being made to central Government Departments.

Chapter Four

STATEMENT OF POLICY IN RELATION TO

PUBLIC AWARENESS OF ENFORCEMENT REQUIREMENTS

1.0.0 Argyll and Bute Council intends to:-

- (a) Publish their Enforcement Policies;
- (b) Communicate their Enforcement Policies to local food businesses and the wider local community;
- (c) Identify in their Enforcement Policies the factors that will be taken into account in deciding upon the level of enforcement action to be taken;
- (d) Consider the role of internal Local Authority appeal procedures in relation to enforcement policies; and
- (e) Publish the ways in which advice will be provided to businesses.

1.0.1 The Council's plan for enforcement will include all of the following inter-related elements:-

Interventions and visits
Sampling and testing
Advice and education

1.0.2 All Authorised Officers, when making enforcement decisions, must abide by the Council's' documented Enforcement Policy. Departures from the Policy should be exceptional, and the reasons for the departure must be documented in the premises file.

1.0.3 A clear distinction between matters which are necessary to meet statutory requirements, and those which are recommended as good practice must always be made when Officers provide advice. They should also ensure that advice or interpretation of requirements contained in any word-processed document or pre-printed letter, circular or advisory booklet, whether or not issued as part of the inspection, is accurate and reflects current practice. Officers shall be prepared to discuss the requirements of any letter, circular or advisory booklet with the proprietor.

1.0.4 /....

Chapter Four (Cont'd)

PUBLIC AWARENESS OF ENFORCEMENT REQUIREMENTS

- 1.0.4** Officers shall ensure, whenever possible, that informal written advice which is considered appropriate following an inspection is sent to the proprietor with the inspection report. Food authorities should ensure that copies of any inspection report, letters and notices are sent to the Registered or Head Office where this is not the premises visited.
- 1.0.5** The Argyll and Bute Council shall have regard to guidance issued by central Government. Where no central Government guidance has been issued, the Food Authority should have been guided by any advice given by LACOTS. Where the Food Authority wishes to adopt an approach which is not consistent with that expressed by LACOTS (or SFCC), they should discuss their approach with that body.
- 1.0.6** Where issues of interpretation and inconsistency arise, Authorised Offices should discuss areas of difficulty with colleagues in other Authorities including the relevant Home Authority. Whatever problems are encountered, Food Authorities should avoid taking a unilateral decision on interpretation without seeking the views of other Authorities or of a national co-ordinating body, e.g. LACOTS.

Chapter Five

CO-ORDINATION OF ADVICE AND ENFORCEMENT

1.0.0 Access to Information

Argyll and Bute Council has ensured that Officers have convenient access to suitable, sufficient and up-to-date information to enable them to carry out competent inspections. Access has been provided to all relevant legislation, all Codes of Practice prepared under Section 40 of the Food safety Act, copies of Government and LACOTS guidance and appropriate technical literature.

1.1.0 Qualifications of Inspectors

In order to carry out an effective Food Standards Enforcement Service, Argyll and Bute Council have employed, and will employ, staff with the appropriate qualifications, skills, experience and therefore competency.

This is achieved having regard to:-

- (a) The Food Law Code of Practice on the qualifications and experience of Authorised Officers and experts.
- (b) The requirements of the Food Safety (Sampling and Qualifications) Regulations 1990, and
- (c) Any other requirements detailed in relevant Codes of Practice.

1.2.0 Officers involved in the Food Standards enforcement process will be trained or will undergo training and refresher training, as required, to ensure their knowledge of general principles of criminal law and practice, food (including its nature, composition, potential contaminants, etc.) food standards law, quality assurance and auditing, food processing and food analysis.

1.3.0 All necessary training requirements will be ascertained and a systematic approach will be undertaken to ensure that these will be recorded, identified and reviewed in order that they have a staff of competent and knowledgeable Officers.