

**Environment and Transport Committee****21 January 2014****Outcome of Food Standards Agency Scotland Audit****Report Number : ISD-02-14-F****Director Infrastructure Services****Infrastructure Services Department****1.0 Summary**

- 1.1 The purpose of this report is to advise Members of the outcome of the recent audit of the Local Authority Implementation of FSA Guidance on Controlling the Risk of Cross-Contamination from E.coli O157 by providing them with a copy of the Audit Report issued by the Food Standards Agency Scotland (FSAS).

**2.0 Decision Required**

- 2.1 That the Environment and Transport Committee RESOLVE to note the contents of the audit as an indicator of performance and note the actions implemented to close out the audit comments.

**3.0 Detail**

- 3.1 The purpose of FSAS audits of Local Authorities is to provide assurance that local delivery of official controls for feed and food is compliant with EC and UK legal requirements and official guidance.
- 3.2 The FSAS undertook an audit of Shetland Islands Council food law enforcement services on 21-23 October 2013. The audit included accompanying officers to premises to verify inspection processes and procedures, and an assessment of policies, premises files, correspondence and notices. A copy of the Audit Report is attached as Appendix1.
- 3.3 The audit was part of a focussed audit programme following FSAS issuing the Guidance on controlling the risk of cross-contamination from E. coli O157 on 15 February 2011, and further supplementary Guidance in July 2012. The guidance was developed in response to the serious outbreaks of E.coli O157 in Scotland in 1996 and Wales in 2005, which were attributed to cross-contamination arising from poor handling of food. Local Authorities were asked to use the guidance in their interventions at food businesses and to advise Food Business Operators on the measures that should be taken to avoid cross-

contamination. The audit report notes that Shetland Islands Council has implemented the guidance and that the effective implementation of the guidance was leading to improved business compliance ensuring better protection of public health.

3.4 The audit points raised are as follows:

3.4.1 The Service Plan for Environmental Services does not cover all aspects of the service planning guidance set out by the FSAS in the Framework Agreement because the Service plan was prepared in the Council's template format for service plans;

3.4.2 The Authorisation documents provided for the audit pre-date the introduction of Remedial Action Notices (RAN) so require to be updated.

3.4.3 Examination of Hygiene Improvement Notices (HINs) noted that on one occasion an extension was granted to a Notice without the Notice being withdrawn and re-served as detailed in the Food Law Practice Guidance (Scotland).

3.4.4 It was noted in two approved establishment files that conditional approval had been granted for more than 6 months which is contrary to the requirements of Article 31 of Regulation (EC) No 882/2004.

3.5 Annex A to the audit report details the actions that have been agreed to address the audit points and the dates for completion. These actions have been implemented or closed out as detailed in the action plan.

## 4.0 Implications

### Strategic

#### 4.1 Delivery On Corporate Priorities.

The delivery of services which meet the Council's statutory duties is a corporate priority. Local Authorities have statutory duties to enforce legislation relating to food. Shetland islands Council must therefore discharge its duty as effectively as possible and the FSAS audit is designed to establish whether this has been achieved.

#### 4.2 Community/Stakeholder Issues

The FSAS is an important stakeholder, as they set the standards required of local authorities in delivering Food Law Services and they monitor and audit these services achievement of these standards.

#### 4.3 Policy and/or Delegated Authority

In accordance with Section 2.3.1 of the Council's Scheme of Delegations, the Environment and Transport Committee has responsibility for discharging the powers and duties of the Council within its functional areas. In particular the Committee should monitor and review achievement of key outcomes in the Service Plans within the functional areas by ensuring appropriate performance measures

are in place, to monitor the relevant Planning and Performance Management Framework and best value in the use of resources to achieve these key outcomes is met within a performance culture of continuous improvement and customer focus. It is the expectation of the Food Standards Agency Scotland that the report is made available to the relevant Committee for consideration.

#### 4.4 Risk Management

The Environmental Health Service aims to ensure that food produced or sold in Shetland is safe to eat.

Local authorities that do not apply the law appropriately may find their decisions or actions successfully challenged and evidence gathered during a criminal investigation being ruled inadmissible by a court.

In addition, the FSAS may, after consulting the Scottish Ministers, give an authority a direction requiring them to take any specified steps in order to comply with FSAS guidance or policy.

Failing to implement legal duties or achieve the standards set for the Service by the FSAS could expose the Council to potential for enforcement action, civil claims and reputational damage in a food poisoning outbreak such as E coli 0157.

E. coli O157 is a particularly dangerous organism due to its very low infective dose that can cause serious illness and death and its ability to survive acidic environments, refrigeration and freezing. Young children, the elderly and immune-compromised individuals are particularly at risk. The fatalities in Scotland (1996) and Wales (2005) were due to cross-contamination of food by E. coli O157 from raw meat in a butcher's premises. In both Public Inquiries the local authority food hygiene inspections were criticised because they did not adequately address poor hygiene practices in the source premises, particularly the risk of cross contamination.

#### 4.5 Equalities, Health And Human Rights –N/A

#### 4.6 Environmental –N/A

#### Resources

#### 4.7 Financial

The remedial actions required are low cost or no cost and all remedial actions have been implemented within the service budget.

#### 4.8 Legal N/A

#### 4.9 Human Resources N/A

#### 4.10 Assets and Property N/A

## 5.0 Conclusions

- 5.1 The FSAS audit report details their findings and assessment of the food law enforcement service, with particular focus on the implementation of the cross contamination guidance to address E coli 0157. External audits are a key indicator of effective management of services or can indicate when performance needs to be improved. This audit indicates that officers have effectively taken steps to implement the guidance and the auditors could see evidence that the approach taken has improved hygiene within premises. The inspections of food premises have therefore been effective in protecting public health by reducing the risk of cross contamination causing a food poisoning outbreak.

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7 January 2014

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Appendix 1 – FSAS Audit report

## **Food Standards Agency in Scotland**

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### **Audit of Local Authority Implementation of FSA Guidance on Controlling the Risk of Cross-Contamination from *E.coli* O157**

**Shetland Islands Council**

**21 - 23 October 2013**

## Foreword

Audits of Local Authorities' food law enforcement services are part of the Food Standards Agency's arrangements to improve consumer protection and confidence in relation to food and feed. These arrangements recognise that the enforcement of UK food law relating to food safety, hygiene, composition, labelling, imported food and feeding stuffs is largely the responsibility of Local Authorities. These Local Authority regulatory functions are principally delivered through Environmental Health and Trading Standards Services. The Agency's website contains enforcement activity data for all UK local authorities and can be found at:

[www.food.gov.uk/enforcement/auditandmonitoring](http://www.food.gov.uk/enforcement/auditandmonitoring)

Regulation (EC) No 882/2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules includes a requirement for competent authorities to carry out internal audits or to have external audits carried out. The purpose of these audits is to verify whether official controls relating to feed and food law are effectively implemented. To fulfil this requirement, the Food Standards Agency, as the central competent authority for feed and food law in the UK, has established external audit arrangements.

Agency audits assess Local Authorities' conformance against the Food Law Enforcement Standard ("The Standard"), the 5<sup>th</sup> revision of which was published in April 2010 by the Agency as part of the Framework Agreement on Official Feed and Food Controls by Local Authorities and is available on the Agency's website at: <http://www.food.gov.uk/multimedia/pdfs/enforcement/frameworkagreementno5.pdf>

It should be acknowledged that there will be considerable diversity in the way and manner in which Local Authorities may provide their food enforcement services reflecting local needs and priorities.

The main aim of the audit scheme is to maintain and improve consumer protection and confidence by ensuring that Local Authorities are providing an effective food law enforcement service. The scheme also provides the opportunity to identify and disseminate good practice and provide information to inform Agency policy on food safety, standards and feeding stuffs. Parallel Local Authority audit schemes are implemented by the Agency's offices in all of the countries comprising the UK.

For assistance, a glossary of technical terms used within this audit report can be found at Annex C.

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## 1.0 Introduction

- 1.1 This report records the results of an audit of Shetland Islands Council with regard to implementation of FSA Guidance on controlling the risk of cross-contamination from *E.coli* O157 under relevant headings of The Standard in The Framework Agreement on Official Feed and Food Controls by Local Authorities. The report has been made available on the Agency's website at: [www.food.gov.uk/enforcement/auditandmonitoring/auditreports](http://www.food.gov.uk/enforcement/auditandmonitoring/auditreports)

### Reason for the Audit

- 1.2 The primary purpose of FSA audits of Enforcement Authorities is to provide assurance that local delivery of official controls for feed and food is compliant with EC and UK legal requirements and official guidance. The detailed guidelines for the conduct of audits of competent authorities are set out in an EC Decision of September 2006<sup>1</sup>.
- 1.3 In Scotland the power to set standards, monitor and audit Local Authority food law enforcement services was conferred on the Food Standards Agency by Section 12 of The Food Standards Act 1999 and Regulation 7 of The Official Feed and Food Controls (Scotland) Regulations 2009. This audit of Shetland Islands Council was undertaken under section 12(4) of the Act, and Regulation 7(4) of the Regulations, as part of the Food Standards Agency in Scotland audit programme.
- 1.4 The Framework Agreement on Local Authority Food Law Enforcement sets out the arrangements through which the FSA audits Local Authority enforcement activities to help ensure that Local Authorities are providing an effective service to protect public health.
- 1.5 The overarching aims of the audit scheme are to:
- Help to protect public health by promoting effective local enforcement of food law
  - Maintain and improve consumer confidence
  - Assist in the identification and dissemination of good practice to aid consistency
  - Provide information to aid the formulation of FSA policy
  - Promote conformance with the '*Food Law Enforcement – Standard*' and any relevant central Guidance or Codes of Practice
  - Provide a means to identify underperformance in Local Authority food law enforcement
  - Promote self regulation and peer review
  - Identify continuous improvement

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<sup>1</sup> Commission Decision (2006/677/EC) of 29 September 2006 setting out the guidelines laying down criteria for the conduct of audits under Regulation (EC) No 882/2004 of the European Parliament and of the Council on official controls to verify compliance with feed and food law, animal health and animal welfare rules



### Scope of the Audit

- 1.6 This programme of focussed audits was developed following issue of FSA Guidance on controlling the risk of cross-contamination from *E. coli* O157 on 15 February 2011, and supplementary Guidance in July 2012. Local Authorities were asked to use the Guidance in their interventions at food businesses and to advise Food Business Operators on the measures that should be taken to avoid cross-contamination.
- 1.7 This programme of audits has been specifically developed in accordance with the Agency's Strategic Objective to 2015:
- Ensure that regulation is effective, risk based and proportionate.
  - Food produced or sold in the UK is safe to eat
  - Help compliant businesses to thrive by focussing interventions on non-compliant businesses.
- 1.8 The audit programme was developed to examine Local Authority implementation of the Cross-Contamination Guidance and gain feedback from Local Authorities about the Guidance including, for example, any practical difficulties in implementing the Guidance and examples of any enforcement action taken. In addition, the audits were to seek to highlight areas of good practice as well as seeking to confirm compliance with the relevant requirements of the Standard.
- 1.9 Outcomes from the audit process are to be fed into the review of the cross-contamination Guidance taking place at the end of 2013.
- 1.10 The audit was also used to gather information about the effectiveness of the Scottish Food Enforcement Liaison Committee (SFELC) Strategy for implementing the FSA Cross-Contamination Guidance.

## 2.0 Executive Summary

- 2.1 The Authority's Infrastructure Services Directorate Plan for 2013-14 was presented to, and approved by, the Environment and Transport Committee on 6 March 2013. The plan is in the Shetland Islands Council corporate format which does not follow the Service Planning Guidance in the Framework Agreement. It does, however, as far as is possible, contain relevant information on the intervention programme and resources.
- 2.2 The Authority had incorporated a review of cross contamination controls as part of all inspections and had chosen not to formally adopt the Scottish Food Enforcement Liaison Committee (SFELC) Strategy for implementing the FSA Cross-Contamination Guidance
- 2.3 The Authority had an appropriate Enforcement Policy, Interventions Procedure and supporting documentation to ensure that inspections suitably addressed the issue of cross contamination hazards in food establishments.
- 2.4 In general the adoption of the FSA Guidance had focussed inspections on premises requiring interventions to control cross-contamination and had reiterated to Food Business Operators (FBOs) the importance of cross-contamination risks. The effective implementation of the Guidance was leading to improved business compliance.
- 2.5 Verification visits were carried out at three food establishments (two butchers/retailers and one catering establishment) where the Guidance had been successfully implemented.
- 2.6 The verification visits confirmed that Officers carrying out inspections were generally well informed and supportive of the principles of the Guidance. It was apparent that Officers had very good working relationships with the FBOs and had been proactive in following and discussing the Guidance.

### 3.0 Audit Findings

#### 3.1 Service Planning

- 3.1.1 The Authority's Infrastructure Services Directorate Plan for 2013-14 was presented to, and approved by, the Environment and Transport Committee on 6 March 2013. The plan is in the Shetland Islands Council corporate format which does not follow the Service Planning Guidance in the Framework Agreement. It does, however, as far as is possible, contain relevant information on the food intervention programme and resources.
- 3.1.2 The Infrastructure Directorate Service Action Plan is highly tabulated, with a focus on local Key Performance Indicators being reported monthly throughout. Spreadsheets detail the performance expected of the Environmental Service, under the headings of outcomes, objectives, actions and targets. These did not fully cover all of the areas for food official controls (Service Aims and Objectives and Background).
- 3.1.3 The Service Planning Guidance recognises that corporate styles and templates exist, and that flexibility is accepted; however the Authority should ensure that the information requirements in the Framework Agreement are included, and this may be separately identifiable within planning documents.
- 3.1.4 The Infrastructure Services Directorate Plan identifies 15 Directorate wide objectives. Those for Food Safety, including inspections and sampling, were all classified as a Green category.
- 3.1.5 Progress reports are submitted to the Committee on a quarterly basis to allow members to monitor the delivery and progress of the plan. The report for September 2013 was reviewed and showed that a re-structure of Infrastructure Services had been completed and implemented and was shown as an amber category.

#### **Recommendation**

3.1.6 The Authority should:

Ensure that future Service Delivery Plans are in accordance with the Service Planning Guidance in Chapter 1 of the Framework Agreement on Official Feed and Food Controls by Local Authorities.

[The Standard – 3.1]

### **3.2 Implementation Strategy for the FSA Cross-Contamination Guidance**

- 3.2.1 The Authority had not adopted any particular additional strategy for implementing the Guidance, but had included checks on cross contamination issues as a routine element of all food hygiene interventions. However due to current staff resources it was their intention to concentrate on premises that had previously been inspected and given a risk rating requiring interventions either every 6 months, 12 months or were catering establishments requiring an intervention every 18 months.
- 3.2.2 The Authority's food hygiene inspection summary report had been updated to include a specific section on cross contamination issues as a routine element of food hygiene interventions.
- 3.2.3 The Authority had issued leaflets on cross-contamination together with a covering letter to all food businesses in Shetland. The Authority had taken the decision not to make use of the FSA *E. coli* O157 A Butchers Guide DVD.
- 3.2.4 Letters sent to Food Business Operators following inspection make reference to general cross contamination issues found during that inspection, and also refer to the FSA Cross Contamination Guidance.

### 3.3 Key Implementation Findings from Discussions and File Checks

- 3.3.1 File checks were undertaken of 5 recent high risk food interventions where Officers had been implementing the Guidance. In most cases records were found to be comprehensive and detailed.
- 3.3.2 From the files examined, inspection frequencies were in accordance with the Food Law Code of Practice and risk ratings. Officers had clearly distinguished between legal requirements and recommendations in their correspondence with FBOs.
- 3.3.3 The Authority advised that it was standard practice for two Officers to carry out inspections at butchers premises and other high risk premises.
- 3.3.4 The risk profile was examined for all businesses within the area. At the time of audit there were no businesses within the Authority's areas who had been allocated the additional 20 points where there is a significant risk of food being contaminated with *Clostridium botulinum* and the micro-organism surviving any processing and multiplying; or of ready-to-eat food being or becoming contaminated with micro-organisms or their toxins that are pathogenic to humans, e.g. *E coli* O157 or other VTEC, *Salmonella* sp; *Bacillus cereus*, as detailed in Annex 5.3 of the Food Law Code of Practice (Scotland).
- 3.3.5 The Authority was using a Food Hygiene Summary report form to record the findings of inspections and this included an area for the Officer to draw a plan of the high risk / ready to eat areas. It also included a flow chart for the Officer to record an assessment of steps in the food business.
- 3.3.6 From the files examined, Officers were following a standard letter format to distinguish between legal requirements, and this generally included specific reference to the implementation of a food safety management system within this part of the letter, and recommendations of good practice in their correspondence with food business operators.
- 3.3.7 From the files examined, intervention frequencies were in accordance with the Food Law Code of Practice (Scotland) and risk ratings. There had not been a significant reduction in the broadly compliant figures following implementation of the FSA Cross-Contamination Guidance. The Authority reported internally for their 2013-2014 budget that there were 546 premises and that 91.79% were broadly compliant for food hygiene
- 3.3.8 The Authority had used a specific Audit of HACCP System checklist to gather relevant information on butchers premises. This checklist was designed to record whether the pre-requisites for good hygiene had been viewed during the intervention. It then required the Officer to assess and record the verification of the principles of HACCP.
- 3.3.9 In non-butchers premises only the Food Hygiene Inspection Summary Report Form was used to gather information relating to the inspection. The Authority should consider reviewing this difference in recording and evaluate if there would be benefits in using the Audit of HACCP Systems checklist in all establishments where cross contamination risks apply.

- 3.3.10 The incorporation of the FSA Cross-Contamination Guidance into inspection documentation had promoted focussed inspections, reiterated the importance of cross-contamination risks, and effectively implemented the Guidance leading to improved business compliance.

***Good Practice***

The Authority was using a Food Hygiene Summary Report form to record the findings of inspections and this included an area for the Officer to draw a plan of the high risk/ready to eat areas. This was generally completed in colour to allow Officers to verify the areas that were potentially at risk of cross contamination from raw to ready to eat foods. It also included a flow chart for the Officer to record an assessment of steps in the food business.

### **3.4 Key Findings from Verification Visits**

- 3.4.1 During the audit, verification visits were undertaken to three high risk food establishments (two butchers/retailers and one catering establishment) where the Guidance had been implemented. The Authorised Officer who had carried out the most recent programmed inspection accompanied the auditors on the verification visit. The main objective of the visit was to verify the effectiveness of the Authority's assessment of food business compliance with the FSA Cross-Contamination Guidance.
- 3.4.2 A discussion was held with the Officers before the verification visits took place to confirm the contents of the file records and to explain the format and objectives of the visit. It also gave the Officers the opportunity to explain the inspection process, the general overview of the business as well as compliance and understanding levels of the food business.
- 3.4.3 The verification visits verified that the Officers were appropriately following the internal procedures and completing the appropriate documentation. It was clear that the major focus of these inspections had been on compliance with the Cross-Contamination Guidance.
- 3.4.4 At all of the verification visits a food safety management system was in place. One of the establishments however had required considerable ongoing support and guidance from the Authority to draft what they actually did in practice. Documentation and records to demonstrate the application of HACCP principles were being kept to the satisfaction of the local Authority. In one business a Hygiene Improvement Notice had been appropriately served and complied with in relation to non-compliance with Article 5 of Regulation (EC) 852/2004
- 3.4.5 Improvements had been implemented as a result of the Officers' interventions and the FBO's response to the intervention. In general the auditors noted:
- Separation between raw and ready-to-eat foods in the butchers shops.
  - Improved practices in respect of use of protective clothing with separate aprons provided
  - Separate use of complex machinery in the butchers shops
  - Updated food safety management systems
  - Provision and use of the appropriate cleaning chemicals
  - Good working relationship with the FBOs.
- 3.4.6 Officers advised the auditors that they were pleased at how some businesses responded to any changes that they may have had to make as a result of the Guidance. Application of the Cross-Contamination Guidance was proving to be interesting and rewarding as positive outcomes were being achieved.

### 3.5 Enforcement

- 3.5.1 The Authority has an Environmental Health Enforcement Policy in place which was approved by the Infrastructure Committee in March 2011. The Enforcement Policy refers to concentrating efforts on high-risk premises, and on issues that adversely affect the health, safety and wellbeing of the community.
- 3.5.2 The Enforcement Policy requires that food law enforcement is carried out in line with the relevant food safety legislation and Codes of Practice. Procedures on interventions of food premises consistent with the principles contained within the Enforcement Policy have been developed.
- 3.5.3 Examination of Hygiene Improvement Notices (HINs) noted that on one occasion an extension was granted to a Notice without the Notice being withdrawn and re-served as detailed in the Food Law Practice Guidance (Scotland).
- 3.5.4 The Authorisation documents provided for the audit pre-date the introduction of Remedial Action Notices (RAN). Should there be a need to serve a RAN then an Officer will have to have an updated authorisation document before the notice is served.

#### ***Recommendation***

3.5.5 The Authority should:

Carry out food law enforcement in accordance with the relevant Codes of Practice and centrally issued guidance.

[The Standard – 15.3]

#### **General Enforcement issues**

- 3.5.6 It was noted in two approved establishment files that conditional approval had been granted for more than 6 months which is contrary to the requirements of Article 31 of Regulation (EC) No 882/2004. The Authority advised the auditors that this was due to the lack of staff resource.
- 3.5.7 In the approved dairy establishment record, the focus appears to be on compliance with Regulation (EC) No 853/2004 with little detail on general Regulation (EC) No 852/2004 compliance. The Authority noted this and was to amend the inspection aide memoir to include the areas covered by the Food Hygiene Inspection Summary Report.



- 3.5.8 It was noted in some approved establishment files that the process of granting conditional approval as defined in article 31 of Regulation (EC) No. 882/2004 had not been followed; in some cases conditional approval had been granted indefinitely which is in excess of the permitted maximum of 6 months as required by the regulations.

***Recommendation***

- 3.5.9 The Authority should:

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.

[The Standard – 7.2]

**3.6 Internal Monitoring**

- 3.6.1 Internal monitoring includes recorded administrative checks on the quantitative aspects of interventions within the hard copy files. In many cases two Officers jointly carry out the inspections which facilitates consistency in approach.

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**ANNEX A****Action Plan for Shetland Islands Council**

Audit date: 21-23 October 2013

<b>TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)</b>	<b>BY (DATE)</b>	<b>PLANNED IMPROVEMENTS</b>	<b>ACTION TAKEN TO DATE</b>
<p>The Authority should ensure that future Service Delivery Plans are in accordance with the Service Planning Guidance in Chapter 1 of the Framework Agreement on Official Feed and Food Controls by Local Authorities.</p> <p>[The Standard – 3.1]</p>	1 <sup>st</sup> April 2014	A Service plan will be developed for Environmental Services in the Corporate Format for 14/15. An Annex to the plan will contain the information required by the framework agreement.	
<p>The Authority should carry out food law enforcement in accordance with the relevant Codes of Practice and centrally issued guidance.</p> <p>[The Standard – 15.3]</p>	5 <sup>th</sup> December 2013	<p>The Authorisation documents have been updated to include the RAN authorisation.</p> <p>A note has been added to the Notice file and issued to all staff reminding them that to extend an Hygiene Improvement Notices (HINs) the Notice should be withdrawn and re-served as detailed in the Food Law Practice Guidance</p>	<p>Completed</p> <p>Completed</p>

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
<p>The Authority should 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.</p> <p>[The Standard – 7.2]</p>	<p>28<sup>th</sup> February 2014</p>	<p>The two approved establishment files which have conditional approval will be revisited. Due to changes in the business plans the need for them to be approved may now not be necessary. If officers can establish by visiting the premises that the establishments are exempt from approval then the conditional approval files will be closed and the applications formally rejected. If this is not the case, the application will be processed for either full approval or refused.</p>	<p>Visits scheduled to premises.</p>

## ANNEX B

### Audit Approach/Methodology

The audit was conducted using a variety of approaches and methodologies as follows:

*(1) Examination of Local Authority policies and procedures.*

The following Local Authority policies, procedures and linked documents were examined before and during the audit:

- Infrastructure Services Directorate Plan 2013/14
- Environment and Transport Committee report ISD-04-13-F, Infrastructure Services Directorate Plan
- Environment and Transport Committee report ISD-12-13-F, Infrastructure Services Quarter 1 Performance Overview
- Infrastructure Committee Report of 8 March 2011 “Review of UK Food Safety official Controls Delivery”
- Scheme of Administration and Delegation, Constitution Part C (May 2011)
- Policy on the authorisation and training of Officers version 2, September 2011
- Officer Authorisation documents (28/07/06 and 12/09/06)
- Database management & document control policy and procedures Version 5, February 2013
- Equipment maintenance & calibration policy & procedures version 6, February 2013
- Interventions of Food Premises version 6, February 2013
- Policy and Procedures relating to Food Safety Incidents, version 6 of February 2013
- Enforcement Policy, Version 6 of December 2010
- Infrastructure Committee report of 08 March 2011 “Environmental Health Enforcement Policy”
- Food team minutes of 8<sup>th</sup> August (2013), 27<sup>th</sup> June 2013 and 17<sup>th</sup> May 2013.
- Hygiene Improvement Notice template
- Inspection letter template
- Food premises inspection report template
- Food Hygiene Inspection Summary Report template
- Food team Visit Form template
- Food Team Information/Intelligence Gathering form

*(2) File reviews*

The following Local Authority file records were reviewed during the audit:

- Food premises inspections and inspection reports

*(3) Officer interviews*

The following Officers were interviewed:

- Audit Liaison Officer
- Authorised Officers who carried out the most recent intervention at the premises selected for a verification visit.

Opinions and views raised during Officer discussions remain confidential and are not referred to directly within the report.

*(4) On-site verification visits:*

Verification visits were made with the Authority's Officers to three high risk food establishments (two butchers/retailers and one catering establishments). The purpose of the visit was to verify the outcome of the last intervention carried out by the Local Authority and to assess the extent to which enforcement activities and decisions met the requirements of relevant legislation, the Food Law Code of Practice (Scotland) and other official Guidance.

## ANNEX C

## Glossary

Audit	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.
Authorised Officer	A suitably qualified Officer who is authorised by the Local Authority to act on its behalf in, for example, the enforcement of legislation.
<i>E. coli</i> O157 Control of Cross-Contamination Guidance	Guidance issued by the Food Standards Agency for food business operators and enforcement Officers on controlling the risk of cross-contamination by <i>E. coli</i> O157 (February 2011)
Food Law Code of Practice (Scotland)	Government Codes of Practice 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, as Guidance to Local Authorities on the enforcement of food legislation.
Food hygiene	The legal requirements covering the safety and wholesomeness of food.
Food Standards Agency	<p>The Food Standards Agency is an independent Government department set up by an Act of Parliament in 2000 to protect the public's health and consumer interests in relation to food.</p> <p>Everything we do reflects our vision of Safer Food For the Nation.</p>
Framework Agreement	<p>The Framework Agreement consists of:</p> <ul style="list-style-type: none"> <li>• Chapter One Service Planning Guidance</li> <li>• Chapter Two The Standard</li> <li>• Chapter Three Monitoring of Local Authorities</li> <li>• Chapter Four Audit Scheme for Local Authorities</li> </ul> <p>The <b>Standard</b> sets out the Agency's expectations on the planning and delivery of food law enforcement.</p> <p>The <b>Monitoring Scheme</b> requires Local Authorities to submit an annual return to the Agency on their food enforcement activities i.e. numbers of inspections, samples and prosecutions.</p>

Under the **Audit Scheme** the Food Standards Agency will be conducting audits of the food law enforcement services of Local Authorities against the criteria set out in The Standard.

Full Time Equivalents (FTE)	A figure which represents that part of an individual Officer's time available to a particular role or set of duties. It reflects the fact that individuals may work part-time, or may have other responsibilities within the organisation not related to food enforcement.
HACCP / FSMS	Hazard Analysis and Critical Control Point (HACCP) is a Food Safety Management System (FSMS) used within food businesses to identify points in the production process where it is critical for food safety that the control measure is carried out correctly, thereby eliminating, or reducing the hazard to a safe level.
Risk rating	A system that rates food premises according to risk and determines how frequently those premises should be inspected. For example, high risk premises should be inspected at least every 6 months.
Scottish Food Enforcement Liaison Committee (SFELC) Implementation Strategy for the FSA Cross-Contamination Guidance	Guidance developed by SFELC on strategic decisions required to meet the expectations of local authorities and allow progress towards compliance with the FSA Guidance.
Service Plan	A document produced by a Local Authority setting out their plans on providing and delivering a food service to the local community.





**Environment and Transport Committee****21 January 2014****Esplanade, Lerwick 20mph Zone****RD-01-14-F****Report presented by : Traffic & Road Safety Engineer****Roads  
Infrastructure Services Department****1.0 Summary**

- 1.1 The purpose of this report is to allow the Committee to consider a proposal to introduce a 20mph Zone with traffic calming on the Esplanade that would enable consideration of the replacement of a number of Pelican crossings with Zebra crossings. The report details the possible implications of these changes and seeks approval to progress to public consultation on the scheme as outlined.
- 1.2 Whilst delegated authority is in place for officers to proceed directly to consultation, a decision is being sought from the Committee because the scope of the proposed changes would significantly alter the area and may attract both positive comments and objections.

**2.0 Decision Required**

- 2.1 That the Environment and Transport Committee RESOLVES to:
- 2.1.1 Approve proceeding with public consultation with vulnerable and other user groups on the replacement of some Pelican crossings with Zebra crossings.
  - 2.1.2 Approve the introduction of a 20mph Zone scheme with traffic calming along the Esplanade and Commercial Road between Annsbrae and North Ness following the normal statutory public consultation and advertising process; and
  - 2.1.3 Note that where there are unresolved objections that the matter will be referred back to the Committee for decision; and

- 2.1.4 Note that any future funding requirement for works will require to be addressed in line with the normal capital programme budgeting procedures under the Council's Gateway Process.

### **3.0 Background**

- 3.1 There have been reliability problems with the existing stock of Pelican crossings. These problems have led to a number of enquiries, most notably by the Lerwick Community Council, regarding the possibility of providing Zebra crossings instead.
- 3.2 There are well documented safety issues with Zebra crossings, particularly on roads carrying traffic at higher speeds. Therefore, replacing Pelican crossings with Zebra crossings is not recommended unless they are contained within a lower speed zone or limit area.
- 3.3 Replacing a Pelican crossing with a Zebra crossing would result in a number of potential cost savings for the Council. The physical installation costs are less, the ongoing maintenance cost is much reduced, and there are no significant end-of life replacement costs. Also, co-locating either of these crossing types with certain traffic calming features within a 20mph zone or limit allows the relatively expensive anti-skid surfacing to be omitted from the approaches to the crossing.
- 3.4 The Council have been approached at various times over the last few years regarding the possibility of introducing a lower (20mph) speed limit along the Esplanade. This approach is now being discussed at national level as possible Government Policy to make town centres and shopping areas more pedestrian friendly.
- 3.4.1 Transport Scotland has just announced that they are to begin consultation to introduce 20mph speed limits on sections of the trunk roads in town centres across Scotland. However, at this time these limits are only being proposed where they do not require physical traffic calming and there is a significant accident history involving vulnerable road users (pedestrians and cyclists).
- 3.5 Over the years the Esplanade and Commercial Road area has had a small but regular accident rate of about 2 slight injury accidents per year. This is a statistically significant rate given the population and the traffic flows in the area. Unfortunately, because the accidents are not clustered in any specific location the cost of any remedial treatment to reduce this accident rate would be much greater than the funding level that could be justified.
- 3.6 The accident locations are shown in Appendix 8 to this report. Of the 19 accidents on file 13 have involved pedestrians and 4 of the remaining 6 involved rear end shunts. These are accident types where vehicle speeds are particularly relevant to the severity of the accident. It should be noted that none of these shunt accidents occurred at any of the pedestrian crossing points and only one of the pedestrian accidents occurred at an existing crossing location.

- 3.7 There have been a number of complaints by residents in the Church Road area regarding the speed of vehicles along Church Road, particularly at lunch times and in the evenings. While in general vehicle speeds on Church Road were in the 19mph to 28mph range when they were monitored, some 5% of drivers exceeded 30mph.

#### **4.0 Detail**

- 4.1 Due to ongoing problems with Pelican crossing reliability, and the cost of replacing them, there are benefits in considering the replacement of them with Zebra crossings where practical.
- 4.2 Due to the safety issues associated with Zebra crossings in higher speed areas it is considered that this should only be done within a 20mph zone or limit where vehicle speeds are lower.
- 4.3 The introduction of lower speed zones would not be appropriate for many of the existing crossing locations. However, it would be reasonable to consider a lower limit within the Esplanade and adjacent areas of the town centre as vehicle speeds are generally already low.
- 4.4 This reduction in speed limit in the area would enable consideration of the replacement of a significant percentage of the Pelican crossings with Zebra crossings at this time. The remainder of the Pelican crossings would be the subject of a detailed review process that requires pedestrian use surveys, which would need to be carried out in late spring/ early summer when the survey would show peak usage. This review will be reported to Committee on completion of the surveys later in the year.
- 4.5 The replacement of Pelicans with Zebras, even in a low speed environment, is not without safety concerns. Visually impaired persons rely, completely, on the audible and tactile signals that are part of a Pelican or other light controlled crossing to let them know when traffic is stopped. This is of particular benefit on busy roads and in noisy environments, such as the town centre area we are considering. It should also be noted that in recent years car engines have become much quieter, and this increases the problem for the visually impaired person.
- 4.6 However, despite these concerns, implementation of a 20mph zone or limit for the Esplanade and Commercial Road area should deliver a reduction in the background accident rate for the area. It would also be in line with emerging national policy.
- 4.7 With all of this in mind, three options were considered for the area; the first was a 20mph limit without traffic calming, the second a 20mph limit with traffic calming at selected locations, and the third option was a 20mph zone with traffic calming throughout.
- 4.7.1 A 20mph limit requires entry and exit signing as well as regular secondary signing or repeaters to remind drivers that they are in a reduced speed limit. Any traffic calming features within a 20mph limit must be specifically signed and may only be used in a particular manner to ensure that they do not create safety

hazards in their own right. 20mph limits are generally only put in place where traffic speeds are uniformly low.

- 4.7.2 20mph zones only require entry and exit signing but must have regular traffic calming features. This allows them to be used where existing vehicle speeds are higher or there are a notable number above the nominal threshold for a 20mph limit.
- 4.8 Traffic counts were undertaken through the area in 2012 and these show that, in general, drivers are travelling at a responsible speed. However, there were notable numbers of drivers travelling above this typical level and speeds generally increased in the evenings. The speed survey results are shown in Appendix 9 to this report.
- 4.9 Given the speed profile of the area it is necessary to install traffic calming features to regulate vehicle speeds. Unless vehicle speeds are maintained at a lower level installing Zebra crossings could increase the level of accidents.
- 4.10 In considering the signage and other infrastructure requirements of a partially traffic calmed 20mph limit against a 20mph zone with traffic calming throughout it was determined that while the latter would be slightly more expensive it would be more effective and consistent in its impact.
- 4.11 The general proposals for the replacement of Pelican crossings with Zebra crossings and the associated 20mph zone with traffic calming are indicated in the plans attached as Appendix 1 and 2 to this report. More specific details are shown in Appendices 3 to 7.
- 4.12 The extents of the proposed speed zone have been chosen to coincide with the points where traffic naturally slows on the approach to the Church Road and North Ness roundabouts.
- 4.13 The number of traffic calming features within the zone is determined by both the effective and maximum spacing identified in the national guidance and regulations for such schemes.
- 4.14 The specific design of each feature, and the mix of features used, will relate to their location and the specific impact on bus traffic using the route.
- 4.15 The proposed treatment at the Church Road / Commercial Street junction shown in Appendix 4 is a departure from normal arrangements, and can only be considered as part of a controlled low speed environment. This layout has been chosen specifically to address the issues that have limited the safety and use of the existing Pelican crossing.
- 4.16 This type of shared layout also introduces a number of issues for visually impaired persons and significant care needs to be taken with the detailing and finish of the area to aid them in route finding across and through the area.

- 4.17 Another crossing provision type that can be considered in a low speed environment is the 'courtesy crossing', either at road level or across a raised traffic calming hump. At these locations vehicles have no legal requirement to stop for pedestrians wishing to cross but with the minimal delays associated in doing so many motorists do choose to stop. Examples are shown in Appendix 5.

## **5.0 Implications**

- 5.1 Delivery On Corporate Priorities – The proposals in this report would assist in reducing ongoing revenue expenditure in line with the Council's Medium Term Financial Plan. The promotion of such a scheme, which provides obvious safety improvement works, is in line with Council Road Safety Policy.
- 5.2 Community / Stakeholder Issues – The more pedestrian friendly environment that could be created by these proposals is in line with the aspirations of many groups, bodies and individuals. However, there is no doubt that with these potential benefits come a number of concerns for various vulnerable groups and their views need to be given sufficient consideration.
- 5.3 Policy And / Or Delegated Authority – The Council's Scheme of Administration and Delegation provides authority for each functional Committee to discharge the powers and duties of the Council within their own functional areas in accordance with the policies of the Council, and the relevant provisions in its approved revenue and capital budgets.
- 5.4 Risk Management – The public road area covered by this report currently presents an ongoing capital replacement and maintenance liability through the existing pelican crossing stock. The injury accident rate in this area, particularly for pedestrians, is both consistent and higher than would be expected for our population base and traffic flows.
- 5.5 Equalities, Health And Human Rights – Reducing traffic speeds in an area provides considerable benefits for all, but in particular for many disabled and vulnerable persons. Increasing opportunities for pedestrians to cross the main road in the town centre potentially also brings a number of benefits.
- 5.6 Environmental – None.
- 5.7 Financial Resources – The cost of a public consultation on the proposals in this report can be met from existing approved budgets.

If the scheme is introduced, implementation will require a fully costed business case to be made for consideration under the Council's Gateway Process for capital project prioritisation. It should be noted that even if these proposals do proceed to be assessed under the Gateway Process they may not ultimately be progressed if deemed not to be sufficiently high in the Council's priorities against other capital projects.

No specific costing work has been carried out on the proposals at this time as the detail is subject to change and review during the consultation

process. However, it would be prudent to consider that scheme costs are likely to be in the order of £100K to £150K.

5.8 Legal – The implications of changing or removing pedestrian crossing points for vulnerable users has implications under the Disability Discrimination Act and suitable consultation would be required in order for us to discharge our responsibilities to these users. The introduction of a 20mph speed zone with traffic calming has a statutory public consultation and advertising requirement under the Road Traffic Regulation Act.

5.9 Human Resources – None.

5.10 Assets And Property – None.

## **6.0 Conclusion**

6.1 An opportunity exists to reduce the Council's ongoing financial liability in respect of the existing Pelican crossing provisions without necessarily reducing the functional provision. This can be done by replacing them with Zebra crossings where appropriate.

6.2 By ensuring that vehicle speeds throughout the Esplanade and adjacent areas are at or below 20mph, through the installation of physical traffic calming features, the Council could consider the use of Zebra crossings in this area. The reduced speed limit would result in a reduction in accidents in this area.

6.2 The proposal to consult on this option must include a full assessment of the usability concerns remain for zebra crossings, for visually impaired persons who rely on an audible or tactile confirmation that traffic has stopped.

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For further information please contact:

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9 January 2014

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### List of Appendices

Appendix 1 – Layout Drawing  
Appendix 2 – Layout Drawing  
Appendix 3 – Detail Drawing  
Appendix 4 – Detail Drawing  
Appendix 5 – Detail Drawing  
Appendix 6 – Detail Drawing  
Appendix 7 – Detail Drawing  
Appendix 8 – Accident Location Drawing  
Appendix 9 – Speed Survey Summary Drawing

### Background documents:

None  
END



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**Scheme:**

Esplanade, Lerwick  
20mph Zone

**Title:**

Proposed Layout  
for Consultation

**Shetland Islands Council**

Traffic & Road Safety Section, Roads Service  
Department of Infrastructure Services  
Gremista, Lerwick, Shetland ZE1 0PX

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Date:	Drawn: CJG	Checked: TGL	Scale: NTS
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20mph Zone

Title:

Proposed Layout  
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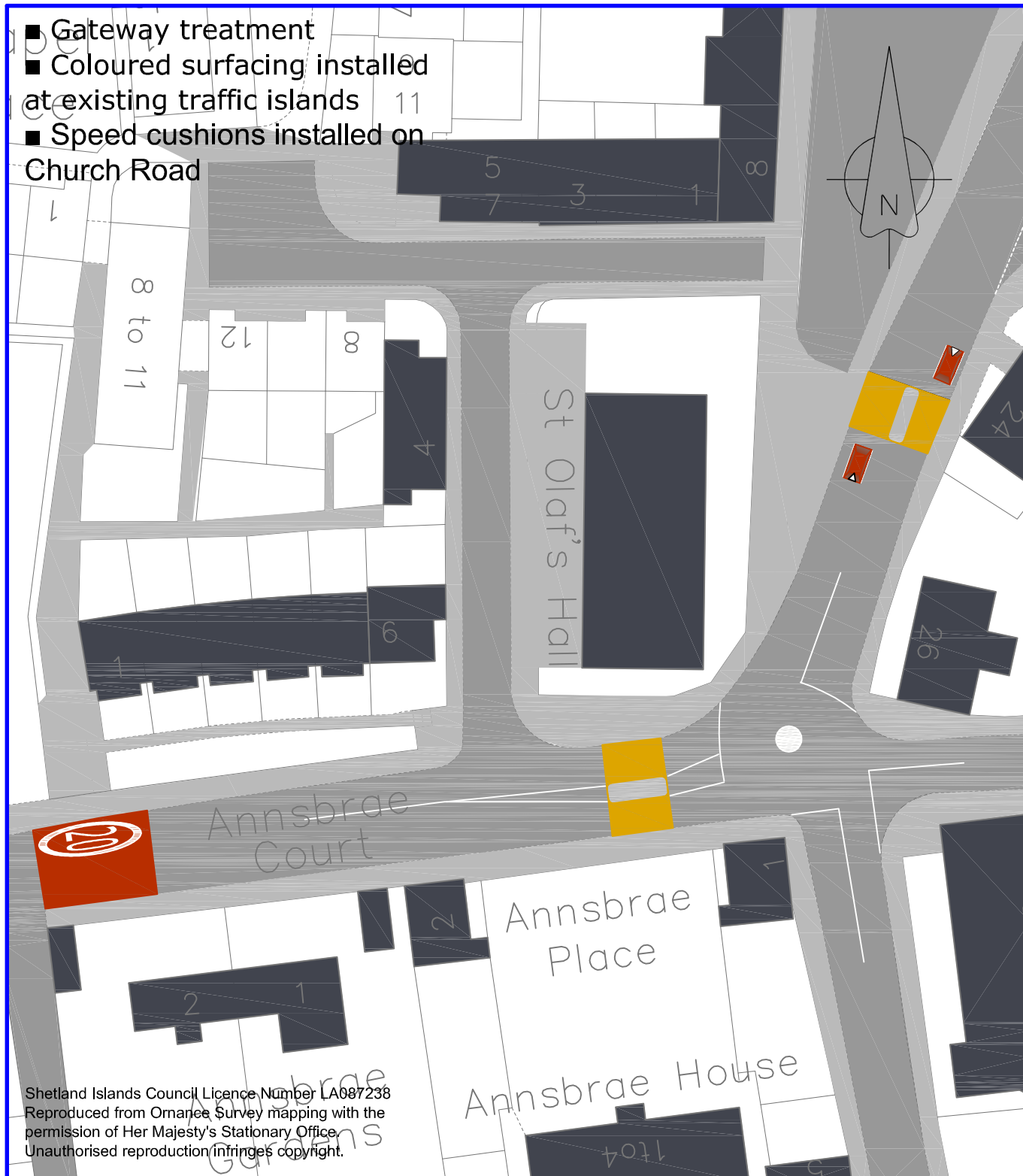
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Department of Infrastructure Services  
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20mph Zone**

**Title:**

**Proposed Layout  
for Consultation**

**Shetland Islands Council**

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 20mph Zone**

**Title:**

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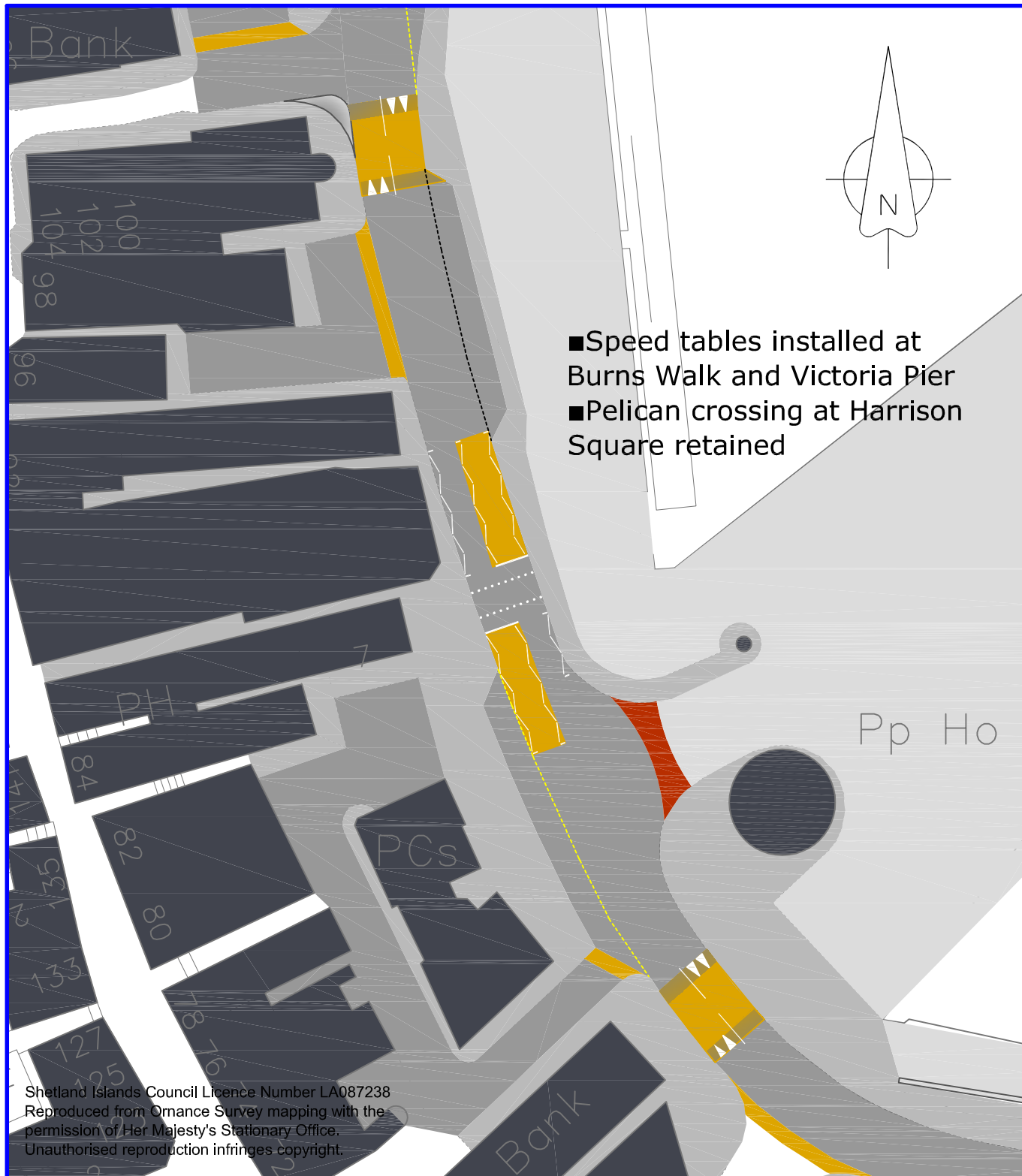
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**Scheme:**

**Esplanade, Lerwick  
20mph Zone**

**Title:**

**Proposed Layout  
for Consultation**

**Shetland Islands Council**

Traffic & Road Safety Section, Roads Service  
Department of Infrastructure Services  
Gremista, Lerwick, Shetland ZE1 0PX

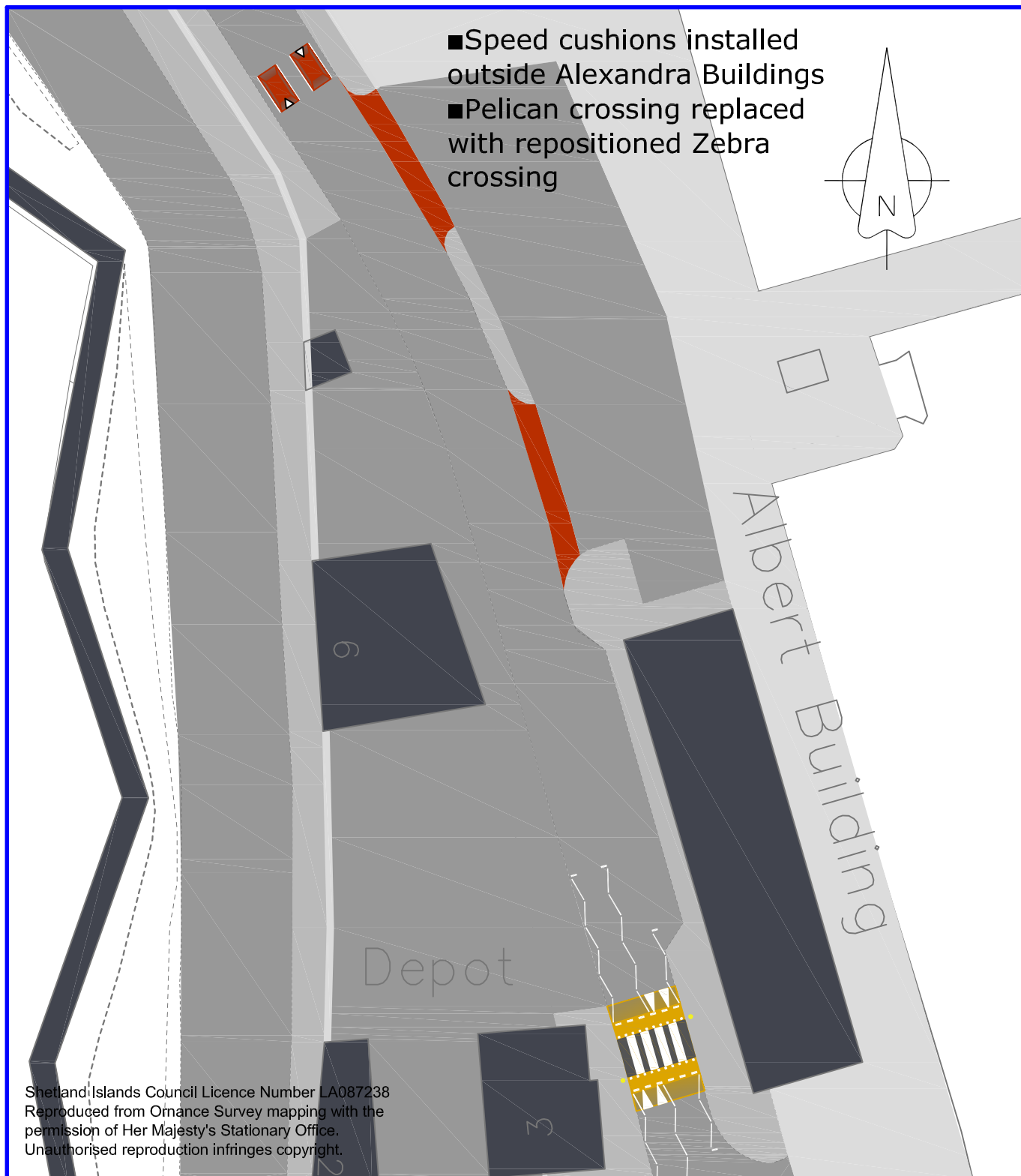
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**Esplanade, Lerwick  
 20mph Zone**

**Title:**

**Proposed Layout  
 for Consultation**

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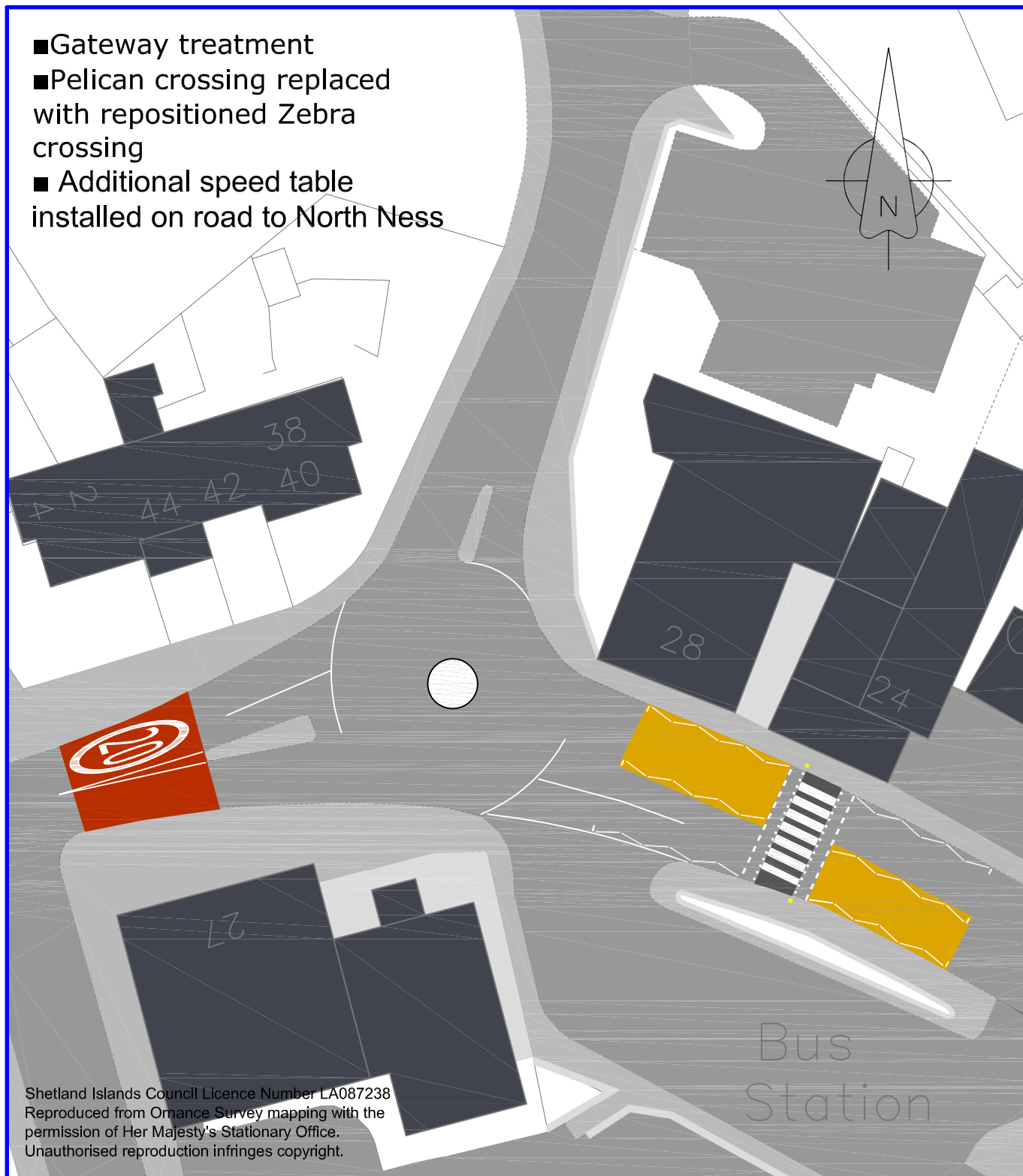
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**Esplanade, Lerwick  
 20mph Zone**

**Title:**

**Proposed Layout  
 for Consultation**

**Shetland Islands Council**

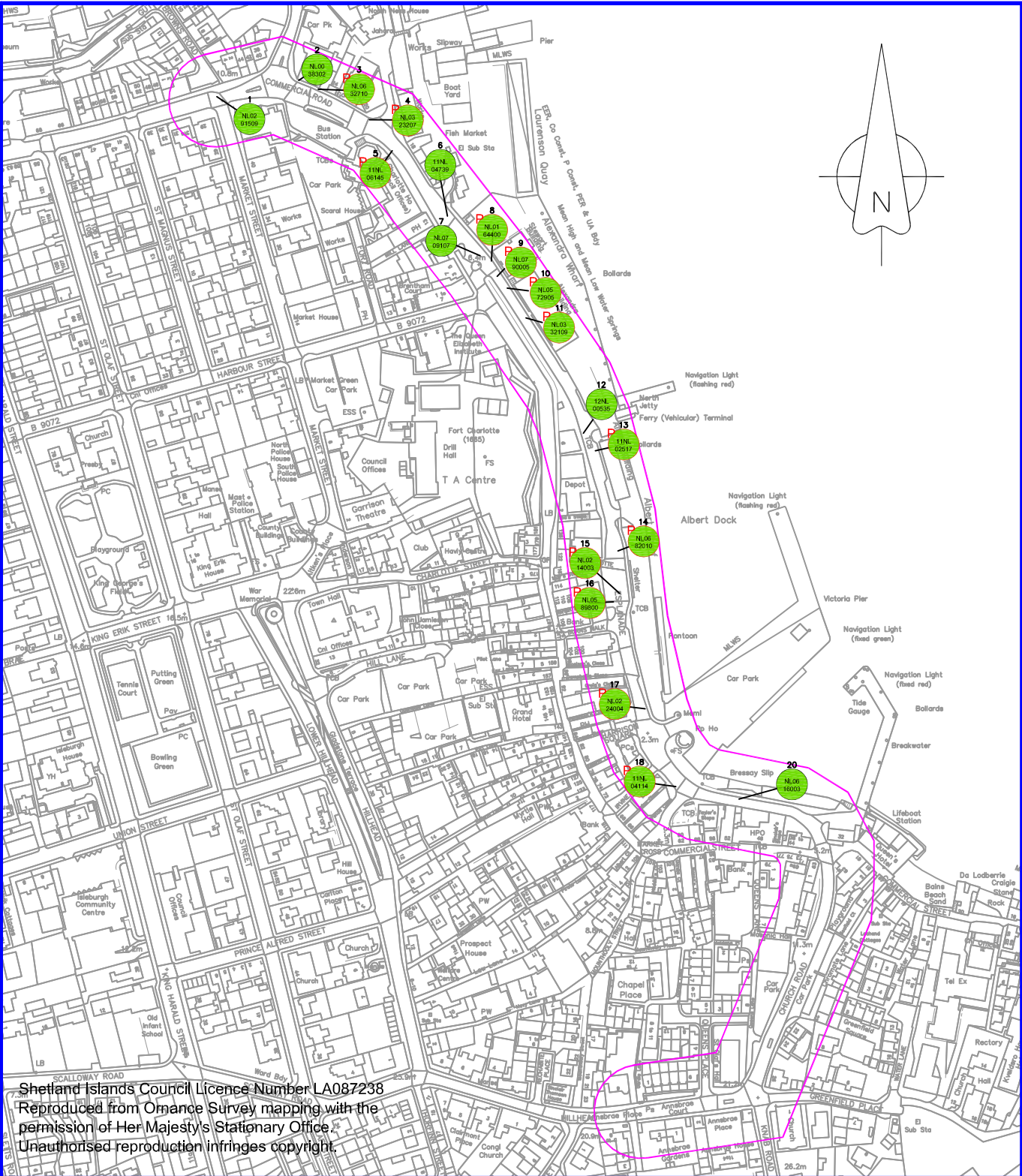
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			Rev:





Scheme:

Esplanade, Lerwick  
20mph Zone

Title:

Accident Plot  
2000 - 2012

**Shetland Islands Council**

Traffic & Road Safety Section, Roads Service  
Department of Infrastructure Services  
Gremista, Lerwick, Shetland ZE1 0PX

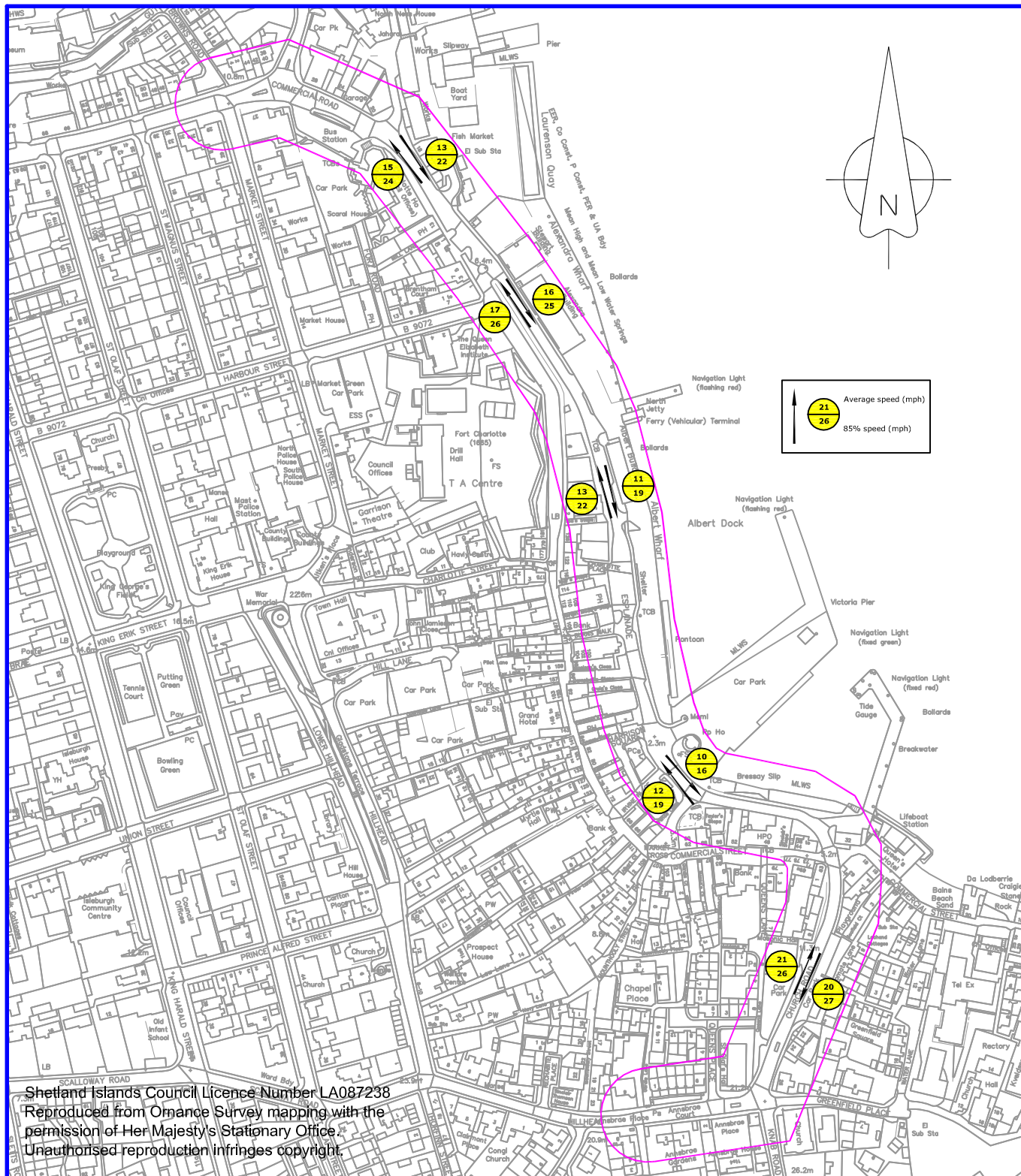
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Scheme:

**Esplanade, Lerwick**  
**20mph Zone**

Title:

**Speeds Plot**  
**2012**

# Shetland Islands Council

Traffic & Road Safety Section, Roads Service  
 Department of Infrastructure Services  
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## APPENDIX 9

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