

Motherwell, 7 September 1998 at 2 pm.

A Special Meeting of the **ENVIRONMENTAL SERVICES COMMITTEE**

PRESENT

Councillor Craigie, Convener; Councillor Hogg, Vice-Convener; Councillors Cox, Gibson, Gordon, Heberton, McAlorum, McCabe, McGlashan, J. McGuigan, Maginnis and J. Martin.

ALSO PRESENT

Councillors Barrie, Chadha, Connelly, Craig, Gormill, Griffin, Lyle, McCulloch, McGhee, W. Martin, Murphy, G. Murray, Pentland, Scott and Wilson.

CHAIR

Councillor Craigie (Convener) presided.

IN ATTENDANCE

The Director of Administration, Committee Services Officer, Chief Solicitor and Director of Environmental Services.

APOLOGIES

Councillors Cefferty, Gilchrist, Lucas, H. McGuigan, McKenna and Ross.

E-COLI 0157 FATAL ACCIDENT INQUIRY - DETERMINATION BY SHERIFF PRINCIPAL G L COX Q.C.

1. With reference to paragraph 1 of the Minute of this meeting held on 25 August 1998 when it had been agreed that consideration of the Determination by Sheriff Principal GL Cox QC on the E-Coli 0157 Fatal Accident Inquiry be continued to this meeting pending the submission of a report by the Director of Environmental Services thereon, there were submitted (1) the Determination (docketed) by Sheriff Principal Cox on the Fatal Accident Inquiry, and (2) a report (docketed) dated 3 September 1998 by the Director of Environmental Services (a) detailing the remit of the Inquiry; (b) outlining the context of the outbreak in terms of (i) legislative guidance, particularly in relation to the deregulation of local authority regulatory functions in all business sectors, (ii) food poisoning trends, (iii) the statutory role of local authorities, the Health Board and other agencies which had responsibilities for food safety and communicable disease legislation, and (iv) the role of the Council, as Food Authority, within an Outbreak Control Team comprising medical, scientific and operational partners; (c) summarising and commenting on the specific issues raised by the Sheriff Principal, particularly in relation to the four principal criticisms of the Council, as Food Authority, during the outbreak; (d) highlighting the food safety initiatives which had been approved by the Council and implemented by the Director of Environmental Services since the outbreak, including the adoption of the recommendations contained in the Pennington reports and the endorsement of the Pennington proposals for the introduction of licensing for butcher premises; (e) advising that Senior Counsel had prepared, on the instructions of the Council's Insurers, an Opinion on the Sheriff's Determination which included the considered view that in certain respects the Determination was unsatisfactory and that certain criticisms which were levelled at the Council were in the main unjustified on the evidence, and (f) detailing the outcome of legal proceedings against J.M. Barr and Son, 48a-52 Caledonian Road, Wishaw, in respect of contraventions of Regulations 4(2)(d) and 6(1) of the Food Safety (General Food Hygiene) Regulations Act 1990, and Section 8(1)(a) and (b) of the Food Safety Act 1990, and (g) indicating that J.M. Barr and Son had been fined a total of £2,250 in respect of the contraventions.

Decided:

- (1) that the terms of the Determination by Sheriff Principal GL Cox QC on the E-Coli 0157 Fatal Accident Inquiry be noted, and
- (2) that the terms of the report by the Director of Environmental Services on the Sheriff Principal's Determination be noted.