



Report on the Food Law Enforcement Service

Blaenau Gwent County Borough Council

13 - 15 May 2003

Foreword

Audits of local authority food law enforcement services are part of the Food Standards Agency Wales arrangements to improve consumer protection and confidence in relation to food. These arrangements recognise that the enforcement of food law relating to food safety, hygiene, composition, labelling, imported food and feedingstuffs is largely the responsibility of unitary authorities. These regulatory functions are principally delivered through their Environmental Health and Trading Standards Services.

The attached audit report examines the local authority's Food Law Enforcement Service. The assessment includes the local arrangements in place for inspections of food businesses and foodstuffs, sampling and analysis, internal management, food safety promotion and educational activities. It should be acknowledged that there will be considerable diversity in the way and manner in which unitary authorities may provide their food enforcement services reflecting local needs and priorities.

Agency audits assess a local authority's conformance against the Food Law Enforcement Standard "The Standard", which was published by the Agency as part of the Framework Agreement on Local Authority Food Law Enforcement and is available on the Agency's website.

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.

The report also contains an action plan, prepared by the Authority, to address the audit findings.

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

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1. Introduction

- 1.1 This report records the results of the audit under the headings of the Food Standards Agency Food Law Enforcement Standard and has been made publicly available on the Agency's website. Hard copies are available from the Food Standards Agency Library at Aviation House, 125 Kingsway, London WC2B 6NH, Tel: 020 7276 8181. These are subject to a reproduction and handling fee of £7.50 plus £1.50 postage and packing.

Reason for the Audit

- 1.2 The power to set standards, monitor and audit local authority food law enforcement services was conferred on the Food Standards Agency by the Food Standards Act 1999. The audit of the food service at Blaenau Gwent County Borough Council was undertaken under section 12(4) of the Act as part of the Food Standards Agency's annual audit programme.
- 1.3 The Authority was audited as part of the Food Standards Agency Wales programme of full audits of all 22 Welsh local authorities.

Scope of the Audit

- 1.4 The audit covered Blaenau Gwent County Borough Council's food hygiene food standards and feedingstuffs law enforcement service. The on-site element of the audit took place at the Council's office at Enterprise House, Rassau Industrial Estate, Rassau, Ebbw Vale NP23 5SD on 13 – 15 May 2003.
- 1.5 The audit assessed the Authority's conformance against the Standard, using audit protocols FSA/AP3/1 – FSA/AP21/1. The Standard was adopted by the Food Standards Agency Board on 21 September 2000 and forms part of the Agency's Framework Agreement with local authorities. The Framework Agreement and the audit protocols can be found on the Agency's website.

Background

- 1.6 The Authority is one of the smallest of the Welsh unitary Authorities and stretches from the heads of the valleys in the north to Llanhilleth in the south. It provides services for approximately 71,200 people who live in an area covering 10,862 hectares. The area includes the towns of Tredegar, Ebbw Vale, Brynmawr, Blaina and Abertillery with a number of smaller villages and is predominantly rural uplands, bordered in the

north west by the Brecon Beacons National Park. The towns were traditionally famous for coal mining and iron and steel industries but with the demise of these, the area has now one of the highest levels of social deprivation and exclusion in Wales.

- 1.7 Food enforcement was carried out by officers of the Environmental Health and Trading Standards Division within the Environment and Development Department. Officers within the Environmental Health Commercial Team carried out food hygiene enforcement and officers within the Retail and Business Services Sections of Trading Standards Section, carried out food standards and feedingstuffs enforcement.
- 1.8 The Council Offices are open from 09:00-17:00 Monday to Friday. At all other times the Authority operates an emergency out of hours service through a Control Centre, the number for which was freely available to members of the public.
- 1.9 In addition to food hygiene enforcement, the Commercial Team officers were also responsible for the delivery of occupational health and safety enforcement and the communicable disease functions. The Retail and Business Services Section were also responsible for enforcement of a range of consumer protection and fair trading, metrology, pricing and trade descriptions legislation.
- 1.10 The Food Safety Unit staffing level detailed in the Authority's Food Service Plan 2002/2003 is shown below:

Resource available	FTE*
Food Hygiene Enforcement Officers	3.65
Food Standards and Feedingstuffs Enforcement Officers	1.33
TOTAL	4.98

*Full Time Equivalent

- 1.11 The Service Delivery Plan 2002/2003 estimated the food enforcement service total net expenditure to be £167,490.
- 1.12 The Authority had not submitted any monitoring returns for the quarters making up the years 2001/2002 or 2002/2003. No statistics are therefore available to detail any enforcement activity submitted to the Food Standards Agency for this period.

2. Executive Summary

- 2.1 The food hygiene enforcement service has significantly improved the inspection and record keeping relating to general and licensed butchers premises over the last two years while the food standards and feedingstuffs service has developed use of the database and procedures relating to their activity.

However, these developments have been in isolation from the whole service. To ensure that the Authority fully complies with all areas of the standard, there needs to be an exchange of information across the service. Such co-operation should enable the effective monitoring of activity and the production of accurate records and statistical returns.

2.2 The Authority's Strengths:

Food Hygiene General Premises Inspection records

The Authority had in place comprehensive arrangements for recording details relating to food hygiene inspections of general premises. This facilitated an accurate assessment of conditions at individual premises, and enabled officers to monitor improvements.

Food Hygiene General Premises Reports

Inspection reports were thorough and easy to understand, detailing and explaining the specific legislation being contravened and the works necessary in order to achieve compliance.

2.3 The Authority's Key Areas for Improvement:

Food and Feedingstuffs Premises Database

The database did not include all of the enforcement activities related to food and feedingstuffs premises in the Authority's area and the information relating to past inspections was inaccurate. An accurate database is essential to the efficient delivery of an effective food enforcement service and to enable the Authority to provide reliable performance statistics.

Food Standards Inspection Frequency

Food standards inspections were not being carried out at the minimum frequencies required by the Food Safety Act Code of Practice No.8: Food Standards Inspections. Inspections carried out within the minimum frequencies ensure that risks associated with the operation of food businesses are identified in a timely manner.

Documented Procedures

The Authority had not devised new procedures, or fully implemented existing procedures to cover key areas of the enforcement service. The development and implementation of such procedures together with the effective utilisation of a database will help ensure effective enforcement and monitoring of performance against these service areas.

Audit Findings

3. Organisation and Management

- 3.1 The Authority was composed of 42 Councillors who operated under the “Cabinet style” of local government. An Executive Committee was composed of the leader of the Council and 8 members chosen by full council. Each of these members had a portfolio and that of Environmental Services covered most of the work of the food enforcement service. Five scrutiny committees examined matters relating to the portfolios with the Health and Social Care Scrutiny Committee overseeing the majority of food enforcement issues. A Planning and Licensing Committee which was outside the control of the Executive Committee, had responsibility for overseeing matters such as food premises registration, approval of premises and the licensing of butchers premises. Decisions of the Planning and Licensing Committee were ratified by the full Council.
- 3.2 The Authority had 5 Directorates (one of which being the Chief Executive’s Department), and delivery of the food enforcement service was the responsibility of the Environmental Health and Trading Standards sections, 2 of 5 sections within the Public Protection Division of the Chief Executive’s Department.
- 3.3 The corporate planning framework includes the Wales Improvement Programme Community Plan 2001/04 which identified a number of key strategic aims. The key strategic aim from which the Public Protection Division takes its direction is:
- To ensure that all residents of Blaenau Gwent will have a safe, healthy and fair environment; and within this strategic aim are service aims, objectives and targets.

Those relating to the food enforcement service are:

Aims

- To ensure food safety and standards and the prevention of food poisoning.
- To encourage everyone to make choices which optimise their health and avoid ill health.

Objectives

- To develop and implement a food safety strategy utilising the principles of best value.
- To engage in partnerships, to review and implement health promotion strategies with a view to impacting on those areas of poor health, as highlighted by the Annual Report of the Director of Public Health.

Targets

- The percentage of food premises inspections that should have been carried out, that were carried out for high risk premises.
- The percentage of food premises inspections that should have been carried out, that were carried out for other premises.

- 3.4 In 2001/2002, the Authority reported in the BVPP that it carried out 97% of high risk inspections and 97.5% of inspections of other premises.
- 3.5 The Authority had drawn up a comprehensive Food Service Plan for 2002/2003, which was in line with the Service Planning Guidance in the Framework Agreement on Local Authority Food Law Enforcement. The Service Plan had been approved by the relevant Member forum. A draft plan for 2003/2004 was being prepared before submission to the member forum for approval.
- 3.6 The Food Service Plan for 2002/2003 was the first produced by the Authority and a review was currently being undertaken with a view to addressing any variation in the draft plan for 2003/2004. A Corporate review of the Authority's performance plan took place on an annual basis with an action plan, identifying action points and targets dates being produced.

Recommendation

- 3.7 The Authority should:

Conduct and document an annual performance review based on each years Service Plan, report the review to the appropriate member forum, and address any shortcomings in the service arrangements for the following year.

[The Standard – 3.2]

4 Review and Updating of Documented Policies and Procedures

- 4.1 The Authority did not have a system to ensure that all of the documented policies and procedures for each of the enforcement activities covered by the Standard are reviewed.
- 4.2 The Authority did not have a control system for all documentation relating to its enforcement activities. A draft quality manual had been produced by the Trading Standards Section but had not been implemented.
- 4.3 Staff had access to up to date hard copy and on-line commercial food law encyclopaedias hard copies of all documentation necessary for carrying out enforcement activities, including appropriate legislation and guidance.

Recommendations

- 4.4 The Authority should:
- (i) Ensure that all documented policies and procedures for each enforcement activity covered by the Standard are reviewed at regular intervals and whenever there are changes to legislation or centrally issued guidance.
[The Standard – 4.1]
 - (ii) Develop and implement a control system and ensure that all documentation relating to its enforcement activity is included within the control system and that any changes to documentation are appropriately authorised.
[The Standard – 4.2]

5 **Authorised Officers**

- 5.1 The Authority had appointed lead officers with the necessary specialist knowledge for food hygiene enforcement and for food standards and feedingstuffs enforcement.
- 5.2 The Authority had produced a scheme of delegation which authorised individual officers to exercise specific powers. Senior managers had been authorised to undertake food enforcement duties without appropriate update training and maintenance of relevant experience. However, in practice all officers were found to be carrying out duties in accordance with their qualifications training and experience.
- 5.3 The Authority had a documented procedure for the authorisation of officers.
- 5.4 The Authority operated an out of hours call-out service from a Control Centre. The auditors were informed that the Control Centre would draw upon the specialist knowledge of a food enforcement officer if required to do so though this arrangement relied on “goodwill”.
- 5.5 The Department had Investors in People status with an appraisal scheme in place and an annual staff development review. An action plan was produced as part of each staff appraisal which detailed individual officers training needs. These however were not unified into a training programme for the service.
- 5.6 Records of the qualifications held and training received by individual officers were held by the Authority though they needed to be expanded to include course content, objectives, duration, and assessment of training in all cases.
- 5.7 No breakdown of the budget available for training provision within the Food enforcement service was available at the time of the audit. However, it was apparent from the quantity and relevance of courses undertaken, that the Authority was committed to providing its staff with access to appropriate training.

5.8 *Recommendations*

The Authority should:

- (i) Ensure that all staff authorised to carry out food enforcement duties receive appropriate training and are suitably experienced. [The Standard - 5.3]
- (ii) Record the content, objectives, duration and any assessment made of training courses attended by food enforcement staff. [The Standard - 5.4]

6 Facilities and Equipment

- 6.1 The Authority had made available all the equipment and facilities necessary to permit all activities associated with the service to be carried out.
- 6.2 The Authority had recently drafted a documented procedure for the calibration of its thermometers. The 3 thermometer units were checked on a weekly basis against 3 different temperature test caps which themselves were calibrated on an annual basis by the manufacturer. Records of the thermometers' calibration were being maintained. However, since the calibration process did not include the thermometer probes the system, as a whole, was not calibrated.
- 6.3 The Trading Standards computer database was capable of providing information reasonably requested by the Food Standards Agency although it had not been used to do so within the last 2 years. The Environmental Health Commercial Team was using a paper based system to record details of the food hygiene enforcement activity and this was not capable of providing the required information to the Agency.
- 6.4 Appropriate systems were in place to minimise the risk of corruption or loss of information held on the Trading Standards database.

Recommendations

- 6.5 The Authority should:
- (i) Amend the documented procedure for calibration to ensure that all temperature measuring instruments are calibrated and checked in full accordance with Food Safety Act Code of Practice No. 10: Enforcement of the Temperature Control Requirements of Food Hygiene Regulations. [The Standard - 6.2]
 - (ii) Ensure that the method of record administration used for the food enforcement service is capable of providing any information reasonably requested by the Food Standards Agency. [The Standard - 6.4]

7 Food and Feedingstuffs Premises Inspections

Food Hygiene

- 7.1 In its Service plan for 2002/2003 the Authority reported a total of 573 food premises:

Risk Category	No.	%*
A	21	4
B	61	11
C	249	43
D	86	15
E	124	21
F	32	6
Unrated	0	0
TOTAL	573	

* Figures rounded

- 7.2 The Authority identified 14 premises as licensed under the Food Safety (General Food Hygiene) (Butchers' Shops) (Amendment) (Wales) Regulations 2000, and 4 premises approved under product specific legislation (Approved Premises).
- 7.3 The inspection histories of 10 general premises and 3 Approved Premises were examined. All had been inspected at the minimum frequencies required by Food Safety Act Code of Practice No 9: Food Hygiene Inspections. In addition a check of the hard copy register used to record the dates of inspections indicated that the Authority only had 4 food hygiene premises overdue for inspection. Two of these related to mobile traders outside the local authority area. The inspection of one of the other businesses was several years overdue.
- 7.4 The Authority had no inspection procedures covering the food hygiene enforcement service.
- 7.5 Officers with the appropriate levels of authorisation carried out thorough inspections of general premises and provided accurate risk ratings, in accordance with official guidance. Appropriate follow up action had been taken in all instances where instances of non-compliance had been identified including revisits within the appropriate time.
- 7.6 Reports had been sent to proprietors following inspections of general premises. Reports were clear and legal requirements were distinguished from recommendations. The works required following inspections were clearly identified, took into account Industry Guides and were consistent with centrally issued guidance. The legal references were correct in all cases.

- 7.7 There was a limited history of enforcement for the Approved Premises with only details of the most recent inspection held as hard copy files on 2 premises, and no computer records for any. Where approval documents had been issued, they lacked details of the approved activities, the list of products approved, the statement that approval was dependent upon compliance and that business should notify the Authority of any changes in operation.
- 7.8 Ten hard copy files relating to butchers premises that required a licence, were examined and shown to contain comprehensive details of the operation of the business, including officers' assessments. In the case of 2 premises the Authority identified licensing conditions items which were not met and a notice of refusal to licence had been issued to the applicant. It was unclear from the file records whether the Authority was satisfied that the businesses concerned were then operating outside the scope of the legislation.

Recommendations

- 7.9 The Authority should:
- (i) Ensure that the approval process and Approved Premises inspections are carried out in full accordance with the relevant legislation and official guidance. This should include a review of existing approvals. [The Standard – 7.2]
 - (ii) Set up, maintain and implement a documented inspection procedure for the range of inspections it carries out. [The Standard – 7.4]

Food Standards and Feedingstuffs

- 7.10 In the Service Plan for 2002/2003 the Authority reported that there were 560 premises subject to food standards inspections and 80 premises subject to feedingstuffs inspections.

Food Standards Inspections

Risk Category	No.	%*
High	12	2
Medium	390	70
Low	158	28
TOTAL (Rated premises)	560	

* Figures rounded

- 7.11 The inspection histories of 10 premises were examined. There was insufficient detail to determine if they had been inspected at the minimum frequencies required by Food Safety Act Code of Practice No 8: Food Standards Inspections. A computer report produced at the time of the audit indicated that there were a total of 365 food standards premises overdue for inspection.
- 7.12 Food standards inspections were recorded on the database, and hard copy inspection reports had been left following recent inspections. Information on non-manufacturing premises was limited and there was insufficient information on file to assess whether the inspections had been carried out in accordance with the relevant legislation or if compliance with legally prescribed standards had been assessed. File information on manufacturing premises was more comprehensive.
- 7.13 A problem was identified with the manner in which food standards inspections were being recorded on the database, where on 3 occasions visits to premises for reasons other than to undertake an inspection, were recorded as an inspection.
- 7.14 A draft Trading Standards Quality Manual included procedures relating to food standards inspections but this had not been implemented at the time of the audit.
- 7.15 The Authority did not have an inspection programme for its feedingstuffs premises. Auditors were informed that there were no approved premises or registered premises for Feedingstuffs in the authority and that a survey had been carried out to identify those premises where feedingstuffs were being used.

Recommendations

7.16 The Authority should:

- (i) Ensure that food standards inspections are carried out at the minimum frequencies required by Food Safety Act Code of Practice No. 8: Food Standards Inspections. [The Standard – 7.1]
- (ii) Ensure that the recording of food standards inspections is carried out in accordance with the requirements of Food Safety Act Code of Practice No. 8: Food Standards Inspections. [The Standard – 7.2]
- (iii) Devise and implement a documented procedure to cover the range of food standards and feedingstuffs inspections carried out and include instructions for any actions that may be required following inspections. [The Standard – 7.4]

8 Food, Feedingstuffs and Food Premises Complaints

- 8.1 The Authority had not implemented any documented procedures relating to the investigation of food complaints. However, the draft Trading Standards Quality Manual did contain a procedure for dealing with food standards complaints.
- 8.2 File records relating to 10 food hygiene complaints were examined. In 8 cases appropriate investigations had been undertaken but in the remaining 2 it appeared that incomplete or inappropriate investigations had taken place including lack of, or delayed, contact with the manufacturer/retailer, and no follow up action. In all cases the results of the investigation were confirmed with the complainant, but in 2 instances the results had not been confirmed with the retailer.
- 8.3 File records relating to 7 food standards complaints were examined. In 3 cases insufficient information was present on file to determine if appropriate action had been undertaken and in the case of 2 files the results of the investigation were not confirmed with the complainant.
- 8.4 No complaints relating to feedingstuffs had been received.

Recommendations

- 8.5 The Authority should:
- (i) Devise and implement a documented complaints procedure that covers all elements of the service. [The Standard – 8.1]
 - (ii) Ensure appropriate action is taken on complaints received in accordance with the centrally issued guidance and the Authority's own policy. [The Standard – 8.3]

9 Home Authority Principle

- 9.1 The Food Service Delivery Plan 2002/2003 stated that the Authority fully supported the Home Authority Principle. Although it had no formal arrangements file records indicated that the Authority acted on an informal basis for a number of local manufacturers and larger producers.
- 9.2 The Authority had produced a leaflet covering the Home Authority Principle for Trading Standards which included how the Authority could assist businesses with food standards issues.
- 9.3 There was evidence on files examined that due regard was given to information received following liaison with Home Authorities during the course of investigations. Evidence was also found that advice was provided to enforcing authorities contacting the Service regarding Home Authority issues.

10 Advice to Business

10.1 In addition to the advice given during the course of inspections, the Service was able to demonstrate other approaches used to help businesses comply with the law. These included the following:

- A range of official and internally produced advice leaflets for caterers and food handlers.
- The provision of “in house” food hygiene courses run for local businesses.
- The provision of evening meetings for sectors of the food industry, notably butchers.
- Co-ordination of and participation in collaborative HACCP scheme in conjunction with 9 other South East Wales Authorities to give HACCP training to premises with an A or B high risk rating and issue free copies of the Industry Guide to Good Hygiene Practice: Catering Guide.
- Issuing Guidance to Indian takeaways on levels of artificial colours.
- Involvement with the Greater Gwent Food Group beef labelling information initiative.

Recommendation

10.2 The Authority should:

Expand its advice to businesses to include feedingstuffs
[The Standard - 10.1]

11 Food and Feedingstuffs Premises Database

- 11.1 The Authority had a computer database of the food premises and feedingstuffs premises in its area. However this was only used by the Trading Standards department for recording food standards activities and was not used for food hygiene or feedingstuffs activity. The lack of use of a database for recording food hygiene and feedingstuffs enforcement activity, made the provision of statistical returns to the Food Standards Agency impossible. Returns had not been made for the last 2 years.
- 11.2 There were no formal arrangements in place to ensure that the food standards database was accurate and up to date, but details were updated following visits to premises and by reference to records held by other departments.
- 11.3 Food Standards officers had password protected access to the databases, and were restricted from creating or deleting records. However passwords were not changed regularly and the security measures to prevent access and amendment by unauthorised persons needed formalising.
- 11.4 The database was examined for 15 food premises that had been randomly identified from a current edition of a business directory. All except 2 of the premises were included on the Authority's database although both these premises were included within the food hygiene inspection programme.

Recommendations

- 11.5 The Authority should:
- (i) Ensure that its database includes food hygiene and feedingstuffs premises and associated enforcement activities. [The Standard – 11.1]
 - (ii) Develop and implement a documented procedure to ensure that its food and feedingstuffs premises database is accurate and up to date and that reasonable security measures are in place to prevent access and amendment by unauthorised persons. [The Standard – 11.2]

12 Food and Feedingstuffs Inspection and Sampling

- 12.1 The laboratories used by the Authority were properly accredited.
- 12.2 The Authority had a documented sampling policy contained within its Food Service Plan covering food and feedingstuffs. The 2003/2004 sampling budget for the food enforcement service was £8000.
- 12.3 The Authority did not have a documented sampling procedure relating to either food hygiene, food standards or feedingstuffs samples.
- 12.4 The Authority had a sampling programme for 2003/2004. However this was generic in nature and did not specify individual premises or dates. In practice sampling was carried out was in accordance with National and local sampling group programmes and also included Home Authority premises and Approved Premises and those under investigation as the result of a complaint.
- 12.5 File records were examined for 10 food samples. In the case of 7 unsatisfactory samples it was not clear from the records whether appropriate action had been taken.

Recommendations

- 12.6 The Authority should:
- (i) Devise a documented sampling procedure that is in accordance with the centrally issued guidance which takes into account the nature of its food and feedingstuffs establishments and the full range of enforcement activities undertaken by the Authority. [The Standard – 12.4]
 - (ii) Take appropriate action in accordance with the enforcement policy when sample results are considered not to be satisfactory. [The Standard – 12.6]

13 Control and Investigation of Outbreaks and Food Related Infectious Disease

- 13.1 The Authority had a documented plan for handling outbreaks of food poisoning that was based on a model plan drawn up by a joint working group in 1999. The working group comprised the Directors of Public Protection in Wales, the all-Wales Consultants in Communicable Disease Group, the Public Health Laboratory Service Wales and other relevant organisations. The plan was in need of review and the auditors were advised that the Authority was awaiting the outcome of a national review which was to be conducted by the SoDPPW Communicable Disease Technical Panel
- 13.2 The Auditors were informed that there had been no recent outbreaks of food related infectious disease in the Authority's area. The plan had not been reviewed or tested. However, the Authority had taken part in the planning and delivery of a number of outbreak control exercises involving local authorities in Wales. Additionally, an in house training exercise had been completed in early 2002.
- 13.3 The Authority did not have a documented procedure covering individual notifications of food related infectious disease although it used a standardised questionnaire for their investigation.
- 13.4 The file records of 7 individual notifications of food related infectious disease were examined. Only 5 of the files had records of any investigation, while only 2 contained sufficient information to confirm that appropriate investigations had taken place.

Recommendations

- 13.5 The Authority should:
- (i) Ensure that the procedure for the control of outbreaks of food related infectious disease is reviewed in association with the Health Authority and any other relevant organisations and tested as specified [The Standard – 13.1]
 - (ii) Devise maintain and fully implement a documented procedure for the investigation of notifications of food related infectious disease. [The Standard – 13.2]

14 Food Safety Incidents

- 14.1 The Authority did not have a documented procedure for responding to food hazard warnings (FHWs) received from the Food Standards Agency.
- 14.2 The Service had a computer system capable of receiving FHWs.
- 14.3 Records of the Authority's response to FHWs were maintained in a hard copy file. All FHWs had been received by the Authority, appropriately investigated and the outcome documented.
- 14.4 The auditors were advised that no serious localised incidents or wider food safety problem had occurred in the last two years which would have required notification to the Food Standards Agency in accordance with Food Safety Act Code of Practice No. 16: Enforcement of the Food Safety Act in relation to the Food Hazard Warning System.

Recommendation

- 14.5 The Authority should:

Devise, maintain and implement a documented procedure for responding to food hazard warnings, including out of hours arrangements. [The Standard – 14.1]

15 Enforcement

General

- 15.1 The Authority had a documented food safety enforcement policy that was in accordance with the official guidance and which had been approved by the appropriate member forum in March 2002. The Authority had adopted the Local Authority Enforcement Concordat
- 15.2 The Authority had not made the policy or an accurate summary of it readily available to the public and food businesses.

Food Hygiene

- 15.3 The Authority had undertaken the following enforcement activities in the 2 years preceding the audit:
- 1 formal caution
 - 1 Emergency Prohibition Notice
 - 16 premises served with Improvement Notices
- 15.4 The formal caution was processed in full accordance with the relevant Food Safety Act Codes of Practice and official guidance. This followed on from the service of the Emergency Prohibition Notice which also had been implemented in full accordance with the relevant Food Safety Act Codes of Practice and official guidance.
- 15.5 Ten files were examined for Improvement Notices. The Notices contained clear and easily understood reasons for the contravention and works required, with clear time limits and correct information on the appeals procedure in accordance with Food Safety Act Code of Practice No. 5: The Use of Improvement Notices, and with centrally issued guidance. However, evidence of proper service was lacking on 4 files and in 8 files no letter was sent confirming that the Notices had been complied with.

Food Standards and Feedingstuffs

- 15.6 The Authority had carried out 1 prosecution for a food standards issue which had been implemented in full accordance with the relevant Food Safety Act Codes of Practice and official guidance. No enforcement activities had been undertaken with regard to feedingstuffs.
- 15.7 The Authority had produced a draft food standards enforcement quality manual which covered all aspects of food standards enforcement; this however had not been implemented at the time of the audit. In addition

a prosecution procedure had been developed for Trading Standards which included food standards and feedingstuffs and detailed the process of compiling a prosecution file.

Recommendations

- 15.8 The Authority should:
- (i) Ensure that the Enforcement Policy or an accurate summary is made available to the public and food businesses [The Standard – 15.1]
 - (ii) Ensure that the procedural aspects relating to Improvement Notices are carried out in full accordance with centrally issued guidance and Food Safety Act Code of Practice No. 5: The Use of Improvement Notices.[The Standard – 15.2]

16 Records and Inspection Reports

Food Hygiene

- 16.1 Paper records of food premises were retrievable and in general had been kept for the 6 years required by the Standard; however no food hygiene records were maintained on any computer database.
- 16.2 Records for 9 general premises where food hygiene inspections had been carried out were examined. The records all included details of the size and scale of the business, the type of food activity, information on hygiene training and an assessment of the business's hazard analysis compliance.
- 16.3 Records for three Approved Premises were also examined. A synopsis of premises and activities had been recorded on 2 files, together with information on pest control arrangements and the laboratories used by the company, while all files contained information on hygiene training and assessment of HACCP own checks. Only 1 contained details of the cleaning programme and chemicals used and none contained product withdrawal plans.
- 16.4 Ten files relating to the licensing of butchers shop premises were examined. File records were comprehensive in nature with a description of the operations at the premises, and details of compliance with training and HACCP requirements.
- 16.5 Either a report of inspection or a follow up letter was issued following each food hygiene inspection, which set out the reason for any works and actions required, indicated appropriate time-scales for action and quoted correct legislative references.
- 16.6 File records relating to the investigation of cases of food related infectious disease were missing in 2 of the 7 cases examined.

Food Standards and Feedingstuffs

- 16.7 Paper and database records of food premises and feedingstuffs premises were retrievable and had been kept for the 6 years required by the Standard although in the case of the general food premises files the records were limited.
- 16.8 Post Inspection forms were left at all premises including manufacturing and non-manufacturing premises, following the most recent food standards inspection. However the forms were missing from file records relating to non-manufacturing premises for previous inspections.

- 16.9 The post inspection forms generally contained limited information on quality systems, raw materials productions processes, product packaging and labelling and materials and articles in contact with food.
- 16.10 File records relating to sampling were inconsistent between the computer database and hard copy file in 3 cases, with differing type of sample and the sample result being recorded.

Recommendation

- 16.11 The Authority should:

Ensure that the detail of records kept on Approved premises, infectious disease investigations and food standards sampling is sufficient to ensure that action taken together with the history of compliance and investigation can be ascertained.

[The Standard – 16.1]

17 Complaints about the Service

- 17.1 The Authority had a corporate complaints procedure that was in full compliance with the requirements of the Standard. This was available from the Authority's website.
- 17.2 The auditors were informed that no complaints had been recorded against the service during the 2 years preceding the audit.

18 Liaison with Other Organisations

18.1 The Authority had liaison arrangements in place with neighbouring authorities and other appropriate bodies aimed at facilitating consistent enforcement. These included active participation in:

- South East Wales Food Safety Task Group
- South East Wales Communicable Disease Task Group.
- Greater Gwent Food Group
- Society of Directors of Public Protection Wales Food Safety Technical Panel

The minutes of these meetings were retained and confirmed regular attendance by a representative of the Service.

19 Internal Monitoring

19.1 The Authority did not have documented internal monitoring procedures, but the draft Trading Standards Quality Manual included internal monitoring of the food standards service.

19.2 There was evidence of informal qualitative and quantitative monitoring including the following:

- Monitoring performance through internal and committee reports
- Team meetings to discuss issues of interpretation
- Review of correspondence
- A partially implemented peer review inspection scheme
- Trading Standards surveys which included the food standards service

Recommendation

19.3 The Authority should:

Produce an internal monitoring procedure and ensure that the procedure is fully implemented to ensure effective and consistent enforcement and to verify its conformance with all areas of the Standard, legislation and the Authority's own documented policies and procedures. [The Standard – 19.1]

20 Third Party or Peer Review

- 20.1 The Authority had taken part in the Society of Directors Public Protection Wales Food Safety Technical Panel, All Wales inter-Authority food hygiene audit scheme in 1999.

21 Food and Feedingstuffs Safety and Standards Promotion

21.1 Evidence of food safety promotional work being carried out by the Authority included:

- Participation in the Foodlink National Food Safety Week with childminders being targeted for 2003.
- Participation in the Welsh Food Hygiene Award Scheme
- Involvement with a Health Communities Forum part of whose remit was to promote healthy eating in the community.

Recommendation

21.2 The Authority should:

Ensure that it expands its promotional activities to include food standards and feedingstuffs. [The Standard – 21.1]

Auditors: **Nick Wellington**
Jane Davies
Rob Wilkins
Keith Blake

Food Standards Agency Wales

Glossary

Agricultural Analyst	A person, holding the prescribed qualifications, who is formally appointed by a local authority to analyse Feedingstuffs samples.
Approved premises	Food manufacturing premises that has been approved by the local authority, within the context of specific legislation, and issued a unique identification code relevant in national and/or international trade.
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.
Best Value	<p>A Government policy which seeks to improve local government performance in the delivery of services to local communities – from education and care for the elderly through to environmental health and road maintenance. Best Value aims to ensure that the cost and quality of these services are of a level acceptable to local people by:</p> <ul style="list-style-type: none"> • increasing the role of local people in deciding the priorities for local government services • improving the way authorities manage and review their business • building on the experience and expertise of staff. <p>* In Wales this has recently been replaced by the Wales Programme for Improvement</p>
Border Inspection Post	Point of entry into the UK from non-EU countries for products of animal origin.
Codes of Practice	Government Codes of Practice issued under Section 40 of the Food Safety Act 1990 as guidance to local authorities on the enforcement of food legislation.
Environmental Health Officer (EHO)	Officer employed by the local authority to enforce food safety legislation.
Feedingstuffs	Term used in legislation to describe feed mixes for

farm animals and pet food.

Food Examiner	A person holding the prescribed qualifications who undertakes microbiological analysis on behalf of the local authority.
Food Hazard Warnings	This is a system operated by the Food Standards Agency to alert the public and local authorities to national or regional problems concerning the safety of food.
Food hygiene	The legal requirements covering the safety and wholesomeness of food.
Food standards	The legal requirements covering the quality, composition, labelling, presentation and advertising of food, and materials in contact with food.
Framework Agreement	<p>The Framework Agreement consists of:</p> <ul style="list-style-type: none">• Food Law Enforcement Standard• Service Planning Guidance• Monitoring Scheme• Audit Scheme <p>The Standard and the Service Planning Guidance set out the Agency's expectations on the planning and delivery of food law enforcement.</p> <p>The Monitoring Scheme requires local authorities to submit quarterly returns to the Agency on their food enforcement activities i.e. numbers of inspections, samples and prosecutions.</p> <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.</p>
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	Hazard Analysis Critical Control Point – a food safety management system 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.

Home Authority	An authority where the relevant decision making base of an enterprise is located and which has taken on the responsibility of advising that business on food safety/food standards issues. Acts as the central contact point for other enforcing authorities' enquiries with regard to that company's food related policies and procedures.
Improvement Notice	A notice served by an Authorised Officer of the local authority under Section 10 of the Food Safety Act 1990, requiring the proprietor of a food business to carry out suitable works to ensure that the business complies with the requirements of food hygiene or food processing legislation.
Inter Authority Auditing	A system whereby local authorities might audit each others' food law enforcement services against an agreed quality standard.
Member forum	A local authority forum at which Council Members discuss and make decisions on food law enforcement services.
OCD returns	Returns on local food law enforcement activities required to be made to the European Union under the Official Control of Foodstuffs Directive.
Originating Authority	An authority in whose area a business produces or packages goods or services and for which the Authority acts as a central contact point for other enforcing authorities' enquiries in relation to the those products
Port Health Authority	A local authority within whose boundaries there is a point of entry into the UK for imported foods.
Public Analyst	An officer, holding the prescribed qualifications, who is formally appointed by the local authority to carry out chemical analysis of food samples.
Risk rating	A system that rates food premises according to risk

and determines how frequently those premises should be inspected. For example, high risk food hygiene premises should be inspected at least every 6 months.

Service Plan	A document produced by a local authority setting out their plans on providing and delivering a food service to the local community.
Trading Standards	The Department within a local authority which carries out, amongst other responsibilities, the enforcement of food standards and Feedingstuffs legislation.
Trading Standards Officer (TSO)	Officer employed by the local authority who, amongst other responsibilities, may enforce food standards and Feedingstuffs legislation.
Unitary Authority	A local authority in which all the functions are combined, examples being Welsh Authorities and London Boroughs. A Unitary Authority's responsibilities will include food hygiene, food standards and Feedingstuffs enforcement.

SECTION 2 - ACTION PLAN FOR BLAENAU GWENT CBC-

AUDIT DATE : 13-15 MAY 2003

Improvements planned	By [date]	To address [recommendation, including standard paragraph]	Comments
<p>1. To conduct & document an annual performance review, and report to the Executive.</p>	<p>30/06/04</p>	<p>3.7 The authority should conduct and document an annual performance review based on each years Service Plan, report the review to the appropriate member forum, and address any shortcomings in the service arrangements for the following year.</p> <p>[The Standard – 3.2]</p>	
<p>2. Implement a document control system to cover policies, procedures, authorisations and reviews</p>	<p>31/03/05</p>	<p>4.4(i) The Authority should ensure that all documented policies and procedures for each enforcement activity covered by the Standard are reviewed at regular intervals and whenever there are changes to legislation or centrally issued guidance. [The Standard – 4.1]</p> <p>4.4(ii) The Authority should develop and implement a control system and ensure that all documentation relating to its enforcement activity is included within the control system and that any changes to documentation are appropriately authorised. [The Standard – 4.2]</p>	<p>Will be in the form of a quality manual</p>

Improvements planned	By [date]	To address [recommendation, including standard paragraph]	Comments
3. Review experience & training needs of food enforcement staff. Keep more comprehensive records of training.	30/06/04/	5.8(i) The Authority should ensure that all staff authorised to carry out food enforcement duties receive appropriate training and are suitably experienced. [The Standard - 5.3] 5.8(ii) The Authority should record the content, objectives, duration and any assessment made of training courses attended by food enforcement staff. [The Standard - 5.4]	annual appraisal/ ongoing
4. The procedure will be amended as appropriate and implemented	31/03/04	6.5(i). The Authority should amend the documented procedure for calibration to ensure that all temperature measuring instruments are calibrated and checked in full accordance with Food Safety Act Code of Practice No. 10: Enforcement of the Temperature Control Requirements of Food Hygiene Regulations. [The Standard - 6.2]	

Improvements planned	By [date]	To address [recommendation, including standard paragraph]	Comments
<p>5. The Flare EH&TS Computer System will be utilised to enable accurate data recording and reporting of all food enforcement activity information. The post of Flare systems administrator was filled in June 03.</p>	<p>31/03/05</p>	<p>6.5(ii). The Authority should ensure that the method of record administration used for the food enforcement service is capable of providing any information reasonably requested by the Food Standards Agency. [The Standard - 6.4]</p>	
<p>6. The Environmental Health team will continue its intensive programme of visits and inspections, updating records as appropriate</p>	<p>31/03/05</p>	<p>7.9(i). The Authority should ensure that the approval process and Approved Premises inspections are carried out in full accordance with the relevant legislation and official guidance. This should include a review of existing approvals. [The Standard – 7.2]</p>	<p>Intensive programme of visits and inspections underway at the time of the audit.</p>
<p>7. The required procedure will be produced and implemented.</p>	<p>30/06/04</p>	<p>7.9(ii). The Authority should set up, maintain and implement a documented inspection procedure for the range of inspections it carries out [The Standard – 7.4]</p>	<p>The procedure is currently in draft form</p>

Improvements planned	By [date]	To address [recommendation, including standard paragraph]	Comments
<p>8. To carry out food standards inspections in accordance with Food Safety Act Code of Practice no 8 I</p> <p>Implement measures to address the backlog.</p>	<p>31/03/07</p> <p>31/03/04</p>	<p>7.16(i). The Authority should ensure that food standards inspections are carried out at the minimum frequencies required by Food Safety Act Code of Practice No. 8: Food Standards Inspections.</p> <p>[The Standard – 7.1]</p>	-
<p>9. To devise and implement quality procedures which prescribe information to be recorded on inspection</p>	<p>31/12/04</p>	<p>7.16(ii). The Authority should ensure that the recording of food hygiene inspections is carried out in accordance with the requirements of Food Safety Act Code of Practice No. 8: Food Standards Inspections.</p> <p>[The Standard – 7.2]</p>	
<p>10. To devise and implement quality procedures which prescribe a range of potential actions following inspection</p>	<p>31/12/04</p>	<p>7.16(iii). The Authority should devise and implement a documented procedure to cover the range of food standards and feedingstuffs inspections carried out and include instructions for any actions that may be required following inspections. [The Standard – 7.4]</p>	<p>The procedures should include the inspections themselves.</p>
<p>11. To produce and implement quality procedures for dealing with all complaints.</p>	<p>31/12/04</p>	<p>8.5(i) The Authority should devise and implement a documented complaints procedure that covers all elements of the service. [The Standard – 8.1]</p>	

Improvements planned	By [date]	To address [recommendation, including standard paragraph]	Comments
12. Implement quality procedures which prescribe minimum details to be recorded on food complaints in accordance with the Authority's policy	31/12/04	8.5(ii) The Authority should ensure appropriate action is taken on complaints received in accordance with the centrally issued guidance and the Authority's own policy. [The Standard – 8.3]	
13. Advice to be made available and issued as appropriate	30/06/04	10.2 The Authority should expand it's advice to businesses to include feedingstuffs [The Standard – 10.1]	The Authority is not particularly rural, and opportunities may be rare. By assigning food standards to a lead-officer, developments in the area of feedingstuffs will be noted, with a view to giving trade advice where appropriate
14. See 5 above Undertake a review of the sections database, and update with information on feeding stuffs businesses	31/03/05 01/09/04	11.5(i). The Authority should ensure that its database includes food hygiene and feedingstuffs premises and associated enforcement activities. [The Standard – 11.1]	

Improvements planned	By [date]	To address [recommendation, including standard paragraph]	Comments
15. To devise & implement a quality procedure for ensuring accuracy and integrity of database.	30/06/04	11.5(ii) The Authority should develop and implement a documented procedure to ensure that its food and feedingstuffs premises database is accurate and up to date and that reasonable security measures are in place to prevent access and amendment by unauthorised persons. [The Standard – 11.2]	Will be incorporated into the Quality Manual. Ongoing as modules are brought online
16. A food hygiene bacteriological sampling procedure will be produced. To devise a sampling plan/procedure that takes account of all food and feedingstuffs issues, and the range of food premises locally	30/06/04 30/06/04	12.6(i). The Authority should Devise a documented sampling procedure that is in accordance with the centrally issued guidance which takes into account the nature of its food and feedingstuffs establishments and the full range of enforcement activities undertaken by the Authority. [The Standard – 12.4]	
17. Undertake a review of the Department's enforcement policy, and ensure quality procedures prescribe actions which accord with it	01/10/04	12.6(ii) The Authority should take appropriate action in accordance with the enforcement policy when sample results are considered not to be satisfactory. [The Standard – 12.6]	

Improvements planned	By [date]	To address [recommendation, including standard paragraph]	Comments
18. The procedure will be reviewed in consideration of the revised All-Wales Outbreak plan and tested in collaboration with other authorities.	31/03/05	13.5(i) The Authority should ensure that the procedure for the control of outbreaks of food related infectious disease is reviewed in association with the Health Authority and any other relevant organisations and tested as specified [The Standard – 13.1]	
19. The procedure will be produced and implemented	30/06/04	13.5(ii). The Authority should devise maintain and fully implement a documented procedure for the investigation of notifications of food related infectious disease. [The Standard – 13.2]	
20. Devise and implement a procedure for dealing with food hazard warnings	30/06/04	14.5. The Authority should devise, maintain and implement a documented procedure for responding to food hazard warnings, including out of hours arrangements. [The Standard – 14.1]	
21. Publish the authority's enforcement policy on BGCBC internet site, and generally make available.	30/06/04	15.8(i). The Authority should ensure that the Enforcement Policy or an accurate summary is made available to the public and food businesses [The Standard – 15.1]	

Improvements planned	By [date]	To address [recommendation, including standard paragraph]	Comments
22. Devise and implement a procedure for Improvement Notices	31/03/05	15.8(ii). The Authority should ensure that the procedural aspects relating to Improvement Notices are carried out in full accordance with centrally issued guidance and Food Safety Act Code of Practice No. 5: The Use of Improvement Notices. [The Standard – 15.2]	
<p>23. Approved Premises – see 6 above</p> <p>Infectious disease investigations The CoSurv System will be fully utilised</p> <p>Devise and implement a quality procedure for ensuring the detail and accuracy of food standards sampling records.</p>	<p>30/12/04</p> <p>30/06/04</p> <p>31/12/04</p>	<p>16.11(i). The Authority should ensure that the detail of records kept on Approved premises, infectious disease investigations and food standards sampling is sufficient to ensure that action taken together with the history of compliance and investigation can be ascertained. [The Standard – 16.1]</p>	<p>Will be incorporated into the quality manual. Actual trading history available as a database report</p>

Improvements planned	By [date]	To address [recommendation, including standard paragraph]	Comments
24. Devise & implement a quality procedure for internal monitoring	31/12/04	19.3 The Authority should produce an internal monitoring procedure and ensure that the procedure is fully implemented to ensure effective and consistent enforcement and to verify its conformance with all areas of the Standard, legislation and the Authority's own documented policies and procedures. [The Standard – 19.1]	Will be incorporated into the quality manual
25. By assigning food standards to a lead-officer, opportunities for promotional activities will be assessed and reported to the management team. These will be implemented where appropriate and resources allow.	30/06/04	21.2 The Authority should ensure that it expands it's promotional activities to include food standards and feedingstuffs. [The Standard – 21.1]	New job description of lead-officer will reflect promotional role.