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Report on the Food Law Enforcement Service

Bridgend County Borough Council

17 - 20 February 2004

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 the responsibility of unitary authorities. These local authority 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 authorities may provide their food enforcement services reflecting local needs and priorities.

Agency audits assess 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 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 contains some statistical data, for example on the number of food premises inspections carried out. The Agency's website contains enforcement activity data for all UK local authorities.

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 Bridgend 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 Bridgend's food hygiene, food standards and animal feedingstuffs law enforcement service. The on-site element of the audit took place at the Authority's offices at Bridgend, between the 17 and 20 February 2004.
- 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, (amended March 2002, June 2003 and July 2004), 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 Bridgend County Borough Council is a Welsh Unitary Authority, straddling the M4 motorway corridor, and centred on the town of Bridgend in South Wales. It covers an area of 28,500 hectares and has a population of approximately 130,000.
- 1.7 The area to the north of the M4 consists mainly of ex-coal mining valley communities with Maesteg as its main population centre. Several wards in the Authority's area score highly on the Welsh Index of Deprivation.
- 1.8 To the south of the motorway lie Bridgend itself and the coastal town of Porthcawl, a traditional seaside resort with a higher proportion of elderly residents. The town sees a major influx of visitors during the summer months, and also hosts the largest caravan park in Europe.
- 1.9 Bridgend is the largest town in the Authority's area and the hub of the local economy. Significant centres of employment include the Ford Engineering Plant, an extensive industrial estate, and a Designer Village Retail Outlet.
- 1.10 The Authority's Public Protection Department of the Environmental and Planning Services Directorate, located at Civic Offices, Angel Street, Bridgend, has responsibility for food and feedingstuffs law enforcement, and for the investigation and control of cases and outbreaks of food poisoning and communicable disease.
- 1.11 Officers are based in the Trading Standards Section, which includes a mix of Environmental Health and Trading Standards Professionals conducting food and feedingstuffs law enforcement.
- 1.12 The Authority's Offices are open to the public from 08.30 to 17.00 Monday to Thursday and 08.30 to 16.30 on Friday.

2 Executive Summary

2.1 The Authority demonstrated a commitment to providing a comprehensive food and feedingstuffs law enforcement service, and there was evidence that an extensive service improvement was underway.

Recently introduced internal monitoring systems together with implementation of draft work procedures should provide a sound basis on which to address the other areas of the service such as the food standards inspection frequency and feedingstuffs enforcement.

2.2 The Authority's Strengths

Formal Food Hygiene Enforcement

A range of formal food hygiene enforcement options had been employed to secure improvements in premises in the area. Prosecutions, Formal Cautions, Emergency Prohibition Notices, Improvement Notices and Voluntary Surrenders had been conducted in a thorough and appropriate manner.

2.3 The Authority's Key Areas for Improvement

Food Standards Inspection Frequency

The Authority was not conducting food standards inspections at the minimum frequency required by Food Safety Act Code of Practice No.8.

Feedingstuffs Enforcement

There was little evidence that the Authority had undertaken appropriate animal feedingstuffs enforcement activity. The Authority must take steps to identify businesses and premises that should be approved or registered, devise and implement an appropriate inspection and sampling programme, and maintain suitable records.

Audit Findings

3 Organisation and Management

3.1 The Authority operated a Cabinet style of local government with a Scheme of Delegation that set out the Authority's arrangements for delegating functions from the Executive to individual Cabinet Members and Officers.

3.2 Delivery of the food hygiene and feedingstuffs enforcement service was the responsibility of the Trading Standards Team in the Public Protection Department of the Authority's Environmental and Planning Services Directorate.

3.3 The Authority's corporate planning framework included a Corporate Improvement Plan, which was produced and reviewed each year as part of the Wales Programme for Improvement.

3.4 The Plan for 2003 - 2004 identified the Authority's five key priorities as:

- Improving educational attainment;
- Supporting vulnerable groups;
- Ensuring good quality housing;
- Enhancing the environment and infrastructure;
- Ensuring equality of access.

3.5 The Service Priorities Matrix did not associate the Authority's food and feedingstuffs law enforcement service specifically with any of these corporate priorities, although the service made a considerable contribution to the Authority's priorities and objectives.

3.6 The Authority's Assistant Director of Public Protection was a member of the Local Health Group and Chairman of the Health Alliance Planning Sub-Group.

3.7 The Corporate Improvement Plan set out the Authority's performance in previous years, and established performance targets against national and local performance indicators for 2003 - 2004. The performance indicators relevant to food and feedingstuffs enforcement were:

- Percentage of food premises inspections that should have been carried out, that were carried out for:
 - high risk premises;
 - other premises;
- Score against checklists of enforcement best practice for environmental health and for trading standards;

- Percentage of premises receiving at least one visit in the 12 month period for Trading Standards;
- Percentage of food complaints responded to within service standard.

- 3.8 In 2002 - 2003 the Authority reported that it had completed 97% of food hygiene inspections of high-risk premises and 96% of inspections of other premises, against a performance target for each of 100%. The Authority's 2003 - 2004 Corporate Improvement Plan indicated that the performance targets had been reduced to 98% because "it is impossible to achieve 100% due to the manner in which premises are risk assessed and migration during the year from one band to another".
- 3.9 The Corporate Improvement Plan identified a number of challenges facing the Authority. These included improving its performance management framework, and ensuring that its service planning process informed and measured services effectively, and formed the basis of resource allocation.
- 3.10 The Authority had drawn up a Food Law Service Plan for 2003 - 2004 that generally met the requirements of the Service Planning Guidance in the Framework Agreement on Local Authority Food Law Enforcement. The Service Plan covered food hygiene and food standards enforcement, and partially covered feedingstuffs enforcement.
- 3.11 The Food Law Service Plan had not been submitted to the relevant Member forum for approval as required by the Service Planning Guidance in the Framework Agreement on Local Authority Food Law Enforcement.
- 3.12 Although the Plan had been partially updated from the previous year, some information that had not been updated was no longer relevant, and other information relating to numbers of premises subject to food hygiene and food standards enforcement did not appear to correlate. There was no information about the Authority's food hygiene or feedingstuffs premises inspection programmes for 2003 - 2004.
- 3.13 The Authority had documented an annual performance review based on its Service Plan for 2002 - 2003, although it did not cover feedingstuffs, and had not been submitted for appropriate Member approval as required by The Standard. The results of this performance review had not been fully incorporated in the 2003 - 2004 Service Plan.
- 3.14 At the time of audit, the Authority reported that the equivalent of 6.6 full time equivalent (FTE) officers dealt with food hygiene and standards enforcement, and 0.1 FTE with feedingstuffs enforcement. The number

of established posts was not stated, although staffing difficulties were cited in the Service Plan as having had “a major impact” on performance during 2002 - 2003.

- 3.15 The net financial budget of the food hygiene and standards enforcement service for 2003 - 2004 was £286,523. It was not stated whether this was a net increase or decrease on 2002 - 2003. Budget figures for the feedingstuffs enforcement service were not given.

Recommendations

- 3.16 The Authority should:
- (i) Revise its Service Delivery Plan to ensure it fully satisfies all of the criteria set out in the Service Planning Guidance in Chapter 1 of the Framework Agreement, including submission to the relevant Member forum for approval. [The Standard – 3.1]
 - (ii) Submit the documented annual performance review of the food law enforcement plan for appropriate Member approval. [The Standard – 3.2]
 - (iii) Address any variance in meeting the Service Delivery Plan in the service arrangements for the subsequent year. [The Standard – 3.3]

4 Review and Updating of Documented Policies and Procedures

4.1 The Authority had not completed the documentation of its policies and procedures for all the enforcement activities covered by The Standard, and most were still in draft form at the time of audit.

4.2 The Authority had not set up a control system for all documentation relating to its enforcement activities to ensure that:

- Up to date copies of appropriate documentation including legislation and guidance were available at all relevant locations and to all relevant staff;
- Changes or amendments were covered by the correct authorisation and were carried out without undue delay; and
- Superseded documents were removed from use.

4.3 An audit check revealed that officers had access to current versions of legislation and centrally issued guidance.

Recommendations

4.4 The Authority should:

- (i) Ensure that, once completed and implemented all documented policies and procedures for the enforcement activities 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) Set up, maintain and implement a control system for all documentation relating to its enforcement activities. [The Standard – 4.2]

5 Authorised Officers

- 5.1 Section 5 of the Food Safety Act 1990 and Section 67 of the Agriculture Act 1970 require the Authority to appoint sufficient numbers of authorised officers and inspectors respectively. The duty to appoint authorised officers and inspectors falls upon the Authority itself, although it may arrange for this responsibility to be delegated under Section 101 of the Local Government Act 1972.
- 5.2 The Director and Assistant Director had delegated power to appoint the Authority's authorised officers and inspectors under the Agriculture Act 1970 and the Food Safety Act 1990 respectively. The same functions were also allocated to the Heads of Environmental Health and Trading Standards services.
- 5.3 The Authority had a draft documented procedure that applied to the authorisation of officers and contractors under the Food Safety Act 1990. The scope of the documented procedure was limited to "all categories of inspection visits carried out in connection with the enforcement activities under the Food Safety Act 1990".
- 5.4 The procedure stated that the Authority's Director of Law and Regulatory Services could authorise suitably qualified officers under the Food Safety Act, but did not mention the other officers to whom this power had been delegated, although they were mentioned elsewhere in the draft procedure.
- 5.5 The draft procedure indicated that authorised officers could be authorised to approve, suspend, revoke and impose conditions on premises subject to product-specific food hygiene regulations, and grant, refuse, suspend and revoke butcher shop licences. At the time of audit these powers did not appear to have been delegated to Authorised Officers under the Authority's Schemes of Delegation.
- 5.6 The procedure did not indicate how the structured training and competence requirements of Food Safety Act Codes of Practice relating to the appointment and authorisation of new officers would be addressed or assessed. This was partially covered by the Department's draft Internal Monitoring Procedure for food hygiene although this had not been brought into effect at the time of audit.
- 5.7 At the time of audit, authorised officers had not been issued with documents confirming their appointment or the extent of their authority to act. It was noted that such a document was included in the draft documented procedure, although the document needed to be reviewed and re-drafted before being brought into use.

- 5.8 Officers had been authorised to act under the European Communities Act 1972.
- 5.9 Lead officers had been appointed who had responsibility for the enforcement of food hygiene, food standards and feedingstuffs legislation. It was verified that these officers had the knowledge, training and qualifications required for appointment.
- 5.10 An assessment of authorisations that had been issued confirmed that authorised officers had been appointed and authorised in accordance with their qualifications, although there were no records relating to the assessment of competence or structured training of newly appointed staff.
- 5.11 An audit of inspection and other records showed that officers had acted in accordance with their authorisations.
- 5.12 The Authority had experienced difficulties in recruiting suitable staff during 2002 - 2003 and reported in its Service Plan that it needed to address the recruitment and retention issue, along with exploring alternatives to the recruitment of qualified officers.
- 5.13 The Public Protection Department had achieved Investors in People accreditation in September 2002, and therefore had a well-developed and robust staff appraisal and development scheme. There was also a draft Departmental Training and Development Procedure to ensure “staff receive training and development focussed to departmental aims and objectives and that all training and development is recorded”. The departmental scheme provided for the identification and recording of training needs, and the recording of training that had been undertaken, including continuing development.
- 5.14 The Authority was able to produce copies of qualification certificates for all officers who had been appointed as authorised officers under the Food Safety Act 1990.
- 5.15 Officers maintained their appraisal and personal development records in personal portfolios as part of the Department’s IIP accreditation. Records of training that had been undertaken were generally well maintained, although it was noted that they did not always include the course content and objectives, or the duration and assessment of training that had been undertaken.
- 5.16 Records that were examined demonstrated that the Authority had a commitment to learning and a positive approach to personal and

professional development. The continuing development requirements of Food Safety Act Codes of Practice 8, 9 and 19 were being met.

Recommendations

5.17 The Authority should:

- (i) Ensure it has appointed a sufficient number of authorised officers to carry out the work as set out in its Service Delivery Plan. [The Standard – 5.3]
- (ii) Ensure that officers' training records include the objectives and content of courses, and the duration and any assessment of training that has been undertaken. [The Standard – 5.4]

6 Facilities and Equipment

- 6.1 The Authority had made available the necessary facilities and equipment to permit all activities associated with the service to be carried out.
- 6.2 A draft procedure for the Calibration and Maintenance of Equipment had been set up to ensure that equipment was properly maintained and calibrated, and removed from service when found to be defective, although the frequency of calibration of temperature monitoring equipment used for enforcement purposes was not specified.
- 6.3 All temperature monitoring equipment used for enforcement purposes had valid calibration certificates and appropriate records had been kept.
- 6.4 The premises database was considered to be capable of providing the information required by the Food Standards Agency. However a number of inaccuracies were noted which would affect the Authority's ability to remove accurate information from the database.
- 6.5 System administrators had received training in the use of the integral database reporting facility. The Authority also relied on the software supplier to produce complex management and performance reports and analyses.
- 6.6 The Authority received additional support from the software supplier to produce management and performance reports and analyses as required.
- 6.7 Daily backup copies of the database were taken by the IT Section of the Authority's Directorate of Corporate Services.

Recommendations

- 6.8 The Authority should:
- (i) Revise and implement the procedure for the calibration and maintenance of equipment. [The Standard – 6.2]
 - (ii) Operate the database in such a way so as to be able to provide required information to the Agency. [The Standard – 6.4]

7 Food and Feedingstuffs Premises Inspections

Food Hygiene

- 7.1 The Authority's Food Law Service Plan for 2003 - 2004 stated that 1210 food businesses in its area were subject to food hygiene inspections. The risk-rating profile was as follows:

Risk Group	Inspection Frequency	Total Premises	% of Total
A	6 months	8	1
B	12 months	155	13
C	18 months	509	42
D	24 months	195	16
E	36 months	199	16
F	60 months	144	12
Non Rated		0	0
Totals		1210	

- 7.2 The Service Plan did not include information about the Authority's food hygiene inspection programme for 2003 - 2004. Neither was there reference to any programmed inspections not carried out in the previous year.
- 7.3 The Authority had a draft documented procedure for food hygiene inspections and revisits that established a uniform approach to food safety inspections carried out by the Authority's officers and contractors. The procedure indicated that food hygiene inspections would be carried out at the frequency determined by the risk-rating scheme set out in Food Safety Act Code of Practice No.9.
- 7.4 An examination of 14 inspection histories of food businesses that had been inspected in the year prior to the audit confirmed that all 10 general premises and all 4 Approved Premises had been inspected at the correct frequency.
- 7.5 A report produced during the audit revealed that food hygiene inspections of 77 food businesses were overdue, of which 49 were in risk categories B and C.
- 7.6 The food hygiene inspection procedure included a standard food premises inspection report form, a hazard analysis review, a food hygiene visit progress sheet, and a standard letter and standard paragraphs that were used by inspectors to record and report general

food hygiene inspections. A standard food hygiene inspection report summary was left with the proprietor at the conclusion of an inspection. These forms included all the information required by Food Safety Act Code of Practice No.9.

- 7.7 A separate draft documented procedure dealt with the approval and inspection of premises subject to product-specific food hygiene regulations, although this was in the early stages of development at the time of audit and the auditors were advised that it required further work before it could be brought into use.
- 7.8 There was no documented procedure for the inspection and licensing of butcher shops, although there was a standard licence application form and a butcher shop licensing assessment form for use by officers when conducting butcher shop licensing inspections. The Authority had licensed 28 butchers' shops.
- 7.9 An examination of 9 files relating to licensed butcher shops revealed that although records were generally comprehensive and very well-maintained, a copy of one licence was not on file, and a letter referring to an outstanding Improvement Notice had been sent with a licence in one case.
- 7.10 Officers had conducted food hygiene inspections in accordance with their levels of authorisation.
- 7.11 Inspection notes and other inspection data that had been recorded by officers at the time of inspection were legible and retrievable.

Recommendation

- 7.12 The Authority should:
- Ensure that butchers shops licences are issued in accordance with the requirements of the relevant legislation and centrally issued guidance.
[The Standard – 7.2]

Food Standards and Feedingstuffs

- 7.13 The Service Plan for 2003 - 2004 stated that 1003 food businesses in the Authority's area were subject to food standards inspections. The risk-rating profile and inspection programme was as follows:

Risk Group	Inspection Frequency	Total Premises	Programmed Inspections
High	12 months	49	48
Medium	24 months	665	345
Low	60 months	289	67
Non Rated		0	0
Totals		1003	460

- 7.14 The Authority did not have a documented procedure relating to food standards inspections although there was a food standards inspection form for use by officers when conducting food standards inspections. A food standards inspection report summary was left with the proprietor at the conclusion of an inspection. These forms included all the information required by Food Safety Act Code of Practice No.8.
- 7.15 A report produced during the audit revealed that food standards inspections of 401 food businesses were overdue, of which 138 had been overdue since before 2000. Some businesses had not been inspected for food standards purposes since 1996. Of the overdue inspections, 2 were of premises that had been categorised as high risk and 279 medium risk. Overdue inspections had not been mentioned in the Food Law Service Plan.
- 7.16 109 food premises had been rated as having no inspectable risk for food standards purposes.
- 7.17 Food standards inspection histories of 11 food businesses that had been inspected in the year prior to the audit revealed that of the 5 for which previous inspections had been recorded none had been inspected at the correct frequency
- 7.18 Inspection records of a number of these businesses were insufficient to determine the scope and details of the food standards inspection.
- 7.19 Inspection notes and other inspection data that had been recorded by officers at the time of inspection were generally legible and retrievable.
- 7.20 The Service Plan for 2003 - 2004 did not mention the Authority's feedingstuffs premises inspection programme and there was no evidence that there was such a programme at the time of audit, although

3 feedingstuffs inspections had been undertaken in the three months prior to the audit.

7.21 The Authority reported that it did not have any approved establishments under the Feedingstuffs (Establishments and Intermediaries) Regulations 1999. The inspection of registered premises had not been addressed in the Authority's Service Plan.

7.22 The Authority did not have a documented feedingstuffs premises inspection procedure.

Recommendations

7.23 The Authority should:

- (i) Ensure that food standards and feedingstuffs inspections are undertaken at the frequency not less than that determined by the relevant inspection risk rating. [The Standard – 7.1]
- (ii) Set up, maintain and implement a documented inspection procedure for food standards and feedingstuffs inspections. [The Standard – 7.4]

8 Food Hygiene, Feedingstuffs and Food Standards Complaints

- 8.1 The Authority had a policy to investigate all food and feedingstuffs complaints and had set up draft documented procedures that applied to food hygiene and standards complaints, and complaints about food premises. There was no documented procedure that applied to feedingstuffs complaints.
- 8.2 The records of 8 food hygiene complaints and 6 food standards complaints were examined.
- 8.3 Food standards complaint records generally indicated that thorough investigations had been undertaken and that appropriate action had been taken in accordance with the enforcement policy and within relevant time scales.
- 8.4 Records of food hygiene complaints were less comprehensive and in 3 cases were insufficient to determine whether an appropriate investigation had been carried out.
- 8.5 There had been no recent complaints relating to feedingstuffs.

Recommendations

- 8.6 The Authority should:
- (i) Set up, maintain and implement a documented procedure for dealing with feedingstuffs complaints. [The Standard – 8.1]
 - (ii) Ensure that documented procedures are fully implemented when conducting investigations into food hygiene complaints. [The Standard – 8.2]

9 Home Authority Principle

- 9.1 The Food Law Service Plan indicated that the Authority's Public Protection Department had "signed up to the LACORS Home Authority Principle" and this had been approved by the Council.
- 9.2 A number of the Department's draft documented procedures confirmed that contact with Home and Originating Authorities would be an integral part of the Authority's enforcement process.
- 9.3 The Authority did not have any formal Home Authority agreements. Nevertheless, the Service Plan stated that Authority acted as Home Authority for 4 food businesses that operated within its area.
- 9.4 A report provided a list of 5 food businesses for which the Authority acted as Home Authority, all of which had been registered on the LACORS Home Authority database. The Authority's entries on the database had last been updated in April 2003.
- 9.5 Officers had Internet access to the LACORS Home Authority database through shared desktop computers and could therefore identify relevant Home and Originating Authorities and local authority contacts.
- 9.6 Records that were examined at audit demonstrated that the Authority generally appeared to implement the Home Authority Principle effectively in relation to food hygiene matters, and responded appropriately to requests for information from other authorities
- 9.7 It was noted, however, the Home Authority Principle appeared to be less well-implemented and applied in relation to food standards matters.

Recommendation

- 9.8 The Authority should:

Provide advice on food standards to businesses for which it acts as Home Authority and/or Originating Authority. [The Standard – 9.1]

10 Advice to Business

- 10.1 The Authority demonstrated an active and positive approach to helping local businesses comply with the law, as demonstrated by a number of initiatives that had been, or were being undertaken. These included:
- Supplying information to local businesses about recognised food hygiene training providers in the area;
 - Providing practical HACCP guidance for retail butchers and caterers, and for residential and nursing homes;
 - Producing practical advice sheets for businesses on a range of food hygiene and labelling issues;
 - Giving advice and guidance to new businesses.
- 10.2 There was evidence that advice was routinely given on request and during the course of inspections.
- 10.3 The Authority had also drafted a customer survey that would help to inform its service planning process, and help to shape and focus its food law enforcement service when considering options for future service delivery.
- 10.4 There was no evidence to suggest that the Authority was providing advice to business in relation to feedingstuffs.

Recommendation

- 10.5 The Authority should:
- Expand its advice to business to include feedingstuffs.
[The Standard – 10.1]

11 Food and Feedingstuffs Premises Database

- 11.1 The Authority had set up an electronic data management and information system for the Public Protection Department that held details of the food and feedingstuffs premises in its area.
- 11.2 The Authority had a documented policy for management of the electronic database, which set out the requirements for system management and development, and the input, amendment, and deletion of data. The policy applied to all staff in the Public Protection Department who used or had access to the system.
- 11.3 The Authority also had a draft documented procedure to ensure that the database was accurate and up to date and that reasonable security measures were in place to prevent access and amendment by unauthorised persons, although it only related to food hygiene enforcement.
- 11.4 The System Managers had responsibility for creating database user accounts and passwords, and setting users' security levels.
- 11.5 Some inaccuracies in the operation of the database and in the recording of data were revealed during the course of the audit, these included:
- Food hygiene inspection intervals at variance with Food Safety Act Code of Practice No. 9;
 - Food hygiene risk-ratings not matching file records;
 - Food hygiene re-visits not recorded.
- 11.6 Food premises in the Authority's area were selected at random from the local business directory. All had been entered onto the database and included in the relevant inspection programmes.

Recommendation

- 11.7 The Authority should:

Revise the draft procedure to include food standards and feedingstuffs and maintain and fully implement the procedure to ensure it is accurate and up to date. [The Standard – 11.2]

12 Food and Feedingstuffs Inspection and Sampling

General

- 12.1 The Authority's Enforcement Policy listed the detention, seizure and voluntary surrender of food as enforcement options that could be used by Authorised Officers in appropriate circumstances.
- 12.2 The Authority had a documented sampling policy for food hygiene, a documented sampling procedure for food hygiene, food standards and feedingstuffs, and an annual sampling programme for food standards.
- 12.3 There was evidence of a range of sampling activity targeted at a variety of locally produced and manufactured products and active participation in co-ordinated regional and national surveys. However, the absence of a sampling programme for food hygiene samples meant it was not possible to determine how businesses or samples had been chosen.
- 12.4 A report produced by the Authority as part of the pre-audit documentation listed a total of 105 food hygiene samples and 532 food standards samples that had been taken in the last six months of 2003 - 2004.
- 12.5 Laboratories used by the Authority for the examination and analysis of food and feedingstuffs samples had been properly accredited and were on the list of Official Laboratories that the UK Government had notified to the European Commission.
- 12.6 The Authority updated its Public and Agricultural Analyst appointments in November 1999. It was noted at the time of audit that further changes in laboratory services and personnel had subsequently taken place and the auditors were being advised that this was being addressed.

Food Hygiene

- 12.7 The Service Plan indicated that the Authority planned to participate in the Welsh Food Microbiological Forum Shopping Basket Survey and other national sampling initiatives proposed by LACORS and the FSA, and to take an unspecified number and type of samples from manufacturing premises.
- 12.8 The Authority estimated that it would take 450 food hygiene samples during 2003 - 2004 and at the time of audit, the number of samples that had actually been taken appeared to be on target.

- 12.9 Records of 11 food hygiene samples were examined. All 11 had been recorded as formal samples on the database. The identity of the officer who had actually taken the sample was unclear in a number of cases.
- 12.10 One unsatisfactory sample had been dealt with very diligently, and the follow-up letter to the business was informative and very helpful.
- 12.11 No information could be found about 2 samples that were recorded as having been taken and in 3 more cases where unsatisfactory results were recorded it was not possible to determine whether there had been any appropriate follow-up action.
- 12.12 In 2 cases, unsatisfactory results had been followed-up with letters stating that further samples would be taken but there was no evidence that any follow-up visits or further sampling had taken place.
- 12.13 Two follow-up letters re-stated the results without providing any supporting interpretation, guidance or advice, which would have added clarity.

Food Standards and Feedingstuffs

- 12.14 The Service Plan set out the basis on which the Authority's planned food standards sampling programme for 2003 - 2004 would be drawn-up. The programme focussed on local food producers and had been jointly agreed with the Public Analyst and other Authorities that used the same laboratory.
- 12.15 At the time of audit the number of samples appeared to be on target, and those that had been taken correlated with the planned food standards sampling programme.
- 12.16 Records of 10 food standards samples were examined, 3 of which had been taken "informally". The results of 5 samples had not been received at the time of audit. 3 samples had been recorded as "unsatisfactory".
- 12.17 In one case there was some confusion over whether a follow-up food standards sample had been taken formally or informally and this coupled with the loss of the third part of the initial formal sample, contributed to a potential prosecution running out of time and having to be abandoned.
- 12.18 The Service Plan indicated that the Authority planned to increase the number of feedingstuffs samples it would take in 2003 – 2004 compared to previous years.

Recommendations

12.19 The Authority should:

- (i) Ensure that appropriate action is taken on any non-compliance found in relation to food in accordance with its food safety sampling procedure. [The Standard – 12.2]
- (ii) Set up, maintain and implement a documented sampling policy for food standards and feedingstuffs samples, and a sampling programme for food hygiene and feedingstuffs samples. [The Standard – 12.3]
- (iii) Ensure that appropriate action in accordance with its enforcement policy is taken where sample results are not considered to be satisfactory. [The Standard – 12.6]

13 Control and Investigation of Outbreaks and Food Related Infectious Disease.

- 13.1 The Authority and other relevant stakeholders had jointly set up a documented procedure for the Control of Communicable Disease (the OCP)
- 13.2 The OCP included a provision that it would be reviewed every 2 years, although the last documented amendment was in September 2000. The OCP contained information that had been out-of-date for some time at the time of audit and necessary amendments had not been made.
- 13.3 It was noted that the Authority was awaiting a revised model plan for Wales that was being drafted by the Communicable Disease Technical Panel before it proceeded with the revision of its OCP.
- 13.4 There had been one outbreak of food related infection in the Authority's area in the 2 years prior to the audit involving a cluster of infections caused by the same relatively uncommon phage type of Salmonella. Records showed that a comprehensive investigation had taken place.
- 13.5 Although an outbreak control team was not formally convened, two meetings were held involving investigating officers, the Authority's Proper Officer, the Regional Epidemiologist, the Consultant Microbiologist and NPHS Wales. There was evidence of close co-operation between all concerned, and a post-outbreak report was produced.
- 13.6 The Authority had also set up separate documented procedures for Investigating Communicable Disease Notifications, and Investigating Outbreaks of Communicable Diseases that were in draft form at the time of audit.
- 13.7 Officers were not implementing the documented procedure at the time of audit, although its draft status was recognised. The Authority should ensure that the draft procedure accurately reflects its approach to the investigation of communicable disease notifications, and once finalised, ensure it is properly implemented.
- 13.8 11 investigations of sporadic case notifications were examined. None of the 11 contained sufficient information to determine whether an appropriate investigation had taken place.

Recommendations

13.9 The Authority should:

- (i) Ensure the OCP is regularly reviewed in association with other stakeholders. [The Standard – 13.1]
- (ii) Ensure the procedure for dealing with sporadic cases of food-related infections is properly documented and fully implemented by officers when conducting investigations. [The Standard – 13.2]

14 Food Safety Incidents

- 14.1 The Authority had a draft documented Food Hazard Warning Procedure that included arrangements for responding to Food Hazard Warnings (FHWs) issued by the Food Standards Agency. The draft procedure included a record sheet for recording the receipt of FHWs and the action taken.
- 14.2 The procedure indicated that the Food Standards Agency had been given the Authority's out of hours contact numbers, but did not detail how the Authority would ensure a timely response to incidents that occurred outside the Department's normal working hours.
- 14.3 The draft procedure did not detail the Authority's arrangements for alerting the Food Standards Agency where an actual or potential food hazard was identified locally.
- 14.4 The Authority had a computer system that was capable of receiving FHWs, and had arranged with the Food Standards Agency to have them e-mailed directly to nominated officers.
- 14.5 The draft procedure did not detail how the principal officers would liaise to determine the Authority's appropriate response to a food hazard warning, or cover circumstances in which one or more of the principal officers were unavailable at the time a food hazard warning was received.
- 14.6 An examination of the authority's records of food hazard warnings issued in the 18 months prior to the audit revealed that those issued from October 2003 had been promptly received and appropriately actioned in accordance with Food Standards Agency advice. Responses had been documented and a number of press releases had been issued.
- 14.7 There had been no serious localised incidents in the 2 years prior to the audit.

Recommendations

14.8 The Authority should:

- (i) Review and implement the draft documented procedure for responding to food hazard warnings received from the Food Standards Agency.
[The Standard – 14.1]
- (ii) Document the Authority's arrangements for alerting the Food Standards Agency where an actual or potential food hazard is identified locally.
[The Standard – 14.5]

15 Enforcement

- 15.1 The Authority had set up a Public Protection Overarching Enforcement Policy that was based on the guiding principles of consistency, fairness, proportionality, transparency and objectivity, in line with the Enforcement Concordat, to which the Authority had subscribed.
- 15.2 The Public Protection Overarching Enforcement Policy had been adopted at a meeting of the Council on 18 September 2002. However the policy, or an accurate summary of it, had not been made readily available to the public or to food businesses in the Authority's area at the time of audit.
- 15.3 The Authority had also drafted a Food Safety Enforcement Policy that applied to all enforcement action taken by officers under food safety legislation. The relevant Local Authority Member forum had not approved this draft policy at the time of audit.

Food Hygiene

- 15.4 The Authority reported in pre-audit documentation that it had undertaken the following enforcement action in relation to food hygiene matters in the 2 years preceding the audit:

- 12 Prosecutions;
- 1 Formal caution;
- 3 Emergency Prohibition Notices;
- 2 Voluntary Closures of food premises;
- 20 Improvement Notices;
- 1 seizure of food;
- 5 voluntary surrenders of food.

It was apparent that a wide range of food hygiene enforcement options had been used routinely within the Authority. Enforcement decisions had generally been taken in accordance with the enforcement policy and official guidance, and appropriate action had been taken where contraventions had been identified.

- 15.5 Records of 11 prosecutions, 1 formal caution, 3 Emergency Prohibition Notices, 2 Voluntary Closures, 10 Improvement Notices, 1 food seizure, and 5 voluntary surrenders of food, were examined and checked against official guidance, the enforcement policy, and the Authority's documented procedures.

- 15.6 Prosecution records were extremely well presented and comprehensive, each case file containing a full audit trail from commission of the alleged offence to conclusion of the prosecution.
- 15.7 Although one case that began as a potential prosecution took 363 days from commission of the alleged offence to laying the Information, the reasons for the delay were clearly documented and justified.
- 15.8 An examination of the Formal Caution that had been issued demonstrated that it had been undertaken in accordance with the Authority's procedure and was extremely well prepared, documented, and actioned.
- 15.9 Emergency Prohibition Notices had been served in appropriate circumstances and applications for Emergency Prohibition Orders made to the Court within the statutory period. Conditions at the premises had been monitored whilst notices and orders were in force, and orders had been lifted promptly, once the matters requiring attention had been addressed.
- 15.10 Records of 2 food premises that had agreed to close voluntarily indicated that closure was an appropriate course of action in each case. It was noted, however, that the Authority had not confirmed closure agreements in writing with the proprietors of the businesses concerned.
- 15.11 Records of 5 voluntary surrenders of food were examined. Appropriately worded certificates had been used in all cases, and copies of those that had been issued were retained in duplicate books.
- 15.12 Ten files were examined for premises where Improvement Notices had been served. The notices were clear and easy to understand, time limits were identified and correct information on the appeals procedure was seen in accordance with the Food Safety Act Code of Practice No 5 and centrally issued guidance. However, evidence of proper service was not always available and the full name of the recipient of the notice was not used on three occasions.

Food Standards and Feedingstuffs

- 15.13 There had been one formal caution issued in relation to a food standards offence. The case was originally proceeding as a prosecution but the file records were well documented and provided a full explanation for the departure from this course of action.

Recommendation

15.14 The Authority should:

Ensure that the relevant Local Authority Member forum approves the Food Safety Enforcement Policy and that either the policy or an accurate summary is readily available to the public and food businesses in its area. [The Standard – 15.1]

16 Records and Inspection Reports

- 16.1 Records of premises where the Authority had food and feedingstuffs law enforcement responsibilities were maintained in the Public Protection Department's computerised data management and information system.
- 16.2 Records of inspections were maintained in hard copy files and in summary format in the departmental database.
- 16.3 Records relating to premises that had been used as food or feedingstuffs businesses for at least 6 years had been kept for that period.

Food Hygiene

- 16.4 Food hygiene inspection records of premises that were subject to the general food hygiene regulations, including licensed butchers, and those subject to product-specific food hygiene regulations were comprehensive and well maintained, and copies of inspection reports, application forms, licences, registrations and approval documents were on file.
- 16.5 Records included a business profile, a description of the activities undertaken, inspection and visit dates and outcomes, risk ratings, assessments of compliance with legal requirements, enforcement action, complaints against the business, and copies of correspondence.
- 16.6 Post-inspection correspondence generally reflected the requirements of Food Safety Act Codes of Practice and centrally issued guidance, and letters and reports had been sent within a reasonable time after the inspection.
- 16.7 A number of records relating to food hygiene samples were incomplete.

Food Standards and Feedingstuffs

- 16.8 Food standards inspection records were generally less comprehensive and well maintained. Food standards inspection forms had either not been completed at all, or had only been partially completed in a number of cases, and gaps in the information that had been recorded about food businesses resulted in a failure to meet the requirements of Food Safety Act Code of Practice No.8

16.9 Standard record sheets had been used for food standards samples. However, gaps in the information recorded meant that it was not possible to confirm that the requirements of the relevant code of practice had been considered on each occasion.

Recommendation

16.10 The Authority should:

Maintain up to date records in retrievable form for all food standards and feedingstuffs activities carried out in the area in accordance with the relevant Food Safety Act Codes of Practice. [The Standard – 16.1]

17 Complaints about the Service

- 17.1 The Authority had set up, implemented and published a Corporate Complaints Procedure. It was available to the public and the food and feedingstuffs businesses in its area in Civic Buildings and on the Authority's Internet website.
- 17.2 The Authority had also drafted a documented procedure for dealing with customer comments and complaints about the service that applied to all customer complaints, comments and complements about services provided by the Public Protection Department.
- 17.3 The draft departmental procedure set out the steps for dealing with an informal complaint about services provided by the Public Protection Department that had been made under the Authority's corporate procedure.
- 17.4 The procedure also indicated that complaints and comments would be used to help inform service improvements.
- 17.5 There had been no complaints against the Authority's food or feedingstuffs enforcement service in the 2 years prior to 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 the following:

- South West Wales Food Safety Task Group;
- The Glamorgan Group;
- South West Wales Communicable Disease Task Group;
- Welsh Food Microbiological Forum;
- West Wales Food and Agricultural Standards Sampling Liaison Group.

18.2 Minutes of liaison group meetings were available and confirmed regular attendance by appropriate service representatives.

18.3 The Authority also had active liaison arrangements with:

- Other departments within the Authority;
- Food Standards Agency HACCP initiative;
- Other local authorities;
- The Health Authority and successor bodies;
- Local colleges and other training providers;
- LACORS.

19 Internal Monitoring

- 19.1 The Authority had set up a comprehensive draft documented internal monitoring procedure for food hygiene in accordance with Food Safety Act Code of Practice No.9 and centrally issued guidance. The procedure did not cover Food Standards and Feedingstuffs activity.
- 19.2 The procedure applied to all actions taken by the Food Hygiene Team, including inspections, service requests, food complaints, database maintenance, sampling, seizure and detention, Approved Premises, food hygiene incidents, infectious disease control and butchers licensing. It applied equally to employees and contractors and covered:
- Customer satisfaction surveys;
 - Team meetings;
 - Staff appraisal;
 - One to one work review;
 - Consistency monitoring of inspections;
 - Quality monitoring of records and other documentation;
 - Assessment of new team members.
- 19.3 Although the Department's draft procedure was in the early stages of implementation at the time of audit, there was evidence that performance monitoring activity had increased. Positive aspects of service delivery were being identified and under-performance addressed.
- 19.4 The Public Protection Department had also held Investors' in People (IIP) accreditation since 2002 and had developed a comprehensive performance and appraisal system that applied to all staff employed in Department. The system included a training-needs assessment.
- 19.5 Evidence showed that the IIP appraisal and development system had been implemented, and records demonstrated that performance reviews and personal appraisals had been undertaken and documented. Training needs were being identified and considered, and officers' personal portfolios were comprehensive and well maintained.
- 19.6 Trading Standards Enforcement Staff meetings took place every month, and minutes showed that staff discussed departmental information and performance, and had the opportunity to discuss monitoring information and other relevant issues.
- 19.7 Food Hygiene Team meetings also took place every month, and minutes showed that discussion covered similar issues. It was noted that the meeting held in December 2003 had been told that the Team's

performance was considered by the Authority's Public Protection Scrutiny Committee on a quarterly basis. This important element of the Authority's performance management framework did not appear to have been mentioned in any of the Department's documented procedures.

Recommendations

19.8 The Authority should:

- (i) Expand the scope of the documented procedure to encompass food standards and feedingstuffs enforcement. [The Standard – 19.1]
- (ii) Verify its conformance with The Standard, relevant legislation, relevant Food Safety Act Codes of Practice, relevant centrally issued guidance, and its own documented policies and procedures in relation to all aspects of the service, including feedingstuffs. [The Standard – 19.2]

20 Third Party or Peer Review

- 20.1 The Authority had participated in the all-Wales food hygiene inter-authority document review and compliance audit in October 1999.
- 20.2 The Authority was planning to participate in an inter-authority audit of food poisoning and communicable disease procedures that was scheduled to take place later in 2004.

21 Food and Feedingstuffs Safety and Standards Promotion

- 21.1 The Authority demonstrated a commitment to food hygiene and standards promotion.
- 21.2 The Public Protection Department had initiated or participated in a range of promotional activities and had plans for further work in this area. Activities included:
- National Food Safety Week;
 - Crucial Crew;
 - Womens' Health Day;
 - Heartbeat Wales Award for Schools;
 - Welsh Food Hygiene Award Scheme.
- 21.3 The Department had also established a relationship with a local radio station and made regular contributions to programmes on a variety of food hygiene, standards and nutrition issues.
- 21.4 There was no evidence of feedingstuffs promotion

Recommendation

- 21.5 The Authority should:
- Expand its promotional activity to include feedingstuffs.
[The Standard – 21.1]

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ANNEX A

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.
Enforcement Concordat	Government guidance setting out principles and procedures of good enforcement which local authorities may adopt. Developed in consultation

with businesses, local and central government, consumer groups and other interested parties. It sets out what businesses and others being regulated can expect from enforcement officers.

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 The Framework Agreement consists of:

- Food Law Enforcement Standard
- Service Planning Guidance
- Monitoring Scheme
- Audit Scheme

The **Standard** and the **Service Planning Guidance** set out the Agency's expectations on the planning and delivery of food law enforcement.

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.

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	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 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.