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# **Report on the Food Law Enforcement Service**

**Caerphilly County Borough Council**

**17 - 21 January 2005**

## **Foreword**

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

The full audit 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 is acknowledged that there will be considerable diversity in the way and manner in which local authorities may provide their food enforcement services reflecting local needs and priorities.

Agency audits assess local authorities' conformance against "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 service for food law enforcement. 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 in the Annex.

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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. It 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 Caerphilly 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 Caerphilly'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 Pontlanfraith, Blackwood between 17 – 21 January 2005.
- 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.
- 1.6 The Framework Agreement and the audit protocols can be found on the Agency's website.

### ***Background***

- 1.7 Caerphilly County Borough Council is one of the largest Unitary Authorities in Wales, covering an area of approximately 28,000 hectares stretching from the Heads of the Valley in the North to Risca and Caerphilly in the South.
- 1.8 The County includes more than 50 distinct towns and villages and has a resident population of around 170,000 people. The majority of the

area is classed as either severely disadvantaged (84%) or disadvantaged (12%).

- 1.9 There are approximately 1,400 food businesses in the Authority's area and around 290 farms. Four on-farm feedingstuffs mixers have registered with the Authority.
- 1.10 Food businesses cover a range of business types, including retail, manufacturing, catering and processing. Six establishments have been approved under product-specific food hygiene regulations for the production of meat, dairy or egg products.
- 1.11 Food hygiene law enforcement is the responsibility of the Food Safety and Health and Safety Service and food standards and feedingstuffs law enforcement is the responsibility of the Trading Standards Service. Both Sections are part of the Authority's Directorate of the Environment.
- 1.12 Lead officers for food hygiene enforcement and for food standards and feedingstuffs enforcement are both located at the Authority's headquarters in Blackwood.
- 1.13 The Authority identified in its Food Enforcement Service Delivery Plan that the following activity was undertaken during 2003 – 2004:

<b>Enforcement Activity 2003 – 2004</b>	
Food hygiene inspections	775
Food standards inspections	440
Feedingstuffs inspections	265
Food hygiene complaints	180
Food complaints	129
Food standards complaints	119
Food hygiene samples	449
Food standards samples	477

- 1.14 The authority also identified the following numbers of premises as due for inspection during 2004 –2005:

Food Hygiene Inspections

Category	Total Number	Inspections Due
A	40	80
B	198	198
C	466	274
<b>Total high</b>	<b>704</b>	<b>552</b>
D	265	153
E	256	53
F	141	36
<b>Total other</b>	<b>662</b>	<b>242</b>
<b>Total</b>	<b>1,366</b>	<b>794</b>

Food Standards Inspections

Risk Profile	Number of Premises	Inspections Due
High	90	90
Medium	490	245
Low	518	313
N I R	95	0
Revisits		20
<b>Total</b>	<b>1,193</b>	<b>680</b>

Feedingstuffs Inspections

Number of Premises	Planned Inspections
287 Holding medicines Book	150
4 Registered on farm mixers	4
290 total Premises (including farms)	154

**Resources**

- 1.15 The 2004– 2005 Food Enforcement Service Delivery Plan estimated that the Authority had the equivalent of 5.8 FTE officers involved in food hygiene enforcement and 3.1 full time equivalent (FTE) officers involved in food standards and feedingstuffs law enforcement.
- 1.16 The Authority's total budget allocations for the food hygiene and food standards and feedingstuffs enforcement services in 2004 – 2005 were £327,917 and £160,000 respectively. This was not broken down in the format set out in the Service Planning Guidance in the Framework Agreement.

## 2 Executive Summary

- 2.1 The Authority was providing a comprehensive and effective food law enforcement service and worked closely with businesses to aid their compliance with food safety legislation. The Authority was carrying out a number of its duties in a particularly comprehensive manner, including sampling of food, and implementing the Home Authority Principle, and records relating to these activities were thorough and complete.
- 2.2 The importance of providing training for food law enforcement officers had been recognised and they had attended numerous courses on a variety of relevant subjects. The Authority also demonstrated a commitment to promoting food safety and standards which it achieved through the delivery of a wide range of targeted initiatives.

### 2.3 The Authority's Strengths

#### ***Training***

Officers were provided with numerous opportunities to participate in training events and it was evident that those who were conducting food enforcement were meeting the continuing development requirements of Food Safety Act Code of Practice No.19.

#### ***Food Sampling***

Food sampling was being conducted in accordance with the sampling policy, procedures and programmes. File records were well maintained and appropriate follow-up action had been undertaken where necessary.

#### ***Home Authority Premises***

The Authority was addressing its responsibilities under the Home Authority Principle through targeted food hygiene and food standards activities, including inspections, advice and sampling. Formal Home Authority agreements had been signed with a number of locally based businesses, which helped the Authority to discharge its responsibilities effectively.

#### ***Promotional Activity – Food Hygiene and Standards***

A wide range of activity showed support and commitment to a proactive programme, which complimented the Authority's statutory duties and responsibilities.

#### ***Advice to Food Businesses***

The Authority had an extensive and targeted programme to provide advice, information and support to local food businesses, helping them to comply with food law.

## **Audit Findings**

### **3 Organisation and Management**

3.1 The Food Enforcement Service Delivery Plan gave details of the Council's mission statement:

*“Working together for the good of all in Caerphilly county borough”*

and how the Directorate contributed to this by highlighting the following objective:

*“To protect and promote the health safety, social and economic well being of the public and improve environmental conditions by regulation, information, advice and action.”*

3.2 The Authority was in the process of producing its first Community Strategy to focus in issues agreed as fundamentally important to the improvement of the social, economic and environmental well-being in the County Borough.

3.3 The main food enforcement activities that link with these corporate and community aims are:

- Risk-assessed food inspection programmes;
- Food sampling programmes;
- Investigation of food complaints;
- Consumer information and education;
- Trader information and education;
- Special food projects, surveys etc.;
- The “Home Authority” principle;
- Licensing of butchers.

3.4 The Authority had a Food Enforcement Service Delivery Plan for 2004 – 2005 covering food hygiene, food standards and feedingstuffs enforcement that had been approved by the Authority's Cabinet on 17 August 2004.

3.5 Performance management monitoring reports were reported quarterly to the Environmental and Housing Scrutiny Committee. The performance targets included the percentage of food safety inspections that should have been carried out that were actually carried out for “high risk” premises and for “other” premises.

3.6 An annual performance review based on the 2003 – 2004 Service Plan had been conducted and was included in the 2004 – 2005 Service Plan. The performance review covered all aspects of the Service Plan, including inspections. However, it was not clear that these variances

identified from the previous year's Service Plan had been addressed in the subsequent year's service arrangements. For example the auditors were advised that the backlog of overdue inspections was included in the service delivery plan, but this breakdown was not clearly detailed.

- 3.7 The 2004 – 2005 Service Plan linked to the Authority's Corporate Objectives and Plans and the Directorate's key objectives.
- 3.8 The Service Plan included complete premises risk profiles, planned inspection programmes for food hygiene, food standards and feedingstuffs, and an estimate of the staff resources required to deliver each part of the food and feedingstuffs enforcement service.

*Recommendation*

- 3.9 The Authority should:

Ensure that all variances in meeting the Service Delivery Plan are clearly addressed in the subsequent year's service arrangements.  
[The Standard – 3.3]

#### **4 Review and Updating of Documented Policies and Procedures**

- 4.1 The Authority had a documented Operational Procedure for controlling documentation that was updated in October 2004, and a Food Quality Manual dated September 2004. These systems ensured that documented policies and procedures for enforcement activities covered by The Standard were reviewed and updated as necessary.
- 4.2 Documented policies and procedures had been produced for food hygiene, food standards and feedingstuffs enforcement activities covered by The Standard. The Senior Environmental Health Officer and the Senior Trading Standards Officer were responsible for maintaining these documents and ensuring they were up to date.
- 4.3 Up to date, controlled copies of documents were available to officers on the corporate Intranet.
- 4.4 Officers had access to current copies of most relevant documents, including legislation, Food Safety Act Codes of Practice, and other appropriate documentation, although the set of Industry Guides was incomplete.

## **5 Authorised Officers**

- 5.1 The Authority's Constitution dated November 2004 delegated the power to authorise officers to enforce the Food Safety Act to the Director and to any Head of Service within the Directorate. The Chief Trading Standards Officer had issued the officer authorisations that were seen during the audit, which was in accordance with the Constitution.
- 5.2 There was a documented Operational Procedure for the authorisation of officers updated in October 2004, and a documented procedure for Trading Standards in the Food Quality Manual. These indicated that officers would be authorised according to their qualifications, competence and training needs.
- 5.3 Officer authorisation documents had been duly signed, and the scope of each officer's authorisation was clearly documented and based on an assessment of qualifications, training, experience and competence, relating to the qualifications, experience, and other criteria set out in Food Safety Act Code of Practice No.19.
- 5.4 Records confirmed that officers who were routinely conducting food law enforcement were appropriately qualified and receiving at least the minimum 10 hours continuing development training required per year.
- 5.5 There were, however, officers in Environmental Health and Trading Standards Services who were not engaged in food law enforcement but had been authorised to enforce the Food Safety Act. These officers were not meeting the continuing development training requirement. All officers who are authorised to enforce the Food Safety Act must undertake at least 10 hours of food-related update training each year as set out in Food Safety Act Code of Practice No.19.
- 5.6 There was no corporate or departmental appraisal and development scheme, and no documented departmental training plan, but training records were nonetheless comprehensive and well maintained, and each officer's training needs were being identified. The ongoing phased rollout of a new corporate appraisal and development scheme was noted.
- 5.7 Numerous opportunities to participate in training events were provided, and there was well-documented evidence that continuing development requirements were being met. There was also evidence of training in PACE and RIPA requirements and procedures.
- 5.8 Officers who were responsible for the approval and inspection of establishments under product-specific food hygiene legislation and the inspection and licensing of butchers' shops had received specific training in HACCP principles and practice.

- 5.9 Officers who were conducting inspections of food businesses with a “high” risk rating for food standards, and food businesses with documented quality assurance systems, had been trained to quality assurance lead assessor level.
- 5.10 Trading Standards and Environmental Health Officers were empowered to enforce Regulations made under the European Communities Act, and this was included in authorisation documents.
- 5.11 The Authority had appointed appropriate lead Officers with responsibility for food hygiene and food standards law enforcement, as required by the Food Safety Act Code of Practice No.19, and for the enforcement of feedingstuffs legislation.
- 5.12 It was noted that although the Food Enforcement Service Delivery Plan estimated that 6.5 FTE staff were required to deliver the food hygiene law enforcement service, the allocation was only 5.8 FTE. However, at the time of the audit this shortfall had been made up by the employment of a temporary officer.

*Recommendations*

- 5.13 The Authority should:
- (i) Ensure that all officers it has authorised under the Food Safety Act have suitable qualifications, training and experience consistent with their authorisation and duties and in accordance with the relevant Food Safety Act Code of Practice. [The Standard – 5.3]
  - (ii) Set up, maintain and implement a documented training programme and ensure the training of all authorised officers in the technical aspects of the work in which they are involved. [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 There was a documented Operational Procedure for the Calibration of Equipment used by the Food Safety and Health and Safety Service that was updated in October 2004. Tolerances were specified, although it did not specify the action to be taken when tolerances were exceeded.
- 6.3 Officers were issued with infrared rapid screening instruments for routine use. These were checked for accuracy every month. A calibrated reference thermometer was used to take temperature measurements for enforcement purposes. A standby reference thermometer was available for use when the regular instrument was being calibrated.
- 6.4 Ten data loggers were used to monitor fridge and freezer temperatures, and to monitor the temperatures of cool boxes used for food sampling.
- 6.5 Records were comprehensive and well maintained and demonstrated that instruments had been checked and calibrated according to the documented procedure.
- 6.6 The Authority had a computer system that was used to record information required by the Food Standards Agency. During the course of the audit it was demonstrated that the system could readily provide information required by the Agency.
- 6.7 Security and backup systems were in place to minimise the risk of corruption or loss of information held on the database.

### *Recommendation*

- 6.8 The Authority should:
- Expand its calibration of equipment procedure to include removal from service when tolerances are exceeded. [The Standard – 6.2]

## **7 Food and Feedingstuffs Premises Inspections**

### **Food Hygiene**

- 7.1 The Food Enforcement Service Delivery Plan stated that the Authority's food hygiene planned inspection programme was based on risk-assessments in accordance with the Food Safety Act Code of Practice.
- 7.2 There were documented Operational Procedures for general food hygiene inspections and revisits, the inspection and licensing of butchers' shops, and the inspection and approval of establishments subject to product-specific meat product hygiene regulations.
- 7.3 Records relating to ten premises inspected under general food hygiene regulations, eight premises approved and inspected under product-specific food hygiene regulations and nine licensed butchers' shops were checked.
- 7.4 All ten premises that were subject to the general food hygiene regulations and all eight premises that were subject to product-specific food hygiene regulations had been inspected at the correct frequency, as determined by Food Safety Act Code of Practice No.9, and appeared to have been correctly risk-assessed.
- 7.5 A report that was generated from the database during the audit showed that 87 food hygiene inspections were overdue of which 12 were in food hygiene risk categories A – C, and were due in the 2004 – 2005 inspection programme. The remaining 75 premises were in food hygiene risk categories D – F, and the majority were overdue from previous years inspection programmes.
- 7.6 Post-inspection letters had been sent in all cases. These included the name and address of the proprietor, the date of the inspection, the date of the report, any measures to be undertaken to secure compliance, and the time scale.
- 7.7 Proprietors were also given the opportunity of discussing the inspection and the outcome with the officer concerned, and there was evidence that revisits were being undertaken where appropriate.
- 7.8 The systematic inspection of premises subject to product-specific food hygiene regulations was facilitated by the use of dedicated inspection record forms that included information on HACCP systems and the hygiene training of staff.
- 7.9 Records relating to the establishments that had been approved under product-specific food hygiene regulations contained detailed information about facilities, site operations, products produced, and

sampling undertaken. Pre-approval inspection records and approval documents demonstrated that decision to grant approval had been based on a thorough consideration of all relevant approval criteria.

- 7.10 Food hygiene inspections had been conducted in accordance with relevant legislation, the Food Safety Act Code of Practice, and other centrally issued guidance.
- 7.11 Records relating to the nine licensed butchers included evidence that an assessment of compliance with the Food Safety (General Food Hygiene) Regulations had been undertaken and that the decision to grant a licence had been based on an assessment of all relevant criteria.
- 7.12 It was evident that assessment inspections were being carried out prior to the expiry of all butchers shop licences and that revisits were being undertaken to ensure that any necessary works were completed prior to the issue of a new licence.

*Recommendation*

- 7.13 The Authority should:

Ensure that food hygiene inspections are carried out at a frequency that is not less than that determined under the inspection rating system set out in Food Safety Act Code of Practice No.9.  
[The Standard – 7.1]

**Food Standards**

- 7.14 The Food Enforcement Service Delivery Plan stated that the Authority's food standards planned inspection programme was based on risk-assessments under the LACORS scheme, and that it met the requirements of the Food Safety Act Code of Practice.
- 7.15 The Authority used the LACORS aide memoires for food standards inspections of manufacturing, catering and retail establishments to supplement the documented procedure for inspections and other visits in the Food Quality Manual.
- 7.16 Records relating to eleven food standards inspections that had been conducted during the twelve months prior to the audit were examined. Properly qualified and authorised officers had conducted the inspections, and risk assessments had been carried out.

- 7.17 One premises that had been included on the list of food standards inspections supplied by the Authority was a hardware store. The inspection had been incorrectly coded on the database.
- 7.18 Of the remaining ten premises, nine had been inspected at the correct frequency as determined by the Food Safety Act Code of Practice food standards risk rating. The one premises for which there was no inspection history was in the low risk category.
- 7.19 A report from the database that was generated during the audit indicated that 354 food standards inspections were overdue, of which 30 were in the high and medium risk categories and all except one were due for inspection in the 2004 – 2005 programme. The remaining premises were in the low risk category and the majority were overdue from previous years inspection programmes, and some had been overdue since 1998 – 1999.
- 7.20 Food standards inspections were therefore not being conducted at the minimum frequency determined by Food Safety Act Code of Practice No.8. There were also 94 food premises on the database that had no next food standards inspection date.

*Recommendation*

- 7.21 The Authority should:  
Ensure that food standards inspections are carried out at a frequency that is not less than that determined under the inspection rating system set out in Food Safety Act Code of Practice No.8.  
[The Standard – 7.1]

**Feedingstuffs**

- 7.22 The Authority stated that it had a documented procedure for the inspection of feedingstuffs premises. However, beyond the scope of the procedure there was little evidence of how it related to feedingstuffs premises.
- 7.23 The Authority had identified 290 farms within its area that were potentially subject to feedingstuffs law enforcement, four of which had been registered as on-farm mixers under the Feeding Stuffs (Establishments and Intermediaries) Regulations 1999.
- 7.24 Records relating to ten feedingstuffs premises inspections were examined, all of which included an appropriate risk assessment. Nine of the inspections related to premises that sold pet food. Five of the

inspections had been conducted within the frequency set out in centrally issued guidance.

*Recommendations*

7.25 The Authority should:

- (i) Ensure that feedingstuffs inspections are carried out at a frequency that is not less than that determined under the inspection rating system set out in the relevant centrally issued guidance. [The Standard – 7.1]
- (ii) Expand and implement the documented inspection procedure for premises subject to feedingstuffs legislation. [The Standard – 7.4]

## **8 Food, Feedingstuffs and Food Premises Complaints**

- 8.1 The Authority had documented procedures covering the investigation of food complaints, feedingstuffs complaints and complaints about the hygiene of food premises.
- 8.2 Records of ten food safety complaints, ten complaints about the hygiene food premises, and ten food standards complaints were examined and compared against the relevant Food Safety Act Code of Practice, centrally issued guidance, and the Authority's own documented procedures.
- 8.3 The food safety complaint investigation record form had not been used in all cases although the necessary information had been recorded in other formats. Four cases that had been recorded as food complaints had been wrongly coded on the database and were not food complaints or complaints about food premises.
- 8.4 Records confirmed that appropriate investigations were carried out in relation to the ten food standards complaints.
- 8.5 Otherwise, records showed that complaints had been investigated thoroughly and appropriately, and comprehensive details were on file. Investigation results had been conveyed to complainants and businesses concerned, and there had been liaison with Home and Originating Authorities where necessary.

### *Recommendation*

- 8.6 The Authority should:

Fully implement its documented procedure for the investigation of food safety complaints. [The Standard – 8.1]

## **9 Home Authority Principle**

- 9.1 The Food Enforcement Service Delivery Plan stated that the Authority adhered to the Home Authority Principle and acted as Home Authority to eight businesses within the area, all of which had entered into formal Home Authority agreements with the Authority.
- 9.2 The Authority was also Originating Authority for one business, and acted as Home Authority for a number of other businesses with which it did not have formal agreements.
- 9.3 The Authority had registered businesses for which it acted as Home Authority on the LACORS website, and these entries had last been updated in August 2004.
- 9.4 There was a documented Operational Procedure for implementation of the Home Authority Principle which confirmed that where appropriate, contact with Home and Originating Authorities was an integral part of the Authority's enforcement processes.
- 9.5 Records of Home Authority activity that were examined during the audit were comprehensive and well maintained, and demonstrated that the Home Authority Principle was being implemented effectively.
- 9.6 There was a file for each business that had a formal agreement containing details of key company contacts, records of visits including a summary of matters discussed, process plans and information, advice sought, labels, and correspondence.
- 9.7 There was evidence of regular inspections, advice and sampling, and requests for information from other enforcing authorities were actioned appropriately.

## **10 Advice to Business**

10.1 The Authority demonstrated a proactive approach to helping local businesses comply with food law. A number of initiatives were being undertaken. These included:

- Advice and information on the Authority's website;
- Trader information leaflets;
- Food hygiene and safety leaflets and posters;
- Food standards advice leaflets;
- Signposting foundation, intermediate and advanced hygiene courses;
- Meat products seminars for bakers and butchers;
- HACCP courses for food business proprietors;
- "Better Business" newsletter published twice per year;
- HACCP self-help guidance pack for caterers;
- Beef labelling advice;
- Advice on establishing new food businesses.

10.2 There was evidence that advice was provided on request, during the course of inspections, and by targeting specific food business sectors.

10.3 The Authority also provided evidence of a commitment to invite customer feedback and to use the information gathered to improve service delivery and to develop future service delivery options.

10.4 There was evidence that the Authority had provided relevant advice to premises likely to fall within the scope of Feedingstuffs Legislation .

## **11 Food and Feedingstuffs Premises Database**

- 11.1 The Authority had a database of premises that were subject to food and feedingstuffs enforcement in its area.
- 11.2 The auditors randomly selected ten businesses from categories in a local business directory that appeared to include food businesses. Nine of these businesses had been recorded as food businesses on the database and included in the Authority's planned food hygiene and standards inspection programmes.
- 11.3 The tenth business had already been identified by the Authority's own checks. Investigations had revealed that the premises was the administrative office of a food business and did not therefore need to be included in the planned inspection programmes.
- 11.4 The reports also revealed that some food premises records relating to the food standards inspection programme did not have risk rating profiles, last inspection dates, and / or next inspection dates.
- 11.5 There were two documented Operational Procedures for ensuring that the food and feedingstuffs premises database was accurate and up to date and that reasonable security measures were in place to prevent access and amendment by unauthorised persons.
- 11.6 The two documented procedures were entitled "Controlling the Database" and "New Premises and Changes to Existing Premises". They included standard premises record set-up forms, monitoring returned mail, regular checks on addresses in a local business directory, and noting relevant changes during inspections and other visits.
- 11.7 Officers from the Authority had attended meetings of the database user groups.

### *Recommendation*

- 11.8 The Authority should:

Fully implement its documented procedures to ensure that its food and feedingstuffs premises database is accurate and up to date.  
[The Standard – 11.2]

## **12 Food and Feedingstuffs Inspection and Sampling**

### **Food Hygiene**

- 12.1 The Authority had a documented food sampling policy and Operational Procedure for food hygiene sampling. The annual food hygiene sampling plan included participation in the Welsh Food Microbiological Forum Shopping Basket Survey, LACORS/NPHS co-ordinated programmes, the ongoing survey of Salmonella and Campylobacter contamination of raw chicken, and local risk-based local sampling initiatives.
- 12.2 The number of samples to be taken each year was based on 2.5 samples per 1000 population in the Authority's area.
- 12.3 Records of ten food hygiene samples were examined. One of which was an environmental swab that had been incorrectly recorded as a sample of food contact material. Otherwise, the records demonstrated that sampling had focussed on the Authority's planned programme, including locally produced food and participation in regional and national co-ordinated surveys.
- 12.4 Sample results had been correctly recorded and were available in all cases. Appropriate action had been taken to follow-up those that had been reported as unsatisfactory, including taking further samples, premises visits and inspections, and liaison with Home and Originating Authorities where necessary.
- 12.5 Records of ten voluntary surrenders of food for destruction were examined and compared to the Authority's documented procedure and the requirements of the relevant Food Safety Act Code of Practice.
- 12.6 It was noted that the pre-printed receipt for voluntarily surrendered food did not indicate that the food was being voluntarily surrendered for destruction, as required by Food Safety Act Code of Practice No.4 and the Authority's own documented procedure.
- 12.7 None of the ten receipts had been signed by the person surrendering the food, lists of surrendered food had not been endorsed with the Authority's official stamp, and only one receipt had been signed by the officer concerned. None of the receipts detailed the destruction of the food.

## Food Standards and Feedingstuffs

- 12.8 The food standards sampling procedure was part of the Food Quality Manual, and the programme for 2004 – 2005 was documented in the Food Enforcement Service Delivery Plan. The sampling programme focussed on nationally and locally co-ordinated surveys and projects, Home Authority products, and on screening and reality checks.
- 12.9 Food standards sampling of a variety of locally produced and manufactured products was being undertaken in accordance with the planned programme, including participation in co-ordinated surveys, and sampling in relation to food complaints and Home Authority businesses.
- 12.10 Records of ten food standards samples were examined, two of which were formal samples. Sample results were available in all cases and appropriate action had been taken to follow-up those that were reported as being unsatisfactory, including discussions with the business concerned and liaison with the Home Authority where necessary. Documentation relating to the formal samples indicated that statutory procedures had been followed.
- 12.11 Records of two feedingstuffs samples that had recently been taken indicated that limited sampling activity was taking place, although there was no other evidence of previous sampling of feedingstuffs.
- 12.12 The Authority had appointed a Public Analyst and Agricultural Analyst from a neighbouring Authority and deputies from a private company in accordance with the Authority's delegated powers. However, documentation relating to the appointments that was available to the auditors was not sufficient to demonstrate that the appointed persons had appropriate qualifications.

### *Recommendations*

- 12.13 The Authority should:
- (i) Ensure that the voluntary surrender of food is undertaken in full accordance with relevant legislation, Food Safety Act Codes of Practice and centrally issued guidance. [The Standard – 12.1]
  - (ii) Obtain documentary evidence that its Public and Agricultural Analysts hold qualifications which meet all relevant legal requirements. [The Standard – 12.8]

### **13 Control and Investigation of Outbreaks and Food Related Infectious Disease**

- 13.1 The Authority had set up a documented procedure relating to the control of outbreaks of food related infectious disease. The procedure had been developed jointly by the Authority and other relevant organisations in accordance with centrally issued guidance and had recently been reviewed and updated. The plan, based on the revised model plan for Wales, had been formally adopted by the Authority at a meeting of the Cabinet on 30 November 2004, although it had not yet been agreed by the remaining partners.
- 13.2 There had not been any incidents that satisfied the definition of an outbreak of food related infectious disease in the two years prior to the audit and the procedure had therefore not been put into practice or tested. However, records of earlier outbreaks and more recent outbreaks of non-food borne viral infections showed that detailed investigations had been undertaken.
- 13.3 In addition to the Outbreak Control Plan, there was also a set of documented Operational Procedures for the investigation of a range of sporadic cases of various infections that had been introduced in October 2004. The procedures did not fully reflect the Authority's investigation process.
- 13.4 Documented procedures also covered the handling of notifications of Salmonella and E.coli O157 infection that occurred outside normal office hours, and there was a set of standard investigation forms, questionnaires, and food history records to help ensure the systematic investigation of sporadic cases.
- 13.5 Investigations of food related infectious disease were carried out by officers in the Environmental Health section of the Directorate of the Environment. Liaison took place with officers of the Food Safety and Health and Safety section when food handlers and/or food premises were associated with cases of sporadic illness or an outbreak.
- 13.6 Records of ten notifications relating to sporadic cases of food related infectious disease were examined. Although these included details of the investigations that had been carried out, these were generally insufficient to demonstrate that investigations had been appropriate.
- 13.7 Whilst records relating to the investigation of outbreaks were available for the required period, records relating to sporadic cases were only available from October 2003.

*Recommendations*

13.8 The Authority should:

- (i) Ensure that its procedure for the control of outbreaks of food related infectious disease is tested as specified. [The Standard – 13.1]
- (ii) Review its documented procedures for the investigation of notifications of food related infectious disease and ensure that records are sufficient to demonstrate that a systematic and thorough investigation has been carried out. [The Standard – 13.2]
- (iii) Ensure that all records relating to the control and investigation of food related infectious disease are retained for at least 6 years.  
[The Standard – 13.3]

## **14 Food Safety Incidents**

- 14.1 The Authority had a computer system that was capable of receiving Food Hazard Warnings. These were sent electronically from the Food Standards Agency direct to officers who dealt with food law enforcement.
- 14.2 There was a documented Food Safety Operational Procedure for handling Food Hazard Warnings and for notifying the Food Standards Agency of incidents that occurred locally, including out of hours contact arrangements.
- 14.3 The procedure required the response to each Food Hazard warning to be considered, and if action was to be taken, a hard copy of the warning to be printed and attached to a record sheet on which actions and outcomes were recorded.
- 14.4 The Trading Standards Food Quality Manual also included a documented procedure for handling Food Hazard Warnings and for notifying the Food Standards Agency of incidents that occurred locally but did not include any provision for out of hours contact arrangements.
- 14.5 Records of several Food Hazard Warnings that had been issued by the Food Standards Agency in the 6 months prior to the audit, a number of which required the Authority to take action, were examined. Details had been posted on the Authority's website, including those that had been issued in the "For Information Only" category.
- 14.6 Records of all Food Hazard Warnings checked were available in electronic and/or hard copy format, and any action that had been taken had been recorded. It was also noted that even in instances where the Authority had concluded that no action was required, the information was still posted on its website.
- 14.7 The Authority had notified the Food Standards Agency of serious incidents that had occurred locally in accordance with its documented procedures and the relevant Food Safety Act Code of Practice. The Authority had liaised closely with the Agency in dealing with and resolving these incidents.

*Recommendation*

14.8 The Authority should:

Expand its Food Standards documented procedure for handling Food Hazard Warnings to include out of hours contact arrangements.  
[The Standard – 14.1]

## **15 Enforcement**

- 15.1 The Authority had a documented Enforcement Policy that was approved by the Cabinet in January 2002. It was readily available to members of the public and food businesses and had also been posted on the Authority's website.
- 15.2 The scope of the policy did not encompass the full range of food law enforcement options, for example, voluntary procedures.
- 15.3 There was however, a separate Food Safety Enforcement Policy which addressed the full range of enforcement options. Whilst this had not been submitted for Member approval it had been approved by the Chief Trading Standards Officer on 2 November 2004 acting under delegated authority. This was not available to the public and food businesses.
- 15.4 There were also detailed documented Operational Procedures for Informal Action, Voluntary Closures, Prohibition Procedures, Formal Cautions, Detention and Seizure of Food, Improvement Notices, Imported Food, Initiation of Offences, Infringements, Compilation of Reports, Report Processing, Prosecutions, Evidence and Powers, Entry Warrants, Statements, Interviews, and the Control of Evidence.
- 15.5 The Authority reported the following formal enforcement actions in the 2 years prior to the audit:
- 5 Prosecutions;
  - 2 Formal Cautions;
  - 25 Improvement Notices;
  - 8 Voluntary Closures;
  - 8 Voluntary Surrenders.
- 15.6 From records examined during the audit it was evident that officers routinely used a mix of formal and informal enforcement options, including letters, Improvement Notices, voluntary closures of premises, voluntary surrenders of food, formal cautions, and prosecutions.
- 15.7 Enforcement decisions had been in accordance with the Enforcement Policy, and took account of the particular circumstances of each case. In files that the auditors examined, decisions appeared to have been proportionate and correct.
- 15.8 Records relating to five prosecutions, two formal cautions, ten voluntary surrenders of food, eight voluntary closures of premises, and ten Improvement Notices were examined and checked against centrally issued guidance, the Authority's enforcement policy, and relevant documented procedures.

- 15.9 Prosecutions had been authorised and instigated by officers with the appropriate delegated powers, and case files were generally well prepared. The documentation on file was not consistent however, standard forms were not always used, and when they were used they were not always fully completed, but this had not affected the probity of any cases.
- 15.10 Records showed that the requirements of PACE, RIPA and CPIA had been duly considered and documented in most cases although gaps in some records meant it was not possible to be certain that these requirements had been met in full in two cases.
- 15.11 The two formal cautions had been administered in circumstances that appeared to be appropriate and in accordance with relevant guidance.
- 15.12 Officers who had served Improvement Notices were properly authorised to do so and the circumstances appeared to be appropriate in each case. Notice checklists recorded information about the proprietors of the businesses concerned and the circumstances of the service of the notices.
- 15.13 There was evidence that notices had been followed-up to ensure compliance in nine of the ten cases, and the method of service had been recorded in all cases. Records of compliance were maintained, however it was noted that it was not the Authority's policy or practice to require officers to write to proprietors to confirm that a notice had been complied with.
- 15.14 The voluntary closures of premises appeared to be an appropriate course of action in all of the eight cases that were examined, five of which related to the Authority's own premises. A written undertaking from the proprietor backed-up the voluntary closure in all but one of the cases.

*Recommendations*

- 15.15 The Authority should:
- (i) Ensure that its documented policies are in full accordance with the relevant Food Safety Act Codes of Practice.. [The Standard – 15.1]
  - (ii) Ensure that food law enforcement is carried out in accordance with the relevant Food Safety Act Code of Practice and centrally issued guidance. [The Standard – 15.3]

## **16 Records and Inspection Reports**

- 16.1 Reports of inspections under the Food Safety (General Food Hygiene) Regulations included most of the information required by Food Safety Act Code of Practice No.9 although the record form did not include the specific areas of the premises that had been inspected, or indicate whether samples had been taken. The records generally indicated that appropriate inspections had taken place
- 16.2 Food hygiene inspection reports clearly explained the measures that needed to be taken to secure compliance and why they were required. Legal requirements and recommendations were distinguished and specific legal references were given.
- 16.3 Records and inspection reports of establishments approved under product-specific food hygiene regulations were also comprehensive and well maintained. These demonstrated that detailed attention had been paid to the assessment of food safety management systems and staff training, and that follow up action had been taken where necessary to secure improvement and compliance.
- 16.4 File and database records included application forms and inspection records, and details of the businesses and the operations that were carried out, making it possible to determine that decisions to grant approvals had taken account of all relevant criteria.
- 16.5 Butchers shop licensing inspections had been recorded on general food hygiene inspection forms, supplemented in most cases by additional notes on food safety management systems and staff training.
- 16.6 Reports for food standards inspections were completed on the inspection report form which satisfied all the requirements of Code of Practice No.8. Home Authority premises records were particularly comprehensive, including business profiles, descriptions of activities undertaken, inspection and visit dates and outcomes, assessments of compliance with legal requirements, complaints, sample details and results, and copies of correspondence.
- 16.7 Detailed records of food hygiene and food standards samples and results were kept, demonstrating that sampling had been appropriately targeted, and that unsatisfactory results had been followed-up.
- 16.8 Database records of food complaints, sporadic cases of food borne illness and feedingstuffs premises and inspections were less well maintained. Some food complaints and feedingstuffs inspections had not been properly coded, and there were gaps in some records. An

accurate database is required in order to produce comprehensive performance monitoring information.

*Recommendation*

16.9 The Authority should:

Ensure that its database records are up to date, accurate, and readily retrievable for all food and feedingstuffs premises in its area.

[The Standard – 16.1]

## **17 Complaints about the Service**

- 17.1 The Authority had set up and implemented a Corporate Complaints Procedure. It was readily available to the public and food and feedingstuffs businesses from civic buildings and on the Authority's website.
- 17.2 There was also a documented Operational Procedure and a section of the Food Quality Manual that detailed arrangements for handling service complaints locally within the respective departments.
- 17.3 There had been no formal complaints against the food or feedingstuffs law enforcement services in the two years prior to the audit.

## **18 Liaison with Other Organisations**

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

- South East Wales Food Safety Task Group;
- Food Safety Technical Panel;
- Welsh Food Microbiological Forum;
- Food and Agriculture Standards Group for Wales;
- Greater Gwent Food Group;
- South East Wales Communicable Disease Liaison Group;
- Communicable Disease Technical Panel;
- Welsh Heads of Trading Standards Group;
- Welsh Heads of Environmental Health Group.

18.2 Minutes of liaison group meetings confirmed there was regular attendance by appropriate representatives of the food and feedingstuffs enforcement services.

18.3 The Authority also had liaison arrangements with:

- Food Standards Agency Wales;
- Caerphilly Health Alliance;
- Meat Hygiene Service;
- Department of Environment and Rural Affairs;
- The Health Authority and successor bodies;
- Local Authorities Co-ordinators of Regulatory Services;
- Trading Standards Institute;
- Other local authorities.

## **19 Internal Monitoring**

- 19.1 The Authority had a documented Operational Procedure for management control of food hygiene enforcement and a documented internal monitoring procedure for Trading Standards. Both procedures were implemented in October 2004.
- 19.2 The procedures included qualitative and quantitative aspects such as file checks, peer review inspections, team meetings, personal review meetings, monitoring of correspondence and notices, service user questionnaires and internal training events aimed at achieving consistency.
- 19.3 The Authority's corporate performance model "Caerphilly Driver" required performance self-assessments to be conducted and improvements identified and prioritised for implementation.
- 19.4 Food and feedingstuffs enforcement performance was reviewed at monthly Divisional Management Team meetings, and the Authority's Scrutiny Committee received regular performance reports.
- 19.5 The Authority had retained records of its monitoring activities.

## **20 Third Party or Peer Review**

- 20.1 The food hygiene enforcement service had participated in the all-Wales food hygiene inter-authority document review and compliance audit in October 1999, an inter-authority food audit with a neighbouring authority in May 2000, and a Food Safety benchmarking exercise in September 2002.
- 20.2 The Authority had also participated in a Food and Veterinary Office Mission in 2001.
- 20.3 The Trading Standards Service had been subject to a food sampling systems audit by the Authority's Internal Audit Service in August 1999 and been subject to a Best Value Inspection in June 2001.
- 20.4 The Authority was committed to ongoing participation in third party and peer review exercises, as evidenced by its planned participation in a forthcoming Health and Safety Inter Authority audit.

## **21 Food and Feedingstuffs Safety and Standards Promotion**

- 21.1 The Authority demonstrated a commitment to food safety and standards promotion.
- 21.2 The Authority was participating in the Welsh Food Hygiene Award scheme and had issued 176 awards at the time of the audit. More recently it had developed its own Healthy Options Award aimed at increasing accessibility to taste food prepared in a healthy way using good food hygiene practices and served in a healthy environment.
- 21.3 The Authority had also taken part in a number of National surveys which raised the profile of food standards of locally available products including school meals. A survey on the strength and authenticity of alcohol was linked to a promotional campaign on alcohol consumption during Christmas festivities.
- 21.4 There was also evidence that the Authority participated in a range of food safety and standards promotional activities, and there were plans for further work in this area. Activities included:
- Healthy schools initiative;
  - Nutritional Strategy and action plan;
  - News line;
  - Hand washing for School Children;
  - Caerphilly Big Cheese;
  - Food hygiene training;
  - National food safety week;
  - Website information;
  - Young consumer of the year.
- 21.5 There was no evidence of any promotional activity relating to feedingstuffs.

### *Recommendation*

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

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## ANNEX

### 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"><li>• increasing the role of local people in deciding the priorities for local government services</li><li>• improving the way authorities manage and review their business</li><li>• building on the experience and expertise of staff.</li></ul> <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	<p>The Framework Agreement consists of:</p> <ul style="list-style-type: none"> <li>• Food Law Enforcement Standard</li> <li>• Service Planning Guidance</li> <li>• Monitoring Scheme</li> <li>• Audit Scheme</li> </ul> <p>The <b>Standard</b> and the <b>Service Planning Guidance</b> set out the Agency's expectations on the planning and delivery of food law enforcement.</p> <p>The <b>Monitoring Scheme</b> requires local authorities to submit quarterly returns to the Agency on their food enforcement activities i.e. numbers of inspections, samples and prosecutions.</p> <p>Under the <b>Audit Scheme</b> 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 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.