FOOD STANDARDS AGENCY
WALES
ASIANTAETH SAFONAU BWYD
CYMRU

Report on the Food Law Enforcement Service

Carmarthenshire County Council

11 - 13 March 2003

Foreword

Audits of local authority food law enforcement services are part of the Food Standards Agency Wales arrangements to improve consumer protection and confidence in relation to food. These arrangements recognise that the enforcement of food law relating to food safety, hygiene, composition, labelling, imported food and feedingstuffs is 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 a local authority's conformance against the Food Law Enforcement Standard "The Standard", which was published by the Agency as part of the Framework Agreement on Local Authority Food Law Enforcement and is available on the Agency's website.

The main aim of the audit scheme is to maintain and improve consumer protection and confidence by ensuring that 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.

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

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

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1 Introduction

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

Reason for the Audit

1.2 The power to set standards, monitor and audit local authority food law enforcement services was conferred on the Food Standards Agency by the Food Standards Act 1999. The audit of the food service at Carmarthenshire County 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 Carmarthenshire County Council's food hygiene food standards and feedingstuffs law enforcement service. The on-site element of the audit took place at the Council's offices in the Social Care and Housing Department, 3 Spilman Street, Carmarthen and at Ty Elwyn, Llanelli on 11 – 13 March 2003.

1.5 The audit assessed the Council'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 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 Carmarthenshire is the third largest County in Wales covering some 2,394.5 square kilometres with a resident population of 173,600. Carmarthen as the County Town has a strong agricultural base with a new livestock market, and is surrounded by a number of smaller market towns. The south east of the County which is the most densely populated part has historically been associated with the traditional industries of coal mining, steel and tinplate. The decline in these has led to development of light engineering and new technology industries. Coast and Countryside are the main focus for residents and visitors with the Brecon Beacons National Park, and the picturesque river valleys of the Tywi, Taf and Teifi providing a variety of leisure and recreation opportunities.

1.7 Food law enforcement was carried out by officers within the Trading Standards and Commercial Services Sections of the Public Protection Division which forms part of the Social Care and Housing Directorate.

1.8 The Council Offices are open from 09:00–17:00 Monday to Friday. The Council operates an informal emergency out of hours service at all other times through which, officers from the food and feedingstuffs enforcement service could be contacted if they were available. The number for the service was freely available to members of the public.

1.9 In addition to food enforcement, the Trading Standards and Commercial Services Section's officers were also responsible for the delivery of a range of services including occupational health and safety, health promotion, licensing, metrology, consumer advice, fair trading and product safety.

1.10 The Trading Standards and Commercial Services Section's staffing levels detailed in the Authority's Food Service Plan 2003/2004 are shown below:

Resource available	**FTE***
Food Hygiene Enforcement Officers	7.0
Food Standards Enforcement Officers	1.0
Feeding Stuffs Enforcement Officers	0.5
Food Related Education Officers	0.4
Total	**8.9**

*Full Time Equivalent

1.11 The Service Plan identifies that there was a need for an additional 1 FTE officer to meet the requirements of the food safety inspection

service.

1.12 The food safety service financial costs were spread between 3 headings; food safety, food standards, and communicable diseases. The overall expenditure for 2001/2002 was £544,353, and the estimated budget for 2002/2003 was £605,798.

1.13 The Authority's monitoring returns made to the Agency for the four quarters making up the financial year 2002/2003 indicated that the Trading Standards and Commercial Services Sections were responsible for enforcing food hygiene legislation in 2315 premises. These food businesses were predominantly within the catering and retail sectors. The returns indicated that the Authority carried out the following activity during 2002-2003:

Enforcement activity	**No.**
Food hygiene inspections	933
Other food hygiene visits	551
Food standards inspections	459
Other food standards visits	359
Feedingstuffs inspections	12
Other feedingstuffs visits	0
Informal samples	370
Formal samples	372

1.14 Ongoing investigations into illegal slaughter operations have had a significant impact on the Authority's resources available for routine food enforcement over the last two years. This has been alleviated by secondment support from the Food Standards Agency Wales.

1.15 The Authority had also been affected by the occurrence of an atypical shellfish toxin which has necessitated formal closure of its commercial shellfish harvesting areas.

2 Executive Summary

2.1 The Authority's routine food hygiene inspections produced detailed and comprehensive records allowing an effective assessment of appropriate enforcement activities. The major investigations into illegal slaughter also demonstrated the Authority's ability to carry out effective enforcement under difficult circumstances.

2.2 However, deficiencies in the records relating to food standards inspections and in the use of Improvement Notices, demonstrate that that the Authority still has a significant amount of work to undertake to ensure full compliance with The Standard.

2.3 The Authority's Strengths

Investigation of major public health issues

The Authority had shown considerable diligence in pursuing a complex and wide ranging investigation into an illegal slaughter operation which had significant national public health and economic repercussions. The officers of the Authority were required to develop new skills and form new working partnerships with organisations to ensure successful prosecution.

The Authority had also dedicated significant resources to ensuring that shellfish harvesting was prohibited when an atypical toxin was detected. This involved working closely with the Food Standards Agency and included considerable expansion of the sampling programme that was originally planned.

Food Hygiene Inspection Records

The Authority had comprehensive records of all types of food hygiene inspections which it undertook including general premises, approved premises and licensed butchers premises. Such records provided an accurate assessment of the history of these premises allowing an appropriate enforcement response following inspections or complaints.

2.4 The Authority's Key Areas for Improvement

Food Standards Inspection Programme

The Authority was not carrying out inspections within the minimum frequencies laid down in Food Safety Act Code of Practice No.8: Food Standards Inspections. Regular inspections of premises within the frequencies laid down in the Code, together with effective advisory and enforcement activities will help to ensure high levels of compliance with legal requirements and good practice within the Authority's premises.

Food Standards Inspection Records

Records in relation to general premises were incomplete. File records contained insufficient detail to provide an accurate premises history for subsequent inspections, to determine whether follow-up enforcement actions were appropriate, and to enable effective internal monitoring of the quality of enforcement work.

Improvement Notices

There were significant deficiencies in the Authority's drafting and processing of Improvement Notices, highlighting a need for additional staff training in this area and an increased level of internal monitoring. In order to be effective the Authority should ensure that Improvement Notices as an important enforcement tool, are used in accordance with relevant legislation, guidance and the Food Safety Act Code of Practice No 5: Improvement Notices.

Audit Findings

3 Organisation and Management

3.1 The Authority had an Executive Board style political Leadership made up of a Leader, Deputy Leader, and 8 Executive members each with their own portfolio. A Standards Committee, Scrutiny Committees and a number of regulatory and other committees constituted the remainder of the Council. Food safety was within the remit of the Cabinet Member with portfolio for Housing and Public Protection.

3.2 The Authority had 6 Directorates, and delivery of the food law enforcement service was the responsibility of the Trading Standards and Commercial Services Sections of the Public Protection Division which formed part of the Social Care and Housing Directorate.

3.3 The operation of the food safety enforcement service was linked to the Authority's Corporate Strategy through a number of key values and aims, the latter are detailed as follows:

- Improve the health of residents and their access to health care and reduce levels of crime and disorder, through being committed to carrying out 100% of programmed food safety and standards inspections and regular food sampling to check the safety of food in the county. The service is also reactive to prevent unsafe food entering the food chain.

- Raise educational standards to meet or exceed Government Targets in respect of basic skills and educational attainment, through food safety awareness and training being carried out in schools and colleges.

- Promote lifelong learning and personal development with a focus on improving employment opportunities, through initiating and participating in food safety training.

- Maintain, promote and develop the wider use of Welsh in the public, community and personal lives of residents, with particular emphasis on safeguarding Welsh speaking communities, through the service having members of staff who are fluent in conversational Welsh.

- Improve accessibility to Council Services and facilities and use better communications with residents to shape future programmes, through development of the Internet as a means of providing information and advice to members of the public and businesses.

3.4 The Authority reported on a quarterly basis to committee through the Performance Management Performance Indicator report. The indicators that related to the food enforcement service were:

- The percentage of food premises inspections that should have been carried out for:

  (a) High risk premises;

  (b) Other premises.

- The percentage of food safety complaints and Food Hazard Warnings responded to within 5 working days.

3.5 The Authority reported that in 2001/2002 it carried out 99% of programmed inspections of high risk premises and 98% of other premises and responded to 92% of food safety complaints and Food Hazard Warnings within 5 working days.

3.6 The Authority had drawn up a comprehensive Food Service Plan for 2003/2004, which was in line with the Service Planning Guidance in the Framework Agreement on Local Authority Food Law Enforcement. The Service Plan had been approved by the relevant Member forum in March 2003.

3.7 The Service Plan indicated that a review would be carried out on an annual basis alongside the Departmental Business Plan and the quarterly performance indicators, although because the 2003/2004 Plan was the first that the Authority had produced, such a review had not been carried out at the time of the audit.

3.8 The Service Plan indicated a deficit in staff resources required to deliver the food law enforcement service.

4 Review and Updating of Documented Policies and Procedures

4.1 The Authority had drawn up a number of documented procedures for many areas of its food law enforcement activity. It did not have a system to ensure that all such documented policies and procedures for each of the enforcement activities covered by The Standard are reviewed. However, the draft trading standards section quality manual did include a document control system together with a requirement to review each aspect at least once per year. The auditors were advised of the Authority's intention to address the issue of review of all other policies and procedures.

4.2 Staff had access to updated hard copy commercial food law encyclopaedias and hard copies of all documentation necessary for carrying out enforcement activities, including appropriate legislation and guidance.

Recommendations

4.3 The Authority should:

(i) Ensure that all documented policies and procedures are reviewed at regular intervals and when there are changes to legislation or centrally issued guidance. [The Standard – 4.1]

(ii) Expand its documented control system to include food hygiene and feedingstuffs. [The Standard – 4.2]

5 Authorised Officers

5.1 The Authority had appointed 2 lead officers with the necessary specialist knowledge for food hygiene enforcement and for food standards and feedingstuffs enforcement.

5.2 The Authority had approved a scheme of delegation in May 2002 that reflected the new Executive Board structure. In addition each officer had an authorisation document detailing the legislation that officer was authorised to enforce. This detailed which specific powers the officers were authorised to undertake in accordance with their qualifications, training and experience. The Authority did not have a documented procedure for the authorisation of its officers. All officers were however, carrying out duties in accordance with their qualifications, training and experience.

5.3 A staff appraisal scheme was to be implemented in early April 2003 to identify officer's training needs, but at the time of the audit, this was carried out on an ad-hoc basis, with generic needs for the service being identified through such means as team meetings. A training plan had not been developed for staff within the service.

5.4 Records of the qualifications held and training received by individual officers were held by the Authority but need to be expanded to include details of the content and objectives of the courses, the duration and any assessment made of the training.

5.5 The budget for training was included within the total estimate for the year 2003/2004 as detailed in the Food Service Plan. There was no breakdown available at the time of the audit although it was apparent from the quantity and relevance of courses undertaken, that the Authority had been committed to providing its staff with appropriate training.

Recommendations

5.6 The Authority should:

(i) Set up and implement a documented procedure for the authorisation of officers. [The Standard – 5.1]

(ii) Devise and implement a documented training programme to include all aspects of the service. [The Standard – 5.4]

(iii) Record the content, objectives, duration and any assessment made of training courses attended. [The Standard – 5.4]

6 Facilities and Equipment

6.1 The Authority had made available all the equipment and facilities necessary to permit all activities associated with the service to be carried out.

6.2 The Authority did not have a documented procedure for the calibration of its thermometers. Records of the thermometer's calibration dates were being maintained which related to biannual calibration by the manufacturer.

6.3 The computer software operated by the Authority was capable of providing statistical information requested by the Food Standards Agency. The Authority had a corporate procedure to ensure that appropriate back-up systems were implemented to minimise the risk of corruption or loss of information held on the databases.

Recommendation

6.4 The Authority should:

Devise and implement a documented procedure for calibration to ensure that all temperature measuring instruments are calibrated and checked in full accordance with Food Safety Act Code of Practice No. 10: Enforcement of the Temperature Control Requirements of Food Hygiene Regulations. [The Standard – 6.2]

7 Food and Feedingstuffs Premises Inspections

General

7.1 In its Service Plan for 2003/2004 the Authority reported a total of 1991 food premises on its database:

Type of Business	No.	%*
Primary Producer	36	2.0
Slaughterhouse	7	0.5
Manufacturer/Processor	53	3.0
Packer	6	0.5
Distributor/Transporter	38	2.0
Retailer	580	29.0
Restaurants and other caterers	1239	61.0
Manufacturer mainly selling by retail	32	2.0
TOTAL	**1991**	

* Figures rounded

Food Hygiene

7.2 Figures obtained from the monitoring returns for 2001/2002 indicated that the Authority's premises had the following risk profile:

Risk Category	No.	%*
A	11	1
B	144	6
C	584	25
D	143	6
E	67	3
F	1	0
Unrated	598	26
Outside the programme	774	33
TOTAL	**2322**	

* rounded to the nearest percent

7.3 The Authority identified 32 premises as licensed under the Food Safety (General Food Hygiene) (Butchers' Shops) (Amendment) (Wales) Regulations 2000, and 26 premises approved under product specific legislation (Approved Premises).

7.4 The inspection histories of 10 general premises and 10 Approved Premises were examined. All 10 general premises and six of the Approved Premises were found to have been inspected at the correct

frequency.

7.5 A computer report generated during the audit indicated that the Authority had the following numbers of inspections overdue:

Risk Category	Overdue No.
A	4
B	4
C	14
D	7
E	13
F	0
TOTAL	42

7.6 The Authority had implemented a number of comprehensive documented inspection procedures, which covered general premises, those premises approved under product specific regulations and butchers premises requiring licensing. Standardised inspection reports and inspection forms were used to record inspection findings together with business details.

7.7 Officers with the appropriate levels of authorisation carried out thorough inspections of general premises and provided accurate risk ratings, in accordance with official guidance. Appropriate follow-up action had been taken in all instances where instances of non-compliance had been identified including revisits within the appropriate time.

7.8 Reports had been sent to proprietors following inspections of general premises and Approved Premises. Reports were clear and legal requirements were distinguished from recommendations. The works required were clearly identified, took into account Industry Guides and were consistent with centrally issued guidance. The legal references were correct in all cases.

7.9 Approval documents were present for all Approved Premises files examined and the approved activities and list of products approved were present on all files. The statements that approval was dependent upon compliance and that business should notify the Authority of any changes in operation were missing from 5 files.

7.10 Ten files relating to licensed butchers premises were examined. Standard application and inspection forms had been used. The application had generally been determined within 28 days. In the case of 3 files there was evidence of minor work still being required when the licence was issued. In the case of the mixed premises, the licence did

not specify to which area of the premises the licence applied.

Recommendations

7.11 The Authority should:

(i) Ensure that food hygiene inspections are carried out at the minimum frequencies required by Food Safety Act Code of Practice No 9: Food Hygiene Inspections. [The Standard – 7.1]

(ii) Ensure that the inspection and licensing of butchers premises are carried out in full accordance with the relevant legislation and official guidance. [The Standard – 7.2]

Food Standards

7.12 Figures obtained from the monitoring returns for 2001/2002 indicated that the Authority's premises had the following risk profile:

Risk Category	No.	%*
High	113	
Medium	45	
Low	4	
Unrated	2	
TOTAL	**164**	

7.13 The inspection histories of 10 premises were examined in relation to food standards inspections. One was found not to have been inspected at the minimum frequency set out in Food Safety Act Code of Practice No 8: Food Standards Inspections. In the case of another 2 files the lack of file records made a judgement impossible. All were found to have been correctly risk assessed and inspected by an appropriately authorised officer. The Authority produced a computer report identifying outstanding inspections at the time of the audit with the following profile.

Risk Category	No.
High	32
Medium	281
Low	7
Unrated	4
TOTAL	**324**

7.14 The Authority had documented procedures covering the inspection of feedingstuffs and food standards premises within the draft trading standards quality manual.

7.15 Food standards inspections were recorded on the database but inspection reports were missing from 9 files examined. Information on non-manufacturing premises was limited and generally there was insufficient information on file to assess whether the inspections had been carried out in accordance with the relevant legislation or if compliance with legally prescribed standards had been assessed. File information on manufacturing premises was more comprehensive.

7.16 The Authority maintained computer records of feedingstuffs premises and inspections, but these were insufficient to assess whether the inspections had been carried out in accordance with the relevant legislation or if compliance with legally prescribed standards had been assessed.

Recommendations

7.17 The Authority should:

(i) Ensure that food standards inspections are carried out at the minimum frequencies required by Food Safety Act Code of Practice No 8: Food Standards Inspections. [The Standard – 7.1]

(ii) Ensure that post inspection reports are issued following every food standards inspection. [The Standard – 7.2]

8 Food, Feedingstuffs and Food Premises Complaints

8.1 The Authority had a documented policy and procedure relating to food hygiene and food standards complaints. This included standard forms for recording the complaint, submission of the complaint to the public analyst or food examiner and a number of standard letters used to correspond with the complainant, retailer/manufacturer and Home/Originating Authority. The document did not make reference to feedingstuffs complaints.

8.2 File records relating to 10 food hygiene complaints were examined. In 4 cases it appeared that incomplete or inappropriate investigations had taken place including lack of, or delayed contact with the manufacturer/retailer, and no follow-up action. In the case of 6 files the results of the investigation were not confirmed with the complainant. Two complaints had been incorrectly coded as food complaints and therefore were incorrectly reported to the Food Standards Agency in the quarterly returns.

8.3 The file records relating to the food standards complaints were insufficient to determine if an appropriate investigation had been carried out.

8.4 The Authority had no documented complaints relating to feedingstuffs.

Recommendations

8.5 The Authority should:

(i) Ensure the complaints policy and procedure is revised to include reference to feedingstuffs complaints. [The Standard – 8.1]

(ii) Ensure appropriate action is taken on complaints received in accordance with centrally issued guidance and the Authority's own procedures. [The Standard – 8.2]

9 Home Authority Principle

9.1 File records indicated that the Authority acted on an informal basis for a number of local manufacturers and larger producers.

9.2 There was evidence on files examined that due regard was given to information received following liaison with Home Authorities during the course of investigations. Evidence was also found that advice was provided to enforcing authorities contacting the service regarding Home Authority issues.

10 Advice to Business

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

- A range of official and internally produced advice leaflets for caterers and food handlers covering both food hygiene and food standards issues.
- The issue of a document entitled "A practical guide to Hazard Analysis and Critical Control Point" to food businesses as a guide to implementing an effective food management system.
- Sign-posting food hygiene training courses.
- The Authority had participated in a collaborative HACCP project and facilitated the provision of training for those working within high risk food premises.

10.2 There was no evidence that the Authority was providing advice to businesses in relation to feedingstuffs.

Recommendation

10.3 The Authority should:

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

11 Food and Feedingstuffs Premises Database

11.1 The Authority had a computer database of the food premises and feedingstuffs premises in its area.

11.2 There were no formal arrangements in place to ensure that the database was accurate and up-to-date, but details were updated following the receipt of registration forms and following revisits to the premises and by reference to records held by other departments.

11.3 The database was examined for 12 food businesses that had been randomly identified from the current edition of a business directory. All of the premises were included on the Authority's database but because of the failure to record a previous inspection, one of these premises was not included within the inspection programme.

11.4 Officers had password protected access to the databases, and were restricted from creating or deleting records. The Authority had a corporate procedure for password control and maintaining the integrity of the database.

Recommendation

11.5 The Authority should:

Devise and implement a documented procedure 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

12.1 The laboratories used by the Authority were properly accredited.

12.2 The Authority had a documented sampling policy covering food and feedingstuffs and a number of standard letters associated with formal sampling which were used to notify the proprietor of the process and outcome of the analysis.

12.3 The Service Plan 2003/2004 reported that the sampling budget for the food enforcement service was £1,700.

12.4 The Authority had documented sampling procedures relating to food standards and feedingstuffs in the draft trading standards quality manual. However, there was no procedure for food hygiene sampling.

12.5 The Authority had a sampling programme specifying particular premises, and sampling was carried out was in accordance with National and local sampling group programmes. High risk premises, Approved Premises and those under investigation as the result of a complaint were included in this programme.

12.6 File records for 9 unsatisfactory samples were examined and in all cases appropriate action had been taken in accordance with the Authority's policies.

12.7 The Authority was unable to evidence the appointment of an Agricultural Analyst to carry out the necessary analysis of feedingstuffs samples.

Recommendations

12.8 The Authority should:

(i) Devise a documented sampling procedure that is in accordance with centrally issued guidance which takes into account the nature of its food and feedingstuffs establishments and the full range of enforcement activities undertaken by the Authority.
[The Standard – 12.4]

(ii) Appoint an Agricultural Analyst for the purpose of carrying out any necessary analysis of feedingstuffs samples. [The Standard – 12.7]

14 Food Safety Incidents

14.1 The Authority had set up and implemented documented procedures for dealing with Food Hazard Warnings (FHWs) received from the Food Standards Agency and for the instigation of action in relation to incidents identified locally. The procedure did not include out of hours contact arrangements although the Authority did operate a centralised system to receive emergency communications by telephone.

14.2 The service had a computer system capable of receiving FHWs.

14.3 Records of the Authority's response to FHWs were maintained in a hard copy file. All FHWs had been received by the Authority, appropriately investigated and the outcome documented. However, where no action was deemed appropriate, the Authority had not documented their decision.

14.4 The auditors were advised that no serious localised incidents requiring notification to the Food Standards Agency had occurred in the last two years.

Recommendation

14.5 The Authority should:

Revise the documented procedure for responding to Food Hazard Warnings to include out of hours contact arrangements.
[The Standard – 14.1]

15 Enforcement

15.1 The Authority had a documented food safety enforcement policy that was in accordance with the official guidance and which had been approved by the appropriate Member forum in February 2003.

15.2 The Authority had not made the policy or an accurate summary of it readily available to the public and food businesses.

15.3 The Authority had undertaken the following enforcement activities in the 2 years preceding the audit:

1 prosecution
10 premises served with Improvement Notices
4 Seizure/Detention of food

15.4 The prosecution had been implemented in full accordance with the relevant Food Safety Act Codes of Practice and official guidance. It concerned the illegal slaughter of sheep and sale of “smokies”. The scope and complexity of the case has meant a multidisciplinary approach to the investigation. This has meant the enforcement service has had to develop new procedures in relation to complex prosecutions involving the full range of legislative requirements required in such an investigation. This work has had a significant impact on the food law enforcement service.

15.5 Six files were examined for premises where a total of 18 Improvement Notices had been served. The reasons for the contraventions and the measures to be taken were specified. However, in a number of cases Improvement Notices were not being drafted and served in accordance with Food Safety Act Code of Practice No. 5: The Use of Improvement Notices and with centrally issued guidance.

15.6 In 6 notices the name of the proprietor was not given in full. In 2 instances the notices had reasons for service which were not sufficiently detailed and in 2 others the works required were not sufficiently detailed. One notice had an incomplete legislation reference and 2 file records did not indicate notices had been complied with. In all 18 cases there was no evidence of proper service.

15.7 The file relating to the food poisoning outbreak indicated that an Improvement Notice served on the proprietor of the implicated premises had expired at the time of the outbreak. While there was evidence that a time extension had been applied for there was no confirmation that it had been granted. There was no evidence to indicate that an inspection of the premises had been carried out immediately

subsequent to the premises in question being implicated in the outbreak. There was no file evidence to indicate that consideration had been given to interviewing the proprietor of the business in accordance with the requirements of the Police and Criminal Evidence Act 1984.

15.8 The service had developed a draft Food Standards Enforcement Quality manual which included prosecution and other enforcement action. In addition a number of procedures had been produced covering food hygiene enforcement, including Improvement Notices, Emergency Prohibition Notices, detention and seizure of foods.

15.9 The Authority had issued a number of Temporary Prohibition Orders in relation to their shellfish harvesting areas and was engaged in their enforcement.

15.10 The Authority was active in the issuing of milk heat treatment notices following notification of tuberculosis in milk herds. The Service Delivery Plan indicated that 0.1 FTE was dedicated to such duties. The auditors were advised that the number of notices for 2002/2003 was more than double that for 2001/2002 having increased from 66 to 145 at the time of the audit.

Recommendations

15.11 The Authority should:

(i) Ensure that the enforcement policy or an accurate summary of it is readily available to the public and food businesses in the area. [The Standard – 15.1]

(ii) Ensure that all enforcement activities, particularly Improvement Notices and investigations associated with food related infectious disease outbreaks, are carried out in full accordance with official guidance and relevant Food Safety Act Codes of Practice. [The Standard – 15.2]

16 Records and Inspection Reports

Food Hygiene

16.1 Records of food premises were retrievable and had been kept for 6 years.

16.2 Records for 10 general premises where food hygiene inspections had been carried out were examined. The records included details of the size and scale of the business, the type of food activity, information on hygiene training and an assessment of the business's hazard analysis compliance.

16.3 The records for 10 Approved Premises were also examined. A synopsis of premises and activities had been recorded on all files, and usually files contained information on pest control arrangements, hygiene training, assessment of HACCP own checks and details of the cleaning programme and chemicals used.

16.4 Ten files relating to the licensing of butchers shop premises were examined. File records were comprehensive in nature with a description of the operations at the premises, and details of compliance with training and HACCP requirements.

16.5 Either a report of inspection or a follow-up letter was issued following each food hygiene inspection, which set out the reason for any works and actions required, indicated appropriate time-scales for action and quoted correct legislative references.

Food Standards and Feedingstuffs

16.6 Records of food premises and feedingstuffs premises were retrievable and had been kept for 6 years although in the case of the general food premises files the records were limited.

16.7 Post inspection report forms were left on the premises following a food standards inspection, although copies were found on only 1 of the 10 files examined.

Recommendation

16.8 The Authority should:

Ensure that the detail of records kept on food standards inspections is sufficient to ensure that actions taken and the history of compliance can be ascertained. [The Standard – 16.1]

17 Complaints about the Service

17.1 The Authority had a corporate complaints procedure that was in full compliance with the requirements of The Standard.

17.2 Information about the procedure had been posted in all reception areas of the Civic Buildings.

17.3 The auditors were informed that no complaints had been recorded against the service during the 2 years preceding the audit.

18 Liaison with Other Organisations

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

- South West Wales Food Safety Task Group.
- South West Wales Communicable Disease Task Group.
- Society of Directors of Public Protection Wales Food Safety Technical Panel.
- Society of Directors of Public Protection Wales Communicable Disease Technical Panel.
- Welsh Food Microbiological Forum.

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

18.2 The service was acknowledged by neighbouring Welsh Authorities for having expertise in feedingstuffs which it had passed on to a number of students.

18.3 The service also liaised regularly with other Council departments.

18.4 The Authority had also liaised with a number of government departments and enforcement agencies in connection with illegal meat activities. These included:

- Food Standards Agency
- Meat Hygiene Service
- National Assembly for Wales
- Department for Environment Food and Rural Affairs
- Welsh Development Agency
- Environment Agency
- State Veterinary Service
- Police
- Local Authorities outside Wales

19 Internal Monitoring

19.1 The Authority did not have a documented internal monitoring procedure covering all aspects of the service but did have draft procedures relating to the monitoring of food standards enforcement within their quality manual in the form of system audits. However, the quality manual had not been fully implemented and records of internal audits were not available.

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

- Monitoring performance through internal and committee reports.
- Team meetings to discuss issues of interpretation.
- Review of correspondence.
- Accompanied inspections for contractors.

Recommendation

19.3 The Authority should:

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

20 Third Party or Peer Review

20.1 The Authority had taken part in the Society of Directors of Public Protection Wales inter-Authority audit scheme in 1999. An action plan had been produced by the Authority addressing the issues raised during the audit.

21 Food and Feedingstuffs Safety and Standards Promotion

21.1 Limited food safety and standards promotional work was being carried out by the Authority:

- Participation in the Foodlink National Food Safety Week.
- Participation in the Welsh Food Hygiene Award Scheme.

Recommendation

21.2 The Authority should:

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

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Action Plan for Carmarthenshire County Council

Audit Date: 11-13 March 2003

IMPROVEMENTS PLANNED	By (DATE)	TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	COMMENTS
1. Introduce a regular review of all documented policies and procedures and when there are changes to legislation or centrally issued guidance.	31/03/06	4.3(i) The Authority should ensure that all documented policies and procedures are reviewed at regular intervals and when there are changes to legislation or centrally issued guidance. [The Standard – 4.1]	
2. The documented control system will be expanded to include food hygiene and feedingstuffs.	31/03/06	4.3(ii) The Authority should expand its documented control system to include food hygiene and feedingstuffs. [The Standard – 4.2]	
3. Introduce and implement a documented procedure for the authorisation of officers.	31/12/05	5.6(i) The Authority should set up and implement a documented procedure for the authorisation of officers. [The Standard – 5.1]	
4. Set up and implement a documented training programme to include all aspects of the service.	31/03/06	5.6(ii) The Authority should devise up and implement a documented training programme to include all aspects of the service. [The Standard – 5.4]	
5. Set up a record of the content, objectives, duration and any assessments made of training courses attended.	31/03/06	5.6(iii) The Authority should record the content, objectives, duration and any assessment made of training courses attended. [The Standard – 5.4]	
6. Set up and implement a documented procedure for calibration to ensure that all temperature measuring instruments are calibrated and checked in accordance with the relevant Code of Practice.	31/12/05	6.4 The Authority should devise and implement a documented procedure for calibration to ensure that all temperature measuring instruments are calibrated and checked in full accordance with Food Safety Act Code of Practice No 10: Enforcement of the Temperature Control Requirements of Food Hygiene Regulations. [The Standard – 6.2]	

IMPROVEMENTS PLANNED	By (DATE)	TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	COMMENTS
7. Inspections of food hygiene premises will be monitored to ensure that they are carried out at the minimum frequencies required by the relevant Code of Practice.	Completed	7.11(i) The Authority should ensure that food hygiene inspections are carried out at the minimum frequencies required by Food Safety Act Code of Practice No 9: Food Hygiene Inspections. [The Standard – 7.1]	IT system drawn up to monitor "28" day requirement
8. Inspections of butchers premises will be monitored in order to ensure they comply with current legislation and official guidance.	Completed	7.11(ii) The Authority should ensure that the inspection and licensing of butchers premises are carried out in full accordance with the relevant legislation and official guidance. [The Standard – 7.2]	
9. Inspections of food standards premises will be monitored to ensure they comply with the minimum frequencies required by the relevant Code of Practice.	Completed	7.17(i) The Authority should ensure that food standards inspections are carried out at the minimum frequencies required by Food Safety Act Code of Practice No 8: Food Standards Inspections. [The Standard – 7.1]	
10. Post inspection reports will be issued after every food standards inspection.	Completed	7.17(ii) The Authority should ensure that post inspection reports are issued following every food standards inspection. [The Standard – 7.2]	
11. Revise the complaints procedure to include reference to feedingstuffs complaints.	Completed	8.5(i) The Authority should ensure the complaints policy and procedure is revised to include reference to feedingstuffs complaints. [The Standard – 8.1]	
12. Introduce a monitoring programme to ensure that appropriate action is taken on complaints received in accordance with the centrally issued guidance and the Authority's own procedures.	31/03/06	8.5(ii) The Authority should ensure appropriate action is taken on complaints received in accordance with the centrally issued guidance and the Authority's own procedures. [The Standard – 8.2]	

IMPROVEMENTS PLANNED	By (DATE)	TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	COMMENTS
13. Provide advice leaflets to businesses which include reference to feedingstuffs.	Completed	10.3 The Authority should expand its advice to businesses to include feedingstuffs. [The Standard – 10.1]	
14. Introduce and implement a documented procedure to ensure that the food and feedingstuffs premises database is accurate and up to date.	Completed	11.5 The Authority should devise and implement a documented procedure to ensure that its food and feedingstuffs premises database is accurate and up to date. [The Standard – 11.2]	
15. Introduce and implement a documented procedure for the sampling of food and feedingstuffs in accordance with centrally issued guidance.	Completed	12.8(i) The Authority should devise a documented sampling procedure that is in accordance with centrally issued guidance which takes into account the nature of its food and feedingstuffs establishments and the full range of enforcement activities undertaken by the Authority. [The Standard – 12.4]	
16. The necessary documentation for the appointment of an Agricultural Analyst is to be prepared.	Completed	12.8(ii) The Authority should appoint an Agricultural Analyst for the purpose of carrying out any necessary analysis of feedingstuffs samples. [The Standard – 12.7]	
17. Review the plan for the control of outbreaks of food related infectious disease in association with all relevant organisations.	31/12/05	13.5(i) The Authority should ensure that the plan for the control of outbreaks of food related infectious disease is reviewed in association with all relevant organisations. [The Standard – 13.1]	New plan is about to be accepted and agreed.
18. Appoint a Lead Officer in Communicable Disease to ensure that the plan for the control of food related infectious disease is effectively implemented.	Completed	13.5(ii) The Authority should ensure that the plan for the control of outbreaks of food related infectious disease is effectively implemented on the occurrence of an outbreak. [The Standard – 13.1]	Senior EHO has been appointed Lead Officer and has attended training courses.

IMPROVEMENTS PLANNED	By (DATE)	TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	COMMENTS
19. Revise the documented procedure for responding to Food Hazard Warnings to include out of hours contact arrangements.	31/03/06	14.5 The Authority should revise the documented procedure for responding to Food Hazard Warnings to include out of hours contact arrangements. [The Standard – 14.1]	
20. The Enforcement Policy (or an accurate summary of it) to be readily available and placed on the Authority's website.	31/03/06	15.9(i) The Authority should ensure that the Enforcement Policy or an accurate summary of it is readily available to the public and food businesses in the area. [The Standard – 15.1]	
21. Set up and monitor a system to ensure that all enforcement activities are carried out in full accordance with official guidance and relevant Codes of Practice.	31/03/06	15.9(ii) The Authority should ensure that all enforcement activities, particularly Improvement Notices and investigations associated with food related infectious disease outbreaks, are carried out in full accordance with official guidance and relevant Food Safety Act Codes of Practice. [The Standard – 15.2]	
22. Set up a system to ensure that the detail of records kept on food standards inspections is sufficient to ensure that actions taken and the history of compliance can be ascertained.	Completed	16.8 The Authority should ensure that the detail of records kept on food standards inspections is sufficient to ensure that actions taken and the history of compliance can be ascertained. [The Standard – 16.1]	
23. Set up an internal monitoring procedure to ensure effective and consistent enforcement and to verify its conformance with all areas of The Standard, legislation and the Authority's own documented policies and procedures.	31/12/05	19.3 The Authority should devise and implement an internal monitoring procedure to ensure effective and consistent enforcement and to verify its conformance with all areas of The Standard, legislation and the Authority's own documented policies and procedures. [The Standard – 19.1]	Lead Officers for food safety and food standards and feedingstuffs to undertake this monitoring role.

IMPROVEMENTS PLANNED	By (DATE)	TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	COMMENTS
24. Expand the current promotional activities to include food standards and feedingstuffs.	Completed	21.2 The Authority should ensure that it expands its promotional activities to include food standards and feedingstuffs. [The Standard – 21.1]	

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 *	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: • 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. * In Wales this has recently been replaced by the Wales Programme for Improvement
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 food hygiene premises should be inspected at least every 6 months.
Service Plan	A document produced by a local authority setting out their plans on providing and delivering a food service to the local community.
Trading Standards	The Department within a local authority which carries out, amongst other responsibilities, the enforcement of food standards and Feedingstuffs legislation.
Trading Standards Officer (TSO)	Officer employed by the local authority who, amongst other responsibilities, may enforce food standards and Feedingstuffs legislation.
Unitary Authority	A local authority in which all the functions are combined, examples being Welsh Authorities and London Boroughs. A Unitary Authority's responsibilities will include food hygiene, food standards and Feedingstuffs enforcement.