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Report on the Food Law Enforcement Service

Ceredigion County Council

25 - 27 February 2003

Foreword

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

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

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

The main aim of the audit scheme is to maintain and improve consumer protection and confidence by ensuring that local authorities are providing an effective food law enforcement service. The scheme also provides the opportunity to identify and disseminate good practice and provide information to inform Agency policy on food safety.

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

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

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1 Introduction

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

Reason for the Audit

- 1.2 The power to set standards, monitor and audit local authority food law enforcement services was conferred on the Food Standards Agency by the Food Standards Act 1999. The audit of the food service at Ceredigion 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 Ceredigion 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 at Penmorfa, Aberaeron, Ceredigion; Portland Road, Aberystwyth, Ceredigion and Morgan Street, Cardigan, Ceredigion on 25 – 27 February 2003.
- 1.5 The audit assessed the Authority's conformance against The Standard, using audit protocols FSA/AP3/1 – FSA/AP21/1. The Standard was adopted by the Food Standards Agency Board on 21 September 2000, (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 Ceredigion County Council is responsible for the provision of all Local Government Services for the County of Ceredigion. The County has an area of some 179,500 hectares and a population of some 70,700 people. It is one of the largest rural counties in Wales. The 3 main centres are Aberystwyth, Aberaeron and Cardigan. Whilst agriculture has traditionally been the main industry in the area, the effects of the decline in farming and the general pressures being faced by this sector have had serious consequences for the local economy. In recent times the importance of the area as a tourist destination has increased with large numbers of visitors enjoying the many and varied attractions that are available, including the stunning coastline.
- 1.7 Food and feedingstuffs enforcement was carried out by officers of the Department of Environmental Services and Housing with food hygiene within the Food and Safety Section and food standards and feedingstuffs within the Trading Standards Section.
- 1.8 The Council Offices were open from 09:00–17:00 Monday to Friday. The Council operated a generalised 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 and feedingstuffs enforcement, the Authority's officers were also responsible for the delivery of a range of services including occupational health and safety, licensing, animal welfare, consumer protection, fair trading and weights and measures.
- 1.10 The Food Enforcement staffing level detailed in the Authority's Food Service Plan 2002/2003 is shown below:

Resource available	FTE*
Food Hygiene Enforcement Officers	4.45
Food Standards and Feedingstuffs Enforcement Officers	0.75
TOTAL	5.2

*Full Time Equivalent

- 1.11 The Food Service Plan 2002/2003 detailed the total budget for the food safety service as £243,282.18, which included £211,334.53 salary costs, £2,738.67 allocated to training and £9,000 allocated to sampling.

1.12 The Authority's monitoring returns made to the Agency for the four quarters making up the financial year 2001/2002 indicated that the Food Safety service was responsible for enforcing food legislation in 1,638 premises and feedingstuffs legislation in 74 premises. The food businesses were predominantly within the catering and retail sectors. The returns indicated that the Authority carried out:

Enforcement activity	No.
Food hygiene inspections	398
Other food hygiene visits	571
Informal samples	0
Formal samples	337
Food standards inspections	53
Other food standards visits	31
Informal samples	37
Formal samples	35
Feedingstuffs inspections	13
Other feedingstuffs visits	0
Informal samples	5
Formal samples	1

1.13 Ongoing investigations into illegal slaughter operations had had a significant impact on the Authority's resources available for routine food enforcement activities over the last 3 years. A dedicated officer has been seconded to the Authority from the Food Standards Agency to assist with this work.

2 Executive Summary

- 2.1 The Authority had been involved in a number of investigations into illegal slaughter, which had national implications in terms of protecting public health. This demand on resources had a significant impact on the food premises inspection programme and was a contributory factor in the Authority's inability to carry out inspections at the required frequency.
- 2.2 However the scope and complexity of the investigations have meant the development of new procedures and formulation of guidance that should assist other authorities to undertake similar investigations in the future.

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 had to develop new skills and form new working partnerships with organisations to ensure successful outcomes. The Authority's willingness to share these experiences will assist other enforcement services to undertake similar investigations.

2.4 The Authority's Key Areas for Improvement

Inspection Frequency

Food premises inspections including those of Approved Premises were not being carried out at the minimum frequencies required by the Food Safety Act Codes of Practice No.s 8 and 9.

Internal Monitoring

The lack of documented internal monitoring procedures, particularly in relation to qualitative issues, gave rise to a wide variation in the way in which some enforcement activities were undertaken. Documented and well implemented internal monitoring systems will ensure a consistent and effective enforcement service.

Food Hygiene Records

Records in relation to general premises, Approved Premises and licensed butchers 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.

Audit Findings

3 Organisation and Management

- 3.1 The Authority had a Cabinet style political Leadership with the Cabinet being made up of a Leader, and 7 Executive members each with their own portfolio. A Regulatory Committee, 1 Co-ordinating and 6 Overview and Scrutiny committees together with a number of other committees constitute the remainder of the Council. Food safety came within the terms of reference of the Cabinet Member with portfolio for Environmental Services and Housing.
- 3.2 The Authority had 7 Directorates, and delivery of the food enforcement service was the responsibility of the Environmental Health Food & Safety Team and the Trading Standards Team, both within the Environmental Services and Housing Directorate.
- 3.3 The corporate planning framework included the Authority's Improvement Plan for 2002/2003. This identified a number of key areas for action one of which "Better Quality of Life" covered the food enforcement service.
- 3.4 The Improvement Plan contained information about the service, details of performance in previous years, and set out key actions and performance indicators for the forthcoming year. The performance indicators used for food safety were:
- The percentage of food premises inspections that should have been carried out, that were carried out for high-risk premises (A-C);
 - The percentage of food premises inspections that should have been carried out, that were carried out for other premises (D-F).
- 3.5 In 2001/2002, the Authority carried out 59% of high-risk inspections against a target of 90% and 78% of inspections of other premises for which no target had been specified. The targets for 2002/2003 were 100% and 75% respectively.
- 3.6 The Authority had drawn up a comprehensive Food Safety Service Plan for 2002/2003, which was in line with the Service Planning Guidance in the Framework Agreement on Local Authority Food Law Enforcement. The Service Plan had been approved by the relevant Member forum in July 2002. No such plans had previously been produced by the Authority.

3.7 Additional performance indicators were specified within the Service Plan. These included the following;

Target Actions		
1.	Food Standards Inspection Programme	Target
	To carry out inspections in accordance with the programme	
	High Risk Premises	100%
	Medium Risk Premises	50%
	Low Risk Premises	30%
2.	Food Hygiene Inspection Programme	
	To carry out inspections in accordance with the programme	
	Category A, B & C premises	100%
	Category D, E & F premises	75%
3.	Animal Feedingstuffs Inspection Programme	
	To carry out inspections in accordance with the programme	100%
4.	Food and Feedingstuffs Complaints	
	First Response to Food Complaints, Food Premises Complaints and Food Standards Complaints within 10 days	100%

3.8 The Improvement Plan had been subject to a review in 2000. The Food Safety Service Plan had not been the subject of a review.

Recommendation

3.9 The Authority should:

Ensure that a review of the Service Plan is carried out at least once a year which should be documented and submitted for appropriate member approval. [The Standard – 3.2]

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. However it did not have a system to ensure that all such documented policies and procedures for each of the enforcement activities covered by The Standards were reviewed.

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. [The Standard – 4.1]
- (ii) Set up, maintain and implement a control system for all documentation relating to its enforcement activities. [The Standard – 4.2]

5 Authorised Officers

- 5.1 The Authority had appointed 2 lead officers with the necessary specialist knowledge; one for food hygiene enforcement and the second for food standards and feedingstuffs enforcement.
- 5.2 The Authority had produced a scheme of delegation in April 1996 that was amended and updated in May 2001. In addition each officer had an authorisation document detailing the legislation that they were 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.
- 5.3 Officers were generally carrying out duties in accordance with their training qualification and experience, although one officer, who was undertaking a course leading to an appropriate qualification in food hygiene inspections, was found to be undertaking low risk inspections for the Authority. Two officers who did not meet the requirements of Food Safety Act Code of Practice No.19 had been authorised to serve Emergency Prohibition Notices although there was no evidence that they had exercised these powers.
- 5.4 The Department operated an informal out of hours service that relied on the goodwill of officers. The auditors were informed that if a particular issue arose out of hours relating to a food or feedingstuffs issue, senior management would draw upon the specialist knowledge of an available food enforcement officer.
- 5.5 The Authority had not implemented a formal training needs assessment scheme but carried out generic assessments of the officers training needs. No training programme had been drawn up for staff.
- 5.6 The records of the qualifications of food hygiene enforcement officers held by the Authority were incomplete, with the qualifications of 7 of the 9 officers missing. The training records that were present need to be expanded to include details of the content and objectives of the courses, the duration and any assessment made of the training.
- 5.7 The budget breakdown for the year 2002/2003 as detailed in the Food Service Plan 2002 indicated that the provision for training was £2738.67. 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

- 5.8 The Authority should:
- (i) Set up and implement a documented procedure for the authorisation of officers. [The Standard – 5.1]
 - (ii) Ensure that all staff engaged in carrying out food enforcement duties are qualified in accordance with Food Safety Act Code of Practice No. 19. [The Standard – 5.3]
 - (iii) Record the content, objectives, duration and any assessment made of training courses attended. [The Standard – 5.4]
 - (iv) Ensure that records of relevant academic or other qualifications are maintained. [The Standard – 5.5]

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, although in a number of cases the calibration date had expired. Routine checks on the officer's thermometers were not being made.
- 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 properly calibrated and maintained. [The Standard – 6.2]

7 Food and Feedingstuffs Premises Inspections

Food Hygiene

- 7.1 In its Service Plan for 2002/2003 the Authority reported a total of 1638 food premises on its database. Of these it reported that the following number in each category were due for inspection during the course of the year.

Risk Category	No.
A	100
B	159
C	449
D	88
E	67
F	88
TOTAL	951

- 7.2 The Authority identified 21 premises as licensed under the Food Safety (General Food Hygiene) (Butchers' Shops) (Amendment) (Wales) Regulations 2000, and 16 premises approved under product specific legislation (Approved Premises).
- 7.3 The inspection histories of 10 general premises and 10 Approved Premises were examined. Seven general premises and 8 Approved Premises were found not to have been inspected at the minimum frequencies required by Food Safety Act Code of Practice No. 9: Food Hygiene Inspections. Many of the Authority's Approved Premises were small on-farm dairy product manufacturers. The additional workload associated with the foot and mouth outbreak in 2001 had prevented the Authority making inspections of these premises at the minimum frequency.
- 7.4 A computer report generated during the audit indicated that the Authority had the following numbers of inspections overdue:

Risk Category	Overdue No.
A	27
B	70
C	178
D	18
E	23
F	25
Unrated	7
TOTAL	348

- 7.5 The Authority had a documented procedure for the inspection of general premises but it did not cover inspections of licensed butchers or premises approved under product specific regulations. Inspection proforma were utilised in relation to inspections of licensed butchers, but not for Approved and general premises.
- 7.6 Officers with the appropriate levels of authorisation appeared to have carried out thorough inspections of general premises and provided accurate risk ratings, in accordance with official guidance (see paragraph 5.3).
- 7.7 Reports had been sent to proprietors following all the inspections on the general premises. Reports were clear and legal requirements were distinguished from recommendations. The works required following inspections were clearly identified, took into account Industry Guides and were consistent with centrally issued guidance. The legal references were correct in all cases.
- 7.8 In most of the general premises files examined appropriate follow-up action had been taken where instances of non compliance were identified, including timely revisits where appropriate.
- 7.9 A number of issues were raised with regard to the inspection of butcher's premises including inspection proforma not being fully completed by officers, evidence that contraventions existed within the premises even though the licence had been issued and that a premises had operated without a licence, even though the Authority was aware that they handled raw meat and ready to eat foods.
- 7.10 In 8 of the 10 Approved Premises files examined no approval document was present and in the case of the 2 approval documents that were present they did not list the products approved.

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 approval process and Approved Premises inspections and the licensing of butcher’s premises are carried out in full accordance with the relevant legislation and official guidance. This should include a review of existing approvals. [The Standard – 7.2]
 - (iii) Extend the existing documented procedures to include Approved Premises and butchers licensing inspections. [The Standard – 7.5]

Food Standards and Feedingstuffs

7.12 In the Service Plan for 2002/2003 the Authority reported that there were 1278 premises subject to food standards inspections and 235 premises subject to feedingstuffs inspections, the latter including both registered and approved feedingstuffs premises. The food standards inspections showed the following profile.

Risk Category	No.	%*
High	9	1
Medium	875	68
Low	394	31
TOTAL	1278	

* Figures rounded

7.13 The inspection histories of 10 premises were examined in relation to food standards inspections. Eight were found to have been inspected at the minimum frequency set out in Food Safety Act Code of Practice No 8: Food Standards Inspections. All had been correctly risk assessed and inspected by an appropriately authorised officer.

7.14 The Authority did not have an inspection programme for food standards premises or for feedingstuffs premises. It was reported that 9 high risk, 109 medium risk and 8 low risk food standards premises and 47 feedingstuffs premises were due for inspection during the course of the current year. The Authority had been prevented from carrying out

inspections of registered feedingstuffs premises during 2001 because of the restrictions imposed as a result of the foot and mouth outbreak.

7.15 The Authority had documented inspection procedures for food standards and feedingstuffs that formed part of their enforcement procedural documents.

7.16 Copies of post inspection reports were provided for all recent inspections from 10 premises files. In most cases the file records indicated the inspections had been carried out in accordance with the relevant legislation and that compliance with legally prescribed standards had been assessed.

Recommendation

7.17 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]

8 Food, Feedingstuffs and Food Premises Complaints

- 8.1 The Authority had a documented policy and procedure on food hygiene complaints and procedures relating to food standards and feedingstuffs complaints contained within its enforcement procedures.
- 8.2 In the case of food hygiene complaints a complaints form was used to record full details of the complaint and standard letters were used to notify the complainant and other parties of the course and outcome of the investigation.
- 8.3 Records relating to 7 food hygiene and food premises complaints were examined. Files showed that generally complete data had been recorded about the complaint and appropriate investigations had been carried out. In 1 case there was insufficient evidence on file to determine whether an appropriate investigation had been carried out and in 3 files there was no evidence to show that all the parties involved had been kept informed of the progress of the complaint.
- 8.4 The Authority had not received any complaints regarding feedingstuffs in the two years preceding the audit.

Recommendation

- 8.5 The Authority should:
- Ensure that its food hygiene complaints procedure is fully implemented. [The Standard – 8.2]

9 Home Authority Principle

- 9.1 The Food Service Plan 2002/2003 stated that the Authority was committed to the Home Authority Principle. The Authority acted informally as Home Authority and as Originating Authority for a number of premises including several small on-farm cheese producers who export their products. However, it had not notified the Local Authorities Co-ordinators of Regulatory Services (LACORS) of details of the businesses for which it acted as Home Authority. There was evidence that the Authority had responded to enquiries from other local authorities.
- 9.2 Officers had access to the LACORS website to identify listed Home Authorities. Officers had made contact with Home and Originating Authorities when appropriate to do so for the range of enforcement actions examined.

10 Advice to Business

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

- A range of official and in-house produced advice leaflets for caterers and food handlers relating to food hygiene and food standards issues;
- Facilitating a project with small and medium sized food businesses to improve their skills, standards and competitiveness in the market place. This was in conjunction with Coleg Ceredigion, Food Centre Wales and the University of Wales Aberystwyth;
- Advice to local agricultural premises regarding feedingstuffs.

11 Food and Feedingstuffs Premises Database

- 11.1 The Authority had a computer database of the food 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 visits to the premises.
- 11.3 The database was examined for 10 food premises that had been randomly identified from a current edition of a business directory. All of the premises were included on the Authorities databases.
- 11.4 Officers had password protected access to the databases, and were restricted from creating or deleting records. However passwords were not changed regularly and the security measures to prevent access and amendment by unauthorised persons needed formalising.

Recommendation

- 11.5 The Authority should:

Develop 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

General

- 12.1 The laboratories used by the Authority were properly accredited.
- 12.2 The Authority did not have a documented sampling policy covering either food or feedingstuffs.
- 12.3 The Authority reported in its monitoring returns to the Food Standards Agency for the 4 quarters making up the financial year 2001/2002, that it had taken 415 food and feedingstuffs samples.

Food Hygiene

- 12.4 The Authority did not have a documented sampling procedure relating to food hygiene samples.
- 12.5 In the case of 10 unsatisfactory sample results examined, the Authority had sent letters confirming the results to all premises from which samples had been taken. However, there was little evidence of any other follow up action.

Food Standards and Feedingstuffs

- 12.6 The Authority had documented sampling procedures as part of the enforcement procedures relating to food standards and feedingstuffs.
- 12.7 The Authority had appointed an Agricultural Analyst to carry out the necessary analysis of feedingstuffs samples.

Recommendation

- 12.8 The Authority should:

Set up, maintain and implement a sampling policy which incorporates the full range of enforcement activities undertaken by the service.
[The Standard – 12.3]

13 Control and Investigation of Outbreaks and Food Related Infectious Disease

- 13.1 The Authority had a comprehensive Outbreak Control Plan which had been drawn up in conjunction with the Local Health Authority in 2002 and included a procedure for dealing with food premises based outbreaks. The auditors were informed that there had been no recent outbreaks of food related infectious disease in the Authority's area. There was no evidence that the Authority's outbreak control plan had been tested although officers had participated in an inter-authority training event based on testing the all-Wales plan
- 13.2 The Outbreak Control Plan also contained a procedure for the investigation of individual notifications of food related infectious diseases, together with a comprehensive set of advice notes, questionnaires and standard letters.
- 13.3 The file records relating to the individual notifications of food related infectious disease were insufficient to determine if appropriate investigations had been carried out.

Recommendation

- 13.4 The Authority should:
- Ensure that its procedure relating to the investigation of individual notifications of food related infectious disease is properly implemented, documenting details of any investigation carried out.
[The Standard – 13.2]

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.
- 14.2 The Authority's computer system was capable of receiving Food Hazard Warnings and copies of all FHWs issued in the last year were available. Whilst the Authority reported that it recorded any action taken in relation to the Food Hazard Warnings against individual premises records, there was no record of consideration of all Food Hazard Warnings to determine whether any action was required.
- 14.3 The auditors were advised that no serious localised incidents requiring notification to the Food Standards Agency had occurred in the last two years.

Recommendations

- 14.4 The Authority should:
- (i) Revise the documented procedure for responding to Food Hazard Warnings, to include out of hours contact arrangements. [The Standard – 14.1]
 - (ii) Ensure that it documents its response to, and the outcome of, each Food Hazard Warning. [The Standard – 14.3]

15 Enforcement

General

- 15.1 The Authority had a documented enforcement policy which had been formally approved by the relevant Local Authority member forum in April 2000. In addition a Food Safety Enforcement policy had been approved by the relevant member forum in June 2001 and a revised version had been produced in January 2003 but had yet to achieve member approval.
- 15.2 The Service Plan for 2002/2003 stated that the Authority had signed up to the Enforcement Concordat.

Food Hygiene

- 15.3 The Authority had undertaken the following formal enforcement activities in the 2 years preceding the audit:
- 1 Food hygiene prosecution;
 - 2 Voluntary closures;
 - 2 Detentions/Seizures of food;
 - 1 Voluntary Surrender of food.
- 15.4 The Authority had been involved in number of complex and resource intensive investigations over the previous two years into the illegal slaughter and production of “Smokies” for human consumption. One case had already successfully been prosecuted in Crown Court and further associated illegal activities were still under investigation.
- 15.5 The impact of such investigations on the food enforcement service has been considerable with an estimated 0.55 FTE being allocated to just one major on-going investigation. A dedicated officer had been seconded by the Food Standards Agency Wales but due to the scale and complexity of the illicit activity in the region the Authority had to re-prioritise its work load to ensure that the associated public health risks could be thoroughly investigated. The Authority had also prepared investigation protocols and shared expertise with other local authorities. The Authority’s commitment to tackle such sophisticated criminal activity in its area had impacted heavily on its ability to deliver its food premises inspection programme.
- 15.6 The scope and complexity of the cases meant a multidisciplinary approach to the investigations. This meant the enforcement service had to develop new procedures in relation to complex prosecutions The Authority incorporated these into a guidance document for use by other

authorities.

- 15.7 The service had developed documented procedures for the use of Emergency Prohibition Notices, the service of Improvement Notices and the detention and seizure of food. Following the investigation into the production of “Smokies”, a revised format for the preparation of prosecution files had been produced.
- 15.8 The file records for the 2 voluntary closures were examined. In both cases the closures related to pest infestations. It was not clear from the file records how the Authority had concluded that voluntary closure was the most appropriate way of dealing with the infestations.
- 15.9 The file records relating to the voluntary surrender and the detention and seizures indicated that they had been carried out in full accordance with the relevant Food Safety Act Codes of Practice and official guidance.

Food Standards and Feedingstuffs

- 15.10 The Authority had undertaken the following enforcement activities in the 2 years preceding the audit:
- 6 food standards prosecutions.
- 15.11 All prosecutions had been properly authorised, were taken without unnecessary delay and were in accordance with the service’s Enforcement Policy. The prosecutions also took account of the Police and Criminal Evidence Act 1984 and the most recent complied with the provisions of the Criminal Procedures and Investigations Act 1996.
- 15.12 The service had developed documented procedures relating to enforcement activities covering food standards and feedingstuffs.

16 Records and Inspection Reports

Food Hygiene

- 16.1 Paper and database records of food premises were retrievable and in general had been kept for the 6 years required by The Standard.
- 16.2 Records for 10 general premises where food hygiene inspections had been carried out were examined. The records generally did not include details of the size and scale of the business, the type of food activity, information on hygiene training or an assessment of the business's hazard analysis compliance.
- 16.3 The records for 10 Approved Premises were also examined. In nearly all cases, the files lacked inspection details such as pre-approval inspection, the laboratories used by the company, pest control arrangements, emergency withdrawal plans and details of the cleaning methods employed.
- 16.4 Examination of file records relating to the licensing of butchers shop premises indicated they were generally incomplete, lacking a description of the operations at the premises, and details of compliance with training and HACCP requirements and whether the licence referred to the whole or part of a premises.
- 16.5 Generally either a report of inspection or a follow up letter was issued following each food hygiene inspection.
- 16.6 File records for the prosecution, voluntary closures, detentions/seizures and the voluntary surrender were detailed and clear.

Food Standards and Feedingstuffs

- 16.7 Paper and database records of food and feedingstuffs premises were retrievable and in general had been kept for the 6 years required by The Standard.
- 16.8 Post Inspection forms were left on the premises following a food standards inspection, and the records of recent inspections examined were generally comprehensive in nature.
- 16.9 The hard copy records of feedingstuffs premises were comprehensive in nature.

Recommendation

16.10 The Authority should:

Ensure that the detail of records kept on food hygiene inspections, Approved Premises and licensed butchers premises is sufficient to ensure that the 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 policy and procedure that was in full compliance with the requirements of The Standard.
- 17.2 Information about the procedure was available in the reception areas and a leaflet outlining the procedure was available to the public.
- 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;
- Society of Directors of Public Protection Wales Food Safety Technical Panel;
- West Wales Food Standards Sampling Liaison Group;
- SoDPPW Food & Agricultural Standards Panel.

18.2 The Service also liaised regularly with other Council departments and with the local Health Authority on food related infectious disease control issues.

18.3 The Authority had liaised with a number government departments and enforcement agencies in connection with the illegal meat activities. These included:-

- Food Standards Agency;
- Meat Hygiene Service;
- Welsh Assembly Government;
- DEFRA;
- Welsh Development Agency;
- Environment Agency;
- State Veterinary Service;
- Police;
- Local Authorities outside Wales;
- Rural Payments Agency.

19 Internal Monitoring

19.1 The Authority did not have a documented internal monitoring procedure covering all aspects of the service, but did have procedures relating to the monitoring of food hygiene and food standards inspections. The food hygiene procedure included a quality monitoring report form. However the procedure had not been fully implemented and records of monitoring 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.

Recommendation

19.3 The Authority should:

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

20 Third Party or Peer Review

- 20.1 The Authority had taken part in the All 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 Food safety and standards promotional work was being carried out by the Authority which included:

- Participation in the Foodlink National Food Safety Week which included the development of unique bilingual promotional literature;
- Participation in the Food Strategy for Ceredigion initiative, a strategic approach to all aspects of food provision, enforcement, education, finance and research and development within the Authority;
- Commitment to participation in the Welsh Food Hygiene Award Scheme.

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Action Plan for Ceredigion County Council

Audit Date: 25-27 February 2003

IMPROVEMENTS PLANNED	By (DATE)	TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	COMMENTS
1. An annual performance review is undertaken. This is documented and submitted for approval	30.06.04	3.9 The Authority should ensure that a review of the Service Plan is carried out at least once a year which should be documented and submitted for appropriate member approval. [The Standard – 3.2]	
2. Existing documented policies require review. A review of existing hard copies at District Offices is required and much of the required information is available on our I.T. systems	30.03.05	4.3(i) The Authority should ensure that all documented policies and procedures are reviewed at regular intervals. [The Standard – 4.1]	
3. Existing documented policies require review. A review of existing hard copies at District Offices is required and much of the required information is available on our I.T. systems	30.3.2005	4.3(ii) The Authority should set up, maintain and implement a control system for all documentation relating to its enforcement activities. [The Standard – 4.2]	
4. The Authority has a system for authorising officers on appointment. 5. A documented procedure is required to confirm this and for the updating of authorisation for new legislation.	30.06.04	5.8(i) The Authority should set up and implement a documented procedure for the authorisation of officers. [The Standard – 5.1]	

IMPROVEMENTS PLANNED	By (DATE)	TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	COMMENTS
6. A full complement of food safety team staff is expected by 30 th September 04	30.09.04	5.8(ii) The Authority should ensure that all staff engaged in carrying out food enforcement duties are qualified in accordance with Food Safety Act Code of Practice No. 19. [The Standard – 5.3]	The Authority has made every effort to attract qualified officers to the relevant posts, but failing to do that have undertaken in-house training of officers, but this is a lengthy process. Difficulties have arisen in obtaining outside assistance from the private sector in order to address staff losses due to maternity leave and secondment to other posts.
7. An additional documented system will be set up in addition to the existing corporate system. As is current practice within the Authority training requirements are assessed in accordance with individual needs.	30.06.04	5.8(iii)The Authority should record the content, objectives, duration and any assessment made of training courses attended. [The Standard – 5.4]	
8. An additional documented system will be set up in addition to the existing corporate Personnel files	30.06.04	5.8(iv) The Authority should ensure that records of relevant academic or other qualifications are maintained. [The Standard – 5.5]	
9. The existing documented procedure will be implemented and maintained.	30.06.04	6.4 The Authority should devise and implement a documented procedure for calibration to ensure that all temperature measuring instruments are properly calibrated and maintained. [The Standard – 6.2]	
10. Existing staff resources should be sufficient to address this issue following i) their return to full time employment and ii) the completion of training	30.03.05	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]	The matter of staff shortages is being addressed and this will impact on team performance

IMPROVEMENTS PLANNED	By (DATE)	TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	COMMENTS
11.Approved Premises are being regularly inspected and will be subject to review prior to the due date	30.03.04	7.11(ii) The Authority should ensure that the approval process and Approved Premises inspections and the licensing of butchers premises are carried out in full accordance with the relevant legislation and official guidance. This should include a review of existing approvals. [The Standard – 7.2]	
12.Licensed premises are being inspected as per Code of Practice within existing time Schedules	30.03.05	7.11(iii) The Authority should extend the existing documented procedures to include Approved Premises and butchers licensing inspections. [The Standard – 7.5]	
13.Existing staff resources are insufficient to address this issue. One additional member of staff within the Trading Standards Section is required and should be dedicated solely to food standards work in order to meet the targets in relation to the inspection of medium risk premises and to undertake Alternative Enforcement Arrangements in respect of low risk premises.	30.03.05	7.17 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]	
14.The existing complaint system and its monitoring are under review	30.03.04	8.5 The Authority should ensure that its food hygiene complaints procedure is fully implemented. [The Standard – 8.2]	
15.Consideration to be given to this improvement when setting up new LACORS risk assessment scheme	30.09.04	11.5 The Authority should develop and implement a documented procedure to ensure that its food and feedingstuffs premises database is accurate and up to date. [The Standard – 11.2]	Difficulties have been encountered in addressing this matter which is presently under review.

IMPROVEMENTS PLANNED	By (DATE)	TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	COMMENTS
16. The Authority is in the process of finalising its documented sampling policy in accordance with relevant Codes of Practice and nationally co-ordinated sampling programmes.	30.06.04	12.8 The Authority should set up, maintain and implement a sampling policy which incorporates the full range of enforcement activities undertaken by the service. [The Standard – 12.3]	
17. The Authority is reviewing the implementation of existing documented procedures relating to investigation of food related disease.	30.03.05	13.4 The Authority should ensure that its procedure relating to the investigation of individual notifications of food related infectious disease is properly implemented, documenting details of any investigation carried out. [The Standard – 13.2]	Ongoing review
18. The Authority is devising a formal documented system in order to record details of relevant action undertaken in response to Food Hazard Warnings	01.04.04	14.4(i) The Authority should revise the documented procedure for responding to Food Hazard Warnings, to include out of hours contact arrangements. [The Standard – 14.1]	Out of hours response is now implemented on a goodwill basis – formalising those arrangements would impact on corporate policies.
19. The Authority is in the process of documenting existing procedures relating to Food Hazard Warnings – in accordance with existing Codes of Practice.	30.06.04	14.4(ii) The Authority should ensure that it documents its response to, and the outcome of, each Food Hazard Warning. [The Standard – 14.3]	
20. The Authority has I.T. and hard copy systems for retrieval of relevant information – upgrading inputted date will assist in improving existing systems.	30.06.04	16.10 The Authority should ensure that the detail of records kept on food hygiene inspections, Approved Premises and licensed butchers premises is sufficient to ensure that the actions taken and the history of compliance can be ascertained. [The Standard – 16.1]	

IMPROVEMENTS PLANNED	By (DATE)	TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	COMMENTS
<p>21.The Authority is setting up a documented system in order to record the existing system whereby officers from different teams and from management undertake joint inspections in order to facilitate consistent enforcement principles. These were further supported during discussions in Food Safety Team Meetings.</p>	<p>30.12.04</p>	<p>19.3 The Authority should devise and implement an internal monitoring procedure and ensure that the procedure is fully implemented to ensure effective and consistent enforcement and to verify its conformance with all areas of The Standard, legislation and the Authority's own documented policies and procedures. [The Standard – 19.1]</p>	

ANNEX A

Glossary

Agricultural Analyst	A person, holding the prescribed qualifications, who is formally appointed by a local authority to analyse Feedingstuffs samples.
Approved premises	Food manufacturing premises that has been approved by the local authority, within the context of specific legislation, and issued a unique identification code relevant in national and/or international trade.
Authorised officer	A suitably qualified officer who is authorised by the local authority to act on its behalf in, for example, the enforcement of legislation.
Best Value	<p>A Government policy which seeks to improve local government performance in the delivery of services to local communities – from education and care for the elderly through to environmental health and road maintenance. Best Value aims to ensure that the cost and quality of these services are of a level acceptable to local people by:</p> <ul style="list-style-type: none">• increasing the role of local people in deciding the priorities for local government services• improving the way authorities manage and review their business• building on the experience and expertise of staff. <p>* In Wales this has recently been replaced by the Wales Programme for Improvement</p>
Border Inspection Post	Point of entry into the UK from non-EU countries for products of animal origin.
Codes of Practice	Government Codes of Practice issued under Section 40 of the Food Safety Act 1990 as guidance to local authorities on the enforcement of food legislation.
Enforcement Concordat	Government guidance setting out principles and procedures of good enforcement which local authorities may adopt. Developed in consultation with businesses, local and central government,

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

Environmental Health Officer (EHO) Officer employed by the local authority to enforce food safety legislation.

Feedingstuffs Term used in legislation to describe feed mixes for farm animals and pet food.

Food Examiner A person holding the prescribed qualifications who undertakes microbiological analysis on behalf of the local authority.

Food Hazard Warnings This is a system operated by the Food Standards Agency to alert the public and local authorities to national or regional problems concerning the safety of food.

Food hygiene The legal requirements covering the safety and wholesomeness of food.

Food standards The legal requirements covering the quality, composition, labelling, presentation and advertising of food, and materials in contact with food.

Framework Agreement The Framework Agreement consists of:

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

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

The **Monitoring Scheme** requires local authorities to submit quarterly returns to the Agency on their food enforcement activities i.e. numbers of inspections, samples and prosecutions.

Under the **Audit Scheme** the Food Standards Agency will be conducting audits of the food law enforcement services of local authorities against the criteria set out in the Standard.

Full Time Equivalents (FTE)	A figure which represents that part of an individual officer's time available to a particular role or set of duties. It reflects the fact that individuals may work part-time, or may have other responsibilities within the organisation not related to food enforcement.
HACCP	Hazard Analysis Critical Control Point – a food safety management system used within food businesses to identify points in the production process where it is critical for food safety that the control measure is carried out correctly, thereby eliminating or reducing the hazard to a safe level.
Home Authority	An authority where the relevant decision making base of an enterprise is located and which has taken on the responsibility of advising that business on food safety/food standards issues. Acts as the central contact point for other enforcing authorities' enquiries with regard to that company's food related policies and procedures.
Improvement notice	A notice served by an Authorised Officer of the local authority under Section 10 of the Food Safety Act 1990, requiring the proprietor of a food business to carry out suitable works to ensure that the business complies with the requirements of food hygiene or food processing legislation.
Inter Authority Auditing	A system whereby local authorities might audit each others' food law enforcement services against an agreed quality standard.
Member forum	A local authority forum at which Council Members discuss and make decisions on food law enforcement services.
OCD returns	Returns on local food law enforcement activities required to be made to the European Union under the Official Control of Foodstuffs Directive.
Originating Authority	An authority in whose area a business produces or packages goods or services and for which the Authority acts as a central contact point for other enforcing authorities' enquiries in relation to the those products

Port Health Authority	A local authority within whose boundaries there is a point of entry into the UK for imported foods.
Public Analyst	An officer, holding the prescribed qualifications, who is formally appointed by the local authority to carry out chemical analysis of food samples.
Risk rating	A system that rates food premises according to risk and determines how frequently those premises should be inspected. For example, high risk 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.