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STANDARDS
AGENCY

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Report on the Food Law Enforcement Service

Conwy County Borough Council

27 - 30 April 2003

Foreword

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

The 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 hygiene promotion and educational activities. It should be acknowledged that there will be considerable diversity in the way and manner in which local authorities may provide their food enforcement services reflecting local needs and priorities.

Agency audits assess local authorities' conformance against the 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 Conwy County Borough Council was undertaken under section 12(4) of the Act as part of the Food Standards Agency's annual audit programme.
- 1.3 The Authority was audited as part of the Food Standards Agency Wales programme of full audits of all 22 Welsh local authorities

Scope of the Audit

- 1.4 The audit covered Conwy's food hygiene, food standards and animal feedingstuffs law enforcement service. The on-site element of the audit took place at the Authority's offices at Colwyn Bay, between 27 - 30 April 2004.
- 1.5 The audit assessed the Authority's conformance against The Standard, using audit protocols FSA/AP3/1 – FSA/AP21/1. The Standard was adopted by the Food Standards Agency Board on 21 September 2000, (amended 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 Conwy County Borough Council is a Welsh Unitary Authority, covering an area of approximately 1,130 square kilometres, 40% of which lies within the Snowdonia National Park in north west Wales.
- 1.7 The Authority's area includes 75 kilometres of coastline, along which most of the area's urbanised development lies, including the seaside towns of Llandudno, Conwy and Colwyn Bay.
- 1.8 The normal resident population totals around 109,765 of whom 82% live along the coastal strip, and 32% are Welsh speaking.

- 1.9 Summer visitors swell the population to almost a quarter of a million, serviced by numerous catering outlets, hotels, guesthouses, and other leisure facilities, many of which operate on a seasonal basis.
- 1.10 The area is also popular with retired people, and there is consequently a high number of registered care and nursing homes, which require frequent inspection.
- 1.11 The area includes mussel beds, and the Authority is involved with the monitoring of water and shellfish quality, issuing movement permits and other documentation, and enforcement at the local mussel purification plant.
- 1.12 The Conwy Valley and surrounding area is essentially agricultural in character, and in addition to tourism, employment includes agriculture and light manufacturing.
- 1.13 The Public Protection Department of the Authority's County Secretary's Directorate, located at the Civic Centre, Colwyn Bay, had responsibility for food and feedingstuffs law enforcement.
- 1.14 Officers in the Environmental Health Service were responsible for food hygiene and safety, and officers in the Trading Standards Service were responsible for food standards and feedingstuffs enforcement.
- 1.15 The Authority's Offices were open to the public from 08.45 to 17.15 Monday to Friday.
- 1.16 The Authority identified in its Service Plan that the following activity was proposed during 2004 – 2005.

| Premises Subject to Inspection | No. of Premises |
|---------------------------------------|------------------------|
| Food Hygiene Enforcement | 1828 |
| Food Standards Enforcement | 1474 |
| Registered Feedingstuffs Enforcement | 22 |

| Planned Enforcement Activity | No. of Actions |
|-------------------------------------|-----------------------|
| Food hygiene inspections | 1009 |
| Food standards inspections | 349 |
| Feedingstuffs inspections | 22 |

2 Executive Summary

- | | |
|-----|---|
| 2.1 | The Authority was carrying out its duties in relation to food sampling and the licensing of butchers' shops in a comprehensive and considered manner. It was noted that the Authority utilised the full range of formal enforcement actions in appropriate circumstances. |
| 2.2 | The operation of the Authority's database gave concern in that the total number of overdue inspections was not being taken into account when planning future work. A lack of activity by the Authority in relation to feedingstuffs and food standards manufacturing premises meant that significant elements of enforcement across the whole of the food chain was receiving insufficient attention. The Authority's authorisation procedures were also in need of review. |
| 2.3 | The Authority had recently introduced new procedures relating to its enforcement activities which when fully implemented will help to secure improvements in its service delivery. |

2.4 The Authority's Strengths

Food Sampling

Food hygiene sampling and food standards sampling at non-manufacturing premises had been conducted in accordance with the Authority's procedures. File records were well maintained and appropriate follow up action had been taken.

Licensing of Butchers' Shops

The licensing of butchers' shops was being carried out in a particularly comprehensive manner. Officers were completing standard forms, which systematically recorded business activities, food hygiene training, HACCP systems, and an assessment of compliance with relevant legislation.

2.5 The Authority's Key Areas for Improvement

Database

The auditors were concerned about the use and accuracy of the database. Inaccuracy affects the ability of the Authority to plan an effective work programme and to produce comprehensive performance monitoring information, and compromises the Authority's ability to supply appropriate statistics to central government.

Feedingstuffs Enforcement

There was little evidence that the Authority was undertaking appropriate feedingstuffs enforcement activity. Feedingstuffs registration declarations and approval applications need to be reviewed, a risk-based inspection programme implemented, appropriate inspections undertaken, and records maintained and updated.

Food Standards and Food Hygiene Inspection Frequency

The Authority was not carrying out food standards and food hygiene inspections at the minimum frequency required by Food Safety Act Codes of Practice Nos. 8 and 9. Inspections should be carried out at the specified minimum frequencies to ensure that any risks associated with the operation of food businesses are identified and addressed in a timely manner.

Food Standards Manufacturing Premises

The lack of food standards enforcement activity in manufacturing premises (including inspections and sampling) indicated that the Authority does not apply a risk based approach to enforcement at these premises. This also seriously affected the Authority's ability to discharge its responsibilities under the Home Authority Principle.

Internal Monitoring

The absence of effective internal monitoring has contributed to the inability to achieve the targets set out in the Authority's Food Service Delivery Plan. The Authority's internal systems did not highlight issues of non compliance with requirements of the Food Safety Act 1990, Codes of Practice and centrally issued guidance.

Authorisation of Officers

There were a number of concerns relating to the processes employed by the Authority in the authorisation of its officers. These were compounded by the lack of records to evidence the action taken.

Audit Findings

3 Organisation and Management

- 3.1 The Authority operated a Cabinet style of local government with a Constitution that included arrangements for delegating functions from the Executive to Officers. Under the Constitution, which had been reviewed and updated in October 2002, food law enforcement came within the portfolio of the Member for Community Safety and Regulation. The Constitution was available on the Authority's website.
- 3.2 The Food Safety Team had responsibility for discharging the Authority's food hygiene enforcement duties. The Trading Standards Team had responsibility for food standards and feedingstuffs enforcement. Both services were part of the Public Protection Department of the Authority's County Secretary's Directorate.
- 3.3 The Authority's corporate planning framework included the Corporate Improvement Plan entitled "Stepping Towards Success", which was produced and reviewed each year as part of the Wales Programme for Improvement.
- 3.4 The Authority's main priorities under the 2003 - 2004 Plan were to:
- Regenerate the economy of the area;
 - Provide the best start and continued support for all our community;
 - Meet the needs of the vulnerable in our community;
 - Make the area a safe, healthy and clean place to live;
 - Protect and enhance Conwy's heritage;
 - Raise housing standards, especially for those living in houses in multiple occupation.
- 3.5 The main priorities had been formulated within the framework of the Authority's Policy Agreement with the National Assembly for Wales, which identified a need for action to secure:

- Better opportunities for learning;
- A better, stronger economy;
- Better health and well-being;
- Better quality of life;
- Better simpler government.

3.6 The Improvement Plan also identified a need for the Authority to conduct a risk assessment to address its risk:

- Of failing to meet policy aims and objectives;
- Of failing to meet statutory obligations;
- Of under performance against standards, targets and consumer needs and expectations;
- Of inefficient deployment or use of resources;
- To reputation, standing and credibility;
- From a lack of information.

Information about this risk assessment was not provided at the time of audit and it was not therefore possible to determine whether the Authority had addressed the risks in terms of its food and feedingstuffs law enforcement responsibilities.

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

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

3.8 The Improvement Plan recorded that the Authority had conducted 97% of food hygiene inspections of high-risk premises that were due during

2002-2003 and 81% of inspections of other premises, against performance targets of 100%.

- 3.9 The performance target for planned food hygiene inspections of “other” food premises had been reduced to 50% in the 2003-2004 Improvement Plan. No reason was given for this planned reduction in performance, which appeared to be at variance with the requirements of Food Safety Act Code of Practice No.9.
- 3.10 The Authority had drawn up a Food and Feedingstuffs Enforcement Service Plan for 2003 - 2004 that generally met the requirements of the Service Planning Guidance in the Framework Agreement on Local Authority Food Law Enforcement. This was approved by Cabinet in May 2003. The Service Plan for 2004 - 2005 was in draft form and was to be submitted for Cabinet approval in May 2004.
- 3.11 The Plan did not, however, indicate how the Authority proposed to address some matters that had not been achieved during the previous year, e.g. overdue food hygiene inspections, feedingstuffs inspections and sampling.
- 3.12 The Plan also included Service Improvement Action Plans for the Food Safety and Trading Standards Teams that had been developed within the framework of the Authority’s Corporate Improvement Plan, the fourth objective of which was to “make the area a safe, healthy and clean place to live”.
- 3.13 The 2003 – 2004 Service Plan incorporated an annual report and review of food and feedingstuffs work in 2002 – 2003, and had been approved by the Authority’s Cabinet on 15 May 2003. The note of the meeting did not indicate whether Members had discussed the additional resources that had been identified as being required to deliver the agreed Service and Service Improvement Action Plans.
- 3.14 The Service Plans included tables of numbers of premises subject to food hygiene and food standards enforcement, their respective risk profiles, and planned inspection programmes. This gave a confusing picture of the Authority’s food law enforcement responsibilities and its planned inspection programmes. Reports produced during the audit did not clarify the situation.
- 3.15 The 2004 – 2005 Service Plan indicated that 5.6 FTE officers were available to deal with food hygiene enforcement against an estimated requirement of 5.5, although 1.5 FTE were expected to be on maternity leave for part of the year. The number of FTE officers available for food standards and feedingstuffs enforcement was not stated in the Service Plan, although the requirement was estimated at 1.7 FTE.

- 3.16 In pre-audit documentation, the Authority reported that 1.2 FTE officers dealt with food standards and feedingstuffs enforcement, a shortfall of 0.5 against the Service Plan estimate.
- 3.17 The overall level of expenditure involved in providing the food and feedingstuffs service, the trend of growth or reduction, and the detailed breakdown, as set out in the Framework Agreement, was not stated in the Service Plan.

Recommendations

- 3.18 The Authority should:
- (i) Ensure that the service delivery plan satisfies all of the criteria set out in the Service Planning Guidance in Chapter 1 of The Framework Agreement. [The Standard – 3.1]
 - (ii) Address all variances in meeting the service delivery plan in the service arrangements for the following year. [The Standard – 3.3]

4 Review and Updating of Documented Policies and Procedures

- 4.1 The Authority had not completed the documentation of its policies and procedures for all the enforcement activities covered by the Standard. A number of documented procedures had only recently been drafted and had not been fully implemented.
- 4.2 Those policies and procedures that had been in effect for some time had not all been reviewed at regular intervals. For example, the documented policy and guidance on the authorisation of food law enforcement officers had not been updated to take account of changes to the Authority's Constitution that had come into effect in October 2002.
- 4.3 The Authority was operating a control system for its documentation and officers had access to current versions of legislation and centrally issued guidance.

Recommendation

- 4.4 The Authority should:

Ensure that all documented policies and procedures for the enforcement activities covered by The Standard are reviewed at appropriate intervals, and whenever there are changes to legislation or centrally issued guidance. [The Standard – 4.1]

5 Authorised Officers

- 5.1 The Authority's schedule of officer delegations gave the Chief Executive, Corporate Directors, and all Chief Officers and Heads of Service delegated power to appoint the Authority's Inspectors and Proper Officers.
- 5.2 The County Secretary and the Chief Environmental Regulation Officer had the necessary delegated powers under the Constitution to appoint Authorised Officers and Inspectors under the Agriculture Act 1970 and the Food Safety Act 1990 respectively. They had signed the officer authorisation documents that were seen.
- 5.3 The Authority had a documented "Policy and Guidance on the Authorisation of Food Law Enforcement Officers" that applied to the authorisation of officers under The Food Safety Act 1990, although it had not been updated to incorporate changes to the Authority's Constitution that had been implemented since 1998.
- 5.4 The documented procedure stated that:
- Officers' qualifications, experience and competence would be assessed against the criteria in Food Safety Act Code of Practice No.19;
 - Officers would not be appointed if they did not meet the standards that were required, which were detailed in a set of Competency Matrices that were included in the procedure;
 - Officers would have to produce qualification certificates before appointments were confirmed.
- 5.5 A Competency Matrix listed officers whose qualifications, experience and competence had been assessed and the level of authorisation that each officer had been granted. The Competency Matrix did not include officers who had been authorised but were no longer enforcing food law, either because they had moved to other duties or were no longer employed by the Authority. One officer who was authorised was not listed on the Competency Matrix.
- 5.6 The documented procedure indicated how the structured training and competence requirements of Food Safety Act Codes of Practice relating to the appointment and authorisation of new officers would be addressed and assessed. However, there were no records relating to

the competence assessment or structured training of newly appointed staff.

- 5.7 The Authority was unable to produce copies of qualification certificates for two officers who had been appointed as Authorised Officers under the Food Safety Act.
- 5.8 There were no qualification or training records for officers or contractors who had been working as Authorised Officers during the period leading up to the audit but were no longer working for the Authority.
- 5.9 One officer, who had been appointed as an Authorised Officer, did not appear to have the necessary qualifications for the officer's level of authorisation. The Authority believed that the officer had an equivalent qualification, as provided for in the Code of Practice, but had not sought appropriate confirmation prior to issuing the authorisation.
- 5.10 The Food Safety Enforcement Policy dated January 2000 also dealt with the authorisation of officers. It stated:
- All Food Enforcement Officers shall be authorised in writing.
 - In authorising officers to take enforcement action under the Food Safety Act 1990 regard shall be given to qualification and experience of officers and in particular to relevant statutory Codes of Practice.
- 5.11 The Food Safety Enforcement Policy also stated that: "All food enforcement officers shall be authorised to seize and detain foods." which did not take account of the qualification and experience requirements of Code of Practice No.19.
- 5.12 Authorised officers had all been issued with authorisation documents confirming their appointments. Authorisation cards issued to members of the Food Safety Team indicated the extent of each officer's authority. Documents issued to Trading Standards staff were non-specific "blanket" authorisations resulting in officers who did not enforce food law nonetheless having authorisation to do so.

- 5.13 It was noted that officers had not been specifically authorised to act under Regulations made under the European Communities Act 1972 in relation to products of animal origin, including imported food and animal by-products etc.
- 5.14 Some officers had authorisation documents that were out of date because they had not been updated to reflect the fact that the officers had ceased to enforce food law.
- 5.15 Lead officers had been appointed who had responsibility for the enforcement of food hygiene, food standards and feedingstuffs legislation.
- 5.16 An audit of inspection and other records showed that some officers had acted outside the scope of their authorisations.
- 5.17 The Authority had a corporate Development and Review Scheme, and the Public Protection Department had achieved Investors in People accreditation. Staff training issues were also contained within the departmental "Competence Awareness and Training Procedure" and the "Policy and Guidance on the Authorisation of Food Law Enforcement Officers".
- 5.18 The Policy and Guidance on the Authorisation of Food Law Enforcement Officers stated that "all officers will receive a minimum of 10 hours per year structured on-going training as identified, monitored and recorded through the corporate Investors in People procedures".
- 5.19 It was noted, however, that some members of the Food Safety and Trading Standards Teams had not received the required amount of training, and that Food Safety Team records did not satisfy the requirements of the IIP procedure in that they were incomplete.
- 5.20 There was no evidence that officers had received any specific training in the Police and Criminal Evidence Act (PACE), the Regulation of Investigatory Powers Act (RIPA), or the Criminal Procedures and Investigations Act. The 2004 - 2005 Training Programme for Food Safety Officers did, however, focus on PACE, RIPA, the Authority's Enforcement Policy, and preparing cases for prosecution. There was no documented training programme for the Trading Standards Team.
- 5.21 Records of training that had been undertaken were generally well maintained, although they did not always include the course content

and objectives, or the duration and assessment of training that had been undertaken.

- 5.22 The 2002 - 2003 Service Plan review indicated that additional staff resources would be required in order to enable the service to deliver food and feedingstuffs law enforcement at the level agreed by the Authority's Cabinet on 15 May 2003 when it adopted the 2003 - 2004 Service Plan.

Recommendations

5.23 The Authority should:

- (i) Revise, maintain and implement the documented procedure for the authorisation of officers based on their competence and in accordance with the relevant Food Safety Act Code of Practice. [The Standard – 5.1]
- (ii) Ensure it has appointed a sufficient number of authorised officers to fulfil the programme set out in its service delivery plan, and that officers have suitable qualifications, training, and experience consistent with their authorisation and duties in accordance with the relevant Food Safety Act Code of Practice. [The Standard – 5.3]
- (iii) Set up, maintain and implement a documented training programme to include aspects of the work in which its officers are involved. Where training is provided, details of the content and objectives of the course, the duration and any assessment of training should be maintained on file. [The Standard – 5.4]
- (iv) Ensure that records of relevant academic or other qualifications, training and experience of each authorised officer and appropriate support staff are maintained in accordance with the relevant Food Safety Act Code of Practice. [The Standard – 5.5]

6 Facilities and Equipment

- 6.1 The Authority had made available the necessary facilities and equipment to permit all activities associated with the service to be carried out.
- 6.2 A contents log was used to record details of all food items retained in the refrigerator for evidential purposes. However, there were discrepancies between the details on the log and the contents of the refrigerator.
- 6.3 A documented procedure for equipment maintenance and calibration had been set up to ensure that equipment was properly maintained, calibrated, and removed from service when found to be defective.
- 6.4 The documented procedure had only recently been brought into effect at the time of audit and it was therefore not possible to determine whether it was effective. It was noted that the procedure did not specify the frequency or method for in-house checks of temperature monitoring equipment used for enforcement purposes, or acceptable tolerances.
- 6.5 The only calibration record that was available was for the reference thermometer.
- 6.6 The premises database was considered to be generally capable of providing the information required by the Food Standards Agency. However, the audit identified deficiencies in the way in which the system was operated that affected the Authority's ability to supply the Food Standards Agency with the information it required.
- 6.7 System administrators had received training in the use of the integral database reporting facility. The Authority received additional support from the software supplier to produce management and performance reports and analyses as required.
- 6.8 Daily, weekly and monthly backup copies of the database were taken by the corporate Information Systems Team and stored at remote locations in locked, fireproof storage facilities.

Recommendations

6.9 The Authority should:

- (i) Review its procedure for equipment maintenance and calibration to ensure that it includes details of the frequency and method for in-house checks. [The Standard – 6.2]
- (ii) Record relevant information relating to calibration and checks carried out on equipment. [The Standard – 6.3]
- (iii) Ensure that the computer software system is operated in such a way so that it is able to provide required information to the Agency. [The Standard – 6.4]

7 Food and Feedingstuffs Premises Inspections

Food Hygiene

- 7.1 The Authority's Food Law Service Plan for 2004 – 2005 stated that 1828 food businesses in its area were subject to food hygiene inspections. However, the total appeared to be 1784 elsewhere in this Service Plan. The risk-rating profile was as follows:

| Risk Category | No of premises | Primary Inspections Required by the section by 31/03/2005 |
|---|----------------|---|
| A | 9 | 9 |
| B | 159 | 159 |
| C | 924 | 607 |
| D | 292 | 206 |
| E | 248 | 0 |
| F | 91 | 0 |
| New premises / premises without a risk assessment | 28 | 28 |
| Childminders | 77 | |
| Totals | 1828 | 1009 |

- 7.2 The Authority had a documented procedure for food hygiene inspections that had not been reviewed since January 1999. The procedure sought to ensure the safe production, transportation, storage and retail sale of food and to prevent the spread of foodborne infection. It indicated that food hygiene inspections would be carried out at the frequency determined by the risk-rating scheme set out in Food Safety Act Code of Practice No.9.
- 7.3 The Service Plan stated that the Food Standards Agency had allocated additional funds and that this had enabled the Authority to clear a backlog of overdue inspections of premises in risk categories A-C. A report produced during the audit revealed, however, that food hygiene inspections of 157 food businesses were overdue, of which 40 were in risk categories A-C.
- 7.4 An examination of 17 inspection histories of food businesses that had been inspected in the year prior to the audit confirmed that all 10 general premises and all 7 Approved Premises had been inspected at the correct frequency.
- 7.5 The documented food hygiene inspection procedure included a food hygiene inspection checklist and a set of standard letters, but did not specifically cover the inspection of premises subject to product-specific hygiene regulations. There were, however, standard forms for the inspection of the mussel purification centre and premises subject to

dairy product hygiene regulations, and a hazard analysis self-assessment form for food businesses.

- 7.6 A standard food hygiene inspection report summary was left with the proprietor at the conclusion of an inspection. These forms included all the information required by Food Safety Act Code of Practice No.9.
- 7.7 There was a documented procedure for the inspection and licensing of butchers' shops. A number of standard forms were in use that covered all aspects of the application, inspection, assessment, and determination of the application. The Authority had issued 30 butchers' shops licences.
- 7.8 An examination of 10 files relating to licensed butchers' shops revealed that records were comprehensive and very well maintained. Officers had completed inspection and assessment forms diligently, and records were of an extremely high standard.
- 7.9 Officers had generally conducted food hygiene inspections in accordance with their levels of authorisation, although the level of authorisation did not match the qualifications of one officer.
- 7.10 Inspection notes and other inspection data that had been recorded by officers at the time of inspection were legible and retrievable.

Recommendations

- 7.11 The Authority should:
- (i) Ensure that food hygiene inspections are undertaken at the frequency determined by Food Safety Act Code of Practice No. 9. [The Standard – 7.1]
 - (ii) Set up and implement documented inspection procedures for Approved Premises and ensure that all documented inspection procedures are maintained. [The Standard – 7.4]

Food Standards

- 7.12 The Service Plan for 2004 - 2005 indicated in one table that 1703 food businesses in the Authority's area were subject to food standards inspections, although another table gave the total as 1474. The risk-rating profile and inspection programme was as follows:

| Risk Category | No of premises | Primary Inspections required by the section by 31/03/2004 |
|----------------------|-----------------------|--|
| High | 44 | 44 |
| Medium | 510 | 255 |
| Low | | 40 |
| Unrated | 10 | 10 |
| Totals | 1474 | 349 |

- 7.13 The Authority had set up a documented procedure and produced an inspection form for use by officers when conducting food standards inspections. A copy of the food standards inspection report was left with the proprietor at the conclusion of an inspection. These forms included all the information required by Food Safety Act Code of Practice No.8.
- 7.14 The 2003–2004 Service Plan stated that in January 2001 approximately 1000 premises in the Authority's area had not received a food standards inspection, and that by March 2003 this had been reduced to some 200 premises. However, a report produced during the audit revealed that food standards inspections of 363 food businesses were overdue, of which 22 had been rated as high risk and 153 were medium risk.
- 7.15 Food standards inspections of some manufacturers and other businesses for which the Authority acted as Home or Originating Authority had not been conducted on a risk-based approach, leaving the Authority unable to respond effectively to Home Authority referrals from other authorities.
- 7.16 The Authority had not been carrying out food standards inspections at the minimum frequency required by Food Safety Act Code of Practice No.8.
- 7.17 Food standards inspection histories of 6 food businesses that had been inspected in the year prior to the audit indicated that recent inspections had been conducted at the required frequency. However, historical records were frequently incomplete and it was not therefore possible to determine the scope of some inspections that had been carried out.

- 7.18 Inspection notes and other inspection data that had been recorded by officers at the time of inspection were nonetheless generally legible and retrievable, apart from the inspecting officer's name which was illegible in a number of cases.

Recommendation

- 7.19 The Authority should:

Ensure that food standards inspections are undertaken at the frequency determined by Food Safety Act Code of Practice No.8. [The Standard – 7.1]

Feedingstuffs

- 7.20 The 2004 - 2005 Service Plan stated that the Authority intended to undertake one visit per year to all premises that had been registered under the Feedingstuffs (Establishments and Intermediaries) Regulations 1998. There were 22 registered premises.
- 7.21 The Authority had set up a documented feedingstuffs inspection procedure. However, there was no evidence of an active feedingstuffs premises inspection programme.
- 7.22 The Authority was not addressing its feedingstuffs enforcement responsibilities.

Recommendation

- 7.23 The Authority should:

Ensure that feedingstuffs premises inspections are undertaken in accordance with its policies and procedures and with centrally issued guidance. [The Standard – 7.1]

8 Food, Feedingstuffs and Food Premises Complaints

- 8.1 The Authority had set up a documented policy relating to food, feedingstuffs and food premises complaints, and a procedure relating to food complaints. There was no documented procedure that applied to feedingstuffs complaints.
- 8.2 The records of 11 food hygiene complaints and 7 food standards complaints were examined. Two of the complaints had been mis-reported as being food hygiene complaints.
- 8.3 Food standards complaint records generally indicated that appropriate investigations had been undertaken, that action had been taken within relevant time scales, and that Home Authorities had been contacted when appropriate. In some cases, however, there was no evidence that complainants had been informed of the outcome at the conclusion of the investigation.
- 8.4 Records of food hygiene complaints were generally sufficient to determine that an appropriate investigation had been carried out in accordance with the Authority's documented procedure, the enforcement policy, and relevant time scales. In one case, however, there was no evidence that the complainant had been informed of the outcome at the conclusion of the investigation.
- 8.5 There was no record that the Authority had received any recent complaints relating to feedingstuffs.

Recommendation

- 8.6 The Authority should:
- Set up and maintain a documented procedure for dealing with feedingstuffs complaints and ensure that documented procedures are fully implemented. [The Standard – 8.1]

9 Home Authority Principle

- 9.1 Although the Authority had not formally adopted the principle, the Food and Feedingstuffs Enforcement Service Plan stated that the Authority was “committed to complying with the LACORS Home Authority Principle” and would “seek to establish formal Home Authority arrangements with all relevant businesses”.
- 9.2 Documented procedures confirmed that contact with Home and Originating Authorities was an integral part of the Authority’s enforcement approach.
- 9.3 The Authority had established one formal Home Authority agreement, although the business concerned had recently ceased trading. The Service Plan stated that Authority acted as Home Authority for 4 food businesses and Originating Authority for 7 others. The Authority also advised the North Wales Police on food issues.
- 9.4 Reports produced during the audit showed that the Authority acted as Home Authority for 3 businesses for food hygiene matters, and 4 businesses for food standards matters.
- 9.5 The online LACORS Home Authority database did not include any entries for Conwy County Borough Council. Officers had Internet access and could use the database to identify Home and Originating Authorities for businesses outside the Authority’s area, and relevant contacts in other local authorities.
- 9.6 Records demonstrated that the Authority appeared to implement the Home Authority Principle effectively in relation to food hygiene matters, and responded appropriately to requests for information from other authorities.
- 9.7 However, in relation to food standards matters, it was noted that of the 4 food manufacturers for which the Authority stated that it acted as Home Authority, 2 had not been inspected since 1999, and 2 appeared never to have been inspected.
- 9.8 It was also noted that a Home Authority referral from another local authority in relation to an unsatisfactory food standards sample appeared not to have been actioned.
- 9.9 Food standards sampling activity at businesses for which the Authority acted as Home Authority was minimal.

Recommendation

9.10 The Authority should:

Provide advice on food standards matters to businesses on legal compliance where they act as Home and/or Originating Authority.
[The Standard – 9.1]

10 Advice to Business

- 10.1 The Authority was active in helping local businesses comply with the law in that a number of initiatives had been, or were being undertaken. These included:
- Comprehensive food hygiene guidance notes focussed on specific local food business sectors;
 - A wide range of non manufacturing trader information notes on food labelling, compositional, and marketing standards issues;
 - Provision of HACCP information and guidance information packs sent to all businesses except childminders and chemists;
 - Providing advice and guidance to new businesses;
 - Ongoing input into development and improvement of the local mussel industry.
- 10.2 There was evidence that advice was routinely given on request and during the course of inspections.
- 10.3 The Authority had also set up and implemented a customer feedback procedure for food hygiene inspections that would help to inform its food hygiene service planning process, and help to shape, focus, and improve its service in the future.

11 Food and Feedingstuffs Premises Database

- 11.1 The Authority had set up an electronic data management and information system for the Public Protection Department that held details of the food and feedingstuffs premises in its area.
- 11.2 A documented procedure set out the requirements for the creation and amendment of premises records on the database. Requests were recorded on a standard form and passed to the Office Manager for action.
- 11.3 There was also a set of Food Safety Input Notes, designed to ensure that appropriate codes were entered into the database to record food hygiene enforcement activities.
- 11.4 The System Administrator had responsibility for creating database user accounts and passwords, and setting user security levels.
- 11.5 A number of database reports were requested during the course of the audit in order to check the operation of the database and data accuracy. These reports included overdue food hygiene inspections, overdue food standards inspections, infectious disease outbreaks and sporadic cases, and part of the Authority's quarterly monitoring return to the Food Standards Agency.
- 11.6 These reports raised a number of concerns about the operation of the database and the accuracy of the data recorded. These included:
- Food standards inspection intervals not matching those in Food Safety Act Code of Practice No.8;
 - Food hygiene inspection intervals not matching those in Food Safety Act Code of Practice No.9;
 - Food standards and food hygiene next inspection due dates before dates of last inspections;
 - Food standards and food hygiene premises records with a risk rating but no last and/or next inspection date;
 - Food standards and food hygiene re-visits not recorded;
 - Food complaint and infectious disease records mis-coded;
 - FSA quarterly monitoring return data inconsistencies

- 11.7 It was revealed during the course of the audit that a number of food hygiene next inspection dates that had been automatically calculated by the database had subsequently been altered manually. Whilst it is acknowledged that this procedure was implemented to overcome difficulties in relation to seasonal premises it nevertheless resulted in an incomplete assessment of the number of overdue inspections at any one time.
- 11.8 Twelve food premises in the Authority's area were selected at random from the local business directory. Of these eleven had been entered onto the database and included in the relevant inspection programme.

Recommendations

- 11.9 The Authority should:
- (i) Maintain the database of food and feedingstuffs premises in its area. [The Standard – 11.1]
 - (ii) Conduct a comprehensive review of the database to identify defects in its operation and in the accuracy of data and implement corrective action. [The Standard – 11.2]

12 Food and Feedingstuffs Inspection and Sampling

- 12.1 The Authority's "Food Safety and Trading Standards Enforcement Policy Statement" and "Public Protection Enforcement Policy" listed detention, seizure and informal action as enforcement options that could be used by Authorised Officers in appropriate circumstances.
- 12.2 Food hygiene and standards sampling had been conducted in accordance with the Authority's procedures. File records were well maintained and appropriate follow up action had been taken.
- 12.3 The Authority had an annual Food Safety Sampling Plan and a 5-year Sampling Programme for food standards. There was no sampling plan or programme for feedingstuffs. The 2003 - 2004 Service Plan stated that the Authority would take 10 feedingstuffs samples during the year although this had been reduced to 5 samples in the 2004 - 2005 Service Plan.
- 12.4 There was evidence of a range of sampling activity targeted at a variety of locally produced and manufactured products and active participation in co-ordinated regional and national surveys. It was noted that some food standards samples had not been taken in accordance with the 5-year programme. This was because the programme focussed on the composition of meat products, which were affected by significant legislative changes during the year.
- 12.5 A report produced by the Authority as part of the pre-audit documentation listed a total of 242 food safety samples and 124 food standards samples that had been taken in the six months prior to the audit.
- 12.6 Laboratories used by the Authority for the examination and analysis of food and feedingstuffs samples had been properly accredited and were on the list of Official Laboratories that the UK Government had notified to the European Commission.
- 12.7 The Authority had updated its Agricultural Analyst and Deputy appointments in March 2004. However, the Authority stated that it had appointed a company as its Public Analyst rather than an individual who had the appropriate qualification.

Food Hygiene

- 12.8 The Service Plan set out the criteria that would be used to devise the annual food safety sampling programme. These included where there was a statutory duty to sample, LACORS exercises, local needs, and the all-Wales shopping basket survey. Samples would be taken from:
- Businesses approved under product-specific hygiene Regulations;
 - Premises where “confidence in management” was little or none;
 - New businesses;
 - Businesses with poor food handling practices;
 - Local mussel beds.
- 12.9 The Authority planned to take 492 food hygiene samples during 2004 - 2005. The number of samples that had been taken appeared to be on target.
- 12.10 Records of ten food hygiene samples were examined. All samples had been taken in accordance with the sampling programme, including participation in local, regional and national co-ordinated programmes.
- 12.11 Records showed that food hygiene samples had been dealt with comprehensively and records were extremely well maintained. Follow-up letters to businesses had been sent in all cases, and unsatisfactory results had been followed-up with appropriate advice, additional inspections, and further sampling.
- 12.12 There was an extensive sampling programme connected with the local mussel beds and mussel harvesting industry, including water quality and other sampling, to enable classification.

Food Standards

- 12.13 The Service Plan set out the basis on which the Authority's planned food standards sampling programme for 2004 - 2005 had been drawn-up. The programme entailed taking a total of 275 samples per annum, based on a 2.5 samples per 100 population formula, comprising a mix of locally produced food sampled according to a risk assessment, and other foods making up the balance.
- 12.14 The number of samples taken was on target.
- 12.15 Records of ten food standards samples from retail and catering premises were examined, two of which had been taken as formal samples. Records showed that food standards samples had been dealt with appropriately and records were well maintained. Follow-up letters to businesses had been sent in all cases, and unsatisfactory results had been followed-up.
- 12.16 There was no evidence of sampling activity at the large manufacturing premises which the auditors were advised came within the scope of the Home Authority principle.

Recommendations

- 12.17 The Authority should:
- (i) Ensure that in setting up, maintaining and implementing its food standards sampling programme due regard is had to the nature of all food establishments in the area. [The Standard – 12.3]
 - (ii) Review and update its Public Analyst appointment taking account of all relevant legal requirements of the Food Safety Act 1990 and associated Codes of Practice. [The Standard – 12.7]

Feedingstuffs

- 12.18 There was no evidence that the Authority had taken any feedingstuffs samples during 2003-2004.

Recommendation

- 12.19 The Authority should:

Ensure that feedingstuffs are sampled in accordance with the Authority's feedingstuffs sampling programme, as specified in the Service Plan. [The Standard – 12.5]

13 Control and Investigation of Outbreaks and Food Related Infectious Disease

- 13.1 The Authority and other stakeholders had jointly set up a documented procedure entitled "Arrangements for the Management of an Outbreak of Foodborne Illness" (the OCP).
- 13.2 The OCP indicated that it would be reviewed "biennially", although the copy provided with pre-audit documentation was undated and contained information that had been out-of-date for some time. The document needed to be reviewed and updated.
- 13.3 The Authority reported that there had been 46 outbreaks of food related infection in the area in the 2 years prior to the audit. A large proportion had been outbreaks of viral gastro-enteritis in hotels and residential homes with no apparent link to food.
- 13.4 The Authority had issued comprehensive guidance on preventing and dealing with such outbreaks to all hotels in the area in 2002. There was evidence of close co-operation between hoteliers and the Authority, and the total number of all outbreaks had subsequently reduced to 8 in 2003 - 2004.
- 13.5 Of the remainder of the recorded outbreaks in the 2-year period, a number appeared to have been mis-coded on the database and did not appear to be outbreaks of illness.
- 13.6 Outbreak control teams had not generally been convened and reasons had not been documented, although there was nonetheless evidence of close co-operation between all concerned in the management and control of such outbreaks. It was not clear in some cases whether an outbreak had been declared, or whether appropriate procedures in the OCP had been followed.
- 13.7 Two files relating to outbreaks of food poisoning were examined. Both had been investigated competently and comprehensively, appropriate investigations had been undertaken and samples had been taken.
- 13.8 The Authority had also set up a separate documented procedure for the "Investigation and Control of Food Poisoning Cases", dated January 1999, that dealt with sporadic cases of food poisoning, and a "Protocol for Dealing with Outbreaks of Viral Gastro-enteritis".
- 13.9 Ten investigations of sporadic case notifications were examined, all of which had received an initial response within an appropriate time, as specified in the documented procedure. However, although it appeared that thorough investigations had been conducted in most cases, some

records lacked detail because investigation forms had not been fully completed. Records were traditionally kept a period of 5 years. This had recently been amended to 6 years.

Recommendations

13.10 The Authority should:

- (i) Ensure that its documented procedures are regularly reviewed and updated if necessary, in association with other stakeholders.
[The Standard – 13.1]
- (ii) Ensure that its documented procedure for dealing with sporadic cases of food-related infection is fully implemented by officers when conducting investigations and appropriate records kept.
[The Standard – 13.2]

14 Food Safety Incidents

- 14.1 The Authority had a documented "Food Hazard Warning and Food Safety Incident Procedure" dated August 2002 that set out the Food Safety Section's arrangements for responding to Food Hazard Warnings (FHWs) issued by the Food Standards Agency (FSA) and for notifying the FSA of relevant food incidents that were identified within the Authority's area.
- 14.2 The procedure did not indicate how the Authority would ensure a timely response to incidents that occurred outside the Department's normal working hours, or how relevant managers in the Food and Trading Standards Sections would liaise to determine an appropriate response to a FHW.
- 14.3 There was no equivalent documented procedure that applied to the Trading Standards Section.
- 14.4 The Authority had a computer system that was capable of receiving FHWs, and the documented procedure confirmed that FHWs were received from the Food Standards Agency by this method.
- 14.5 An examination of the Authority's records of FHWs issued in the 18 months prior to the audit demonstrated that all had been received and appropriately actioned in accordance with Food Standards Agency advice. Responses and outcomes had been documented, and local publicity had been issued in appropriate cases.

Recommendations

- 14.6 The Authority should:
- (i) Document the Trading Standards Section's arrangements for dealing with FHWs and for notifying the FSA of relevant food incidents that occur within the Authority's area. [The Standard – 14.1]
 - (ii) Ensure that its documented procedures for responding to FHWs received from the FSA includes arrangements for ensuring appropriate liaison between relevant managers, and for ensuring that FHWs received outside normal working hours receive an appropriate and timely response. [The Standard – 14.1]

15 Enforcement

- 15.1 The Authority had set up a documented Enforcement Policy for the Public Protection Department that was based on the guiding principles of consistency, fairness, proportionality, transparency and objectivity, in line with the Enforcement Concordat. The Authority's Policy and Resources Committee had formally adopted the Enforcement Concordat on 5th May 1998.
- 15.2 The Public Protection Committee had adopted the Public Protection Enforcement Policy on 27th September 1999.
- 15.3 The Authority's Community Safety and Regulation Committee had also agreed to adopt a Food Safety and Standards Enforcement Policy Statement in June 2002. This was available to the public and businesses in the area in booklet format from civic offices.
- 15.4 There was also a Food Safety Enforcement Policy document dated January 2000 that did not appear to have been adopted by the relevant Local Authority Member forum. The Public Protection Department appeared to have 3 separate, and in places contradictory, Enforcement Policies.

Food Hygiene

- 15.5 The Authority reported in pre-audit documentation that it had undertaken the following enforcement action in relation to food hygiene matters in the 2 years preceding the audit:
- 2 Prosecutions;
 - 2 formal cautions;
 - 2 Emergency Prohibition Notices;
 - 6 voluntary closures of food premises;
 - 23 Improvement Notices;
 - 2 seizures of food;
 - 4 voluntary surrenders of food.
- 15.6 Records of 2 food hygiene prosecutions, 2 formal cautions, 2 Emergency Prohibition Notices, 5 voluntary closures, 10 Improvement Notices, 2 food seizures, and 3 voluntary surrenders of food, were examined and checked against official guidance, the Authority's enforcement policy documents, and the Authority's other documented procedures.
- 15.7 It was apparent that a wide range of food hygiene enforcement options had been used routinely within the Authority.

- 15.8 There was no documented procedure for the preparation of food hygiene cases for formal caution or prosecution, and there was little consistency in the documentation on file. There was also no documentary evidence that the requirements of the Criminal Procedures and Investigations Act had been considered.
- 15.9 The Corporate Director - Performance (CDP) and the Chief Legal Officer had general delegated power to institute legal proceedings on behalf of the Authority, but it was not evident from documentation on file in one case whether the CDP had authorised the prosecution.
- 15.10 There was no evidence on file that the Enforcement Policy had been considered in either of the two formal cautions that were examined or in one of the food hygiene prosecutions.
- 15.11 Prosecutions and formal cautions had been undertaken without undue delay, and under the correct legislation, although there did not appear to be any delegated power under the Authority's Constitution for officers to issue Formal Cautions in relation to food hygiene matters.
- 15.12 Senior Food Safety Officers had signed the formal cautions.
- 15.13 Emergency Prohibition Notices had been served in appropriate circumstances and applications for Emergency Prohibition Orders made to the Court within the statutory period. Orders had been lifted promptly, once the matters requiring attention had been addressed, although it was unclear from documentation on file whether conditions at the premises had been monitored whilst notices or orders were in force.
- 15.14 Improvement Notices had been served in appropriate circumstances by correctly authorised officers, although in two cases copies on file had not been signed or dated. It was not possible to determine whether there had been appropriate follow-up in five of the ten notices checked.
- 15.15 Records of five food premises that had offered to close voluntarily indicated that closure was an appropriate course of action in each case. It was noted, however, that closure agreements had not been confirmed in writing with the proprietors of the businesses concerned in three cases, although the matters requiring attention in these three cases had been remedied in a short period.

- 15.16 In the two cases where food had been formally seized, records indicated that statutory procedures had been followed and action taken within relevant time scales.
- 15.17 Records of 3 voluntary surrenders of food were examined and appropriately worded certificates had been issued in one case. No certificate had been issued in the second case, and there was no record of the means of disposal in the third case.

Food Standards

- 15.18 The Authority reported in pre-audit documentation that it had undertaken the following enforcement action in relation to food standards matters in the 2 years preceding the audit:
- 1 Prosecution;
 - 1 formal caution.
- 15.19 There was no documented procedure for the preparation of food standards cases for formal caution or prosecution, although the use of standard forms facilitated consistency. There was no documentary evidence that the requirements of the Criminal Procedures and Investigations Act had been considered.
- 15.20 The Corporate Director - Performance (CDP) and the Chief Legal Officer had general delegated power to institute legal proceedings on behalf of the Authority.
- 15.21 The CDP also had specific delegation under the Officer Delegations Scheme in relation to Trading Standards prosecutions and formal cautions (but not in relation to Environmental Health). The Constitution enabled the CDP to “sub-delegate” his powers to other officers of the Authority, and this had been exercised to sub-delegate to the Chief Environmental Regulation Officer (CERO).
- 15.22 There was evidence on file that the Enforcement Policy had been considered in relation to the food standards formal caution and the food standards prosecution, both of which had been authorised by the CERO under the correct legislation, and undertaken without delay.
- 15.23 The Trading Standards Manager had signed the formal caution.

Feedingstuffs

15.24 There had been no formal enforcement action in relation to feedingstuffs in the 2 years preceding the audit.

Recommendation

15.25 The Authority should:

Ensure that all decisions on enforcement action are made following consideration of its Enforcement Policy. The reasons for any departure from the criteria set out in the Enforcement Policy should be documented. [The Standard – 15.3]

16 Records and Inspection Reports

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

Food Hygiene

- 16.3 Food hygiene inspection records of premises that were subject to the general food hygiene regulations, including licensed butchers, were generally comprehensive and well maintained, and included copies of inspection reports, application forms, licences and registrations.
- 16.4 Recent inspection records of premises subject to product-specific food hygiene regulations were comprehensive and well maintained, and the use of inspection aide memoire ensured that information was recorded in a consistent format. Some key documents relating to earlier inspections and original approvals were not on file.
- 16.5 Post-inspection correspondence generally reflected the requirements of Food Safety Act Codes of Practice and centrally issued guidance, although some letters relating to premises subject to product-specific hygiene regulations referred to inappropriate legislation in headings. Letters and reports had generally been sent within a reasonable time after the inspection.
- 16.6 Records relating to food safety samples and food seizures were comprehensive and well maintained.

Food Standards

- 16.7 Older records relating to food standards inspections were generally insufficient to determine whether appropriate inspections had been carried out, although records of more recent inspections gave a more complete picture.
- 16.8 Food Standards inspection forms had only been partially completed in a number of cases that had been recorded about non-manufacturing food businesses which meant that the information was generally

insufficient to meet the requirements of Food Safety Act Code of Practice No.8.

- 16.9 Records of food standards samples from non-manufacturing and smaller manufacturers were comprehensive and well maintained.

Feedingstuffs

- 16.10 The Authority had not carried out any feedingstuffs premises inspections or sampling in the 2 years prior to the audit.

Recommendation

- 16.11 The Authority should:

Ensure that food standards and feedingstuffs premises records include reports of all inspections and visits, assessments of compliance with legal requirements, risk-rating assessments, results of samples and details of follow-up, details of complaints, informal and formal action, copies of applications and decisions relating to registration, and approval, and copies of all certificates and correspondence.

[The Standard – 16.1]

17 Complaints about the Service

- 17.1 The Authority had established a corporate comment and complaints scheme entitled "Conwy Contact" that enabled members of the community and others affected by the services the Authority provided and the way it provided them, to make their views known. This procedure was made available in leaflet format from civic buildings.
- 17.2 There had been no formal complaints against either the Environmental Health Service or the Trading Standards Service in relation to food or feedingstuffs law enforcement in the two years preceding the audit.

18 Liaison with Other Organisations

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

- North Wales Food Group;
- North Wales Quality and Metrology Panel;
- Food and Agricultural Standards Group for Wales.

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

18.3 Minutes of other relevant groups were received and circulated to staff. These included:

- Welsh Food Microbiological Forum;
- Food Safety Technical Panel;
- Communicable Disease Technical Panel.

18.4 The Authority also had active liaison arrangements with:

- Conwy Mussel Development Group;
- Food Standards Agency HACCP initiative;
- Other local authorities;
- The Health Authority and successor bodies;
- Local colleges and other training providers;
- LACORS.

19 Internal Monitoring

- 19.1 The Authority had not set up any documented internal monitoring procedures in accordance with Food Safety Act Codes of Practice and centrally issued guidance.
- 19.2 It was evident that the lack of effective monitoring had resulted in service managers being unaware of performance, database, and other issues that were identified during the course of the audit.
- 19.3 There was evidence that some quantitative and qualitative internal monitoring was taking place in relation to food hygiene enforcement. This included:
- Monthly activity reports
 - Customer feedback;
 - Regular Team meetings;
 - File and document checks;
 - Monthly personal review meetings with each officer;
 - Review of letters and notices;
 - Internal training.
- 19.4 Food Safety Team meetings took place regularly, and minutes showed that discussion covered a range of food enforcement, consistency and other relevant issues. It was noted, however, that some members of the team did not appear to have attended for some time.
- 19.5 Trading Standards Team meetings took place at frequent intervals, although minutes recorded little in the way of discussion of food and feedingstuffs enforcement and consistency issues.
- 19.6 The Public Protection Department held Investors' in People (IIP) accreditation and had developed a performance and appraisal system that applied to all staff employed in the Department. The Food Safety section were not using the IIP designated forms to request training but were maintaining records of officer appraisals.
- 19.7 Evidence showed that the IIP appraisal and development system was being implemented, although training records were insufficient to demonstrate that all relevant staff were receiving the 10 hours continuing development food enforcement training required by Food Safety Act Codes of Practice.

Recommendations

19.8 The Authority should:

- (i) Set up, maintain and implement documented internal monitoring procedures in accordance with the relevant Food Safety Act Codes of Practice and centrally issued guidance. [The Standard – 19.1]
- (ii) Verify conformance with The Standard, relevant legislation, relevant Food Safety Act Codes of Practice, relevant centrally issued guidance, and its own documented policies and procedures in relation to all aspects of the service. [The Standard – 19.2]

20 Third Party or Peer Review

- 20.1 The Authority had participated in the all-Wales food hygiene inter-authority audit in October 1999 and the Society of Directors of Public Protection Wales All-Wales Food Quality and Agricultural Standards inter-authority audit in 2000.

- 20.2 The Trading Standards service had been audited and awarded a Community Legal Service quality mark in relation to consumer and general contract, including some food related activities.

21 Food and Feedingstuffs Safety and Standards Promotion

21.1 The Authority demonstrated a commitment to food hygiene and standards promotion.

21.2 The Public Protection Department had initiated or participated in a wide range of promotional activities and had plans for further work in this area. Activities included:

- Food hygiene training;
- Food safety week;
- Food hygiene awards;
- Training of custody sergeants;
- Young consumer of the year.

21.3 The Department had also made use of a local radio station to advertise the service.

Recommendation

21.4 The Authority should:

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

Auditors:

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ANNEX A

Glossary

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

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| | farm animals and pet food. |
| Food Examiner | A person holding the prescribed qualifications who undertakes microbiological analysis on behalf of the local authority. |
| Food Hazard Warnings | This is a system operated by the Food Standards Agency to alert the public and local authorities to national or regional problems concerning the safety of food. |
| Food hygiene | The legal requirements covering the safety and wholesomeness of food. |
| Food standards | The legal requirements covering the quality, composition, labelling, presentation and advertising of food, and materials in contact with food. |
| Framework Agreement | <p>The Framework Agreement consists of:</p> <ul style="list-style-type: none"> • Food Law Enforcement Standard • Service Planning Guidance • Monitoring Scheme • Audit Scheme <p>The Standard and the Service Planning Guidance set out the Agency's expectations on the planning and delivery of food law enforcement.</p> <p>The Monitoring Scheme requires local authorities to submit quarterly returns to the Agency on their food enforcement activities i.e. numbers of inspections, samples and prosecutions.</p> <p>Under the Audit Scheme the Food Standards Agency will be conducting audits of the food law enforcement services of local authorities against the criteria set out in the Standard.</p> |
| Full Time Equivalents (FTE) | A figure which represents that part of an individual officer's time available to a particular role or set of duties. It reflects the fact that individuals may work part-time, or may have other responsibilities within the organisation not related to food enforcement. |
| HACCP | Hazard Analysis Critical Control Point – a food safety management system used within food businesses to identify points in the production |

process where it is critical for food safety that the control measure is carried out correctly, thereby eliminating or reducing the hazard to a safe level.

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| 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.

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| 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. |

Action Plan for: Conwy County Borough Council

Audit date: 27 to 30 April 2004

| IMPROVEMENTS PLANNED | BY (DATE) | TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH) | COMMENTS |
|---|---|--|----------------------------------|
| <p>Next years' service plan will clearly identify any Service Delivery Plan Items scheduled to be completed during the previous year that were not actually completed, together with an Action Plan for these item(s).</p> <p>Review</p> | <p>June 2006 (when Service Plan is scheduled to be submitted for Member consideration).</p> <p>As above</p> | <p>Ensure that the service delivery plan satisfies all of the criteria set out in the Service Planning Guidance in Chapter 1 of The Framework Agreement. [The Standard – 3.1]</p> <p>Address all variances in meeting the service delivery plan in the service arrangements for the following year. [The Standard – 3.3]</p> | <p>By MRF/GWJ</p> <p>MRF/GWJ</p> |
| <p>Document control system to be introduced, which will identify all policies, procedures, forms letters etc.</p> <p>All policies and procedures will be reviewed by 31/03/06 and at least an annual review on dates scheduled thereafter</p> | <p>31/03/06</p> | <p>Ensure that all documented policies and procedures for the enforcement activities covered by The Standard are reviewed at appropriate intervals, and whenever there are changes to legislation or centrally issued guidance. [The Standard – 4.1]</p> | <p>MRF/GWJ/PAH/BAO</p> |

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| Review existing procedure and implement any changes | 31/03/06 | i) Revise, maintain and implement the documented procedure for the authorisation of officers based on their competence and in accordance with the relevant Food Safety Act Code of Practice. [The Standard – 5.1] | PAH/MRF/GWJ/CP |
| Staff resources and the activities proposed to be carried out by those staff during the next financial year (2006/7) will be clearly stated in the service plan for that year. It will be for Members to decide if resources are adequate | June 2006 (when Service Plan is scheduled to be submitted for Member consideration | ii) Ensure it has appointed a sufficient number of authorised officers to fulfil the programme set out in its service delivery plan, and that officers have suitable qualifications, training, and experience consistent with their authorisation and duties in accordance with the relevant Food Safety Act Code of Practice. [The Standard – 5.3] | MRF/GWJ/CP |
| Training programme and plan to be set up and implemented | 31/03/06 | iii) Set up, maintain and implement a documented training programme to include aspects of the work in which its officers are involved. Where training is provided, details of the content and objectives of the course, the duration and any assessment of training should be maintained on file. [The Standard – 5.4] | MRF/GWJ/CP |

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| Review | 31/03/06 | iv) Ensure that records of relevant academic or other qualifications, training and experience of each authorised officer and appropriate support staff are maintained in accordance with the relevant Food Safety Act Code of Practice. [The Standard – 5.5] | MRF/GWJ |
| Review and check. | 31/03/06 | i)Review its procedure for equipment maintenance and calibration to ensure that it includes details of the frequency and method for in-house checks. [The Standard – 6.2] | PAH |
| Review and check. | 31/03/06 | ii)Record relevant information relating to calibration and checks carried out on equipment. [The Standard – 6.3] | PAH |
| Arrange for the Flare software company to review our operation of our system | 31/03/06 | iii) Ensure that the computer software system is operated in such a way so that it is able to provide required information to the Agency. [The Standard – 6.4] | MRF/GWJ |
| Next inspection dates no longer altered (instructions given to staff). Inspection plan lists next inspection date. Regular meetings held with officers by the manager to ensure visits are carried out within 28 days of due date. | 31/03/06 | i) Ensure that food hygiene inspections are undertaken at the frequency determined by Food Safety Act Code of Practice No. 9. [The Standard – 7.1] | MRF |

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| Produce and implement | 31/03/06 | ii) Set up and implement documented inspection procedures for Approved Premises and ensure that all documented inspection procedures are maintained. [The Standard – 7.4] | PAH/MRF |
| Inspection lists to be drawn up at year start to include next visit dates. Regular meetings held with officers by the manager to ensure visits are carried out within 28 days of due date. | 31/03/06 | Ensure that food standards inspections are undertaken at the frequency determined by Food Safety Act Code of Practice No.8. [The Standard – 7.1] | GWJ |
| Draw up a feedingstuffs premises inspection procedure and ensure that all staff are aware of procedure and follow the procedure. Review procedure regularly. | 31/03/06 | Ensure that feedingstuffs premises inspections are undertaken in accordance with its policies and procedures and with centrally issued guidance. [The Standard – 7.1] | GWJ |
| Draw up a feedingstuffs complaint procedure and ensure that the procedure is followed. Review procedure regularly. | 31/03/06 | Set up and maintain a documented procedure for dealing with feedingstuffs complaints and ensure that documented procedures are fully implemented. [The Standard – 8.1] | GWJ |
| Advice to be given proactively and reactively to home authority businesses. | 31/03/06 | Provide advice on food standards matters to businesses on legal compliance where they act as Home and/or Originating Authority. [The Standard – 9.1] | GWJ |

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| Database already in existence. Review database in accordance with point 11.9(ii) below. | 31/03/06 | i) Maintain the database of food and feedingstuffs premises in its area. [The Standard – 11.1] | GWJ/JS |
| To review with Flare and Office Manager (System Administrator). Quality Control system on data inputted to be created. Implementation of system is resource dependant. To put to Members as part of resource bidding process | 31/03/06 | ii) Conduct a comprehensive review of the database to identify defects in its operation and in the accuracy of data and implement corrective action. [The Standard – 11.2] | MRF/GWJ/JS |
| Review | 31/03/06 | i) Ensure that in setting up, maintaining and implementing its food standards sampling programme due regard is had to the nature of all food establishments in the area. [The Standard – 12.3] | GWJ |
| Review | 31/03/06 | ii) Review and update its Public Analyst appointment taking account of all relevant legal requirements of the Food Safety Act 1990 and associated Codes of Practice. [The Standard – 12.7] | MRF/GWJ |

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| Review | 31/03/06 | Ensure that feedingstuffs are sampled in accordance with the Authority's feedingstuffs sampling programme, as specified in the Service Plan. [The Standard – 12.5] | GWJ |
| Document control system to be introduced, which will identify all policies and procedures. All policies and procedures will be reviewed by 31/03/06 and at least annual review dates scheduled | 31/03/06 | i) Ensure that its documented procedures are regularly reviewed and updated if necessary, in association with other stakeholders. [The Standard – 13.1] | MRF/GWJ/CP/PAH (RSD for infectious disease work) |
| Remind officers of the need to record when an outbreak control meeting is not necessary | 31/03/06 | ii) Ensure that its documented procedure for dealing with sporadic cases of food-related infection is fully implemented by officers when conducting investigations and appropriate records kept. [The Standard – 13.2] | RSD |
| Joint Food Safety and Trading Standards section policy to be written on dealing with Food Alerts in compliance with COP applying after 1st Jan 06. Food Safety and Trading Standards Procedures to be reviewed. | 31/03/06 | i) Document the Trading Standards Section's arrangements for dealing with FHWs and for notifying the FSA of relevant food incidents that occur within the Authority's area. [The Standard – 14.1] | PAH/GWJ/MRF |

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| As above.To liaise with Conwy's out of hours (OOH) service over arrangements, providing OOH email address to FSA | 31/03/06 | ii) Ensure that its documented procedures for responding to FHWs received from the FSA includes arrangements for ensuring appropriate liaison between relevant managers, and for ensuring that FHWs received outside normal working hours receive an appropriate and timely response. [The Standard – 14.1] | MRF/GWJ |
| Review enforcement policy, organise awareness sessions for all officers. Write enforcement procedures. | 31/03/06 | Ensure that all decisions on enforcement action are made following consideration of its Enforcement Policy. The reasons for any departure from the criteria set out in the Enforcement Policy should be documented. [The Standard – 15.3] | PAH/CP/MRF/GWJ |
| Review | 31/03/06 | Ensure that food standards and feedingstuffs premises records include reports of all inspections and visits, assessments of compliance with legal requirements, risk-rating assessments, results of samples and details of follow-up, details of complaints, informal and formal action, copies of applications and decisions relating to registration, and approval, and copies of all certificates and correspondence. [The Standard – 16.1] | GWJ |

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| Review procedure written in Jan 05, specific to Food Safety, and assess whether a common procedure for Food Safety and Food Standards could be devised. New procedures need to be written to comply with Section 7.1.2 of the new COP applying after Jan 06 | 31/03/06 | i) Set up, maintain and implement documented internal monitoring procedures in accordance with the relevant Food Safety Act Codes of Practice and centrally issued guidance. [The Standard – 19.1] | MRF/GWJ/CP |
| Not possible with existing resources. Report to Members the need to establish and resource internal QC arrangements | 31/03/06 | ii) Verify conformance with The Standard, relevant legislation, relevant Food Safety Act Codes of Practice, relevant centrally issued guidance, and its own documented policies and procedures in relation to all aspects of the service. [The Standard – 19.2] | CP |
| Ensure that some feedingstuffs promotional work is planned and undertaken each year. | 31/03/06 | Ensure that it expands its promotional activities to include feedingstuffs. [The Standard – 21.1] | GWJ |