
**Food Standards Agency Audit of Local Authority
Official Controls and Food Business Operator
Controls in Approved Establishments**

North Dorset District Council

17-18 March 2009

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 feeding stuffs 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 official controls implemented in approved establishments by the Local Authority's Food Law Enforcement Service. The audit assessments included the authority's policies, organisation and management and local arrangements for implementation of official controls in approved establishments, with specific focus on approved meat products establishments, and related areas of food law enforcement.

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. The Framework Agreement and the audit protocols are available on the Agency's website at:

www.food.gov.uk/enforcement/auditandmonitoring/.

The main aim of the audit scheme is to improve and maintain 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 information to inform Agency policy on food safety.

The report contains some statistical data on food law enforcement activities undertaken by the authority. The Agency's website contains enforcement activity data for all UK local authorities and can be found at:

www.food.gov.uk/enforcement/auditandmonitoring/.

A glossary of technical terms used within the audit report can be found at Annex B.

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1. Introduction

Background and Scope of the Audit

- 1.1.1 This report records the results of an audit at North Dorset District Council. The Authority was 1 of 11 authorities selected for the audit programme of local authority official controls and food business operator controls in approved establishments carried out between February and April 2009, as part of the Food Standards Agency's programme of audits of local authority food law enforcement.
- 1.1.2 The audit was carried out under relevant headings of the Food Standards Agency Food Law Enforcement Standard and the report has been made publicly available on the Agency's website at www.food.gov.uk/enforcement/auditandmonitoring. Hard copies are available from the Food Standards Agency's Local Authority Audit and Liaison Division at Aviation House, 125 Kingsway, London WC2B 6NH, Tel: 020 7276 8428.
- 1.1.3 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 and the Official Feed and Food Controls (England) Regulations 2007. This audit of official controls implemented by North Dorset District Council was undertaken under section 12(4) of the Act and Regulation 7 of the Regulations.
- 1.1.4 The audit examined the Local Authority's arrangements for implementing official controls at approved establishments, with a particular focus on approved meat products establishments. In considering the effectiveness of these controls, the audit evaluated the appropriateness of approvals; compliance of the approvals process with legal requirements, the Food Law Code of Practice and official guidance; delivery of routine official controls in approved establishments; the reactive elements of the Authority's approved establishments responsibilities and related aspects of the Service.
- 1.1.5 North Dorset District Council, with an area of 60,900 hectares is predominantly rural in character with most of the land being dedicated to agricultural use. There are five towns, of which Gillingham has the largest population and Blandford Forum is the local authority administrative centre.
- 1.1.6 There are approximately 648 food business premises within the Authority's area, of which 14 are approved establishments, a higher than average proportion of approved establishments due to the rural nature of the district.
- 1.1.7 The on-site element of the audit took place at the Authority's offices at Nordon, Salisbury Road, Blandford Forum, Dorset, DT11 7LL on 17-18 March 2009.

2.0 Executive Summary

- 2.1 The Authority had produced a Food Safety Service Plan for 2008/2009. This had been approved by Cabinet and met the requirements of the Service Planning Guidance in the Framework Agreement on Food Law Enforcement. An annual performance review had also been carried out.
- 2.2. There was evidence of an effective control system for the Authority's documented food service policies and procedures. These had been recently reviewed and a programme had been drawn up to implement future reviews.
- 2.3 The Authority had produced a documented procedure for the authorisation of all its officers. This included the means by which officers' competence was assessed prior to authorisation.
- 2.4 Officer training and qualification records were comprehensive and up to date. It was confirmed that officers involved in the approval and other food law interventions at approved establishments had received adequate training and were appropriately qualified and authorised.
- 2.5 Audit checks, specific to approved establishments, confirmed that the database contained accurate records of these establishments.
- 2.6 From the files examined, all premises requiring approval by the Authority had been approved or re-approved since January 2006 and file records contained the approval documentation and appropriate correspondence with food business operators. In addition, it was confirmed that officers were carrying out comprehensive inspections of approved establishments at the frequencies set out within the Food Law Code of Practice. Sufficiently detailed records of inspection findings were maintained and reports of inspection or letters were provided to food business operators following inspections in all files examined.
- 2.7 The Authority had developed a procedure for the investigation of food complaints. Audit checks indicated that recent complaints and referrals received in relation to approved establishments had, in all cases examined, been fully investigated in accordance with the Food Law Code of Practice.
- 2.8 The Authority had a documented sampling policy and procedure to reflect local and national sampling priorities. In addition, an annual sampling programme had been developed. The policy outlined the Authority's general commitment to food sampling at manufacturing premises including approved establishments.
- 2.9 A Council Enforcement Policy had been developed by the Authority which contained the Food Enforcement Policy as an addendum.

Auditors noted an up to date and detailed food enforcement procedure, which included documented procedural guidance for all formal enforcement options relating to approved establishments.

- 2.10 The Authority had a documented internal monitoring procedure to verify its conformance with legislation and centrally issued guidance. Although it had undertaken a programme of qualitative monitoring of inspections including approved establishments, the Authority would benefit by reviewing and expanding these activities to include monitoring arrangements for all food law enforcement activities relating to approved establishments. It was clear that quantitative performance monitoring against inspection targets was being undertaken and that discussions were undertaken between officers and at team meetings to promote consistent enforcement.
- 2.11 No recommendations for improvement regarding the Service's approach to food business approvals activities have been identified in this report.

3.0 Audit Findings

3.1 Organisation and Management

- 3.1.1 The Food Safety Service Plan 2008/2009 was included within the Authority's Food, Safety and Licensing Business Plan. The Food Safety Service Plan 2008/2009 was discussed regularly with the portfolio holder and was last reviewed and approved by Cabinet on 2 February 2009.
- 3.1.2 Food law enforcement was carried out by officers within the Food, Safety and Licensing Team within the Community Services Department. In addition to food hygiene enforcement the officers also undertook health and safety enforcement, infectious disease control, licensing activities, smoke free legislation and private water supply monitoring.
- 3.1.3 The Food Safety Service Plan included a breakdown of the staffing resources used to meet the service requirements in 2008/2009. The premises rating profile was under review during 2008/2009 to group premises within the revised categories introduced by the new Local Authority Enforcement Monitoring System (LAEMS).
- 3.1.4 The Food Safety Service Plan contained specific references to approved establishments, including the reintroduction of risk rated visits to approved establishments, following guidance found in the recently revised Food Law Code of Practice. The Plan also acknowledged that the inspection of approved establishments required "specialist knowledge".
- 3.1.5 The Authority had already produced a draft 2009/2010 Food Safety Service Plan which had addressed variances in the current 2008/2009 Plan, including inter authority auditing, giving consideration to Official Control interventions at food establishments, and updating their computer system in accordance with the Government's Pathfinder scheme with four other Dorset Authorities.

3.2 Review and Updating of Documented Policies and Procedures

- 3.2.1 The Authority had set up and implemented a document control system in relation to its documented food service policies and procedures. These policies were detailed, wide ranging and specific to the Authority. The documents were held electronically for ease of reference by officers. Access for amendments was protected and limited to senior, appropriately authorised, staff.
- 3.2.2 Auditors noted evidence of an effective system for periodic and ad hoc review of these documents. These had been updated in a timely manner to reflect significant recent changes to food safety legislation and the Food Law Code of Practice.

3.3 Authorised Officers

- 3.3.1 The Authority's scheme of delegation was last agreed at full Council on 28 March 2008. The Authority had a recently revised documented procedure for officer authorisations. Under the Scheme of Delegations, the Food, Safety and Licensing Team Leader had the power to appoint and authorise officers in respect of food law enforcement. This included the appointment of officers, the authorisation of formal enforcement action and the institution of legal proceedings.
- 3.3.2 Prior to deciding individual levels of authorisation, a documented 'Food Safety Officer Competence Check' was carried out based on officer's qualifications, experience and competency as required by the Food Law Code of Practice. This competence check was reviewed annually.
- 3.3.3 Staff training was assessed on an annual basis during the Authority's staff development review and a training needs analysis was also carried out at this time. A record of 'key food safety training associated with officer competence' was also updated on an annual basis to supplement the competence check. Where officers had responsibility for the approval process, inspections, and enforcement at approved establishments, auditors noted that particular emphasis had been given to the need for relevant specialist training.
- 3.3.4 Training records for 3 officers responsible for official controls in approved establishments were examined during the audit. Evidence of qualifications and update training, including training on formal enforcement and inspection of premises requiring approval under Regulation EC No. 853/2004 was being maintained. Officers had completed at least 10 hours of continuing professional development (CPD) training per year, in accordance with Food Law Code of Practice requirements.
- 3.3.5 A lead officer with appropriate specialist knowledge had been appointed for enforcement of food hygiene legislation including approval of establishments.

3.4 Food Premises Database

- 3.4.1 The Authority had set up a documented procedure for ensuring that the food premises database was accurate and up to date. They had developed their own premises database to ensure their data handling was reliable, retrievable and accessible. All the approved establishment records and complaints were accessible and recorded. These records were consistent with those held on paper files.

- 3.4.2 In order to further improve and develop its food premises database, auditors noted that the Authority was collaborating with four other Local Authorities in the County in the procurement and development of a new database system, with a view to commencing testing in Summer 2009 for implementation in 2010/2011.

3.5 Approved Establishment Inspections

- 3.5.1 The Service had developed a Quality Procedure, 'Food Hygiene Inspections', which contained operational guidance for the inspection of all food premises in the Authority's area. In addition, a 'Procedure for the Approval of Food Business Establishments' had been produced which detailed the process that officers should follow when determining whether an approval should be granted. The procedure made reference to the use of product-specific inspection forms, as recommended by centrally issued guidance. Both procedures had been re-issued soon after the revised Food Law Code of Practice had been introduced in June 2008.
- 3.5.2 The Authority had enforcement responsibility for 14 product specific establishments requiring approval which were being inspected at the required frequencies. Approved establishments examined as part of the audit had been correctly re-approved in accordance with current EU Hygiene Regulations.
- 3.5.3 Records of inspections of 3 approved establishments were examined. All these files contained records of the approval documentation and copies of relevant correspondence with the food business operator.
- 3.5.4 Inspection reports showed a clear distinction between legal requirements, and recommendations of good practice. The authority was using appropriate aide-memoire inspection forms and auditors noted the level of detail of information on the inspection reports, particularly in relation to officers' assessment of businesses food safety management systems based on HACCP principles.
- 3.5.5 Auditors made a joint visit with two of the Authority's officers to an approved meat products establishment. The purpose of the visit was to verify information gathered from file records checks and officer interviews and to assess the effectiveness of official controls implemented by the Authority at the establishment. The visit confirmed that the approval had been appropriate and covered all business activities. It was also confirmed that the Authority was effectively carrying out official controls at the establishment and had developed a supportive working relationship with the food business operator.

3.6 Food and Food Premises Complaints

3.6.1 The Authority had developed and recently reviewed its documented procedure for the investigation of food complaints. This outlined the steps that should be followed by officers when dealing with food complaints.

3.6.2 Records of complaints involving approved establishments in the Authority were examined. It was evident that all complaints examined by auditors had been thoroughly investigated and appropriate action taken on findings. Complete information on the complainant was recorded and in each case the manufacturer had been contacted.

3.7 Food Inspection and Sampling

3.7.1 The Authority had developed a food sampling policy and an annual sampling programme, separate to the Service Plan, to reflect local and national sampling priorities. The 2008/2009 programme had been recently reviewed and a programme for 2009/2010 developed to include routine and regular sampling from the Authority's food manufacturers including approved establishments.

3.7.2 The Authority had developed a detailed Quality Procedure; 'Food Sampling Procedures and Flow Diagrams' outlining the steps needed to be taken by officers when taking samples for analysis or examination. File checks of 3 microbiological food samples taken from approved establishments were reviewed. In all cases the records indicated that the samples and follow-up action including contact with the food business operator, had been taken in accordance with the Authority's sampling policy, procedures and programme.

3.8 Food Safety Incidents

3.8.1 The Authority had developed a documented procedure that set out the process for both initiating and responding to food alerts and other incidents. This was last reviewed on 20 July 2008.

3.8.2 In accordance with their policy and centrally issued guidance, the Authority had notified the Food Standards Agency (FSA) about an incident relating to one of their approved establishments. Actions had been carried out in collaboration with the FSA, Health Protection Agency and the food manufacturer. It was noted that investigations were still ongoing.

3.9 Enforcement

3.9.1 The Authority had developed a 'General Enforcement Policy' that had been approved by the Cabinet on 15 April 2004. This policy did

not seek to address specific enforcement issues relating to food and therefore a food law enforcement policy had been included as an addendum, last revised on 28 November 2008. The Authority also had an up to date food enforcement procedure dated 25 November 2008 which detailed the food enforcement options available to officers when carrying out food safety duties. This procedure included guidance for officers in the use of additional powers relating to establishments subject to approval.

- 3.9.2 No formal enforcement action had been taken in relation to the Authority's approved establishments in the last 2 years. However, inspection records of enforcement activity in relation to 3 of the Authority's approved establishments confirmed that officers were undertaking appropriate actions in line with the Authority's enforcement policy, legal requirements, the Food Law Code of Practice and official guidance.

3.10 Records and Inspection Reports

- 3.10.1 The Authority's food premises records were maintained on both paper files and on their electronic database systems. File and database records of 3 approved establishments were examined. These were comprehensive, well ordered and easily retrievable and contained most of the food business documents, records and information as specified in Annex 12 of the Food Law Practice Guidance.
- 3.10.2 The inspection records of the 3 approved establishments examined confirmed that detailed information was contained regarding the business activities, the reasons for approval, the scope and findings of inspections undertaken and associated assessments of compliance.

3.11 Internal Monitoring

- 3.11.1 The Authority had developed an up to date Quality Procedure entitled 'Monitoring of Inspection Programme and Quality of Inspections' which described the actions and responsibilities in monitoring and maintaining the uniformity of inspections and interventions undertaken. Up to date records were available of qualitative monitoring activities in relation to food law enforcement in approved establishments. However, auditors noted little recorded evidence of internal monitoring across all activities in accordance with all the requirements of the Food Law Code of Practice and centrally issued guidance.
- 3.11.2 It was evident that quarterly quantitative performance monitoring against inspection targets was carried out. In addition, audit record checks and discussions with officers confirmed that officers jointly reviewed enforcement decisions on an ad hoc basis and held team meeting discussions to promote consistent enforcement.

3.12 Third Party or Peer Review

- 3.12.1 Auditors were advised that there had been no recent inter authority audits or other third party review activities in relation to food law enforcement at approved establishments. However auditors were informed that the Authority, as part of the Dorset Food Liaison Group, were planning to reintroduce their inter authority audit scheme which had lapsed.

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ANNEX A**Audit Approach/Methodology**

The audit was conducted using a variety of approaches and methodologies as follows:

(1) Examination of Local Authority (LA) policies and procedures.

The following LA policies, procedures and linked documents were examined before and during the audit:

- Food Safety Service Plan 2008/2009;
- Extracts from Business Plans 2008/2009 and 2009/2010 version 4;
- Extract from the Authority's Corporate Plan 2008/2013;
- Procedure for the Authorisation of Officers and extract from the Authority's Scheme of Delegation (Part 3 of Council Constitution-Responsibility for Functions);
- Food Safety Officer Competence check with associated food safety training. Appointment of Authorised Officer;
- Quality procedures: Food Hygiene inspections; Approval of Premises; Food Complaints Policy and Procedure; Food Sampling Policy; Food Sampling Procedures and Flow Diagrams; Sampling Programmes 2008/2009 and 2009/2010; Food Incidents, Food Hazards , Alerts and Liaison with Member States; Monitoring of Inspection Programme and the Quality of Inspections with associated inspection consistency audit checks;
- Food Premises and Inspection/Intervention aides-memoire;
- The Authority's Food Law Enforcement Procedures;
- Performance Indicator reports.

(2) File reviews – the following LA files were reviewed during the audit:

- Approved establishment files;
- Food complaint records.

(3) Database records

- Food premises database records relating to approved establishments and records of complaints relating to approved establishments.

(4) Officer interviews – the following officers were interviewed:

- Audit Liaison Officer (ALO);
- 1 Officer authorised to inspect approved establishments.

(5) On site verification check:

- Site visit with two of the Authority's officers to an approved establishment.

ANNEX B

Glossary

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.
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.
County Council	A local authority whose geographical area corresponds to the county and whose responsibilities include food standards and feeding stuffs enforcement.
District Council	A local authority of a smaller geographic area and situated within a County Council whose responsibilities include food hygiene enforcement.
Environmental Health Officer (EHO)	Officer employed by the local authority to enforce food safety legislation.
Feeding stuffs	Term used in legislation on feed mixes for farm animals and pet 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 Equivalent (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.
Member forum	A local authority forum at which Council Members discuss and make decisions on food law enforcement services.
Metropolitan Authority	A local authority normally associated with a large urban conurbation in which the County and District Council functions are combined.
Monitoring (OCD) returns	Local authority data returns to the Agency on local food law enforcement activities required to be made to the European Union under the Official Control of Foodstuffs Directive.
Risk rating	A system that rates food premises according to risk and determines how frequently those premises should be inspected. For example, high risk 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 feeding stuffs legislation.
Trading Standards Officer (TSO)	Officer employed by the local authority who, amongst other responsibilities, may enforce food standards and feeding stuffs legislation.
Unitary Authority	A local authority in which the County and District Council functions are combined, examples being Metropolitan District/Borough Councils, and London Boroughs. A Unitary Authority's responsibilities will include food hygiene, food standards and feeding stuffs enforcement.