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Report on the Food Law Enforcement Service

Flintshire County Council

11 - 13 November 2003

Foreword

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

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

Agency audits assess 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 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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Action Plan for Flintshire County Council

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 Flintshire County Council was undertaken under section 12(4) of the Act as part of the Food Standards Agency's annual audit programme.

1.3 The Authority was audited as part of the Food Standards Agency Wales programme of full audits of all 22 Welsh local authorities.

Scope of the Audit

1.4 The audit covered Flintshire's food hygiene, food standards and feedingstuffs law enforcement service. The on-site elements of the audit took place at the Council's offices at the County Hall, Mold Flintshire and the County Offices P O Box 4 Flint on 11 – 13 November 2003.

1.5 The audit assessed the Council's conformance against the Standard, using audit protocols FSA/AP3/1 – FSA/AP21/1. The Standard was adopted by the Food Standards Agency Board on 21 September 2000 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 Flintshire is a Unitary Authority in North-East Wales. The County has an area of 43,709 hectares and a population of 148,594. The County is made up of a mixture of small towns and conurbations, particularly in the south with predominantly rural and agricultural land located in the north. The population is subject to small seasonal fluctuations due to the influx of tourists to the area. It has a number of industrial estates within which many food businesses are located, as well as headquarters for several food manufacturers including one large national food retailer. The coastal edge of the Authority abuts the Dee Estuary where cockle and mussel beds are situated and a port located at Mostyn that operates a ferry route to Ireland.
- 1.7 Food law enforcement was carried out by officers of the Trading Standards Department situated within the Directorate of Community and Housing Services, and the Environmental Health Department situated within the Directorate of Transportation Planning and the Environment. Food standards and feedingstuffs enforcement was carried out by officers of the Inspections and Safety/Licensing units within The Trading Standards Department, whose offices were situated at County Offices P. O. Box 4, Flint. Food Hygiene enforcement activities were carried out by officers of the Food Safety Section and an Environmental Health Promotion Officer, whose offices were situated at the Council's offices at the County Hall, Mold.
- 1.8 The Council Offices were open from 08:30 – 17:00 Monday to Friday. Although there was no official out of hours service both the Food Safety and Trading Standards Services had "goodwill" systems in place.
- 1.9 In addition to food hygiene enforcement, the Food Safety Section officers were also responsible for the delivery of food related infectious disease investigations. Those officers carrying out food standards enforcement were also responsible for the full range of Trading Standards duties and some animal health and feedingstuffs issues.
- 1.10 The Authority estimated staffing levels of 8.5 Full Time Equivalent (FTE) Food Hygiene Enforcement Officers in its Food Service Plan 2003/2004. It estimated the administrative support for these staff as 0.8 FTEs. The Trading Standards Service had 7 members of staff whose duties included Food Standards and Feedingstuffs enforcement. However, the Authority had not estimated a FTE figure for the service or the administrative support

1.11 The Authority estimated the food safety service financial costs as detailed below:

Cost Item	Financial Allocation
Total Staff Costs	£334,204
Travel	£13,409
Equipment	}
Legal Costs	} £17,507
Sampling	}
Total	£365,120

2 Executive Summary

- 2.1 The Authority was undertaking a wide range of appropriate enforcement activities when it identified breaches of legislation in its premises which was effectively supported by detailed and comprehensive computer and hard copy records. The file histories of its infectious disease activities were also detailed and demonstrated that thorough investigations had taken place. Significant support for local and national businesses and the local community was also evidenced through the amount of Home Authority activity and general advice and health promotional work being carried out.

The Authority did not have a documented procedure relating to its feedingstuffs activities and whilst some inspections had been carried out it was not clear that the activity had been appropriately targeted. Neither had the Authority met its inspection targets for food standards premises which indicated that further work was needed to ensure full compliance with centrally issued guidance. However the Authority had not met its inspection targets for food standards premises and the lack of any inspection programme for feedingstuffs premises indicated that further work is needed to ensure full compliance with centrally issued guidance.

2.2 The Authority's Strengths

Records

The records of Enforcement Activity maintained by the Authority were particularly detailed and comprehensive. Such records enable effective monitoring of the services activities and also enable officers to make appropriate judgements on enforcement decisions based on the history of particular businesses.

Home Authority

The Authority had developed strong links with locally based manufacturers and retailers in relation to both food hygiene and food standards issues. This was highlighted by the considerable resource allocated to the formal agreement with a national supermarket chain. Such initiatives greatly assist businesses in complying with legislation and good practice.

Infectious Disease Investigations

The Authority carried out detailed and comprehensive investigations of outbreaks and notifications of sporadic cases of food related infectious diseases. Such investigations greatly assist a food enforcement service in

preventing continuing risks to public health and advising on appropriate initiatives to prevent future occurrences of such cases.

Food Hygiene Promotion

A wide range of food hygiene promotional activity had taken place, demonstrating a commitment to a proactive programme of activities that complemented the Authority's statutory duties.

2.3 The Authority's Key Areas for Improvement

Inspection Frequency

Food standards and food hygiene inspections were not being carried out at the minimum frequencies required by the Food Safety Act Code of Practice No.8: Food Standards Inspections and Food Safety Act Code of Practice No.9: Food Hygiene Inspections. Inspections carried out within the minimum frequencies ensure that risks associated with the operation of food businesses are identified in a timely manner.

Feedingstuffs Inspection Programme

The Authority had not implemented an effective inspection programme for its feedingstuffs premises. Monitoring of food and animal feedingstuffs should be part of a comprehensive food law enforcement service.

Audit Findings

3 Organisation and Management

3.1 The Authority was made up of 70 Councillors who operated within a Cabinet style of governance known as the Executive. This comprised of 10 Councillors who made decisions on both strategic and operational issues. Four Scrutiny Committees and a number of other committees made up the remainder of the Authority's structure. The Food Enforcement Service came within the remit of the Executive Member with portfolio for Transportation, Planning and the Environment, and the Executive Member with portfolio for Community and Housing.

3.2 The Authority had 8 Directorates. Delivery of the food hygiene service was the responsibility of the Food Safety Section of the Environmental Health Department situated within the Directorate of Transportation Planning & the Environment. Delivery of the food standards and feedingstuffs service was the responsibility of the Inspection and Safety/Licensing sections of the Trading Standards Department situated within the Directorate of Community & Housing Services.

3.3 The corporate planning framework included the Corporate Core Visions and Value Policy Agreements which are detailed below:

- Better Opportunities for learning
- Better Health and Wellbeing
- Better Simpler Government
- A Better Stronger Economy
- A Better Quality of Life

The food enforcement service particularly linked with the provision of a Better Quality of Life, by protecting consumers through promotion of safe and fair business practices. However the remainder were all linked to a lesser extent to the Service.

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

3.5 Performance indicators used by the Authority were detailed in the Service Plan included:-

- First response to complaints within 5 working days following receipt of complaint.
- First response to requests for advice from food businesses within 5 working days following receipt of request.

3.6 The Food Service Plan 2002/2003 had been reviewed and a number of specific areas for improvement had been identified in the plan for 2003/2004.

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

- 4.1 The Authority had recently developed a documented procedure for the preparation, approval and issue of procedures covering its food law enforcement activity. However some of the documented procedures produced prior to its introduction had not yet been included within the control system.
- 4.2 Staff had access to updated hard copy and electronic commercial food law encyclopaedias and hard copies of all documentation necessary for carrying out enforcement activities, including appropriate legislation and guidance.

Recommendation

- 4.3 The Authority should:
Ensure that all documentation is included within its document control system. [The Standard – 4.2]

5 **Authorised Officers**

- 5.1 The Authority had appointed lead officers with the necessary specialist knowledge for food hygiene enforcement and for food standards and feedingstuffs enforcement.
- 5.2 The Authority had produced a scheme of delegation in April 1996 that authorised Chief Officers to exercise functions delegated to them and also to authorise other officers within the Authority as they deemed necessary.
- 5.3 The Authority had produced a documented procedure for the authorisation of officers which included the authorisation process and how it related to temporary and agency contractors together with a breakdown of the criteria for specific categories of authorisation. Officer's authorisations had been drawn together in the form of a matrix for the food hygiene enforcement service.
- 5.4 One trainee enforcement officer was undertaking inspections of food premises and insufficient evidence was available to ascertain that suitable supervision of their enforcement activities had been taking place. However all other officers were carrying out duties in accordance with their qualifications training and experience.
- 5.5 The Trading Standards Department undertook a Personal Development Plan process which included interviews on an annual basis, during which training needs were identified. An action plan was produced as part of these interviews which detailed individual officers training needs in the form of a programme. However, the Environmental Health Department had ceased using such a scheme as part of a review of their involvement with the Investors in People scheme and had only recently considered reintroducing such a process. Whilst the food hygiene service had no documented training programme there was evidence that training was taking place.
- 5.6 Detailed records of the qualifications held and training received by individual officers were held by the Authority including records of course content, objectives, duration, and assessment of training.
- 5.7 The Authority had employed a contractor to carry out food hygiene inspection of premises during the course of the year. The Auditors were informed that the consultant's qualifications had been checked but no records retained. The contractor had been accompanied on initial inspections by the service manager.

5.8 The Authority estimated in its Service Plan that there was a training budget equivalent to £134 per officer in the food enforcement service training. It was apparent from the quantity and relevance of courses undertaken, that the Authority was committed to providing its staff with appropriate training.

Recommendations

5.9 The Authority should:

- (i) Ensure that all officers have suitable qualifications training and experience to carry out work in accordance with their authorisations. [The Standard - 5.3]
- (ii) Ensure that a documented training programme is developed for officers within the food hygiene enforcement service. [The Standard - 5.4]
- (iii) Ensure that records of relevant academic or other qualifications, training and experience of contractors are maintained in the same way as officers employed by the Authority. [The Standard - 5.5]

6 Facilities and Equipment

- 6.1 The Authority had made available the equipment and facilities necessary to permit all activities associated with the food hygiene and food standards service to be carried out. However the refrigerator and freezer used to store food complaints and samples was not capable of being adequately secured to prevent unauthorised access.
- 6.2 The Authority had a documented procedure for the calibration of its thermometers, although this did not specify the appropriate tolerances for calibration. Recent records of the thermometers' calibration dates were being maintained although there was evidence of significant gaps in the historical record.
- 6.3 The computer software operated by the Authority was capable of providing statistical information requested by the Food Standards Agency. The Authority had a corporate procedure to ensure that appropriate back up systems were implemented to minimise the risk of corruption or loss of information held on the databases.

Recommendations

- 6.4 The Authority should:
- (i) Ensure that the refrigerated facilities provided for the storage of items likely to be used as evidence in formal enforcement action are capable of being properly secured. [The Standard - 6.1]
 - (ii) Amend the existing calibration procedure to include appropriate tolerances. [The Standard – 6.2]

7 Food and Feedingstuffs Premises Inspections

Food Hygiene

7.1 In its Service plan for 2003 the Authority reported a total of 1345 risk rated food premises on its database.

Risk Category	No.	%*
A	4	0.5
B	63	5.0
C	618	45.5
D	200	15.0
E	257	19.0
F	203	15.0
TOTAL	1345	

* Figures rounded

7.2 The Authority identified 18 premises as licensed under the Food Safety (General Food Hygiene) (Butchers' Shops) (Amendment) (Wales) Regulations 2000, and 19 premises approved under product specific legislation (Approved Premises).

7.3 The inspection histories of 10 general premises and 10 Approved Premises were examined. File checks indicated that in 8 of 10 general premises and 5 of 10 Approved Premises files inspections had been carried out at the minimum frequencies required by Food Safety Act Code of Practice No 9: Food Hygiene Inspections.

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

Risk Category	No. Overdue
A	0
B	3
C	65
D	4
E	3
F	23
TOTAL	98

- 7.5 The Authority had a documented inspection procedure covering general premises that also referred to licensed butchers shops and Approved Premises. Inspection pro forma formed part of the procedure with one for catering and retail premises and another for non catering premises. In addition a score sheet detailing the risk rating attributed under Food Safety Act Code of Practice No 9: Food Hygiene Inspections was completed. A report letter was sent following the inspection. Appropriate follow up action had been taken in all cases where contraventions had been identified, including timely revisits.
- 7.6 Officers with the appropriate levels of authorisation carried out inspections of general premises (apart from the issues raised in paragraph 5.4) and provided accurate risk ratings, in accordance with official guidance.
- 7.7 Reports had been sent to proprietors following inspections of general premises on each occasion. Reports were clear and legal requirements were distinguished from recommendations. The works required following inspections were clearly identified, took into account Industry Guides and were consistent with centrally issued guidance. The legal references were generally correct.
- 7.8 In 9 of the 10 Approved Premises files examined approval documents were present. In the case of 2 approval documents the approved activities were not detailed and in 4 approval documents, the list of products approved was not detailed.
- 7.9 Ten files relating to licensed butchers' premises were examined. Standard application and inspection forms had been used. The application had generally been determined within 28 days. In the case of 3 files there was evidence of minor work outstanding within the premises at the time the licence was issued by the Authority. In the case of the mixed premises, the licence did not specify to which area of the premises the licence applied.

Recommendations

- 7.10 The Authority should:
- (i) Ensure that food hygiene inspections are carried out at the minimum frequencies required by Food Safety Act Code of Practice No. 9: Food Hygiene Inspections. [The Standard – 7.1]
 - (ii) Ensure that the inspection and licensing of butcher's premises are carried out in full accordance with the relevant legislation and official guidance. [The Standard – 7.2]

Food Standards and Feedingstuffs

- 7.11 In the Service Plan for 2003/2004 the Authority reported that there were 1081 premises subject to food standards inspections.

Food Standards Inspections

Risk Category	No.	%*
High	72	7
Medium	462	43
Low	547	50
TOTAL (Rated premises)	1081	

* Figures rounded

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

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

Risk Category	Overdue No.
----------------------	--------------------

High	17
Medium	29
Low	102
Unrated	637
TOTAL	785

- 7.14 A second computer report indicated that the Authority had 120 premises recorded as needing feedingstuffs inspections.
- 7.15 The Authority had a documented procedure covering food standards inspections, which was included within a Food Standards Enforcement Quality manual. No procedure was available covering the inspection of feedingstuffs premises.
- 7.16 Food standards inspections were recorded on the database, and hard copy inspection reports were left following recent inspections. Information on premises was generally comprehensive particularly in relation to Home Authority premises where detailed information enabled an accurate assessment of enforcement activity to be ascertained. Inspections had been carried out in accordance with the relevant legislation and compliance with legally prescribed standards had been appropriately assessed.
- 7.17 The Authority maintained computer records of feedingstuffs premises, but these were insufficient to assess whether inspections had been carried out in accordance with the relevant legislation or if compliance with legally prescribed standards had been assessed. In particular it was impossible to assess if any of the premises required registration or approval.

Recommendation

7.18 The Authority should:

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

8 Food, Feedingstuffs and Food Premises Complaints

- 8.1 The Authority had a documented policy for food hygiene and food standards complaints. A procedure relating to food hygiene complaints and food premises complaints had been produced by the Food Safety Section while the procedure relating to food standards complaints was included within the Food Standards Enforcement Quality Manual. There was no procedure for the investigation of feedingstuffs complaints.
- 8.2 File records relating to 10 food hygiene complaints were examined. Complaints generally appeared to have been appropriately investigated with letters confirming the outcome of the investigations sent to complainants and companies involved. However, in 3 cases there was no evidence that the Authority had contacted the Home Authority when file records appeared to indicate this as an appropriate course of action.
- 8.3 File records relating to 7 food standards complaints were examined. In all cases there appeared to have been a thorough and appropriate investigation carried out with records on file and, in general, involved relevant parties being informed of the outcome of the investigations.
- 8.4 The Authority had not received any complaints relating to feedingstuffs.

Recommendation

- 8.5 The Authority should:
- Ensure that it reviews its procedures relating to the investigations of complaints to include feedingstuffs. [The Standard – 8.1]

9 Home Authority Principle

- 9.1 The Food Service Plan 2003/2004 stated that the Authority was committed to the Home Authority Principle. File records indicated that the Authority acted on an informal basis for 24 local manufacturers and larger producers. In addition the Authority had a formal Home Authority Agreement with a National supermarket chain for the purposes of food standards issues.
- 9.2 File records relating to the formal Home Authority Agreement indicated considerable liaison activity with the company with structured meetings held on a regular basis to discuss food labelling and composition issues.
- 9.3 Officers had access to the Local Authorities Coordinators of Regulatory Services (LACORS) website to identify listed Home Authorities. There was evidence on files examined that due regard was given to information received following liaison with Home Authorities during the course of investigations. Evidence was also found that advice was provided to enforcing authorities contacting the Service regarding Home Authority issues.

10 Advice to Business

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

- The Authority had produced and distributed a Hazard Analysis Guidance document with funding from the Food Standards Agency Wales and the Welsh Development Agency. This was produced in a number of languages and was designed to help local food businesses put in place a documented hazard analysis system. A documented evaluation of the project carried out in 2003 concluded that the guidance provided an invaluable tool to proprietors in writing a hazard analysis.
- A range of internally produced advice leaflets for food hygiene, food standards and feedingstuffs.

11 Food and Feedingstuffs Premises Database

- 11.1 The Authority had a computer database of the food premises and feedingstuffs premises in its area.
- 11.2 The Authority had recently introduced a procedure to ensure the accuracy of its premises database. This included a standardised form for updating premises information. Details of premises were updated following the receipt of registration forms, following revisits to the premises and by reference to records held by other departments, liquor licensing magistrates and in commercial trade directories.
- 11.3 Officers had password protected access to the databases, and were restricted from creating or deleting records. Security measures to prevent access and amendment by unauthorised persons were in place, although passwords were not changed on a regular basis.
- 11.4 The database was examined for 10 food businesses that had been randomly identified from the current edition of a business directory. All the premises were included on the Authority's database and were included within the inspection programme.

12 Food and Feedingstuffs Inspection and Sampling

- 12.1 The Laboratories used by the Authority were properly accredited.
- 12.2 The Authority had produced a detailed documented sampling policy which included microbiological, food standards and feedingstuffs sampling and referred to sampling in accordance with National and local sampling group programmes, together with high risk premises, Approved Premises and Home and Originating Authority premises.
- 12.3 The Food Safety Section had recently implemented a sampling procedure which covered both microbiological and limited documented standards sampling. In addition the Trading Standards Service had included within its Enforcement Quality Manual, general food standards procedures relating to sampling. No specific procedures related to feedingstuffs sampling.
- 12.4 A food microbiological sampling programme had been drawn up for 2003/2004 which included food to be sampled and the premises from which the samples were to be taken. A list of intended food standards and feedingstuffs samples was available though it had not been translated into a sampling programme.
- 12.5 Records for 10 unsatisfactory food samples were examined. Generally, appropriate follow up action had been taken in accordance with the Authority's policies and procedures. Detailed records were kept on file with the business and Home and Originating Authorities contacted as appropriate.
- 12.6 The appointment of the Authority's Public and Agricultural analysts had been carried out in accordance with the Council's constitution which delegated the necessary authority to the Director of Community and Housing Services. Documentation relating to the appointments was consistent with requirements to appoint individuals who met specified criteria.

Recommendations

12.7 The Authority should:

- (i) Develop and implement a sampling programme to include food standards and feedingstuffs.. [The Standard - 12.3]
- (ii) Develop and implement a documented procedure in relation to its feedingstuffs sampling activity [The Standard - 12.4]

13 Control and Investigation of Outbreaks and Food Related Infectious Disease

- 13.1. The Authority had a documented plan for handling outbreaks of food poisoning that was based on a model plan drawn up by a joint working group in 1999. The working group comprised the Society of Directors of Public Protection in Wales, the all-Wales Consultants in Communicable Disease Control Group, the Public Health Laboratory Service Wales, and other relevant organisations. The Authority confirmed that its plan would be reviewed following the outcome of an all Wales review exercise.
- 13.2. The Authority had investigated the one outbreak which had occurred in the previous two years in a thorough manner, including a case control study. Records were detailed and comprehensive.
- 13.3. The Authority had also taken part in an outbreak liaison exercise with neighbouring local authorities. The majority of the food safety team had been involved.
- 13.4. The Authority also had a documented procedure for dealing with individual notifications of infectious disease, together with standard forms for recording information and action, and a set of standard letters and questionnaires for cases and contacts. It was noted that officers broadened the investigation beyond the scope of the forms and secured additional valuable information.
- 13.5. Records of 10 notifications of sporadic cases were examined, all of which had been responded to in accordance with the Authority's procedure. Thorough investigations had been undertaken and records of advice given kept. Details of actions taken were recorded on the FLARE database.
- 13.6. Notifications were received predominantly through the COSURV network. Records were retained for 6 years

Recommendation

13.7 The Authority should:

Ensure that the Plan for Handling Outbreaks of Food Poisoning is reviewed and updated in association with the other stakeholders.
[The Standard - 13.1]

14 Food Safety Incidents

- 14.1 The Authority had set up and implemented documented procedures for dealing with Food Hazard Warnings (FHWs) received from the Food Standards Agency and for the instigation of action in relation to incidents identified locally. The procedure did not include out of hours contact arrangements.
- 14.2 The Service had a computer system capable of receiving FHWs.
- 14.3 Records of the Authority's response to FHWs were maintained in hard copy file for the Food Safety Section and on computer records for Trading Standards. All FHWs received by the Authority had been appropriately investigated and the outcome documented.
- 14.4 The auditors were advised that no serious localised incidents requiring notification to the Food Standards Agency had occurred in the last two years.

Recommendation

- 14.5 The Authority should:

Ensure that the procedure for responding to Food Hazard Warnings is revised to include out of hours contact arrangements.
[The Standard -14.1]

15 Enforcement

General

- 15.1 The Authority had a documented food law enforcement policy that was in accordance with the official guidance and which had been approved by the appropriate member forum in July 2001.
- 15.2 The Authority had not made the policy or an accurate summary of it readily available to the public and food businesses.

Food Hygiene

- 15.3 The Authority had undertaken the following formal enforcement actions in the 2 years preceding the audit:
- 1 Emergency Prohibition Notice.
 - 35 Improvement Notices served in relation to 18 premises.
 - 5 voluntary closures of premises.
 - 1 seizure /detention of food
 - 2 voluntary surrenders of foods.
- 15.4 The Authority had produced an enforcement procedures document relating to enforcement activities, which included reference to Emergency Prohibition Notices and Orders, Improvement Notices, detention and seizure of foods, and administration of formal cautions.
- 15.5 The file record relating to the Emergency Prohibition Notice was examined. The notice was appropriately served in accordance with the Authority's Enforcement Policy. The Authority had applied to the Court for an Emergency Prohibition Order within 3 days and had continued to monitor the premises to ensure that it remained closed. The premises was allowed to reopen in accordance with the Enforcement Procedures document when the Authority was satisfied that the necessary works had been completed.
- 15.6 File records relating to 5 voluntary closures were examined. In 1 case there was insufficient information on file to determine if the course of action had been appropriate. In the remaining 4 files the voluntary closure was confirmed in writing with the proprietor, though evidence was only available in 3 to indicate checks were made to ensure the premises remained closed.
- 15.7 File records relating to 10 Improvement Notices were examined. In 1 case the service of an Improvement Notice had been recorded on the database, when in fact no such notice had been served, resulting in an

inaccurate statistical return to the Food Standards Agency. Generally clear time limits were given and appropriate information with regard to the appeal procedure given with proof of service present on file. However, in some cases Improvement Notices were not being drafted and served in accordance with Food Safety Act Code of Practice No. 5: The Use of Improvement Notices and with centrally issued guidance.

- 15.8 In 4 cases the proprietors name had not been given in full. In 5 cases the wording of the contravention and the works required was unclear. In 4 cases a timely check on compliance did not occur and in 2 cases appropriate follow up action had not been taken. In 6 cases letters confirming works were completed satisfactorily had not been sent.
- 15.9 Files relating to the 1 seizure and 2 voluntary surrenders were examined. Records indicated they had generally been carried out in compliance with the relevant Food Safety Act Code of practice and official guidance. However, in the case of 1 voluntary surrender, there was no evidence on file to indicate the food had been correctly disposed.

Food Standards and Feedingstuffs

- 15.9 The Authority had undertaken 1 prosecution in the two years preceding the audit. The file was examined and proceedings had been implemented in full accordance with the relevant Food Safety Act Codes of Practice and official guidance. It was also noted from file records that the Authority had previously issued formal cautions in respect of some food standards offences.
- 15.10 The Authority had produced a Food Standards Enforcement Quality Manual which included a section on procedures relating to prosecutions and other enforcement action.
- 15.11 The auditors were informed that none of its feedingstuffs activities had resulted in formal enforcement action.

Recommendations

15.13 The Authority should:

- (i) Ensure that its enforcement policy, or an accurate summary, is made available to the public and food businesses in its area.
[The Standard – 15.1]
- (ii) Ensure that all enforcement activities, particularly Improvement Notices and voluntary closures, are carried out in full accordance with official guidance and relevant Food Safety Act Codes of Practice.
[The Standard – 15.2]

16 Records and Inspection Reports

Food Hygiene

- 16.1 Records of food premises were retrievable and had been retained for the 6 years required by the Standard.
- 16.2 Records for 10 general premises where food hygiene inspections had been carried out were examined. The detailed records included the size and scale of the business, the type of food activity, information on hygiene training and an assessment of the business's hazard analysis compliance.
- 16.3 The records for 10 Approved Premises were also examined. These had comprehensive and detailed records, with a standard LACORS inspection proforma providing information relating to the management and operation of the premises.
- 16.4 Ten files relating to the licensing of butchers shop premises were examined. Generally file records contained details of compliance with training and HACCP requirements.
- 16.5 A letter was issued following each food hygiene inspection. Each letter set out the reasons for any works and actions required, indicated appropriate time-scales for action and quoted correct legislative references. The Authority also utilised a pre-paid postcard system whereby the business proprietor was able to give notification that the required works had been completed and were available for inspection.
- 16.6 Records relating to complaints, manufacturing premises, and the investigation of notifications of food related infectious disease, were generally comprehensive and detailed in nature.

Food Standards and Feedingstuffs

- 16.7 Records of food premises and feedingstuffs premises were retrievable and had been kept for the 6 years required by the Standard although in the case of the general food premises and feedingstuffs premises records were limited.
- 16.8 Post inspection report forms were left on the premises following a food standards inspection, and generally copies were found on the files examined. Limited information was available on quality systems and materials and articles in contact with food.

16.9 Records relating to Home Authority premises were comprehensive and detailed in nature particularly in relation to the national supermarket chain for which the Authority acted on a formal basis as a Home Authority.

16.10 The records of feedingstuffs premises were very limited with only address details being available and no registration details.

Recommendation

16.11 The Authority should:

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

17 Complaints about the Service

17.1 The Authority had a corporate complaints procedure.

17.2 Information about the procedure was available in the reception areas of the Civic Buildings.

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

18. Liaison with Other Organisations

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

- North Wales Food Group.
- LACORS Food Hygiene Focus Group
- Welsh Food Hygiene Award implementation group
- North Wales Quality and Metrology Panel.
- LACORS Home Authority Supermarket Group.
- Society of Directors of Public Protection Wales Communicable Disease Technical Panel
- Society of Directors of Public Protection Wales Food Safety Technical Panel
- Welsh Food Microbiological Forum

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

19 Internal Monitoring

19.1 The Food Safety Section had recently developed a documented internal quality procedure which included reference to both qualitative and quantitative monitoring. Methods outlined in the procedure included:-

- Monitoring of paperwork produced following inspections.
- Accompanied validation inspections for existing and contract staff.
- Team meetings.
- Customer satisfaction questionnaires for inspections.

The customer satisfaction questionnaires were sent out with the letters following each inspection. The Authority reported a response rate of 20-25%.

19.2 The Food Standards Enforcement Quality Manual included reference to internal monitoring relating to inspection reports and letters, accompanied visits and collation of reports relating to complaints. The Trading Standards Department also carried out Customer satisfaction and Citizen Panel surveys relating to their activities, part of which included the food standards service although no detailed breakdown for such was available.

19.3 There was some historical evidence of informal quantitative and qualitative monitoring including the following:

- Monitoring performance through internal and committee reports and members bulletins.
- Team meetings to discuss issues of interpretation.
- Review of correspondence.
- Informal accompanied inspections of the Authority's own officers and external contractors.

20 Third Party or Peer Review

- 20.1 The Authority had taken part in the Society of Directors of Public Protection Wales Food Safety Technical Panel, All Wales inter-Authority audit scheme in 1999.

- 20.2 The Authority's Environmental Health Service, which included the Food Safety Section, was also the subject of an internal audit by Flintshire Audit Services in December 2001.

21 Food and Feedingstuffs Safety and Standards Promotion

21.1 Evidence of food safety promotional work being carried out by the Authority included:

- Participation in the Foodlink National Food Safety Week with talks to schools.
- Provision of food hygiene training for school children with involvement in the Flintshire Healthy Schools Scheme.
- Participation in the Welsh Food Hygiene Award Scheme with 11 Gold Awards, 82 Silver Awards and 130 Bronze Awards being issued to local businesses .
- Publication of general food hygiene advice relevant to childminders which was subsequently distributed to all childminders in the Authority and used as part of an induction pack for new childminders.
- Involvement in the National Public Health Service for Wales Infection Control Link Nurse Course, with course notes and competency assessments being developed as part of a proposal to certificate the course.
- Involvement with the “Keep Well this Winter Campaign” as part of the Local Health Eating Initiatives 2002/2003.

21.2 No evidence was provided by the Authority in relation to food Standards or feedingstuffs promotional activity.

Recommendation

21.3 The Authority should:

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

Auditors: **Nick Wellington**
Jane Davies
Rob Wilkins
Keith Blake

Food Standards Agency Wales

Glossary

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

Enforcement Concordat	Government guidance setting out principles and procedures of good enforcement which local authorities may adopt. Developed in consultation with businesses, local and central government, consumer groups and other interested parties. It sets out what businesses and others being regulated can expect from enforcement officers.
Environmental Health Officer (EHO)	Officer employed by the local authority to enforce food safety legislation.
Feedingstuffs	Term used in legislation to describe feed mixes for farm animals and pet food.
Food Examiner	A person holding the prescribed qualifications who undertakes microbiological analysis on behalf of the local authority.
Food Hazard Warnings	This is a system operated by the Food Standards Agency to alert the public and local authorities to national or regional problems concerning the safety of food.
Food hygiene	The legal requirements covering the safety and wholesomeness of food.
Food standards	The legal requirements covering the quality, composition, labelling, presentation and advertising of food, and materials in contact with food.
Framework Agreement	<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>

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

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

the Official Control of Foodstuffs Directive.

Originating Authority	An authority in whose area a business produces or packages goods or services and for which the Authority acts as a central contact point for other enforcing authorities' enquiries in relation to the those products
Port Health Authority	A local authority within whose boundaries there is a point of entry into the UK for imported foods.
Public Analyst	An officer, holding the prescribed qualifications, who is formally appointed by the local authority to carry out chemical analysis of food samples.
Risk rating	A system that rates food premises according to risk and determines how frequently those premises should be inspected. For example, high risk food hygiene premises should be inspected at least every 6 months.
Service Plan	A document produced by a local authority setting out their plans on providing and delivering a food service to the local community.
Trading Standards	The Department within a local authority which carries out, amongst other responsibilities, the enforcement of food standards and Feedingstuffs legislation.
Trading Standards Officer (TSO)	Officer employed by the local authority who, amongst other responsibilities, may enforce food standards and Feedingstuffs legislation.
Unitary Authority	A local authority in which all the functions are combined, examples being Welsh Authorities and London Boroughs. A Unitary Authority's responsibilities will include food hygiene, food standards and Feedingstuffs enforcement.

Action Plan for: Flintshire County Council

Audit Date: 11th to 13th November 2003

IMPROVEMENTS PLANNED	BY (DATE)	TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	COMMENTS
<p>Food Standards Manual & Feeding Stuffs Manual updated. All documented procedures now included within the control system.</p>	<p>Done</p>	<p>Ensure that all documentation is included within its document control system. [The Standard – 4.2]</p>	
<p>Addressed by 4.1.2 of Food Standards Manual. Trainee Enforcement Officer within Food Safety Team has started and is currently half way through a Structured Training Programme in order to obtain her Higher Certificate in Food Premises Inspections. Structured Documented Training Programme now exists. Records maintained.</p>	<p>Done Dec. 2006 Done Done</p>	<p>5.9 (i) Ensure that all officers have suitable qualifications training and experience to carry out work in accordance with their authorisations. [The Standard – 5.3] (ii) Ensure that a documented training programme is developed for officers within the food hygiene enforcement service. [The Standard – 5.4] (iii) Ensure that records of relevant academic or other qualifications, training and experience of contractors are maintained in the same way as officers employed by the Authority. [The Standard – 5.5]</p>	
<p>Refrigerator has now been moved to locked storage room with freezer. (Food Standards) Food Safety freezer to be relocated into locked storage room. Calibration procedure amended to include appropriate tolerances.</p>	<p>Done Dec. 2005 Done</p>	<p>6.4 (i) Ensure that the refrigerated facilities provided for the storage of items likely to be used as evidence in formal enforcement action are capable of being properly secured. [The Standard – 6.1] (ii) Amend the existing calibration procedure to include appropriate tolerances. [The Standard – 6.2]</p>	

IMPROVEMENTS PLANNED	BY (DATE)	TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	COMMENTS
<p>Every effort made to ensure food hygiene inspections are carried out at the minimum frequencies but reactive work/resource availability can impact upon this. Monitoring by way of Team Meetings and individual assessments are made to check on this. Backlog of overdue food hygiene inspections included in the 2004/2005 programme.</p> <p>A full description of the activities at the Butcher's shop is provided on file and existed at the time of audit. Greater clarification has been provided for mixed premises as to which area of the premises the licence applied.</p>	<p>Done</p> <p>Done</p> <p>Done</p>	<p>7.10 (i) Ensure that food hygiene inspections are carried out at the minimum frequencies required by Food Safety Act Code of Practice No. 9: Food Hygiene Inspections. [The Standard – 7.1]</p> <p>(ii) Ensure that the inspection and licensing of butcher's premises are carried out in full accordance with the relevant legislation and official guidance. [The Standard – 7.2]</p>	
<p>Inspections now carried out at the following frequencies: High Risk - Every 12 months Medium Risk - Every 24 months Low Risk - Every 60 months Backlog of overdue food standards inspections incorporated into the programme.</p>	<p>Done</p> <p>Done</p>	<p>7.18 (i) Ensure that food standards inspections are carried out at the minimum frequencies required by Food Safety Act Code of Practice No. 8: Food Standards Inspections. [The Standard – 7.1]</p>	
<p>Addressed in 5.5.1 of Feeding Stuffs Enforcement Manual.</p>	<p>Done</p>	<p>8.5 Ensure that it reviews its procedures relating to the investigations of complaints to include feeding stuffs. [The Standard – 8.1]</p>	
<p>Food Standards and Feeding Stuffs sampling Programme is already in existence.</p> <p>Addressed by 5.6 of Feeding Stuffs</p>	<p>Done</p> <p>Done</p>	<p>12.7 (i) Ensure that the sampling programme is revised to include food standards and feeding stuffs samples. [The Standard – 12.3]</p> <p>(ii) Develop and implement a documented procedure</p>	

IMPROVEMENTS PLANNED	BY (DATE)	TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	COMMENTS
Enforcement Manual.		in relation to its feeding stuffs sampling activity. [The Standard – 12.4]	
Plan has been updated and reviewed in association with the other stakeholders	Done	13.7 Ensure that the Plan for Handling Outbreaks of Food Poisoning is reviewed and updated in association with the other stakeholders. [The Standard – 13.1]	
Central telephone number of Out of Hours Contact to be included within procedure. From this telephone number relevant officers can be subsequently contacted out of hours.	Dec. 2005	14.5 Ensure that the procedure for responding to Food Hazard Warnings is revised to include out of hours contact arrangements. [The Standard – 14.1]	
Enforcement Policy to be made available in F.C.C.'s Website and to be sign posted on inspection reports sent out to food businesses. Relevant procedures amended.	Dec. 2005 Done	15.13 (i) Ensure that its enforcement policy, or an accurate summary of it, is made available to the public and food businesses in its area. [The Standard – 15.1] (ii) Ensure that all enforcement activities, particularly Improvement Notices and voluntary closures, are carried out in full accordance with official guidance and relevant Food Safety Act Codes of Practices. [The Standard – 15.2]	
Detail of records is kept on Flare database.	Done	16.11 Ensure that the detail of records kept on feedingstuffs premises is sufficient to ensure that actions taken and the history of compliance can be ascertained. [The Standard – 16.1]	
A programme of Food Standards Promotion is currently being developed.	Done	21.3 Ensure that it expands its promotional activities to include food standards and feedingstuffs. [The Standard – 21.1]	