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Report on the Food Law Enforcement Service

Gwynedd Council

20 - 24 September 2004

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 full audit 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 is 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 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 service for food law enforcement. The scheme also provides the opportunity to identify and disseminate good practice and provide information to inform Agency policy on food safety.

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

CONTENTS

		Page
1	Introduction	4
	Reason for the Audit	4
	Scope of the Audit	4
	Background	4
2	Executive Summary	6
	Audit Findings	
3	Organisation and Management	8
4	Review and Updating of Documented Policies and Procedures	11
5	Authorised Officers	12
6	Facilities and Equipment	14
7	Food and Feedingstuffs Premises Inspections	16
8	Food, Feedingstuffs and Food Premises Complaints	20
9	Home Authority Principle	22
10	Advice to Business	23
11	Food and Feedingstuffs Premises Database	24
12	Food and Feedingstuffs Inspection and Sampling	26
13	Control and Investigation of Outbreaks and Food Related Infectious Disease	28
14	Food Safety Incidents	29
15	Enforcement	31
16	Records and Inspection Reports	33
17	Complaints About the Service	35
18	Liaison with Other Organisations	36
19	Internal Monitoring	37
20	Third Party or Peer Review	39
21	Food and Feedingstuffs Safety and Standards Promotion	40
	Annex	
A.	Glossary	42

1 Introduction

- 1.1 This report records the results of the audit under the headings of the Food Standards Agency Food Law Enforcement Standard. It 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 Gwynedd 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 Gwynedd Council'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 in Caernarfon, Dolgellau and Pwllheli between the 20 – 24 September 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.
- 1.6 The Framework Agreement and the audit protocols can be found on the Agency's website.

Background

- 1.7 Gwynedd Council is a Unitary Authority in north west Wales, covering an area of approximately 2548 square kilometres stretching inland from the north Wales coast, and including most of the Snowdonia National Park.
- 1.8 Gwynedd's resident population is around 116,400, but the area's popularity with tourists, and the location of higher education establishments in the area, results a significant transient population

which is reflected in the number of catering and other food businesses. Seasonality, together with a high proportion of private water supplies for businesses posed particular challenges for the Authority when considering service delivery. The Authority had also started planning for the additional workload associated with the National Eisteddfod which it would be hosting in August 2005.

- 1.9 Over 2300 food businesses and 46 feedingstuffs businesses are registered with the Authority. Food businesses cover a wide range of business types, including retail, manufacturing, catering and processing. Eleven establishments are approved under product-specific food hygiene regulations.
- 1.10 The production of shellfish is an important local industry, and the area includes one of the Country's largest producers of mussels, which are exported all over the world.
- 1.11 Food hygiene law enforcement is the responsibility of the Environmental Health Section and food standards and feedingstuffs law enforcement is the responsibility of the Trading Standards Section. Both Sections are part of the Authority's Resources Directorate.
- 1.12 Gwynedd's relatively large geographical area and the distances between some communities has led the Authority to establish area offices to improve accessibility, and open up facilities and services to residents and others. Environmental Health and Trading Standards staff operate from offices in Caernarfon, Pwllheli and Dolgellau.
- 1.13 The Authority's lead officers for food hygiene enforcement and for food standards and feedingstuffs enforcement are located in Caernarfon.
- 1.14 The 2002-03 Service Plan (the latest available) states that the Authority has the equivalent of 11.25 full time equivalent (FTE) staff involved in food and feedingstuffs law enforcement, which includes Environmental Health and Trading Standards staff. However, the information provided by the Authority for the audit listed only 10.77 FTE staff, a shortfall of 0.48 FTE.

2 Executive Summary

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| 2.1 | The Authority was carrying out a number of its duties in a comprehensive manner, including sampling of food, the inspection of Approved Premises and the implementation of the Home Authority Principle at food standards premises. The Authority also demonstrated a commitment to the training of officers and to promotional activity. |
| 2.2 | The Authority had authorised officers to carry out food hygiene enforcement work who were not appropriately qualified. Inspections were not being carried out at the minimum frequencies required by Food Safety Act Codes of Practice and there was little evidence of feedingstuffs enforcement. |

2.3 The Authority's Strengths

Sampling

Food standards and food hygiene sampling had been conducted in accordance with the Authority's sampling policy. File records were well maintained and appropriate follow up action had been taken.

Records

Food standards, general food hygiene, Approved and licensed butchers' premises and Improvement Notices records were detailed and comprehensive in nature.

Home Authority

There was evidence of targeted activity at food standards Home Authority premises. This enabled the Authority to discharge its Home Authority responsibility effectively.

Approved Premises

The completion of detailed proforma demonstrated that thorough inspections and focused sampling activity had taking place.

Training

Officers were provided with numerous opportunities to participate in training events. It was evident that those officers conducting food law enforcement who were required to satisfy the continuing development requirements of the Code of Practice were able to do so.

Food Safety Promotion

The Authority demonstrated commitment to food safety promotion including the production and distribution of bilingual educational materials as part of targeted campaigns.

2.4 **The Authority's Key Areas for Improvement**

Authorisations of Food Hygiene Enforcement Officers

The Authority had appointed and authorised a number of officers in relation to food hygiene enforcement work who did not meet the requirements of Food Safety Act Code of Practice No.19.

Feedingstuffs Enforcement

There was limited evidence that the Authority was undertaking appropriate feedingstuffs enforcement activity.

Frequency of Premises Inspections

The Authority was not carrying out its premises inspections at the minimum frequencies required by the Food Safety Act Codes of Practice No.8 and No.9. Inspections carried out at the minimum frequencies ensure that risks associated with the operation of food businesses are identified in a timely manner.

Audit Findings

3 Organisation and Management

- 3.1 The Council is made up of seventy five members, fifteen of whom constitute the Board, chaired by the Leader of the Council. There are a number of plans and strategies that constitute the Council's policy framework, one of which is the Food Law Enforcement Service Plan.
- 3.2 The Authority has four strategic directorates and delivery of the food and feedingstuffs service is the responsibility of the Administration and Public Protection Department of the Resources Directorate. The work of the Directorate is examined by a dedicated Resource and Corporate Scrutiny Committee. There is a portfolio leader for Customer Care and Public Protection services.
- 3.3 The Directorate Plan for 2004-05 identified a number of objectives including:
- The promotion of the health and well-being of residents and visitors to the area and protecting the environment by ensuring an effective public protection service;
 - Ensuring an appropriate investment in the Council's most important asset – its employees – by implementing a Human Resources Strategy...which in turn will facilitate the ability of Council employees to provide services of the highest quality;
 - Establishing a dialogue between the Council and its stakeholders through the press, provision of information and extensive consultation.
- 3.4 A Food Service Plan had been produced for 2002-03 which covered food hygiene, food standards and feedingstuffs enforcement and included links to the Authority's corporate objectives. The aims and objectives contained within the Food Service Plan 2002-03 were;
- To promote good practice with respect to the manufacture, handling, supply and consumption of food and feedingstuffs within Gwynedd;
 - To protect consumers and traders from unsafe and unfair practices involving food and feedingstuffs by striving to ensure that all food and feedingstuffs supplied and/or produced in Gwynedd comply with relevant legislation.

- 3.5 The Food Service Plan linked to the following Council objectives:
- To provide services of the best possible quality within resources available in accordance with the needs and aspirations of the people;
 - To develop safe and sustainable communities in town and country by supporting community provision and improving living conditions.
- 3.6 The Framework Agreement allows flexibility for an authority to maintain its own corporate service planning style, but the authority should ensure that the information requirements in the Service Planning Guidance in the Framework Agreement are included and separately identifiable in their documents.
- 3.7 The Food Service Plan had been drawn-up broadly in accordance with the Service Planning Guidance in the Framework Agreement.
- 3.8 The Authority had a number of Business and Improvement Plans relating to periods before and after restructuring. Whilst these contained information relating to performance indicators they did not make any reference to addressing any variance from meeting the previous years plans and it was unclear as to what had been submitted for member approval.
- 3.9 The Directorate Plan 2004-05 indicated that the Authority had carried out 82% of high risk food hygiene inspections and 40% of high and medium risk trading standards inspections. Targets for 2004-05 were 100% and 40% respectively.
- 3.10 The 2002-03 Food Service Plan stated that such plans would be produced annually. Although the Council Board approved this 2002-03 Food Service Plan on 23 April 2002, it had not been updated and was therefore out of date in some areas, including premises profiles and details of the planned inspection programmes. There had been no subsequent Food Service Delivery Plans.
- 3.11 A performance review of the Food Service Plan had not been undertaken and reported to Members.

Recommendations

3.12 The Authority should:

- (i) Draw up document and implement a Service Delivery Plan in accordance with the Service Planning Guidance in Chapter 1 of the Framework Agreement. [The Standard – 3.1]
- (ii) Carry out a performance review based on the Service Delivery Plan at least once a year. The review should be documented and submitted for member approval. [The Standard – 3.2].
- (iii) Ensure that any variance in meeting the Service Delivery Plan is addressed in the subsequent year's service arrangements. [The Standard – 3.3]

4 Review and Updating of Documented Policies and Procedures

- 4.1 The Authority had a documented control system for ensuring that documented policies and procedures for enforcement activities covered by The Standard were reviewed and updated as necessary.
- 4.2 Documented policies and procedures had been produced for food hygiene enforcement activities covered by The Standard, although some had only recently been drafted.
- 4.3 A comprehensive record of all documented food hygiene enforcement procedures was maintained showing dates of issue, and dates and specific details of all amendments.
- 4.4 The Trading Standards Section's documented policies and procedures were part of the Trading Standards Food and Feedingstuffs Standards Enforcement Quality Manual.
- 4.5 Controlled copies of corporate documents were available to all officers on the corporate Intranet.
- 4.6 Officers had access to up to date copies of relevant documents, including legislation, Food Safety Act Codes of Practice, Industry Guides, and other appropriate documentation.

5 Authorised Officers

- 5.1 The Authority had a draft documented procedure, issued in January 2004, for the authorisation of officers under the Food Safety Act in relation to food hygiene enforcement.
- 5.2 The documented procedure that applied to the authorisation of officers for food standards and feedingstuffs enforcement was part of the Trading Standards Quality Manual.
- 5.3 The Authority's Scheme of Delegation included a power for the Head of Service to authorise officers to enforce the Food Safety Act. In the case of Environmental Health and Trading Standards, the Head of Service was the Strategic Director of Resources.
- 5.4 The Strategic Director had further delegated the responsibility for the authorisation of officers to the relevant Public Protection Managers, who had duly signed officer authorisation documents.
- 5.5 Officers had not been authorised to enforce Regulations made under the European Communities Act or the Food and Environment Protection Act.
- 5.6 A number of inspections had been carried out by officers who were not qualified in accordance with Food Safety Act Code of Practice No.19.
- 5.7 Some officers in the Environmental Health Section whose routine duties did not include enforcement of the Food Safety Act were nonetheless authorised to do so. There was no evidence that these officers met the qualification requirements, or that they had undertaken the minimum 10 hours food-related continuing development training per year required by the Food Safety Act Code of Practice. However there was no evidence that these officers had conducted any food hygiene enforcement activity.
- 5.8 The Authority had appointed appropriate lead officers with responsibility for food safety and food standards law enforcement, as required by the Food Safety Act Code of Practice, and for the enforcement of feedingstuffs legislation.
- 5.9 The documented Training Plan and Training Programme was part of the Authority's corporate appraisal and development scheme under which individual training needs were periodically identified and recorded by the relevant Public Protection Manager.
- 5.10 There was evidence that staff had been appraised under the corporate scheme and that officers were encouraged to undertake continuing

development activities and had frequent opportunities to participate in training and development events.

- 5.11 Records of training that had been undertaken were comprehensive and well maintained, and qualification and training records demonstrated that officers who were conducting food law enforcement were appropriately qualified, and had received at least the minimum 10 hours continuing development training per year.
- 5.12 However, it was noted that maintaining individual training records and monitoring compliance with continuing development requirements was no longer being undertaken by management, which made it difficult for managers to ensure that minimum requirements were being met.
- 5.13 Officers who were responsible for the approval and inspection of establishments under product-specific food hygiene legislation and the inspection and licensing of butchers' shops had received training in HACCP principles and practice.
- 5.14 Officers who were authorised to conduct inspections of food businesses with a "high" risk-rating for food standards, and food businesses with documented quality assurance systems, had all been trained to quality assurance lead assessor level.
- 5.15 The 2002-03 Service Plan stated that a training budget of £300 per annum had been identified for food safety officers and £400 per annum for food standards officers. Additional funds could be made available if necessary.

Recommendation

5.16 The Authority should:

Ensure that its officers have suitable qualifications, training and experience, consistent with their authorisation and duties and in accordance with the relevant Food Safety Act Code of Practice.
[The Standard – 5.3]

6 Facilities and Equipment

- 6.1 The Authority had made available the necessary facilities and equipment to permit activities associated with the service to be carried out.
- 6.2 The documented Calibration Procedure, issued in January 2004, set out the procedure for maintaining and calibrating temperature monitoring and measuring equipment and removing it from service when found to be defective.
- 6.3 The documented procedure also included monthly checks on the temperatures of refrigerators and freezers that were used for the storage of food samples and food complaints.
- 6.4 Calibration records indicated that temperature monitoring equipment, test caps, and the reference thermometer had been calibrated at monthly intervals as required by the documented procedure. However, calibration records were only available from March 2004, and records in the area offices were incomplete.
- 6.5 The premises database was considered to be generally capable of providing the information required by the Food Standards Agency. However, the audit identified difficulties with 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.
- 6.6 It was noted that the Authority had already decided that its database did not meet its requirements and was in the process of transferring to a new system at the time of the audit, and staff were being trained in its use. Emphasis was placed on checking the integrity of data prior to transfer.
- 6.7 User levels of access were assigned according to the individual role of each officer. Security and daily backup systems were in place to minimise the risk of corruption or loss of information held on the database.

Recommendations

6.8 The Authority should:

- (i) Ensure that all relevant information about the equipment is recorded.
[The Standard – 6.3]
- (ii) Ensure that its computer software 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

7.1 The 2002-03 Food Service Plan stated that the Authority's food hygiene and food standards planned inspection programmes were based on risk-assessments in accordance with the Food Safety Act Code of Practice. Under the Service Plan, businesses in the food standards high and medium risk categories should have been prioritised for inspection.

Food Hygiene

7.2 The documented procedure for Programmed Food Safety Inspections, issued in February 2004, covered general food hygiene inspections, but not the inspection and licensing of butchers' shops or the inspection and approval of establishments subject to product-specific food hygiene regulations.

7.3 Records relating to 12 premises inspected under general hygiene regulations, 7 Approved Premises inspected under product-specific food hygiene regulations, and 9 licensed butchers' shops were checked. These indicated that inspections of these businesses had been conducted at the correct frequency, as determined by the Food Safety Act Code of Practice No. 9 food hygiene risk rating.

7.4 However, a report produced from the database during the audit showed that 114 food hygiene inspections were overdue, including 82 in risk categories A to C. Twenty one food premises on the database had not been inspected or risk-rated.

7.5 Food hygiene inspections of some premises were not being conducted at the minimum frequency determined by the food hygiene risk rating. It was also evident that the policy set out in the Service Plan of prioritising the inspection of higher risk businesses over those with a lower risk was not being implemented effectively.

7.6 A standard inspection form was used to record general food hygiene inspections, which helped to ensure that inspections were conducted and recorded systematically, and in accordance with relevant legislation, the Food Safety Act Code of Practice No.9, and other centrally issued guidance. A completed copy of the inspection report form was on file in relation to all of the general food hygiene inspections checked.

7.7 Records relating to the 9 premises that were reported by the Authority in pre audit documentation to be licensed butchers' shops indicated that 3 were no longer licensed. Records of the remaining 6 contained evidence that an assessment of compliance with the Food Safety

(General Food Hygiene) Regulations had been undertaken and that the decision to grant a licence had been based on an assessment of all relevant criteria.

- 7.8 Records relating to the 7 establishments approved under product-specific food hygiene regulations contained comprehensive and detailed information about facilities, site operations, products produced, and sampling undertaken. Completed inspection and approval documents demonstrated that decisions to grant approval had been based on relevant criteria.

Recommendations

- 7.9 The Authority should:
- (i) Ensure that food hygiene, food standards and feedingstuffs inspections are carried out at a frequency that is not less than that determined under the inspection rating system set out in the relevant legislation, Food Safety Act Code of Practice No. 9 and centrally issued guidance. [The Standard – 7.1]
 - (ii) Expand, maintain and implement its documented food hygiene inspection procedures for the full range of inspections it carries out. [The Standard – 7.4]

Food Standards

- 7.10 The Trading Standards Food and Feedingstuffs Standards Enforcement Quality Manual included the documented procedure for the conduct and follow-up of food standards inspections.
- 7.11 Records relating to 11 food standards inspections that had been conducted during the 12 months prior to the audit were examined. These indicated that only 5 had been inspected at the correct frequency as determined by the Food Safety Act Code of Practice food standards risk rating.
- 7.12 It was established during the audit that the planned food standards inspection programme was not being implemented effectively. Food standards inspections were not being conducted at the minimum frequency determined by the food standards risk rating in Food Safety Act Code of Practice No. 8 and priority was not being given to the inspection of higher risk businesses.

- 7.13 However, a difficulty with extracting information from the database meant it was not possible to produce a comprehensive list of food standards inspections that were overdue at the time of the audit.
- 7.14 A standard inspection report form was being used to record details of food standards inspections.

Recommendation

- 7.15 The Authority should:

Ensure that food standards inspections are carried out at a frequency that is not less than that determined under the inspection rating system set out in the relevant legislation, Food Safety Act Code of Practice No.8 and centrally issued guidance. [The Standard – 7.1]

Feedingstuffs

- 7.16 The documented feedingstuffs inspection procedure was part of the Trading Standards Food and Feedingstuffs Standards Enforcement Quality Manual.
- 7.17 Although 48 businesses were on the Authority's register of establishments or intermediaries under the Feeding Stuffs (Establishments and Intermediaries) Regulations 1999, it appeared that only 2 of these businesses had been inspected. It was noted that the Authority had made limited efforts to obtain information from farms, thus updating the register and reflecting a more accurate assessment of on farm mixing activity.
- 7.18 It was not evident that the Authority was addressing its responsibilities for enforcing feedingstuffs legislation effectively in accordance with the targets identified in its 2002-03 Service Plan.

Recommendations

7.19 The Authority should:

- (i) Ensure that food feedingstuffs inspections are carried out at a frequency that is set out in centrally issued guidance.
[The Standard – 7.1]
- (ii) Assess the compliance of approved and registered feedingstuffs premises in its area to legally prescribed standards.
[The Standard – 7.3]

8 Food, Feedingstuffs and Food Premises Complaints

- 8.1 The Authority's policy for dealing with food and feedingstuffs complaints was set out in the Food and Feedingstuffs Standards Enforcement Quality Manual. There was no policy for dealing with food hygiene complaints or complaints about the hygiene of premises.
- 8.2 The Authority had a documented procedure, issued in September 2001, covering the investigation of food hygiene complaints. There was no documented procedure relating to the investigation of complaints about the hygiene of food premises.
- 8.3 The procedure for dealing with food standards and feedingstuffs complaints was included in the Trading Standards Food and Feedingstuffs Standards Enforcement Quality Manual.
- 8.4 Records of 7 food hygiene complaints, 8 food standards complaints and one feedingstuffs complaint were examined and compared against Food Safety Act Code of Practice, centrally issued guidance, and the Authority's own documented procedures.
- 8.5 These generally demonstrated that complaints had received appropriate investigation, including the submission of complaint specimens for laboratory examination, liaison with Home and Originating Authorities, and the inspection of food business premises.
- 8.6 It was not always apparent from the record, however, whether the outcome of the investigation had been communicated to the complainant.
- 8.7 The feedingstuffs complaint was found to be a weights and measures matter that had been wrongly recorded on the database.

Recommendations

8.8 The Authority should:

- (i) Set up, maintain and implement a documented policy in relation to complaints about food hygiene and the hygiene of food premises. [The Standard – 8.1]
- (ii) Expand, maintain and implement its procedures to include the investigation of complaints about the hygiene of food premises. [The Standard – 8.1]
- (iii) Ensure that all complainants are advised of the outcome of investigations. [The Standard – 8.2]

9 Home Authority Principle

- 9.1 The Food Service Plan 2002-03 stated that the Authority subscribed to the LACORS Home Authority Principle. At the time the Service Plan was written in 2002, the Authority had identified 20 food and feedingstuffs businesses for which it acted as Home Authority.
- 9.2 Businesses for which it acted as Home Authority had been registered on the LACORS Internet website, although it was noted that the list was incomplete and had not been updated since January 2004.
- 9.3 There were no formal Home Authority agreements, but informal arrangements were in place with a number of local manufacturers and other food businesses. In addition to programmed inspections there was also evidence of sampling activity and advice in relation to labelling and compositional issues.
- 9.4 Documented procedures confirmed that contact with Home and Originating Authorities was an integral part of the Authority's enforcement processes, where appropriate.
- 9.5 Officers had Internet access to the LACORS Home Authority database and could therefore identify relevant Home and Originating Authorities and local authority contacts.
- 9.6 Records that were examined during the audit demonstrated that the Home Authority Principle was being implemented effectively, and that requests for information from other enforcing authorities were actioned appropriately.

10 Advice to Business

10.1 The Authority demonstrated a proactive approach to helping local businesses comply with food and feedingstuffs law, demonstrated by a number of initiatives that had been, or were being undertaken. These included:

- Food hygiene and safety leaflets and posters;
- Advice on feedingstuffs;
- HACCP guidance pack;
- Seasonal slaughter guidance;
- Targeted food safety information for Chinese caterers;
- Using the Authority's Internet website to make information available to businesses;
- Advice on meat products;
- Advice to new businesses.

10.2 There was evidence that advice was provided on request, during the course of inspections, and by targeting specific food business sectors.

10.3 The Authority also had a commitment to invite customer feedback and to use this to help inform service development and delivery.

11 Food and Feedingstuffs Premises Database

- 11.1 The Authority had a database of premises that were subject to food and feedingstuffs enforcement in its area.
- 11.2 The auditors randomly selected 15 businesses from categories in a local business directory that appeared to include food businesses. All 15 businesses had been recorded on the database.
- 11.3 Of these 15 businesses, one was recorded as a farm with no food-related activity and 2 were recorded as having recently closed. The remainder were properly recorded as food businesses and were included in the Authority's planned inspection programmes as appropriate.
- 11.4 Two database reports that were generated during the audit gave different figures for the numbers of businesses that were included in the food hygiene inspection programme. One report gave the number as 2036, the other indicated that the figure was 1984. Both reports indicated that a number of food premises had not been risk rated for food hygiene.
- 11.5 There was difficulty in extracting information about food standards enforcement from the database during the audit. This meant it was not possible to produce equivalent reports for the Authority's food standards inspection programme.
- 11.6 It was evident from the examination of database records relating to inspections, complaints and food samples that inspection, risk rating and other action details were not always recorded on the database accurately. Some activities had not been coded correctly and others had been duplicated. This resulted in gaps and inaccuracies in the history of the businesses concerned, and errors in the enforcement activity data sent by the Authority to the Food Standards Agency.
- 11.7 However, it was recognised by the auditors that the Authority had been making progress in addressing many of the problems with the database that were highlighted during the audit. It was also noted that a new departmental data management system was in the advanced stages of rollout.
- 11.8 Measures that were included in the Food Team Procedure Document for the Food Database, issued in November 2002, were not sufficient to ensure that the database was accurate and up to date.

Recommendation

11.9 The Authority should:

Review, maintain and implement its documented procedure so as to ensure that its food premises database is accurate and up to date.
[The Standard – 11.2]

12 Food and Feedingstuffs Inspection and Sampling

- 12.1 The Authority had a documented Food and Water Sampling Policy, issued in September 2002, setting out the Authority's approach to the sampling of food produced, manufactured, stored, distributed, handled, retailed or consumed in its area. The Policy did not include feedingstuffs.

Food Hygiene

- 12.2 The detailed documented procedure for food hygiene and safety sampling was in draft form at the time of the audit. There was a food hygiene sampling programme that was reviewed quarterly, which included the sampling of locally produced food and participation in co-ordinated surveys.
- 12.3 Records of 10 food hygiene samples that had been taken informally were examined. These demonstrated that sampling had been targeted at a variety of local produce and that samples had been obtained by the sampling officer in accordance with the planned food hygiene sampling programme.
- 12.4 Sample results were available in all cases, and appropriate action had been taken to follow-up those that had been reported as unsatisfactory. Follow-up action included taking further samples, premises visits and inspections, and liaison with Home and Originating Authorities where necessary.
- 12.5 The Authority reported in pre-audit documentation that six voluntary surrenders of food for destruction had been undertaken in the period prior to the audit. However, examination of records of these activities revealed that only one reported related to the voluntary surrender of food to the Authority for destruction.
- 12.6 In this case the record was confusing and contradictory, and it was not possible to determine the method, place, date or time of disposal of the food in question.
- 12.7 One formal seizure and detention of food had been recorded on the database in conjunction with the service of an Emergency Prohibition Notice. However, the Authority could not locate any other records or documentation relating to this seizure and detention.

Food Standards and Feedingstuffs

- 12.8 There was no documented food standards or feedingstuffs sampling programme, and it was therefore not possible to determine whether food standards or feedingstuffs sampling has been undertaken in accordance with a planned programme.
- 12.9 It was nonetheless evident that food standards sampling was being undertaken, targeted at a variety of locally manufactured and produced products, with participation in co-ordinated surveys. Sampling activity was also evident in relation to food complaints and Home Authority referrals.
- 12.10 Records of 8 food standards samples were examined. Sample results were available in all cases, and appropriate action had generally been taken to follow-up those that have been reported as unsatisfactory.
- 12.11 Records of 2 feedingstuffs samples that had been taken recently indicated that feedingstuffs sampling was being undertaken, although there was no evidence of any follow-up of the one sample that was reported as being unsatisfactory.
- 12.12 The Authority had appointed a Public Analyst and an Agricultural Analyst, and appropriate deputies, in accordance with the requirements of relevant legislation and the Authority's delegated powers.

Recommendations

- 12.13 The Authority should:
- (i) Ensure that the sampling policy is expanded to include feedingstuffs. [The Standard – 12.4]
 - (ii) Set up, maintain and implement a documented sampling programme for food standards and feedingstuffs. [The Standard – 12.4]

13 Control and Investigation of Outbreaks and Food Related Infectious Disease

- 13.1 The Authority had set up a documented procedure relating to the control of outbreaks of food related infectious disease. The procedure had been developed jointly by the Authority and other relevant organisations in accordance with centrally issued guidance. The Authority's Executive Committee formally adopted the outbreak control plan in February 2001. The plan was undergoing review at the time of the audit.
- 13.2 Three incidents that satisfied the definition of a food poisoning outbreak were examined. All three outbreaks were thoroughly investigated, appropriate samples and specimens were taken as necessary, and information obtained through case and contact interviews was followed-up.
- 13.3 In addition to the Outbreak Control Plan, there was also a documented procedure for the investigation of sporadic cases, issued in April 2002.
- 13.4 Notifications relating to 10 sporadic cases of food related infectious diseases were examined. These demonstrated that cases had generally been investigated thoroughly and recorded in accordance with the documented procedure. However, in 2 cases gaps in the information that had been recorded made it impossible to determine that appropriate action had been taken.
- 13.5 It was evident that the Authority had liaised effectively with local authorities and other stakeholders in the investigation and control of outbreaks and sporadic cases of food related infectious disease.
- 13.6 Records were retained in the Authority's archive system for at least 6 years.

14 Food Safety Incidents

- 14.1 The Authority had a computer system that was capable of receiving Food Hazard Warnings. Food Hazard Warnings were received by e-mail in the headquarters and area offices.
- 14.2 There was a documented policy and procedure for handling Food Hazard Warnings and for notifying the Food Standards Agency of incidents that occur locally. The procedure did not include out of hours contact arrangements and was in need of review.
- 14.3 Records of a sample of Food Hazard Warnings that were issued by the Food Standards Agency in the 6 months prior to the audit were examined. A number of these Food Hazard Warnings required the Authority to take action.
- 14.4 Records of all Food Hazard Warnings checked were available in electronic format in the Trading Standards Section. The database record indicated the response that had been taken and the outcome, including those where action was not required.
- 14.5 When action was necessary in response to a Food Hazard Warning, it was generally based on local knowledge and appeared to be appropriate. Press releases were issued to disseminate information about Hazard Warnings and product recalls when it was appropriate to do so.
- 14.6 In the Environmental Health Section, although copies of Food Hazard Warnings were retained in a file, it was difficult to determine the action that had been taken and the outcome in some cases.
- 14.7 The auditors were advised that no serious localised incidents or wider food safety problem had occurred in the previous two years which would have required notification to the Food Standards Agency in accordance with Food Safety Act Code of Practice No. 16: Enforcement of the Food Safety Act in relation to the Food Hazard Warning System.

Recommendations

14.8 The Authority should:

- (i) Review its documented procedure for Food Hazard Warnings to include out of hours contact arrangements. [The Standard – 14.1]
- (ii) Fully document its response to, and the outcome of, each of the Food Hazard Warnings it receives. [The Standard – 14.3]

15 Enforcement

- 15.1 The Authority had a documented Public Protection Enforcement Policy and procedures that were approved by the Authority's Council Board in March 2002. It was available on the Authority's Internet website and from Civic Buildings.
- 15.2 It was evident that officers routinely utilised a mix of formal and informal enforcement options, including letters, Improvement Notices, voluntary and emergency closures, and formal cautions.
- 15.3 Enforcement decisions had been in accordance with the Enforcement Policy, and took account of the particular circumstances of each case. In cases examined, decisions appeared to have been proportionate and appropriate.
- 15.4 The Authority reported that it had undertaken the following enforcement action in the 2 years preceding the audit:
- 5 formal cautions;
 - 4 Emergency Prohibition Notices;
 - 12 Improvement Notices;
 - 2 voluntary closures of food premises;
 - 6 voluntary surrenders.
- 15.5 Records relating to 5 formal cautions, 2 Emergency Prohibition Notices, 2 voluntary closures of food premises, and 12 Improvement Notices were examined and checked against centrally issued guidance, the Authority's enforcement policy, and relevant documented procedures.
- 15.6 Formal cautions were administered by the Director of Housing and Public Protection, the predecessor to the Strategic Director of Resources, and formal caution case files were comprehensive and well prepared.
- 15.7 Emergency Prohibition Notices had been served in appropriate circumstances, although it appeared that some documents had been wrongly dated, and copies of some key documents could not be found. It was not therefore possible to determine whether statutory procedures had been followed.
- 15.8 One of the actions reported by the Authority as a voluntary closure had been miscoded as such.
- 15.9 Officers had served Improvement Notices in appropriate circumstances, and were authorised to do so. There was evidence that Improvement

Notices had generally been followed-up to ensure compliance, although the method of service had not been recorded in 3 cases.

Recommendation

15.10 The Authority should:

Ensure that Emergency Prohibition activity is carried out in accordance with the relevant Food Safety Act Code of Practice and centrally issued guidance. [The Standard – 15.3]

16 Records and Inspection Reports

- 16.1 Inspections under the Food Safety (General Food Hygiene) Regulations were well documented, and detailed records were retained on file and on the database.
- 16.2 Records and inspection reports of establishments approved under product-specific food hygiene regulations and licensed butchers' shops were comprehensive and well maintained.
- 16.3 File and database records included application forms and inspection records, and details of the businesses and the operations that were carried out, making it possible to determine that decisions to grant approvals or licences had been based on relevant criteria.
- 16.4 Food standards inspection records included business profiles, descriptions of activities undertaken, inspection and visit dates and outcomes, assessments of compliance with legal requirements, complaints, sample details and results, and copies of correspondence.
- 16.5 Detailed records of sampling activity were maintained, demonstrating that sampling had been appropriately targeted, and that unsatisfactory results had been followed-up to establish and resolve reasons for failure.
- 16.6 Information in relation to Improvement Notices and other enforcement activities had generally been recorded in detail, demonstrating that the Enforcement Policy had been followed and statutory requirements met. However, records relating to Emergency Prohibition Notices were incomplete.
- 16.7 Records relating to the calibration of instruments and seizure, detention and voluntary surrender of foods were less well maintained. Gaps in some records made it impossible to determine whether official guidance had been followed and statutory requirements had been met.
- 16.8 Records of premises that had been registered under the Feedingstuffs (Establishments and Intermediaries) Regulations 1999 lacked detail, and most did not appear to have been reviewed or updated since the Regulations first came into effect in 1998.
- 16.9 Feedingstuffs registration declarations need to be reviewed and appropriate inspections undertaken, particularly in relation to on-farm mixing activity.

Recommendation

16.10 The Authority should:

Maintain up to date and accurate records for all feedingstuffs premises in its area, and for all activities associated with the service of Emergency Prohibition Notices and the seizure, detention and voluntary surrender of food. [The Standard – 16.1]

17 Complaints about the Service

17.1 The Authority had set up and implemented a documented Corporate Complaints Procedure.

17.2 A summary of the corporate procedure had been published and was available from Civic Buildings and on the Authority's Internet website.

17.3 There was also a documented procedure in draft format setting out the departmental arrangements for implementing the corporate procedure in respect of complaints about the food and feedingstuffs enforcement service.

17.4 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 liaison arrangements with neighbouring authorities and other bodies aimed at facilitating consistent enforcement. These included participation in:

- North Wales Food Group;
- North Wales Quality and Metrology Panel;
- Shellfish Liaison Group;
- Welsh Heads of Trading Standards;
- Welsh Heads of Environmental Health Group;
- Directors of Public Protection Wales.

18.2 Minutes of liaison group meetings confirmed there was regular attendance by appropriate representatives of the food and feedingstuffs enforcement services.

18.3 The Authority also had active liaison arrangements with:

- North Wales and North West Sea Fisheries Committee;
- Food Standards Agency Wales;
- The Meat Hygiene Service;
- LACORS (Local Authorities Co-ordinators of Regulatory Services);
- DEFRA (Department for Environment Food and Rural Affairs);
- CEFAS (The Centre for Environmental Fisheries and Aquaculture Science);
- The Health Authority and successor bodies.

19 Internal Monitoring

- 19.1 The Environmental Health Section had a documented procedure, issued in September 2002, for monitoring the quality and consistency of food hygiene inspections and inspection outcomes, although it did not cover all aspects of the food law enforcement service.
- 19.2 The procedure included the Public Protection Manager accompanying each officer on an inspection on an annual basis and a programme of peer review joint inspections. The Public Protection Manager also carried out sample file audits for each officer annually.
- 19.3 Records demonstrated that the monitoring procedure was being implemented, and that results were being used to help improve service delivery. The Authority had recently started to audit its activities against documented procedures and intended to use the results as an assessment of internal consistency.
- 19.4 The food hygiene team had carried out a consistency exercise in December 2002 in relation to the Welsh Food Hygiene Award Scheme.
- 19.5 Monitoring of adherence to performance indicators was in the form of reports to corporate Scrutiny Committees. However, there was no evidence of monitoring of adherence to the planned inspection programmes, of the priority being given to the inspection of high risk premises, or of officers' HACCP competencies, as required by the Food Safety Act Code of Practice.
- 19.6 Internal monitoring was included in the Trading Standards Section Quality Manual. There was evidence of some quantitative monitoring being carried out for food standards. A trading standards user survey had also been conducted. The auditors were informed of other activities including assessment of inspection records and follow up discussions with officers, and monthly performance checks. However, no record was kept of these activities.
- 19.7 Managers from Administration and Public Protection met monthly to discuss issues including service delivery.

Recommendations

19.8 The Authority should:

- (i) Expand its documented internal monitoring procedure in accordance with the relevant Food Safety Act Code of Practice and centrally issued guidance. [The Standard – 19.1]
- (ii) Verify its conformance with all relevant aspects of The Standard, legislation, the Food Safety Act Code of Practice, centrally issued guidance, and the Authority's own documented policies and procedures. [The Standard – 19.2]
- (iii) Ensure that records are made of all internal monitoring and retained for a period of at least two years. [The Standard – 19.3]

20 Third Party or Peer Review

- 20.1 The Authority had participated in the all-Wales food hygiene inter-authority document review and compliance audit in October 1999 and had produced an action plan.
- 20.2 The Environmental Health and Trading Standards Sections had also been subject to an independent review as part of the Authority's corporate improvement programme.

21 Food and Feedingstuffs Safety and Standards Promotion

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

21.2 In 2003, the Authority had developed Welsh language material based on Foodlink literature to promote the importance of hand washing. The campaign targeted educational establishments and included a poster competition, a resource pack for teachers, and the distribution of leaflets. The 2004 campaign on the prevention of the transmission of germs targeted the general public. A variety of promotional items and leaflets were distributed at local supermarkets and an informational bookmark developed by the Authority was available at Civic Buildings and educational establishments.

21.3 Evidence of other activities included:

- Food hygiene training;
- Welsh Food Hygiene awards;
- Young consumer of the year;
- Promotion of the service on the website;
- Talks to consumer groups;
- Distribution of leaflets.

21.4 There was no evidence of any promotional activity relating to feedingstuffs.

Recommendation

21.5 The Authority should:

Expand its promotional activity to include feedingstuffs.
[The Standard – 21.1]

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ANNEX A

Glossary

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