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Report on the Food Law Enforcement Service

Merthyr Tydfil County Borough Council

22 - 26 November 2004

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 the responsibility of unitary authorities. These local authority regulatory functions are principally delivered through their Environmental Health and Trading Standards Services.

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

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

The main aim of the audit scheme is to maintain and improve consumer protection and confidence by ensuring that 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 contains some statistical data, for example on the number of food premises inspections carried out. The Agency's website contains enforcement activity data for all UK local authorities.

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

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1 Introduction

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

Reason for the Audit

- 1.2 The power to set standards, monitor, and audit local authority food law enforcement services was conferred on the Food Standards Agency by the Food Standards Act 1999. The audit of the food service at Merthyr Tydfil County Borough Council was undertaken under Section 12(4) of the Act as part of the Food Standards Agency's annual audit programme.
- 1.3 The Authority was audited as part of the Food Standards Agency Wales programme of full audits of all 22 Welsh local authorities

Scope of the Audit

- 1.4 The audit covered Merthyr Tydfil'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 Merthyr Tydfil between 22 - 26 November 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 March 2002, June 2003 and 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 Merthyr Tydfil County Borough Council is the smallest unitary authority in Wales, covering an area of approximately 11,200 hectares, including a small part of the Brecon Beacons National Park. The resident population is around 56,000, two-thirds of whom live within the town of Merthyr Tydfil itself.

- 1.8 The other main centres of population are small villages that were once associated with the coal mining industry that was closed-down during the early 1980's. Unemployment in Merthyr Tydfil is above the Welsh average, although increasing retail activity in the area and investment in the development of a broad manufacturing base, including a large meat processing plant, have begun to reduce the unemployment level.
- 1.9 The Authority reports that it is responsible for enforcement at approximately 545 food businesses in the area .However,the operation of the database prevents the Authority from reporting an exact figure.
- 1.10 One feedingstuffs business has been approved by the Royal Pharmaceutical Society of Great Britain and the Authority and enforcement responsibility is shared between them. There are also 89 farms in the area although none were believed to be on-farm mixers.
- 1.11 Food businesses cover a range of business types, including retail, manufacturing, catering and processing. One establishment has been approved under product-specific food hygiene regulations for the production of meat products.
- 1.12 Food hygiene law enforcement is the responsibility of the Public Health Service and food standards and feedingstuffs law enforcement is the responsibility of the Trading Standards Service. Both sections are part of the Authority's Customer Corporate Services Directorate.
- 1.13 The Council Offices were open from 08:30 – 17:00 Monday to Thursday and 08:30 – 16:30 on Friday. The Council operated a generalised emergency out of hours service at all other times, through which officers could be contacted and the response of officers was on a good will basis, rather than as a standby service. Emergency call centre staff at the Civic Centre could contact staff but no system is in place to respond to food alert issues outside normal hours.
- 1.14 The Authority's lead officers for food hygiene enforcement and for food standards and feedingstuffs enforcement were located at the Authority's headquarters in Merthyr Tydfil.

Resources

- 1.15 The 2004-2005 Food Standards and Feedingstuffs Service Delivery Plan stated that the Authority has the equivalent of 1 full time equivalent (FTE) officer involved in food standards and law enforcement. The number of staff involved in food hygiene enforcement was not stated in

the Service Priorities for Public Health but was identified as 2.35 FTE in pre-audit documentation.

- 1.16 The Authority's budget allocation for the food hygiene, standards and feedingstuffs enforcement services in 2004-2005 was:

	Food Hygiene & infectious disease	Food Standards and Feedingstuffs
Staffing	£116,690	£20,700
Training	£700	£430
Travel and Subsistence	£4,050	£840
Sampling	£2,100	£9,460
Other	£11,500	£2,020
Income	(£2,800)	£0
Total	£132,240	£33,450

2 Executive Summary

2.1	The Authority was providing a comprehensive and effective food law enforcement service. A number of its activities, including the inspection of general and Approved food hygiene premises, the licensing of butchers' shops and food sampling were being carried in a particularly thorough manner. Records in relation to these activities together with Improvement Notices and prosecutions were complete and detailed.
2.2	The management of a modern, effective, and efficient food and feedingstuffs enforcement service is dependent on an accurate and up to date data management and information system. Significant deficiencies in data quality and accuracy were identified at the time of audit.
2.3	The importance of providing training for food law enforcement officers had been recognised and they had attended numerous courses on a variety of relevant subjects. The Authority was also discharging its food standards Home Authority responsibilities in an effective manner. Records relating to these activities were thorough and complete.

2.4 The Authority's Strengths

Training

Officers were provided with numerous opportunities to participate in training events and it was evident that those who were conducting food enforcement were meeting the continuing development requirements of Food Safety Act Code of Practice No.19.

Sampling

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

Inspection of General and Approved Food Hygiene Premises

Inspections of general and Approved Premises were thorough and comprehensive. It was evident that this included detailed attention to hazard analysis/HACCP as appropriate and that follow up action was being undertaken to secure food hygiene compliance and improvement in these premises.

The Licensing of Butchers' Shops

The licensing of butchers' shops was also being carried out in a particularly comprehensive manner. Standard forms were being systematically completed by officers, recording business activities, food hygiene training, HACCP systems and an assessment of compliance.

Records

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

Food Safety Inspection Reports of General and Approved Premises

Food Hygiene Inspection Reports clearly explained the reasons why works were required. Legislation and recommendations were distinguished and detailed references to the specific legislation contravened were included. Reports were sent in a timely manner in accordance with the Authority's procedure.

Food Standards Home Authority Premises

There was evidence of targeted food standards activity (including inspections, advice and sampling) at Home Authority Premises enabling the Authority to discharge its Home Authority responsibility effectively.

2.5 The Authority's Key Area for Improvement

Database

The accuracy of the database was a serious concern to the auditors. The inaccuracies affected the ability of the service to plan an effective work programme and produce comprehensive performance monitoring data. It also affected the Authority's ability to supply appropriate statistics to central government.

Audit Findings

3 Organisation and Management

- 3.1 The Authority's Improvement Plan 2003-2006, published in June 2003, set out a programme of planned improvements. This included development of a Transformational Plan based on a core objective of becoming an excellent high performance Council, with a commitment to improving high-quality services to meet its customer's needs.
- 3.2 The Authority had undergone reorganisation in January 2004 and delivered its services through 6 Directorates. Food law enforcement was carried out by the Trading Standards and Public Health Services teams within the Customer Corporate Services Directorate.
- 3.3 The Authority had a Food Standards and Feedingstuffs Service Delivery Plan for 2004–2005 which had been approved by the Authority's Cabinet on 8 September 2004. Quarterly monitoring reports on the activities of the Trading Standards Service were documented for Members. However, an annual performance review based on the Service Plan had not been conducted and reported to the appropriate Member forum, and variances from the previous year's Plan had not been addressed in the subsequent year's service arrangements.
- 3.4 The 2004-2005 Service Plan included links to the Trading Standards Service Aims and Objectives and the Authority's Corporate Objectives and Plans. Of particular relevance were the objectives of "Economic Regeneration" through the creation and maintenance of a thriving economy, and "Lifelong Learning", including the provision of advice to businesses and consumers.
- 3.5 There was no Service Delivery Plan for food hygiene but the "Service Priorities for the Public Health Section" document did include some elements of the Service Planning Guidance. The financial resources of the service were available separately.
- 3.6 However, there was no complete premises risk profile and no estimate of the staff resources needed to deliver the food hygiene enforcement service. There was no evidence of a full performance review based on the previous year's Service Plan and no variances were identified.
- 3.7 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 its documents.

Recommendations

3.8 The Authority should:

- (i) Draw up, document and implement a food hygiene Service Delivery Plan in accordance with the Service Planning Guidance in Chapter 1 of the Framework Agreement. [The Standard – 3.1]
- (ii) Conduct a performance review based on its Service Delivery Plan(s) at least annually. The review(s) should be documented and submitted for appropriate Member Approval. [The Standard – 3.2]
- (iii) Ensure that any variance in meeting the Service Delivery Plan(s) 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 system for ensuring that documented policies and procedures for enforcement activities covered by The Standard were reviewed and updated as necessary. Reviews were undertaken as and when necessary although the system was not documented.
- 4.2 Documented policies and procedures had been produced for food hygiene, food standards and feedingstuffs enforcement activities covered by The Standard, including a Trading Standards Manual.
- 4.3 Controlled copies of documents were available to officers on the corporate Intranet and were maintained by nominated officers. All were up to date, apart from the documented procedure for the authorisation of officers.
- 4.4 Officers had access to current copies of relevant documents, including legislation, Food Safety Act Codes of Practice, Industry Guides, and other appropriate documentation.

Recommendation

- 4.5 The Authority should:
- Ensure that the documented procedure for the authorisation of officers is reviewed. [The Standard – 4.1]

5 Authorised Officers

- 5.1 The Authority had adopted a Constitution in May 2002, which had subsequently been revised, that included a Scheme of Delegation under which the Group Leader Public Health and the Head of Trading Standards had the power to authorise officers to enforce the Food Safety Act.
- 5.2 There was a documented procedure for the authorisation of officers that referred back to a committee decision in 1996. This was out of date and needed revision so that it referred to the Authority's current Constitution.
- 5.3 The documented procedure stated that officers conducting food hygiene and food standards inspections would be qualified in accordance with Food Safety Act Code of Practice No.19, and that student officers could only undertake inspections under the direct supervision of a fully qualified officer.
- 5.4 Officer authorisation documents had been duly signed, and those for food hygiene enforcement clearly differentiated between levels of authorisation, which related to the qualifications and experience set out in the Code of Practice.
- 5.5 Officers who were conducting food hygiene enforcement had qualifications appropriate to their levels of authorisation. However, it was noted that a number of food hygiene inspections had been carried out by officers who did not satisfy the requirements of Food Safety Act Code of practice No.19.
- 5.6 Officers in the Trading Standards Section who were conducting food standards enforcement had appropriate qualifications. Officers who were not conducting food standards enforcement also had generic authorisations allowing them to do so. However, there was no evidence that these officers had conducted any food law enforcement activities. All officers who are authorised to enforce the Food Safety Act must undertake at least 10 hours of food-related update training each year.
- 5.7 The documented procedure also stated that update and refresher training would be identified and undertaken and that new officers would be required to complete a minimum of 15 hours revision training prior to working alone on Food Safety Act enforcement activities.
- 5.8 Although there was no corporate appraisal and development scheme a comprehensive training needs assessment had been completed for all food law enforcement officers. Each officer's training needs were well documented and requirements were recorded and monitored.

- 5.9 Whilst there was no documented training programme officers had numerous opportunities to participate in relevant training events and there was well-documented evidence that continuing development requirements were being met. There was also evidence of training in PACE, CPIA and RIPA requirements and procedures.
- 5.10 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. Two officers, however, had been identified by the Authority as requiring this training prior to conducting such duties.
- 5.11 Officers who were conducting inspections of food businesses with a "high" risk rating for food standards, and food businesses with documented quality assurance systems, had been trained to quality assurance lead assessor level.
- 5.12 Training and qualification records were available for all officers and were comprehensive and well maintained.
- 5.13 It was noted that some officers had not been authorised to enforce Regulations made under the European Communities Act or the Food and Environment Protection Act, and that the scope of the documented authorisation, where it had been given, varied between officers.
- 5.14 The Authority had appointed appropriate lead Officers with responsibility for food hygiene and food standards law enforcement, as required by Food Safety Act Code of Practice No.19, and for the enforcement of feedingstuffs legislation.
- 5.15 It was noted that the Public Health Section Service Priorities document for 2004-2005 stated that the achievement of targets depended on officers working a considerable number of evenings and weekends. The auditors were advised that, as a result the target for inspecting low risk premises was only 40% of the total due.

Recommendations

5.16 The Authority should:

- (i) Review and update the documented procedure for the authorisation of officers and ensure it is implemented fully. [The Standard – 5.1]
- (ii) Ensure that it appoints a sufficient number of officers to carry out the work set out in the Service Plan(s) and that the officers it has authorised under the Food Safety Act 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]
- (iii) Set up, maintain and implement a documented training programme. [The Standard – 5.4]

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 Temperature monitoring equipment included infrared rapid screening instruments, standard electronic probe thermometers, and a precision probe thermometer for enforcement purposes.
- 6.3 Data loggers were used to conduct monthly checks on refrigerator and freezer temperatures, and were used for monitoring in food businesses at other times.
- 6.4 There was a documented procedure for the calibration of the standard probe thermometers, although it did not detail the tolerances allowed or the action to be taken when tolerances were exceeded.
- 6.5 Monthly checks of temperature monitoring equipment were carried out in accordance with the procedure.
- 6.6 The premises database was considered to be generally capable of providing the information required by the Food Standards Agency. The system had recently been updated.
- 6.7 It became evident during the course of the audit that the system was not being operated and managed in such a way that it could readily provide information required by the Agency. Errors in the data appeared to have been carried forward from the old system to the new and which needed to be addressed in order to re-establish confidence in the accuracy and integrity of the system.
- 6.8 Data input was the responsibility of administrators who did not work within the Public Health or Trading Standards teams.
- 6.9 Security and backup systems were in place to minimise the risk of corruption or loss of information held on the database.

Recommendations

6.10 The Authority should:

- (i) Ensure that its documented procedure for the maintenance and calibration of equipment includes acceptable tolerances and arrangements for removal from service when defective.
[The Standard – 6.2].
- (ii) Ensure that its computer software package is operated in such a way so as to be able to provide required information to the Agency.
[The Standard – 6.4]

7 Food and Feedingstuffs Premises Inspections

Food Hygiene

- 7.1 The Service Priorities for Public Health document stated that the Authority's food hygiene planned inspection programme was based on risk-assessments in accordance with Food Safety Act Code of Practice No.9. The focus would be on inspecting businesses in risk categories A to C. Only 40% of those due to be inspected in lower risk categories would be inspected.
- 7.2 The documented procedure for food hygiene inspections 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 nine premises inspected under general food hygiene regulations, one approved and inspected under product-specific food hygiene regulations and seven licensed butchers' shops were examined.
- 7.4 Eight of the nine premises subject to the general food hygiene regulations had been inspected at the correct frequency, as determined by Food Safety Act Code of Practice No.9. The premises subject to product-specific food hygiene regulations had only recently been approved.
- 7.5 The Authority experienced problems generating reliable reports from the database during the audit. One report identified that 108 food hygiene inspections were overdue, of which 9 were in risk categories B – C and 99 in risk categories D – F. The overdue inspections in the risk categories B – C were part of the 2004–2005 inspection programme but the others were overdue from previous years' inspection programmes going back to 2000 – 2001.
- 7.6 The database report also showed that 39 food premises had no next inspection date for food hygiene, of which 28 had no food hygiene risk rating.
- 7.7 Food hygiene inspections had been conducted and recorded systematically, and in accordance with relevant legislation, Food Safety Act Code of Practice No.9 and other centrally issued guidance.
- 7.8 Records relating to the seven licensed butchers included 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 relevant criteria.

- 7.9 Records relating to the one establishment that had been approved under product-specific food hygiene regulations contained detailed information about facilities, site operations, products produced, and sampling undertaken. Pre-approval inspection records and approval documents demonstrated that decision to grant approval had been based on a thorough consideration of all relevant approval criteria.

Recommendations

- 7.10 The Authority should:
- (i) Ensure that food hygiene 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) Set up, maintain and implement documented inspection procedures for butchers' shops and Approved Premises. [The Standard – 7.4]

Food Standards

- 7.11 The Authority had a documented procedure for food standards inspections, and the Food Standards and Feedingstuffs Service Delivery Plan stated that the Authority's food standards planned inspection programme was based on risk-assessments under the LACORS scheme that was introduced in April 2004.
- 7.12 Records relating to ten food standards inspections that had been conducted during the twelve months prior to the audit were examined. These indicated that five had been inspected at the correct frequency as determined by Food Safety Act Code of Practice No.8. There was no file history relating to three of the ten inspections.
- 7.13 It was evident during the course of the audit that due to problems identified with the operation and management of the database, the planned food standards inspection programme could not be implemented effectively. Food standards inspections were not being conducted at the minimum frequency determined by the food standards risk rating, and 82 food premises on the database had no next inspection date for food standards.

- 7.14 In eight out of the ten premises checked, food standards activity had been adequately undertaken with any non-compliances identified and conveyed to the business. For the two other premises it was not possible to ascertain the scope of the food standards activity that had taken place. The inspections at Home Authority Premises checked were targeted and thorough
- 7.15 The Authority experienced problems generating reliable reports from the database during the audit. One report identified that 24 food standards inspections were overdue, of which 2 were high risk, 21 medium risk and 1 low risk. The majority of the inspections were overdue from the 2003 – 2004 inspection programme. One of the high risk premises was not operating as a food business and had been wrongly coded as such, and the auditors were advised that some other overdue inspections related to premises which were closed.
- 7.16 The database report also showed that 80 premises had no next inspection date for food standards, of which 58 had no food standards risk rating.

Recommendation

- 7.17 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

- 7.18 There was a documented feedingstuffs inspection procedure.
- 7.19 Joint enforcement activity was being planned with the Royal Pharmaceutical Society of Great Britain in respect of a business which had been approved under the Feeding Stuffs (Establishments and Intermediaries) Regulations 1999.
- 7.20 The Authority had also identified 89 sheep farms, smallholdings and hunt kennels within its area that were potentially subject to feedingstuffs law enforcement. These had all been visited and assessed by the Authority's Animal Health Officer and found not to be on-farm mixers.

7.21 Records relating to five inspections of feedingstuffs premises were examined. In three of these cases it was not possible to ascertain the full extent of the inspection, but it was evident that all 5 inspections had been in connection with the manufacture or sale of pet food.

Recommendation

7.22 The Authority should:

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 had a documented policy and procedures covering the investigation of food complaints, feedingstuffs complaints and complaints about the hygiene of food premises.
- 8.2 Records of nine food hygiene and eight food standards complaints were examined and compared against the relevant Food Safety Act Code of Practice, centrally issued guidance, and the Authority's own documented procedures.
- 8.3 Food complaints had generally been investigated thoroughly and appropriately with comprehensive details on file, although one food hygiene complaint was actually a service request that had been wrongly recorded and another related to a pricing complaint.
- 8.4 There had been no complaints about feedingstuffs in the two years preceding the audit.

9 Home Authority Principle

- 9.1 The Food Standards and Feedingstuffs Service Delivery Plan stated that it was the policy of the Trading Standards Service to assist Home Authority businesses to comply with food and feedingstuffs legislation and to respond to other authorities about companies in the area. The Service Priorities for Public Health did not refer to the Home Authority Principle.
- 9.2 The Authority did not have any formal Home Authority Agreements but the Food Standards Service Delivery Plan listed three food businesses and one feedingstuffs business with which the Authority had informal Home Authority arrangements.
- 9.3 Businesses for which the Authority acted as Home Authority had been registered on the LACORS website, although it was noted that the list was incomplete and had not been updated since January 2004.
- 9.4 Documented procedures confirmed that where appropriate, contact with Home and Originating Authorities was an integral part of the Authority's enforcement processes.
- 9.5 Records of Home Authority activity that were examined were comprehensive and well maintained, and demonstrated that the Home Authority Principle was being implemented effectively. There was evidence of regular inspections, sampling, meetings, advice and liaison at Home Authority Premises.
- 9.6 The Authority had conducted a detailed traceability exercise following food on retail sale through the food chain back to the primary production stage.
- 9.7 Requests for information from other enforcing authorities were actioned appropriately, and Home Authority businesses were visited at least annually in accordance with the documented procedure and the Trading Standards Manual.

10 Advice to Business

10.1 The Authority was helping local businesses comply with food and feed law and a number of initiatives were being undertaken. These included:

- Food hygiene and safety leaflets and posters;
- Economic Development Business Club meetings;
- Self-help HACCP guidance pack;
- Targeted meat products labelling visits;
- Business advice and links on the Authority's website;
- 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 including licensed premises, butchers, caterers and sandwich manufacturers

10.3 There was no evidence of any advice to feedingstuffs businesses.

Recommendation

10.4 The Authority should:

Expand its advice to business to include feedingstuffs.
[The Standard – 10.1]

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 22 businesses from categories in a local business directory that appeared to include food businesses. All 22 businesses had been recorded as food businesses on the database and included in the Authority's planned inspection programmes.
- 11.3 Database reports that were generated for the auditors indicated that a number of premises had not been risk rated for food hygiene and/or food standards.
- 11.4 There was difficulty in extracting information about overdue food hygiene and standards inspections from the database during the audit. This meant it was not possible for the auditors to complete their on-site audit of the database.
- 11.5 It was also evident from the examination of database records relating to food standards and feedingstuffs inspections 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 not been recorded at all, resulting in gaps and inaccuracies in the history of the businesses concerned, and errors in the enforcement activity data required by the Food Standards Agency.
- 11.6 Officers had attended meetings of the database user groups.
- 11.7 There was no documented procedure to ensure that the Authority's food and feedingstuffs premises database was accurate and up to date. The measures that were in place did not ensure that the database was accurate and up to date.

Recommendation

- 11.8 The Authority should:

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

12 Food and Feedingstuffs Inspection and Sampling

Food Hygiene

- 12.1 The Authority had a documented food sampling policy and separate documented procedures for formal and informal food hygiene sampling. The annual food hygiene sampling programme was set out in the Service Priorities for Public Health document. This established a sampling rate of 2.5 samples per 1000 head of population, giving a total of 137 food hygiene samples to be taken in 2004-2005.
- 12.2 The food hygiene sampling programme for 2004-2005 included participation in the Welsh Food Microbiological Forum Shopping Basket Survey, LACORS surveys, surveys devised and co-ordinated by the South East Wales Food Safety Task Group, and ongoing FSA/NPHS chicken survey. The Authority also planned to complete its pilot survey of the quality of water used by mobile food vendors.
- 12.3 Members of staff outside the food team had been trained to obtain and document informal food survey samples, which had enabled the Authority to participate in such surveys without adverse impact on inspection levels.
- 12.4 Records of nine food hygiene samples that had been taken informally were examined. These demonstrated that sampling had focussed on the Authority's planned programme, including locally produced food and participation in regional and national co-ordinated surveys.
- 12.5 Sample results had been correctly recorded and were available in all cases. Appropriate action had been taken to follow-up those that had been reported as unsatisfactory, including taking further samples, premises visits and inspections, and liaison with Home and Originating Authorities where appropriate.
- 12.6 Records of two formal seizures and detentions of food that had been carried out indicated that the officers who had conducted the seizures had been correctly authorised and that the procedures that had been followed complied with legal requirements.

Food Standards and Feedingstuffs

- 12.7 The food standards sampling and feedingstuffs policy and programme for 2004-2005 was documented in the Food Standards and Feedingstuffs Service Delivery Plan and the Trading Standards Quality Manual. The sampling programme focussed on co-ordinated surveys

organised by the Glamorgan Group of local authorities, and on Home Authority businesses. There was also a documented food standards and feedingstuffs sampling procedure.

- 12.8 It was evident that food standards sampling of a variety of locally manufactured and produced products was being undertaken in accordance with the planned programme. There was participation in co-ordinated surveys, and sampling in relation to food complaints and Home Authority businesses and referrals.
- 12.9 Records of nine food standards samples were examined. Sample results were available in all cases, and appropriate action had been taken to follow-up those that had been reported as being unsatisfactory. However, businesses were not always informed when results were satisfactory.
- 12.10 It was noted that some database records of food standards complaint samples were not coded correctly.
- 12.11 Records of five feedingstuffs samples indicated that sampling was being undertaken, although these related to a local survey of colours in dog food. There was no evidence of any recent sampling of feedingstuffs intended for food chain animals.
- 12.12 The Authority had appointed a Public Analyst, Agricultural Analyst and deputies in accordance with the Authority's delegated powers. However, documentation relating to the appointments that was available to the auditors was not sufficient to demonstrate that the appointed persons had appropriate qualifications.

Recommendation

12.13 The Authority should:

Obtain documentary evidence that its appointments of Public and Agricultural Analysts hold qualifications which meet all relevant legal requirements. [The Standard – 12.8]

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 and had recently been reviewed and updated.
- 13.2 There had been no incidents that satisfied the definition of an outbreak in the two years prior to the audit and the procedure had not been tested.
- 13.3 In addition to the Outbreak Control Plan, there was also a documented procedure for the investigation of sporadic cases that had recently been introduced. This included a set of standard investigation forms, letters and information leaflets to help ensure the systematic investigation of such cases.
- 13.4 The auditors selected notifications relating to 11 sporadic cases of food related infectious disease for examination. Of these, one had been wrongly recorded as it was not a case of food related infectious disease, and one file could not be located.
- 13.5 The records of the remaining nine cases included some details of the investigations that had been carried out, but these were generally insufficient to determine if an appropriate investigation had taken place.
- 13.6 The auditors did recognise that the recently introduced documented procedure for the investigation of sporadic cases should address these shortcomings.

Recommendation

13.7 The Authority should:

Ensure that the procedure for the control of outbreaks of food related infectious disease is tested as specified. [The Standard – 13.1]

14 Food Safety Incidents

- 14.1 The Authority had a computer system that was capable of receiving Food Hazard Warnings by e-mail. These were circulated electronically to all officers dealing with food law enforcement and a hard copy printed and kept in a master file.
- 14.2 There was a documented policy and procedure for handling Food Hazard Warnings and for notifying the Food Standards Agency of incidents that occurred locally, although it needed to be reviewed and updated to include out of hours contact arrangements.
- 14.3 Records of several 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 both electronic and hard copy format. Any action that had been taken was recorded, and details of all Food Hazard Warnings in Categories A, B and C were included on the Authority's website.
- 14.5 Press releases were issued to disseminate information about Food Hazard Warnings and product recalls. The action taken was appropriate and took into account local circumstances and knowledge.
- 14.6 The auditors were advised that no serious localised incidents or wider food safety problem had occurred in the last 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.

Recommendation

- 14.7 The Authority should:

Expand its documented procedure for handling Food Hazard Warnings to include out of hours contact arrangements. [The Standard – 14.1]

15 Enforcement

- 15.1 The Authority had a documented Food Safety Enforcement Policy that was approved by the Council in April 2001. It was readily available to members of the public and food businesses and had been posted on the Authority's website.
- 15.2 The Authority had also introduced documented procedures for the range of enforcement actions.
- 15.3 From records examined it was evident that officers routinely used a mix of formal and informal enforcement options, including letters, Improvement Notices, Emergency Prohibitions, and prosecutions.
- 15.4 Enforcement decisions were in accordance with the Enforcement Policy, and took account of the particular circumstances of each case. In files that the auditors examined, decisions appeared to have been proportionate and correct.
- 15.5 Records relating to five prosecutions, two Emergency Prohibition Notices, and ten Improvement Notices were examined and checked against Food Safety Act Codes of Practice and centrally issued guidance, the Authority's enforcement policy, and relevant documented procedures.
- 15.6 Four prosecutions were for food hygiene matters and one was for a food standards offence. These had been comprehensively documented, and it was possible to demonstrate a clear audit trail from the commission of an offence to the subsequent court hearing.
- 15.7 Prosecutions had been authorised and instigated by officers with appropriate delegated powers, and records showed that the requirements of PACE, RIPA and CPIA had been duly considered and documented.
- 15.8 The two Emergency Prohibition Notices had been served in appropriate circumstances and statutory time scales, and requirements relating to the application to the Court and notification to the proprietor had been met.
- 15.9 Improvement Notices had been served by officers who were properly authorised to do so, and the circumstances were appropriate in each case. This was evidenced by standard forms that recorded information about proprietors of the businesses concerned, and the circumstances leading up to the service of the notice.

- 15.10 The method of service had been recorded in the three cases where notices had been served by hand. However, it was noted that the majority of notices were served by first class post, and that no details relating to service were recorded.
- 15.11 There was evidence that notices had been followed-up to ensure compliance. However, it was also noted that it was not the Authority's practice to require officers to confirm in writing that a notice had been complied-with.

Recommendations

- 15.12 The Authority should:
- (i) Review and fully implement its documented procedure for the service of Improvement Notices in accordance with Food Safety Act Code of Practice No.5 and centrally issued guidance. [The Standard – 15.2]
 - (ii) Ensure that enforcement in relation to Improvement Notices is carried out in accordance with Food Safety Act Code of Practice No.5 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, inspection reports were comprehensive and included helpful information for proprietors, and detailed inspection records were maintained.
- 16.2 Food hygiene inspection reports clearly explained the measures that needed to be undertaken to secure compliance and why they were required. Legal requirements and recommendations were distinguished and references to specific legal requirements were included.
- 16.3 Records and inspection reports of establishments approved under product-specific food hygiene regulations and licensed butchers' shops were also comprehensive and well maintained. These demonstrated that detailed attention had been paid to the assessment of food safety management systems, and that follow up action had been taken where necessary to secure improvement and compliance.
- 16.4 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 taken account of all relevant criteria.
- 16.5 Home Authority premises records for food standards 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.
- 16.6 Detailed records of food hygiene and food standards 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.
- 16.7 Improvement Notices and other enforcement activities had been recorded in detail, demonstrating that the Enforcement Policy had been followed and statutory requirements generally met.
- 16.8 The record of the one business that had been approved under the Feeding Stuffs (Establishments and Intermediaries) Regulations 1999 demonstrated that the Authority was planning joint enforcement activity with the Royal Pharmaceutical Society of Great Britain.
- 16.9 Database records were less well maintained. Some inspections had been recorded with the wrong officer code, and gaps in some records made it impossible to determine whether monitoring information that

had been sent to the Food Standards Agency had accurately reflected the Authority's food and feedingstuffs law enforcement activities.

Recommendation

16.10 The Authority should:

Ensure that its database records for all food and feedingstuffs premises in its area are up to date, accurate, and in retrievable form.
[The Standard – 16.1]

17 Complaints about the Service

- 17.1 The Authority had set up and implemented a Corporate Complaints Procedure.
- 17.2 The corporate procedure was available to consumers and businesses on the Authority's website but was not readily available to the public and food businesses from the Civic Centre.
- 17.3 There had been one formal complaint against the food law enforcement service in the two years prior to the audit.
- 17.4 Investigation of the complaint had not followed the corporate procedure as it had been submitted directly to the Chief Executive, although records demonstrated that it had been fully and properly investigated and the complainant informed of the outcome.

Recommendation

- 17.5 The Authority should:

Ensure that its documented complaints procedure regarding complaints about the service is readily available to the public and the food and feedingstuffs businesses in its area. [The Standard – 17.1]

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:

- South East Wales Food Safety Task Group;
- Glamorgan Trading Standards Group;
- South East Wales Communicable Disease Task Group;
- Wales Heads of Trading Standards Group;
- Wales Heads of Environmental Health Group.

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 liaison arrangements with:

- Food Standards Agency Wales;
- Royal Pharmaceutical Society of Great Britain;
- Meat Hygiene Service;
- Department for Environment Food and Rural Affairs;
- The Health Authority and successor bodies;
- Local Authorities Co-ordinators of Regulatory Services;
- Other local authorities.

19 Internal Monitoring

- 19.1 Whilst the Authority did not have a documented monitoring procedure, there was evidence that some quantitative performance monitoring was being carried out in both the Public Health and Trading Standards Sections, with quarterly monitoring reports to Members.
- 19.2 There was evidence that some internal monitoring was taking place in relation to food and feedingstuffs law enforcement. This included:
- Customer feedback;
 - Team meetings;
 - File and document checks;
 - Review of correspondence;
 - Assessment of officer competencies;
 - Food hygiene consistency exercise;
 - Shadow inspections.
- 19.3 Documented peer reviews were on file for newly appointed and newly qualified officers in the Public Health Section. The reviews against the Trading Standards Quality Manual were also documented but the Authority was not maintaining records of all its reported internal monitoring activities.

Recommendations

- 19.4 The Authority should:
- (i) Set up, maintain and implement documented internal monitoring procedures 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, relevant Food Safety Act Codes of Practice, centrally issued guidance, and the Authority's own documented policies and procedures. [The Standard – 19.2]
 - (iii) Maintain records of all internal monitoring and retain them for at least 2 years. [The Standard – 19.3]

20 Third Party or Peer Review

- 20.1 The food hygiene enforcement service had participated in the all-Wales food hygiene inter-authority document review and compliance audit in October 1999.
- 20.2 The Trading Standards Service had participated in the Wales Heads of Trading Standards Food and Agricultural Standards inter-authority audit exercise in 2000.
- 20.3 The Trading Standards Service had also been subject to a Best Value Review in 2002.
- 20.4 The Authority was committed to ongoing participation in such exercises, as evidenced by a forthcoming Health and Safety Inter Authority audit.

21 Food and Feedingstuffs Safety and Standards Promotion

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

21.2 There was evidence that the Authority participated in a range of food safety and standards promotional activities, and there were plans for further work in this area. Activities included:

- Food hygiene training;
- Participation in Science week;
- National food safety week;
- Website information;
- Presentation to local Magistrates;
- Local school consumer education initiative;
- Welsh Food Hygiene Awards;
- Young Consumer of the Year.

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

Recommendation

21.4 The Authority should:

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

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ANNEX

Glossary

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

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

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

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

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

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

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

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

Framework Agreement The Framework Agreement consists of:

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

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

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

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

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

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