



FOOD  
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# **Report on the Food Law Enforcement Service**

Neath Port Talbot County Borough  
Council

21 - 25 February 2005

## Foreword

Audits of local authority 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.

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. 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 Neath Port Talbot 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 Neath Port Talbot'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 Newby House, Neath Abbey, between 21 – 25 February 2005.
- 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 Neath Port Talbot County Borough Council is a Unitary Authority in South West Wales covering an area of approximately 44,217 hectares including the towns of Neath and Port Talbot and the surrounding area. The resident population is around 134,000.
- 1.8 The Authority has an important role in ensuring that locally produced food is safe to eat through the effective implementation of food legislation and the monitoring of food safety and quality standards.

- 1.9 Protection of the food chain through the effective implementation and enforcement of feedingstuffs legislation is another of the Authority's important roles.
- 1.10 There were 1,119 food businesses and 4 feedingstuffs businesses registered with the Authority.
- 1.11 Food businesses include retail, manufacturing, catering and processing. Two food businesses are approved establishments under product-specific food hygiene regulations, 24 are licensed butchers, and there are 2 deer larders.
- 1.12 Food hygiene, food standards and feedingstuffs law enforcement is the responsibility of the Commercial Services Section, where Environmental Health and Trading Standards staff work together in a single team. The Head of Environmental Health and Trading Standards had responsibility for the service, and reported in turn to the Director of Environment and Consumer Services.
- 1.13 At the time of the audit the Authority was preparing for an internal reorganisation that would impact on the current structure.
- 1.14 The area hosts two large annual festivals and a variety of smaller cultural events. It is also a popular location for pop concerts, all of which add to the day-to-day workload of the Commercial Services Section.
- 1.15 The Authority's lead officers for food hygiene, food standards, and feedingstuffs enforcement are located at the Neath Abbey office on the outskirts of the town. The Head of Service and the Director are located in the Authority's headquarters in Neath town centre.
- 1.16 The Authority identified in its Food Law Enforcement Service Delivery Plan 2004 – 2005 that it had the following breakdown of food premises by risk category.

### **Food Hygiene**

Food Premises Category	No. of Premises
A	19
B	181
C	684
D	188
E	84
F	22
NIR	112
Unrated	22
<b>Total</b>	<b>1312</b>

## Food Standards

Food Premises Category	No. of Premises
High	56
Medium	466
Low	274
NIR	469
Zero	102
<b>Total</b>	<b>1367</b>

- 1.17 The Authority had a target of 100% food hygiene inspections of both high risk and other food premises. The 2004 – 2005 Food Law Enforcement Service Delivery Plan stated that this had been achieved in the years 2000 –2001, 2001 – 2002 and 2002 – 2003. It was estimated that 750 inspections would be required to achieve the target in 2003 – 2004 and 892 in 2004 - 2005.

### **Resources**

- 1.18 The 2004-2005 Food Law Enforcement Service Delivery Plan indicates that 14.4 full time equivalent (FTE) staff are involved in food and feedingstuffs law enforcement, although it does not include an estimate of the number of staff that is actually required to deliver the service.
- 1.19 However, information that the Authority provided prior to the audit indicated that a total of only 8.65 FTE staff were involved in these activities at the time, an apparent deficit of 5.75 FTE.
- 1.20 The Service Plan stated that the Authority's budget allocation for food safety, food standards and feedingstuffs enforcement was:

	<b>Budget</b>
Staffing	£624,916
Travel and Subsistence	£20,651
Sampling	£30,900
Other	£35,530
Income	-£61,333
<b>Total</b>	<b>£650,664</b>

## 2 Executive Summary

2.1	The Authority was providing a co-ordinated food law enforcement service and was engaged in proactive work such as food sampling, food safety promotion and advice to business as well as carrying out its responsibilities in relation to inspections and the investigation of complaints.
2.2	There was little evidence that the Authority was effectively carrying out its feedingstuffs responsibilities.

### 2.3 *The Authority's Key Area for Improvement*

#### ***Feedingstuffs Enforcement***

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

## **Audit Findings**

### **3 Organisation and Management**

- 3.1 The Authority had a Food Law Enforcement Service Delivery Plan for 2004-2005 covering food hygiene, food standards and feedingstuffs enforcement. The Service Plan referred to a Best Value review report which stated that the service had clear aims and objectives that linked with the Council's aims. The mission statement being "to create a more prosperous, better educated, healthier, greener, safer and more confident future for the people and communities of Neath Port Talbot".
- 3.2 The Authority's Cabinet Committee had approved the Service Delivery Plan in January 2004.
- 3.3 The Service Delivery Plan had been drawn-up broadly in accordance with the Service Planning Guidance in the Framework Agreement, including premises profiles for food hygiene and food standards, although it contained little detail concerning feedingstuffs law enforcement.
- 3.4 Other areas of the Service Plan that did not meet the requirements of the Framework Agreement included the financial allocation to the service, details of which were incomplete, and an estimate of the staff resources that were necessary to deliver the service.
- 3.5 Evidence was provided that the performance of the service was being monitored during the year and a partial review of the 2003 - 2004 Service Plan was included in the background report to the 2004 - 2005 Service Plan.
- 3.6 The auditors were advised that 100% of planned food hygiene inspections had been targeted in 2003 - 2004, but this had not been achieved. A database report that was generated during the audit showed that planned food standards and food hygiene inspections going back to 2000 and 2003 respectively had not been completed.
- 3.7 The Service Delivery Plan did not address the issue of overdue inspections.
- 3.8 The Service Delivery Plan indicated that 14.2 FTE staff were available to deliver the food law enforcement service. However, the auditors were advised that these officers were also responsible for a range of other duties and that as a consequence, the actual allocation to the service was 8.65 FTE.

*Recommendations*

3.10 The Authority should:

- (i) Ensure that its Service Delivery Plan for food and feedingstuffs enforcement is in full 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. This should be documented and submitted for appropriate 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 control system for documentation, set out in the Quality Procedures Manual, although it had not been completely effective in ensuring that all documented policies and procedures for enforcement activities covered by the Standard were in need of review.
- 4.2 Some of the Authority's documented policies and procedures for the enforcement activities covered by the Standard were out of date and needed to be reviewed and updated.
- 4.3 Controlled copies of documents were available to officers on the internal computer network, although some were not in the format specified in the Quality Procedures Manual.
- 4.4 Generally, officers had access to up to date copies of relevant documents either in hard copy format or online, including legislation, Food Safety Act Codes of Practice, Industry Guides, LACORS guidance, and other appropriate documentation.

#### *Recommendation*

- 4.5 The Authority should:

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

## **5 Authorised Officers**

- 5.1 The Authority had a documented procedure for the authorisation of officers under the Food Safety Act and the Agriculture Act. This was part of the Quality Procedures Manual.
- 5.2 The Authority's Constitution delegates the authorisation of officers to the Director of Environment and Consumer Services and to the Head of Environmental Health and Trading Standards. In practice officers were authorised by the Head of Environmental Health and Trading Standards, which was in accordance with the Constitution.
- 5.3 The delegated power in the Constitution included the Agriculture Act, the European Communities Act, and the Food Safety Act but did not specifically include any Regulations made under these Acts.
- 5.4 The Constitution delegated power to grant, refuse, suspend etc. butchers shop licences and approvals for establishments subject to product-specific food hygiene regulations to the Registration, Licensing and Highways Regulatory Committee.
- 5.5 Officers' authorisation documents stated that officers were empowered for "all purposes connected with the enforcement of the following Acts and Regulations", and listed the Acts themselves, including the European Communities Act, but not any specific Regulations made under the Acts.
- 5.6 It was evident that officers who were conducting food hygiene and food standards law enforcement were appropriately qualified. There was also a documented competence assessment for newly appointed officers
- 5.7 However, evidence that officers enforcing the Food Safety Act were receiving at least the minimum 10 hours continuing development training per year required by the Code of Practice was not available for 11 out of a total of 18 officers.
- 5.8 It was also evident that officers not working in the Commercial Services Section and who did not routinely enforce the Food Safety Act had been authorised under the Act. There was no evidence that these officers had maintained the minimum 10 hours per year continuing development training required by Food Safety Act Code of Practice No.19.
- 5.9 The Authority had appointed appropriate lead officers with responsibility for food safety and food standards law enforcement, and for the enforcement of feedingstuffs legislation.
- 5.10 The Authority's personal development review process included a review of training undertaken and the identification of training needs.

However, although officers were responsible for maintaining their own continuing development records, this was not monitored to ensure that minimum requirements were being met.

- 5.11 Although training needs were identified, and there was a documented training plan, the Authority did not have a documented training programme.
- 5.12 Most officers who had responsibility 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.
- 5.13 Only two officers who were authorised to conduct food standards inspections of food businesses with a "high" risk rating, and food businesses with documented quality assurance systems, had evidence of completing relevant training.
- 5.14 It appeared from the Food Law Enforcement Service Delivery Plan and information provided for the purposes of the audit that the number of FTE staff who were in post was less than the number of FTE staff that should have been available for food and feedingstuffs law enforcement.

*Recommendations*

5.15 The Authority should:

- (i) Ensure 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]
- (ii) Set up, maintain and implement a documented training programme and ensure that all authorised officers and appropriate support staff are trained in the technical and administrative aspects of the work in which they are involved. Where training is provided, details of the content and objectives of the course, the duration and any assessment made of that training should be maintained on file. [The Standard – 5.4]
- (iii) Maintain records of relevant academic or other qualifications, training and experience of each authorised officer and appropriate support staff in accordance with the Food Safety Act Code of Practice No.19. [The Standard – 5.5]

## **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 Officers were issued with both infra red and probe thermometers. There was also a calibration reference thermometer and a variety of calibration test caps.
- 6.3 Documented procedures for the calibration and maintenance of equipment had been introduced in April 2004, setting out the procedures for maintaining and calibrating testing, measuring and weighing equipment, including thermometers, and removal from service when found to be defective. These procedures were not included in the Quality Manual.
- 6.4 Items of equipment were identified by unique reference numbers and recorded. Calibration checks were conducted twice per year and the results were recorded.
- 6.5 The audit confirmed that equipment was being tested and calibrated at regular intervals in accordance with the documented procedure and that appropriate records were being kept.
- 6.6 The Authority's computer system that was used to record information relating to food and feedingstuffs law enforcement activity was capable of providing information required by the Food Standards Agency.
- 6.7 Security and backup systems were in place to minimise the risk of corruption or loss of information held on the database.

## **7 Food and Feedingstuffs Premises Inspections**

7.1 The Food Law Enforcement Service Delivery Plan stated that the Authority would implement a programme for food hygiene and standards inspections on the basis of risk assessment in accordance with Codes of Practice Nos. 8 and 9 and LACORS guidance.

### ***Food Hygiene***

7.2 The Authority had a documented procedure for general food hygiene inspections that was part of the Quality Procedures Manual. There were, however, no specific documented procedures relating to the inspection and licensing of butchers' shops or the inspection and approval of establishments subject to product-specific food hygiene regulations.

7.3 Records of ten premises that were subject to the general food hygiene regulations and two that were subject to product-specific food hygiene regulations were checked. These indicated that inspections had been conducted at the correct frequency, as determined by Food Safety Act Code of Practice No.9.

7.4 A report that was generated from the database during the audit showed that 49 food hygiene inspections were overdue, including 34 in food hygiene risk-categories A to C. Thirteen of the overdue inspections had not been completed in the 2003 – 2004 inspection programme.

7.5 Food hygiene inspections of some premises were therefore not being conducted at the correct frequency.

7.6 Newly registered premises were allocated a notional food hygiene risk score to ensure that an inspection was carried out, but three of these premises had not been inspected within the allocated period.

7.7 The Authority's standard food hygiene inspection report had been used to record recent general food hygiene inspections, and follow-up visits had been made to check compliance where appropriate.

7.8 Details of the size and scale of the business and the type of food activity were recorded, but historically there was no information on the food hygiene training of staff or the assessment of hazard analysis. However, a record form had recently been introduced by the Authority which had addressed these omissions.

7.9 Records relating to seven licensed butchers were checked. In seven cases it was evident that licensing inspections had been recorded systematically and had addressed the appropriate licensing requirements.

- 7.10 Records of the two establishments approved under product-specific food hygiene regulations contained insufficient information to determine whether inspections had assessed compliance with all aspects of the relevant regulations. Approval documentation was also inadequate.

*Recommendations*

- 7.11 The Authority should:
- (i) Set up, maintain and implement documented inspection procedures for the full range of inspections it carries out. [The Standard – 7.4]

***Food Standards***

- 7.12 The Authority had a documented procedure for food standards inspections in the Quality Procedures Manual. There was also a Trading Standards Inspection / Visit record form which was used for all Trading Standards inspections, including food standards.
- 7.13 Records relating to eleven food standards inspections that had been conducted during the twelve months prior to the audit were examined. These indicated that ten had been inspected at the correct frequency, as determined by Food Safety Act Code of Practice No.8.
- 7.14 Records of inspections, follow-up visits, inspection reports and other correspondence were available on the database. Properly authorised officers had carried out the inspections, and there had been contact with Home Authorities where appropriate.
- 7.15 A report generated from the database during the audit showed that 154 food standards inspections were overdue, of which 33 were in the high or medium risk categories. Food standards inspections of some premises were therefore not being conducted at the correct frequency.

*Recommendation*

- 7.16 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 Food Safety Act Code of Practice No.8. [The Standard – 7.1]

### ***Feedingstuffs***

- 7.17 There was no documented inspection procedure for feedingstuffs premises inspections and there was no evidence of an effective feedingstuffs premises inspection programme.
- 7.18 Four businesses were on the Authority's register of establishments or intermediaries under the Feeding Stuffs (Establishments and Intermediaries) Regulations 1999, but only one had been inspected in the three years before the audit.
- 7.19 Of the four feedingstuffs premises inspections that had been carried out since 2001, two had been of pet food shops. It was not possible to ascertain from the records the full extent of the inspection that had been undertaken in two of the four inspections.
- 7.20 The Authority was not fully addressing its responsibilities for enforcing feedingstuffs legislation.

#### *Recommendations*

- 7.21 The Authority should:
- (i) Ensure that feedingstuffs inspections are carried out at a frequency that is not less than that determined under the inspection rating system 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 had a policy for investigating all food and feedingstuffs complaints.
- 8.2 The Authority had documented procedures for the investigation of food hygiene complaints and for food standards complaints as part of the Quality Procedures Manual. However, there were no documented procedures relating to the investigation of complaints about the hygiene of food premises, or feedingstuffs.
- 8.3 Records of ten food hygiene complaints, ten complaints about the hygiene of food premises, and ten food standards complaints were examined and compared against the Food Safety Act Code of Practice, centrally issued guidance, and the Authority's own documented procedures.
- 8.4 Complete information about the food or premises involved, the nature of the complaint, and the complainant was available in all 30 cases, and there was evidence that appropriate investigations and follow-up action had taken place.
- 8.5 Follow-up actions included the submission of complaint specimens for laboratory examination, liaison with Home and Originating Authorities, contact with the manufacturer or supplier, and the inspection of food business premises.
- 8.6 However, it was not always apparent whether the outcome of the investigation had been communicated to the complainant.
- 8.7 There had been no complaints about feedingstuffs in the two years preceding the audit.

### *Recommendation*

8.8 The Authority should:

Expand and implement its documented complaints procedure to include investigation of feedingstuffs complaints and complaints about food premises. [The Standard – 8.1]

## **9 Home Authority Principle**

- 9.1 The Food Law Enforcement Service Delivery Plan stated that the Authority provided advice and assistance to food businesses for which it acted as Home Authority, and would supply relevant information to other food authorities that make enquiries about such businesses.
- 9.2 The Authority did not have any formal Home Authority agreements but there were informal food standards arrangements in place with 10 local manufacturers and other food businesses with evidence of sampling, advice and inspections.
- 9.3 Businesses for which the Authority acted as Home Authority were registered on the LACORS website with a local authority contact name. The entries had been updated in October 2004.
- 9.4 Documented procedures confirmed that contact with Home and Originating Authorities, where appropriate, was an integral part of the Authority's enforcement procedures and processes.
- 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 demonstrated that the Home Authority Principle was being implemented, and that requests for information from other enforcing authorities had been actioned appropriately.

## 10 Advice to Business

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

- Food hygiene training courses;
- Beef labelling and Meat Products guidance;
- Advice on food composition and labelling;
- HACCP information;
- Meat products workshop and CD;
- Leaflet on hygiene for market stalls and mobiles.

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

10.3 There was no evidence that the Authority had produced or provided any advice on feedingstuffs.

### *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 law enforcement in its area and a documented procedure to ensure that the database was accurate and up to date.
- 11.2 The systems administrator had developed and implemented an extensive set of verification routines and other checks to identify and correct inaccuracies and other problems. However, these were not included in the documented procedure.
- 11.3 It was evident that some errors and inaccuracies in the database which were identified during the audit had not been revealed by these checks.
- 11.4 Database reports generated during the audit revealed that some food premises were “un-rated” or “nil” rated for food hygiene and/or food standards, some had irregular inspection intervals, and some did not have last inspection dates, and / or next inspection dates.
- 11.5 Officers had attended meetings of the database user groups.
- 11.6 The auditors randomly selected twelve food businesses from a local business directory and checked these against records in the database. All twelve had been recorded on the database and included in the Authority’s planned food hygiene and food standards inspection programmes.

### *Recommendation*

- 11.7 The Authority should:
- Review, update 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**

### ***Food Hygiene***

- 12.1 The Authority had a policy and a documented procedure for food sampling and a sampling programme for 2004-2005. The programme included participation in co-ordinated surveys, and sampling locally produced food and food served at local sporting and cultural events.
- 12.2 Records of 10 food hygiene samples were examined. These demonstrated that samples had been obtained in accordance with the food hygiene sampling programme. Most of the samples had been in connection with co-ordinated surveys although one sample had resulted from a food complaint.
- 12.3 Sample results were available in all cases, and records generally demonstrated that results had been recorded correctly and appropriate action taken to follow-up those that had been reported as unsatisfactory. In one case, however, there was no record of the follow-up action that had been taken.
- 12.4 There was no documented procedure relating to the detention, seizure and voluntary surrender of suspect food.
- 12.5 Records relating to seven voluntary surrenders of food for destruction that the Authority had dealt with in the two years prior to the audit were examined.
- 12.6 Certificates stated that the foods in question had been voluntarily surrendered for destruction. The certificates had been signed by the person surrendering the food and the officer concerned, but there were no records relating to the destruction of the foods.
- 12.7 There had been no formal seizures or detentions of food in relation to food hygiene matters in the two years prior to the audit.

### ***Food Standards and Feedingstuffs***

- 12.8 The Authority had a documented food and feedingstuffs sampling policy that was agreed by the Economic, Environment and Consumer Services Committee in April 2003. There was also a documented food standards sampling procedure.
- 12.9 Evidence was available to demonstrate that food standards sampling was being undertaken and targeted at a variety of locally manufactured and produced products, with participation in co-ordinated surveys in accordance with the sampling programme. Sampling activity was also evident in relation to food complaints.

- 12.10 Records of ten food standards samples were examined. Sample results were available in nine cases, and appropriate action had generally been taken to follow-up those that had been reported as unsatisfactory. The tenth result had not been received by the Authority at the time of the audit.
- 12.11 The Authority did not have a documented sampling procedure or programme for feedingstuffs samples, although the Authority had recently begun a feedingstuffs sampling exercise.
- 12.12 Five feedingstuffs samples had been taken in the six months prior to the audit. These had been recorded appropriately, and the three for which results had been received had been followed up.
- 12.13 Documentation relating to the appointment of the Public and Agricultural Analysts was only sufficient to demonstrate that some of the appointed persons held suitable qualifications.

*Recommendations*

- 12.14 The Authority should:
- (i) Ensure that the voluntary surrender of food is undertaken in full accordance with relevant legislation, Food Safety Act Codes of Practice and centrally issued guidance. [The Standard – 12.1]
  - (ii) Set up, maintain and implement a documented procedure for the inspection of feedingstuffs. [The Standard – 12.3]
  - (iii) 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 policy and procedure relating to the control of outbreaks of food related infectious disease which was developed jointly by the Authority and other relevant organisations in accordance with centrally issued guidance.
- 13.2 The procedure had not been tested and had not been reviewed or updated since 2002. However, the Authority had prepared an amended outbreak plan based on the revised model plan for Wales, which was to be submitted for member approval.
- 13.3 A number of incidents that initially appeared to have been food poisoning outbreaks had occurred in the two years prior to the audit, but these had subsequently been found to have been non-food related viral infections. However, it was not always clear whether an outbreak had initially been declared and investigated in accordance with the outbreak plan.
- 13.4 There was evidence of collaboration with other relevant Authorities in the investigation of outbreaks. The Authority had also taken part in an outbreak control exercise involving neighbouring Authorities.
- 13.5 The Authority had a number of documented procedures for the investigation of different types of sporadic cases of food related infectious disease.
- 13.6 Notifications relating to ten sporadic cases of food related infectious diseases were examined. Records were generally insufficient to determine whether appropriate investigations had taken place, and gaps in the information that had been recorded made it impossible to determine that appropriate action had been taken.
- 13.7 The Authority had generally undertaken investigations of sporadic cases promptly.
- 13.8 Records were maintained for at least 6 years.

#### *Recommendation*

13.9 The Authority should:

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

## 14 Food Safety Incidents

- 14.1 The Authority had a computer system capable of receiving Food Alerts issued by the Food Standards Agency, and a documented policy and procedure although out of hours contact arrangements were not included.
- 14.2 Records of several Food Alerts that had been issued by the Food Standards Agency in the 6 months prior to the audit were examined. A number of these required the Authority to take action which it had done so appropriately.
- 14.3 Food Alert records were kept in a book where details of the action taken was recorded. An electronic copy of the Food Alert was also retained on the database with full notes of actions and outcomes.
- 14.4 Actions taken in response to Food Alerts were based on local knowledge, and appeared to be relevant and appropriate.
- 14.5 The Authority had also liased with the Food Standards Agency in relation to a food incident that had occurred in its area.

### *Recommendation*

- 14.6 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 had been approved by the Economic, Environment and Consumer Services Board in April 2000. Copies of a documented prosecution policy, an Enforcement Policy and Prosecution Procedure for Trading Standards, a second enforcement policy, and a documented reporting procedure were also provided.
- 15.2 The Food Safety Enforcement Policy was not readily available to the public and food businesses in the area.
- 15.3 The Authority reported the following formal enforcement actions in the 2 years prior to the audit:
- 1 Prosecution;
  - 1 Formal Caution;
  - 8 Improvement Notices;
  - 8 Voluntary Surrenders.

### ***Food Hygiene***

- 15.4 From records examined it was evident that officers who dealt with food hygiene enforcement had used written warnings and Improvement Notices to achieve compliance.
- 15.5 Enforcement decisions in relation to food hygiene matters had been in accordance with the Food Safety Enforcement Policy, and took account of the particular circumstances of each case. In the cases examined, these decisions appeared to have been proportionate and correct.
- 15.6 Records relating to eight Improvement Notices were examined and checked against centrally issued guidance, the Authority's enforcement policy, and relevant documented procedures.
- 15.7 Improvement Notices had been served in appropriate circumstances, and officers had appropriate authorisation. There was also evidence to demonstrate that notices had generally been followed-up to ensure compliance.
- 15.8 Notices generally included all of the information required, and details of contraventions and measures to be taken were clear and easy to understand. However, the proprietor's full name and the name and address of the local magistrates' court was not always given, the method of service had not been recorded in 2 cases, and there was no record of any follow-up in one case.

- 15.9 There were no records of the Authority issuing written confirmation to the proprietor when notices had been complied with. It was noted that it was not part of the Authority's documented procedure.
- 15.10 Records of seven voluntary surrenders of food were examined. Certificates confirming the voluntary surrender of food for destruction, signed by the person surrendering the food and the officer concerned had been issued in all cases. However, details relating to the destruction were not recorded.

***Food Standards and Feedingstuffs***

- 15.11 From records examined it was evident that officers who dealt with food standards enforcement had used written warnings, formal cautions and prosecutions to achieve compliance.
- 15.12 Records of one formal caution and one prosecution relating to food standards matters were examined and checked against centrally issued guidance, the Authority's enforcement policy, and relevant documented procedures.
- 15.13 The actions had been authorised by the Head of Environmental Health and Trading Standards, who had delegated power to institute legal proceedings on behalf of the Authority. However, it was noted that the delegated powers did not specifically include the power to administer formal cautions on behalf of the Authority.
- 15.14 There was a documented reporting procedure for the systematic preparation of cases for prosecution or formal caution, and records of the two cases that were examined included completed infringement report summaries and officer reports. There was, however, no record to demonstrate that the enforcement policy had been considered.
- 15.15 The Authority had not taken any formal enforcement action in relation to feedingstuffs.

*Recommendations*

- 15.16 The Authority should:
- (i) Ensure that the Enforcement Policy or an accurate summary is readily available to the public and food businesses in the area. [The Standard – 15.1]
  - (ii) Set up, maintain and implement documented procedures relating to the detention, seizure and voluntary surrender of food and review and implement its procedure for the service of Improvement Notices. All procedures should be in accordance with the relevant Food Safety Act Code of Practice and centrally issued guidance. [The Standard – 15.2]
  - (iii) Carry out food law enforcement in accordance with relevant Food Safety Act Codes of Practice and centrally issued guidance. [The Standard – 15.3]
  - (iv) All decisions on enforcement action are made following consideration of the Authority's Enforcement Policy. The reasons for any departure from the criteria set out in the Enforcement Policy should be documented. [The Standard – 15.4]

## **16 Records and Inspection Reports**

- 16.1 Records relating to food hygiene, food standards and feedingstuffs inspections were held on the database. These were readily retrievable and could be accessed easily and from any computer on the corporate network.
- 16.2 A record form for food hygiene inspections had recently been introduced for inspections under the Food Safety (General Food Hygiene) Regulations. These had been used for two of the ten inspection records that were examined and resulted in these records being more comprehensive.
- 16.3 Where the form had been used, it was evident that it had facilitated the systematic recording of detailed information in relation to training, hazard analysis, and other aspects of the inspection. These details were lacking in the records of inspections where the form had not been used.
- 16.4 Records of post-inspection follow-up letters detailing contraventions and recommendations demonstrated that these had been sent in a timely manner, were clear to understand and offered an opportunity for further discussion. However, similarly detailed records were not kept in relation to inspections connected with the investigation of suspected outbreaks of food poisoning.
- 16.5 Records and inspection reports of establishments approved under product-specific food hygiene regulations that were checked did not contain sufficient information to demonstrate that establishments had met the conditions for approval, or had continued to do so at subsequent inspections.
- 16.6 Records relating to the inspection of butchers' shops contained appropriate information to demonstrate that premises had met the licensing requirements.
- 16.7 Food standards inspections had been recorded on generic Trading Standards inspection/visit record forms that were used for all Trading Standards inspections. This form satisfied the requirements of the Code of Practice, and provided evidence of the scope of the inspection that had been carried out.
- 16.8 Records of food hygiene, food standards and feedingstuffs sampling activity demonstrated that sampling had been appropriately targeted, and that unsatisfactory results had generally been followed-up to establish and resolve reasons for failure.
- 16.9 Improvement Notice records demonstrated that the Authority's Enforcement Policy had been followed and that statutory requirements had generally been met.

- 16.10 Records of the voluntary surrender of food for destruction did not fully meet the requirements of centrally issued guidance in relation to the time, place and method of disposal of the food.
- 16.11 Details of inspections of premises that had been registered under the Feeding Stuffs (Establishments and Intermediaries) Regulations 1999 were recorded on the food standards section of the generic Trading Standards inspection record form.
- 16.12 This form lacked the detail required by centrally issued guidance on feedingstuffs inspections, and the records therefore contained insufficient information to determine whether inspections had assessed compliance with all aspects of the relevant regulations.

*Recommendation*

16.13 The Authority should:

Maintain up to date accurate records in retrievable form for all food and feedingstuffs premises in its area, in accordance with Food Safety Act Codes of Practice and centrally issued guidance.  
[The Standard – 16.1]

**17       Complaints about the Service**

- 17.1       The Authority had set up and implemented a 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 website.
- 17.3       There was also a documented procedure that set out departmental arrangements for implementing the corporate procedure in respect of complaints about the food and feedingstuffs enforcement service.
- 17.4       The auditors were advised that no formal complaints against the food or feedingstuffs law enforcement service had been received in the two years prior to 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:

- South West Wales Food Safety Task Group;
- Animal Health and Welfare Panel;
- Welsh Food Microbiological Forum;
- Food and Agriculture Standards Group;
- Communicable Disease Technical Panel;
- South West Wales Communicable Disease Task Group;
- Communicable Disease Benchmarking Club;
- 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 hygiene trainers' forum;
- Public health task group;
- Wales Centre for Health;
- Food Standards Agency Wales;
- Wales Centre for Health;
- Other local authorities;
- Department for Environment Food and Rural Affairs;
- The Health Authority and successor bodies;
- Local Authorities Co-ordinators of Regulatory Services.

## 19 Internal Monitoring

19.1 The Authority had recently introduced a documented internal monitoring procedure relating to the qualitative aspects of the food law enforcement service, including the quality and consistency of inspections and the progress of the planned inspection programmes, as required by the Code of Practice.

19.2 There was evidence that some internal monitoring was taking place in relation to food hygiene and food standards enforcement. This included both qualitative and quantitative aspects such as:

- File checks;
- Team meetings;
- Annual review meetings;
- Monitoring of inspection reports and correspondence;
- Customer survey as part of the Best Value Review;
- Quarterly reports to members.

19.3 The Authority was also developing a graduated approach to the authorisation of officers, having regard to their qualifications and experience.

### *Recommendations*

19.4 The Authority should:

- (i) 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]
- (ii) 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 service had participated in the all-Wales inter-authority document review and compliance audit in October 1999.
- 20.2 The Trading Standards service had recently undergone an internal audit of its entire service.
- 20.3 The Authority had undergone a Best Value review in 2002.
- 20.4 The Authority had demonstrated its commitment to third party audits by participating in a recent health and safety audit.

## **21 Food Safety and Standards Promotion**

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

21.2 There was evidence of participation 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;
- Packed lunch leaflet;
- National Food Safety Week;
- Welsh Food Hygiene Awards;
- Presentations to local groups;
- Business Eye.

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]

### **Auditors:**

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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"><li>• increasing the role of local people in deciding the priorities for local government services</li><li>• improving the way authorities manage and review their business</li><li>• building on the experience and expertise of staff.</li></ul> <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"> <li>• Food Law Enforcement Standard</li> <li>• Service Planning Guidance</li> <li>• Monitoring Scheme</li> <li>• Audit Scheme</li> </ul> <p>The <b>Standard</b> and the <b>Service Planning Guidance</b> set out the Agency's expectations on the planning and delivery of food law enforcement.</p> <p>The <b>Monitoring Scheme</b> 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 <b>Audit Scheme</b> 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.