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

Rhondda Cynon Taff County Borough Council

16 - 18 September 2003

## Foreword

Audits of local authority food law enforcement services are part of the Food Standards Agency Wales arrangements to improve consumer protection and confidence in relation to food. These arrangements recognise that the enforcement of food law relating to food safety, hygiene, composition, labelling, imported food and feedingstuffs is largely the responsibility of unitary authorities. These 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 unitary authorities may provide their food enforcement services reflecting local needs and priorities.

Agency audits assess a local authority's conformance with 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 local authorities are providing an effective food law enforcement service. The scheme also provides the opportunity to identify and disseminate good practice and provide information to inform Agency policy on food safety.

The report also contains an action plan, prepared by the Authority, to address the audit findings.

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

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## **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 Rhondda Cynon Taf 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 Rhondda Cynon Taf County Borough Council's food hygiene, food standards and feedingstuffs law enforcement service. The on-site element of the audit took place at the Council's office at Ty Elai, Dinas Isaf East, Williamstown, Tonypany CF40 1NY on 16 – 18 September 2003.
- 1.5 The audit assessed the Council's conformance with The Standard, using audit protocols FSA/AP3/1 – FSA/AP21/1. The Standard was adopted by the Food Standards Agency Board on 21 September 2000 (amended July 2004) and forms part of the Agency's Framework Agreement with local authorities. The Framework Agreement and the audit protocols can be found on the Agency's website.

## **Background**

- 1.6 The Authority has an estimated population of 242,000 and is the second largest of the 22 authorities in Wales in terms of population. The area covers 44,000 hectares and stretches from Treherbert and Maerdy at the top of the Rhondda Valleys, to Penderyn in the Brecon Beacons National Park. The Heads of the Valleys road and the A470 link the top of the Cynon Valley through the large town of Pontypridd to the south at Taffs Well, close to the M4 corridor which passes through the south west of the County Borough near Talbot Green. The area is quite distinct with 3 valleys in the north where communities have historically been built around the coal mining industry to the southern areas centred around the main towns of Pontypridd and Talbot Green which are more rural in nature. There are a significant number of deprived communities in the Authority which are concentrated in the valley areas. Unemployment among the economically active age group of 16 – 64 years is at 16.9% for males and 4.9% for females. The ethnic makeup of the Authority is 99.2% white, 0.1% black 0.3% Asian and 0.4% for other ethnic groups.
- 1.7 Food enforcement was carried out by officers of the Food and Health & Safety Team and Fair Trading Team, situated within the Public Health and Protection Division which formed part of the Community Services Group Directorate.
- 1.8 The Council Offices are open from 08:30 – 17:00 Monday to Friday. An out of hours emergency telephone number is freely available to the public, through which an officer can be contacted.
- 1.9 In addition to food hygiene enforcement, the Food and Health & Safety Team officers were also responsible for the delivery of a range of services including occupational health and safety, food and water-borne infectious disease investigations and health promotion, including food promotion in communities. Those officers carrying out food standards enforcement were also responsible for weights and measures, safety and fair trading issues.
- 1.10 The Authority's Food Service Plan 2003/2004 indicated the resource available to carry out food hygiene enforcement was 15 FTEs. The staff resource carrying out food standards and feedingstuffs enforcement was not detailed, although the Service Plan indicated that 6 officers were responsible for food standards enforcement as part of their general duties and 1 officer was responsible for feedingstuffs enforcement.

- 1.11 The Food Service Plan 2003/2004, detailed the Authority's estimate of additional resources required to meet the requirements of The Standard as detailed below:

<b>Estimated resource to deliver the food safety service</b>	<b>FTE</b>
Additional staff for food hygiene	3.0
Additional staff for food standards	3.0
Additional staff for feedingstuffs	3.0
<b>TOTAL</b>	<b>9.0</b>
Additional financial resource for food standards sampling = £29,500	

Members had been informed of the estimated additional resources required to deliver the food law enforcement service and had agreed to allocate the necessary funding. The three additional staff for food hygiene had been appointed at the time of the audit and the recruitment process was underway in relation to the food standards and the feedingstuffs personnel.

- 1.12 The Authority had estimated that a budget of £472,039 would be required to operate the service in 2003/2004.

- 1.13 The Authority's monitoring returns made to the Agency for 2002 indicated that the Public Health and Protection Division was responsible for enforcing food hygiene, standards and feedingstuffs legislation in 2134 premises. These food businesses were predominantly within the catering and retail sectors. The returns indicated that the Authority carried out:

<b>Enforcement activity</b>	<b>No.</b>
Food hygiene inspections	661
Other food hygiene visits	1180
Food standards inspections	749
Other food standards visits	92
Feedingstuffs inspections	48
Other feedingstuffs visits	0
Informal samples	1143
Formal samples	818

## 2 Executive Summary

- 2.1 The Authority was undertaking a wide range of enforcement activities when it identified breaches of legislation in its premises. However, there were a number of issues raised with the legal processes associated with these activities.
- 2.2 The Authority had a history of being unable to meet inspections' targets. The Service Plan also indicated a substantial backlog of inspections. However, there was evidence that significant improvements had been achieved in the 18 months preceding the audit and members had committed further funding to the service. The recent introduction of an internal monitoring system and the reorganisation of the food enforcement service should further assist in these matters.
- 2.3 The innovative links with the business community particularly in terms of local purchasing policies demonstrated the Authority's commitment to broaden their food business advice strategies.

### 2.4 The Authority's Strengths

#### ***Food Hygiene and Food Standards Advice to Business and Health Promotion***

The Authority had developed innovative links with the business community, which allowed a broader approach to advice issues particularly in the area of local purchasing policies and the publication of a butcher's advice newsletter. The Authority's active involvement in, and novel approaches to health promotion, was also evident.

### 2.5 The Authority's Key Areas for Improvement

#### ***Inspection Frequency***

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

***Enforcement activity***

There was a lack of consistency in the quality of some of the enforcement actions undertaken, particularly Improvement Notices, Emergency Prohibition Notices, voluntary closures and surrenders. Documented and well implemented internal monitoring systems will ensure an effective enforcement service which is also consistent with Food Safety Act Codes of Practice and centrally issued guidance.

## **Audit Findings**

### **3 Organisation and Management**

- 3.1 The Authority was made up of 75 Councillors who operated within a Cabinet style of governance. The Cabinet comprised of 10 Councillors who made decisions on both strategic and operational issues. An Overview and Scrutiny committee and 7 other committees together with 4 project task teams made up the remainder of the Authority's structure. Food safety came within the cross cutting terms of reference of a number of Cabinet Members.
- 3.2 The Authority had 6 Directorates, and delivery of the food hygiene service was the responsibility of the Food and Health & Safety Project and the Fair Trading Project, both situated within the Public Health and Protection Division under the Community Services Group Directorate.
- 3.3 The Authority had developed an organisational strategy to establish closer links between the food enforcement arms of the service situated in the 2 "projects". The routine enforcement functions were carried out by officers within the 2 "projects", while more specific issues were dealt with by a virtual Food Programme Team made up of members drawn from the both "projects". The primary role of the Food Programme Team was to ensure co-ordination of food enforcement activities within the Authority. The team was also responsible for identifying shortfalls in the resource available to deliver the service and identifying strategies necessary to meet the requirements of the Service Plan. Whilst the team had only recently been introduced it was challenging service delivery and had successfully secured additional resources.
- 3.4 The corporate planning framework includes The Community Plan which sets out the corporate aims for the Authority. A draft Business Plan linked these corporate aims to the activities of the Public Health and Protection Division. The Business Plan identified a number of service objectives which related to the food enforcement service:
- To contribute towards redressing inequalities in health, poverty and community safety by targeting services to those with the greatest need;
  - To raise the profile of the Division and enhance its public image;
  - To provide opportunities for the improvement in the quality of life by encouraging active and healthier lifestyles;

- To recruit and retain high calibre staff and achieve their full potential through continuous personal development;
- To undertake the Divisions enforcement responsibilities effectively, appropriately and in the public interest;
- To protect and improve our environment through effective monitoring and regulation.

3.5 The draft Business Plan contained information about the service, details of performance in previous years, and sets out key actions and performance indicators. The performance indicators used for food safety were:

- The percentage of food premises inspections that should have been carried out, that were carried out for:
  - (a) high risk premises, and
  - (b) other premises.

3.6 In 2001/2002, the Authority reported that it had carried out 44.8% of high risk inspections and 16.8% of other premises. The performance in 2002/2003 was reported as 97.7% and 59.95 respectively.

3.7 The Authority had drawn up a comprehensive Food Service Plan for 2003/2004, which was in line with the Service Planning Guidance in the Framework Agreement on Local Authority Food Law Enforcement. The Service Plan had not yet been approved by the relevant Member forum.

3.8 The Business Plan detailed a review process consisting of the production of quarterly reports to be presented to the Group Management Team and a total review at the culmination of its implementation period in November 2004. The Service Plan for 2003/2004 contained no reference to a review of the previous year's plan. However, the Authority had set up a scrutiny task team to review the work of the "Food Programme Team" during 2002. The resultant report identified a number of areas for improvement, which were listed in the Service Plan and included:

- Increasing the number of high risk food inspections and revisits undertaken;
- Maintaining a timely response and investigation into food complaints from the public;
- Maintaining a comprehensive response to Food Hazard Warnings;
- The maintenance of the food premises database;
- Ensuring officers receive structured on-going training as required by Food Safety Act Code of Practice No.19: Qualifications and

- Training;
- The issue of butchers licences;
  - The monitoring of product specific premises;
  - The response to outbreaks of food poisoning;
  - Undertaking a comprehensive food and feedingstuffs sampling programme;
  - The provision of food hygiene training;
  - The education of businesses and the public in food safety matters.

*Recommendations*

3.9 The Authority should:

- (i) Submit the Service Plan for member approval. [The Standard – 3.1]
- (ii) Ensure that a review of the Service Plan is carried out at least once a year which should be documented and submitted for appropriate member approval. [The Standard – 3.2]

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

- 4.1 The Authority did not have a control system to ensure that all of the documented policies and procedures for each of the enforcement activities covered by The Standard were reviewed. However, there was evidence that a number of policies had been reviewed.
- 4.2 Staff had access to updated hard copy commercial food law encyclopaedias and hard copies of all documentation necessary for carrying out enforcement activities, including appropriate legislation and guidance. Staff also had access to the same documents via an on-line facility. In addition, the Authority subscribed to a scientific food research organisation.

*Recommendation*

- 4.3 The Authority should:

Develop and implement a control system to ensure that all documented policies and procedures are reviewed at regular intervals and whenever there are changes to legislation or centrally issued guidance.  
[The Standard – 4.2]

## **5 Authorised Officers**

- 5.1 The Authority had appointed lead officers with the necessary specialist knowledge for food hygiene enforcement and for food standards and feedingstuffs enforcement.
- 5.2 The Authority had reviewed and updated their scheme of delegation in May 2003. This authorised Group Directors to exercise functions on behalf of the Authority and also to authorise other officers within the Authority as deemed necessary.
- 5.3 The Authority had produced a draft procedure for the authorisation of officers in July 2003. This included an authorisation matrix that covered both the food hygiene and food standards and feedingstuffs enforcement teams. The matrix also indicated that all other officers within the environmental health and trading standards teams were given authorisation to carry out food enforcement, with no reference to relevant training and experience. In practice, however, no inspections had been carried out by these officers
- 5.4 The Authority operated an out of hours call-out service which included officers who did not normally carry out food enforcement but were given full authorisation under the Food Safety Act 1990.
- 5.5 The Authority had employed a number of contractors to carry out food hygiene inspection of premises during the course of the previous financial year. The auditors were informed that the consultants were subject to the draft internal monitoring system and that their qualifications and training records had been checked. However, no records were available. The contractors had been accompanied by colleagues on validation inspections and records of these were made available to the auditors.
- 5.6 The Authority had identified specific officers within the Food and Health and Safety Project team to take the lead in particular areas of enforcement activity. These included the inspection of Approved Premises and butchers, food related infectious disease, liaison with catering operations within the Authority, foreign language food hygiene training and a healthy eating award.
- 5.7 The service had Investors in People status with an appraisal scheme in place which included a Personal Development Discussion with the officer's line manager. No formal procedure for developing a training programme from this discussion had been developed but the Authority had produced staff training and development plans for the service which

included reference to the individuals specific training needs.

5.8 Records of the qualifications held and training received by individual officers were held by the Authority but whilst some records of course content, objectives, duration, and assessment of training were being retained this was on an ad hoc basis.

5.9 Whilst there was no breakdown of the budget available for training provision within the food law enforcement service at the time of the audit, it was apparent from the quantity and relevance of courses undertaken, that the Authority was committed to providing its staff with appropriate training.

*Recommendations*

5.10 The Authority should:

- (i) Ensure that the draft documented procedure for the authorisation of officers is reviewed and fully implemented. [The Standard – 5.1]
- (ii) Ensure that all staff authorised to carry out food enforcement duties receive appropriate training and are suitably experienced. [The Standard – 5.3]
- (iii) Establish a documented training programme and record the content, objectives, duration and any assessment made of training courses attended. [The Standard – 5.4]

## 6 Facilities and Equipment

- 6.1 The Authority had made available all the equipment and facilities necessary to permit all activities associated with the service to be carried out.
- 6.2 The Authority had a documented procedure for the calibration, maintenance and care of equipment used in sampling and inspection by officers. The procedure did not however include details of the specific equipment to be calibrated, the frequency of checks, method of calibration, acceptable tolerances for the equipment and action to be taken where results were outside the tolerances.
- 6.3 The computer software operated by the Authority was capable of providing statistical information requested by the Food Standards Agency. The Authority had a corporate procedure to ensure that appropriate back up systems were implemented to minimise the risk of corruption or loss of information held on the databases.

### *Recommendation*

- 6.4 The Authority should:

Review the documented procedure for calibration to ensure that all temperature measuring instruments are calibrated and checked in full accordance with Food Safety Act Code of Practice No.10: Enforcement of the Temperature Control Requirements of Food Hygiene Regulations. [The Standard – 6.2]

## 7 Food and Feedingstuffs Premises Inspections

### *Food Hygiene*

- 7.1 In its Service Plan for 2003/2004 the Authority reported a total of 2075 food premises on its database:

<b>Risk Category</b>	<b>No.</b>	<b>%*</b>
A	110	5
B	368	18
C	781	38
D	379	18
E	247	12
F	98	5
Unrated	92	4
<b>TOTAL</b>	<b>2075</b>	

\* Figures rounded

- 7.2 The Authority identified 37 premises as licensed under the Food Safety (General Food Hygiene) (Butchers' Shops) (Amendment) (Wales) Regulations 2000, and 17 premises approved under product specific legislation (Approved Premises).
- 7.3 The inspection histories of 10 general premises and 4 Approved Premises were examined. Six general premises and 2 Approved Premises were found to have been inspected at the minimum frequencies required by Food Safety Act Code of Practice No. 9: Food Hygiene Inspections.
- 7.4 A computer report generated during the audit indicated that the Authority had the following numbers of inspections overdue:

<b>Risk Category</b>	<b>Overdue No.</b>
A	10
B	0
C	0
D	77
E	135
F	25
Unrated	53
<b>TOTAL</b>	<b>300</b>

- 7.5 The Authority had recently revised a documented procedure relating to the inspection of general premises and licensed butchers premises, which included procedural flow diagrams, inspection proformas and

examples of standard letters. In addition, documented procedures relating to the inspection of Approved Premises had recently been produced. These also included procedural flow diagrams, inspection proforma and a number of standard letters relating to the approval process.

- 7.6 Officers with the appropriate levels of authorisation carried out inspections of general premises and provided accurate risk ratings, in accordance with official guidance. Appropriate follow up action had been taken in most instances of non-compliance had been identified, including revisits within the appropriate time.
- 7.7 Reports had been sent to proprietors following inspections of general premises. These were clear and legal requirements were distinguished from recommendations. The works required following inspections were clearly identified, took into account Industry Guides and were consistent with centrally issued guidance. The legal references were generally correct.
- 7.8 In 2 of the 4 Approved Premises files examined no approval document was present and in the case of the 2 approval documents that were present 1 did not contain the statement that approval was dependent on compliance.
- 7.9 Ten files relating to licensed butchers' premises were examined. Standard application and inspection forms had been used. The applications had been determined within 28 days. In the case of 6 files there was evidence of minor work outstanding within the premises even though the licence had been issued by the Authority. In the case of the mixed premises, the licence did not specify to which area of the premises it applied.

*Recommendations*

- 7.10 The Authority should:
- (i) Ensure that food hygiene inspections are carried out at the minimum frequencies required by Food Safety Act Code of Practice No. 9: Food Hygiene Inspections. [The Standard – 7.1]
  - (ii) Ensure that the inspection and licensing of butchers' premises and inspection and approval of Approved Premises are carried out in full accordance with the relevant legislation and centrally issued guidance. This should include a review of existing approvals. [The Standard – 7.2]

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

- 7.11 In the Service Plan for 2003/2004 the Authority reported that there were 1870 premises subject to food standards inspections and approximately 600 premises subject to feedingstuffs inspections.

#### Food Standards Inspections

<b>Risk Category</b>	<b>No.</b>	<b>%*</b>
High	34	2
Medium	1056	56
Low	699	37
No Inspectable Risk	46	3
Unrated	35	2
<b>TOTAL(Rated premises)</b>	<b>1870</b>	

\* Figures rounded

- 7.12 The inspection histories of 10 food standards premises were examined. All were found to have been correctly risk assessed and inspected by an appropriately authorised officer though 2 had not been inspected at the minimum frequency set out in Food Safety Act Code of Practice No. 8: Food Standards Inspections.
- 7.13 A computer report generated during the audit indicated that the Authority had the following numbers of inspections overdue:

<b>Risk Category</b>	<b>Overdue No.</b>
High	0
Medium	66
Low	170
Unrated	43
<b>TOTAL</b>	<b>279</b>

- 7.14 The Authority had a draft documented procedure covering food standards inspections, which included a revised inspection report form and a decision tree to determine whether a revisit was necessary. No procedure was available covering the inspection of feedingstuffs premises.
- 7.15 Food standards inspections were generally recorded on the database, and hard copy inspection reports were left following recent inspections. Information about premises was limited and generally there was insufficient information on file to assess whether the inspections had been carried out in accordance with the relevant legislation or whether

compliance with legally prescribed standards had been assessed.

- 7.16 Records of inspections of feedingstuffs premises were limited in detail and information was obtained during visits relating to animal health and welfare enforcement activities. The Authority was in the process of visiting all its premises on which livestock were held, and the auditors were informed that this information would be used to put together an inspection programme for feedingstuffs.

*Recommendations*

- 7.17 The Authority should:
- (i) Ensure that food standards inspections are carried out at the minimum frequencies required by Food Safety Act Code of Practice No. 8: Food Standards Inspections. [The Standard – 7.1]
  - (ii) Revise the draft documented inspection procedure to cover the full range of food standards and feedingstuffs inspections carried out and ensure that it is fully implemented. [The Standard – 7.4]

## **8 Food, Feedingstuffs and Food Premises Complaints**

- 8.1 The Authority had a documented policy contained within its Food Service Plan and procedures relating to food hygiene and general trading standards complaints. A draft procedure specifically relating to food standards complaints had also been produced.
- 8.2 File records relating to 9 food hygiene complaints were examined. All complaints appeared to have been appropriately investigated. However in 2 cases the Authority had failed to confirm the results of the investigation with the complainant and in 3 cases failed to confirm the results of the investigation with the retailer.
- 8.3 File records relating to 8 food standards complaints were examined. In all cases there appeared to have been a thorough and appropriate investigation carried out with all relevant parties being informed of the outcome of the investigations and appropriate records on file.
- 8.4 The Authority had not received any complaints relating to feedingstuffs.
- 8.5 The Authority was recording requests for advice about food and food premises, in a similar manner to complaints about food and food premises. The computer reports provided with the pre-visit questionnaire appeared unable to differentiate between the two categories. However, checks against the monitoring data confirmed that only the actual complaints were notified to the Food Standards Agency.

### *Recommendation*

- 8.6 The Authority should:
- Ensure that the outcome of all investigations are notified to complainants and retailers. [The Standard – 8.2]

## **9 Home Authority Principle**

- 9.1 The Service Plan for 2003/2004 stated that the Authority fully supported the Home Authority Principle. No formal Home Authority agreements existed, but the Authority was acting on an informal basis with a number of local manufacturers.
- 9.2 Officers had access to the Local Authorities Coordinators of Regulatory Services (LACORS) website to identify listed Home Authorities. There was evidence on files examined that due regard was given to information received following liaison with Home Authorities during the course of investigations. Evidence was also found that advice was provided to enforcing authorities contacting the service regarding Home Authority issues.

## 10 Advice to Business

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

- The provision of “in-house” food hygiene courses run for local businesses at both foundation and intermediate level;
- Provision of the free Hazard Analysis training for Food Handlers from category A and B premises;
- Provision of advisory posters relating to the key elements of a food management system;
- Advising the Authority’s catering operations of appropriate standards when producing contract specifications;
- Establishing a Butchers Forum for the discussion of issues, including meat traceability and hygiene requirements. Documentary guidance on labelling requirements for butchers had also been produced by the Authority;
- Active participation in the South East Agri Food Partnership, an organisation with the aim of promoting local produce to consumers;
- Active involvement with the Welsh Procurement Initiative Pathfinder Project - SME Development: Food Sector. This is an organisation with the aim of developing and improving food purchasing policies and practices within Wales.

10.2 There was no evidence to suggest that the Authority was providing advice to businesses in relation to feedingstuffs.

*Recommendation*

10.3 The Authority should:

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

## **11 Food and Feedingstuffs Premises Database**

- 11.1 The Authority had a computer database of the food premises and feedingstuffs premises in its area.
- 11.2 The Authority had recently introduced a procedure to ensure the accuracy of its premises database. This included a standardised form for updating premises information. Details of premises were updated following the receipt of registration forms, following revisits to the premises and by reference to records held by other departments and in commercial trade directories.
- 11.3 Officers had password protected access to the databases, and were restricted from creating or deleting records. The security measures to prevent access and amendment by unauthorised persons were contained within the procedure. However passwords were not changed on a regular basis.
- 11.4 The database was examined for 12 food businesses that had been randomly identified from the current edition of a business directory. All the premises were included on the Authority's database and were included within the relevant inspection programmes.

## **12 Food and Feedingstuffs Inspection and Sampling**

- 12.1 The Laboratories used by the Authority were properly accredited.
- 12.2 The Authority had produced a detailed documented sampling policy which included both microbiological, food standards and feedingstuffs sampling and referred to sampling in accordance with National and local sampling group programmes, together with high risk premises, Approved Premises and Home and Originating Authority premises.
- 12.3 The Authority reported in its monitoring returns to the Food Standards Agency for 2002, that they had taken 1961 food and feedingstuffs samples of which 818 were formal samples.
- 12.4 The Authority had recently produced a sampling procedure which covered both microbiological and food standards sampling. In addition the Fair Trading Project had produced general food standards policies relating to sampling, surveys, transporting samples to the Public Analyst, the taking of formal food samples and formal sampling of feedingstuffs.
- 12.5 A sampling plan had been drawn up for 2003/2004 which included food standards, microbiological and feedingstuffs samples. However the plan was generic in nature and while it identified the types of food and feedingstuffs to be sampled it did not provide any information about the premises from which the samples were to be taken.
- 12.6 Records for 10 unsatisfactory food samples were examined. Generally there was insufficient evidence on file to determine if appropriate follow up action had been taken in accordance with the Authority's policies and procedures. However discussion with the sampling officers during the audit indicated that some premises were contacted to identify issues which may have given rise to the unsatisfactory samples.
- 12.7 Documentation relating to the Authority's Public and Agricultural Analyst appointments appeared to be inconsistent with requirements to appoint individuals to these positions who met specified appointment criteria.

*Recommendations*

12.8 The Authority should:

- (i) Ensure that appropriate action is taken in respect of unsatisfactory samples in accordance with the Authority's enforcement policy. [The Standard – 12.6]
- (ii) Review and update the Authority's Public and Agricultural Analyst appointments, taking account of all relevant legal requirements of the Food Safety Act 1990, associated Codes of Practice and The Agriculture Act 1970. [The Standard – 12.7]

### **13 Control and Investigation of Outbreaks and Food Related Infectious Disease**

- 13.1 The Authority had a documented procedure in relation to the control of outbreaks of food related infectious disease, which had been drawn up in conjunction with the Health Authority, the Public Health Laboratory Service and other relevant organisations in June 2003 to take into account changes brought about by the National Public Health Service for Wales and local health boards.
- 13.2 The file record relating to the 1 recent reported outbreak of food related infectious disease was examined. This indicated that the Authority had carried out a thorough investigation which had resulted in an Emergency Prohibition Notice being served on one premises and identified a number of issues concerning the suitability of a second premises which had been used for a large catering operation. The outbreak occurred 8 months prior to the publication of the current outbreak procedure and a copy of the procedure at the time of the outbreak was not available. However, the file showed that the investigation had been carried out broadly in line with the current procedure. There appeared to have been issues relating to liaison with the Public Health Laboratory Service and the Consultant in Communicable Disease Control, both of which to a certain extent were outside the Authority's control.
- 13.3 The Authority had a documented procedure covering individual notifications of food related infectious disease. It also used a standardised questionnaire and letters for their investigation.
- 13.4 The file records of 11 individual notifications of food related infectious disease were examined. Satisfactory investigations had been carried out in 4 notifications. However, records relating to the remaining investigations were either missing or insufficiently detailed to determine whether appropriate investigations had been carried out and standard letters requesting information either having been sent out late or there being no record of having been sent at all.

#### *Recommendation*

13.5 The Authority should:

Fully implement the documented procedure for the investigation of individual notifications of food related infectious disease.

[The Standard – 13.2]

## **14 Food Safety Incidents**

- 14.1 The Authority had set up and implemented documented procedures for dealing with Food Hazard Warnings (FHWs) received from the Food Standards Agency and for the instigation of action in relation to incidents identified locally. The procedure included out of hours contact arrangements.
- 14.2 The service had a computer system capable of receiving FHWs.
- 14.3 Records of the Authority's response to FHWs were maintained in a hard copy file. All FHWs received by the Authority were appropriately investigated and the outcome documented.
- 14.4 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.

## **15 Enforcement**

### ***General***

- 15.1 The Authority had a documented food safety enforcement policy that was in accordance with official guidance and which had been approved by the appropriate Member forum but the date of the approval was unclear from the documentary evidence supplied.
- 15.2 The Authority had not made the policy or an accurate summary of it readily available to the public and food businesses.
- 15.3 The Authority had undertaken the following enforcement activities in the 2 years preceding the audit:
- 7 prosecutions;
  - 4 formal cautions;
  - 11 Emergency Prohibition Notices;
  - 23 premises served with Improvement Notices;
  - 5 voluntary closures of premises;
  - 33 voluntary surrenders of foods.

### ***Food Hygiene***

- 15.4 The Authority had recently produced an enforcement procedure relating to enforcement activities, which included reference to Emergency Prohibition Notices and Orders, detention and seizure of foods, and administration of formal cautions.
- 15.5 Two formal cautions and 5 prosecution files were examined. All files contained detailed information on the investigation process, took into account the requirements of the Police and Criminal Evidence Act 1984 and the Criminal Procedures and Investigation Act 1996 and contained a record that the enforcement policy had been considered. However in 5 files there were unnecessary delays in the process and in the case of 1 formal caution the delay in issuing the caution was sufficient to prevent any further action, should the recipient have refused to accept it. In the case of 1 formal caution identified by the Authority the offence did not relate to a food hygiene offence, resulting in inaccurate statistical returns to the Food Standards Agency.
- 15.6 The file records relating to 6 Emergency Prohibition Notices were examined. In 5 cases, the service of the notice was in accordance with the Authority's enforcement policy. In 1 file there was insufficient evidence to determine what actions had taken place in relation to the notice. In 4 files there was no evidence that monitoring visits had been

made on the premises to check compliance and in 3 files there was no evidence that the Emergency Prohibition Order issued by the court had been served on the proprietor. In 1 case there was evidence of an ongoing problem after service of the notice, with several visits by an enforcement officer, prior to the eventual lifting of the Order. However no written application for lifting of the Order or Notice by the Authority of a continuing risk to health was found on file.

- 15.7 File records relating to 4 voluntary closures were examined. In 1 case there was insufficient information on file to determine if the course of action had been appropriate. Of the remaining 3 files the voluntary closure was confirmed in writing with the proprietor in all 3 but evidence was only available in 2 to indicate checks were made to ensure the premises remained closed.
- 15.8 File records relating to 11 Improvement Notices were examined. Generally the reason for the contravention was specified with the wording clear and easily understood. Clear time limits were given and appropriate information with regard to the appeal procedure given. However in some cases Improvement Notices were not being drafted and served in accordance with Food Safety Act Code of Practice No. 5: The Use of Improvement Notices, and with centrally issued guidance.
- 15.9 In 5 cases the proprietor's name had not been given in full. In 2 cases the wording of the contravention and the works required was unclear. In 5 cases there was no evidence of proper service. In 4 cases a timely check on compliance did not occur, and in 3 cases appropriate follow up action had not been taken.
- 15.10 File records relating to 10 voluntary surrender files were examined. Records were generally insufficiently detailed to enable an assessment of whether they had been carried out in full compliance with the relevant Food Safety Act Code of Practice and official guidance. Copies of the surrender certificate were present in only two files and evidence that the food had been correctly disposed of was absent from all files. The auditors were advised that the Authority was in the process of drafting a procedure which would address these issues.

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

- 15.11 The Authority had recently produced a number of general procedures relating to enforcement activities within the Trading Standards Service which included food standards and feedingstuffs enforcement. These included initiation of offences, collation of prosecution files, the prosecution of the head office of large companies, evidence and powers

of entry, warrants and statements.

- 15.12 The auditors were informed that no enforcement activities had been undertaken with respect to either food standards of feedingstuffs.

*Recommendations*

15.13 The Authority should:

- (i) Ensure that its enforcement policy or an accurate summary of it is made readily available to the public and food businesses in its area. [The Standard – 15.1]
- (ii) Fully implement its enforcement procedures to ensure that all relevant activities particularly prosecutions, formal cautions, Emergency Prohibition Notices and Improvement Notices are carried out in full accordance with relevant Food Safety Act Codes of Practice and centrally issued guidance. [The Standard – 15.2]

## **16 Records and Inspection Reports**

### ***Food Hygiene***

- 16.1 Paper and database records of food premises were retrievable and had been kept for the 6 years required by The Standard.
- 16.2 Records for 10 general premises where food hygiene inspections had been carried out were examined. The records included details of the size and scale of the business, the type of food activity, information on hygiene training and an assessment of the business's hazard analysis compliance.
- 16.3 The records for 4 Approved Premises were also examined. Three of these files contained comprehensive information and detailed records. In 1 file, details such as pre-approval inspection, plan of water points in the premises and emergency withdrawal plans were missing.
- 16.4 Ten files relating to the licensing of butchers shop premises were examined. Generally file records contained details of compliance with training and HACCP requirements. However, the inspection record form did not provide for a full description of the operations at the premises to be detailed, with the result that it was impossible to make a full assessment of whether the premises fell within the scope of the butchers licensing regulations.
- 16.5 Either a report of inspection or a follow up letter was issued following each food hygiene inspection, which set out the reason for any works and actions required, indicated appropriate time-scales for action and quoted correct legislative references.
- 16.6 File records relating to the investigation of cases of food related infectious disease were missing in 4 of the 11 cases examined.

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

- 16.7 Paper and database records of food premises and feedingstuffs premises were retrievable and had been kept for the 6 years required by The Standard although in the case of the general food premises and feedingstuffs premises, file records were limited.
- 16.8 Copies of reports of inspections were missing from 3 files and the post inspection forms generally lacked information on quality systems, and materials and articles in contact with food. Limited information was available on stock rotation and product packaging and labelling.

*Recommendation*

16.9 The Authority should:

Ensure that the detail of records kept on food standards, infectious disease investigations, licensed butchers' premises and Approved Premises is sufficient to ensure that actions taken and the history of compliance can be ascertained. [The Standard – 16.1]

**17        Complaints about the Service**

- 17.1    The Authority had a corporate complaints procedure that was in full compliance with the requirements of the Standard.
- 17.2    Information about the procedure had been posted in the reception area of the Civic Building.
- 17.3    The auditors were informed that no complaints had been recorded against the service during the 2 years preceding the audit.

## **18 Liaison with Other Organisations**

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

- South East Wales Food Safety Task Group;
- South East Wales Communicable Disease Task Group;
- Welsh Heads of Trading Standards Food and Agriculture Standards Group;
- Glamorgan Trading Standards Group.

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

## **19 Internal Monitoring**

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

- Monitoring of paperwork produced following inspections;
- Accompanied validation inspections;
- Team meetings;
- Personal development interviews;
- Induction of new officers.

19.2 There was evidence of informal quantitative and qualitative monitoring including the following:

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

**20 Third Party or Peer Review**

20.1 The Authority had participated in the All Wales inter-Authority Audit Scheme in 1999.

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

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

- Participation in the Foodlink National Food Safety Week with talks to mother and toddler groups and schools;
- Provision of food hygiene training for school children;
- Participation in the Welsh Food Hygiene Award Scheme;
- Publication of general food hygiene advice relevant to Christmas catering;
- Production of a food labelling guide for the public.

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**ACTION PLAN FOR: RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**Audit date: 16-18 September 2003**

<b>IMPROVEMENTS PLANNED</b>	<b>BY DATE</b>	<b>TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH</b>	<b>COMMENTS</b>
1. Ensure that the 2004/2005 Service Plan contains a review of the 2003/2004 Service Plan	03/09/04	3.9 (ii) The Authority should: Ensure that a review of the Service Plan is carried out at least once a year which should be documented and submitted for appropriate member approval. [The Standard – 3.2]	
2. Develop and implement a documented control system (for food hygiene).  3. Review of document control procedure. Update QA manual accordingly (for food standards).	31/10/04  01/12/04	4.3 The Authority should: Develop and implement a control system to ensure that all documented policies and procedures are reviewed at regular intervals and whenever there are changes to legislation or centrally issued guidance. [The Standard – 4.2]	Currently in draft form.  Quality Manager to review document control procedure.

IMPROVEMENTS PLANNED	BY DATE	TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH	COMMENTS
4. Adopt and fully implement the draft documented procedure for the authorisation of officers.	31/05/04	5.10(i) The Authority should: Ensure that the draft documented procedure for the authorisation of officers is reviewed and fully implemented. [The Standard – 5.1]	Process already under way.
5. Ensure that staff authorised to carry out planned food enforcement duties including contractors, working to provide the food service, receive appropriate training and are suitably experienced and qualified.	01/01/04	5.10(ii) The Authority should: Ensure that all staff authorised to carry out food enforcement duties receive appropriate training and are suitably experienced. [The Standard – 5.3]	Training will be ongoing for staff.  Plan to ensure staff receive training already implemented.
6. To record the content, objectives, duration and evaluation of training courses attended.	01/01/04	5.10(iii) The Authority should: Establish a documented training programme and record the content, objectives, duration and any assessment made of training courses attended. [The Standard – 5.4]	Already underway.

IMPROVEMENTS PLANNED	BY DATE	TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH	COMMENTS
7. Review and amend current documented procedure for calibration to ensure that all temperature measuring instruments are calibrated and checked in full accordance with FSA COP No: 10. Enforcement of the Temperature Control Requirements of Food Hygiene Regulations.	28/02/04	6.4 The Authority should: Review the documented procedure for calibration to ensure that all temperature measuring instruments are calibrated and checked in full accordance with Food Safety Act Code of Practice No: 10: Enforcement of the Temperature Control Requirements of Food Hygiene Regulations. [The Standard – 6.2]	Existing documented procedure will be amended to take on board recommendations.
8. The Authority will put a risk management process in place to ensure maintenance of its recently achieved 100% inspection rate and will review progress monthly, quarterly and annually.	1/01/04	7.10(i) The Authority should: Ensure that food hygiene inspections are carried out at the minimum frequencies required by Food Safety Act Code of Practice No: 9 Food Hygiene Inspections. [The Standards – 7.1].	Ongoing requirement. Some confusion existed over due dates of A rated inspections which has now been resolved.

IMPROVEMENTS PLANNED	BY DATE	TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH	COMMENTS
<p>9. A review of all existing approvals.</p> <p>10. Review and amend existing inspection and licensing procedure for butchers.</p>	<p>29/02/04</p> <p>31/01/04</p>	<p>7.10(ii) The Authority should: Ensure that the inspection and licensing of butcher's premises and inspection and approval of Approved Premises are carried out in full accordance with the relevant legislation and centrally issued guidance. This should include a review of existing approvals. [The Standard – 7.2]</p>	
<p>11. Review and implement the draft inspection procedure (for food standards).</p>	<p>1/04/04</p>	<p>7.17(i) The Authority should: Ensure that food standards inspections are carried out at the minimum frequencies required by Food Safety Act Code of Practice No 8: Food Standard Inspections. The Standard – 7.1]</p> <p>7.17(ii) The Authority should: Review the draft documented inspection procedure to cover the full range of food standards and feedingstuffs inspections carried out and ensure that it is fully implemented. [The Standard – 7.4]</p>	<p>Staff have now been appointed so non-conformity should be resolved.</p> <p>Ongoing according to planned implementation.</p>

IMPROVEMENTS PLANNED	BY DATE	TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH	COMMENTS
12. Fully implement the Food Complaints Investigation Procedure (for food hygiene).	31/01/04	8.6 The Authority should: Ensure that the outcome of all investigations are notified to complainants and retailers. [The Standard – 8.2]	
<p>13. To expand our advice to businesses, to include feedingstuffs (for food standards).</p> <p>i Training of staff on animal / food nutrition.</p> <p>ii To identify and develop methods of delivering advice to traders regarding animal feeds e.g. pet food forum.</p> <p>iii Establish links with Farming Unions and National Assembly of Wales' Agricultural Division regarding animal feed.</p> <p>iv Give advice on HACCP in relation to animal feed.</p>	<p>01/08/04</p> <p>In progress</p> <p>Completed</p> <p>Completed</p>	<p>10.3 The Authority should: Expand its advice to businesses to include feedingstuffs. [The Standard – 10.1]</p>	<p>Subject to resources being made available for training.</p>

IMPROVEMENTS PLANNED	BY DATE	TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH	COMMENTS
<p>14. To document the action taken on receipt of unsatisfactory food samples (for food hygiene).</p> <p>15. Review and implement the draft sampling procedure (for food standards).</p>	<p>31/01/04</p> <p>1/04/04</p>	<p>12.8(i) The Authority should: Ensure that appropriate action is taken in respect of unsatisfactory samples in accordance with the Authority's enforcement policy. [The Standard – 12.6]</p>	<p>None.</p> <p>Ongoing according to planned implementation.</p>
<p>16. Appointment of named individuals will be confirmed.</p>	<p>01/04/05</p>	<p>12.8(ii) The Authority should: Review and update the Authority's Public and Agricultural Analyst appointments, taking account of all relevant legal requirements of the Food Safety Act 1990, associated Codes of Practice and The Agriculture Act 1970. [The Standard – 12.7]</p>	<p>At the time of the audit there was an agricultural analyst appointed, however we had not retained a copy of their credentials.</p>
<p>17. Review and fully implement the documented procedure for the investigation of individual notifications of food related infectious disease.</p>	<p>01/01/05</p>	<p>13.5 The Authority should : Fully implement the documented procedure for the investigation of individual notifications of food related infectious disease. [The Standard – 13.2]</p>	

IMPROVEMENTS PLANNED	BY DATE	TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH	COMMENTS
<p>18.Enforcement policy is to be made readily available to the public and food businesses in its area.</p> <p>19.Appoint lead officer to assist with enforcement action and give training on enforcement activities.</p>	<p>30/04/04</p> <p>24/02/04</p>	<p>15.13(i) The Authority should: Ensure that its enforcement policy or an accurate summary of it is made readily available to the public and food businesses in its area. [The Standard – 15.1]</p> <p>15.13(ii) The Authority should: Fully implement its enforcement procedures to ensure that all relevant activities, particularly prosecutions, formal cautions, Emergency Prohibition Notices and Improvement Notices are carried out in full accordance with centrally issued guidance and relevant Food Safety Act Codes of Practice. [The Standard – 15.2]</p>	<p>Approved by Cabinet 19/04/04. Policy to be widely publicised including internet.</p>
<p>20.Implementing and monitoring of all new and existing policies.</p>	<p>31/03/04</p>	<p>16.9 The Authority should: Ensure that the detail of records kept on food standards, infectious disease investigations, licensed butchers premises and Approved Premises is sufficient to ensure that actions taken and the history of compliance can be ascertained. [The Standard – 16.1]</p>	<p>None.</p>

## 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.
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 feeding stuffs legislation.
Trading Standards Officer (TSO)	Officer employed by the local authority who, amongst other responsibilities, may enforce food standards and feeding stuffs legislation.
Unitary Authority	A local authority in which all the functions are combined, examples being Welsh Authorities and London Boroughs. A Unitary Authority's responsibilities will include food hygiene, food standards and feeding stuffs enforcement.