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**Food Standards Agency Audit of
Local Authority Official Controls
and Food Business Operator
Controls in Approved
Establishments**

Bridgend County Borough Council

26-28 January 2010

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 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 attached audit report examines the official controls implemented in approved establishments by the Local Authority's Food Law Enforcement Service. The audit assessments included the Authority's policies, organisation and management and local arrangements for implementation of official controls in approved dairy, meat products and fish and shellfish establishments.

Agency audits assess local authorities' conformance against the Food Law Enforcement Standard ("The Standard"), which was published by the Agency as part of the Framework Agreement on Local Authority Food Law Enforcement. The Framework Agreement and the audit protocols are available on the Agency's website at: www.food.gov.uk/enforcement/auditandmonitoring

The main aim of the audit scheme is to improve and maintain 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 information to inform Agency policy on food safety.

The report contains some statistical data on food law enforcement activities undertaken by the Authority. The Agency's website contains enforcement activity data for all UK local authorities and can be found at: www.food.gov.uk/enforcement/auditandmonitoring

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

A glossary of technical terms used within the audit report can be found at Annex C.

CONTENTS

	Page
Foreword	1
1.0 Introduction	3
Background and Scope of Audit	3
2.0 Executive Summary	5
3.0 Audit Findings	6
3.1 Organisation and Management	6
3.2 Review and Updating of Documented Policies and Procedures	6
3.3 Authorised Officers	7
3.4 Food Premises Database	8
3.5 Approved Establishment Inspections	9
3.6 Food and Food Premises Complaints	10
3.7 Food Safety Incidents	10
3.8 Enforcement	10
3.9 Food Sampling	11
3.10 Records and Inspection Reports	12
3.11 Internal Monitoring	12
4.0 Annex	
A. Action Plan	14
B. Audit Approach/Methodology	17
C. Glossary	19

1.0 Introduction

1.1 Background and Scope of the Audit

- 1.1.1 This report records the results of an audit of Bridgend County Borough Council. The Authority was one of the authorities selected for the audit programme of local authority official controls and food business operator controls in approved establishments being undertaken between September 2009 and March 2010. The Authority was selected for audit on the basis that it had 7 approved establishments, 6 of which were within the scope of this focused audit.
- 1.1.2 The audit was carried out under relevant headings of the Food Standards Agency Food Law Enforcement Standard and the report has been made publicly available on the Agency's website at: www.food.gov.uk/enforcement/auditandmonitoring. Hard copies are available from Food Standards Agency Wales, 11th Floor, Southgate House, Wood Street, Cardiff, CF10 1EW.
- 1.1.3 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 and the Official Feed and Food Controls (Wales) Regulations 2007. This audit of official food controls implemented by Bridgend County Borough Council's food Service was undertaken under section 12(4) of the Act and Regulation 7 of the Regulations.
- 1.1.4 The audit examined the local authority's arrangements for implementing official controls at approved establishments, with a focus on approved dairy, meat products and fish and shellfish establishments. In considering the effectiveness of these controls, the audit evaluated the appropriateness of approvals, compliance of the approvals process with legal requirements, the Food Law Code of Practice (Wales) and official guidance, delivery of routine official controls in approved establishments, the reactive elements of the Authority's approved establishments responsibilities and related aspects of the Service.
- 1.1.5 Bridgend County Borough Council is located in South Wales and straddles the M4 corridor. To the north of the M4, the Authority consists mainly of ex-coal mining valley communities with Maesteg as the main centre of population. To the south of the M4, the ex-market town of Bridgend is the largest town in the Authority and the hub of the economy and employment base. To the south west of the County Borough on the coast lies Porthcawl, a traditional seaside resort, which is subject to a major influx of tourists during the Summer period. The Authority consists an area of 28,500 hectares with a population of just over 130,000 residents.

- 1.1.6 The Food Law Enforcement Service Plan for 2009/10 identified that there were 1193 food premises within the Authority, including 7 approved establishments. In October 2009, 2 of the approved establishments ceased trading and their approvals were revoked.
- 1.1.7 The on-site element of the audit took place at the Authority's Civic Offices, Angel Street, Bridgend, CF31 4WB, between 26 - 28 January 2010 and also included reality checks at two approved establishments

2.0 **Executive Summary**

- 2.1 The Authority had produced a Food Law Enforcement Service Plan for 2009/10 in line with the service planning guidance in the Framework Agreement. The Plan had been subject to an annual review, and any variance in associated resource issues addressed.
- 2.2 The Authority had a documented procedure for the authorisation of officers. It had delegated power to authorise enforcement officers to the Service Director responsible for food law enforcement. All 3 officers undertaking enforcement in approved premises were appropriately authorised. However, the documented procedure for authorisation of officers contained references to legislation which had been superseded.
- 2.3 The Authority had a documented training programme for its authorised officers, based on the officers' annual review. Auditors found evidence that the three officers had completed the required 10 hours of appropriate food related training.
- 2.4 Auditors found evidence that the Authority had appropriately undertaken the investigation of an incident at one of its approved premises.
- 2.5 The Authority had developed and implemented a comprehensive aide memoire for inspections at approved establishments. It captured all the information required for an assessment of compliance at the premises to be undertaken.
- 2.6 The Authority had a documented enforcement policy. However, the policy had not been approved by the Cabinet Member Forum.
- 2.7 The Authority had a sampling programme for 2009/10 which included sampling from approved premises and was undertaking sampling in accordance with it.
- 2.8 During the visits to 2 of the approved premises, Auditors confirmed that officers were discussing food safety management systems in detail with the food business operator. Records of inspections and letters sent to food business operators also confirmed that documented food safety management procedures formed a significant aspect of the work that the officers were undertaking.

3.0 Audit Findings

3.1 Organisation and Management

3.1.1 Food Law Enforcement was undertaken within the Food Safety Team which is part of Environmental Health in the Public Protection Section, recently relocated to the new Legal and Regulatory Services Directorate. Officers in the Food Safety Team are responsible for the enforcement of food safety in all premises, investigation of communicable disease and undertake some health and safety duties.

3.1.2 The Principal Environmental Health Officer who has responsibility for both the Food Safety and Health and Safety teams was the designated lead officer with responsibility for food safety including approved establishments.

3.1.3 The Authority had produced a Food Law Enforcement Service Plan for 2009/10 in accordance with the Service Planning Guidance in the Framework Agreement which had been appropriately endorsed by the relevant Cabinet Member Forum. The 2008/09 plan was subject to an annual review and the variance and associated resource issues had been addressed in the current plan.

3.1.4 The aim of the service, as stated in the Food Law Enforcement Service Plan for 2009/10 was to:

“protect public health by ensuring that food supplied for human consumption, which is produced, stored, distributed, handled or consumed within the County Borough is without risk to the health and safety of the end consumer and is labelled and described accurately.”

3.1.5 The Plan indicated that there were 7 approved establishments in the Authority's area. However, during 2009, 2 of the 7 had ceased trading and 1 new establishment was approved by the Authority making a total of 6 approved establishments at the time of the audit. Details of these establishments confirmed the information held by the Agency.

3.2 Review and updating of Documented Policies and Procedures

3.2.1 The Authority undertook a review of its documented policies and procedures on an annual basis as stated in its documented procedure. A number of policies, dated January 2009 were under review at the time of the audit. One of the documents which required updating was the documented procedure on the authorisation of officers. The current document (dated June 2009) had references to legislation that had been superseded.

3.2.2 The Authority had a control system for its documentation which was in an electronic format. Any review or amendment to a documented policy or procedure would only be undertaken by the Principal Environmental Health

Officer or the Service Manager. Other officers had read only access to the latest version of the documentation and legislation.

- 3.2.3 Superseded documents were kept in a separate file on the electronic database for reference purposes only and were clearly marked as such.

Recommendation:

3.2.4 The Authority shall:

- (i) ensure that documented policies and procedures are kept up to date, particularly when there are changes to legislation or centrally issued guidance. [The Standard – 4.1].

3.3 **Authorised Officers**

- 3.3.1 The Authority had set up, maintained and implemented a documented procedure for the authorisation of officers based on their qualifications and competence and in accordance with the Food Law Code of Practice (Wales).
- 3.3.2 The Authority had appointed an appropriately qualified and experienced officer to have lead responsibility in food hygiene and who also had the requisite specialist knowledge.
- 3.3.3 A review of qualifications, experience and training of the 3 officers involved in undertaking enforcement in approved establishments indicated they were appropriately authorised to undertake the work as outlined in the requirements for their particular post and having regard to the qualifications and experience required for that post.
- 3.3.4 The Authority delegated the power to authorise officers to the Service Director. Officers involved in enforcement in approved premises had been appropriately authorised in accordance with current legislation.
- 3.3.5 The Authority had a documented training programme for officers, which was drawn up following annual personal review. Officers undertaking enforcement in approved premises had received at least 10 hours of food related training. The Authority kept appropriate records of all relevant academic and other qualifications, training and experience of those officers.
- 3.3.6 The Authority was in the final stages of appointing 3 additional Environmental Health Officers and confirmed that the staffing complement would shortly be that set out in the Food Law Enforcement Service Plan 2009/10.

3.4 **Food Premises Database**

- 3.4.1 The Authority had set up, maintained and implemented an electronic database of the food premises in its area.
- 3.4.2 The Authority had developed a procedure for ensuring that the premises database was up to date.
- 3.4.3 A review of records of the 5 approved establishment files was conducted using the Authority's electronic database. The approval details and intervention details were consistent with that contained in the paper files. No other database checks were carried out.

3.5 Approved Establishment Inspections

- 3.5.1 The Authority had set up, maintained and implemented a documented procedure for the inspection of food premises, including approved premises. The Authority had also produced a comprehensive aide-memoire in order for enforcement officers to undertake a full assessment of compliance at approved establishments during inspections/interventions. Examination of file records confirmed that these were being appropriately completed.
- 3.5.2 The Authority's Food Law Enforcement Service Plan for 2009/10 included the registered premises profile and reference to the approved establishments. Approval information supplied on the pre-visit questionnaire was consistent with the information held by the Agency.
- 3.5.3 Each of the 5 files reviewed contained an application form and a copy of the notification of approval to the food business operator. These contained details of the activities to which the approval related and had been appropriately granted by the Authority in a timely manner. Each of the files contained a synopsis of the establishment and inspection reports and correspondence with the food business operator were in chronological order.
- 3.5.4 From the evidence of the 5 files reviewed and the visits to the 2 approved premises it was noted that officers involved in enforcement at the establishments consistently undertook a detailed assessment of the documented food safety management procedure based on HACCP principles with details of assessments against compliance being recorded. Details of any improvements or amendments to documented food safety management procedures were also documented. There was also information held on file regarding the food hygiene training that staff working in the approved establishments had undergone, details of suppliers and customers and results of samples that had been taken. Observations made during the course of inspections were recorded in a timely manner. Joint inspections had been undertaken where it was considered necessary. Interventions had been carried out a frequency not less than that required by the Food Law Code of Practice with inspections being carried out unannounced as appropriate, in accordance with the Food Law Code of Practice.

- 3.5.5 During the course of the reality checks the Authority's officers explained their approach to carrying out inspections. This included considering the history of the business and familiarisation with its documented food safety management procedure. At the opening of the inspection the officer would identify whether there had been any significant changes which might require amendment of the documented food safety management procedure. Changes to staff would also be noted. The officer would ensure that the documented food safety management procedure reflected the practice that was taking place and vice versa.
- 3.5.6 At the first establishment visited the Authority had previously drawn to the attention of the food business operator a number of issues including several relating to the business' food safety management procedure. During the visit the officer considered these issues with the food business operator and established that appropriate remedial action had been undertaken. There was also a discussion and advice given regarding the sampling programme that the food business operator was implementing. The Authority's officers had recently applied the Agency's guidance on vacuum packing and discussed shelf life testing and how this had been validated.
- 3.5.7 The issues raised with the food business operator at the second establishment indicated a clear focus on the establishments documented food safety management procedure and the monitoring of its critical control points. Cleaning methods and procedures and sampling were also considered in detail as well as all other issues covered by the comprehensive inspection form. There was evidence of an effective working relationship between the local authority officers and the two food business operators which had secured and confirmed compliance with food safety legislation

3.6 Food and Food Premises Complaints

- 3.6.1 The Authority had developed and implemented a documented policy for the investigation of complaints relating to both food and food premises which set out the actions required upon receipt of a complaint.
- 3.6.2 In the 5 approved premises files reviewed Auditors found that all complaints regarding food or approved establishments had been investigated appropriately and in accordance with the Food Law Code of Practice (Wales), centrally issued guidance and the Authority's policies and procedures.

3.7 Food Safety Incidents

- 3.7.1 The Authority had a documented procedure for initiating and responding to food alerts. It also had a computer system capable of receiving food alerts from the Agency. Food alerts are received by the Service Manager, Principal Environmental Health Officer and Senior Environmental Health Officer. All alerts whether for action or information are forwarded to all staff in the Food Safety Team and to the Trading Standards Manager as appropriate.

3.7.2 Any action undertaken as a result of a food alert for action is recorded and responses kept in a hard copy file. An electronic copy of each food alert notification is kept by the Senior and Principal Environmental Health Officer with a record of actions taken.

3.7.3 There had been one food safety incident recently involving approved establishment. A full investigation had been undertaken and the Authority had liaised with the Food Standards Agency.

3.8 Enforcement

3.8.1 The Authority had set up, maintained and implemented a document enforcement policy which was in accordance with the Food Law Code of Practice.

3.8.2 Auditors were unable to find evidence that the enforcement policy had been approved by the Cabinet Member. The policy is one of a number of policies and procedures under review and Auditors were advised that the policy will be presented to the Cabinet Member Forum for approval.

3.8.3 A review of 5 of the approved premises files indicated that the Authority had undertaken appropriate enforcement in accordance with the Food Law Code of Practice, centrally issued guidance and its own policy.

Recommendation

3.8.4 The Authority shall:

Ensure that its documented enforcement policy is approved by the relevant Member forum and that an accurate summary of it is made readily available to the public and food businesses in the Authority's area.

[The Standard – 15.1]

3.9 Food Sampling

3.9.1 The Authority had a documented sampling policy which was in accordance with the Food Law Code of Practice and centrally issued guidance.

3.9.2 The Authority had a sampling programme for 2009/10 which set out its sampling priorities, including sampling from approved premises.

3.9.3 The Authority had carried out its sampling programmes in accordance with its sampling policy and had taken samples from its approved premises, in accordance with it. A large number of additional samples had been taken in connections with the food incident referred to above.

3.9.4 From the 5 premises files reviewed samples had been procured by an appropriately authorised officer in accordance with the documented procedure.

3.9.5 Auditors found that appropriate follow up action had been taken by the Authority where sample results were unsatisfactory. There was evidence that the results of all samples taken had been communicated to the food business operator.

3.10 Records and Inspection Reports

3.10.1 The Authority's records which related to approved establishments were stored utilising both electronic and paper based filing methods. The 5 file records considered by the Auditors were well maintained and contained comprehensive information on the establishment as required by Annex 12 of the Food Law Code of Practice (Wales). Establishments had been correctly risk rated and had been inspected at appropriate intervals as required by the Code of Practice. Records had been kept for the minimum 6 year period, as appropriate.

3.10.2 Establishments approved before 01 January 2006 had been appropriately re-approved as part of the first programmed inspection carried out post January 2006 in accordance with Agency guidance.

3.10.3 Records of inspections and correspondence in the files examined were in chronological order and in accordance with the requirements of The Standard. Auditors found evidence in the files of formal enforcement action being taken, notable the service of a Hygiene Improvement Notice.

3.10.4 Inspections were recorded utilising a comprehensive aide-memoire and details of assessments of food safety management systems within the establishments were also detailed. Auditors found evidence in the files that joint inspections had been carried out where it was considered necessary.

3.10.5 Each file examined contained a copy of a detailed report that had been left at the establishment and a follow up letter sent to the food business operator confirming the officers' findings in relation to each intervention. The reports clearly differentiated between legal requirements and recommendations of good practice and were in accordance with the requirements of annex 6 to the Food Law Code of Practice.

3.11 Internal Monitoring

3.11.1 The Authority had set up, maintained and implemented a documented internal monitoring procedure in accordance with the Food Law Code of Practice (Wales) and centrally issued guidance.

3.11.2 Internal monitoring was carried out by both the Principal and Senior Environmental Health Officers. Officers undertaking inspections at approved premises are accompanied on at least one visit per year and all paperwork is checked following each inspection/intervention.

3.11.3 After each monitoring check a peer review form was completed and Auditors found evidence that records of internal monitoring had been kept on file for a minimum of 2 years as required by the Standard in the Framework Agreement.

3.11.4 Team meetings are held on a monthly basis and Auditors were provided with minutes from the last 3 monthly meetings. These included reference to training, food safety management procedures, food incidents and the cooked meat vacuum policy survey.

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Annex A

ACTION PLAN FOR: BRIDGEND COUNTY BOROUGH COUNCIL

Audit Date: 26 – 28 January 2010

IMPROVEMENTS PLANNED	BY DATE	TO ADDRESS (RECOMMENDATIONS INCLUDING STANDARD PARAGRAPH)	COMMENTS
Review and update policies and procedures, and where necessary submit for member approval.	April 2010	3.2.4 The Authority shall: ensure that documented policies and procedures are kept up to date, particularly when there are changes to legislation or centrally issued guidance. [The Standard – 4.1].	In progress
Review and submit enforcement policy for member approval, at next available date.	April 2010	3.8.4 The Authority shall: Ensure that its documented enforcement policy is approved by the relevant Member forum. [The Standard – 15.1].	Review complete, submitted for approval, to be done in April.

ANNEX B

Audit Approach/Methodology

The audit was conducted using a variety of approaches and methodologies as follows:

(1) Examination of LA policies, procedures and linked documents were examined before and during the audit:

- Food Service Delivery Plan 2009/10;
- Authorisation of Officers procedure;
- Food Hygiene Inspections procedure;
- Approved Premises procedure;
- Food Incidents and Hazards procedure;
- The Authority's Enforcement policy;
- Food Complaints Investigation procedure;
- Internal Monitoring procedure;
- Food Sampling policy and plan.

(2) File reviews – the following LA files were reviewed during the audit:

- Approved establishment files;
- Establishment inspection records;
- Officer training records;
- Food complaint records;
- Food sampling records.

(3) Database records

- Food premises database records relating to approved establishments and records of complaints relating to approved establishments.

(4) Officer interviews – the following officers were interviewed:

- Audit Liaison Officer (ALO);
- 1 Officer authorised to inspect approved establishments.

(5) On site verification check:

Site visits with the Authority's officers to two approved establishments.

ANNEX C

Glossary

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

	consumer groups and other interested parties. It sets out what businesses and others being regulated can expect from enforcement officers.
Environmental Health Officer (EHO)	Officer employed by the local authority to enforce food safety legislation.
Feedingstuffs	Term used in legislation to describe feed mixes for farm animals and pet food.
Food Examiner	A person holding the prescribed qualifications who undertakes microbiological analysis on behalf of the local authority.
Food Hazard Warnings	This is a system operated by the Food Standards Agency to alert the public and local authorities to national or regional problems concerning the safety of food.
Food hygiene	The legal requirements covering the safety and wholesomeness of food.
Food standards	The legal requirements covering the quality, composition, labelling, presentation and advertising of food, and materials in contact with food.
Framework Agreement	<p>The Framework Agreement consists of:</p> <ul style="list-style-type: none"> • Food Law Enforcement Standard • Service Planning Guidance • Monitoring Scheme • Audit Scheme <p>The Standard and the Service Planning Guidance set out the Agency's expectations on the planning and delivery of food law enforcement.</p> <p>The Monitoring Scheme requires local authorities to submit quarterly returns to the Agency on their food enforcement activities i.e. numbers of inspections, samples and prosecutions.</p> <p>Under the Audit Scheme the Food Standards Agency will be conducting audits of the food law enforcement services of local authorities against the criteria set out in the Standard.</p>
Full Time 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.