

**Report on the Audit of Port Health Authority and Local  
Authority Food and Feed Law Enforcement Controls  
of Imported Food and Feed Not of Animal Origin  
at Bristol Port**

Bristol City Council  
9-10 November 2010



## Foreword

Audits of local authorities' feed and food law enforcement services are part of the Food Standards Agency's arrangements to improve consumer protection and confidence in relation to food. These arrangements recognise that the enforcement of UK food law relating to food safety, hygiene, composition, labelling, imported food and feeding stuffs is largely the responsibility of local authorities. These local authority regulatory functions are principally delivered through their Environmental Health and Trading Standards Services. The Agency's website contains enforcement activity data for all UK local authorities and can be found at:

[www.food.gov.uk/enforcement/auditandmonitoring](http://www.food.gov.uk/enforcement/auditandmonitoring).

The attached audit report examines the Local Authority's Feed and Food Law Enforcement Service. The audit scope includes the assessment of local arrangements in place for service planning, delivery and review, provision and adequacy of officer training on imports and authorisations, and implementation and effectiveness of imported food and where applicable feed control activities, (including inspection, sampling and enforcement). Maintenance and management of appropriate records in relation to imports activity at ports and food businesses that handle imported food in inland local authorities (LAs) and internal service monitoring arrangements will also be examined.

This programme of focused audits has been specifically developed to address one of the main priorities identified in the Food Standard Agency's Strategy for 2010-2015 in meeting the outcomes that imported food is safe to eat and that regulation is effective, risk-based and proportionate. The strategic priority is to ensure risk-based, targeted checks at ports and local authority monitoring of imports throughout the food chain.

The audits examined Port Health Authority (PHA) and Local Authority (LA) systems and procedures for control of imported food and where relevant imported feed, at ports of entry (sea and air) and at inland authorities, in 15 geographically representative PHAs and LAs in England. The audits of PHAs were confined to food not of animal origin (FNAO), where relevant imported feed. However the audits of inland authorities covered products of animal origin (POAO) and FNAO. As part of the programme, other LAs with ports are also being contacted to establish whether liaison with ports and appropriate checks on imports are being undertaken.

Agency audits assess local authorities' conformance against the Feed and Food Law Enforcement Standard ("The Standard"), which was published by the Agency as part of the Framework Agreement on Official Feed and Food Controls by Local Authorities (amended April 2010) and is available on the Agency's website at: [www.food.gov.uk/enforcement/auditandmonitoring](http://www.food.gov.uk/enforcement/auditandmonitoring).

It should be acknowledged that there will be considerable diversity in the way and manner in which local authorities may provide their food enforcement services reflecting local needs and priorities.

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 feed and 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, standards and feeding stuffs. Parallel local authority audit schemes are implemented by the Agency's offices in all devolved countries comprising the UK.

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

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## **1. Introduction**

- 1.1 This report records the results of an audit at Bristol City Council with regard to food and feed law enforcement, under relevant headings of the Food Standards Agency Feed and Food Law Enforcement Standard. The audit focused on the Authority's arrangements for imported food and feed controls at Bristol Port. The audit was undertaken as part of the Agency's focused audit programme of LA imported food and, where appropriate, feed controls. The report has been made publicly available on the Agency's website at:

[www.food.gov.uk/enforcement/auditandmonitoring](http://www.food.gov.uk/enforcement/auditandmonitoring).

Hard copies are available from the Food Standards Agency's Local Authority Audit and Liaison Division at Aviation House, 125 Kingsway, London WC2B 6NH, Tel: 020 7276 8428.

### ***Reason for the Audit***

- 1.2 The power to set standards, monitor and audit local authority feed and food law enforcement services was conferred on the Food Standards Agency by the Food Standards Act 1999 and the Official Feed and Food Controls (England) Regulations 2009. This audit of Bristol City Council at Bristol Port was undertaken under section 12(4) of the Act as part of the Food Standards Agency's annual audit programme. Regulation (EC) No. 882/2004 on official controls performed to ensure the verification of compliance with feed and food law, includes a requirement for competent authorities to carry out internal audits or to have external audits carried out. The purpose of these audits is to verify whether official controls relating to feed and food law are effectively implemented. To fulfil this requirement, the Food Standards Agency, as the central competent authority for feed and food law in the UK has established external audit arrangements. In developing these, the Agency has taken account of the European Commission guidance on how such audits should be conducted.<sup>1</sup>

- 1.3 Bristol City Council was included in the Food Standards Agency's programme of audits of local authority food and feed law enforcement services to be representative of a geographical mix of 15 PHAs and LAs selected across England.

### ***Scope of the Audit***

- 1.4 The audit examined Bristol City Council's arrangements for imported food controls in respect of imported food not of animal origin (FNAO). Products of animal origin (POAO) are subject to veterinary control checks and separate auditing regimes. The Authority also had

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<sup>1</sup> Commission Decision of 29 September 2006 setting out the guidelines laying down criteria for the conduct of audits under Regulation (EC) No. 882/2004 of the European Parliament and of the Council on official controls to verify compliance with feed and food law, animal health and animal welfare rules (2006/677/EC)

enforcement responsibilities for non POAO imported feed and arrangements for their examination were assessed during the audit.

- 1.5 The audit scope included the assessment of local arrangements for service planning, delivery and review, provision and adequacy of officer training on imports and authorisations, implementation and effectiveness of imported food and feed control activities, including inspection, sampling and enforcement. Maintenance and management of appropriate records in relation to imports activity at the port and internal service monitoring arrangements were also covered.
- 1.6 The on-site element of the audit took place at the Authority's Port Health Office, Avonmouth Docks, Avonmouth, Bristol on 9-10 November 2010. The audit included a reality check to assess the effectiveness of official controls implemented by the Authority at the port and, more specifically, the checks carried out by the Authority's officers to verify compliance with imported food and feed law requirements.
- 1.7 The audit also afforded the opportunity for discussion with officers involved in imported food and feed law enforcement with the aim of exploring key issues and gaining opinions to inform Agency policy. A set of structured questions were used as the basis for discussions which sought views and information on areas related to imported food and feed controls such as:
  - service planning and the strategic framework of controls
  - training and support
  - criteria used to determine the level of checks
  - issues affecting the imported food control programme
  - sampling, surveillance and enforcement approaches.
- 1.8 The information gained during interviews will be incorporated into a summary report on the imported food inspection and control activities audit programme.

### ***Background***

- 1.9 The City of Bristol is located in south west England and covers approximately 110 square kilometres. It is the largest city in the South West Region with a population of around 433,100 people. It includes the Port of Bristol located at Avonmouth in the Severn Estuary. The City is built around the River Avon and borders Somerset and Gloucester. Bristol is the regional business and financial centre for a catchment area of around one million people in its greater urban area. Major economic interests in the area include creative media, aerospace and electronics.

- 1.10 Bristol City Council is a unitary authority and is responsible for all local government services in the City. The City Council acts as the Port Health Authority and, as such, covers the docks at Avonmouth, and through the Port Health Agreement, the Royal Portbury Docks located within the boundaries of North Somerset Council. North Somerset Council retains responsibility for imported feed activities at Royal Portbury Dock, which was not within the scope of this audit.
- 1.11 Bristol Port Health Services, part of the Public Health Services Team, within the Neighbourhoods Directorate of Bristol City Council, had responsibility for all food law enforcement within the Port Health Authority's area of jurisdiction. This included the inspection of imported FNAO and all imported POAO coming from outside the European Union. The Services were also responsible for a range of other port health functions, including the inspection of vessels and work relating to environmental protection and infectious disease control.
- 1.12 The port was designated as a Border Inspection Post for certain imported POAO. The port was not a designated point of entry (DPE) for certain high risk food and feed products, or a designated point of import (DPI) for certain products subject to safeguard controls relating to aflatoxins. However, work was underway to further develop the dock as a deep sea port. The Council anticipated that once this work had been completed imported food trade would increase significantly, and consequently the Bristol Port Company, would at that point seek DPE and DPI status.
- 1.13 Bristol Port Health Services operated on a 5 day a week officer rota basis from a satellite office in Avonmouth. However, the Authority also operated 24 hour 7 day a week emergency cover.
- 1.14 Imported feed law enforcement at Avonmouth dock, within Bristol Port, was the responsibility of the Trading Standards Service of Bristol City Council.

## **2. Executive Summary**

- 2.1 The Authority had developed a Food Service Plan which encompassed imported food and feed requirements. The Plan had generally been drawn up in line with Service Planning Guidance in the Framework Agreement.
- 2.2 There were well organised, effective systems and arrangements in place in relation to the control of containerised imported food and feed. The Authority had a robust system for the identification of incoming consignments of containerised food through the systematic, detailed checking of every ship's manifest. Appropriate facilities and equipment were available for the inspection and sampling of imported FNAO and feed.
- 2.3 The port had an effective consignment control system, which enabled the Authority to immediately hold any containerised consignment where further information or an inspection was required.
- 2.4 Imported food and feed controls, including documentary checks, identity checks and random physical checks, were risk based and targeted in accordance with current legislation and officers' previous knowledge and experience.
- 2.5 Appropriate action had been taken on unsatisfactory consignments and where necessary notices had been served requiring appropriate follow-up action on food consignments.
- 2.6 Records maintained in relation to imported food were detailed, accurate and easily retrievable. Auditors noted that the Authority had made efficient use of their database's advanced 'Action Diary' function to ensure that actions taken were effectively managed and recorded.
- 2.7 There were extensive liaison arrangements with central government, other enforcement bodies, professional organisations and other external stakeholders. The Authority had ensured that businesses had been advised in regard to imported food control requirements.
- 2.8 The Authority had carried out some quantitative and qualitative monitoring of its imported food and feed activities and had recently implemented a new monitoring procedure. Auditors discussed the need to further develop the procedure to ensure that risk based monitoring of all areas of imported food and feed enforcement is carried out on a regular basis. Records of monitoring should be maintained.
- 2.9 The Authority had made quarterly imported food returns and had submitted their annual 2009/2010 Local Authority Enforcement Monitoring Scheme (LAEMS) return.



### 3. Audit Findings

#### 3.1 Organisation and Management

##### *Strategic Framework, Policy and Service Planning*

- 3.1.1 The Authority had developed a documented Food Service Plan 2010/2011. The Plan incorporated the work of the Port Health Authority and made specific reference to arrangements regarding imported food and some feed activities. The Plan generally followed the Service Planning Guidance in the Framework Agreement. However, the Plan would benefit from further development, to include a clear comparison of all demands placed upon the service, including imported food responsibilities, and the resources needed to deliver the service effectively. The Plan confirmed that 1,021 (100%) ship's manifests were checked by the Port Health Services during 2009/2010. Imported FNAO activity at the port was also captured in the Food Safety Inspection Workplan 2010/2011.
- 3.1.2 There was no evidence that the Service Plan had been formally approved by an appropriate Member Forum or delegated senior officer. However, there was evidence that the Plan had been presented to the Executive Member by the Director of Neighbourhoods on 2 September 2010.
- 3.1.3 Imported feed law enforcement was also covered in the Trading Standards Service Delivery Plan 2010/2011. The Trading Standards Plan should be further developed to fully cover the full range of feed law enforcement activities in line with Service Planning Guidance, including the demands on the Service and the resource commitment.
- 3.1.4 Information supplied prior to the audit and in the Service Plan confirmed that imported food controls at the port were primarily the responsibility of the following:

<b>Officer Designation</b>	<b>Number of staff*</b>
Principal EHO	0.3
Lead Port Health Officer	0.5
Port Health Officers	0.9
<b>TOTAL</b>	<b>1.7</b>

\*Full Time Equivalent

- 3.1.5 The following officers from the Trading Standards Service were responsible for imported feed controls at the Port:

<b>Officer Designation</b>	<b>Number of staff*</b>
Trading Standards Officer	0.05
<b>TOTAL</b>	<b>0.05</b>

\*Full Time Equivalent

- 3.1.6 The Plan provided information on key performance indicators relating to the imported FNAO work at the Port in 2009/2010:

<b>Activity</b>	<b>Target 2009/2010</b>	<b>Performance 2009/2010</b>
Surveillance of manifests	100% surveillance of relevant manifests.	100%
Imported food documentary checks	Full documentary check of individual consignments. Risk based, where necessary.	29
Imported food physical checks	Consignments to be examined where required by legislation. Other consignments to be examined when resources permit.	0
Clearance of detained consignments of imported food	Clear all consignments within 6 working days.	100%

***Recommendation***

- 3.1.7 The Authority should:

Further develop the Service Delivery Plan to ensure that it covers all areas of the Service Planning Guidance in the Framework Agreement and submit it for approval by either the relevant Member forum or relevant senior officer.  
[The Standard -3.1]

*Documented Policies and Procedures*

- 3.1.8 The Authority had reviewed and updated their operational procedures relevant to the scope of the audit, and had developed a specific procedure for imported food control arrangements. The Service recognised the introduction of a structured document control and review mechanism were required to ensure that procedures were kept up to date with changes in legislation and centrally issued guidance.
- 3.1.9 Access to relevant sources of information, including legislation and the database, was available to officers at the Port Health Offices and at the Port inspection facilities.
- 3.1.10 The Trading Standards Service had some of the key policies and procedures for imported feed law enforcement in place. Auditors discussed the benefits of extending the procedures to cover the full range of imported feed law enforcement activities in line with relevant legislation and the Framework Agreement.

**Recommendation**

3.1.11 The Authority should:

Set, up maintain and implement a document control system for all documentation relating to enforcement activities and ensure that all policies and procedures for enforcement activities are reviewed and updated on a regular basis. [The Standard - 4.1 and 4.2]

*Authorised Officers*

3.1.12 The Authority had developed and implemented a documented procedure for the authorisation of officers. This set out the means by which officers were authorised based on their qualifications, experience and competency. Audit checks confirmed that all officers carrying out imported food and feed control had been authorised. However, it was not possible, from the authorisation documentation provided, to accurately ascertain the exact nature and level of officer authorisations e.g. some officers appeared to have been authorised beyond the level that was intended. Officers with lead responsibilities for imported food and feed had the necessary specialist knowledge and experience to fulfil their functions.

3.1.13 Officer training needs were identified through performance appraisals and when there were changes to legal requirements and centrally issued guidance. Audit checks confirmed that officer qualification and training records were well maintained and that officers had received the required 10 hours training to maintain their professional competency. The record keeping arrangements in relation to officer qualifications and training were accurate, complete and readily retrievable.

3.1.14 A port health officer was interviewed during the audit, and was able to demonstrate a full knowledge of imported food controls and their implementation at the port.

**Recommendation**

3.1.15 The Authority should:

Review the documented authorisation procedure and officer authorisations to ensure that officers are authorised in line with their level of competence in accordance with the Food Law Code of Practice and centrally issued guidance. [The Standard - 5.1]

### *Facilities and Equipment Including Verification Visit*

- 3.1.16 A verification visit was carried out at the Port's imported food and feed inspection facilities, which was also the Border Inspection Post (BIP) for the checking of POAO. The purpose of the visit was to verify that appropriate risk based, proportionate checks are carried out on consignments of imported food and feed at the Port. The Authority stated that the facilities were not completely ideal as containers landing at Royal Portbury Dock had to be transported a considerable distance to Avonmouth for checks to be carried out on consignments of food.
- 3.1.17 Auditors were satisfied that appropriate facilities and equipment were available to meet requirements as a DPE and DPI and to permit all future activities associated with the imported food and feed control service. Specific food and feed sampling equipment had been provided for the range of sampling activities undertaken at the Port.
- 3.1.18 The Authority received details of vessels and their cargo arriving at the Port via daily and weekly worksheets received from Bristol Port Company by e-mail in advance of the vessel arriving at the port. In addition, details of ship's manifests were received electronically from importers on request. Any additional checks could be made against the port operator's DESTIN8 database system. Once manifests had been checked Port Health Officers were able to put informal holds on consignments by sending a fax to the port operator.
- 3.1.19 Records relating to consignment checks such as sampling and formal enforcement were stored electronically at the Port Health Offices and were used to compile the statistical information required by the Agency.
- 3.1.20 The Authority's database was capable of providing the statistical data required by the Agency's monitoring return. The database was backed up on a daily basis and appropriate documented procedures and security arrangements were in place to prevent the loss of information. The Authority had submitted a monitoring return to the Agency for 2009/2010.

### *Liaison with Other Organisations*

- 3.1.21 The Authority had extensive liaison arrangements with central government, other enforcement bodies, professional organisations and other external stakeholders. This was achieved in part through the Authority's representation on Association of Port Health Authorities (APHA). Links to port management and other organisations had also been established through the implementation of a Memorandum of Understanding for the maintenance of the Border Inspection Post (BIP).

This included:

- Bristol Port Company
- HM Revenue and Customs (UK Border Agency)
- Department for Environment, Food and Rural Affairs.

3.1.22 Arrangements were in place for regular liaison with the UK Border Agency to share intelligence and work practices, and specific meetings were held to discuss imports issues. The Authority was also pro-active in liaising with central government such as the Food Standards Agency, and the Department for Environment, Food and Rural Affairs (Defra).

3.1.23 Liaison arrangements were in place with Bristol's Trading Standards Service regarding imported feed control and there was regular contact on containerised consignments of imported feed that had been identified from manifests by the Port Health Officers. The Service was represented on the National Animal Feed Ports Panel which included representation from key central government agencies.

3.1.24 Whilst the Authority liaised with North Somerset Council, it was not clear whether existing liaison arrangements were sufficiently robust. However, the Authority had recently reviewed the Port Health Order with North Somerset Council and auditors were advised that the current liaison arrangements would be reviewed. In addition, the Authority informed auditors that they were in discussion with neighbouring authorities, including North Somerset, to re-launch the South West Ports Liaison Group.

## **3.2 Imported Food and Feed Control Activities**

### *Food and Feed Inspection and Sampling*

- 3.2.1 The main consignments of feed not of animal origin entering the Port were bulk consignments of soya, maize and groundnuts. These products had been included in the annual Sampling Plan for 2010/2011 which had been compiled on a risk basis with appropriate consideration of the Agency's National Priorities for Feed Authorities in Great Britain.
- 3.2.2 The Service had systems and arrangements in place, together with documented procedures, for the control of containerised imported food. These set out the arrangements and actions to be taken on imported FNAO and included the key imported food enforcement activities. The procedures were supported by the Guidance for Checking Manifests document, which gave officers useful, detailed information in regard to how ship's manifests should be checked. The document also contained a flow chart for the effective handling of high risk products.
- 3.2.3 The auditors were advised that Port Health staff identified feed consignments from manifests and liaised closely with Trading Standards colleagues on the application of any holds on containerised feed. Auditors discussed the importance of ensuring Port Health Officers had the ability to identify feed materials and products for use in the manufacture of feeds that would not necessarily be labelled as 'feed' on the consignment documentation.
- 3.2.4 The control systems were demonstrated by the Authority, confirming that ships arrivals lists were cross referenced to manifest details which had been received from Bristol Port Company and the importers or agents. A Port Health duty officer systematically checked all new manifest details for food and feed consignments. Initial holds were used if the level of information about the contents was insufficient and further information was required. Other holds related to a required examination depending on the nature of the food or feed, or to further detention after inspection. This was done by faxing the Port Company. The system worked effectively and enabled immediate electronic holds to be applied to consignments.
- 3.2.5 The Authority was also informed of any Customs holds. Manifests were then checked by the duty officer to identify specific containers required for physical examination. Documentary checks were also carried out by the duty officer.
- 3.2.6 The audit confirmed that imported food and feed controls, including documentary checks, identity checks and random physical checks, were risk based and targeted, in accordance with Regulations, official guidance and previous knowledge and experience. To assist officers

in making judgements and decisions, a constantly updated information system incorporating white boards was maintained at the Port Health office and at the port inspection facilities. These included details of any products and countries of origin subject to enhanced checks, suspicious cargo, requests from the Agency to check particular food or feed and other relevant instructions about prioritising inspection, sampling and detention of particular products. Other information which helped to identify food and feed consignments was also maintained and regularly referred to by the duty officers.

- 3.2.7 The Authority was able to demonstrate that it was carrying out monitoring and robust checks in regard to high risk foods subject to specific EC Regulations, safeguard measures and specific Commission Decisions. A specific example was examined where a product subject to enhanced checks had been identified and the consignment had been intercepted and subsequently redirected to a suitable DPE.
- 3.2.8 There were no Enhanced Remote Transit Sheds located within the Port Health Authority area.

***Good Practice –Officer Information***

The Authority constantly updated their internal information system which provided timely information for officers in order to apply risk based, targeted, intelligence led imported food and feed controls at the Port offices and at the Port inspection facilities.

- 3.2.9 The Service's sampling policy was detailed in the sampling procedures. The procedures provided officers with detailed guidance for both food and feed sampling methods and also included standards forms for enforcement purposes which were in accordance with centrally issued guidance.
- 3.2.10 The Authority had developed an Imported Food Sampling Programme that was subject to regular review. However, the Programme was non-specific in regard to the nature of the products to be sampled and the number of samples the Authority was committed to procure and stated that samples would be taken on a risk basis if resources permitted. Auditors discussed the benefits of developing a more structured sampling plan that was specific to the nature and number of products being imported, whilst being flexible enough to deal with any enhanced risk products should it be required.
- 3.2.11 A range of sampling records were examined in relation to food samples. All samples had been taken by authorised officers and

effective follow-up action had been taken, where appropriate, in relation to the sampling results examined.

- 3.2.12 The official laboratories used by the Authority for food sampling activities were properly accredited.

***Good Practice –Sampling Methods***

The Authority's sampling work instructions, which detailed the methodology for sampling specific products, provided helpful sampling guidance to officers.

*Enforcement*

- 3.2.13 The Authority had a corporate Enforcement Policy for Regulatory Services which confirmed that the Authority was committed to implementing Enforcement Concordat principles and the Regulators' Compliance Code in all enforcement action. The Policy had been agreed by Members. The Authority had also signed up to the West of England Food Liaison Group Enforcement Policy, which made similar commitments to regulatory standards but was more food enforcement specific.
- 3.2.14 The Service had developed formal enforcement procedures for imported food activities including those for detention, seizure of suspect food including collection and destruction, voluntary surrender and the service of notices. The Authority had some procedures for imported feed law enforcement activities. Auditors discussed the need to further expand these procedures to cover the full range of imported feed law enforcement in line with the relevant legislation and Framework Agreement.
- 3.2.15 One formal enforcement record, which had resulted in a detention was examined during the audit. Appropriate action had been taken on the consignment and notices had been served in accordance with the legislation and centrally issued guidance. Audit checks confirmed that appropriate risk based checks had been carried out and effective, pragmatic action had been taken in accordance with the enforcement policy.
- 3.2.16 No voluntary surrenders, simple cautions or prosecutions had been carried out by the Authority in relation to imported food.



### ***Recommendation***

3.2.17 The Authority should:

Review, update and where necessary draft new procedures to provide appropriate guidance on all areas of imported feed law enforcement activity in accordance with the relevant legislation and the Framework Agreement.  
[The Standard - 15.2]

### *Food and Feed Complaints, Primary Authority Scheme and Home Authority Principle*

- 3.2.18 The Authority's general policy on food and feed complaints was contained in the Food Complaints and Service Requests Procedure. The procedure included a flow chart for handling complaints and service requests for food. It also had an FNAO centrally issued guidance flow chart appended to the document for imported food and feed complaints.
- 3.2.19 The Authority also had a corporate complaints procedure called 'Fair Comment'.
- 3.2.20 Auditors were advised that no complaints or referrals relating to imported food or feed at the port had been received by the Authority in the last two years.
- 3.2.21 The Authority's Service Plan confirmed support for the Home Authority Principle and made reference to the Primary Authority scheme. The Service did not act as Home or Primary Authority for any imported food or feed businesses. The Authority routinely referred specific imported food and feed issues to other enforcement authorities, where appropriate, and had developed a standard letter and template to detail relevant information for this purpose.

### *Food and Feed Safety Incidents*

- 3.2.22 The Authority had developed a documented Dealing with Food Alerts procedure for handling food and feed notifications in relation to the Rapid Alert system, emergency control notices and safeguard measures and also had systems capable of receiving notifications. The procedure had been linked to the Guidance for Checking Manifests document. An up to date information system including white boards had been maintained which included information on Rapid Alert System for Food and Feed (RASFFs) and other notifications. Officers were required to refer to the information when carrying out checks.

- 3.2.23 A procedure on the initiation of RASFF alerts had also been developed and implemented. No RASSF alerts had been raised by the Authority in the past two years.
- 3.2.24 Although not specifically part of the Dealing With Food Alerts procedure the Authority had in place a 24 hour emergency cover rota for the handling of food incidents. However, there was documentary evidence of a proposed budget cut for the 24 hour emergency cover as part of a Council wide savings plan. Auditors were informed that if the budget cut was carried through 24 hour emergency cover was likely to be discontinued.

***Recommendation***

3.2.25 The Authority should:

Continue to maintain a procedure for initiating and responding to feed and food alerts, RASSF notifications and relevant EC decisions, including out of hours contact arrangements, in accordance with the relevant Codes of Practice. [The Standard -14.1]

***Advice to Business***

- 3.2.26 The Authority had a variety of activities in place to advise businesses on imported food and feed control requirements. This included responding to general enquiries from personal callers, handling telephone and correspondence enquiries and proactively providing guidance on general and specific imports controls. For example, detailed letters had been sent to importers notifying them of new high risk food and feed requirements and about subsequent changes to the requirements.
- 3.2.27 In addition the advice letters, particularly emphasised, that Avonmouth and Royal Portbury Docks did not have DPE or DPI status and that products from third countries covered by the relevant legislation could not be imported.

***Good Practice –Advice to Business***

The Authority was proactively involved in providing advice to business in a range of ways to help them comply with food and feed legislation.

### 3.3 Internal Monitoring and Third Party or Peer Review

#### *Internal Monitoring*

- 3.3.1 The Authority had recently developed The Quality Control of Port Health Interventions policy document which defined the methods for monitoring and improving officer competence and inspection quality for port health duties. Auditors were informed that the procedure had been in operation informally for some time but had only been recently implemented as a formal documented procedure. There was evidence that some quantitative and qualitative monitoring had been carried out prior to the implementation of the new procedure. However, this was generally ad hoc in nature and did not cover the full range of enforcement activities. Auditors discussed the benefit of further developing and expanding the new procedure to ensure that all areas of enforcement activity are covered and that the formal monitoring is carried out regularly and formally documented.
- 3.3.2 Competency assessment and training of Port Health Officers was monitored by the Lead Officer for Port Health and progress documented. In addition there was evidence of other qualitative and quantitative internal monitoring being carried out:
- Annual officer performance reviews as part of the 'Investors in People' programme, with six monthly updates
  - Regular documented team meetings that included discussion of consistency issues and Trading Standards issues of relevance at the Port
  - Monitoring of business performance indicators collected and reported on in the Authority's Service Plan.

#### ***Recommendation***

3.3.3 The Authority should:

Continue to implement and expand the documented internal monitoring procedures to include all aspects of qualitative monitoring across the full range of imported food and feed law activities. The Service should verify its conformance with relevant legislation, official guidance and the Standard. A record should be maintained of internal monitoring activities carried out.

[The Standard - 19.1, 19.2 and 19.3]

## *Records*

- 3.3.4 Records of imported food and feed activity including inspection, sampling and formal enforcement action, together with manifest and consignment records, were maintained on a combination of database records and database spreadsheets, along with hard copy papers. The combined records provided details about the enforcement activities undertaken. Records for particular aspects of the service were easily retrievable and were provided in a timely manner.

### ***Good Practice – Records***

The Authority made effective use of the 'Action Diary' facility on their database. Officers recorded every phase in regard to specific activities including consignment monitoring, samples, detentions and enforcement. As a result it was easier follow lines of enquiry, the reasons for particular decisions and whether the action taken had been appropriate.

## *Third Party or Peer Review*

- 3.3.5 The Authority had not been subject to any external audits in relation to FNAO duties. Auditors were informed that the Authority's systems and procedures had been peer reviewed by Southampton Port Health Authority, although this had not been formally documented.
- 3.3.6 The Authority had been subject to audits by the Animal Health Office of Defra, which evaluated the import and transit control system and BIPs for POAO. The auditors were advised that any recommendations relevant to Bristol had been implemented.

**Auditors:**     **Robert Hutchinson**  
                      Alan Noonan  
                      Ron Cheesman

Food Standards Agency

Local Authority Audit and Liaison Division

**Action Plan for Bristol City Council**

Audit date: 9-10 November 2010

<b>TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)</b>	<b>BY (DATE)</b>	<b>PLANNED IMPROVEMENTS</b>	<b>ACTION TAKEN TO DATE</b>
3.1.7 Further develop the Service Delivery Plan to ensure that it covers all areas of the Service Planning Guidance in the Framework Agreement and submit it for approval by either the relevant Member forum or relevant senior officer. [The Standard - 3.1]	Completed	As communicated at the audit meeting the relevant Executive Member and Director approved the Service Plan at an Executive Briefing.	Written confirmation has now been received from the Service Director.
3.1.11 Set, up maintain and implement a document control system for all documentation relating to enforcement activities and ensure that all policies and procedures for enforcement activities are reviewed and updated on a regular basis. [The Standard - 4.1 and 4.2]	31/07/11	It is recognised that we need to develop an over-arching document.	As communicated at the audit meeting our policies and procedures have been extensively updated over the past couple of years, and we implemented a document control system earlier this year. This provides details of each review date, the reviewing officer, the authorising manager and the next scheduled review date.
3.1.15 Review the documented authorisation procedure and officer authorisations to ensure that officers are authorised in line with their level of competence in accordance with the Food Law Code of Practice and centrally issued guidance. [The Standard - 5.1]	31/07/11	As communicated at the audit we feel the authorisation procedure is legally robust. In accordance with your recommendations we have referred the matter to Legal Services and will complete a matrix for clarity.	Referred to Legal Services.

<b>TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)</b>	<b>BY (DATE)</b>	<b>PLANNED IMPROVEMENTS</b>	<b>ACTION TAKEN TO DATE</b>
3.2.17 Review, update and where necessary draft new procedures to provide appropriate guidance on all areas of imported feed law enforcement activity in accordance with the relevant legislation and the Framework Agreement. [The Standard - 15.2]	31/03/11	Develop joint procedures to cover sampling, identification of feed materials, communication and risk management for imported feed.	Feed officers now receive work sheets identifying bulk feed ships and brief cargo details.
3.2.25 Continue to maintain a procedure for initiating and responding to feed and food alerts, RASSF notifications and relevant EC decisions, including out of hours contact arrangements, in accordance with the relevant Codes of Practice. [The Standard - 14.1]	Completed	As discussed at audit, a full out-of-hours service is provided until 31.3.11, pending a full restructure and setting of 2011/12 budgets. New arrangements 1.4.11 based on resources.	Procedure for initiating and responding to feed and food alerts, RASSF notifications and relevant EC decisions will be maintained.
3.3.3 Continue to implement and expand the documented internal monitoring procedures to include all aspects of qualitative monitoring across the full range of imported food and feed law activities. The Service should verify its conformance with relevant legislation, official guidance and the Standard. A record should be maintained of internal monitoring activities carried out. [The Standard - 19.1, 19.2 and 19.3]	31/07/11	Records in accordance with the recently introduced monitoring procedure to be kept.	Internal monitoring procedures recently introduced and to be expanded.

**Audit Approach/Methodology**

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

*(1) Examination of LA policies and procedures.*

The following LA policies, procedures and linked documents were examined before and during the audit:

- Food Service Plan 2010/2011
- Trading Standards Service Delivery 2010/2011
- Executive Member Informal Briefing
- Officer scheme of delegation and associated documentation, rules and guidance
- Quality Control of Port Health Interventions procedure
- Food complaints and service requests procedure
- Advisory letters to businesses
- Inspection and sampling procedures including flow charts
- Corporate Enforcement Policy
- WEFLG Joint Procedure – Enforcement Policy
- Food Alerts Procedure
- Border Inspection Post maintenance documents

*(2) File reviews – the following LA file records were reviewed during the audit:*

- Authorisation and training files
- Manifest and consignment records
- Imported food documentation
- Food and feed inspection and sampling records
- Formal enforcement records including detentions and re-exports
- Internal monitoring records including quality audit records
- Border Inspection Post audit documents

*(3) Interviews – the following officers were interviewed:*

- Audit Liaison Officer (Lead Port Health Officer)
- Principal EHO
- Port Health Officers
- Trading Standards Officer (Lead Officer for feed).

Opinions and views raised during officer interviews remain confidential and are not referred to directly within the report.

*(4) On-site verification check:*

A verification visit was made with the Authority's officers to Avonmouth Docks at the Port of Bristol. The purpose of the visit was to verify that appropriate risk based, proportionate checks are carried out on consignments of imported food and feed.



## Glossary

Agricultural Analyst	A person, holding the prescribed qualifications, who is formally appointed by a local authority to analyse feed samples.
Airways bills	Commercial documents providing a general description of cargo items.
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.
Border Inspection Post	Point of entry into the UK from non-EU countries for products of animal origin.
CEDs	Common Entry Documents which must accompany certain food products to designated points of entry or import.
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.
Consignment	A unit of cargo that can consist of one or a number of different products.
County Council	A local authority whose geographical area corresponds to the county and whose responsibilities include food standards and feeding stuffs enforcement.
Defra	The Department for Environment, Food and Rural Affairs. The Government Department designated as the central competent authority for products of animal origin in England.
District Council	A local authority of a smaller geographic area and situated within a County Council whose responsibilities include food hygiene enforcement.
DPE	Designated point of entry. A port that has been designated for the entry of certain high risk feed and food products subject to enhanced checks.
DPI	Designated point of import. A port that has been designated for the entry of certain products subject to safeguard controls due to aflatoxin contamination.
Environmental Health Officer (EHO)	Officer employed by the local authority to enforce food safety legislation.
ERTS	Enhanced remote transit shed. An HM Revenue and Customs designated warehouse where goods are held in temporary storage pending Customs clearance and release for free circulation.
Feeding stuffs	Term used in legislation on feed mixes for farm animals and pet food.

FNAO	Food not of animal origin. Non animal food products that fall under the requirements of imported food control regime.
Food Examiner	A person holding the prescribed qualifications who undertakes microbiological analysis on behalf of the local authority.
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.
Formal samples	Samples taken in accordance with the requirements of the Food Law Code of Practice in accordance with the relevant sampling regulations and submitted to an accredited laboratory on the official list.
Framework Agreement	<p>The Framework Agreement consists of:</p> <ul style="list-style-type: none"> <li>• Service Planning Guidance</li> <li>• Food and Feed Law Enforcement Standard</li> <li>• Monitoring Scheme</li> <li>• Audit Scheme</li> </ul> <p>The <b>Standard</b> and the <b>Service Planning Guidance</b> set out the Agency's expectations on the planning and delivery of food and feed law enforcement.</p> <p>The <b>Monitoring Scheme</b> requires local authorities to submit annual returns to the Food Standards Agency on their food law enforcement activities i.e. numbers of inspections, samples and prosecutions.</p> <p>Under the <b>Audit Scheme</b> the Food Standards Agency will be conducting audits of the food and feed 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.
LAEMS	Local Authority Enforcement Monitoring System is an electronic system used by local authorities to report their food law enforcement activities to the Food Standards Agency.
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.

Informal samples	Samples that have not been taken in accordance with the appropriate sampling regulation (e.g. samples for screening purposes) and/or not sent to an accredited laboratory.
Member forum	A local authority forum at which Council Members discuss and make decisions on food and feed law enforcement services.
Metropolitan Authority	A local authority normally associated with a large urban conurbation in which the County and District Council functions are combined.
POAO	Products of animal origin. Animal derived products that fall under the requirements of the veterinary control regime.
Primary Authority	An authority that has formed a partnership with a business.
Port Health Authority	An authority specifically constituted for port health functions including imported food control.
Public Analyst	An officer, holding the prescribed qualifications, who is formally appointed by the local authority to carry out chemical analysis of food samples.
RASFF	Rapid alert system for food and feed. The European Union system for alerting port enforcement authorities of food and feed hazards.
Regulators' Compliance Code	Statutory Code to promote efficient and effective approaches to regulatory inspection and enforcement which improve regulatory outcomes without imposing unnecessary burdens on businesses.
Risk rating	A system that rates food premises according to risk and determines how frequently those premises should be inspected. For example, high risk 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 or feed service to the local community.
Third Country	Countries outside the European Union.
Trading Standards	The Department within a local authority which carries out, amongst other responsibilities, the enforcement of food standards and feed legislation.
Trading Standards Officer (TSO)	Officer employed by the local authority who, amongst other responsibilities, may enforce food standards and feed legislation.
Unitary Authority	A local authority in which the County and District Council functions are combined, examples being Metropolitan District/Borough Councils, and London Boroughs. A Unitary Authority's responsibilities will include food hygiene, food standards and feed enforcement.