



Food Standards Agency in Northern Ireland

Report on the Audit of Official Controls in Approved Milk and Dairy Product Establishments in Northern Ireland

Foreword

Audits of local authorities' food law enforcement services are part of the Food Standards Agency's (FSA) 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 (LA) regulatory functions are principally delivered through their Environmental Health Services.

The attached audit report examines the Local Authority's Food Law Enforcement Service. The audit scope included the assessment of local arrangements in place for service planning, delivery and review, provision and adequacy of officer training on official controls and authorisations. The effectiveness of LA systems and procedures for reporting and monitoring of milk products official controls activities in the council's area were also covered. Internal service monitoring arrangements were also examined.

FSA 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 Enforcement¹. The Framework Agreement and the audit protocols are available on the Agency's website at:

<http://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.

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

¹ [The Framework Agreement](#): The Framework Agreement sets out what the Food Standards Agency expects from local authorities in their delivery of official controls on feed and food law.

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1.0 INTRODUCTION

1.1 Reason for the Audit

1.1.1 The primary purpose of FSA audits of Enforcement Authorities is to provide assurance that local delivery of official controls for feed and food is compliant with EU and UK legal requirements and official guidance. The detailed guidelines for the conduct of audits of competent authorities are set out in an EC Decision of September 2006².

1.1.2 In Northern Ireland, the power to set standards, monitor and audit Enforcement Authorities' food law enforcement services was conferred on the FSA by The Food Standards Act 1999³ and The Official Feed and Food Controls (Northern Ireland) Regulations 2009⁴. The audit will be undertaken under section 12 of the Act and regulation 7 of the Regulations.

1.1.3 The Framework Agreement on Local Authority (LA) Food Law Enforcement⁵ sets out the arrangements through which the FSA audits LA enforcement activities to help ensure that LAs are providing an effective service to protect public health.

1.1.4 The overarching aims of the audit scheme are to:

- Help to protect public health by promoting effective local enforcement of food law
- Maintain and improve consumer confidence
- Assist in the identification and dissemination of good practice to aid consistency
- Provide information to aid the formulation of FSA policy
- Promote conformance with the '*Food Law Enforcement – Standard*' and any relevant central guidance or Codes of Practice
- Provide a means to identify underperformance in LA food law enforcement
- Promote self-regulation and peer review
- Identify continuous improvement

1.1.5 The FSA's monitoring and audit arrangements are set out in the Framework Agreement on the Delivery of Official Feed and Food Controls by Local Authorities. The legal bases for monitoring and audit of competent food authorities (LAs) are:

² [Commission Decision \(2006/677/EC\) 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](#)

³ [Food Standards Act 1999 c.28](#)

⁴ [The Official Feed and Food Controls \(Northern Ireland\) Regulations 2009](#)

⁵ [Chapter 5 of the Framework Agreement on Local Authority Food Law Enforcement: 'Audit Scheme'](#)

- Sections 12-16 of the Food Standards Act and Regulations 7-11 of the Official Feed and Food Control Regulations (Northern Ireland) 2009.
- Title II of and Annex II to the European Union (EU) Official Feed and Food Controls Regulation 882/2004 which requires all Member States to report relevant food law data and ensure the audit of competent authorities delivering Official Controls. This includes LA performance and enforcement data to underpin and verify implementation of the Multi-Annual National Control Plan.

1.1.6 Ballymena Borough Council (Ballymena BC) was included in the FSA's programme of audits of approved milk and dairy product audit because they had an approved milk products establishment which was also an approved liquid milk processing establishment.

1.2 Scope and objectives of the audit

1.2.1 The objective of the audit programme is to gain assurance from competent authorities in Northern Ireland implementing controls in approved milk and dairy establishments in accordance with relevant legislation. In particular, the key recommendations made by Food and Veterinary Office (FVO) following their audit in April 2013 of the controls relating to the safety of milk and dairy products in the United Kingdom (UK)

1.2.2 This particular audit in the audit programme examined Ballymena BC's systems and procedures for reporting and monitoring of official control activities in relation to approved milk products establishments.

1.2.3 The audit included the assessment of local arrangements for service planning, delivery and review, provision and adequacy of officer training and authorisations and internal service monitoring arrangements. Maintenance and management of appropriate records in relation to reporting and monitoring of milk product official controls activities in the council's area were also covered.

1.2.4 The on-site element of the audit took place at the Council's office at the Ardeevin, 80 Galgorm Road, Ballymena, BT42 1AB on the 31 March 2015.

2.0 EXECUTIVE SUMMARY

- 2.1** Ballymena BC had appropriately qualified and authorised officers delivering official controls at approved dairy establishments. These officers had also received the required level of continuous professional development.
- 2.2** The council had implemented a procedure for internal monitoring and had maintained a good level of internal monitoring records.
- 2.3** The auditors examined the records relating to an approved dairy establishment. The council had maintained excellent records in relation to the approval of the establishment, the activities carried out, inspections, sampling and correspondence.
- 2.4** Following the examination of the records for an approved dairy establishment the auditors carried out a reality check visit to the establishment, accompanied by an authorised officer from the Ballymena BC. The officer was able to demonstrate an excellent understanding of the Food Business Operator's (FBO) food safety systems.

3.0 AUDIT FINDINGS

3.1 Organisation and Management

Authorised Officers

- 3.1.1 Ballymena BC had delegated authority to authorise officers to the Head of Environmental Health. The authorisation had been general in respect of the Local Government Act (Northern Ireland) and specifically under the Regulations relating to food made under that Act including the Food Safety (NI) Order 1991 and the Food Hygiene Regulations (NI) 2006.
- 3.1.2 The auditors examined the authorisation records for two officers and noted in all cases the authorisation documents had been signed by an authorising officer.
- 3.1.3 Auditors examined qualification and training records for two officers. Appropriate qualifications⁶ for the two officers were provided. Both officers also had the required level of continuous professional development as required by paragraph 1.2.4 of the FLCoP.

Documented Policies and Procedures

- 3.1.4 The Council had developed and implemented a range of relevant policies and procedures as part of a documented quality management system.

Internal Monitoring

- 3.1.5 The Council had developed and implemented a documented procedure for the internal monitoring of the food safety systems within the Environmental Health Department. The procedure detailed the qualitative and quantitative areas which the Senior Environmental Health Officer with responsibility for food control was responsible for monitoring.
- 3.1.6 The auditors noted good examples of monitoring records in relation to all areas stated in the Council's Internal Monitoring procedure.

3.2 Official Control Activities

Establishment file and records

- 3.2.1 The auditors examined the records relating to one approved dairy establishment in the council's area. The council maintained excellent records relating to the approved dairy establishment. Information relating to the application and approval process was also included in the establishment files and was in the correct format.

⁶ [FLCoP - Chapter 1.2 - Qualifications and experience](#)

Food Establishments Interventions and Inspections

- 3.2.2 Ballymena BC had a general procedure which covered programmed food hygiene inspections. The council had also drawn up specific dairy establishment inspection form for use during inspections at dairy establishments.
- 3.2.3 The auditors examined inspection records relating to the approved dairy establishment and found in all cases the information recorded was sufficient to demonstrate compliance with the relevant Regulations.

Sampling

- 3.2.4 The Council provided its food sampling policy and associated sampling guidance as part of the PVQ. The Council also provided its microbiological and chemical sampling programme for both 2013/2014 and 2014/2015.
- 3.2.5 The auditors discussed the sampling programmes with council officers and noted specific dairy product and water sampling at approved dairy establishments had been included in both years' programmes. No issues had been identified by the council from sampling results.

Enforcement

- 3.2.6 Ballymena BC had provided their Food Safety Enforcement Policy and Food Standards Enforcement Policy as part of the PVQ. The Council had also provided their procedures for formal enforcement including hygiene improvement notices, hygiene emergency prohibition notices, remedial action and detention notices, seizure / detention / surrender of food, prosecutions, simple caution, and the withdrawal / suspension of approval.
- 3.2.7 The Council had no formal enforcement activity relating to approved dairy establishments in the last two years.

Reality Check Visit

- 3.2.8 The auditors visited one of the approved dairy establishments in the Councils area. The auditors were accompanied by an authorised officer from the Council who had enforcement responsibility for that establishment. The objectives of this visit were:
- To assess, on the basis of the information in the Council's establishment file and through observations made by the auditors during the visit, whether the council's decision to approve the premises was correct.
 - To establish the degree of understanding that the authorised officer had in respect of the food safety systems that the food business operator of the establishment had put in place.
- 3.2.9 Representatives of the food business operator also accompanied the auditors during the visit.

3.2.10 The authorised officer was able to demonstrate an excellent understanding of the FBO's food safety systems. Through the assessment the auditors were able to confirm that the requirements for approval of the establishment, as specified in the Community Regulations, had been fulfilled and were of the opinion that the Council's decision to approve the premises was correct.

Auditors: Kevin Nagle
Audit Manager
Consumer Protection Team
Food Standards Agency in Northern Ireland
10a-c Clarendon Road
BELFAST
BT1 3BG
Tel: 028 9041 7700

Alan Noonan
Local Delivery Audit Team
Food Standards Agency
Foss House
Kings Pool
1-2 Peasholme Green
YORK
YO1 7PR

www.food.gov.uk
www.food.gov.uk/enforcement/auditandmonitoring

Annexe A - Glossary

<p>Audit</p>	<p>Audit means a systematic and independent examination to determine whether activities and related results comply with planned arrangements and whether these arrangements are implemented effectively and are suitable to achieve objectives.</p>
<p>Authorised Officer</p>	<p>A suitably qualified officer who is authorised by the Local Authority to act on its behalf in, for example, the enforcement of legislation.</p>
<p>Codes of Practice (CoP)</p>	<p>Government Codes of Practice issued under Section 40 of the Food Safety (NI) Order 1991 as guidance to local authorities on the enforcement of food legislation.</p>
<p>Environmental Health Officer (EHO)</p>	<p>Officer employed by the local authority to enforce food safety legislation.</p>
<p>Food Business Operator (FBO)</p>	<p>This refers to the natural or legal persons responsible for ensuring that the requirements of food law are met within the food business under their control.</p>
<p>Food hygiene</p>	<p>The legal requirements covering the safety and wholesomeness of food.</p>
<p>Food Law Code of Practice (Northern Ireland) April 2012 (FLCoP)</p>	<p>Article 39 of the Food Safety (NI) Order 1991 (the Order), Regulation 22 of the Food Hygiene Regulations (NI) 2006 and Regulation 6 of the Official Feed and Food Controls Regulations (NI) 2009, which empower the Department of Health Social Services and Public Safety to issue codes of practice concerning the execution and enforcement of that legislation by district councils. This code is issued as guidance to Local Authorities on the enforcement of food legislation. It relates to Northern Ireland only.</p>
<p>Food Standards Agency (FSA)</p>	<p>The Food Standards Agency is an independent Government department set up by an Act of Parliament in 2000 to protect the public's health and consumer interests in relation to food.</p>

	Everything we do reflects our vision of Safe Food and Healthy Eating for all.
Framework Agreement	<p>The Framework Agreement consists of:</p> <p>Chapter One Service Planning Guidance</p> <p>Chapter Two The Standard</p> <p>Chapter Three Monitoring of Local Authorities</p> <p>Chapter Four Audit Scheme for Local Authorities</p> <p>The Standard sets out the Agency's expectations on the planning and delivery of food law enforcement.</p> <p>The Monitoring Scheme requires Local Authorities to submit an annual return 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.</p>
Local Authority (LA)	An organization that is officially responsible for all the public services and facilities in a particular area.
Food Law Practice Guidance (Northern Ireland) October 2012 (FLPG)	Guidance issued by the Food Standards Agency to assist district councils with the discharge of their statutory duty to enforce the Food Safety (NI) Order 1991, Regulations made under it, and food law made under the European Communities Act 1972.
Service Plan	A document produced by a Local Authority setting out their plans on providing and delivering a food service to the local community.