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

**Denbighshire County Council**

**23-25 March 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](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.

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](http://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.

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## 1.0 Introduction

### 1.1 Background and Scope of the Audit

1.1.1 This report records the results of an audit of Denbighshire County 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 not all approval documents were made available to the Agency at the time they were requested and in some documents all the information required was not readily available.

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

Hard copies are available from Food Standards Agency Wales, 11<sup>th</sup> 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 Denbighshire County 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 Denbighshire County Council is situated towards the north east of Wales and covers an area of 843.5sq.km. The county has a residential population of 97,000, however, this population grows to approximately 154,000 during the summer months as a result of an influx of tourists. The main centres of population are Rhyl and Prestatyn in the north of the county with several small market towns including Rhuddlan, St Asaph Denbigh and Ruthin along the Vale of Clwyd and Corwen and Llangollen

along the Dee Valley. The County is bordered by the Counties of Wrexham, Flintshire, Conwy and Gwynedd.

- 1.1.6 The on-site element of the audit took place at the Authority's offices in County Hall, Ruthin, Denbighshire between 23 and 25 March 2010 and included reality checks at 2 of the Authority's approved establishments.

## 2.0 **Executive Summary**

- 2.1 The Authority had produced a Food Service Plan for 2009/10 in accordance 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 maintained a documented procedure for the authorisation of officers. It had delegated power to authorise enforcement officers to the relevant Head of Service responsible for food law enforcement. A review of individual authorisations indicated that the 3 officers undertaking enforcement at approved establishments were suitably qualified and experienced.
- 2.3 The Authority identified the training needs of its enforcement officers during the annual performance review process. Training needs were identified and documented in a training programme.
- 2.4 A review of the training records of the 3 officers undertaking enforcement in approved establishments indicated that officers had completed the 10 hours of relevant food related training in 2009.
- 2.5 The Authority had developed and implemented comprehensive aides memoire for inspections at approved establishments. Separate aides memoire were provided for dairy products and meat and fish products. They included provision to record all necessary information for an assessment of compliance at the establishment to be undertaken. The Authority had developed procedures for approving establishments.
- 2.6 The Authority had a documented enforcement policy which had been approved by the relevant member forum.
- 2.7 During the visits to 2 of the approved establishments, auditors confirmed that officers were discussing documented food safety management procedures in detail with the food business operator.

### **3.0 Audit Findings**

#### **3.1 Organisation and Management**

3.1.1 Food Law Enforcement was undertaken within the Food Team of the Planning and Public Protection Service which was part of the Environment Directorate. The Food Team reported regularly to the Authority's Environment Scrutiny Committee. Officers in the Food Team were also responsible for the investigation of communicable disease notifications.

3.1.2 The Food and Health and Safety Manager was the nominated Lead Officer with responsibility for food safety including approved establishments.

3.1.3 The Authority had produced a Food Service Plan for 2009/10 in accordance with the Service Planning Guidance in the Framework Agreement which had been appropriately approved by the relevant Cabinet Member Forum in May 2009. The plan was subject to an annual review and any variances addressed in the form of an action plan highlighting areas for improvement.

3.1.4 The objectives of the service, as stated in the Food Service Plan for 2009/10 were as follows :

*“to ensure that all food produced, imported or distributed in Denbighshire is safe to eat and complies with food safety legislation. This will be achieved through inspection, education, provision of advice, sampling, enforcement and by the investigation of complaints”.*

3.1.5 The Plan indicated that there were 7 approved establishments in the Authority's area, 6 of which were within the scope of the focused audit. This was in accord with the information held by the Agency.

#### **3.2 Review and updating of Documented Policies and Procedures**

3.2.1 The Authority undertook an annual review of its documented policies and procedures or whenever there was a change to legislation or centrally issued guidance. A new issue number was applied to ensure that only up to date documents were available. However, the Authority did not have a control system for all documentation, which may be in electronic format, relating to its enforcement activities.

3.2.2 The up to date documented policies and procedures were accessible to all staff in all locations in “read only” format. The Food and Health and Safety Manager was the only officer with the capability of editing / amending / updating documents as appropriate. All superseded documents were removed from the system.

### **Recommendation**

3.2.3 The Authority shall:

Set up, maintain and implement a control system for all documentation, which may be in electronic format, relating to its enforcement activities.

[The Standard: 4.2]

### **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. The Authority had delegated the power to authorise officers to the Head of Service.
- 3.3.2 The Authority had appointed the Food and Health and Safety Manager, being an appropriately qualified and experienced officer with the requisite specialist knowledge, to have lead responsibility in food hygiene. In a local arrangement, the Food and Health and Safety Manager had also been appointed the Principal Food Law Enforcement Officer for Conwy County Borough Council, one of Denbighshire's neighbouring authorities.
- 3.3.3 The Food Service Plan did not indicate any vacancies in the Food Safety Enforcement Team. A review of qualifications, experience and training of the 3 officers involved in undertaking enforcement in approved establishments were reviewed. Auditors confirmed that they were authorised in accordance with the Authority's procedure to undertake the work as outlined in the requirements for their particular post. The authorisations had regard to the qualifications and experience required for those posts in accordance with the Food Law Code of Practice (Wales).
- 3.3.4 Officers' training needs were identified and recorded during annual performance review with the Food and Safety Manager. Training requirements were then included in a documented training programme.
- 3.3.5 A review of the training records of the 3 officers undertaking enforcement in approved premises confirmed that they had completed the 10 hours of relevant food related training in 2009. The records of the officers' qualifications and training were reviewed by the auditors and found to be appropriate.



### **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 6 approved establishments was conducted utilising the Authority's database. The information was consistent with that in the paper files. Interrogation of the database gave a history of the premises, including dates of sampling, interventions and service requests. 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 establishments. The Authority had also produced 2 comprehensive aides-memoire, 1 for dairy products and the other for meat and fish products, in order for enforcement officers to record a full assessment of compliance at approved establishments during inspections/interventions and enabling the records of interventions to be legible and retrievable.
- 3.5.2 The Authority's Food 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 that held by the Agency.
- 3.5.3 Approved establishments had generally been inspected at a frequency in accordance with the Food Law Code of Practice (Wales) and approved in accordance with the relevant legislation and centrally issued guidance. Compliance had been assessed in accordance to the legally required standards. However, in 1 establishment file, during a routine intervention, it was noted that an activity at the establishment required approval. The food business operator was notified of the requirement for approval two months after the Authority had identified that requirement.

The Authority had fully assessed the establishment and had confidence that food was being produced safely in that temperature records were kept and adequate cooking temperatures achieved. However, cooking was not identified as a critical control point in the food safety management system at that time. There was a delay between identifying that the establishment required approval and the issue of a final approval. During the delay the establishment continued to supply product without the benefit of full approval.

Auditors found that in another establishment the Authority had issued an approval for meat preparations whereas the establishment should have been approved for meat products.

3.5.4 From the evidence of the files and the visits to the 2 approved establishments it was noted that officers involved in enforcement at the establishments undertook, in detail, assessment of the food safety management procedures based on HACCP principles. There was also information held on file relating to the food hygiene training that staff working in the approved establishments had undergone.

3.5.5 In both premises visited during the on-site reality checks officers confirmed that monitoring records for critical control points were available and also questioned the food business operators with regard to any changes in production methods or new product development. In both establishments visited there was evidence of an effective working relationship between the officer and food business operator. At the end of the visit the officer reinforced the main issues raised during the intervention.

### **Recommendation**

3.5.6 The Authority shall:

approve establishments in accordance with the relevant legislation, the Food Law Code of Practice (Wales), centrally issued guidance and the Authority's policies and procedures and in particular :

- (i) shall ensure that applications for approval are considered in a timely manner, whilst ensuring that no activity subject to approval is undertaken at the establishment before approval is granted, and
- (ii) shall ensure that approval is granted for the correct activity

[The Standard: 7.2]

## **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. This set out the actions necessary on receipt of a complaint and included continuity of evidence and transport to the accredited laboratory.

3.6.2 In the 5 approved establishment files reviewed Auditors found that complaints regarding food from approved establishments had been dealt with appropriately and in accordance with the Food Law Code of Practice (Wales), centrally issued guidance and the Authority's policies and procedures. The Authority did not have any formal home authority arrangements with any of its approved establishments.

### **3.7 Food Safety Incidents**

- 3.7.1 The Authority had a documented procedure for initiating and responding to food incidents and food alerts. It also had a computer system capable of receiving food alerts from the Agency. Food Alerts were received through the EHC Net System and also directly from the Agency via the food alert system to the Food Safety Manager. All food alerts, whether for action or information, are forwarded to all staff in the Food Team for appropriate action. The action taken was recorded in hard copy.
- 3.7.2 A review of the 3 most recent food alerts indicated that the Authority had undertaken appropriate action in each case and had recorded the action appropriately.

### **3.8 Enforcement**

- 3.8.1 The Authority had set up, maintained and implemented a documented Food Safety Enforcement Policy which was in accordance with the Food Law Code of Practice (Wales). The policy included procedures for follow up action.
- 3.8.2 The Food Safety Enforcement Policy had been reported to the appropriate member forum.
- 3.8.3 The Authority had not served any statutory notices on its approved establishments. However, a review of 5 of the approved establishments' files indicated that the Authority had undertaken enforcement following consideration of the Authority's policy and in accordance with the Food Law Code of Practice (Wales) and centrally issued guidance.

### **3.9 Food Sampling**

- 3.9.1 The Authority had set up and implemented a sampling policy and a sampling programme for 2009/10. The policy set out the Authority's priorities for 2009/10 in terms of national sampling programmes including LACORS and the shopping basket initiative from the Welsh Food Microbiological Food Forum. The programme included sampling from approved establishments.
- 3.9.2 The documented sampling procedure for the procurement or purchase of samples, continuity of evidence and the prevention of deterioration or damage to samples whilst under their control was in accordance with the Food Law Code of Practice (Wales) and centrally issued guidance.
- 3.9.3 From the 5 establishments files reviewed records indicated that samples had been procured by an appropriately authorised officer.
- 3.9.4 Files contained the results of samples taken by the Authority and evidence that they had been notified to the food business operator.

### **3.10 Records and Inspection Reports**

- 3.10.1 The 5 file records considered by the Auditors confirmed that aides-memoire were being used to record inspection findings. They were comprehensive and were specific to the type of product handled at the approved premises.
- 3.10.2 Approved premises had been inspected at the correct frequency in accordance with Annex 5 of the Food Law Code of Practice (Wales). Each file contained evidence that officers had assessed compliance with HACCP principles during inspections/interventions. Correspondence in the files examined was in chronological order.
- 3.10.3 In each of the 5 approved establishment files examined, a report had been left at the establishment and a follow up letter sent, where appropriate, to the food business operator confirming the official findings. The letters were in accordance with the requirements of Annex 6 of the Food Law Code of Practice (Wales) and in particular contained a clear distinction between legal requirements and recommendations for good practice, together with measures required to achieve compliance and a timescale for completion.
- 3.10.4 Records of inspections / interventions had been kept for a minimum of 6 years or as appropriate.
- 3.10.5 In the 5 establishment files examined auditors found a synopsis of the establishment and file details as required by Annex 12 of the Food Law Practice Guidance (Wales).

### **3.11 Internal Monitoring**

- 3.11.1 The Authority had set up, maintained and implemented a documented internal monitoring procedure which was in accordance with the Food Law Code of Practice (Wales) and centrally issued guidance.
- 3.11.2 Internal monitoring was carried out by the Food and Health and Safety Manager. Monitoring comprised joint visits to approved establishments at least annually and random file checks. Performance review was carried out during annual appraisal meetings and also at monthly “one to one” sessions with staff.
- 3.11.3 Team meetings were held on a monthly basis and Auditors reviewed minutes of the last 3 Team meetings. Meetings included discussions on risk rating and similar consistency issues. Discussions on consistency were also made during monthly “one to one” sessions.
- 3.11.4 Auditors found evidence that records of internal monitoring had been kept for 2 years as required by The Standard in the Framework Agreement

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**Annex A**

**ACTION PLAN FOR: DENBIGHSHIRE COUNTY COUNCIL**

**Audit Date: 23 – 25 March 2010**

<b>IMPROVEMENTS PLANNED</b>	<b>BY DATE</b>	<b>TO ADDRESS (RECOMMENDATIONS INCLUDING STANDARD PARAGRAPH)</b>	<b>COMMENTS</b>
Produce and implement a procedure relating to the control system on policies and procedures	31 <sup>st</sup> August 2010	3.2.3 The Authority shall:  Set up, maintain and implement a control system for all documentation, which may be in electronic format, relating to its enforcement activities.  [The Standard: 4.2]	

<p>All officers reminded of response target for considering and processing approvals applications and the need to have received all relevant supporting information before progressing any further.</p> <p>Team procedure to be discussed and reviewed at team meeting to update all relevant officers.</p> <p>The approval discussed during the audit will be amended from meat preparations approval to meat product approval.</p>	<p>31<sup>st</sup> August 2010</p>	<p>3.5.6 The Authority shall:</p> <p>approve establishments in accordance with the relevant legislation, the Food Law Code of Practice (Wales), centrally issued guidance and the Authority's policies and procedures and in particular :</p> <ul style="list-style-type: none"> <li>(i) shall ensure that applications for approval are considered in a timely manner, whilst ensuring that no activity subject to approval is undertaken at the establishment before approval is granted, and</li> <li>(ii) shall ensure that approval is granted for the correct activity</li> </ul> <p>[The Standard: 7.2]</p>	
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## **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"><li>• increasing the role of local people in deciding the priorities for local government services</li><li>• improving the way authorities manage and review their business</li><li>• building on the experience and expertise of staff.</li></ul> <p>* In Wales this has recently been replaced by the Wales Programme for Improvement</p>
Border Inspection Post	Point of entry into the UK from non-EU countries for products of animal origin.
Codes of Practice	Government Codes of Practice issued under Section 40 of the Food Safety Act 1990 as guidance to local authorities on the enforcement of food legislation.
Enforcement Concordat	Government guidance setting out principles and procedures of good enforcement which local authorities may adopt. Developed in consultation with businesses, local and central government,

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