



FOOD
STANDARDS
AGENCY

WALES

ASiantaeth
Safonau
Bwyd

CYMRU

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

Gwynedd County Council

24 – 26 November 2009

Foreword

Audits of local authority food law enforcement services are part of the Food Standards Agency Wales arrangements to improve consumer protection and confidence in relation to food. These arrangements recognise that the enforcement of UK food law relating to food safety, hygiene, composition, labelling, imported food and feedingstuffs is largely the responsibility of local authorities. These local authority regulatory functions are principally delivered through their Environmental Health and Trading Standards Services.

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

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

The main aim of the audit scheme is to improve and maintain consumer protection and confidence by ensuring that local authorities are providing an effective food law enforcement service. The scheme also provides the opportunity to identify and disseminate good practice and information to inform Agency policy on food safety.

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

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

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

CONTENTS

	Page
Foreword	1
1.0 Introduction	3
Background and Scope of the Audit	3
2.0 Executive Summary	5
3.0 Audit Findings	7
3.1 Organisation and Management	7
3.2 Review and Updating of Documented Policies and Procedures	8
3.3 Authorised Officers	8
3.4 Food Premises Database	10
3.5 Approved Establishment Inspections	10
3.6 Food and Food Premises Complaints	11
3.7 Food Safety Incidents	11
3.8 Enforcement	12
3.9 Food Sampling	12
3.10 Records and Inspection Reports	13
3.11 Internal Monitoring	13
4.0 Annex	
A. Action Plan	15
B. Audit Approach/Methodology	19
C. Glossary	20

1.0 Introduction

1.1 Background and Scope of the Audit

- 1.1.1 This report records the results of an audit of Gwynedd County Council. The Authority was one of ten authorities selected for the audit programme of local authority official controls and food business operator controls in approved establishments being undertaken between September 2009 and March 2010. The Authority was selected for audit on the basis that it had 14 approved establishments which match the profile of this focused audit. The Agency wrote in January 2009 requesting copies of documentation relating to all food establishments approved by the Authority under the provisions of Regulation (EC) No 853/2004. Complete and accurate approval documents were not made available at the time they were requested and numerous attempts were made by the Agency to obtain all relevant documents.
- 1.1.2 The audit was carried out under relevant headings of the Food Standards Agency Food Law Enforcement Standard and the report has been made publicly available on the Agency's website at: www.food.gov.uk/enforcement/auditandmonitoring. Hard copies are also available from Food Standards Agency Wales, 11th Floor, Southgate House, Wood Street, Cardiff CF10 1EW.
- 1.1.3 The power to set standards, monitor and audit local authority food law enforcement services was conferred on the Food Standards Agency by the Food Standards Act 1999 and the Official Feed and Food Controls (Wales) Regulations 2007. This audit of official controls implemented by Gwynedd 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 Gwynedd is located in north west Wales. It is the second largest county in Wales, accounting for around 12% of the total land area, covering an area of 2,548 sq km. The main settlements in Gwynedd are Caernarfon, Bangor, Porthmadog, Pwllheli and Dolgellau. The

population of Gwynedd was recorded as 116, 843 in the 2001 Census and 117, 985 in the 2005 mid-year estimates.

- 1.1.6 The Food Safety Service Delivery Plan for 2009/10 confirmed that as at 1 April 2009 there were 2,018 food establishments on the Authority's premises database, including 14 approved establishments.
- 1.1.7 The on-site element of the audit took place at the Authority's offices, Swyddfa Ardal Arfon, Penrallt, Caernarfon LL55 1BN between 24 and 26 November 2009. The on-site element also included reality checks at 2 approved establishments. The food safety service is also delivered from two other offices in Gwynedd, namely Dolgellau and Pwllheli.

2.0 Executive Summary

- 2.1 The Authority had produced a Food Safety Service Delivery Plan for 2009/10 in accordance with the Service Planning Guidance in the Framework Agreement. A review of the 2008/09 Plan indicated that 97.5% of high risk food hygiene interventions had been achieved.
- 2.2 The Authority maintained a documented procedure for the authorisation of officers. A review of 6 individual authorisations indicated that officers undertaking inspections/interventions at approved establishments were suitably qualified and experienced.
- 2.3 The Authority had developed and implemented an electronic system for its documented policies and procedures. All controlled documents are available on a read-only basis to all enforcement officers and updates or amendments may only be undertaken by the Public Protection Manager (Food and Safety) and one other named officer.
- 2.4 The Authority maintained records of training completed by officers undertaking enforcement work in approved establishments. Officers' training needs were identified as part of their annual personal development interview. Training needs were then recorded and included in the officer's training programme.
- 2.5 The Authority had a sampling policy and a sampling programme for 2009/10. The sampling programme included routine sampling at approved establishments.
- 2.6 The Authority had developed and implemented comprehensive and detailed pro-formas and aides-memoire for inspections of approved establishments. They captured all the information required for a comprehensive assessment of the premises to be undertaken.
- 2.7 A review of 5 of the approved establishment files found them to be detailed and well organised. Preparation for the inspection/audit was detailed and supported by the use of a pre-audit action plan.
- 2.8 The Authority had a documented internal monitoring procedure which detailed the methods of internal monitoring by the service manager and peer review.

2.9 The Authority's Strengths:

Approved Premises Records and Inspection Reports

- 2.9.1 Approved premises records and inspection reports were well organised and comprehensive. The Authority had developed a pre audit pro forma which enabled officers to highlight those main areas that needed to be addressed in the next intervention at the premises. Following an intervention at an approved premises, enforcement officers requested the food business operator to provide an action plan to address any non-conformances.

3.0 Audit Findings

3.1 Organisation and Management

3.1.1 Food law enforcement was undertaken within the Food Safety Section of the Public Protection Service of the Regulatory Department of Gwynedd County Council. The Food Safety Section was responsible for the enforcement of food safety within food premises, including approved establishments, and food safety officers were required to address health and safety matters arising during the course of food safety interventions. Officers in the section also undertook investigations of foodborne communicable disease.

3.1.2 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 endorsed by the appropriate member forum in April 2009. The Plan indicated that 97.5% of high risk food hygiene inspections had been achieved in 2008/09, however there was no reference in the plan as to how this was to be picked up in 2009/10. Auditors were advised that since publication of the Plan, the section had lost an officer due to resignation. This was a full time equivalent post.

3.1.3 The aim of the service as identified in the Food Service Delivery Plan was:

“The Public Protection Service is committed to ensuring that food and drink intended for sale for human consumption, which is produced, stored, distributed, handled or consumed within the County is without risk to the health and safety of the consumer”.

3.1.4 One of the areas of service development and improvement identified in the Plan was to “maintain food hygiene intervention performance and attempt to carry out interventions in 100% of high-risk businesses and other risk businesses respectively”.

Recommendation :

3.1.5 The Authority shall :

Ensure that any variance in meeting the service delivery plan shall be addressed in the subsequent year’s service arrangements.

[The Standard – 3.3]

3.2 Review and Updating of Documented Policies and Procedures

- 3.2.1 The Authority had set up and maintained a control system for all documented procedures. The procedures could only be amended or edited by the Food and Safety manager and one other named officer. All enforcement staff, based in the three offices at Caernarfon, Dolgellau and Pwllheli had access to the documents on a read-only basis and all printed copies were marked as uncontrolled.
- 3.2.2 Auditors found that documented policies and procedures had recently been reviewed and updated. Auditors were advised that all documented policies and procedures would be regularly reviewed and whenever there are changes to legislation or centrally issued guidance.

3.3 Authorised Officers

- 3.3.1 The Authority maintained a scheme of delegation in respect of officer authorisation. The Council's standing orders delegated power to the Head of Regulatory Services. The authorisations reviewed by the Auditors had been signed appropriately by the Head of Regulatory Services.
- 3.3.2 The Authority had developed a documented procedure for the authorisation of officers based on their qualifications and food related experience and included the means by which officers' competency was addressed prior to deciding individual levels of authorisation.
- 3.3.3 The Authority had appointed a suitable number of authorised officers, as indicated in the Food Safety Service Delivery Plan for 2009/10, to undertake its food safety enforcement work. The Authority had also appointed a suitably qualified and experienced officer as a Lead Officer in food safety matters.
- 3.3.4 A review of officers' qualifications, experience and training records indicated that they were appropriately authorised to undertake the enforcement work in approved establishments as outlined in their individual authorisations.
- 3.3.5 Officers' training needs were identified during their personal development interview. The training needs were recorded and submitted to a corporate training programme for all enforcement officers. Training records of 6 officers responsible for official controls in approved establishments were examined during the audit and it was confirmed that they had received the minimum food related training of

10 hours per year base on the principles of continuing professional development.

3.4 Food Premises Database

3.4.1 The Authority had developed a procedure, which was electronically based, for its documented policies and procedures to ensure that the food premises database was up to date.

3.4.2 A review of records of all the approved establishments was conducted using the Authority's database. The information was consistent with that contained in the paper files. No other database checks were carried out.

3.5 Approved Establishment Inspections

3.5.1 The Authority's Food Safety Service Delivery Plan included the registered premises profile for the Authority by premises type. Approved establishments were included within the profile, and reference was made to the fact that the Authority had 14 approved establishments.

3.5.2 Approval information supplied on the pre-visit questionnaire was consistent with the information held by the Agency.

3.5.3 From the 5 approved premises files reviewed, approved premises inspections were undertaken in accordance with the risk rating of the premises and in accordance with the Food Law Code of Practice (Wales).

3.5.4 The Authority had developed documented procedures for food hygiene which detailed operational guidance for the undertaking of interventions in food premises in its area. In addition, the Authority had developed guidance on the approval of food premises together with comprehensive aides-memoire for the inspection/audit of approved establishments according to the different types of food product.

3.5.5 Auditors undertook visits to 2 approved establishments with enforcement officers from the Authority during the on-site visit. The purpose of the visits was to verify the information gathered from the file records checks and officer interviews and to assess the official controls implemented by the Authority at the establishments. The visits confirmed that the approvals had been correctly issued and covered all

relevant business activity. It was also confirmed that the Authority was effectively carrying out its official controls at the establishments.

- 3.5.6 In February 2009 a procedure was introduced where, following an intervention at an approved premises enforcement officers would request an action plan from the food business operator in order to address any non-conformances.
- 3.5.7 In one premises file reviewed Auditors considered that it would have been more appropriate to have issued a conditional approval during the application process. An approval was not granted until 5 months after the initial visit. Auditors also found that there had been some confusion over the correct approval number for the establishment.
- 3.5.8 Auditors found that in one of the premises files reviewed an approval number had been issued prior to conditional or full approval being granted.

Recommendation

- 3.5.9 The Authority shall:
- Inspect, approve, register and license relevant premises in accordance with the relevant legislation, Food law Code of Practice (Wales), centrally issued guidance and the Authority's policies and procedures.. [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 food complaints relating to both food and food premises.
- 3.6.2 Auditors did not find any evidence of complaints relating to food hygiene in the 5 approved establishment files reviewed.

3.7 Food Safety Incidents

- 3.7.1 The Authority had developed and implemented a procedure that set out the process for initiating and responding to food alerts and other incidents.

- 3.7.2 There had been a major incident at one of the approved establishments in the Authority's area which had been notified by another local authority. This highlighted a number of areas for concern to the Agency, but these have since been addressed by the Authority.
- 3.7.3 A review of the 5 approved establishment files did not identify any food incidents that necessitated a report to the Agency. However, the Agency were aware of a food incident in March 2009 which required the recall of product supplied to an approved premises in the Authority's area. Officers of the Authority worked in conjunction with the Agency in dealing with this incident.
- 3.7.4 Food alert notifications from the Agency are received by Food and Health and Safety Manager, Trading Standards Manager and Lead Officer for Food Alerts. The Authority's procedure for food incidents requires the Food and Health and Safety Manager to notify all enforcement officers by e.mail The Lead officer for Food Alerts enters the information onto the electronic database. Written records of all actions are required to be recorded in the officer's notebook and copies of all letters, correspondence and notices to be kept on a documented file. All actions undertaken are required to be recorded on the electronic database.

3.8 Enforcement

- 3.8.1 The Authority had developed a Food Safety Enforcement Policy which had been presented to the appropriate member forum in 2002. The Policy was in line with the Food Law Code of Practice (Wales) and the Enforcement Concordat.
- 3.8.2 A review of 5 premises files records confirmed that enforcement action undertaken by the Authority had been appropriate. Letters to the food business operator following inspections clearly distinguished between legal requirements and advice on good practice.

3.9 Food Sampling

- 3.9.1 The Authority had developed and implemented a Food Sampling Policy and Plan for 2009/10.
- 3.9.2 The food sampling programme indicated that the Authority was involved in the shopping basket/LACORS sampling programme and routinely undertook sampling from the approved establishments.

3.9.3 A review of 5 of the approved establishment files confirmed that the Authority reported the results of sampling to the food business operator and that follow-up action was undertaken as appropriate.

3.10 Records and Inspection Reports

3.10.1 The Authority's records which related to approved establishments were stored utilising both electronic and paper based filing methods. The 5 file records examined were well ordered, comprehensive and contained all the information required as detailed in Annex 12 of the Food Law Code of Practice (Wales). Records had been kept for the minimum 6 year period.

3.10.2 Auditors noted that the inspections consisted 2 main elements, the first being a discussion with the food business operator to verify details and review records and to discuss the issues recorded in the pre-audit plan. The second element was a physical inspection of the premises with a particular emphasis on food safety management systems based on HACCP principles.

3.10.3 Auditors noted that the enforcement officers had a good working relationship with the food business operators in the 2 premises visited, and noted the food business operators were requested to prepare an action plan for submission to the Authority outlining how any contraventions would be dealt with.

3.10.4 Auditors found records of the pre-audit preparation on the files where a pre-audit action plan had been used. The plan enabled the officer to prioritise those issues that needed particular attention during the upcoming intervention.

3.11 Internal Monitoring

3.11.1 The Authority had an internal monitoring procedure which was in accordance with the Food Law Code of Practice (Wales) and centrally issued guidance.

3.11.2 The Public Protection Manager (Food and Safety) is required to undertake a file check of at least 2% of all premises inspected per year and to undertake at least 1 accompanied visit per year with an officer. Records of internal monitoring were kept for two years.

Auditors: Mike Bassett – Lead Auditor
Heather Lewis

Food Standards Agency Wales
11th Floor
Southgate House
Wood Street
Cardiff
CF10 1EW

ANNEX A

ACTION PLAN FOR : GWYNEDD COUNTY COUNCIL

Audit Date 24 – 26 November 2009

IMPROVEMENTS PLANNED	BY DATE	TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	COMMENTS
Develop and implement procedure to address variance in meeting the Service Delivery Plan so that it is addressed by incorporation into the subsequent year's service arrangement	31 March 2010	Paragraph 3.1.5 - Ensure that any variance in meeting the Service Delivery Plan shall be addressed in the subsequent year's service arrangements. [The Standard – 3.3]	
Adhere, implement and monitor the centrally issued guidance and the Authority's policies and procedures, for inspecting, approving, registering and licensing to be in accordance with the relevant legislation, Food Law Code of Practice (Wales).	Immediately	Paragraph 3.5.9 - Inspect, approve, register and license premises in accordance with the relevant legislation, Food Law Code of Practice (Wales), centrally issued guidance and the Authority's policies and procedures. [The Standard – 7.2]	

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;
- Gwynedd Food Sampling Policy and procedure;
- Gwynedd Food Safety Enforcement Policy and related enforcement procedures;
- Gwynedd Delegation Scheme for Authorised Officers
- Gwynedd Guidance on Approved Premises Interventions
- Food Alerts procedure
- Minutes of Food and Safety Team Meetings

(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 visit with the Authority's officers to two approved establishments.

ANNEX C

Glossary

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

consumer groups and other interested parties. It sets out what businesses and others being regulated can expect from enforcement officers.

Environmental Health Officer (EHO) Officer employed by the local authority to enforce food safety legislation.

Feedingstuffs Term used in legislation to describe feed mixes for farm animals and pet food.

Food Examiner A person holding the prescribed qualifications who undertakes microbiological analysis on behalf of the local authority.

Food Hazard Warnings This is a system operated by the Food Standards Agency to alert the public and local authorities to national or regional problems concerning the safety of food.

Food hygiene The legal requirements covering the safety and wholesomeness of food.

Food standards The legal requirements covering the quality, composition, labelling, presentation and advertising of food, and materials in contact with food.

Framework Agreement The Framework Agreement consists of:

- Food Law Enforcement Standard
- Service Planning Guidance
- Monitoring Scheme
- Audit Scheme

The **Standard** and the **Service Planning Guidance** set out the Agency's expectations on the planning and delivery of food law enforcement.

The **Monitoring Scheme** requires local authorities to submit quarterly returns to the Agency on their food enforcement activities i.e. numbers of inspections, samples and prosecutions.

Under the **Audit Scheme** the Food Standards Agency will be conducting audits of the food law enforcement services of local authorities against the criteria set out in the Standard.

Full Time Equivalents (FTE)	A figure which represents that part of an individual officer's time available to a particular role or set of duties. It reflects the fact that individuals may work part-time, or may have other responsibilities within the organisation not related to food enforcement.
HACCP	Hazard Analysis Critical Control Point – a food safety management system used within food businesses to identify points in the production process where it is critical for food safety that the control measure is carried out correctly, thereby eliminating or reducing the hazard to a safe level.
Home Authority	An authority where the relevant decision making base of an enterprise is located and which has taken on the responsibility of advising that business on food safety/food standards issues. Acts as the central contact point for other enforcing authorities' enquiries with regard to that company's food related policies and procedures.
Improvement Notice	A notice served by an Authorised Officer of the local authority under Section 10 of the Food Safety Act 1990, requiring the proprietor of a food business to carry out suitable works to ensure that the business complies with the requirements of food hygiene or food processing legislation.
Inter Authority Auditing	A system whereby local authorities might audit each others' food law enforcement services against an agreed quality standard.
Member forum	A local authority forum at which Council Members discuss and make decisions on food law enforcement services.
OCD returns	Returns on local food law enforcement activities required to be made to the European Union under the Official Control of Foodstuffs Directive.
Originating Authority	An authority in whose area a business produces or packages goods or services and for which the Authority acts as a central contact point for other enforcing authorities' enquiries in relation to the those products

Port Health Authority	A local authority within whose boundaries there is a point of entry into the UK for imported foods.
Public Analyst	An officer, holding the prescribed qualifications, who is formally appointed by the local authority to carry out chemical analysis of food samples.
Risk rating	A system that rates food premises according to risk and determines how frequently those premises should be inspected. For example, high risk hygiene premises should be inspected at least every 6 months.
Service Plan	A document produced by a local authority setting out their plans on providing and delivering a food service to the local community.
Trading Standards	The Department within a local authority which carries out, amongst other responsibilities, the enforcement of food standards and feeding stuffs legislation.
Trading Standards Officer (TSO)	Officer employed by the local authority who, amongst other responsibilities, may enforce food standards and feeding stuffs legislation.
Unitary Authority	A local authority in which all the functions are combined, examples being Welsh Authorities and London Boroughs. A Unitary Authority's responsibilities will include food hygiene, food standards and feeding stuffs enforcement.