

**Report on the Audit of Port Health Authority/Local Authority  
Food Law Enforcement Controls of Imported Food Not of  
Animal Origin and Arrangements in respect of  
Imported Feed at Manchester Airport**

Manchester 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 Manchester City Council with regard to food 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 controls with discussion on the Authority's arrangements in respect of imported feed. The audit was undertaken as part of the Agency's focused audit programme on 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/auditreports](http://www.food.gov.uk/enforcement/auditandmonitoring/auditreports).

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 Manchester City Council 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 Manchester City Council was included in the Food Standards Agency's programme of audits of food and feed law enforcement services, because the port is a designated point of entry for certain high risk food and feed products, and a designated point of import for certain products subject to safeguard controls relating to aflatoxins. In addition the Authority was selected to be representative of a geographical mix of 15 PHAs and LAs selected across England.

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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)

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

- 1.4 The audit examined Manchester City Council's arrangements at Manchester Airport 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 enforcement responsibilities for non POAO imported feed and although they were not aware of any non POAO feedingstuffs being imported through the Airport, arrangements for their examination were raised during the audit and references were included in the report where relevant.
- 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 control activities, including inspection, sampling and enforcement. Maintenance and management of appropriate records in relation to imported food activity at the Airport and internal service monitoring arrangements were also covered.
- 1.6 The on-site element of the audit took place at Manchester City Council's Environmental Health Office at Hammerstone Road, Gorton, Manchester, on 9-10 November 2010. The audit included a reality check to assess the effectiveness of official controls implemented by the Authority at the Airport and more specifically, the checks carried out by the Authority's officers to verify compliance with imported food law requirements.
- 1.7 The audit also afforded the opportunity for discussion with officers involved in imported food law enforcement with the aim of exploring key issues and gaining opinions to inform Agency policy. A set of structured questions was used as the basis for discussions which sought views and information on areas related to imported food 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 and feed inspection and control activities audit programme.

## ***Background***

- 1.9 Manchester is one of the United Kingdom's (UK) principle cities and a regional business centre for the North-West of England, the UK's largest economic region outside London. The number of people living and working in Manchester has been increasing and economic growth has created 45,000 new jobs over the last 10 years. In 2006 the population stood at 452,000, and is expected to increase to 480,000 by 2015.
- 1.10 Manchester Airport is the busiest airport in the country outside the London region, making it the 4th busiest airport in the UK in terms of passenger numbers and 3rd in terms of total aircraft movements. More than 100 airlines fly into the Airport from 190 worldwide destinations and there is a substantial cargo and freight operation at the Airport.
- 1.11 Manchester City Council was responsible for food and feed law enforcement at Manchester Airport. A Senior Specialist Environmental Health Officer supported by Specialist Environmental Health Officers from the Food and Safety Standards Team undertook food enforcement at Manchester Airport. They were supported by an Official Veterinarian on contract to the City Council. The audit was confined to the imported food and feed control activities operated at the Airport. Auditors were advised that no feeding stuffs not of animal origin were known to have been imported at the Airport.
- 1.12 Manchester Airport was designated as a Border Inspection Post (BIP) for certain imported POAO and a designated point of import (DPI) for certain products subject to safeguard controls due to potential aflatoxin contamination. The Airport was recently designated as a point of entry (DPE) for certain high risk feed and food products.

## 2. Executive Summary

- 2.1 Manchester City Council is a Unitary Authority with separate Environmental Health and Trading Standards Services within the same Division. Manchester City Council had responsibility for the enforcement of official controls of food and feed not of animal origin at Manchester Airport.
- 2.2 Food law enforcement, both food safety and standards was being undertaken by the Environmental Health Service. Trading Standards retained responsibility for enforcing feed legislation. During the audit, the arrangements for the control of imported feed were discussed. There were no competent officers for enforcing feed legislation at the Authority. Auditors were advised that the Service was considering new arrangements with relevant local authorities to ensure that feed control enforcement was undertaken, including checks on imported feed.
- 2.3 The Authority had developed an Environmental Health Food Service Plan 2010/2011 which also contained the Trading Standards Feeding Stuffs Service Plan. The Plan had been drawn up generally in line with the Service Planning Guidance in the Framework Agreement. The Plan would benefit from including information about staff and financial resources for the Service.
- 2.4 Systematic checks were in place to identify food, including high risk consignments being imported through Manchester Airport. Imported food controls, including documentary checks, physical checks and sampling, were risk based and targeted in accordance with the Regulations. Appropriate official controls were generally being carried out as required on high risk food not of animal origin (FNAO), however there had been problems in consistently meeting the required proportion of sampling checks required.
- 2.5 Appropriate action had been taken on unsatisfactory consignments and where necessary notices had been served requiring follow-up action. Auditors discussed the need to ensure that there was official documentation to confirm that rejected high risk FNAO had been destroyed. Improvements to record keeping and the completion of Common Entry Documents (CEDs) were discussed.
- 2.6 The Authority had developed and implemented policies and procedures covering most areas within the scope of the audit. There were a number of procedures that required some further development, including those on the destruction of FNAO and the generation of the Rapid Alert System for Food and Feed (RASFF). The procedural document for imported food controls and sampling at the airport needed to be expanded to include practical arrangements including sampling of high risk products.



- 2.7 The Authority had documented procedures for the authorisation of officers for Environmental Health and Trading Standards activities. Both procedures needed to be reviewed to ensure that officers were specifically authorised to act under the full range of relevant food and feed legislation; the Trading Standards procedure needed to be amended to better reflect operational responsibilities.
- 2.8 There were extensive and effective liaison arrangements in place with central government, other enforcement bodies, professional organisations and other external stakeholders, including airport operators and importing agents. The Authority had proactively provided advice to businesses on imported food control requirements.
- 2.9 There were no documented internal monitoring procedures in place but quantitative monitoring figures were being regularly reported to senior managers. Auditors were advised of qualitative monitoring activities being carried out in practice, however, in many instances no records were kept and it was not clear that qualitative monitoring was being undertaken on a risk basis across all areas of the imported food control Service.

### 3. Audit Findings

#### 3.1 Organisation and Management

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

- 3.1.1 Auditors were advised that a transformation process was ongoing at the Authority. The Head of Regulatory and Enforcement Services had operational responsibility for food and feed law enforcement. The responsibility for food law enforcement of both hygiene and standards at premises in the City, including the airport and imported food, rested with the Environmental Health Service. Responsibility for feed law enforcement rested with the Trading Standards Service. The Authority was not aware of any feed not of animal origin being imported through Manchester Airport and this was confirmed prior to the audit.
- 3.1.2 The Authority had developed a documented Environmental Health Food Services Plan 2010/2011 which also included the Trading Standards Feeding Stuffs Service Plan 2010/2011 as an adjunct. The Plans had been drawn up broadly in line with the Service Planning Guidance in the Framework Agreement and contained references to the Authority's responsibilities and arrangements for imported food and highlighted the demands on the Service. The Trading Standards section made reference to their responsibility for feeding stuffs imported into the City.
- 3.1.3 Auditors were provided with evidence of the process for approval of their service business plans by senior management.
- 3.1.4 In line with the Framework Agreement, auditors advised that future Plans would benefit from further development to include a comparison of full time equivalent staff available against those needed to deliver all aspects of the Service, and any extra demands on the Service e.g. those from imported food controls. A financial allocation was also needed setting out the overall level of expenditure in providing the Service.

#### ***Recommendation***

3.1.5 The Authority should:

Ensure that Service Plans contain clear details of the resources required to carry out the Service effectively, compared directly against the resources available.

[The Standard - 3.1]

- 3.1.6 One of the main objectives of the Food Service Plan was ‘*To identify risks to the safety of food produced, sold, or imported within the City, advise and educate food businesses and take enforcement action where necessary.*’
- 3.1.7 The Authority had established a local key performance indicator within the ‘Performance Management Information Framework 2010-2011’ for the inspection and sampling of high risk foods not of animal origin. The target was for 95% of inspection and sampling to be carried out within 24 hours of arrival. These figures were reported quarterly, with confirmation that 100% were responded to within target for the first two quarters of 2010/2011.
- 3.1.8 The airport was identified as having a significant impact on the delivery of the food enforcement service, particularly since the introduction of Regulation (EC) No. 669/2009, as amended, and the relatively high proportion of sampling required for high risk foods covered by that Regulation.
- 3.1.9 Information supplied prior to the audit indicated that imported food controls at the airport were primarily the responsibility of the following officers:

<b>Officer Designation</b>	<b>FTE* Food</b>
Principal Environmental Health Officer	0.35
‘Specialist’ Airport Environmental Health Officer	0.75
Other Environmental Health Officers	0.34
<b>TOTAL</b>	<b>1.44</b>

\*Full Time Equivalent

*Documented Policies and Procedures*

- 3.1.10 Controlled reference copies of the Authority’s documents and procedures were held electronically on a shared drive as ‘read only’ documents.
- 3.1.11 The Authority had developed and implemented policies and procedures covering most areas within the scope of the audit. Review of policies and procedures was undertaken on an ad hoc basis. Some procedures required further development in order to provide accurate and comprehensive operational guidance to officers and to facilitate effective qualitative internal monitoring.

***Recommendation***

3.1.12 The Authority should:

Ensure that all documented policies and procedures, including those relevant to imported food control activities, are reviewed at regular intervals and whenever there are changes to legislation and centrally issued guidance.

[The Standard - 4.1]

3.1.13 Auditors were advised of the intention of Greater Manchester Authorities to work together as a single entity to undertake a fundamental review of the food law policies and procedures although no timescale was given for this.

*Authorised Officers*

3.1.14 The Authority had developed a documented procedure for the Authorisation of Officers. The Head of Street Management and Enforcement has delegated authority to authorise staff under the Food Safety Act 1990 and the European Communities Act 1972. The level of authorisation was based on a determination by the Specialist Manager Food and Safety, taking into consideration officers' qualifications, experience, and competency with reference to the Food Law Code of Practice.

3.1.15 The Authorisation procedure for Trading Standards Food Standards/Feeding stuffs was a historic document which contained out of date legislative and operational references. This needed to be revised to better reflect current arrangements and responsibilities for food and feed law enforcement, having particular regard to imported food/feed enforcement.

3.1.16 Auditors were advised that there were currently no staff within the Trading Standards Team that satisfied both the qualification and experience requirements of the Feed Law Code of Practice. The Greater Manchester Authorities were considering the introduction of a shared service agreement for the enforcement of feed legislation. Auditors were advised that in the interim, where Manchester City Council needed to take formal action, resource would be procured from a partner Authority and an officer authorised accordingly at that time.

### **Recommendations**

3.1.17 The Authority should;

- (i) Revise the Trading Standards 'Food Standards/Feeding Stuff - Authorised Officers' document to reflect operational responsibilities within the Authority and to ensure officers are authorised based on their competence, in accordance with the relevant Codes of Practice and any centrally issued guidance. [The Standard - 5.1]
- (ii) Appoint an officer with specialist knowledge for feed legislation, to reflect the Authority's responsibilities as a UK point of entry. Ensure that authorised officers have the necessary specialist knowledge. [The Standard - 5.2]
- (iii) Appoint, or have adequate contractual arrangements to ensure, a sufficient number of authorised officers to carry out the import control activities associated with feed legislation. The level of authorisation should be consistent with their qualifications, training and experience and the relevant Code of Practice. [The Standard - 5.3]

3.1.18 There was a sufficient number of suitably authorised staff to carry out imported food law activities. Although there had been a large influx of work due to the enhanced checks required by Regulation (EC) No. 669/2009, the Authority had accessed additional resources from the current pool of Environmental Health Officers. Two officers were being trained to meet competency levels for enforcing Regulation (EC) No. 669/2009. The Authority was aware that due to circumstances beyond their control, for example due to market or economic fluctuations at the Airport, officer workloads could reduce or increase at any time.

3.1.19 Audit checks confirmed that all officers carrying out imported food controls were authorised at an appropriate level in line with their individual qualifications, training and experience.

3.1.20 Auditors were provided with evidence that the Authority had sought legal advice regarding the authorisation of officers. This should be reviewed again in association with the Authority's legal department to confirm that officers were authorised under the full range of relevant current legislation applicable to food safety enforcement and imported food controls.

**Recommendation**

3.1.21 The Authority should:

Review the schedule of officer authorisations and update as necessary to ensure it includes all current relevant imported food legislation. [The Standard – 5.1]

- 3.1.22 In addition to flexible working patterns for inspecting food businesses in the City, the Environmental Health Service had developed a 24/7 on call rota to cover incoming foods at the Border Inspection Post (BIP), Designated Point of Entry (DPE) and Designated Point of Import (DPI).
- 3.1.23 Officer training needs were identified at annual appraisals. It was the officer's responsibility to identify their own training needs and the Specialist Manager of Food and Safety's responsibility to ensure that staff engaged on food enforcement work attained the requisite amount of training to meet the requirements of the Food Law Code of Practice. It was also the responsibility of the Specialist Manager to ensure that there was sufficient depth and breadth of knowledge and experience within the team to ensure all food enforcement work, including imported food controls, was undertaken in a competent manner.
- 3.1.24 Comprehensive records of officers' training were being maintained. They confirmed that officers were achieving the minimum 10 hours food related training required by the Food Law Code of Practice. The Authority did not rely solely on attendance at formal training courses, for example; one of the officers who had substantial experience of imported food controls at the airport undertook practical frontline training with less experienced officers. Officers working at the airport on imported food also completed specific training including that equivalent to an Official Fish Inspector to enable them to undertake the full range of duties at the airport. Two officers were still being supervised at the airport to ensure they had sufficient experience.
- 3.1.25 A standing item on every airport group team meeting was an opportunity for officers to feedback, discuss and cascade their experience of unusual or complex cases. Records of specific discussions on imported food had been maintained.

### *Facilities and Equipment Including Verification Visit*

- 3.1.26 During the audit, a verification visit was carried out at the airport's imported food inspection facilities. The purpose of the visit was to assess the effectiveness of the Authority's assessment and application of imported food controls with food law requirements and to assess whether the requirements for DPE and DPI status had been met. In general auditors were satisfied that appropriate facilities and equipment were available to meet requirements as a DPE and DPI and to permit all activities associated with the imported food control service. The DPE application referred to checks being carried out at the BIP as a shared facility however, in practice checks were also being carried out at an adjoining transit shed to reduce risks of cross-contamination, for example by pesticides. Auditors discussed the requirement to resubmit the application to reflect sampling arrangements. (See paragraph 3.1.30 and recommendation paragraph 3.1.31)
- 3.1.27 Officers accompanying the auditors were able to demonstrate a detailed and thorough knowledge of specific sampling regimes, the facilities and equipment available and the practical working arrangements in place with other relevant agencies at the airport.

### *Liaison with Other Organisations*

- 3.1.28 Within the Food Law Service Plan 2010/2011 it was stated that the Authority was '*committed to liaison arrangements with other local authorities to facilitate consistent enforcement and to share knowledge and understanding in a rapidly developing area of work*'. This included the Association of Greater Manchester Authorities, the Greater Manchester Food Liaison Group and the Association of Port Health Authorities (APHA). The Authority received minutes and agendas of all APHA committee meetings but due to resource implications, only attended the national committee meetings where there was an item of specific relevance on the agenda. Regular telephone and email links had been established for communications with these partner organisations.
- 3.1.27 The Authority had liaison arrangements in place with central government departments, other enforcement bodies, professional organisations and other external stakeholders. The Authority was represented on the Association of Port Health Authorities' Imported Feed and Food Committee and SITPRO (Simplification of International Trade PROcedures), which had recently closed. The Authority also liaised regularly and closely with other local authorities enforcing imported food controls at airports and had attended a meeting in relation to the import of high risk foods at Heathrow prior to the Regulation (EC) No. 669/2009 implementation date.

- 3.1.29 There were effective and regular informal liaison arrangements evidenced during the audit with Manchester Airport plc, Defra and with the UK Border Agency.
- 3.1.30 Auditors discussed the need for the Authority to liaise with the Airport operator in order that the DPE application was reviewed and resubmitted to reflect the current arrangements for the sampling checks.

***Recommendation***

3.1.31 The Authority should:

Liaise with the airport operator to ensure that the DPE application is reviewed to reflect the current arrangements for sampling checks. Ensure that an amended application is submitted to the Agency for consideration. [The Standard – 18.1]



## 3.2 Imported Food Control Activities

### *Food Inspection and Sampling*

- 3.2.1 The Authority's annual monitoring return to the Agency indicated the following FNAO activity:

Year	FNAO (third country) Consignments:				
	Entering	Checked			Rejected
		Documentary	Identity	Physical	
2009/2010	295	295	294	21	4

- 3.2.2 Information provided by the Authority indicated that most FNAO imported through Manchester Airport were highly perishable goods such as fresh fruit and vegetables. The main countries of origin were the Dominican Republic and Asia, predominately Thailand, India and Pakistan. High risk products from certain third countries specified in Regulation (EC) No. 669/2009 as amended had been subject to control at the airport. Auditors were advised that feed not of animal origin had not been known to be received through the airport. The Authority anticipated there would be around 1,200 imports of Regulation (EC) No. 669/2009 food consignments in 2010. There had been only two imports of Regulation (EC) No. 1152/2009 produce, which were both almonds from the USA.
- 3.2.3 Due to practical difficulties of prior reporting all air-borne consignments to the Authority, the team were generally not notified of consignments until flights had landed at the airport. Customs National Clearance Hub identified relevant consignments and prevented them from being released for free circulation until controls were completed by the Authority. Close liaison with Customs was key to the Authority identifying and controlling effectively all consignments. The Authority had developed a system which involved daily shed checks by the duty Environmental Health Officer for those consignments received in transit sheds, and officers also checked details of scheduled and unscheduled airlines and flights. In addition, the Authority received intelligence led advice from importers and/or agents, Defra, and the UK Border Agency.
- 3.2.4 The Authority had a documented procedure, 'Importation of High Risk Products Not of Animal Origin', which detailed the arrangements for checks on general food consignments entering the airport. It was acknowledged by the Authority that this was a newly introduced working document that would be reviewed to ensure it fully reflected the practical and specific arrangements in place for the inspection of higher risk products entering the airport. The procedure also needed to include checks and procedures relating to Regulation (EC) No. 1152/2009 products.

- 3.2.5 Importers were informed which foods were selected for enhanced checks and these foods were then transported to the BIP. The BIP was used as a shared facility; it was also designated for use as a DPE and a DPI.
- 3.2.6 To reduce risks of cross contamination for example by pesticides, much of the FNAO was transported to a transit shed adjoining the BIP where sampling sometimes took place. When sampling of DPE products was carried out at the BIP, aseptic sampling procedures were required to be followed, with equipment and the sampling room cleansed between each consignment and after DPE checks had been carried out.
- 3.2.7 Audit checks confirmed that, in practice, effective systems were generally in place for the control of high risk FNAO. Documentary, identity and physical checks were risk based and targeted in accordance with Regulations, official guidance and previous knowledge and experience. Appropriate official controls were generally being carried out as required, however there were problems in consistently meeting the required level of sampling checks.
- 3.2.8 From May 2010, the Authority had recorded import consignments of high risk products in a simple log. Prior to the introduction of this recording system, the Authority had not consistently achieved the required 50% sampling rate for specified high risk products. For example, the sampling level between April to June 2010 appeared to have dipped to 32%, which was attributed to a number of practical factors including the effects on import trade arising from the Icelandic volcanic ash cloud and closure of the Official Laboratory during Easter and bank holidays.
- 3.2.9 However, the actual proportion of samples selected appeared to be higher than that reported by the Authority due to a record keeping anomaly. This was because a significant number of small consignments identified for sampling under this regime (70 from a total of 149) were subsequently surrendered voluntarily by importers as the sampling costs that would have been incurred rendered the consignments economically unviable. Although this outcome distorted the Authority's sampling figures, the purpose of the official control regime had been achieved in that any potential threat to health was removed. For the following quarter, the corresponding ratio of voluntary surrenders to total consignments dropped significantly, and therefore the sampling level increased toward the level required by regulation, as the importers reacted to this experience and reduced the number of smaller consignments or stopped them altogether.

**Recommendation**

3.2.10 The Authority should:

Ensure that the documented procedures on imported food and feed controls fully reflect the arrangements in place to inspect and sample consignments of high risk imported food and feed and that the appropriate levels of checks are met. [The Standard – 12.1, 12.3 and 12.5]

3.2.11 Common entry documents (CEDs) were scanned and saved electronically. These could then be used to verify that the Authority was carrying out the correct percentage of checks as set out in the Regulations relating to specific high risk products. Auditors noted that part III of the CEDs had not been fully completed by the Competent Authority's officers in all cases.

**Recommendation**

3.2.12 The Authority should:

Ensure the full completion of all common entry documents. [The Standard – 15.3]

3.2.13 There were a number of Enhanced Remote Transit Sheds (ERTS) within the boundaries of the Authority. Auditors were advised that these had not been used for storage following sampling due to the quick distribution usually needed for the air freighted food. One consignment of almonds from the USA had been checked at an ERTS for compliance. This had had a voluntary aflatoxin sampling plan (VASP) assurance. The ERTS in Manchester City Council typically fell outside the inspection programme based on the Food Law Code of Practice intervention rating scheme for food establishments as they were low risk categories. Auditors advised that the Authority should maintain an overview of these premises.

3.2.14 The Authority had a documented sampling policy which set out general and specific approaches to food sampling including imported foods. The Authority also had a procedure and programme for food sampling including airport sampling. All products covered by the specific Regulations such as Regulation (EC) No. 669/2009 as amended and Regulation (EC) No. 1152/2009 were to be sampled according to the rate specified in the Regulations.

3.2.15 Produce not affected by specific regulations was considered for sampling according to set criteria, which included known or emerging

hazards of food/feeding stuff, rapid alert system for food and feed (RASFF) notifications or Food Standards Agency (FSA) or other Government Department request, as part of a co-ordinated sampling programme or specific initiatives. Consideration was also to be given to sampling products which were from new importers or which had arrived from countries for the first time.

- 3.2.16 The Service levied a charge for all imported food checks where there was provision in legislation. The charges were to be reviewed after the initial 12 months of practical implementation.
- 3.2.17 The official laboratories appointed by the Authority for food sampling activities were properly accredited in accordance with relevant centrally issued guidelines.
- 3.2.18 A range of sampling records were examined in relation to both general and high risk foods. All samples had been taken by authorised officers and effective follow-up action had been taken as necessary following receipt of the result to ensure that the food was not released, in accordance with the relevant regulations.

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

- 3.2.19 The Authority had developed a documented policy on the detailed investigation of complaints about food and food premises including importers.
- 3.2.20 The Authority had also developed a procedure for the investigation of food complaints, which had been reviewed in September 2010. There were references to investigative actions with importers throughout. Auditors were advised that there had been no food complaints relating to imported food in the six months preceding the audit.
- 3.2.21 A section in the Service Plan referred to the Home Authority Principle. The Authority acted as Home Authority for 33 food businesses in the City, but none of these were FNAO importers. The Authority were aware of the Primary Authority Scheme but had not established any partnerships with food establishments. Referrals from other authorities would be dealt with as per any other request for service and there was no separate policy to deal with referrals from other authorities.

*Food Safety Incidents*

3.2.22 A documented procedure for Food Incidents and Food Alerts had been developed. The procedure included action to be taken on the receipt of a RASFF, although procedures for how a RASFF could be initiated had not been developed. Responses to RASFF included suitable close liaison with all bodies, other airports and ports and the Agency. The specialist Airport Officer was tasked with the responsibility of responding to, and overseeing imported food alerts.

***Recommendation***

3.2.23 The Authority should:

Expand and implement the documented procedure for food incidents and food alerts in accordance with the Food and Feed Law Codes of Practice, to include the initiation of RASFF notifications. [The Standard – 14.1]

3.2.24 When incidents had occurred that could be classified as serious localised or have a wider food safety problem related to imported foods, the Authority had notified the Agency and liaised with other airports and ports.

3.2.25 Officers were also aware of food alerts that had been issued by the Agency, these were received by email or through EHC net.

*Advice to Business*

3.2.26 The Authority had sent detailed letters to agents and importers of food products at the introduction of new regulations explaining the requirements of the legislation, their responsibilities, and how the regulations were to be implemented in practice. The letters also advised about charges and provided information of useful website addresses for more information on the regulations. The Authority was in regular contact with the agents and importers and, as one of the Environmental Health Officers spent the majority of his time on site at the airport, he had developed close links for communication and advice for the business operators.

### **3.3 Enforcement**

- 3.3.1 Regulatory and Enforcement Services had a 'Food Safety and Standards Enforcement Policy' and had formally adopted the Enforcement Concordat. The Authority informed auditors that the Policy had been agreed at the appropriate member forum but this had not been recent.
- 3.3.2 There were additional documented procedures to support the enforcement policy for example covering:
- Legal Proceedings
  - Food Enforcement and Prosecution
  - Inspection, Detention, Seizure, Condemnation, Voluntary Surrender and Disposal of Food.

In general these procedures made reference to their application to imported food controls at the airport as well as 'inland' food establishments.

- 3.3.3 Auditors examined records for three rejections of imported FNAO. Although this was an appropriate course of action, the Authority needed to review procedures for rejection of products. For example, file checks examined indicated that:

- Signed copies of notices were not available, electronic file copies were unsigned
- There was no evidence of proper service of notices
- Although the Authority has developed a guidance note for food operators on non-compliant imported FNAO, there were no written records of discussion or liaison with the importer and other interested parties
- Part III of the common entry documents was not fully completed  
(See paragraphs 3.2.11 and 3.2.12)
- Although waste transfer notes were available, there were no waste disposal records to confirm that the non-compliant food had been disposed of correctly
- There was no written evidence of internal monitoring on files.

- 3.3.4 File records were also examined for three voluntary surrenders of FNAO. Again, in all cases this was an appropriate course of action and satisfactory correspondence with the food operators via email had been retained, indicating appropriate procedures had been undertaken. There was no evidence of appropriate records to confirm that the non-compliant food had been disposed of correctly, although auditors were advised that the Authority's own collection service picked up and disposed of the food at a landfill site. There was no evidence of internal monitoring on the records.

***Recommendations***

3.3.5 The Authority should:

- (i) Develop and implement existing procedures for all available follow-up and enforcement options in respect of FNAO imported food controls in accordance with the Food Law Code of Practice and centrally issued guidance. [The Standard – 15.2]
- (ii) Ensure that appropriate records are maintained to confirm that rejected consignments of FNAO are disposed of appropriately. [The Standard – 16.1]

### **3.4 Internal Monitoring and Third Party or Peer Review**

#### *Internal Monitoring*

- 3.4.1 Although the Authority had documented internal monitoring procedures, there were no specific procedures available for either quantitative or qualitative monitoring of the imported food service.
- 3.4.2 In practice there was evidence of monitoring activities and mechanisms for the regular reporting of achievement against quantitative performance indicators to senior management. In addition there was routine monitoring against the internal targets relating to documentary and physical checks. Examples of quantitative and qualitative monitoring carried out included :
- Comprehensive minutes of specialist airport group meetings. These provided a forum for ensuring that all officers involved were briefed on and shared current issues and a means of achieving a consistency in approach
  - Regular 1:1 meetings; agenda items included performance management, progress with work programme, enforcement actions
  - Year on year activity undertaken at the airport eg number of consignments, enquiries etc
  - Bi monthly performance reports and meetings were held with the Head of Service
  - Quarterly key performance indicator reports were also discussed and circulated to senior managers and members.
- 3.4.3 In addition, for the past year, authorised officers had worked together as a close team to deliver the service in relation to imported FNAO. The Senior Specialist had worked with all the officers who worked at the airport and had used this to assess qualitative performance, though this had not been documented.



***Recommendation***

3.4.4 The Authority should:

Develop and implement documented monitoring procedures that enable the Service to verify its conformance with relevant food hygiene, food standards and feed legislation, related official guidance, its own policies and procedures and in accordance with Article 8 of Regulation (EC) No. 882/2004 Official Feed and Food Controls and the Standard in the Framework Agreement. A record of internal monitoring activities should be maintained.

[The Standard – 19.1, 19.2 and 19.3]

*Third Party or Peer Review*

- 3.4.5 Auditors were informed that there had been no recent peer review activities undertaken by the Service in relation to imported food law enforcement.
- 3.4.6 There had been no internal audits carried out in relation to the imported food controls or facilities within the scope of this audit, The Authority was previously audited by the Agency in 2003. Compliance checks of the structure and facilities of the DPE and DPI facilities at the Airport were undertaken by Defra every six months as part of the Airport's Border Inspection Post function.
- 3.4.7 Auditors were advised the Authority has Investors in People status and was subject to external accreditation.

**Auditors:** Jane Tait  
Sally Hayden  
Alistair Edwards

Food Standards Agency

Local Authority Audit and Liaison Division

**Action Plan for Manchester 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>
3.1.5 Ensure that Service Plans contain clear details of the resources required to carry out the Service effectively, compared directly against the resources available. [The Standard - 3.1]	Completed	Resources will be allocated against the different headings in the Service Plan so that resources required and resources available are comparable.	Breakdown of resources now available and included.
3.1.12 Ensure that all documented policies and procedures, including those relevant to imported food control activities, are reviewed at regular intervals and whenever there are changes to legislation and centrally issued guidance. [The Standard - 4.1]	Completed	Annual review of procedures to be undertaken and procedures to be reviewed when legislation or guidance changes.	Review complete.
3.1.17(i) Revise the Trading Standards 'Food Standards/Feeding Stuff - Authorised Officers' document to reflect operational responsibilities within the Authority and to ensure officers are authorised based on their competence, in accordance with the relevant Codes of Practice and any centrally issued guidance. [The Standard - 5.1]	Completed		Already revised.

<b>TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)</b>	<b>BY (DATE)</b>	<b>PLANNED IMPROVEMENTS</b>	<b>ACTION TAKEN TO DATE</b>
3.1.17(ii) Appoint an officer with specialist knowledge for feed legislation, to reflect the Authority's responsibilities as a UK point of entry. Ensure that authorised officers have the necessary specialist knowledge. [The Standard - 5.2]	31/03/11	Contact neighbouring authorities who do have expertise to ensure that they can support MCC should the need arise until the SLA is finalised.	To date no non-animal origin feed has passed through the airport. If the need arose then we would make an ad hoc arrangement with another LA to undertake this function.
3.1.17(iii) Appoint, or have adequate contractual arrangements to ensure, a sufficient number of authorised officers to carry out the import control activities associated with feed legislation. The level of authorisation should be consistent with their qualifications, training and experience and the relevant Code of Practice. [The Standard - 5.3]	31/03/11	Contact neighbouring authorities who do have expertise to ensure that they can support MCC should the need arise until the SLA is finalised.  This function will be delivered by a Greater Manchester SLA currently being developed.	To date no non-animal origin feed has passed through the airport. If the need arose then we would make an ad hoc arrangement with another LA to undertake this function.
3.1.21 Review the schedule of officer authorisations and update as necessary to ensure it includes all current relevant imported food legislation. [The Standard – 5.1]	Complete	None required.	City Solicitors confirmed our current arrangements.
3.1.31 Liaise with the airport operator to ensure that the DPE application is reviewed to reflect the current arrangements for sampling checks. Ensure that an amended application is submitted to the Agency for consideration. [The Standard – 18.1]	25/01/11	DPE application amended to reflect changes to working practice following ongoing review of working practice to provide improved service.	Liaised with airport and amended DPE application submitted to the Agency.
3.2.10 Ensure that the documented procedures on imported food and feed controls fully reflect the arrangements in place to inspect and sample consignments of high risk imported food and feed and that the appropriate levels of checks are met. [The Standard – 12.1, 12.3 and 12.5]	Complete		Procedure amended

<b>TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)</b>	<b>BY (DATE)</b>	<b>PLANNED IMPROVEMENTS</b>	<b>ACTION TAKEN TO DATE</b>
3.2.12 Ensure the full completion of all common entry documents. [The Standard – 15.3]	31/03/11	To follow advice from the Agency once received.	Asked for further guidance from the Agency regarding completion of part III of the CEDs.
3.2.23 Expand and implement the documented procedure for food incidents and food alerts in accordance with the Food and Feed Law Codes of Practice, to include the initiation of RASFF notifications. [The Standard – 14.1]	Completed	Documented procedures to be amended to include reference to initiations of RASFFs.	Procedures identified.
3.3.5(i) Develop and implement existing procedures for all available follow-up and enforcement options in respect of FNAO imported food controls in accordance with the Food Law Code of Practice and centrally issued guidance. [The Standard – 15.2]	28/02/11	Future notices will be monitored for compliance.	Officers reminded to follow existing notice system and this will be confirmed again at the next Airport Team meeting.
3.3.5(ii) Ensure that appropriate records are maintained to confirm that rejected consignments of FNAO are disposed of appropriately. [The Standard – 16.1]	28/02/11	Random selection of disposals checked to include not just waste transfer but waste disposal notes.	Ensure that imported food for disposal is not in a saleable condition.  Clarification sought with colleagues in Waste & Recycling to ensure that MCC comply with our legal requirements regarding duty of care.

<b>TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)</b>	<b>BY (DATE)</b>	<b>PLANNED IMPROVEMENTS</b>	<b>ACTION TAKEN TO DATE</b>
<p>3.4.4 Develop and implement documented monitoring procedures that enable the Service to verify its conformance with relevant food hygiene, food standards and feed legislation, related official guidance, its own policies and procedures and in accordance with Article 8 of Regulation (EC) No. 882/2004 Official Feed and Food Controls and the Standard in the Framework Agreement. A record of internal monitoring activities should be maintained. [The Standard – 19.1, 19.2 and 19.3]</p>	<p>Completed</p>	<p>Quality document set 19 to be amended to include internal monitoring of imported food enforcement. Written record maintained of accompanied imported food enforcement.</p>	<p>Procedures amended to include imported food enforcement</p>

**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 main LA policies, procedures and linked documents were examined before and during the audit:

- Manchester City Council Environmental Health Food service Plan 2010-2011 with Trading Standards Feeding Stuffs Service plan 2010-2011.
- Authorisation of Officer Procedures; Environmental Health (Jan 2009) and Trading Standards (Oct 2010).
- Food complaints policy and procedures ( 8 Sept 2010)
- Food Incidents and Food Alerts Policy and Procedure (1 July 2010)
- Food Inspection and Sampling Policy (2 Aug 2010)
- Food Sampling Procedure (10 Jul 2009)
- Sampling Programme for Airport 2010-2011 (1 Oct 2010)
- Importation of High Risk Products Not of Animal Origin (12 Feb 2010)
- Inspection, Detention, Seizure etc of Food (Undated)
- Food Safety and Standards Enforcement Policy (Undated)
- Legal proceedings (Jan 2009)
- Food Enforcement and Prosecution ( 17 Sep 2010)
- Advisory letters to businesses
- Minutes of specialist airport team meetings
- Minutes of attendance at liaison groups and other organisations
- Quarterly returns and LAEMS imported food returns for 2008/2009 and 2009/2010.

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

- Authorisation and training files
- Imported food documentation including common entry documents and sampling log
- Food inspection and sampling records
- Formal enforcement records including detentions and destruction notices

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

- Audit Liaison Officer – Specialist Group Manager and Principal Environmental Health Officer
- Environmental Health Officers.

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 the facilities at Manchester Airport. The purpose of the visit was to verify that appropriate risk based, proportionate checks were carried out on consignments of imported food (and feed if it had been imported) at the airport and that requirements for DPE and DPI status are met.

## 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.