



Food Standards Agency in Northern Ireland

Report on the Audit of Food Standards Food Law Enforcement Controls Delivered by Local Authorities in Northern Ireland

Foreword

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

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

FSA audits assess local authorities' conformance against the Food Law Enforcement Standard ('The Standard'), which was published by the Agency as part of the Framework Agreement on Local Authority Food Law Enforcement¹. The Framework Agreement and the audit protocols are available on the Agency's website at:

<http://www.food.gov.uk/enforcement/auditandmonitoring/>

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

The report contains some statistical data on food law enforcement activities undertaken by the authority. The FSA's website contains enforcement activity data for all UK local authorities and can be found at: <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 Annexe C.

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

Table of Contents

1.0	INTRODUCTION	4
1.1	Reason for the Audit.....	4
1.2	Scope and objectives of the audit.....	5
1.3	Background	5
2.0	EXECUTIVE SUMMARY	7
3.0	AUDIT FINDINGS.....	8
3.1	Organisation and Management	8
	Strategic Framework, Policy and Service Planning	8
	Documented Policies and Procedures.....	9
	Authorised Officers	9
	Facilities and Equipment	11
	Liaison with other organisations	11
3.2	Food Standards Control Activities	11
	Food Establishments Interventions and Inspections.....	11
	Food Sampling	13
	Enforcement	15
	Food Complaints, Primary Authority Scheme, and Home Authority Principle...	15
	Verification Visit to a Food Establishment	16
3.3	Internal Monitoring.....	16
	Annexe A – Good Practice.....	18
	Annexe B – Action Plan	19
	Annexe C - Audit Approach / Methodology	25
	Annexe D - Glossary	27

1.0 INTRODUCTION

1.1 Reason for the Audit

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

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

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

1.1.4 The overarching aims of the audit scheme are to:

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

1.1.5 The Food Standards Agency in Northern Ireland (FSA in NI) has provided support and resources specifically targeting the food standards activities carried out by councils in Northern Ireland. This programme of focused

² [Commission Decision \(2006/677/EC\) of 29 September 2006 setting out the guidelines laying down criteria for the conduct of audits under Regulation \(EC\) No 882/2004 of the European Parliament and of the Council on official controls to verify compliance with feed and food law, animal health and animal welfare rules](#)

³ [Food Standards Act 1999 c.28](#)

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

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

audits has been developed to assess the impact of providing this additional support and resource to LAs in Northern Ireland.

- 1.1.6 Moyle District Council (Moyle DC) was included in the FSA's programme of audits of local authority food law enforcement services; because of the length of time since it had last been audited by the Agency.

1.2 Scope and objectives of the audit

- 1.2.1 The audit examined Moyle DC's arrangements for food standards controls.
- 1.2.2 The audit scope included the assessment of local arrangements for service planning, delivery and review, provision and adequacy of officer training and authorisations, implementation and effectiveness of food standards activities, including inspection, sampling, and enforcement. Maintenance and management of appropriate records in relation to food standards activity in the council's area and internal service monitoring arrangements were also covered.
- 1.2.3 The on-site element of the audit took place at the Council's office at Sheskburn House, 7 Mary Street, Ballycastle, BT54 6QH on 29 and 30 January 2013. The audit included a reality check to assess the effectiveness of official controls implemented by the Council at a food business in the Council's area and, more specifically, the checks carried out by the Council's officers to verify compliance with food standards law requirements.

1.3 Background

- 1.3.1 The Moyle District Council area is situated on the north-east corner of Northern Ireland. It overlooks the Scottish coast, which is only 13 miles across the North Channel. The District is unique in Northern Ireland in that it encompasses an inhabited offshore island. Rathlin Island lies seven miles off the coast from Ballycastle, and has a population of approximately 100 who are mostly dependent on fishing, farming, and tourism.
- 1.3.2 The District is sparsely populated and with a population density of 30 persons per square kilometre it is one of the least densely populated areas of Northern Ireland. In population terms Moyle is the smallest of Northern Ireland's 26 District Council areas with a population 17,050 and accounts for less than 1% of the current total Northern Ireland population.
- 1.3.3 The main centres of population are Ballycastle, with a population of over 5,500. Cushendall and Bushmills, both villages, have a population of just over 1,300. The area attracted 476,300 visitor nights in 2009. All visits generated a total of £27m in revenue for the local economy in 2009. The most important industries in the Moyle District Council area, outside the mainstream service sector, are tourism, agriculture, and construction.

- 1.3.4 Moyle is one of the major tourist destinations in Northern Ireland. The district is home to the Giants Causeway which attracts approximately 550,000 visitors annually, The Old Bushmills Distillery attracts over 100,000 visitors per year. Ballycastle is home to the Lammas Fair which attracts approximately 150,000 visitors to the town at the end of August each year.
- 1.3.5 There were 374 registered food businesses within the Moyle DC's area including hotels, restaurants, takeaways, manufacturers, retailers, and wholesalers.
- 1.3.6 Following local government reorganisation in Northern Ireland in 1973 a statutory grouping system was set up to support district councils. This system consisted of four regional groups covering the 25 smaller district councils in Northern Ireland. Belfast City Council due to its size was not included in the statutory grouping system.
- 1.3.7 Moyle DC was a constituent council of Northern Group Environmental Health Committee (NGEHC). NGEHC provided co-ordination, monitoring, and support to its constituent councils, Antrim Borough Council, Ballymena Borough Council, Ballymoney District Council, Carrickfergus Borough Council, Coleraine Borough Council, Cookstown District Council, Larne Borough Council, Magherafelt District Council, Moyle District Council, and Newtownabbey Borough Council.

2.0 EXECUTIVE SUMMARY

- 2.1** Moyle DC had developed a Service Plan for Food Law Enforcement for 2012/13, which was approved by relevant members in June 2012. The Plan detailed the scope of the service and included references to its food standards responsibilities. The majority of the plan had been drawn up in line with Service Planning Guidance in the Framework Agreement.
- 2.2** The Council ensured officers were appropriately authorised against specific legislation to carry out enforcement activities. File checks showed officers had considerably more than the required 10 hours continuing professional development training and appropriate food training.
- 2.3** In general, food standards controls including interventions such as inspections and sampling were carried out appropriately and to the correct frequency.
- 2.4** In the majority of cases, procedures provided instructions and guidance regarding food standards interventions and sampling. However a number of procedures needed to be reviewed to fully comply with centrally issued guidance and relevant codes of practice. The Council had well maintained records in relation to the food standards controls which were detailed and easily retrievable.
- 2.5** Moyle DC had developed a food standards sampling programme and had maintained records in relation to all samples reviewed which included sample results and correspondence with FBOs. While the auditors noted the Council had a relatively low level of sampling for food standards activities, the auditors found the Council's food standards sampling activities were effective in assisting the Council achieve compliance with food standards activities and in particularly its enforcement policy.
- 2.6** The Council had implemented internal monitoring of its food standards activities. The auditors were able to verify through record checks a range of internal monitoring activities.

3.0 AUDIT FINDINGS

3.1 Organisation and Management

Strategic Framework, Policy and Service Planning

- 3.1.1 The Council had developed a documented Environmental Health Service Delivery Plan for 2012/13. The service plan made specific reference to the arrangements regarding food standards activities. The Environmental Health Service Delivery Plan for 2012/13 had been approved by the Council on 25 June 2012.
- 3.1.2 Chapter one of the framework agreement on official feed and food controls by local authorities contained guidance and information on how service plans for official feed and food law controls should be structured, and on what they should contain.
- 3.1.3 Moyle DC had, for the most part, followed this guidance when preparing their Food Control Service Plan for 2012/2013. The Plan had contained information on the scope of the food service. The scope specifically mentioned food standards controls under the following functions:
- Aims and objectives
 - Food premises inspections
 - Advice to business and general public
 - Complaints
 - Food inspection and sampling
 - Summary of food service delivery demands
- 3.1.4 However the Council had not included specific information regarding the financial allocation and resources for the delivery of the food service.

Recommendation

- (i) The Council should include specific information regarding the financial allocation and resources for the delivery of the food service as required by point 3.1, Chapter 2 of the Framework Agreement and detailed in Chapter 1 of the Framework Agreement.

The Authority shall draw up, document and implement a service delivery plan in accordance with the Service Planning Guidance in Chapter 1.

[The Standard – 3.1]

- 3.1.5 Moyle DC had carried out a review against performance of its Service Plan for 2011/2012. This included the identification of variation from the service plan and consequent areas for improvement in 2012/2013.

Documented Policies and Procedures

- 3.1.6 The Council had developed and implemented a range of relevant policies and procedures which are issued by NGEHC as part of a documented quality management system. Copies of the documents were available to relevant staff and to the auditors.

Authorised Officers

- 3.1.7 The Council had two processes for authorising officers acting on behalf of Environmental Services. The first process was direct authorisation of individual officers by the Council. The second process involved delegating authorisation to the Chief Executive and the Head of the Environmental Health Unit.
- 3.1.8 The Council's Scheme of Delegation had been last revised in May 2012. The Scheme of Delegation authorised the Chief Executive and the Head of Environmental Health to discharge its functions relating to the authorisation of staff in, or acting on behalf of Environmental Services.
- 3.1.9 From council meeting minutes the auditors noted individual officers had been directly authorised by the Council in respect of the Local Government Act (Northern Ireland) and the Food Safety (NI) Order 1991. However, the authorisation did not include the Food Hygiene Regulations (NI) 2006.
- 3.1.10 From individual officer record examination the auditors noted individual officers had also been authorised, through delegation. The authorisation had been general in respect of the Local Government Act (Northern Ireland) and specifically under the Regulations relating to food made under that Act including the Food Safety (NI) Order 1991 the Food Hygiene Regulations (NI) 2006.
- 3.1.11 The Council had a documented procedure which set out the means by which officers were authorised based on their qualifications, experience, and competency. It should be noted the procedure recommended the Council authorise the Chief Executive and the Director of Environmental Health/Services, to discharge its functions relating to the authorisation of staff in, or acting on behalf of, the Environmental Health/Services Department.
- 3.1.12 The auditors also noted the Council's authorisation procedure was drafted as generic guidance for councils in NGEHC and did not specifically address the structure of Moyle DC and had references to another council in one of its appendices.

Recommendation

- (ii) The Council should review its authorisation process including the process for direct authorisation, delegated authorisation and its documented

authorisation procedure to satisfy themselves the current authorisation process is clear and does not introduce ambiguity into officer authorisation.

The Authority shall set up, maintain and implement a documented procedure for the authorisation of officers based on their competence and in accordance with the relevant Codes of Practice and any centrally issued guidance.

[The Standard – 5.1]

- 3.1.13 Point 3.4.4 of the Food Law Practice Guidance (Northern Ireland) 2012 (FLPG)⁶ details specific powers of seizure and detention for district councils enforcing food standards. The legislation detailed in the FLPG gives powers of seizure and detention to district councils. Moyle DC should consider including the list of food standards legislation contained in the FLPG in their specific list of legislation used to authorise officers.

Recommendation

- (iii) The Council should consider including the specific list of food standards legislation contained in 3.4.4 of the Food Law Practice Guidance (Northern Ireland) October 2012 (FLPG).

The Authority shall set up, maintain and implement a documented procedure for the authorisation of officers based on their competence and in accordance with the relevant Codes of Practice and any centrally issued guidance.

[The Standard – 5.1]

- 3.1.14 The auditors noted evidence of training needs analysis being carried out for officers through the Environmental Health Unit's performance review process and also input in to training needs given by Northern Chief Environmental Health Officer's Forum Food Sub Group.
- 3.1.15 Auditors examined qualification records for three officer checks and the training records for one officer. The auditors noted the officer had received in excess of the required 10 hours training to maintain their professional competency and had received training on food controls. The record keeping arrangements in relation to both officer qualifications and training were accurate, complete, and readily retrievable.
- 3.1.16 The food service took part in the Council's general Environmental Health Department out of hours on call service for the notification of outbreaks of food borne illness.

⁶ [Food Law Practice Guidance \(Northern Ireland\) 2012](#)

Facilities and Equipment

- 3.1.17 Moyle DC had in place a computer software system capable of providing food law enforcement monitoring data to the Agency.
- 3.1.18 The Council had documented procedures for accessing the food establishment database and secure storage of the database. The auditors noted that there was a process in place to verify the information held on the food establishment database.

Liaison with other organisations

- 3.1.19 Moyle DC had liaison arrangements with central government, other enforcement bodies, and professional organisations. This was achieved in part through the Council's participation as a constituent council in NGEHC.

Good Practice

The Environmental Health Unit publishes a biannual newsletter for businesses which Moyle District Council has enforcement responsibility for food safety and/or health and safety. As the frequency of inspections varies, these newsletters aim to keep business operators and their employees up to date with topical Environmental Health issues relevant to their business. Food standards matters promoted through the newsletter have included allergy awareness, describing food and alcohol sales which included details of the outcome of the successful prosecution for adulteration.

3.2 Food Standards Control Activities

Food Establishments Interventions and Inspections

- 3.2.1 The Council's Food Service Plan for 2012/13 provided the following details of the Council's planned food standards inspections.

Risk Category	Frequency	No. of Premises	No. of tasks	Task Time (Hrs)	Total Hours
A	12 months	1	1	5	5
B	24 months	69	45	3	135
C	60 months	175	65	3	195
Unrated		131	75	2	150
Total:					485

- 3.2.2 The Council had also identified food standards revisits which it planned to carry out during 2012/2013.

Risk Category	Frequency	No. of Premises	No. of tasks	Task Time (Hrs)	Total Hours
A	100%	1	1	1.75	1.75
B	25%	69	11	1.25	13.75
C	10%	175	7	1.25	8.75
Unrated	10%	131	8	1.25	10
NOTE: Frequency = Percentage of No of inspections				Total:	34.25

3.2.3 The Council had a food standards guidance pack prepared by NIFLG which contained information and a range aid memoires or inspection forms which related to a number of food sectors. The auditors would note that this did not satisfy the requirements of point 12.4 of the Framework Agreement which requires councils to have a documented procedure for the inspection of food.

3.2.4 We did however note the Council had a documented procedure for conducting a food hygiene inspection. This procedure, although referring to food hygiene inspections, could be adopted to encompass food standards inspections. The council also had a documented policy that encompassed food hygiene and food standards revisit.

Recommendation

- (iv) The Council should maintain and implement a documented procedure for the inspection of food which includes food standards inspections.
- The Authority shall set up, maintain and implement documented procedures for the inspection of food and feedingstuffs.
- [The Standard – 12.3]

3.2.5 The auditors examined the establishment file records in relation to food standards official control activities for five establishments and in all but one case records were easily found and retrieved. Officers were using appropriate inspection checklists. In all cases the auditors saw evidence of correspondence following inspections including, annexe 6 reports.

3.2.6 In the majority of cases the Council had carried out food standards inspections to the frequency required by the FLCoP. The Council had one category A⁷ establishment in its area; however this establishment had not received a food standards inspection to the frequency required by the FLCoP.

⁷ See Annex 5 of the [Food Law Code of Practice \(Northern Ireland\) 2012](#) for further details on food establishments' intervention rating schemes.

Recommendation

- (v) The Council should ensure it carries out food standards inspections to the frequency required by the FLCoP.

The Authority shall carry out interventions/inspections (as required by the relevant Code of Practice) at all food hygiene, food standards and feedingstuffs establishments in their area, at a frequency which is not less than that determined under the intervention rating schemes set out in the relevant legislation, Codes of Practice or other centrally issued guidance.

[The Standard – 7.1]

- 3.2.7 Where appropriate the Council had corresponded by letter with FBOs. In all cases examined the letters had detailed contraventions and recommendations and made a clear distinction between legal requirements and recommendations of good practice as stated in 4.2 of the FLCoP.
- 3.2.8 Correspondence to FBOs also contained timescales for achieving compliance with legal requirements. However, in all establishment files examined the auditors were unable to find evidence of follow-up verification to confirm compliance.

Recommendation

- (vi) The Council should ensure it carries out follow-up verification checks to confirm FBO compliance with legal requirements.

The Authority shall assess the compliance of establishments and systems in their area to the legally prescribed standards.

NOTE: In assessing compliance, the Authority shall (as required by Article 10(2) of Regulation (EC) No 882/2004) take into account any relevant Industry Guides to Good Hygiene Practice and have regard to any other relevant centrally issued guidance.

The Authority shall take appropriate action on any non-compliance found, in accordance with the Authority's enforcement policy.

[The Standard – 7.3]

Food Sampling

- 3.2.9 Moyle DC had a food sampling policy specifically for sampling foodstuffs for chemical analysis. The sampling policy took into account the home/originating authority principle, process monitoring, food complaints, national or regional surveys and special investigations.

- 3.2.10 The Council had submitted its chemical sampling programme for 2011/2012 and 2012/2013 as part of the Pre Visit Questionnaire (PVQ). The auditors noted both programmes had detailed specific FBOs and the nature of the products to be sampled.
- 3.2.11 The auditors examined the records and results for chemical samples taken by the Council in the last two years. The auditors also examined relevant food sampling records and associated actions when reviewing the establishment files.
- 3.2.12 The Council maintained good records in relation to the samples reviewed which included sample results and correspondence with FBOs. All samples examined had been taken by authorised officers and when relevant the FBO was informed of any unsatisfactory results.
- 3.2.13 The official laboratory appointed by the Council for food standards sampling activities was properly accredited in accordance with relevant centrally issued guidance.
- 3.2.14 The Council's service plan for 2012/13 highlighted the fact that its sampling rate was 1.5 samples per 1000 population. The Council acknowledged that this sampling rate was at the lower end of the scale for sampling rates⁸.
- 3.2.15 While the auditors noted the Council had a relatively low level of sampling for food standards activities we found that the Council's food standards sampling activities were effective in assisting the Council achieve compliance with food standards activities and in particular its enforcement policy.
- 3.2.16 The auditors would highlight as good practice the process of screening carried out prior to sampling alcohol. This screening was used to highlight and target sampling for analysis which resulted in a successful prosecution for adulteration.

Good Practice

The Council had a relatively low level of food standards sampling due to limited resources. To make the best use of these limited resources the Council had used a common practice of screening products to identify those which indicated potential issues before selecting samples for analysis. This process was used successfully and as a result the Council pursued and obtained a prosecution for adulteration.

⁸ NIFLG food sampling guidance states a range of 1.5 – 2.5 / 1000 population could be used by councils in NI to set as a baseline for sampling for food standards

3.2.17 We noted from the scope of the Council's sampling programmes from 2011/12 and 2012/13 did not vary with the majority of samples taken each year on the same type of product. We would recommend the Council should include a wider range of risk areas when considering their annual sampling programme. Risks areas the Council could consider are, fish authenticity, Southampton colours, contaminants, allergens⁹.

Recommendation

(vii) The Council should include a wider range of risk areas when considering their annual sampling programme.

The Authority shall set up, maintain and implement a documented sampling policy and programme that shall accord with any centrally issued or relevant guidance and relevant Codes of Practice and shall include reference to its approach to any relevant national sampling programme centrally co-ordinated by the Food Standards Agency.

NOTE: The Authority should consider the nature of its food and feed establishments, and where applicable the nature of imported foods and feed, and also have regard to any relevant sampling programme centrally co-ordinated by the FSA, LACORS and the HPA and in Scotland, SFELC (the Scottish Food Enforcement Liaison Committee), in Wales the Welsh Food Microbiological Forum and the Welsh National Public Health Service and in Northern Ireland, the Public Health Laboratory.

[The Standard – 12.4]

Enforcement

3.2.18 Moyle DC had an enforcement policy which recognised the principles of the enforcement concordat, guidance contained in Codes of Practice and other guidance notes. The main aim of the policy was 'to provide a better environment for its citizens both for the present and the future'.

3.2.19 The auditors specifically reviewed one formal caution and one prosecution during the audit. We found both enforcement actions had been carried out appropriately.

Food Complaints, Primary Authority Scheme, and Home Authority Principle

3.2.20 The Council had a documented food complaint procedure. The procedure detailed how the Council carried out investigations into food complaints. However, it did not cover complaints against establishments as required by point 8.1 of the Framework Agreement and also needed to state how the Agency was notified when a complaint became a serious, localised hazard as required by 2.4.2 of the FLCoP.

⁹ This is not an exhaustive list and is included only to give an indication of other risk areas for food standards sampling.

Recommendation

- (viii) The Council should ensure its food complaints procedure addresses complaints against establishments as required by point 8.1 of the Framework Agreement and notifying the Agency as required by 2.4.2 of the FLCoP.

The Authority shall set up, maintain and implement a documented policy and procedure(s) in relation to complaints about food and feed that originate within the UK, and those foods and feed originating from other EU member states, or from third countries and in relation to complaints against feed and food establishments. Procedures should cover any referral arrangements to inland authorities and/or authorities with responsibility for imported food and feed controls at the UK point of entry.

[The Standard – 8.1]

3.2.21 The auditors examined the file records for one food complaint and noted evidence of an investigation into the complaint which also included contacting another council in Northern Ireland.

3.2.22 The Council's Service Plan confirmed support for the Home Authority Principle. The Council had identified fifteen establishments to which they would provide support. The Council had not entered into formal Home Authority partnerships with these establishments.

Verification Visit to a Food Establishment

3.2.23 During the audit a verification visit was carried out at a local food establishment with the authorised officer who had carried out a previous food standards inspection at the establishment. The purpose of the visit was to determine the effectiveness of the Council's assessment of food standards including risk assessment, composition and labelling and traceability.

3.2.24 During the visit, the officer demonstrated a good understanding of the food standards controls required for the establishment using the council's food standards audit aide memoir.

3.3 Internal Monitoring

3.3.1 The Council had developed and implemented a documented procedure for the internal monitoring of the food safety systems within the Environmental Health Department. The procedure detailed the qualitative and quantitative areas which the Senior Environmental Health Officer (SEHO) was responsible for monitoring.

3.3.2 However, the auditors would recommend that the Council should review its internal monitoring procedure in relation to:

- how it monitors risk score reductions in food standards category A establishments (In practice risk score reductions in food standards can be monitored through the food standards inspection aide memoires)
- the person is responsible for monitoring the work carried out by the senior food officer (In practice the Head of the Environmental Health unit conducted this monitoring)
- how it monitors complaint investigations (Reference was made to a designated officer in the food complaint procedure who was responsible for supervising food complaint investigations)

Recommendation

- (ix) The Council should review its internal monitoring procedure in relation to:
- how it monitors changes in risk score reductions in food standards category A establishments
 - who is responsible for monitoring the work carried out by the senior food officer
 - how it monitors complaint investigations

The Authority shall verify its conformance with this Standard, relevant legislation, the relevant Codes of Practice, relevant centrally issued guidance and the Authority's own documented policies and procedures.

[The Standard – 19.2]

3.3.3 The Council had maintained records of internal monitoring which included documentary checks and officer accompanied visits.

Auditors: Kevin Nagle
Corporate Resources Unit

Mervyn Briggs
Incidents, Standards and Science Unit

Food Standards Agency in Northern Ireland
10a-c Clarendon Road
BELFAST
BT1 3BG
Tel: 028 9041 7700

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

Annexe A – Good Practice

Good Practice

The Environmental Health Unit publishes a biannual newsletter for businesses which Moyle District Council has enforcement responsibility for food safety and/or health and safety. As the frequency of inspections varies, these newsletters aim to keep business operators and their employees up to date with topical Environmental Health issues relevant to their business. Food standards matters promoted through the newsletter have included allergy awareness, describing food and alcohol sales which included details of the outcome of the successful prosecution for adulteration.

Good Practice

The Council had a relatively low level of food standards sampling due to limited resources. To make the best use of these limited resources the Council had used a common practice of screening products to identify those which indicated potential issues before selecting samples for analysis. This process was used successfully and as a result the Council pursued and obtained a prosecution for adulteration.

Annexe B – Action Plan

Audit Date: 29-30 January 2013

RECOMMENDATION	PLANNED IMPROVEMENTS	DUE DATE
<p>(i) The Council should include specific information regarding the financial allocation and resources for the delivery of the food service as required by point 3.1, Chapter 2 of the Framework Agreement and detailed in Chapter 1 of the Framework Agreement.</p> <p>The Authority shall draw up, document and implement a service delivery plan in accordance with the Service Planning Guidance in Chapter 1.</p> <p>[The Standard – 3.1]</p>	<p>The Food Service Plan is incorporated into the Environmental Health Plan for 2013/2014 and now includes financial allocation and resources for the delivery of the food service.</p> <p>The plan is due to go to council in July 2013.</p>	<p>July 2013</p>
<p>(ii) The Council should review its authorisation process including the process for direct authorisation, delegated authorisation and its documented authorisation procedure to satisfy themselves the current authorisation process is clear and does not introduce ambiguity into officer authorisation.</p> <p>The Authority shall set up, maintain and implement a documented procedure for the authorisation of officers based on their competence and in accordance with the relevant Codes of Practice</p>	<p>As Northern Group documented procedures are currently being reviewed and updated, authorisations will be reviewed and updated to ensure the authorisation process is clear. Once the updated generic procedure is issued, it will be adapted and become a bespoke Moyle document.</p> <p>Authorisation and competency procedure followed for all staff.</p>	<p>30/09/2013</p> <p>on-going</p>

RECOMMENDATION	PLANNED IMPROVEMENTS	DUE DATE
<p>and any centrally issued guidance.</p> <p>[The Standard – 5.1]</p>		
<p>(iii) The Council should also consider including the specific list of food standards legislation contained in 3.4.4 of the Food Law Practice Guidance (Northern Ireland) October 2012 (FLPG).</p> <p>The Authority shall set up, maintain and implement a documented procedure for the authorisation of officers based on their competence and in accordance with the relevant Codes of Practice and any centrally issued guidance.</p> <p>[The Standard – 5.1]</p>	<p>All officers have been authorised for the specific list of food standards legislation contained in 3.4.4 of FLPG. Details have been added to officer personal files which contain all details of</p> <ul style="list-style-type: none"> • Experience log/authorisation document relating to <u>each</u> statute under which the officer is required to undertake duties. <p>This file will be the authoritative reference document to be used in the event of a challenge to the officer’s authority and/or competence in any circumstances, including court appearances.</p>	<p>on-going</p>
<p>(iv) The Council should maintain and implement a documented procedure for the inspection of food which includes food standards inspections.</p> <p>The Authority shall set up, maintain and implement documented procedures for the inspection of food and feedingstuffs.</p> <p>[The Standard – 12.3]</p>	<p>At the time of audit, there was no documented food standards inspection procedure. As part of the on-going review of Northern Group policies and procedures, the food hygiene inspection procedure document is being updated to incorporate food standards.</p>	<p>30/09/2013</p>

RECOMMENDATION	PLANNED IMPROVEMENTS	DUE DATE
<p>(v) The Council should ensure it carries out food standards inspections to the frequency required by the FLCoP.</p> <p>The Authority shall carry out interventions/inspections (as required by the relevant Code of Practice) at all food hygiene, food standards and feedingstuffs establishments in their area, at a frequency which is not less than that determined under the intervention rating schemes set out in the relevant legislation, Codes of Practice or other centrally issued guidance.</p> <p>[The Standard – 7.1]</p>	<p>The shortfall in inspections is due to a resource deficit. This is an on-going issue and has been brought to the attention of the Director of Environmental Services. Further resources have been secured on a temporary basis.</p> <p>Whilst we are striving to deal with the backlog of inspections, we have been communicating food standards information to all food premises throughout the district using our Business Newsletter. This was highlighted as good practice at the time of the audit but has not been mentioned in the report.</p> <p>When the backlog is addressed and inspections are up to date, we plan to utilise Alternative Enforcement Strategy.</p>	<p>on-going</p>
<p>(vi) The Council should ensure it carries out follow-up verification checks to confirm FBO compliance with legal requirements.</p> <p>The Authority shall assess the compliance of establishments and systems in their area to the legally prescribed standards.</p> <p>NOTE: In assessing compliance, the Authority shall (as required by Article 10(2) of Regulation (EC) No 882/2004) take into account any relevant Industry Guides to Good Hygiene Practice and have regard to any other relevant centrally issued</p>	<p>The shortfall in follow up visits has been due to deficiencies in resources.</p> <p>Compliance monitoring visits are carried out as resources permit and enforcement action taken in accordance with the Enforcement Policy.</p>	<p>on-going</p>

RECOMMENDATION	PLANNED IMPROVEMENTS	DUE DATE
<p>guidance.</p> <p>The Authority shall take appropriate action on any non-compliance found, in accordance with the Authority's enforcement policy.</p> <p>[The Standard – 7.3]</p>		
<p>(vii) The Council should include a wider range of risk areas when considering their annual sampling programme.</p> <p>The Authority shall set up, maintain and implement a documented sampling policy and programme that shall accord with any centrally issued or relevant guidance, and relevant Codes of Practice and shall include reference to its approach to any relevant national sampling programme centrally co-ordinated by the Food Standards Agency.</p> <p>NOTE: The Authority should consider the nature of its food and feed establishments, and where applicable the nature of imported foods and feed, and also have regard to any relevant sampling programme centrally co-ordinated by the FSA, LACORS and the HPA and in Scotland, SFELC (the Scottish Food Enforcement Liaison Committee), in Wales the Welsh Food Microbiological Forum and the Welsh National Public Health Service and in Northern Ireland, the</p>	<p>The sampling programme for 2013/2014 incorporates Southampton colours, fish speciation and sulphur dioxide in minced beef. In addition we will participate in surveys as directed by Northern Group Systems.</p>	<p>30/06/2013</p>

RECOMMENDATION	PLANNED IMPROVEMENTS	DUE DATE
<p>Public Health Laboratory. [The Standard – 12.4]</p>		
<p>(viii) The Council should ensure its food complaints procedure addresses complaints against establishments as required by point 8.1 of the Framework Agreement and notifying the Agency as required by 2.4.2 of the FLCoP.</p> <p>The Authority shall set up, maintain and implement a documented policy and procedure(s) in relation to complaints about food and feed that originate within the UK, and those foods and feed originating from other EU member states, or from third countries and in relation to complaints against feed and food establishments. Procedures should cover any referral arrangements to inland authorities and/or authorities with responsibility for imported food and feed controls at the UK point of entry.</p> <p>[The Standard – 8.1]</p>	<p>Whilst the food complaints procedure does not include complaints about food premises, these are recorded on Tascomi (our Environmental Health software package) and investigated. We consider it more appropriate that all information pertaining to complaints about premises are dealt with in this way as the complaint investigation visit is recorded and subsequent actions added to the premises database. All inspection notes and subsequent correspondence are retained on the premises file. This information is easily retrievable from the Tascomi system.</p>	<p>30/09/2013</p>
<p>(ix) The Council should review its internal monitoring procedure in relation to:</p> <ul style="list-style-type: none"> – how it monitors changes in risk score reductions in food standards category A establishments 	<p>As previously stated all Northern Group procedures are currently being updated. Once the updated generic procedure is issued, it will be adapted and become a bespoke Moyle document.</p> <p>Policies do contain information on how downgrades to food</p>	<p>30/09/2013</p>

RECOMMENDATION	PLANNED IMPROVEMENTS	DUE DATE
<ul style="list-style-type: none"> – who is responsible for monitoring the work carried out by the senior food officer – how it monitors complaint investigations <p>The Authority shall verify its conformance with this Standard, relevant legislation, the relevant Codes of Practice, relevant centrally issued guidance and the Authority’s own documented policies and procedures.</p> <p>[The Standard – 19.2]</p>	<p>standards risk categories are monitored, however the Food Standards Inspection Aide Memoires incorporate a section for a more senior officer to sign/approve risk score reductions. This may have been absent from the inspection forms from premises files checked but has since been updated.</p> <p>Whilst the policy is worded in such a way that the Senior/Lead Officer carries out monitoring, as you saw in practice, the Head of Environmental Health Unit monitors the Senior Environmental Health Officer. This will be addressed in the updated procedure once it is issued.</p> <p>The FC1 form within the Food Complaints Investigation procedure (FC/PRO/C006) contains provision for the Head of Environmental Health Unit to sign off complaint investigations. Complaint investigations are monitored in accordance with FC REP C007 Internal Monitoring of Food Enforcement Activities procedure.</p>	

Annexe C - Audit Approach / Methodology

(1) Examination of LA policies and procedures.

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

- Food Service Plan - Environmental Health Plan 2012-2013
- Minutes of the Moyle District Council Meeting 25 June 2012
- Document control - GN PRO C004 Updating Policies
- Document control - GN PRO C005 Review of Policies and Procedures
- Authorised officers - GN REP C001 Guidance on the Authorisation of Environmental Health Staff
- Authorisation procedure including delegation
- Training and staff development procedure - GN PRO C002 Training and Staff Development
- Facilities and equipment - GN PRO C001 Equipment Maintenance and Calibration
- Moyle DC - facilities and equipment - IT-Policies-Procedures
- Food establishment database - FC PRO C013 Maintenance of Food Premises Database
- Inspections - FC REP C010 NIFLG Food Standards Guidance Pack
- Food Complaints Procedure - FC PRO C006 Food Complaints
- Home Authority Principle - FC REP C006 Home Authority Principle Agreement with Businesses
- Chemical sampling policy and procedure - FC PRO C007 - Food Sampling Policy & Guidance
- Chemical Sampling programme 2011-12
- Chemical Sampling programme 2012-13
- Food Safety Incidents - FC PRO C014 Departmental Response to Food Alerts
- Moyle DC Enforcement Policy
- Internal Monitoring - FC REP C007 Internal Monitoring of Food Enforcement Activities
- Moyle DC food team meeting minutes

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

- Authorisations
- Qualifications and training files
- Food standards inspection records
- Sampling records
- Internal monitoring records

(3) Interviews – the following officers were interviewed:

- Audit Liaison Officer Senior Environmental Health Officer Consumer Services
- Head of Environmental Health Unit

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 one of the Council's officers to a food establishment within Moyle DC's area. The purpose of the visit was to verify that appropriate risk based, proportionate food standards official were carried out.

Annexe D - Glossary

Audit	Audit means a systematic and independent examination to determine whether activities and related results comply with planned arrangements and whether these arrangements are implemented effectively and are suitable to achieve objectives.
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.
Codes of Practice (CoP)	Government Codes of Practice issued under Section 40 of the Food Safety (NI) Order 1991 as guidance to local authorities on the enforcement of food legislation.
Environmental Health Officer (EHO)	Officer employed by the local authority to enforce food safety legislation.
Food Business Operator (FBO)	This refers to the natural or legal persons responsible for ensuring that the requirements of food law are met within the food business under their control.
Food hygiene	The legal requirements covering the safety and wholesomeness of food.
Food Law Code of Practice (Northern Ireland) April 2012	Article 39 of the Food Safety (NI) Order 1991 (the Order), Regulation 22 of the Food Hygiene Regulations (NI) 2006 and Regulation 6 of the Official Feed and Food Controls Regulations (NI) 2009, which empower the Department of Health Social Services and Public Safety to issue codes of practice concerning the execution and enforcement of that legislation by district councils. This code is issued as guidance to Local Authorities on the enforcement of food legislation. It relates to Northern Ireland only.
Food standards	The legal requirements covering the quality, composition, labelling, presentation and advertising of food, and materials in contact with food.
Food Standards Agency	The Food Standards Agency is an independent

(FSA)	<p>Government department set up by an Act of Parliament in 2000 to protect the public's health and consumer interests in relation to food.</p> <p>Everything we do reflects our vision of Safe Food and Healthy Eating for all.</p>
Formal samples	<p>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.</p>
Framework Agreement	<p>The Framework Agreement consists of:</p> <p>Chapter One Service Planning Guidance</p> <p>Chapter Two The Standard</p> <p>Chapter Three Monitoring of Local Authorities</p> <p>Chapter Four Audit Scheme for Local Authorities</p> <p>The Standard sets out the Agency's expectations on the planning and delivery of food law enforcement.</p> <p>The Monitoring Scheme requires Local Authorities to submit an annual return to the Agency on their food enforcement activities i.e. numbers of inspections, samples, and prosecutions. Under the Audit Scheme the Food Standards Agency will be conducting audits of the food law enforcement services of Local Authorities against the criteria set out in The Standard.</p>
Full Time Equivalent (FTE)	<p>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.</p>
Home Authority	<p>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.</p> <p>Acts as the central contact point for other enforcing</p>

	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.
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.
Local Authority (LA)	an organization that is officially responsible for all the public services and facilities in a particular area.
Member forum	A local authority forum at which Council Members discuss and make decisions on food and feed law enforcement services.
Northern Ireland Food Liaison Group (NIFLG)	NIFLG is a sub-group of the Chief Officers Group (CEHOG), acts on behalf of 26 district councils in Northern Ireland as a co-ordinating body for the Food Control function, and consists of food specialist officers from each of the four Group areas in Northern Ireland, Belfast City Council, a district council representative, and a representative from the Food Standards Agency in Northern Ireland.
Practice Guidance	Guidance issued by the Food Standards Agency to assist district councils with the discharge of their statutory duty to enforce the Food Safety (NI) Order 1991, Regulations made under it, and food law made under the European Communities Act 1972.
Pre-visit Questionnaire (PVQ)	Used by FSA auditors to request information prior to an audit visit , to maximise the effectiveness of the time spent with a local authority.
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 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.