



---

# **Report on the Food and Feed Law Enforcement Service**

Newport City Council  
13 – 17 January 2014

## Foreword

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

The attached audit report examines the local authority's Food and Feed Law Enforcement Service. The assessment includes consideration of the systems and procedures in place for interventions at food and feed businesses, food and feed sampling, internal management, control and investigation of outbreaks and food related infectious disease, advice to business, enforcement, food and feed safety promotion. It should be acknowledged that there may be considerable diversity in the way and manner in which authorities provide these services reflecting local needs and priorities.

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) is available on the Agency's website at:

[www.food.gov.uk/enforcement/enforcework/frameagree](http://www.food.gov.uk/enforcement/enforcework/frameagree)

The main aim of the audit scheme is to maintain and improve consumer protection and confidence by ensuring that authorities are providing effective food and feed law enforcement services. The scheme also provides the opportunity to identify and disseminate good practice, and provide information to inform Agency policy on food safety, standards and feedingstuffs and can be found at:

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

The report contains some statistical data, for example on the number of food establishments inspections carried out. The Agency's website contains enforcement activity data for all UK local authorities and can be found at:

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

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

For assistance, a glossary of technical terms used within the audit report can be found at Annex C.

<b>CONTENTS</b>		<b>Page</b>
1	<b>Introduction</b>	<b>4</b>
	Reason for the Audit	<b>4</b>
	Scope of the Audit	<b>4</b>
	Background	<b>5</b>
2	<b>Executive Summary</b>	<b>10</b>
	<b>Audit Findings</b>	<b>14</b>
3	Organisation and Management	<b>14</b>
4	Review and Updating of Documented Policies and Procedures	<b>20</b>
5	Authorised Officers	<b>21</b>
6	Facilities and Equipment	<b>24</b>
7	Food and Feed Establishments Interventions and Inspections	<b>26</b>
8	Food, Feed and Food Establishments Complaints	<b>39</b>
9	Primary Authority Scheme and Home Authority Principle	<b>42</b>
10	Advice to Business	<b>43</b>
11	Food and Feed Establishments Database	<b>44</b>
12	Food and Feed Inspection and Sampling	<b>46</b>
13	Control and Investigation of Outbreaks and Food Related Infectious Disease	<b>48</b>
14	Feed and Food Safety Incidents	<b>50</b>
15	Enforcement	<b>51</b>
16	Records and Interventions/Inspection Reports	<b>55</b>
17	Complaints About the Service	<b>58</b>
18	Liaison with Other Organisations	<b>59</b>
19	Internal Monitoring	<b>60</b>
20	Third Party or Peer Review	<b>63</b>
21	Food and Feed Safety and Standards Promotion	<b>64</b>
	<b>Annexes</b>	
A	Action Plan for Newport City Council	
B	Audit Approach/Methodology	
C	Glossary	

## **1 Introduction**

- 1.1 This report records the results of an audit of food hygiene, food standards and feedingstuffs at Newport City Council under the headings of the FSA Feed and Food Law Enforcement Standard. It has been made publicly available on the FSA's website at: [www.food.gov.uk/enforcement/auditandmonitoring/auditreports](http://www.food.gov.uk/enforcement/auditandmonitoring/auditreports)

### ***Reason for the Audit***

- 1.2 The power to set standards, monitor and audit local authority food and feed law enforcement services was conferred on the FSA by the Food Standards Act 1999 and the Official Feed and Food Controls (Wales) Regulations 2009. The audit of the food and feed service at Newport City Council was undertaken under section 12(4) of the Act and Regulation 7 of the Regulations.
- 1.3 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 FSA, 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>
- 1.4 The authority was audited as part of a three year programme (2013 – 2016) of full audits of the 22 local authorities in Wales.

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

- 1.5 The audit covered Newport's arrangements for the delivery of food hygiene, food standards and feed law enforcement services. The on-site element of the audit took place at the authority's offices in Newport on

---

<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).

13-17 January 2014, and included verification visits at food and feed businesses to assess the effectiveness of official controls implemented by the authority, and more specifically, the checks carried out by the authority's officers, to verify food and feed business operator (FBO/FeBO) compliance with legislative requirements.

- 1.6 The audit also afforded the opportunity for discussion with officers involved in food and feed law enforcement with the aim of exploring key issues and gaining opinions to inform Agency policy.
- 1.7 The audit assessed the authority's conformance against "The Standard". The Standard was adopted by the FSA Board on 21<sup>st</sup> September 2000 (and was subject to its fifth amendment in April 2010), and forms part of the Agency's Framework Agreement with local authorities. The Framework Agreement can be found on the Agency's website at [www.food.gov.uk/enforcement/enforcework/frameagree](http://www.food.gov.uk/enforcement/enforcework/frameagree)

### ***Background***

- 1.8 Newport is a unitary authority in south-east Wales located within a few miles of the second Severn crossing along the M4 corridor. As Wales' newest city, Newport forms the gateway between Wales and England. Covering an area of just over 73.5 square miles, it is bordered by the Welsh unitary authorities of Cardiff, Monmouthshire, Torfaen and Caerphilly.
- 1.9 Newport has a population of 145,700 and the second largest number of people from a non-white background of the local authorities in Wales after Cardiff. The population has increased by 6% since 2001, due to increased life expectancy and overseas immigration.
- 1.10 Newport has been a port since medieval times and until the rise of Cardiff from the 1850's was Wales' largest coal-exporting port. During the 20<sup>th</sup> century the docks declined in importance, but Newport remained an important manufacturing and engineering centre.
- 1.11 Currently, the Port of Newport is a general cargo port importing approximately 1.5 million tonnes of cargo per annum. Main imports include coal, steel, timber and timber products. The remainder includes clay products, agribulks and animal feed. Between April and December

2011 around 25,000 tonnes of animal feed was imported through the port including soya, palm kernel, sunflower, organic wheat, dried peas and olive cake pellets. Countries of origin included USA, Malaysia, Argentina, Russia and consignments from countries within the European Union.

- 1.12 After losing some of its core industries, the city is re-establishing and adapting itself as a centre of modern industry and commerce, providing jobs and opportunities for local people, and communities along the M4 corridor and the eastern valley.
- 1.13 Newport is ranked as the fourth most deprived local authority in Wales, with 16% of Lower Super Output Areas in the most deprived 10% in Wales.
- 1.14 The authority's Public Protection Department within Regeneration and Regulatory Services is responsible for food and feed law enforcement, and for the investigation and control of cases and outbreaks of food poisoning and communicable disease.
- 1.15 The Public Protection Manager is responsible for overseeing the delivery of food and feed law enforcement services, with day to day management being the responsibility of the Environmental Health Manager (food safety, communicable disease control and port health) and the Trading Standards Manager (food standards and feed).
- 1.16 Officers and support staff responsible for food hygiene, food standards and feed were based in offices at the Telford Depot, Telford Street Newport.
- 1.17 In 2013/14 the authority reported that there were 1,392 food establishments in Newport, the profile of which had been provided in the Food Safety and Communicable Disease Business Unit Plan 2013/14:

Type of food premises	Number
Primary Producers	3
Distributors/Transporters	24
Slaughterhouses	0
Manufacturers and Packers	48
Importers/Exporters	2
Retailers	278
Restaurants and Caterers	1034
<b>Total number of food premises</b>	<b>1,392*</b>

\*The total does not equal the sum of the components which is 1,389

N.B The premises profile provided above was not consistent with that provided in the Food Standards and Feed Law Enforcement Plan 2013/14.

- 1.18 The profile of animal feed establishments was provided in the Food Standards and Feed Enforcement Service Delivery Plan 2013/14:

Type of feed premises	Number
Animal Feedingstuffs - Manufacturer	29
Animal Feedingstuffs - Retailer	16
Pet Food Manufacturer	0
Approved/Registered on Farm Mixers	7
Other on Farm Mixers/Compound Feed Use	96
Feed Intermediaries/Wholesalers	1
Importers of Feed Materials	6

- 1.19 The authority had taken the lead in co-ordinating the Greater Gwent Feed Project in 2012/13. The purpose of the project was to collate information on the following:

- Consistency of risk assessments on farms across the Greater Gwent authorities;
- Consistency and accuracy of feed activity codes;
- The control and storage of feed by feed business operators;
- The number of establishments requiring documented feed HACCP systems;

- Assessment of HACCP systems to establish whether controls are effective and consistent and suggest improvements;
- How information relating to feed establishments including documentation is stored and maintained;
- The feed sampling equipment held by each authority;
- Use of co-products, by farmers and suppliers;

1.20 The project highlighted the fact that official feed controls needed to be significantly increased at a time when the resources for enforcement have been significantly reduced, with the reduction planned to continue.

1.21 The Food Safety and Communicable Disease Business Unit Plan 2013/14 stated that the authority had allocated the following full-time equivalent staff to the delivery of food safety official controls and communicable disease control:

**Food Hygiene Full Time Equivalents**

- 1.0 Principal Environmental Health Officer
- 4.0 Senior Environmental Health Officers
- 1.0 Senior Technical Officer
- 1.0 Food Safety Officer
- 0.48 Clerical Officers

1.22 The staff resources allocated to food standards and feed were detailed in the Food Standards and Feed Law Enforcement Service Delivery Plan 2013/14:

**Food Standards Full Time Equivalents**

- 0.4 Principal TSO (AH)
- 0.05 Principal TSO (FT)
- 0.05 TSO-Team Leader
- 1.0 Senior TSO/TSO (5 officers)
- 0.025 Trading Standards Manager

**Feed Full Time Equivalents**

- 0.4 Principal TSO (AH)
- 0.05 Senior Animal Health Inspector
- 0.025 Trading Standards Manager
- 0.05 Other TSO's

- 1.23 Expenditure on food safety of £291,500, and £649.500 on Trading Standards (including Animal Health) had been reported in the 2013/14 Public Protection Service Plan. The proportion of the Trading Standards budget allocated to food standards and feed enforcement had not been provided.
- 1.24 The authority had been participating in the National Food Hygiene Rating Scheme which was launched in Wales in October 2010. The food hygiene ratings of 1,027 food establishments in Newport were available to the public on the National Food Hygiene Rating Scheme website.
- 1.25 At the time of the audit the authority was working with neighbouring authorities to explore how Trading Standards (including food standards and feed) could be delivered regionally in the Greater Gwent area.

## 2 Executive Summary

- 2.1 Newport City Council was audited as part of a three year rolling programme of all 22 local authority food and feed law enforcement services in Wales. Food and feed law enforcement services were provided by the authority's Public Protection Service. The Public Protection Manager was responsible for overseeing the delivery of these services. Day to day management of food hygiene law enforcement was the responsibility of the Principal Environmental Health Officer. Food standards and feed was the responsibility of the Trading Standards Manager.
- 2.2 A number of service planning documents had been developed setting out the authority's plans for delivering food hygiene, food standards and feed services. Plans for food standards and feed were largely in accordance with the Service Planning Guidance in the Framework Agreement. Further development of the Food Safety and Communicable Disease Service Plan was required to meet the requirements of the Standard.
- 2.3 Newport's strategic location on the M4 corridor provides a gateway between England and Wales. The City is regarded as a major economic hub, playing a vital role in the regional economy. The high business turnover reported by officers presents ongoing challenges for food law enforcement. Notwithstanding this, economic regeneration had been identified as a corporate priority and the authority was able to demonstrate that it had been proactive in providing food hygiene, food standards and feed advice to local businesses to assist them in complying with the law.
- 2.4 With the second highest proportion of minority ethnic groups in Wales, the authority faced additional challenges in ensuring legislative requirements are effectively communicated to and understood by food businesses operators whose first language may not be English.
- 2.5 In respect of food hygiene the authority was able to demonstrate that it had adopted a risk based approach to the inspection of food businesses. However, at the time of the audit a number of food hygiene interventions were overdue including some higher risk establishments. The authority

was confident that the food hygiene intervention programme would be completed by year end. Generally, food hygiene official controls had been carried out in accordance with the Food Law Code of Practice and centrally issued guidance, although improvements were required in the authority's approach to approved establishments.

2.6 The authority was able to evidence that formal enforcement action had been taken to deal with food hygiene contraventions at non-compliant food establishments where required.

2.7 Notwithstanding the fact that the food standards risk rating scheme in use was not comparable with the risk rating scheme in the Food Law Code of Practice, the authority had adopted a risk based approach to food standards interventions. The need for improved records was identified to enable the authority to demonstrate that comprehensive assessments of food business compliance with food standards law had been carried out.

2.8 The authority's feed service had been the subject of a FSA focused audit in 2011. Sixteen recommendations for improvement had been identified in respect of which auditors were able to verify that all but five had been implemented. Significant improvements had been made in the delivery of imported feed controls at Newport Docks. The need for improvements to the authority's inspection of feed establishments, the information provided to feed business operators following inspections of feed establishments, the feed establishments database and internal monitoring of feed activities were identified for improvement. Satisfactory arrangements were in place for investigating feed complaints. The authority had worked collaboratively with local authorities in Gwent with the aim of improving the delivery of official feed controls in the region.

## 2.9 **The Authority's Strengths**

### **Food, Feed and Food Establishments Complaints**

Food hygiene and feed complaints had been investigated in accordance with the authority's procedures. Stakeholders had been contacted in relevant cases and complainants informed of the outcome of investigations.

### **Food Hygiene, Food Standards and Feed Advice to Business**

The authority had been proactive in providing assistance to businesses to help them comply with the law.

### **Feed and Food Safety Incidents**

The arrangements in place for initiating and responding to feed and food safety alerts and incidents were effective and in accordance with relevant Codes of Practice.

### **Liaison with Other Organisations**

There were effective arrangements in place for liaison with other organisations across food hygiene, food standards and feed enforcement services.

### **Complaints about the Service**

Managers were able to demonstrate that there were effective arrangements in place to investigate complaints about food and feed law enforcement services.

### **Port Health Interventions and Inspections**

A comprehensive risk-based vessel inspection 'targeting procedure' ensured the authority's duties under food legislation were effectively targeted. Compliance of vessels had been assessed to legally prescribed standards and appropriate action taken where non-compliance had been identified.

## **2.10 The Authority's Key Areas for Improvement**

### **Food Hygiene Organisation and Management**

The authority's Food Safety and Communicable Disease Service Plan required further development to address all requirements of the Service Planning Guidance in the Framework Agreement.

### **Food Hygiene, Food Standards and Feed Intervention Frequencies**

The authority was not carrying out food hygiene, food standards or feed interventions at the minimum frequencies required in the Codes of Practice. Interventions carried out at the minimum frequencies ensure that risks associated with food and feed businesses are identified and followed up in a timely manner.

**Feed Establishments Database**

Auditors acknowledged the work that had been carried out to improve the authority's feed establishment database. However, anomalies in the data reported to the FSA indicated that further work was required to ensure the feed establishment database is up to date and accurate.

**Feed Interventions and Reports**

Feed inspections had been largely announced rather than unannounced and establishments risk rated without the benefit of an inspection. Insufficient detail had been provided on inspection forms which in some cases had only been partially completed. The risk rating scheme in place was not comparable with the risk rating scheme in Annex 5 of the Feed Law Enforcement Code of Practice. Feed business operators had not been provided with reports following inspections.

**Food Standards Interventions and Reports**

Some food establishments had been risk rated without an inspection and records were not sufficiently detailed to demonstrate that a thorough assessment of business compliance with legal requirements had been made or to verify the risk rating scores applied. Further, the risk rating scheme in place was not comparable with the risk rating scheme in Annex 5 of the Food Law Code of Practice. Not all information required by the Food Law Code of Practice had been provided to food business operators following inspections.

**Internal Monitoring Feed**

Qualitative internal monitoring records for feed activities were not available.

## **Audit Findings**

### **3 Organisation and Management**

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

- 3.1 The authority operated a Cabinet style of local government with a Constitution that set out the authority's decision making arrangements. Under the Constitution, decisions on certain specific matters had been delegated to officers.
- 3.2 A 'Food Safety and Communicable Disease Business Unit Plan 2013/14' and a 'Trading Standards - Food Standards and Feed Law Enforcement Service Delivery Plan 2013/14' had been developed. These had been approved by the relevant Cabinet Member. The Food Safety and Communicable Disease Business Unit Plan 2013/14 was available on the authority's website.
- 3.3 The following additional documents which included information on the authority's food and feed law enforcement services, communicable disease control and port health were also available:
- Environmental Health Business Unit Plan 2013/14
  - Trading Standards Business Unit Plan and Strategic Assessment 2013/14
  - Trading Standards Service Delivery Plan 2013/14
  - Public Protection Service Plan 2013/14
  - Regeneration and Regulatory Services - Service Improvement Plan 2014/14
- 3.4 Considered together, information provided in the abovementioned plans in respect of food standards and feed largely met the requirements set out in the Service Planning Guidance in the Framework Agreement. In respect of food hygiene, planning documents required further development to demonstrate full compliance with the Standard.
- 3.5 The contribution of the authority's food and feed services to the National Enforcement Priorities for Wales, the Council's Corporate Plan 'Standing Up for Newport' and the Single Integrated Plan 'Feeling Good About Newport' had been highlighted in the Service Plans.

- 3.6 The service delivery points used by the authority, and the times services were available had not been included.
- 3.7 The Food Safety and Communicable Disease Business Unit Plan set out the key objectives for the service:
- To enforce food safety and hygiene legislation as decreed by statute;
  - To endeavour to ensure that food originating or supplied in the City is safe to eat;
  - To endeavour to ensure that all businesses making and/or supplying food in the City meet food hygiene standards;
  - To encourage businesses to comply with food legislation by providing clear information and guidance on their legal responsibilities and by promoting business awareness and liaison and the home/lead authority principle and by forming collaborative partnerships with Primary Authorities;
  - To take appropriate and measured enforcement action against businesses that break food safety laws including instituting legal proceedings against persistent offenders or in more serious circumstances in accordance with our enforcement policy;
  - To carry out a food sampling programme to monitor the microbiological quality of ready to eat food either manufactured or sold in the City on the basis of risk to health and in conjunction with regional and national initiatives;
  - To respond as appropriate to all food alerts issued by the Food Standards Agency;
  - To respond as appropriate to all notifications of infectious disease or suspected food poisoning in accordance with the requirements of the Outbreak Plan in conjunction with the consultant in communicable disease control.
- 3.8 The food hygiene risk profile of food establishments in Newport had not been provided in the Food Safety and Communicable Disease Plan 2013/14, however there was a commitment to inspect 100% of higher risk food establishments due for inspection:

## Food Hygiene:

<b>Risk category</b>	<b>No. interventions required under Code of Practice</b>
A	38
B	171
C	350

- 3.9 In addition to interventions at higher-risk food establishments, the authority committed to carry out inspections at 20 category D rated establishments which had been due for inspection prior to April 2012, all unrated establishments which had registered prior to 1 April 2013, to issue self- assessment questionnaires and /or inspect new businesses registered after 1 April 2013 within 28 days and to issue risk evaluation questionnaires to all category E establishments due for inspection prior to 1 April 2013. The later interventions had not been quantified. There was also a commitment to inspect all approved establishments in accordance with the inspection frequencies laid down in the Food Law Code of Practice.
- 3.10 An estimate of the number of food hygiene revisits to follow-up any non-compliance identified had not been provided.
- 3.11 Arrangements and priorities for food sampling and dealing with incidents were detailed in the Service Plan. However, an estimate of the number of samples to be taken, the likely demand in respect of incidents and the resources required had not been provided.
- 3.12 The Service Plan detailed the authority's arrangements for dealing with food complaints and notifications of foodborne communicable disease together with an estimate of the likely demand based on previous years data. However an indication of the resources required had not been provided.
- 3.13 In respect of food hygiene, the authority was not acting as a Primary or Home Authority for any businesses and a statement in relation to Primary/Home Authority had not been included in the Service Plan. In practice, the authority was found to be having regard to these matters in its capacity as an enforcing authority in dealing with relevant businesses.

- 3.14 The Service Plan included the number of posts available to deliver the food hygiene service but not those required. Only limited information on the arrangements in place for liaison with other organisations to ensure consistent enforcement and the promotional work planned had been provided. However, in practice, liaison arrangements were found to be particularly robust.
- 3.15 The demands placed on the food hygiene service by the large number of temporary events which take place in Newport had been identified as a particular challenge. An estimate of the resource implications of this work had not been provided, although the authority committed to inspect 100% of catering units at these events. As the number of catering units was not provided in the Service Plan, the benefits of including this information, together with an estimate of the resources that would be required to undertake the work in future plans was discussed.
- 3.16 Staff development and internal monitoring of food hygiene official controls had not been addressed in the Service Plan contrary to the service planning guidance in the Framework Agreement.
- 3.17 The food safety budget was set out in the Public Protection Service Plan and for 2013/14 was reported to be £291,500. To meet the requirements of the Framework Agreement more detail should be provided in relation to the budget together with the trend of growth or reduction in real terms.
- 3.18 Arrangements for reviewing and reporting performance against Service Plans, identifying variations and areas for improvement were all found to be satisfactory.
- 3.19 Priorities for the Trading Standards had been identified in Service Planning documents and included:
- Maintaining a safe and fair trading environment for consumers and traders;
  - Ensuring the food chain is robust from farm to fork and improving information about food, health and nutrition.
- 3.20 The risk profile of businesses in respect of food standards and feed, together with the number of interventions due in 2013/14 were detailed in the Food Standards and Feed Enforcement Plan:

## LACORS Food and Feed Risk Ratings Profile

<b>Risk category</b>	<b>High</b>	<b>Medium</b>	<b>Low</b>
LACORS profile food standards	71	454	768
Target food standards	71	227	154
LACORS profile feed	36	28	91
Target feed	36	14	18

- 3.21 Although the number of interventions due by risk category had been provided, neither an estimate of the number of new businesses that would require an intervention, nor the number of revisits to food and feed establishments during the year was provided.
- 3.22 The Food Standards and Feed Law Enforcement Service Plan 2013/14 addressed most of the requirements set out in the Service Planning Guidance in the Framework Agreement, including the requirement for service review and the need to address variances in meeting the requirements of previous plans. However, future plans should include a more detailed estimate of service demand, an estimate of the resources required to deliver the service against those available and more detailed information on the budget, including a statement on the trend of growth or reduction.

***Recommendation***

3.23 The authority should:

- (i) In respect of food hygiene, food standards and feed, further develop the service planning arrangements, in accordance with the Service Planning Guidance in the Framework Agreement. An assessment of the resources required to deliver food and feed law enforcement services against the resources available should be included. [The Standard – 3.1]

#### **4 Review and Updating of Documented Policies and Procedures**

- 4.1 The authority had developed a range of documented policies and procedures to support the delivery of official food and feed controls. Some of these had been based on templates produced collaboratively by the Wales Heads of Environmental Health Food Safety Technical Panel, others were specific to Newport.
- 4.2 There were document control systems in place for Trading Standards and Environmental Health Food Safety. Amendments to existing policies and procedures and the creation of new ones was carried out by the Trading Standards Manager and the Principal Environmental Health Officer Food Safety. These officers were responsible for ensuring superseded documents were removed from use, and communicating changes to officers.
- 4.3 Controlled read only documents were stored electronically on a shared drive which could be accessed by all officers responsible for delivering official food and feed controls.
- 4.4 In respect of food hygiene, some controlled documents e.g. notices and pro-formas had been saved on the authority's food establishments database. Amendments to these documents were made by the systems administrator under the supervision of the Principal Environmental Health Officer.
- 4.5 There was evidence that documented policies and procedures had been subject to recent review. As amendments were made to several food hygiene work procedures during the audit, auditors advised that, consideration should be given to officer training to ensure they were aware of the changes. No superseded documents were found to be in place during the audit.

## **5 Authorised Officers**

- 5.1 The authority had a scheme of delegation in place which provided the Head of Regeneration and Regulatory Services with powers and duties under Environmental Health and Trading Standards legislation. These included the powers to authorise duly appointed officers. The scheme of delegation and associated procedures provided the appropriate authority for the Public Protection Manager, Environmental Health Manager and Trading Standards Manager to authorise officers and recommend the commencement of legal proceedings to the Head of Legal Services.
- 5.2 The authorisation procedure for food hygiene required an assessment of officers qualifications, training and competency prior to them being authorised. The Principal Environmental Health Officer was responsible for carrying out these assessments and recommending the appropriate level of authorisation to the Environmental Health Manager.
- 5.3 The authorisation of feed and food standards officers was not based on a documented assessment of competence although auditors were advised by the Trading Standards Manager that officer qualifications and training had been considered prior to authorisation.
- 5.4 Officer authorisation procedures did not include reference to new starter or refresher training, as required by the Food and Feed Law Codes of Practice and Practice Guidance.
- 5.5 Food and feed law enforcement officers had been authorised under a range of relevant legislation. However, auditors noted that officers had been authorised generically under some legislation contrary to centrally issued guidance, which states that officers need to be separately authorised to deal with matters arising under specific implementing Regulations. Auditors were advised that the authority's legal department had been consulted and was satisfied that the existing authorisations would withstand legal challenge. In practice, officers were generally undertaking duties consistent with the competency requirements set-out in the relevant Codes of Practice.
- 5.6 The Food Standards Agency had authorised six of the authority's officers under the Food and Environmental Protection Act 1985. Auditors noted that the authority had authorised other officers under this legislation,

despite not having the authority to do so. Officers who have not been authorised by the FSA should have reference to the Food and Environmental Protection Act 1985 removed from their authorisations. Alternatively, the authority was advised that a request could be made to the FSA to authorise these officers.

- 5.7 Suitably qualified and experienced lead officers had been identified for food hygiene and food standards. Specialist officers had also been appointed for feed and communicable disease control. Officers carrying out port health duties possessed the specialist knowledge demanded by the role.
- 5.8 The qualifications, training records and authorisations of ten officers were examined. These included food hygiene, food standards and feed officers.
- 5.9 Auditors noted that two officers carrying out level one feed duties were not qualified in line with the requirements of the Feed Law Code of Practice or their authorisations. One of these officers was removed from feed duties during the audit. Auditors noted that the other officer was working towards the appropriate qualification in 2015.
- 5.10 The authority had systems in place to identify officer training needs using the 'My Review' performance management process and officer one-to-one meetings. Examination of a sample of officer training records confirmed that officers were generally receiving the compulsory 10 hours CPD required by the Food Law Code of Practice. Two food hygiene officers had not received 10 hours CPD in the previous year, along with one feed officer. During the audit the authority made the decision to remove this officer from any further feed duties.
- 5.11 Auditors noted that generally officer training records had not been consistently maintained by the authority although there was evidence of recent improvement in respect of food hygiene officers.

### ***Recommendations***

5.12 The authority should:

- (i) Include reference to the arrangements for new starter and refresher training in authorisation procedures and ensure the procedures for authorising food standards and feed officers link authorisation levels to an assessment of officer qualifications and competencies as required by the Food and Feed Codes of Practice and centrally issued guidance. [The Standard – 5.1]
- (ii) Review and update authorisation documents to ensure they include references to all relevant and up to date legislation and are consistent with officers' duties, qualifications, training, experience and the relevant Code of Practice. [The Standard – 5.1 and 5.3]
- (iii) Ensure all officers carrying out feed enforcement work are appropriately qualified in accordance with the Feed Law Enforcement Code of Practice and that all authorised officers complete the necessary 10 hours CPD training. [The Standard – 5.3]
- (iv) Ensure that all authorised officers receive the training needed to be competent to deliver the technical and administrative aspects of the work in which they will be involved, in accordance with the Codes of Practice. [The Standard – 5.4]
- (v) Maintain records of relevant academic or other qualifications, training and experience of each authorised officer in accordance with the relevant Codes of Practice. [The Standard – 5.5]

## **6 Facilities and Equipment**

- 6.1 The authority had the necessary facilities and equipment required for the effective delivery of the food hygiene and food standards services. A number of items of equipment required for feed sampling were not available, although it was noted that the missing items were not required for the sampling activities programmed. Details of the missing items were provided to the Principal Trading Standards Officer. Adequate storage facilities that were accessible to relevant officers had also been provided.
- 6.2 A procedure for the calibration of thermometers detailing the arrangements for ensuring that all thermometers were properly identified, assessed for accuracy and withdrawn from use when found to be defective, had been developed by the authority. The procedure made reference to monthly testing frequencies and tolerances, together with action to be taken when tolerances were exceeded, which were consistent with the requirements of the Food Law Practice Guidance.
- 6.3 Officers had been supplied with infra-red and probe thermometers, which were being calibrated using a reference thermometer. Records relating to calibration were being maintained by the authority, although an examination of these confirmed that checks had not been carried out on all thermometers in accordance with the time period specified in the procedure.
- 6.4 The authority had developed a procedure for monitoring food sampling equipment, which required team leaders to examine all sampling equipment on a quarterly basis, to ensure the availability of sufficient stocks and that the equipment was fit for purpose. However, there were no records available to enable auditors to verify that all equipment had been identified for examination or that checks had been carried out within the specified time periods.
- 6.5 A documented procedure for the maintenance of feed sampling equipment had not been developed by the authority; although auditors noted that generally, equipment was available and maintained in good condition. Auditors discussed the benefits of extending the scope of the Food Sampling Equipment Monitoring procedure to include feed sampling equipment.

- 6.6 In respect of food hygiene, the authority's database was capable of providing accurately and reliably, the information requested by the FSA. A number of reports were requested during the on-site visit which were consistent with information which had been previously provided.
- 6.7 In respect of food standards and feed, auditors were able to verify that the database was capable of providing accurately and reliably some of the information required by the FSA. However, the risk rating scheme in use was not equivalent to that in Annex 5 of the Codes of Practice. The Trading Standards Manager was aware of this issue and explained the authority's reluctance to migrate to an alternative risk rating scheme in view of plans for collaboration across the Greater Gwent local authorities.
- 6.8 The Authority had back-up systems in place for electronic databases and systems in place to minimise the risk of corruption or loss of information held on its database. There were also security measures in place to prevent access and amendment of data by unauthorised persons.

***Recommendations***

- 6.9 The authority should:
- (i) Make available the range of necessary equipment for feed sampling. [The Standard - 6.1]
  - (ii) Fully implement its documented procedure for the calibration of food hygiene equipment; develop and implement a procedure for the maintenance of feed equipment, ensuring evidence of maintenance and service checks is maintained. [The Standard - 6.2]
  - (iii) Operate the food standards and feed databases in such a way as to be able to provide the required information to the FSA. [The Standard - 6.2]

## **7 Food and Feedingstuffs Establishments Interventions and Inspections**

### ***Food Hygiene***

- 7.1 In 2012/13 the authority had reported through LAEMS that 93.08% of category A-E food businesses due to be inspected had been inspected, and 88.25% of food businesses were 'broadly compliant' with food hygiene law (excluding unrated businesses and those outside the scope of the risk rating scheme). This represented an improvement of approximately 2.95% from 85.30% of businesses reported as 'broadly compliant' in the previous year.
- 7.2 The authority had developed a broad range of documented procedures aimed at establishing a uniform approach to the range of food hygiene interventions undertaken. These included official controls, revisits and approval of product specific establishments. An examination of these documents confirmed that reference had been made to relevant legislation and they were in accordance with the requirements of the Food Law Code of Practice and relevant centrally issued guidance.
- 7.3 At the time of the audit there were 331 food establishments overdue for inspection by more than 28 days, of which 34 were higher-risk. The authority advised auditors that they were confident of completing the inspection programme by the end of the year. Inspections at the higher-risk establishments had been due up to six months prior to the audit. The remainder of the overdue inspections related to lower risk establishments, one of which had not been inspected during the previous six years. This data demonstrated that the authority had attempted to adopt a risk-based approach to its food hygiene interventions programme.
- 7.4 The authority had included in its intervention procedure, a section detailing the administrative process for creating new business records. This involved sending a New Business Questionnaire and Food Business Registration Form to the food business operator. Information in returned questionnaires was used to identify the higher-risk establishments and prioritise them for interventions.

- 7.5 A Programmed Food Hygiene Inspection Form had been developed by the authority to assist officers in their inspections of food businesses. The form had also been adapted for the inspection of establishments subject to approval.
- 7.6 During the audit an examination of records relating to 10 food establishments was undertaken. The file histories of four confirmed that they had been inspected at the frequencies required by the Food Law Code of Practice. However, in recent years, six had not been inspected at the required frequencies, four of which were higher risk, i.e. one category B and three category C rated; and two were lower risk, i.e. category D rated. The higher risk establishments had all been inspected between two and three months after their due dates, with the exception of a new business, which had not received a primary inspection for more than eight months after registering with the authority. Both lower risk establishments had been inspected between two and four years after their due dates. The Food Law Code of Practice and Practice Guidance require that interventions take place within 28 days of the due date, and in the case of new businesses, subject to some flexibilities, within 28 days of commencement of operations.
- 7.7 Inspection records were available and legible for the 10 food establishments audited. In five cases the information recorded by officers on inspection forms was sufficient to demonstrate that an assessment of compliance with procedures based on Hazard Analysis Critical Control Points (HACCP) had been undertaken. In four cases there was a lack of detail recorded on inspection forms to enable auditors to verify that a thorough assessment had taken place. In the remaining case, it was recognised that the nature of the food operations undertaken negated the requirement for the business to develop a documented food safety management system.
- 7.8 Auditors were able to confirm that, in general, an adequate assessment of hygiene training of food handlers had taken place. However, in five out of ten cases, there were no records to evidence that food suppliers had been checked, and in all cases there was no evidence of an assessment of imported foods.
- 7.9 Inspection records confirmed that in four cases officers had undertaken an adequate assessment of the effectiveness of cross contamination

controls. In three cases the operations within these food businesses did not involve the handling of both raw and ready to eat foods and in the remaining three cases, records were insufficient to demonstrate that officers had fully considered business compliance in protecting food against cross contamination.

- 7.10 The risk ratings applied and recorded on the food establishment files were generally consistent with the inspection findings, but in one case relating to a low risk business, an additional score for establishments serving vulnerable groups had been inappropriately applied. This resulted in the allocation of an increased risk category, thus the establishment had been programmed for an inspection before it was due.
- 7.11 The authority's Food Hygiene Revisit Procedure stated that, 'generally, any food business assessed as not being 'broadly compliant' with food hygiene legislation will be subject to a revisit(s) together with any other necessary enforcement action, with the aim of achieving compliance.' In the 10 cases examined, revisits were not required at seven food establishments. Where revisits were required, evidence was available to confirm that in two cases these had taken place. However, one of the revisits had been carried out 11 days outside the revisit timescale specified in the authority's policy. In the remaining case, the revisit was still within its due date.
- 7.12 Appropriate follow-up action, in-accordance with the authority's Enforcement Policy had been taken by officers in all cases where non-compliances had been identified.
- 7.13 The authority had indicated prior to the audit that there were nine approved establishments in its area the records of which were examined.
- 7.14 Approvals had largely been granted in a timely and appropriate manner, although, in one case an establishment was operating without approval as its conditional approval had expired seven months previously. This establishment was inspected and issued with full approval during the audit. Conditional approval was also found to have expired by two and four months in two other establishments which had subsequently been issued with full approval. In three cases, there were no records to verify that visits had been carried out within three months to establishments

which had been issued with conditional approval prior to extending the approval. In a further case, information captured at the three monthly visit, prior to extension of the conditional approval was not sufficient.

- 7.15 Inspection histories confirmed that five approved establishments had been inspected at the frequencies required by the Code of Practice. In two cases this could not be determined due to the absence of risk ratings. The establishments which had not been inspected at the required frequencies were category C rated. One of these was overdue by six weeks and the other had an excessive gap between previous inspections.
- 7.16 Approved establishments had generally been risk rated correctly at the most recent inspection but this was not possible to determine in one case due to the absence of risk rating information. In three cases where ratings had been lowered, there were no explanations recorded on the files, as required by the Food Law Code of Practice. However, the lowered ratings had been subject to managerial monitoring and sign off.
- 7.17 In all cases, the most recent inspections had been carried out by appropriately authorised and trained officers. The most recent inspection notes were not available in three cases. Appropriate product specific inspection forms had been used by officers in four cases. In the other two cases, the forms did not prompt or allow capture of all applicable information for the activities being approved. It was not always possible to confirm the nature of the operations or whether a full assessment of legal requirements had been undertaken due to the variation in information captured on inspection forms. For example, information relating to the assessment of critical control points and health markings was sometimes insufficient.
- 7.18 The Authority had not developed an Alternative Enforcement Strategy (AES) for maintaining surveillance of lower risk establishments.

### ***Recommendations***

- 7.19 The authority should:
- (i) Ensure that food hygiene interventions/inspections are carried out at the minimum frequency specified by the Food Law Code of Practice. [The Standard -7.1]
  - (ii) Carry out interventions/inspections in accordance with relevant codes of practice and centrally issued guidance, and the authorities policies and procedures. [The Standard – 7.2]
  - (iii) Assess the compliance of establishments to the legally prescribed standards and ensure that observations made in the course of an inspection are recorded in a timely manner to prevent loss of relevant information. [The Standard – 7.3 & 7.5]

### ***Food Hygiene Verification Visits***

- 7.20 During the audit, verification visits were made to two food establishments with authorised officers of the authority who had carried out the last food hygiene inspections. The main objective of the visits was to consider the effectiveness of the authority's assessment of food business compliance with food law requirements.
- 7.21 The officers were knowledgeable about the businesses and demonstrated an appropriate understanding of the food safety risks. They had carried out thorough inspections and had appropriately assessed compliance with legal requirements and centrally issued guidance, and were offering helpful advice to the food business operators.
- 7.22 The findings of the previous inspections, detailed on the records held on file, reflected the conditions observed at the establishments and where it had been required, there was evidence that appropriate follow-up action had been undertaken.

## ***Food Standards***

- 7.23 The authority had a food standards inspection procedure, which stated that database checks should be carried out prior to undertaking visits and that unless there is a reason to do so, businesses should not be informed that officers are to attend. Auditors discussed the benefits of including within the procedure the matters that officers should have regard to during inspections.
- 7.24 Inspection records relating to 10 food establishments which the authority reported had been subject to inspection were examined. Audit checks identified that not all establishments had been subject to a food standards inspection. In particular, records relating to one establishment indicated that the businesses had never traded, another establishment was found not to be a food business, and a third had been subject to a desk top rating.
- 7.25 Where records confirmed that inspections had taken place, these had been carried out by suitably qualified and authorised officers.
- 7.26 Auditors were unable to verify that the frequency between inspections had been in accordance with the requirements of the Food Law Code of Practice as food establishments had been risk rated using a scheme that was not comparable with the risk rating scheme in Annex 5.
- 7.27 An inspection form had been developed to assist officers in capturing information during inspections a copy of which served as a report of visit issued to food business operators. Where necessary, officers had also made a record of inspection findings in their notebooks.
- 7.28 Information captured during inspections related largely to compliance with labelling and compositional requirements. However, key information not captured during inspections included the size and scale of the business, the type of activities carried out, an assessment of traceability or compliance with supplier specifications. Therefore auditors were unable to verify that a comprehensive assessment of food businesses' compliance with legal requirements had been carried out in all cases.
- 7.29 In two cases where risk ratings had been reduced following an inspection, information to justify the revision had not been recorded, contrary to the Food Law Code of Practice.

- 7.30 The authority had developed a revisit policy which required team leaders to be consulted in the event of ‘a significant level of contraventions’ being identified. The benefits of including criteria to be considered by officers for determining whether follow-up action is required and details of the timescales in which revisits should be carried out was discussed.
- 7.31 There were two cases where a revisit or equally effective follow-up intervention should have taken place. In the first case, this had not taken place and the contravention was again identified at the ensuing inspection, some 14 months later. Auditors noted that the non-compliance had since been resolved. In the second case the same labelling contravention had been identified in two consecutive inspections over a two year period, but with no follow-up since the last inspection in 2009.
- 7.32 The authority did not operate an Alternative Enforcement Strategy for food standards.

***Recommendations***

- 7.33 The authority should:
- (i) Ensure that food establishments’ interventions are carried out at a frequency not less than that determined under the intervention rating scheme set out in the Food Law Code of Practice. [The Standard -7.1]
  - (ii) Carry out food standards interventions/inspections in accordance with the relevant legislation, Codes of Practice, and centrally issued guidance. In particular, ensure that a suitable scheme of risk rating is operated correctly. [The Standard -7.2]
  - (iii) Assess the compliance of establishments to legally prescribed standards, record observations made and /or data obtained in the course of interventions in a timely manner to prevent loss of relevant information and ensure officers’ contemporaneous records of interventions are stored in such a way that they are retrievable. In particular, ensure that assessments of traceability, labelling and

compositional requirements are recorded in detail and information on the scale of businesses and their activities are documented. [The Standard -7.3 & 7.5]

- (iv) Review its inspection procedure to provide officers with guidance on the matters officers should have regard to during food standards inspections, and include within the revisit policy the criteria to be considered when determining whether follow-up action should take place and the timing of follow-up. [The Standard – 7.4]

### *Food Standards Verification Visit*

- 7.34 One food standards verification visit was carried out with the authorised officer who had carried out the last inspection. The officer possessed a good understanding of the business and was able to demonstrate that they had undertaken an appropriate assessment of business compliance with food standards requirements. Although the inspection form had not been thoroughly completed, auditors were able to confirm that a full scope inspection had taken place.

### ***Feed***

- 7.35 There were inconsistencies in the data provided to the FSA in respect of the number of feed establishments in the authority's area that had been risk rated. Information provided immediately prior to the audit indicated that 128 feed establishments had been risk rated.
- 7.36 It was stated in the Service Plan that 36 high risk, 14 medium risk and 18 low risk inspections would be undertaken in 2013/4. At the time of the audit 34 feed establishments were overdue an intervention by between seven and 80 months. The overdue interventions related to one low risk, seven medium risk and 26 high risk establishments, indicating that the authority may not be adopting a risk based approach to the delivery of official feed controls. The authority advised that it was confident that all due interventions would be completed by the end of the year.
- 7.37 The risk rating scheme being used by the authority was not comparable with the risk rating scheme in Annex 5 of the Feed Law Enforcement Code of Practice. The manager informed auditors that work to adopt a more suitable risk rating scheme had been held in abeyance pending a decision on regional collaboration in the delivery of Trading Standards Services.
- 7.38 The authority had adopted a procedure for feed inspections that was generally in accordance with the Feed Law Enforcement Code of Practice. The procedure included a statement specifying that inspections should be unannounced rather than announced except in "appropriate circumstances". Such circumstances had not been defined, however, auditors were informed that these would include all farm and port inspections. The benefits of including further guidance in the procedure

on the circumstances under which announced inspections should be carried out were discussed with managers.

- 7.39 The procedure for undertaking feed work on farms made reference to assessing risk by telephone. It was confirmed during the audit that some establishments are being allocated a risk rating without receiving a primary inspection contrary to the requirements of the Feed Law Enforcement Code of Practice.
- 7.40 File checks on 10 feed establishment inspections were carried out. One of the inspections had been incorrectly entered onto the database as a feed inspection. Three of the remaining nine related to feed importers who did not have establishments in Newport. Auditors advised that these should not therefore be included on the authority's feed establishments database.
- 7.41 Generally, feed inspections had not been carried out at the frequencies required by the Feed Law Enforcement Code of Practice. Four were overdue at the last inspection by intervals ranging from four to eight months.
- 7.42 File information was held electronically on the database. Generally, establishments had been correctly risk rated, however, in two cases, the risk had been assessed as too high for the feed activity taking place. Desktop risk ratings had taken place prior to the most recent risk rating in four cases.
- 7.43 In respect of feed business registration, this information was available on the database in the one case where this was necessary.
- 7.44 Feed inspections had been carried out by a suitably qualified and authorised officer at five establishments all of which had been announced contrary to the Feed Law Enforcement Code of Practice and the authority's own procedure.
- 7.45 Inspection records were available for five of the most recent inspections, however, one of these had not been held on the feed establishments database. In all five cases an appropriate inspection form had been used, however, only partial information had been recorded in three cases. In all five cases appropriate information was available concerning

the type of feed activity and the size and scale of the business. Generally, sufficient information was available to inform an effective assessment against legally prescribed standards, however, in two cases insufficient information had been recorded in respect of feed composition, labelling or presentation. In the one case where HACCP was relevant, the appropriate information had not been provided by the feed business operator.

7.46 In one case, further action to address the absence of a feed HACCP plan was appropriate but had not been taken.

7.47 The authority did not operate an Alternative Enforcement Strategy for feed.

*Recommendations*

7.48

The authority should:

- (i) Ensure that feed establishment interventions are carried out at the frequency specified by the Feed Law Enforcement Code of Practice. [The Standard -7.1]
- (ii) Carry out interventions/inspections at feed establishments in accordance with the relevant legislation, Code of Practice and centrally issued guidance. Ensure feed intervention procedures are amended accordingly. [The Standard -7.2]
- (iii) Ensure appropriate action is taken to follow-up non-compliance at feed establishments in accordance with its Enforcement Policy [The Standard -7.3]
- (iv) Ensure observations made in the course of interventions are recorded in a timely manner and officers' contemporaneous records of interventions are stored in such a way as to be retrievable. [The Standard – 7.5]

### *Feed Verification Visit*

- 7.49 During the audit, a verification visit was made to a feed business with the officer of the authority who had carried out the last feed inspection at the establishment. The main objective of the visit was to assess the effectiveness of the authority's assessment of feed business compliance with feed law requirements.
- 7.50 The officer was able to demonstrate sufficient knowledge about the establishment and the operations carried out. Contemporaneous inspection notes reflected the nature and scope of the inspection. The reality visit confirmed the findings of the file check i.e. that no further action was required. However, an observation was made that the officer should consider keeping a record of key documents examined during the inspection on file.
- 7.51 A second reality visit, to the port confirmed the findings of the file check i.e. that the activity undertaken had been a consignments check on imported feed product rather than a feed establishment inspection. Some examination had been undertaken of the port establishment used to store the product but the record maintained on the database file did not reflect a thorough inspection of the port establishment. Auditors concluded that as there was no establishment to inspect involving the importer, the activity undertaken had been recorded incorrectly as an establishment inspection.

### ***Port Health***

- 7.52 The authority was responsible for feed official controls at Newport Docks. The Docks operated as a spill-over port, at which cargoes of animal feed were regularly unloaded, inspected and, where appropriate, sampled by the Trading Standards team.
- 7.53 In addition to official feed controls, specialist officers within the Environmental Health team were responsible for the inspection of vessels docking at the port and the issue of sanitation certificates.
- 7.54 The authority had put in place a comprehensive risk-based vessel inspection 'targeting procedure' which it used to guide the implementation by the authority of its duties under food legislation. The

authority had also set up and implemented a procedure for the administration of sanitation certificates in accordance with the International Health Regulations 2005.

- 7.55 Five vessel files were checked and in all cases the authority was found to be carrying out interventions in accordance with the relevant legislation, Code of Practice, centrally issued guidance and its inspection procedure. in every case.
- 7.56 The authority was assessing the compliance of vessels to the legally prescribed standards through an approach of full and partial scope inspections as appropriate, with reference to their own procedure and the presence or absence of a valid sanitation certificate.
- 7.57 Appropriate action had been taken where non-compliance had been identified, and auditors were advised that in the event of a serious non-compliance there would be liaison with the Marine Coastguard Agency or next port of call, in accordance with their procedure.

## **8 Food, Feed and Food Establishments Complaints**

- 8.1 The authority had documented procedures/protocols for dealing with complaints about food standards and feed and food hygiene.
- 8.2 The target response time for responding to trading standards complaints was indicated in the procedure as being one working day. The response time for food hygiene complaints was three working days, with a stipulation that more urgent matters be addressed in a shorter timescale. Neither the circumstances nor timescale were stated for the more urgent matters. The file checks indicated that, in practice, matters requiring an urgent response had been prioritised.
- 8.3 The records of 10 food hygiene, 10 food standards and 10 feed complaints were requested for examination.

### ***Food Hygiene***

- 8.4 Records of complaints were being maintained on the food establishments database and establishments files in all cases. Complaint information was generally comprehensive in accordance with the Code of Practice and centrally issued guidance.
- 8.5 All complaints had been investigated and where applicable, contact had been made with relevant stakeholders. In one case the investigation record was updated during the audit to reflect investigations that had been undertaken but not previously recorded on the file. In a further case, there had been a delay in responding to the complaint. The investigation commenced some 16 days after the complaint had been received.
- 8.6 Further action had been taken as appropriate in all cases.

### ***Food Standards***

- 8.7 Records of complaints had been maintained on the food establishments' database. Complaint information was comprehensive in accordance with the Code of Practice and centrally issued guidance.

- 8.8 Seven of the complaints had been the subject of an appropriate investigation. In two cases, no significant investigation had taken place and in the remaining case, the investigation was on-going. In all but one case the investigations had commenced within the required response time. In that case there had been a delay of 1½ weeks after the complaint had been received before the investigation commenced.
- 8.9 Further action had been taken as appropriate in all but one case where a trader had been advised to address labelling contraventions which was not followed up in writing contrary to the authority's Enforcement Policy.
- 8.10 In all cases, the appropriate parties had been informed of the outcome of complaint investigations and where notification to the FSA had been required this had taken place.

### ***Feed***

- 8.11 Records of complaints had been maintained on the feed establishments' database. One of the files selected for audit had been incorrectly recorded as a complaint but did not relate to a matter requiring investigation. In respect of the remaining nine, complaint information was comprehensive in accordance with the Code of Practice and centrally issued guidance.
- 8.12 All complaints had been investigated and contact had been made with relevant stakeholders. However, three cases had not been responded to within the authority's target response time. Auditors discussed these cases with the lead feed officer and it was agreed that consideration would be given to alternative methods of recording advanced warnings of future consignments of imported foods as these were not complaints and did not normally require a response within one day.
- 8.13 Further action had been taken as appropriate in all cases.

***Recommendations***

8.14 The authority should:

- (i) Provide clarification in its food hygiene complaints procedure on what constitutes a 'more urgent matter' requiring a more timely response. [The Standard – 8.1]
- (ii) Review and amend the procedure for dealing with feed complaints in respect of advanced notifications of feed consignments. [The Standard – 8.1]
- (iii) Investigate food hygiene and food standards complaints in accordance with the Food Law Code of Practice, centrally issued guidance and its own policy and procedures. In particular, ensure that all cases are investigated within the required timescales. [The Standard – 8.2]
- (iv) Take appropriate action on food standards complaints in accordance with its Enforcement Policy. [The Standard – 8.3]

## **9 Primary Authority Scheme and Home Authority Principle**

- 9.1 The authority's commitment to the Primary Authority Scheme and Home Authority Principle was set out in the Food Safety and Communicable Disease Business Unit Plan and the Trading Standards and Feed Law Enforcement Service Delivery Plan.
- 9.2 The authority's Enforcement Policy and relevant work procedures had regard to Primary and Home Authority matters. Key officers had attended training on the Primary Authority scheme and there was evidence that this information had been effectively cascaded to other officers. All officers delivering food and feed official controls had been issued with passwords to access the Primary Authority website.
- 9.3 The authority did not have any Primary Authority partnerships with businesses. However, there was evidence that officers had regard to Primary Authority guidance when dealing with relevant businesses.
- 9.4 Whilst there were no formal Home Authority Agreements in place, auditors were informed that the authority was acting in accordance with Home Authority principles, providing advice to 13 food businesses based in the area. Accurate and timely advice had been provided to these businesses and other local authorities on request.

## **10 Advice to Businesses**

- 10.1 The authority had been proactive in providing food hygiene, food standards and feed advice to businesses. There was evidence that advice was provided to businesses during inspections as well as on request.
- 10.2 The authority had benefited from FSA grant funding to assist businesses in developing their food safety management systems. Further, food businesses achieving a food hygiene rating below 3 had been invited to attend a training course with the aim of improving their ratings prior to the requirement for compulsory display of food hygiene ratings.
- 10.3 The authority had provided targeted mailshots to butchers regarding the control of cross contamination which included a copy of the FSA's DVD.
- 10.4 The authority provided advice to prospective event caterers and had developed a food hygiene questionnaire to assist them in meeting food hygiene requirements during events.
- 10.5 Technical advice had been provided to businesses in respect of which it acted as a Home Authority.
- 10.6 To assist food businesses to comply with food standards law, mailshots had been sent to relevant businesses, including one regarding nutrition and health claims made on foods.
- 10.7 Links to the Trading Standards Institute and FSA websites had been provided on the authority's website which provided food and feed businesses with a comprehensive range of food standards and feed information.

## **11 Food and Feed Establishments Database**

- 11.1 The authority had developed work instructions to ensure its food and feed establishments databases were up to date and accurate.
- 11.2 The work instruction 'Checking Businesses on Databases' included details of the methods that would be used and included monthly comparisons of the databases with online business directories and trading websites. Monthly checks against the authority's business rates database were also undertaken to identify new businesses.
- 11.3 The work instruction 'Updating Databases Following Changes in Business Information' provided guidance for officers when they identified out of date information on the databases. The ability to create new records and delete out of data records was restricted to the systems administrators. .
- 11.4 Ten food businesses located in the authority's area were randomly selected from the Internet. All were found to be recorded on the food establishments' database and had been included in the authority's planned food hygiene and food standards interventions programmes. Registration details were also available for these businesses.
- 11.5 The authority had been proactive, and assisted by FSA funding, had taken a lead role in the development of a feed establishments database across local authorities in Gwent. Whilst auditors acknowledged the recent work that had been carried out to improve the authority's feed establishments database, anomalies in the number of feed establishments that had been reported to the FSA and in the authority's service planning documents provided evidence that additional work was required to ensure the accuracy of the data.
- 11.6 It was evident during the audit that the authority had systems in place to control the information entered onto the databases e.g. restricted access for entering and deleting information, dedicated and trained data inputting staff.
- 11.7 Lead officers and administrative support staff were key to ensuring the accuracy of the food and feed establishments databases, carrying out regular data verification checks.

***Recommendation***

11.8 The authority should:

- (i) Carry out a review of the feed database to ensure its accuracy. [The Standard – 11.1]

## **12 Food and Feed Inspection and Sampling**

- 12.1 The authority had appointed Public Analysts for the analysis of food and feed samples and had submitted samples to properly accredited laboratories. The laboratories were on the list of Official Laboratories that the UK Government had notified to the European Commission.
- 12.2 The authority had risk-based sampling policies and programmes for hygiene, standards and feed. The food sampling policy included consideration of national sampling priorities and regional collaboration in the planning of sampling programmes.
- 12.3 Sampling programmes for food hygiene, food standards and feed samples were being implemented.
- 12.4 The authority had developed satisfactory food sampling procedures for food hygiene, food standards and feed interventions. However, all would benefit from the inclusion of a reference to incident reporting and product detention / seizure.
- 12.5 The authority had successfully applied for grants from the Food Standards Agency to fund food standards (via the local sampling liaison group) and feed sampling projects.
- 12.6 Audit checks of records relating to 10 food hygiene, 10 food standards and 10 feed samples were carried out.
- 12.7 In all cases samples had been obtained by appropriately authorised officers, sampling had been carried out in accordance with the authority's sampling policies, procedures and programmes and sampling results were available.
- 12.8 Appropriate follow-up action had been taken by the authority on receipt of sample results in all but one case. In this case records of follow up action in response to a food standards sample had not taken place. In all relevant cases food businesses had been informed of unsatisfactory results.

- 12.9 Where appropriate, auditors were able to verify that liaison with home authorities / primary authorities / originating authorities had taken place.
- 12.10 Audit checks of 10 samples taken for analysis were carried out.
- 12.11 In all cases samples had been obtained by appropriately authorised officers and sampling results were available.
- 12.12 In all cases sampling had been carried out in accordance with the sampling policy, procedure and programme.
- 12.13 Food businesses had been informed of unsatisfactory results in relevant cases and generally, appropriate follow-up action had been taken by the

### **13 Control and Investigation of Outbreaks and Food Related Infectious Disease**

- 13.1 The authority had identified a lead officer for communicable disease who had attended events as part of the Wales Lead Officer Training programme.
- 13.2 The authority had an Outbreak Control Plan that had been developed in consultation with relevant stakeholders. The plan was based on a template that had been produced by a multi-agency group, including Public Health Wales and Welsh Government. Auditors noted that the contact details for neighbouring local authorities and other agencies that have a role in the control of outbreaks had been recently updated.
- 13.3 Procedures for the investigation of alleged food poisoning complaints and infectious disease notifications, which were supported by a range of advisory leaflets and questionnaires, had also been produced by the authority. These procedures made reference to the investigation of suspect foods and implicated food establishments.
- 13.4 The PEHO confirmed that goodwill arrangements were in place to respond to notifications out of office hours. Although the procedures did not provide information on receiving notifications out of hours, evidence was available to demonstrate that the authority had effectively responded to the notification of a suspected outbreak reported to the authority on a weekend via its contact centre.
- 13.5 Records relating to an outbreak investigation linked to a registered food business within the authority's area were examined. Auditors confirmed that the authority had carried out a comprehensive investigation, and were able to verify that a visit had been made to the implicated establishment. Further, there was evidence that communication had taken place with the appropriate agencies.
- 13.6 Notifications of nine sporadic cases of laboratory confirmed, food related infectious diseases were examined. In eight of these cases records were sufficient to confirm the extent of the investigations carried out. In the remaining case concerning the notification of a high-risk organism, the authority was unable to retrieve records to evidence that contact had been made with the case. However, the authority was able to

demonstrate that communication had taken place with healthcare professionals who had been in contact with the case.

- 13.7 Auditors noted that in all but the one case, the records confirmed that thorough investigations had been carried out by competent officers and that appropriate action had been taken. Nonetheless, there was a one day delay against the authority's target response time of two days in making contact with one of the cases.

***Recommendation***

- 13.8 The authority should:
- (i) Ensure that all records relating to the control and investigation of food related infectious disease are kept for at least 6 years.  
[The Standard – 13.3]

## **14 Feed and Food Safety Incidents**

- 14.1 The authority had a comprehensive Environmental Health Food Alerts and Incidents Procedure and a Trading Standards Work Instruction for dealing with FSA Food and Feed Alerts. Considered together, the arrangements in place had been developed in accordance with the Food and Feed Law Codes of Practice and included arrangements for dealing with incidents out-of-hours.
- 14.2 The Food Alerts and Incidents Procedure included guidance for officers on responding to food alerts notified by the FSA, food incidents/hazards identified by the authority and notifying the FSA where a problem is national/ regional or local and serious. Information was also provided on the Rapid Alert System for Food and Feed.
- 14.3 The Principal Environmental Health Officer (Food Safety) and the Trading Standards Manager were responsible for the effective operation of the procedures. The Environmental Health Manager and Trading Standards Team Leaders were nominated deputies.
- 14.4 Auditors examined records in respect of five food alerts for action issued during the previous year. All had been received by the Food Safety Team and responded to in accordance with Food Standards Agency advice. Auditors were able to verify that effective liaison had taken place with Trading Standards colleagues in relevant cases.
- 14.5 Action taken by the authority had been detailed on either the authority's database, a hard copy of the food alert or a note attached to it. All correspondence, including officer emails relating to food alerts had been maintained on file and were easily retrievable.
- 14.6 Prior to the on-site audit, auditors were able to verify that the FSA had been notified of serious localised incidents and wider food safety problems in accordance with the relevant Code of Practice.

## **15 Enforcement**

- 15.1 The authority had developed a Public Protection Enforcement Policy which had been endorsed by the relevant Cabinet Member in December 2013. The Policy outlined the authority's "stepped-up" approach to securing fair, practical and consistent enforcement operated in a transparent manner. In developing the policy consideration had been given to current legislative requirements and centrally issued guidance. The Enforcement Policy was available for businesses and consumers on the authority's website.
- 15.2 The benefit of including the approach to dealing with contraventions at food establishments where the authority is the food business operator in future revisions of the policy was discussed with officers.
- 15.3 A range of work procedures were available to assist officers in taking formal enforcement action to deal with food and feed law contraventions. These had been developed in accordance with the relevant Codes of Practice and centrally issued guidance.
- 15.4 Procedures were not available for the revocation / withdrawal of feed establishment registration or for the detention, destruction, special treatment and re-despatch of imported feed entering the port.
- 15.5 In its 2012/13 monitoring return to the FSA the authority reported that it had taken formal enforcement action to deal with food hygiene and food standards offences. No formal action had been taken in respect of feed and the authority advised auditors that none had been required.
- 15.6 Records of 10 Hygiene Improvement Notices (HINs), four Remedial Action Notices (RANs), seven Voluntary Closures, six Simple Cautions and eight Prosecutions were examined.
- 15.7 Where HINs had been served it had been an appropriate course of action in all cases. Notices had been appropriately drafted, served by officers witnessing the contraventions, appropriate timescales had been identified for remedial works and in all but one case, compliance had been confirmed in writing to food business operators.
- 15.8 Auditors noted that generally, notices had been served on the food business operators. In one case the food business registration form was

not available to confirm this and in two further cases the notices had been correctly served on persons other than those named on the registration forms as these were out of date.

- 15.9 Proof of service of the notices was generally not available although two of the establishments' records on the database indicated correct service by hand or by post. Six of the notices held on file were not copies of the signed original.
- 15.10 Timely checks on compliance had not taken place on two of the notices where this was applicable. In one case, a notice had been extended by informally consenting to a request for extension, contrary to the requirements of centrally issued guidance. In another case, compliance with the notice had not been checked for two months after its expiry. This was exacerbated by a history of non-compliance at the establishment where the same offence had been identified across three previous inspection cycles. Revisits had been carried out and a HIN previously served. Consideration of earlier formal enforcement was discussed with officers and, due to the on-going nature of the offence, escalation of enforcement action. The authority subsequently advised auditors that in both cases, compliance had eventually been achieved.
- 15.11 Appropriate follow-up action had been taken in all applicable cases in accordance with the authority's Enforcement Policy.
- 15.12 Four RANs were selected for examination. In all cases, it had been an appropriate course of action and notices had been served by appropriately authorised officers who had witnessed the offences. Notices had been correctly drafted and signed copies had been held on the food establishments file.
- 15.13 Appropriate checks had been made to ensure that the notices had been complied with and, where appropriate, food business operators had been notified in writing of the withdrawal of the notices.
- 15.14 Procedures had been developed for serving Hygiene Emergency Prohibition Notices and Feed Business Emergency Prohibition Notices that were in accordance with the relevant Codes of Practice and centrally issued guidance. These procedures also set out the arrangements for Voluntary Closure by food/feed business operators.

- 15.15 Records of seven cases where food establishments had agreed to close voluntarily were examined. Auditors were able to confirm that in all cases this had been an appropriate course of action. There was evidence that voluntary closures had been confirmed in writing in two cases, and all had been monitored after closure to confirm that they were not trading.
- 15.16 Follow-up action was only required in one case where the food business operator had repeated disregard for the voluntary closure process. Further escalation of enforcement action had not taken place and no record of deviation from the authority's enforcement policy had been documented. The authority advised auditors that the business had subsequently been prosecuted for food hygiene offences.
- 15.17 Auditors discussed with officers the benefits of extending the scope of the Simple Cautions procedure which had been developed for food hygiene offences to food standards and feed.
- 15.18 The records of one food hygiene and five food standards Simple Cautions were examined.
- 15.19 Simple Cautions had been an appropriate course of action in all cases and had been issued without unnecessary delay.
- 15.20 In all but two cases, infringement reports had been prepared prior to the Simple Cautions being issued. Auditors were satisfied with the explanation provided by the authority in one of these cases.
- 15.21 The Public Protection Manager (food hygiene) and the Trading Standards Manager (food standards) had delegated authority to recommend cases for prosecution by the Head of Legal Services.
- 15.22 The authority had considered six food hygiene and two food standards cases for prosecution in the two years prior to the audit. The prosecutions had been appropriate in all cases and action had been taken in accordance with the authority's enforcement policy. In all cases, the prosecution had been taken without unnecessary delay.

### ***Recommendations***

15.23 The authority should:

- (i) Set up documented procedures for the revocation / withdrawal of feed establishment registration and for the detention, destruction, special treatment and re-dispatch of imported feed in accordance with Feed Law Enforcement Code of Practice and official guidance. [The Standard -15.2 ]
- (ii) Ensure that food hygiene law enforcement is carried out in accordance with the Food Law Code of Practice, centrally issued guidance and the authority's own documented procedures. [The Standard -15.2 & 15.3]
- (iii) Ensure all decisions on enforcement action are made following consideration of the authority's enforcement policy and the reasons for departure from the criteria set out in the policy are documented. [The Standard -15.4]

## **16 Records and Interventions/Inspections Reports**

### ***Food Hygiene***

- 16.1 Food business records, including registration and approval documents, inspection forms/aides-memoires and correspondence had been maintained by the authority on hard copy establishments files. Details of the date and type of intervention associated with food businesses, as well as the establishments risk profile and inspection report letters were also maintained on the authority's electronic database. Auditors noted that all establishments files examined were well organised, with records held in chronological order. Where relevant, information relating to the last three inspections was retrievable and records were being retained for six years.
- 16.2 Inspection report letters had been used to communicate inspection findings to food businesses, which clearly differentiated between legal requirements and recommendations for good practice. These letters also detailed corrective actions and timescales required to achieve compliance, as well as indicating any further follow-up action intended by the authority.
- 16.3 In general, the records on the establishments' files and electronic database were accurate. Registration forms were available in seven out of 10 cases examined. In the cases where registration forms were not available, the Principal Environmental Health Officer (PEHO) Food Safety advised auditors that these businesses had registered with the authority prior to 2002, at which time registration forms were held centrally on a hard copy file. However, the file had been lost during an office move.
- 16.4 Post-inspection report forms and inspection letters contained most of the information required to be provided to food business operators under Annex 6 of the Food Law Code of Practice. However, the time of inspection and the specific food law under which the inspection had taken conducted had not been consistently included.
- 16.5 Auditors were able to verify that in all cases examined, letters had been sent to businesses within 14 days of inspection, as required by the authority's procedures.

- 16.6 Information held by the authority on approved establishments was more variable. Application forms, pre-approval inspection paperwork, sample results, food safety management information, correspondence with food business operators and notices were generally present. Layout plans were available in all but three cases, however auditors noted that only one approved establishment file contained the range of plans required to comply with centrally issued guidance.
- 16.7 Information frequently absent on approved establishment files included synopses, key contacts, product withdrawal plans, product labels, inspection reports, training records, product and supplier lists.

### ***Food Standards***

- 16.8 Audit checks of the food establishment files confirmed that in six out of seven cases intervention reports had been left with businesses following the latest inspection. These reports contained most of the information required under Annex 6 of the Food Law Code of Practice. However, the reports did not consistently contain a clear distinction between legal requirements and recommendations, or an indication of the timescales for achieving compliance. Further, the details of a senior officer had not been included.
- 16.9 In general, inspection reports were available in hardcopy and information captured by officers was legible. Auditors noted that the detail on hardcopy records was consistent with the information held on the authority's food establishment database.
- 16.10 The registration forms relating to the businesses selected for audit were maintained by the authority's food safety team.
- 16.11 Evidence of internal monitoring was available on some of the establishment files and auditors were able to verify that food standards inspection records had been kept for a minimum of 6 years, in accordance with the Standard.

***Feed***

- 16.12 Reports had not been issued to feed businesses following inspection in any of the cases selected for audit contrary to the Feed Law Enforcement Code of Practice.

***Port Health***

- 16.13 The authority maintained up-to-date, accurate records of vessel inspections in a retrievable form. These reports contained all the relevant information required by the Standard.
- 16.14 Auditors were able to verify that vessel inspection records had been kept for a minimum of 6 years, in accordance with the Standard.

***Recommendation***

- 16.15 The authority should:
- (i) Maintain up to date and accurate records in retrievable form on all food and feed establishments in its area in accordance with the Food and Feed Law Codes of Practice and centrally issued guidance. These records shall include reports of all interventions/inspections, the determination of compliance with legal requirements made by the authorised officer, details of action taken where non-compliance was identified, details of any enforcement action taken, results of any sampling, details of any complaints and actions taken, and relevant food registration information. [The Standard -16.1]

## **17 Complaints about the Service**

- 17.1 The authority had developed a Corporate Complaints Policy which was available to the public and food businesses on its website. The Policy included information on how to make a complaint and how complaints would be dealt with.
- 17.2 Examples of complaints which had been received were provided by the Environmental Health and Trading Standards Managers in order to demonstrate that there were effective arrangements in place within the Public Protection Service to respond to, and report outcomes of food and feed complaint investigations.
- 17.3 Auditors noted that in respect of food hygiene, the contact details of a senior officer were provided on correspondence should businesses wish to complain following an inspection or other intervention. Auditors discussed with officers the benefits of including this information on correspondence following food standards and feed interventions.

## **18 Liaison with Other Organisations**

18.1 The authority had liaison arrangements in place with neighbouring authorities and was actively involved in identifying opportunities for collaboration in the delivery of Public Protection services across Gwent. Liaison arrangements were also in place with other bodies aimed at facilitating consistent enforcement. They included participation in the following:

- Directors of Public Protection Wales;
- Wales Heads of Environmental Health;
- Wales Heads of Trading Standards;
- Food and Agriculture Group for Wales;
- Greater Gwent Feed Group;
- All Wales Food Safety Technical Panel;
- Food Hygiene Rating Scheme Steering Group;
- Food Fraud Steering Group;
- Welsh Food Microbiological Forum;
- Communicable Disease Technical Panel;
- Port Health Technical Panel
- Water Health Partnership

18.2 Minutes of liaison group meetings were available and confirmed regular attendance by appropriate service representatives.

18.3 Public Protection officers had liaison arrangements in place with other departments within the authority and with:

- The Food Standards Agency;
- Public Health Wales;
- Welsh Water
- Gwent Police

## **19 Internal Monitoring**

- 19.1 Internal monitoring is important to ensure performance targets are met, services are being delivered in accordance with legislative requirements, centrally issued guidance and the authority's policies and procedures. It also ensures consistency in service delivery.
- 19.2 The authority had robust arrangements in place for quantitative internal monitoring for food hygiene, food standards and feed law enforcement services. In respect of food hygiene, these had been documented in the food safety internal monitoring procedure.
- 19.3 Key performance measures had been identified in the Public Protection Service Plan which were relevant to food and feed law enforcement. Performance against these was monitored quarterly as part of the authority's corporate performance monitoring framework.
- 19.4 Service plans for food hygiene, food standards and feed included performance measures which were being monitored on a monthly and quarterly basis by the Trading Standards and Environmental Health Managers.
- 19.5 In respect of food hygiene, auditors were able to verify that where performance targets were not being met, corrective action had been taken.
- 19.6 An internal monitoring procedure had been developed for food safety enforcement which was revised during the audit to reflect the range of internal monitoring activities that were taking place in practice. Pro-formas had been developed and incorporated in the procedure to record the findings of internal monitoring.
- 19.7 The Principal Environmental Health Officer was responsible for qualitative internal monitoring. Internal monitoring activities included checks on documentation, reviewing enforcement decisions, reviewing risk ratings, accompanied visits and database checks.
- 19.8 Internal monitoring activities had taken place in accordance with the procedures and there was evidence that officers had been provided with feedback on their work.

- 19.9 Regular team meetings had taken place where consistency issues had been discussed and documented.
- 19.10 Officers had attended training provided by the FSA to ensure the consistent application of food hygiene risk ratings in accordance with Annex 5 of the Food Law Code of Practice.
- 19.11 The priorities, performance measures and targets for food standards and feed had been detailed in the Trading Standards Service Delivery Plan.
- 19.12 Qualitative internal monitoring arrangements for food standards and feed were set out in the Food Standards and Feed Law Enforcement Service Delivery Plan. Reference to internal monitoring had also been provided in some work procedures e.g. complaints and inspections procedures.
- 19.13 Internal monitoring activities had been planned to ensure that;
- Priority is given to inspecting the higher risk establishments;
  - Action taken by officers is compliant with FSA Codes of Practice, internal policies and procedures;
  - Risk ratings are appropriate;
  - Interpretation of legislation and action by officers following inspections/investigations are consistent within the authority and with centrally issued guidance.
- 19.14 There was some evidence of internal monitoring of food standards activities being carried out by Principal Officers. This focused on timeliness and action in response to complaints, review of enforcement decisions, correspondence and prosecution files. Where internal monitoring of food standards work had taken place it had been documented and officers had been provided with feedback on their work.
- 19.15 Records of qualitative internal monitoring in respect of feed official controls were not available.
- 19.16 Given the audit findings, particularly in respect of planned interventions for food standards and feed, including follow-up actions, it is recommended that regular risk based internal monitoring across all food standards and feed activities areas takes place. Any quality checks

currently being undertaken but not recorded should be documented where possible.

***Recommendations***

19.17 The authority should:

- (i) Review and implement documented internal monitoring procedures for food standards and feed to verify its conformance with the Standard, relevant legislation, the relevant Codes of Practice, centrally issued guidance and its own documented policies and procedures. [The Standard – 19.1 and 19.2]
- (ii) Ensure that records of internal monitoring activities are maintained for two years. [The Standard – 19.3]

## **20 Third Party or Peer Review**

- 20.1 The authority's feed enforcement service had been the subject of a focused FSA audit *Feed Law Enforcement Controls of Imported Feed Not of Animal Origin at the Port of Newport* in February 2011. Sixteen recommendations were made of which eight had been implemented in the period to January 2014.
- 20.2 Auditors were able to verify during the audit that a further three of the recommendations had been implemented leaving five outstanding. These related to service planning (particularly the requirement to estimate the resources required to deliver the full range of official feed controls required by the Framework Agreement and Feed Law Enforcement Code of Practice against those available); the requirement to put in place and implement a procedure to ensure the authority's feed database is up-to-date and accurate; improvements to the level of detail recorded during inspections; the further development of enforcement procedures (relating to import controls at the port) and the requirement to improve internal monitoring records.
- 20.3 These outstanding recommendations relating to the authority's feed service have been included in the Action Plan at Annex A to this report.

## 21 Food and Feed Safety and Standards Promotion

21.1 The authority had delivered a number of initiatives with the aim of promoting food safety. Activities included:

- Issuing press articles promoting the National Food Hygiene Rating Scheme and encouraging consumers to check food hygiene ratings before eating out ;
- Promoting food safety at Christmas;
- Publicising food hygiene prosecutions of local food businesses in the local press;
- The provision of food hygiene training for Social Services personnel.

21.2 There was evidence that safe food handling practices and hand hygiene had been routinely discussed with cases during infectious disease investigations. This was supported by comprehensive advice on food poisoning on the authority's website.

21.3 A stall promoting the National Food Hygiene Rating scheme had been provided at the Newport Food Festival with officers on hand to provide advice.

21.4 Food standards information, including food labelling, information on genetically modified foods and allergens was available on the authority's website or on links which had been provided to the Trading Standards Institute and FSA websites.

21.5 Records of promotional activities were being maintained.

21.6 Feed had not been the subject of any promotional activities.

### ***Recommendation***

21.7 The authority should:

- (i) Develop promotional activities to include feed safety. [The Standard – 21.1]

Auditors:

**Lead Auditor: Kate Thompson**

Auditors: Alun Barnes  
Craig Sewell  
Daniel Morelli

Food Standards Agency Wales

11th Floor

Southgate House

Wood Street

Cardiff

CF10 1EW

## Action Plan for Newport City Council

**Audit Date: 13 – 17 January 2014**

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE	
3.23 (i) Further develop the service planning arrangements, in accordance with the Service Planning Guidance in the Framework Agreement. An assessment of the resources required to deliver food and feed law enforcement services against the resources available should be included. [The Standard – 3.1]	1 June 2014	The authority will fully address the matters identified in the audit report in the next draft of the Service Plan.	The Food Plan and Feed Plan for 2014-15 contains an assessment of resources as will that for 15/16  COMPLETED	Trading Standards
	1 June 2015	Implement the recommendation for Food Safety in the Service Plan for 15/16.		Environmental Health
5.12 (i) Include reference to the arrangements for new starter and refresher training in authorisation procedures and ensure the procedures for authorising officers link authorisation levels to an assessment of officer qualifications and competencies as required by the Food Code of Practice and centrally issued guidance. [The Standard – 5.1]	1 May 2015	Implement the recommendation		Trading Standards
	1 May 2015	Reference to the arrangements for new starter and refresher training will be included in authorisation procedures.		Environmental Health

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE	
5.12 (ii) Review and update authorisation documents to ensure they include references to all relevant and up to date legislation and are consistent with officers' duties, qualifications, training, experience and the relevant Code of Practice. [The Standard – 5.1 and 5.3]	1 May 2015	A review of authorisations will be undertaken to ensure that all relevant statutes are included in the list of legislation and that all officers are authorised according to qualifications, training and experience.		Trading Standards
	1 January 2015	Food Safety: Authorisations to be amended to remove reference to the Food and Environmental Protection Act 1985 where relevant officers have not been authorised by the FSA.	COMPLETED	Environmental Health
5.12 (iii) Ensure all officers carrying out feed enforcement work are appropriately qualified in accordance with the Feed Law Enforcement Code of Practice and that all authorised officers complete the necessary 10 hours CPD training. [The Standard – 5.3]	1 February 2015	Implement the recommendation in relation to qualifications and CPD  Produce an 'alternative enforcement' model for non-feed officers.	Qualification review completed and instructions provided for three officers to maintain CPD in Feed. There was an Animal Health Officer who knew the practicalities of how to properly feed livestock and knew good practice and statutory requirements; but was not correctly qualified. This officer has been told not to act under feed law legislation; but to act as the 'eyes and ears' of the appropriate officers  COMPLETED	Trading Standards

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE	
5.12 (iv) Ensure that all authorised officers receive the training needed to be competent to deliver the technical and administrative aspects of the work in which they will be involved, in accordance with the Codes of Practice. [The Standard – 5.4]	1 May 2015	Implement the recommendation (including documenting the 'problem spotting' methodology)	Team Leaders have completed training and competency audit and one officer with the experience and aptitude to complete feed work but not the professional qualification has stopped previous activity. An alternative 'problem spotting' methodology has been considered and will be adopted by end of May 15	Trading Standards
	Reviews to be carried out by end Dec 2015. Development plans to be implemented by Dec 2016	Employee Annual Reviews to ensure where appropriate that the 10 hour CPD requirement is included in the development plans for authorised officers.  Ensure development plans are followed and progress monitored at 1 to 1 meetings.		Environmental Health
5.12 (v) Maintain records of relevant academic or other qualifications, training and experience of each authorised officer in accordance with the relevant Codes of Practice. [The Standard – 5.5]	1 September 2014	Implement the recommendation  Centralised recording arrangements for authorised officers' qualifications, training and experience created.	The records now contain scanned copies of all relevant qualifications <b>COMPLETED</b>	EH & TS

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE	
6.9 (i) Make available the range of necessary equipment for feed sampling. [The Standard - 6.1]	1 April 2015	Equipment to be purchased to allow the range of feed sampling to take place in accordance with EC Regulation 691/2013 Sampling spears and dividers quote to be obtained.	Funds requested for assistance for formal sampling equipment at the Port.	Trading Standards
6.9 (ii) Fully implement its documented procedure for the calibration of equipment; develop and implement a procedure for the maintenance of feed equipment ensuring evidence of maintenance and service checks is maintained. [The Standard - 6.2]	1 May 2015	Implement the recommendation		Trading Standards
	1 January 2015	Food Safety: Revise the calibration procedure to make it less onerous whilst maintaining its effectiveness.	COMPLETED	Environmental Health
6.9 (iii) Operate the food standards database in such a way as to be able to provide the required information to the FSA. [The Standard - 6.2]	1 September 2015	Commence implementation of the recommendation immediately following the decision on whether or not Newport Trading Standards is to move to a regional platform.	COMPLETED	Trading Standards

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE	
7.19 (i) Ensure that food premises interventions/inspections are carried out at the minimum frequency specified by the Food Law Code of Practice [The Standard – 7.1]	April 15	<p>Food Safety: NCC propose to implement a new strategy in 15/16 to ensure more focus is given to inspecting high risk businesses (established <b>and</b> new) within the timescales specified in Annex 5 of the Food Law Code of Practice. The flexibilities within the Food Law Code of Practice will be exploited allowing alternate interventions in compliant ‘C’ premises.</p> <p>Any shortfall in resources will be highlighted in the service plan and annual review.</p>	<p>All high risk food premises were inspected by the end of the year in 13/14 and will be inspected in 14/15.</p> <p>Priority and resource given only to high risk premises and new businesses.</p> <p>15/16 Food Service Plan will highlight the shortfall</p> <p>COMPLETED</p>	Environmental Health
7.19(ii) Carry out interventions/inspections in accordance with relevant codes of practice and centrally issued guidance, and the authorities policies and procedures. [The Standard - 7.2]	On-going monitoring	Food Safety: Internal monitoring of procedure	<p>Procedure for carrying out interventions (particularly for approved premises) has been brought to the attention of the food officers. New coding has been set up on the database to capture visits carried out on expiry of conditional approval</p> <p>COMPLETED</p>	Environmental Health

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE	
7.19(iii) Assess the compliance of establishments to the legally prescribed standards and ensure that observations made in the course of an inspection are recorded in a timely manner to prevent loss of relevant information. [The Standard – 7.3 & 7.5]	January 2014	The authority will re-iterate the requirements to officers at team meetings, supervisions, appraisals and performance reviews, and routinely undertake internal monitoring to verify conformance.	Procedure for carrying out interventions (particularly for approved premises) has been brought to the attention of the food officers  COMPLETED	Environmental Health
7.33 (i) Ensure that food premises interventions are carried out at a frequency not less than that determined under the intervention rating scheme set out in the Food Law Code of Practice. [The Standard -7.1]	1 April 2015	The authority will meet the standard in relation to high risk food businesses and complete the visits 'within a year' of the previous visit – rather than the current system of visiting each high risk in that particular financial year. Progress will be monitored in accordance with the internal monitoring procedure.  However; for lower risk businesses flexibilities within the Food Law Code of Practice will be exploited to allow an Alternative Enforcement Strategy to be applied. All possible alternatives will be explored with regards to achieving interventions in medium risk businesses and if necessary, any shortfall in resources will be highlighted in the service plan and annual review.	Implementation in place for 15/16	Trading Standards

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE	
7.33 (ii) Carry out food standards interventions/inspections in accordance with the relevant legislation, Codes of Practice, and centrally issued guidance. [The Standard -7.2]	1 February 2015	<p>The authority will take on board all the comments referred to within paragraphs 7.20 to 7.32 and work to introduce an appropriate food standards risk rating scheme, apply it correctly and undertake revisits in accordance with policy.</p> <p>In the event of any occasional departures from policies and procedures, decisions will be recorded on the case files and inspection records. Internal monitoring will take place to verify conformance.</p>	COMPLETED	Trading Standards
7.33(iii) Assess the compliance of establishments to legally prescribed standards, record observations made and /or data obtained in the course of interventions in a timely manner to prevent loss of relevant information and ensure officers' contemporaneous records of interventions are stored in such a way that they are retrievable. In particular, ensure that assessments of traceability, labelling and compositional requirements are recorded in detail and information on the business scale and activities are documented. [The Standard -7.3 & 7.5]	1 April 2015	<p>Improved procedures will be implemented that describes how officers should approach the recording of an inspection, in order to capture the key information described in 7.28; for all interventions and not just high risk interventions (where the information is already routinely captured).</p> <p>The authority will re-iterate the requirements to officers at team meetings, supervisions, appraisals and performance reviews, and routinely undertake internal monitoring to verify conformance.</p>	COMPLETED	Trading Standards

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE	
7.33 (iv) Review its inspection procedure to provide officers with guidance on the matters officers should have regard to during food standards inspections, and include within the revisit policy the criteria to be considered when determining whether follow-up action should take place and the timing of follow-up. [The Standard – 7.4]	1 April 2015	Implement the recommendation	COMPLETED	Trading Standards
7.48 (i) Ensure that feed establishment interventions are carried out at the frequency specified by the Feed Law Enforcement Code of Practice. [The Standard -7.1]	1 April 2015	The authority will work with local authorities across Wales and the FSA to implement a risk based feed interventions programme for Wales in accordance with the agreed programme.	DONE- new Gwent-wide Feed programme	Trading Standards

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE	
7.48 (ii) Carry out interventions and inspections at feed establishments in accordance with the relevant legislation, Code of Practice and centrally issued guidance. Ensure feed intervention procedures are amended accordingly. [The Standard - 7.2]	1 April 2015	The authority will take on board all the comments referred to within paragraphs 7.35 to 7.47 and work to introduce an appropriate animal feed establishments risk rating scheme, apply it correctly, ensure inspections are unannounced in accordance with procedure and undertake revisits in accordance with policy. In the event of any occasional departures from policies and procedures, decisions will be recorded on the case files and inspection records. Internal monitoring will take place to verify conformance. Registration updates will be assessed as part of the Gwent funded project.	DONE- new Gwent-wide Feed programme	Trading Standards
7.48 (iii) Ensure appropriate action is taken to follow-up non-compliance at feed establishments in accordance with its Enforcement Policy [The Standard -7.3]	1 February 2015	Implement the recommendation: reminder instructions to be issued to all officers. Internal monitoring will take place to verify conformance.	COMPLETED	Trading Standards
7.48 (iv) Ensure observations made in the course of interventions are recorded in a timely manner and officers' contemporaneous records of interventions are stored in such a way as to be retrievable. [The Standard – 7.5]	27 November 2014	The authority will re-iterate the requirements to officers at team meetings, supervisions, appraisals and performance reviews, and routinely undertake internal monitoring to verify conformance.	Reminder instructions issued to all officers  COMPLETED	Trading Standards

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE	
8.14 (i) Provide clarification in its food hygiene complaints procedure on what constitutes a 'more urgent matter' requiring a more timely response;	1 May 2015	Revision to procedure		Environmental Health
8.14 (i) review and amend the procedure for dealing with feed complaints in respect of advanced notifications of feed consignments. [The Standard – 8.1]	1 February 2015	The method of recording will be amended as discussed and will be managed via the IVA tabs on the 'Service Request' area rather the IVA tabs on the 'Business Register' area.	COMPLETED	Trading Standards
8.14 (ii) Investigate complaints in accordance with the Food Law Code of Practice, centrally issued guidance and its own policy and procedures. In particular, ensure that all cases are investigated within the required timescales. [The Standard – 8.2]	January 2015  On-going monitoring	Re-issue revised procedure to food officers and internally monitor its use.	COMPLETED	Environmental Health
	1 February 2015	The authority will re-iterate the requirements to officers at team meetings, supervisions, appraisals and performance reviews, and routinely undertake internal monitoring to verify conformance.	COMPLETED	Trading Standards

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE	
8.14 (iii) Take appropriate action on food standards complaints in accordance with its Enforcement Policy. [The Standard – 8.3]	1 February 2015	<p>Implement the recommendation: reminder instructions issued to all officers.</p> <p>In order to check the complaints policies are followed; there will be documented audits of all food and feed complaints at 6 month intervals for a year from the date of the audit report (February and August 2015)</p>	COMPLETED	Trading Standards
11.8 (i) Carry out a review of the feed database to ensure its accuracy. [The Standard – 11.1]	1 September 2015	The recommendation will be worked upon and reviewed to ensure that the authority contributes accurate database information towards the development of the new feed service delivery model for Wales,	Done and now reasonably accurate, but will be reviewed as part of Gwent Wide Feed project	Trading Standards
13.8 (i) Ensure that all records relating to the control and investigation of food related infectious disease are kept for at least 6 years.	January 2015	The authority will re-iterate the requirements to officers at team meetings, supervisions, appraisals and performance reviews, and routinely undertake internal monitoring to verify conformance.	Officers have been reminded of the importance of this and the database has been further developed to record this work more effectively. COMPLETED	Environmental Health

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE	
15.23(i) Set up documented procedures for the revocation / withdrawal of feed establishment registration or for the detention, destruction, special treatment and re-despatch of imported feed in accordance with Feed Law Enforcement Code of Practice and official guidance. [The Standard -15.2]	1 May 2015	Procedures for the revocation / withdrawal of feed establishment registration or for the detention, destruction, special treatment and re-despatch of imported feed will be documented.	Awaiting dissemination of standard procedures -being finalised	Trading Standards
15.23 (ii) Ensure that food hygiene law enforcement is carried out in accordance with the Food Law Code of Practice, centrally issued guidance and the authority's own documented procedures. [The Standard – 15.2 & 15.3]	On-going for audits of Infringement Reports	Audits of Infringement Reports (where cases dealt with by prosecution / simple caution) to ensure timescales of compliance checks are adhered to. The authority will also re-iterate the requirements relating to service of notices, graduated escalation of enforcement, written confirmation of voluntary closures and preparation of full simple caution case files to officers at team meetings, supervisions, appraisals and performance reviews, and routinely undertake internal monitoring to verify conformance.	Reminders issued to food officers of the importance of timely checks on compliance with HINs and need to follow FLCOP guidance on extension of time for HIN compliance  COMPLETED	Environmental Health

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE	
15.23 (iii) Ensure all decisions on enforcement action are made following consideration of the authority's enforcement policy and the reasons for departure from the criteria set out in the policy are documented. [The Standard -15.4]	1 June 2014	Decisions on enforcement will be recorded against the criteria in the Enforcement Policy in all cases. In the rare event of any departures, the reasons will be recorded on the case file. Internal monitoring will take place to verify conformance.	Completed	Trading Standards
	January 2014	Decisions on enforcement will be recorded against the criteria in the Enforcement Policy in all cases. In the rare event of any departures, the reasons will be recorded on the case file. Internal monitoring will take place to verify conformance.	Reminders issued to Food Safety officers to ensure departures from policy are flagged up and endorsed as appropriate. COMPLETED	Environmental Health

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE	
<p>16.15 (i) Maintain up to date and accurate records in retrievable form on all food and feed establishments in its area in accordance with the Food and Feed Law Codes of Practice and centrally issued guidance. These records shall include reports of all interventions/inspections, the determination of compliance with legal requirements made by the authorised officer, details of action taken where non-compliance was identified, details of any enforcement action taken, results of any sampling, details of any complaints and actions taken, and relevant food registration information. [The Standard -16.1]</p>	1 March 2015	<p>The authority will implement the recommendation by taking the following actions:            Officers will be reminded that food and feed intervention reports should always be provided to businesses and; should distinguish between legal requirements and recommendations; contain timescales for compliance; the reports should be legible; the details of the reports should be placed on the database; and contain details of senior officer. Internal monitoring will take place to verify conformance.</p>	COMPLETED	Trading Standards
		<p>Report letters will be amended to comply with the Code of Practice. Internal monitoring of records will take place to verify conformance.</p>	<p>Procedures for storing records now amended to reflect electronic storage arrangements.</p> <p>Food registration forms held electronically for EH team.</p> <p>Records for approved premises updated and key information to comply with guidance now held for each premises            COMPLETED</p>	Environmental Health

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE	
19.17 (i) Review and implement documented internal monitoring procedures for food standards and feed to verify of its performance with the Standard, relevant legislation, the relevant Codes of Practice, centrally issued guidance and its own documented policies and procedures. [The Standard – 19.1 and 19.2]	1 May 2015	Implement the recommendation after further advice from FSA  Close attention will be paid to the comments in 19.11 to 19.16		Trading Standards
19.17 (ii) Ensure that records of monitoring activities are maintained for two years. [The Standard – 19.3)	1 February 2015	Implement the recommendation	COMPLETED	Trading Standards
21.7 (i) Develop promotional activities to include feed safety. [The Standard – 21.1]	1 September 2015	Work with local authorities across Wales and the FSA to deliver this work at an all Wales level from April 2015.		Trading Standards

## **ANNEX B**

### **Audit Approach/Methodology**

The audit was conducted using a variety of approaches and methodologies as follows:

#### ***(1) Examination of local authority policies and procedures***

The following policies, procedures and linked documents were examined:

Newport City Council Public Protection Service Plan 2013/14

Environmental Health Business Unit Plan 2013-2014

Environmental Health Food Safety and Communicable Disease Business Unit Plan 2014/2014

Trading Standards Section – Food Standards and Feed Law Enforcement Service Delivery Plan 2012/13

Trading Standards Section – Business Unit Plan and Strategic Assessment 2012/13

Trading Standards Section – Business Unit Plan and Strategic Assessment 2013/14

Trading Standards Section – Business Unit Plan and Strategic Assessment 2013/14 -17 September 2013 - 3 December 2013

Trading Standards Section – Business Unit Plan and Strategic Assessment 2012/13 -1 May 2013 - 27 June 2013

Report for Cabinet Members 7 August 2013 – Regeneration and Regulatory Services Improvement Plan 2013/14

Public Protection Progress Report April to September 2013

Briefing Report to Cabinet Member for Licensing and Statutory Functions December 2013 – Food Safety, Communicable Disease, Feed Standards and Food Standards Business Unit Plans 2013-2014 Half Year Update

Report to Street Scene, Regeneration and Safety Scrutiny Committee 9 December 2013 – Service Plans 2013/14 – Monitoring Progress

Report to Cabinet Member for Licensing and Statutory Functions November 2013 – Mandatory Food Hygiene Rating Scheme

Newport City Council Public Protection Delegated Powers January 2012

Newport City Council Regeneration and Regulatory Services Procedure for Authorisation of Officers

Newport City Council Trading Standards Section –Authorisation and Competency Procedure

Newport City Council Trading Standards Section – Food Sampling Equipment Monitoring Procedure

Newport City Council Regeneration and Regulatory Services Procedure for Calibration of Thermometers

Newport City Council Access to the Network, Email and Internet Policy

Newport City Council Environmental Health Food Safety Enforcement –Document Control Procedure

Newport City Council - Food Hygiene Interventions Procedure 14/11/13

Food New Business Procedure November 2013

Newport City Council - Food Hygiene Revisits Procedure 26/11/13

Programmed Food Hygiene Inspection Summary Form

Newport City Council - Procedure For Approval of Food Business Establishments Handling Food of Animal Origin

Newport City Council - Application Form for Approval of A Food Business Establishment Subject To Approval Under Regulation EC 853/2004

Newport City Council - Form For Notification of Full Approval/ Conditional Approval of A Food Business Establishment Subject To Approval Under Regulation EC 853/2004

Newport City Council - Form For Notification of Decision To Refuse To Grant Approval To A Food Business Establishment Subject To Approval Under Regulation EC 853/2004

Newport City Council - Form For Notification of Decision To Suspend The Approval/Conditional Approval of A Food Business Establishment Subject To Approval Under Regulation EC 853/2004

Newport City Council - Form For Notification of Decision To Refuse To Grant Full Approval To A Food Business Establishment Subject To Approval Under Regulation EC 853/2004 Which Was Conditionally Approved Under Regulation EC 882/2004

Newport City Council - Procedure For The Withdrawal or Suspension of Approval in a Premises Approved Under EC 853/2004

Newport City Council Trading Standards Section - Trader Assessment and Inspection Procedure

Newport City Council Trading Standards Section - Work Instruction Dealing With Imported Feed At Newport Docks

Newport City Council Trading Standards Section - Work Instruction Dealing With Feedingstuffs At Farms

Newport City Council Trading Standards Section – Work Instruction Sampling Animal Feed

Newport City Council Trading Standards Section – Work Instruction Seizure and Detention of Animal Feed

Newport City Council Trading Standards Section – Work Instructions Serving Feed Hygiene Emergency Hygiene Prohibition Notices; Voluntary Closure Notices; and Prohibition Notices

Newport City Council Trading Standards Section - Service Request Procedure

Newport City Council Environmental Health Food Safety Enforcement - Food Complaints Procedure (Not Including Complaints of Alleged Food Poisoning or Complaints Regarding Food Handlers or The Condition of Food Premises)

Newport City Council Environmental Health Food Safety Enforcement- Complaints (Relating To Food Premises and/or Food Handlers

Newport City Council Environmental Health & Licensing - Service Requests Procedure

Newport City Council Environmental Health & Licensing - Food Complaints Policy

Newport City Council Trading Standards Section Work Instruction - Checking Businesses on Databases

Newport City Council Trading Standards Section Work Instruction - Updating Database Following Changes In Business Information

Newport City Council - Appointment of Public Analysts/Agricultural Analysts

Newport City Council Procedure - Informal Food Sampling for Microbiological Examination

Newport City Council Environmental Health - Food Sampling Policy

Newport City Council Procedure - Formal Food Sampling for Microbiological Examination

Newport City Council - Food Sampling Programme For Microbiological Quality 2012/13

Newport City Council - Food Sampling Programme 2013/14 (Bacteriological Examination)

Newport City Council Trading Standards Section - Test Purchasing And Sampling Procedure

Newport City Council Trading Standards Section – Work Instruction Sampling of Animal Feed

Newport City Council Trading Standards Section – Test Purchasing And Sampling Procedure  
Newport City Council Environmental Health Food Safety Enforcement - Food Alerts and Incidents Procedure

Newport City Council Environmental Health Food Safety Enforcement – Procedure For Processing Alerts And Other Notifications Received From The Food Standards Agency

Newport City Council Trading Standards Section – Work Instruction FSA Food And Feed Alerts

Newport City Council – Infectious Disease Notification and Investigation Procedure

Newport City Council Plan for Handling Outbreaks of Communicable Disease  
Newport City Council - Pack Containing Evidence of Business Advice  
Newport City Council Public Protection Enforcement Policy November 2013  
Hygiene Improvement Notices Procedure  
Hygiene Emergency Prohibition Notices Procedure  
Remedial Action Notices Procedure  
Detention, Seizure and Voluntary Surrender of Food Procedure  
Detention Notices in Establishments Subject to Approval Under Regulation  
853/2004 Procedure  
Environmental Health - Instigation of Legal Proceeding Procedure  
Trading Standards Section – Evidence Procedure  
Trading Standards Section – Work Instruction Cases To Legal  
Trading Standards Section – Work Instruction Tape Recorded Interviews  
Trading Standards Section – Work Instruction Officer Notebook Interviews  
Trading Standards Section – Cautioning and Interviewing Suspects  
Trading Standards Section – Infringement Report Procedure  
Trading Standards Section – Work Instruction Actions When Feed or Premises is  
Unsatisfactory  
Newport City Council Corporate Complaints Policy

**(2) File reviews:**

A number of local authority records were reviewed during the audit, including:

- General food establishments inspection files
- Approved establishment files
- Food and food establishments complaint records
- Formal enforcement records
- Officer authorisations, competency checklists and training records
- Internal monitoring records
- Calibration records
- Food Incident records

**(3) Review of Database records:**

A selection of database records were considered during the audit in order to:

- Review and assess the completeness of database records of food/ feed inspections, food/feed and food/feed establishments complaint investigations, samples taken by the authority, formal enforcement and other activities and to verify consistency with file records
- Assess the completeness and accuracy of the food and feed establishments databases
- Assess the capability of the system to generate food/feed law enforcement activity reports and the monitoring information required by the Food Standards Agency.

**(4) Officer Interviews:**

Officer interviews were carried out with the purpose of gaining further insight into the practical implementation and operation of the authority's food/feed Control arrangements. The following officers were interviewed:

Trading Standards Manager  
Environmental Health Manager  
Principal Trading Standards Officer (Lead Officer Food Standards and Feed)  
Principal Environmental Health Officer (Lead Officer Food Hygiene)  
Principal Trading Standards Officer  
Environmental Health Officer

Opinions and views raised during officer interviews remain confidential and are not referred to directly within the report.

**(5) *On-site verification checks:***

Verification visits were made with officers to three local food businesses and a feed business. The purpose of these visits was to verify the outcome of the last inspections carried out by the LA and to assess the extent to which enforcement activities and decisions met the requirements of relevant legislation, the relevant Codes of Practice and centrally issued guidance documents.

## Glossary

Approved establishments	Food manufacturing establishments that has been approved by the local authority, within the context of specific legislation, and issued a unique identification code relevant in national and/or international trade.
Authorised officer	A suitably qualified officer who is authorised by the local authority to act on its behalf in, for example, the enforcement of legislation.
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.
CPIA	The Criminal Procedures and Investigations Act 1996 – governs procedures for undertaking criminal investigations and proceedings.
Critical Control Point (CCP)	A stage in the operations of a food business at which control is essential to prevent or eliminate a food hazard or to reduce it to acceptable levels.
Directors of Public Protection Wales (DPPW)	Collective organisation of local authority officers heading up Public Health Protection Services in Wales.
Environmental Health Professional/Officer (EHP/EHO)	Officer employed by the local authority to enforce food safety legislation.
Food Examiner	A person holding the prescribed qualifications who undertakes microbiological analysis on behalf of the local authority.

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

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

Food Hygiene Rating Scheme (FHRS) A scheme of rating food businesses to provide consumers with information on their hygiene standards.

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

Food Standards Agency (FSA) The UK regulator for food safety, food standards and animal feed.

Framework Agreement The Framework Agreement consists of:

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

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

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

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

Full Time Equivalents (FTE)	A figure which represents that part of an individual officer's time available to a particular role or set of duties. It reflects the fact that individuals may work part-time, or may have other responsibilities within the organisation not related to food enforcement.
HACCP	Hazard Analysis Critical Control Point – a food safety management system used within food businesses to identify points in the production process where it is critical for food safety that the Control measure is carried out correctly, thereby eliminating or reducing the hazard to a safe level.
Home Authority	An authority where the relevant decision making base of an enterprise is located and which has taken on the responsibility of advising that business on food safety/food standards issues. Acts as the central contact point for other enforcing authorities' enquiries with regard to that company's food related policies and procedures.
Hygiene Improvement Notice (HIN)	A notice served by an Authorised Officer of the local authority under Regulation 6 of the Food Hygiene (Wales) Regulations 2006, requiring the proprietor of a food business to carry out suitable works to ensure that the business complies with hygiene regulations.
Inspection	The examination of a food or feed establishment in order to verify compliance with food and feed law.
Intervention	A methods or technique used by an authority for verifying or supporting business compliance with food or feed law.
Inter Authority Auditing	A system whereby local authorities might audit each others' food law enforcement services against an agreed quality standard.

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.
Member forum	A local authority forum at which locally elected Council Members discuss and make decisions on food law enforcement services.
National Trading Standards Board (NTSB)	A body that is accountable to government providing leadership influence, support and resources to help combat consumer and business detriment locally, regionally and nationally.
OCD returns	Returns on local food law enforcement activities required to be made to the European Union under the Official Control of Foodstuffs Directive.
Official Controls (OC)	Any form of control for the verification of compliance with food and feed law.
Originating authority	An authority in whose area a business produces or packages goods or services and for which the authority acts as a central contact point for other enforcing authorities' enquiries in relation to the those products.
PACE	The Police and Criminal Evidence Act 1984 – governs procedures for gathering evidence in criminal investigations.
Primary Authority	A local authority which has developed a partnership with a business which trades across local authority boundaries and provides advice to that business.
Public Analyst	An officer, holding the prescribed qualifications, who is formally appointed by the local authority to carry out chemical analysis of food samples.

Registration	A legal process requiring all food business operators to notify the appropriate food authority when setting-up a food business.
Remedial Action Notices (RAN)	A notice served by an Authorised Officer of the local authority under Regulation 9 of the Food Hygiene (Wales) Regulations 2006 (as amended) on a food business operator to impose restrictions on an establishment, equipment or process until specified works have been carried out to comply with food hygiene requirements.
Risk rating	A system that rates food establishments according to risk and determines how frequently those establishments should be inspected. For example, high risk hygiene establishments should be inspected at least every 6 months.
Service Plan	A document produced by a local authority setting out their plans on providing and delivering a food service to the local community.
Trading Standards	The service within a local authority which carries out, amongst other responsibilities, the enforcement of food standards and feedingstuffs legislation.
Trading Standards Officer (TSO)	Officer employed by the local authority who, amongst other responsibilities, may enforce food standards and feedingstuffs legislation.
Unitary authority	A local authority in which all the functions are combined, examples being Welsh Authorities and London Boroughs. A Unitary authority's responsibilities will include food hygiene, food standards and feedingstuffs enforcement.
Unrated business	A food business identified by an authority that has

not been subject to a regulatory risk rating assessment.

Wales Heads of Environmental Health Group (WHeEHg)

A group of senior local authority Environmental Health professionals that support and promote Environmental and Public Health in Wales.

Wales Heads of Trading Standards (WHeTS)

A group of senior local authority Trading Standards professionals who support and promote Trading Standards in Wales.