



Food Standards Agency in Northern Ireland

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

Foreword

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

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

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

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

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

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

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

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

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1.0 INTRODUCTION

1.1 Reason for the Audit

- 1.1.1 The primary purpose of FSA audits of Enforcement Authorities is to provide assurance that local delivery of official controls for feed and food is compliant with EU and UK legal requirements and official guidance. The detailed guidelines for the conduct of audits of competent authorities are set out in an EC Decision of September 2006¹.
- 1.1.2 In Northern Ireland, the power to set standards, monitor and audit Enforcement Authorities' food law enforcement services was conferred on the FSA by The Food Standards Act 1999² and The Official Feed and Food Controls (Northern Ireland) Regulations 2009³. The audit was undertaken under section 12 of the Act and regulation 7 of the Regulations.
- 1.1.3 The Framework Agreement on Local Authority (LA) Food Law Enforcement⁴ sets out the arrangements through which the FSA audits LA enforcement activities to help ensure that LAs are providing an effective service to protect public health.
- 1.1.4 The overarching aims of the audit scheme are to:
- Help to protect public health by promoting effective local enforcement of food law
 - Maintain and improve consumer confidence
 - Assist in the identification and dissemination of good practice to aid consistency
 - Provide information to aid the formulation of FSA policy
 - Promote conformance with the '*Food Law Enforcement – Standard*' and any relevant central guidance or Codes of Practice
 - Provide a means to identify underperformance in LA food law enforcement
 - Promote self regulation and peer review
 - Identify continuous improvement
- 1.1.5 The Food Standards Agency in Northern Ireland (FSA in NI) has provided support and resources specifically targeting the food standards activities carried out by councils in Northern Ireland. This programme of focused

¹ [Commission Decision \(2006/677/EC\) of 29 September 2006 setting out the guidelines laying down criteria for the conduct of audits under Regulation \(EC\) No 882/2004 of the European Parliament and of the Council on official controls to verify compliance with feed and food law, animal health and animal welfare rules](#)

² [Food Standards Act 1999 c.28](#)

³ [The Official Feed and Food Controls \(Northern Ireland\) Regulations 2009](#)

⁴ [Chapter 5 of the Framework Agreement on Local Authority Food Law Enforcement: 'Audit Scheme'](#)

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

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

1.2 Scope and objectives of the audit

- 1.2.1 The audit examined North Down BC's arrangements for food standards controls.

- 1.2.2 The audit scope included the assessment of local arrangements for service planning, delivery and review, provision and adequacy of officer training and authorisations, implementation and effectiveness of food standards activities, including inspection, sampling, and enforcement. Maintenance and management of appropriate records in relation to food standards activity in the council's area and internal service monitoring arrangements were also covered.

- 1.2.3 The on-site element of the audit took place at the Council's office at Town Hall, The Castle, Bangor, BT20 4BT on 11 and 12 December 2012. The audit included a reality check to assess the effectiveness of official controls implemented by the Council at an FBO in the Council's area and, more specifically, the checks carried out by the Council's officers to verify compliance with food standards law requirements.

1.3 Background

- 1.3.1 The Borough of North Down is situated on the southern shores of Belfast Lough in Northern Ireland. It covers an area of 88 square kms, which combines attractive coastline with many pleasant open spaces. The population of the Borough is estimated to be around 87,000.

- 1.3.2 The main town in the Borough is Bangor, Northern Ireland's second largest town with a population of 60,000. It is a seaside resort and market town. The area's secondary centre is Holywood, 8kms northeast of Belfast, with a population of approximately 10,000. Most of the remainder of the population live in suburban villages along the coastline, such as Seahill, Crawfordsburn, and Groomsport.

- 1.3.3 There were 746 registered food businesses within the North Down BC's area including hotels, restaurants, takeaways, manufacturers, retailers, and wholesalers.

- 1.3.4 Following local government reorganisation in Northern Ireland in 1973 a statutory grouping system was set up to support district councils. This

system consisted of four regional groups covering the 25 smaller district councils in Northern Ireland. Belfast City Council due to its size was not included in the statutory grouping system.

- 1.3.5 North Down BC was a constituent council of Eastern Group Environmental Health Committee (EGEHC). EGEHC provided co-ordination, monitoring, and support to its constituent councils, Lisburn City Council, Ards Borough Council, Castlereagh Borough Council, North Down Borough Council and Down District Council.

2.0 EXECUTIVE SUMMARY

- 2.1** North Down BC had developed a Service Plan for Food Law Enforcement for 2012/13, which was approved by relevant members in May 2012. The Plan detailed the scope of the service and included references to its food standards responsibilities. The Plan had been drawn up in line with Service Planning Guidance in the Framework Agreement.
- 2.2** The Council ensured officers were appropriately authorised against specific legislation to carry out enforcement activities. File checks showed officers had more than the required annual 10 hours continuing professional development training and appropriate food training.
- 2.3** In general, food standards controls including interventions such as inspections and sampling were carried out appropriately.
- 2.4** In the majority of cases procedures provided instructions and guidance regarding food standards interventions and sampling. However a number of procedures needed to be reviewed to fully comply with centrally issued guidance and relevant codes of practice.
- 2.5** North Down BC had developed and implemented policies and procedures covering all areas within the scope of the audit. The Council had maintained records in relation to the majority of food standards controls which were easily retrievable. However the auditors did note the key points for food standards interventions were being recorded against a narrow scope which covered traceability and basic labelling requirements.
- 2.6** The Council had a well developed food standards sampling programme and had maintained excellent records in relation to all samples reviewed which included sample results and correspondence with FBOs. However the auditors noted unsatisfactory sample results on the same issue re-occurring in the same establishments over an extended period of time.
- 2.7** The Council had implemented internal monitoring of its food standards activities. However the auditors could not verify through record checks the full range of internal monitoring activities.

3.0 AUDIT FINDINGS

3.1 Organisation and Management

Strategic Framework, Policy and Service Planning

3.1.1 The Council had developed a documented Food Control Service Plan for 2012/13. The service plan made specific reference to the arrangements regarding food standards activities. The Food Control Service Plan for 2012/2013 had been approved by the Council on 29 May 2012.

3.1.2 The Plan followed the service planning guidance in the Framework Agreement and contained information on the scope of the service. The scope specifically mentioned food standards controls under the following functions:

- Aims and objectives
- Scope of the food service
- Demands on the Food Service
- Inspections of Food Premises
- Food Sampling Programmes
- Complaints

3.1.3 The Plan set out the financial allocation for the delivery of the Council's food service. The service plan indicated a total staffing allocation of 3.39 Full Time Equivalent (FTE) authorised officers for food safety work (including management and technical assistance). This also included resource provided through Eastern Group Environmental Health Committee (EGEHC).

3.1.4 As part of the Food Control Service Plan for 2012/2013 North Down BC had carried out a review against performance of its Service Plan for 2011/2012. This included the identification of variation from the service plan and consequent areas for improvement in 2012/2013.

Documented Policies and Procedures

3.1.5 The Council had developed and implemented a range of relevant policies and procedures as part of a documented quality management system. Controlled reference copies of the documents were available to relevant staff and to the auditors.

Authorised Officers

3.1.6 The Council's Scheme of Delegation had been revised in November 2006. The Scheme of Delegation authorised the Director of Environmental Services to discharge its functions relating to the authorisation of staff in, or acting on behalf of the Environmental Services Department.

- 3.1.7 North Down BC had developed and implemented a documented policy and procedure for the authorisation of enforcement officers with respect to food safety.
- 3.1.8 The policy and procedure set out the means by which officers were authorised based on their qualifications, experience, and competency. Audit checks on officers carrying out food standards official controls confirmed that authorisations had been conferred generally under the European Communities Act 1972, and specifically under the Regulations relating to food made under that Act.
- 3.1.9 Point 3.4.4 of the Food Law Practice Guidance (Northern Ireland) 2012 (FLPG)⁵ details specific powers of seizure and detention for district councils enforcing food standards. The legislation detailed in the FLPG gives powers of seizure and detention to district councils. North Down BC should consider including the list of food standards legislation contained in the FLPG in their specific list of legislation used to authorise officers.

Recommendation

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

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

[The Standard – 5.1]

- 3.1.10 The auditors noted evidence of training needs analysis being carried out for officers and also the input in to training needs given by Northern Ireland Food Liaison Group (NIFLG).
- 3.1.11 Audit checks confirmed that officer qualification and training records were comprehensive and well maintained. In all cases examined, officers had received the required 10 hours training to maintain their professional competency and had received training on food controls. The record keeping arrangements in relation to officer qualifications and training were accurate, complete, and readily retrievable.

⁵ [Food Law Practice Guidance \(Northern Ireland\) 2012](#)

3.1.12 The food service took part in the Council’s general environmental services department out of hours on call service for the notification of outbreaks of food borne illness and food alerts issued by the Agency.

Facilities and Equipment

3.1.13 North Down BC had in place a computer software system capable of providing food law enforcement monitoring data to the Agency. The auditors confirmed this through an examination of the food establishment database.

3.1.14 The Council had documented procedures for accessing the food establishment database and secure storage of the database. The auditors noted that there was a process in place to verify the information held on the food establishment database.

Liaison with other organisations

3.1.15 North Down BC had liaison arrangements with central government, other enforcement bodies, and professional organisations. This was achieved in part through the Council’s participation as a constituent council in EGEHC.

3.2 Food Standards Control Activities

Food Establishments Interventions and Inspections

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

PREMISES	NO. OF PREMISES	TASKS	HRS	TOTAL HRS	FREQUENCY OF INSPECTION
Cat A	1	8	7.5	7.5	12 months
Cat B	98	23	3	141	24 months
Cat C	461	65	0.5	32.5	AES*
Unrated, etc.	186	17	1	17	N/A
Totals	746	130		198	
AVERAGE INSPECTION TIME 1.52 HOURS					

**Premises in Category C for food standards don’t have to be included in a planned inspection programme but should be subject to an alternative enforcement strategy at least once every five years.*

3.2.2 The Council had a documented procedure for carrying out food standards inspections. The FLPG details a number of different aspects of interventions and in particular inspections which councils should consider when preparing a procedure on interventions at food businesses. The auditors noted the food standards inspection procedure did not contain a reference to how the council deals with:

- New establishment inspections (FLPG - 4.1.4)
- Announced / unannounced inspections (FLPG - 4.2.2)

- Use of experts (FLPG – 4.2.3)

Recommendation

- (ii) The Council should review its food standards procedure to ensure it contains a reference to how it deals with:
 - New establishment inspections (FLPG - 4.1.4)
 - Announced / unannounced inspections (FLPG - 4.2.2)
 - Use of experts (FLPG - 4.2.3)

The Authority shall set up, maintain and implement documented procedures for the range of interventions/inspections/it carries out.

[The Standard – 7.4]

- 3.2.3 The auditors examined the establishment file records in relation to food standards official control activities for four establishments and in the majority of cases records were easily found and retrieved. In the majority of cases officers were using appropriate inspection checklists and we saw evidence of correspondence following inspections in all cases.
- 3.2.4 The Council carried out both food hygiene and food standards interventions during the same FBO visit. Point 4.1.9 of the Food Law Code of Practice (Northern Ireland) April 2012 (FLCoP)⁶ allows councils to co-ordinate food hygiene and food standards inspections.
- 3.2.5 However, when examining the records associated with the visits it was difficult to distinguish between the food hygiene intervention and the food standards intervention and the key points discussed during the visit. This was found in all four establishment files examined.

Recommendation

- (iii) The Council should ensure there is a clear distinction between food hygiene and food standards interventions carried out during the same visit to an FBO. Including recording the scope and key points of each intervention as required by 4.2 of the Food Law Code of Practice (Northern Ireland) April 2012 (FLCoP).

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

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

⁶ [Food Law Code of Practice \(Northern Ireland\) April 2012](#)

The Authority shall take appropriate action on any non-compliance found, in accordance with the Authority's enforcement policy.
[The Standard – 7.3]

- 3.2.6 The auditors also noted the key points noted for food standards interventions were being recorded in the food standards inspection checklist against a narrow scope which covered traceability and basic labelling requirements. This was found in all four establishment files examined.
- 3.2.7 The auditors recommended the Council should consider other food standards activities including, but not limited to, allergens, recipe control, and materials in contact during food standards interventions. Point 4.2.4 of the FLCoP also sets out areas which should be addressed.

Recommendation

- (iv) During food standards interventions the Council should make a note of other food standards activities including, but not limited to, allergens, recipe control, and materials in contact. Point 4.2.4 of the FLCoP sets out areas which should also be addressed.

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

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

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

[The Standard – 7.3]

- 3.2.8 The auditors also noted officers examining food standards activities during food hygiene interventions. Whilst the auditors viewed this as a positive activity the council should consider how they capture these additional food standards activities.
- 3.2.9 From the Council's service plan the auditors noted there were 24.9% of the establishments registered with the Council which had not yet been rated⁷. It was clear from the detailed list provided by the Council, as part of the Pre-visit Questionnaire (PVQ), that the majority of the establishments which had not yet been rated included establishments which would be

⁷ Not yet rated – those establishments yet to be assessed for a risk rating.

outside the intervention programme⁸ or due to the nature of their activities be rated as low risk for food standards. However, there were establishments included in the list which may not be outside the intervention programme or be rated as low risk.

- 3.2.10 The auditors recommended the Council should review its list of 'not yet rated' establishments to ensure it is satisfied that it prioritises its resources to rating those establishments which, due to their activities, may not be outside the intervention programme or low risk. As required by 4.1.3.2 of the Food Law Code of Practice (Northern Ireland) April 2012 (FLCoP).

Recommendation

- (v) The Council should ensure it reviews its list of 'not yet rated' establishments to ensure it is satisfied that it prioritises its resources to rating those establishments which, due to their activities, may not be outside the intervention programme or low risk. As required by 4.1.3.2 of the Food Law Code of Practice (Northern Ireland) April 2012 (FLCoP).

The Authority shall carry out interventions/inspections, and approve or register establishments in accordance with the relevant legislation, Codes of Practice, centrally issued guidance and the Authority's policies and procedures.

NOTE: Establishments includes any ship or aircraft of a description specified in the relevant legislation.

[The Standard – 7.2]

- 3.2.11 In the majority of cases the Council had carried out food standards inspections to the frequency required by the FLCoP. However one category B establishment had not had a food standards inspection to the frequency required by the FLCoP.

- 3.2.12 The auditors also noted the risk rating following two food standards inspection had led to a change in the food standards intervention rating category from A to B. However, the reasons for revising the rating had not been recorded on the establishment file. This was required by point 4.1.5.1.5 of the FLCoP. Also, North Down BC's internal monitoring of food enforcement activities procedure required the Senior EHO to authorise the new rating. The auditors did not see evidence of the Senior EHO authorising the new rating.

⁸ Outside – those establishments assessed by LAs to be of such low risk as to not be included in the intervention programme e.g. coffee/refreshments in betting shops and hairdressers

Recommendation

- (vi) The Council should ensure the reasons for revising the rating are recorded on the establishment file in all cases, as required under 4.1.5.1.5 of the FLCoP. The Council should also ensure it monitors the reason for revising all rating following a food standards inspection as required by their internal monitoring procedure.

The Authority shall maintain up to date accurate records in retrievable form on all food and feed establishments in its area, and for all relevant checks on imported food and feed, in accordance with 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 any action taken, and also relevant food and/or feed registration and approval information. The authority should also record, with reasons, any deviations from set procedures.

[The Standard – 16.1]

- 3.2.13 Where appropriate the Council had corresponded with FBOs following interventions. The correspondence used by the Council included inspection reports and letters. The inspection report followed the template detailed in Annexe 6 of the FLCoP, and was left with the FBO following an intervention.
- 3.2.14 In all cases examined the letters had contained contraventions and recommendations and made a clear distinction between legal requirements and recommendations of good practice as stated in 4.2 of the FLCoP.
- 3.2.15 However, for the majority of correspondence following food standards interventions, which included both Annex 6 reports and letters to FBOs, the auditors noted similar contraventions being recorded for all establishment file records examined. The contraventions were being recorded against a narrow scope which covered traceability and basic labelling requirements. This issue was noted in point 3.2.6 and recommendation (iv).

Food Sampling

- 3.2.16 North Down BC had a food sampling policy specifically for food standards controls. The sampling policy took into account the home/originating authority principle, process monitoring, food complaints, national or regional surveys and special investigations.
- 3.2.17 The Council also had a documented procedure which provided guidance on chemical sampling. The Council had submitted its chemical sampling

programme for 2011/2012 and 2012/2013 as part of the PVQ. The auditors noted both programmes had detailed specific FBOs and the nature of the products to be sampled.

- 3.2.18 The auditors specifically examined the records and results for three chemical samples. The auditors also examined relevant food sampling records and associated actions when reviewing the four establishment files.
- 3.2.19 The Council maintained excellent records in relation to all samples reviewed which included sample results and correspondence with FBOs. All samples had been taken by authorised officers and in all cases the FBO was informed of any unsatisfactory result.
- 3.2.20 The official laboratory appointed by the Council for food standards sampling activities were properly accredited in accordance with relevant centrally issued guidance.
- 3.2.21 The auditors noted unsatisfactory sample results on the same issue re-occurring in the same establishments over an extended period of time. The auditors recommend the Council should review how it follows up on unsatisfactory sample results to ensure contraventions are dealt with in a proportionate, appropriate, and timely manner.

Recommendation

- (vii) The Council should review how it follows up on unsatisfactory sample results to ensure contraventions are dealt with in a proportionate, appropriate, and timely manner. The review should address all the areas laid out under 6.1.2 of the FLCoP.

The Authority shall take appropriate action in accordance with its enforcement policy where sample results are not considered to be satisfactory.

[The Standard – 12.7]

Enforcement

- 3.2.22 The North Down BC had a specific food standards enforcement policy which was based on the principles of the enforcement concordat, guidance contained in Codes of Practice and other guidance notes. The main objective of the policy was to 'ensure that foods and food packaging meet relevant standards for quality, composition and labelling, presentation and advertising and that reputable food businesses are not prejudiced by unfair competition'.
- 3.2.23 The auditors did not specifically examine enforcement actions during the audit but did note North Down BC had carried out some enforcement activity which related to food standards controls in the last two years.

Specifically the enforcement actions related to six voluntary surrenders and four formal cautions.

Food Complaints, Primary Authority Scheme, and Home Authority Principle

- 3.2.24 While the auditors did not review specific food complaints we did review the Council's complaints procedures. North Down BC had a council wide policy which dealt with complaints about the service provided by the Council. The Council had also developed a procedure specifically for food complaints. The procedure detailed how the Council carried out investigations into food complaints. However, it did not cover complaints against establishments as required by point 8.1 of the Framework Agreement and also needed to state how the Agency was notified when a complaint became a serious, localised hazard as required by 2.4.2 of the FLCoP.

Recommendation

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

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

[The Standard – 8.1]

- 3.2.25 The Council's Service Plan confirmed support for the Primary Authority Scheme / Home Authority Principle. The Council had identified ten establishments to which they would provide support.

Verification Visit to a Food Establishment

- 3.2.26 During the audit a verification visit was carried out at a local food establishment with the authorised officer who had carried out a previous food standards inspection at the establishment. The purpose of the visit was to determine the effectiveness of the Council's assessment of food standards including risk assessment, composition and labelling and traceability.
- 3.2.27 During the visit, the officer demonstrated a basic understanding of the food standards controls required for the establishment. However, the auditors noted a number of areas in relation to food standards activities which the

officer did not demonstrate sufficient awareness of FBO monitoring or checks, e.g. Quantitative Ingredient Declarations (QUID)⁹, allergens, and food contact materials. This confirmed the auditor's findings from the examination of the establishment files as described in 3.2.6 and 3.2.14 and in recommendation (iv).

3.3 Internal Monitoring

- 3.3.1 The Council had developed and implemented a documented procedure for the internal monitoring of the food safety systems within the Environmental Health Department. The procedure detailed the qualitative and quantitative areas which the Senior Environmental Health Officer (SEHO) was responsible for monitoring.
- 3.3.2 However the auditors were not able to verify these monitoring checks had been carried out through record checks.

Recommendation

- (ix) The Council should ensure a record is maintained for all internal monitoring activities.

A record shall be made of all internal monitoring. This should be kept for at least 2 years.

[The Standard – 19.3]

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⁹ [Quantitative Ingredient Declarations \(QUID\) guidance notes](#)

Annexe A – Action Plan

Audit Date: 11-12 December 2012

RECOMMENDATION	PLANNED IMPROVEMENTS	DUE DATE
<p>(i) The Council should also consider including the specific list of food standards legislation contained in 3.4.4 of the Food Law Practice Guidance (Northern Ireland) October 2012 (FLPG).</p> <p>The Authority shall set up, maintain and implement a documented procedure for the authorisation of officers based on their competence and in accordance with the relevant Codes of Practice and any centrally issued guidance.</p> <p>[The Standard – 5.1]</p>	<p>The Council will review officers’ authorisations to ensure that all food standards legislation conferring specific powers of detention and seizure are included in the list of specified legislation detailed in Schedule B of the Authorisation Policy document referenced authpol07/01. The council will also approach NIFLG to recommend that the changes be incorporated into the CEHOG/NIFLG Guidance on Authorisations to ensure consistency across the province.</p>	<p>June 2013</p>
<p>(ii) The Council should review its food standards procedure to ensure it contains a reference to how it deals with:</p> <ul style="list-style-type: none"> – New establishment inspections (FLPG - 4.1.4) – Announced / unannounced inspections (FLPG - 4.2.2) – Use of experts (FLPG - 4.2.3) <p>The Authority shall set up, maintain and implement documented procedures for the range of interventions/inspections/it carries out.</p>	<p>The current ISO document applicable across Eastern Group will be amended to address these issues.</p>	<p>June 2013</p>

RECOMMENDATION	PLANNED IMPROVEMENTS	DUE DATE
[The Standard – 7.4]		
<p>(iii) The Council should ensure there is a clear distinction between food hygiene and food standards interventions carried out during the same visit to an FBO. Including recording the scope and key points of each intervention as required by 4.2 of the Food Law Code of Practice (Northern Ireland) April 2012 (FLCoP).</p> <p>The Authority shall assess the compliance of establishments and systems in their area to the legally prescribed standards.</p> <p>NOTE: In assessing compliance, the Authority shall (as required by Article 10(2) of Regulation (EC) No 882/2004) take into account any relevant Industry Guides to Good Hygiene Practice and have regard to any other relevant centrally issued guidance.</p> <p>The Authority shall take appropriate action on any non-compliance found, in accordance with the Authority’s enforcement policy.</p> <p>[The Standard – 7.3]</p>	<p>A standardised format of written communication, which clearly identifies food standards matters considered during the intervention, will be established and used in respect of every food business.</p>	<p>June 2013.</p>
<p>(iv) During food standards interventions the Council should make a note of other food standards</p>	<p>The pro forma used to record details of food standards interventions will be reviewed and updated to broaden the scope</p>	<p>June 2013</p>

RECOMMENDATION	PLANNED IMPROVEMENTS	DUE DATE
<p>activities including, but not limited to, allergens, recipe control, and materials in contact. Point 4.2.4 of the FLCoP sets out areas which should also be addressed.</p> <p>The Authority shall assess the compliance of establishments and systems in their area to the legally prescribed standards.</p> <p>NOTE: In assessing compliance, the Authority shall (as required by Article 10(2) of Regulation (EC) No 882/2004) take into account any relevant Industry Guides to Good Hygiene Practice and have regard to any other relevant centrally issued guidance.</p> <p>The Authority shall take appropriate action on any non-compliance found, in accordance with the Authority's enforcement policy.</p> <p>[The Standard – 7.3]</p>	<p>of food standards activities considered. The current document used has been agreed by the NIFLG and this council will therefore update the document for our use and approach NIFLG to recommend that the changes be incorporated into the regional document to ensure consistency across the province.</p>	
<p>(v) The Council should ensure it reviews its list of 'not yet rated' establishments to ensure it is satisfied that it prioritises its resources to rating those establishments which, due to their activities, may not be outside the intervention programme or low risk. As required by 4.1.3.2 of the Food Law Code of Practice (Northern Ireland) April 2012 (FLCoP).</p>	<p>The unrated premises are a combination of a large number of childminders (currently 147), which are outside the programme, and a considerably smaller number of newly registered premises which have not received an intervention that permits an assessment to be made. The childminders will remain outside the programme. These can easily be identified within our MIS and a review of the remainder will be carried out to ensure that only those businesses that have not received an intervention</p>	<p>June 2013</p>

RECOMMENDATION	PLANNED IMPROVEMENTS	DUE DATE
<p>The Authority shall carry out interventions / inspections, and approve or register establishments in accordance with the relevant legislation, Codes of Practice, centrally issued guidance and the Authority's policies and procedures.</p> <p>NOTE: Establishments includes any ship or aircraft of a description specified in the relevant legislation.</p> <p>[The Standard – 7.2]</p>	<p>remain unrated.</p>	
<p>(vi) The Council should ensure the reasons for revising the rating are recorded on the establishment file in all cases, as required under 4.1.5.1.5 of the FLCoP. The Council should also ensure it monitors the reason for revising all rating following a food standards inspection as required by their internal monitoring procedure.</p> <p>The Authority shall maintain up to date accurate records in retrievable form on all food and feed establishments in its area, and for all relevant checks on imported food and feed, in accordance with 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</p>	<p>The Council will review and amend the current internal monitoring procedure, to enhance the current practice of recording changes in risk rating, to include the reasons that the changes have been made.</p>	<p>June 2013</p>

RECOMMENDATION	PLANNED IMPROVEMENTS	DUE DATE
<p>non-compliance was identified, details of any enforcement action taken, results of any sampling, details of any complaints and any action taken, and also relevant food and/or feed registration and approval information. The authority should also record, with reasons, any deviations from set procedures.</p> <p>[The Standard – 16.1]</p>		
<p>(vii) The Council should review how it follows up on unsatisfactory sample results to ensure contraventions are dealt with in a proportionate, appropriate, and timely manner. The review should address all the areas laid out under 6.1.2 of the FLCoP.</p> <p>The Authority shall take appropriate action in accordance with its enforcement policy where sample results are not considered to be satisfactory.</p> <p>[The Standard – 12.7]</p>	<p>The Councils food sampling procedure will be amended to ensure that repeated failures are dealt with in accordance with the Councils Food standards enforcement policy. Specifically, the reason not to initiate formal action following repeated unsatisfactory sample results must be documented and retained on file.</p>	<p>June 2013</p>
<p>(viii) The Council should ensure its food complaints procedure addresses complaints against establishments as required by point 8.1 of the framework agreement and notifying the Agency as required by 2.4.2 of the FLCoP.</p>	<p>This Council uses the NIFLG food complaint procedure which is currently being reviewed and will include specific reference to complaints regarding premises.</p> <p>Also, as part of the review process this Council will request that</p>	<p>June 2013</p>

RECOMMENDATION	PLANNED IMPROVEMENTS	DUE DATE
<p>The Authority shall set up, maintain and implement a documented policy and procedure(s) in relation to complaints about food and feed that originate within the UK, and those foods and feed originating from other EU member states, or from third countries and in relation to complaints against feed and food establishments. Procedures should cover any referral arrangements to inland authorities and/or authorities with responsibility for imported food and feed controls at the UK point of entry.</p> <p>[The Standard – 8.1]</p>	<p>escalation of food issues arising from complaints, which require notification to the Food Standards Agency, are included within the documented process. If this aspect is not included within the NIFLG procedure then this Council will independently implement the recommendation through its own documentation.</p>	
<p>(ix) The Council should ensure a record is maintained for all internal monitoring activities.</p> <p>A record shall be made of all internal monitoring. This should be kept for at least 2 years.</p> <p>[The Standard – 19.3]</p>	<p>All records relating to internal monitoring activities will be maintained and available for inspection.</p>	<p>Completed</p>

Annexe B - Audit Approach / Methodology

(1) Examination of LA policies and procedures.

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

- Food Service Plan 2012-2013
- Minutes of the Corporate & Regulatory Services Committee 29 May 2012
- North Down BC Food Standards Enforcement Policy
- Authorisation Procedure including scheme of delegation
- Access to and secure storage of premises database
- Food complaints investigation procedure
- Food sampling policy – food standards
- Routine chemical and bacteriological sampling procedure
- Chemical sampling programme for 2012
- Food standards enforcement policy
- Council internal monitoring of food enforcement activities procedure
- Recent food team meeting minutes

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

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

(3) Interviews – the following officers were interviewed:

- Audit Liaison Officer
- EGEHC PEHO

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

(4) On-site verification check:

A verification visit was made with one of the Council's officers to a food establishment within North Down BC's area. The purpose of the visit was to verify that appropriate risk based, proportionate food standards official were carried out.

Annexe C - Glossary

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

(FSA)	<p>Government department set up by an Act of Parliament in 2000 to protect the public's health and consumer interests in relation to food.</p> <p>Everything we do reflects our vision of Safe Food and Healthy Eating for all.</p>
Formal samples	<p>Samples taken in accordance with the requirements of the Food Law Code of Practice in accordance with the relevant sampling regulations and submitted to an accredited laboratory on the official list.</p>
Framework Agreement	<p>The Framework Agreement consists of:</p> <p>Chapter One Service Planning Guidance</p> <p>Chapter Two The Standard</p> <p>Chapter Three Monitoring of Local Authorities</p> <p>Chapter Four Audit Scheme for Local Authorities</p> <p>The Standard sets out the Agency's expectations on the planning and delivery of food law enforcement.</p> <p>The Monitoring Scheme requires Local Authorities to submit an annual return to the Agency on their food enforcement activities i.e. numbers of inspections, samples, and prosecutions. Under the Audit Scheme the Food Standards Agency will be conducting audits of the food law enforcement services of Local Authorities against the criteria set out in The Standard.</p>
Full Time Equivalent (FTE)	<p>A figure which represents that part of an individual officer's time available to a particular role or set of duties. It reflects the fact that individuals may work part-time, or may have other responsibilities within the organisation not related to food enforcement.</p>
Home Authority	<p>An authority where the relevant decision making base of an enterprise is located and which has taken on the responsibility of advising that business on food safety/food standards issues.</p> <p>Acts as the central contact point for other enforcing</p>

	authorities' enquiries with regard to that company's food related policies and procedures.
Informal samples	Samples that have not been taken in accordance with the appropriate sampling regulation (e.g. samples for screening purposes) and/or not sent to an accredited laboratory.
LAEMS	Local Authority Enforcement Monitoring System is an electronic system used by local authorities to report their food law enforcement activities to the Food Standards Agency.
Local Authority (LA)	an organization that is officially responsible for all the public services and facilities in a particular area.
Member forum	A local authority forum at which Council Members discuss and make decisions on food and feed law enforcement services.
Northern Ireland Food Liaison Group (NIFLG)	NIFLG is a sub-group of the Chief Officers Group (CEHOG), acts on behalf of 26 district councils in Northern Ireland as a co-ordinating body for the Food Control function, and consists of food specialist officers from each of the four Group areas in Northern Ireland, Belfast City Council, a district council representative, and a representative from the Food Standards Agency in Northern Ireland.
POAO	Products of animal origin. Animal derived products that fall under the requirements of the veterinary control regime.
Practice Guidance	Guidance issued by the Food Standards Agency to assist district councils with the discharge of their statutory duty to enforce the Food Safety (NI) Order 1991, Regulations made under it, and food law made under the European Communities Act 1972.
Pre-visit Questionnaire (PVQ)	Used by FSA auditors to request information prior to an audit visit , to maximise the effectiveness of the time spent with a local authority.
Primary Authority	An authority that has formed a partnership with a

	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.
RASFF	Rapid alert system for food and feed. The European Union system for alerting port enforcement authorities of food and feed hazards.
Risk rating	A system that rates food premises according to risk and determines how frequently those premises should be inspected. For example, high risk premises should be inspected at least every 6 months.
Service Plan	A document produced by a Local Authority setting out their plans on providing and delivering a food service to the local community.
Third Country	Countries outside the European Union.