

# **Report on the Audit of Imported Food Controls on Foods of Non-Animal Origin (FNAO) at Smaller Points of Entry and Inland on FNAO and Products of Animal Origin**

North West Leicestershire District Council  
17-18 March 2014



## Foreword

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

Agency audits assess local authorities' (LA) conformance against the 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 and is available on the Agency's website at:

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

The main aim of the audit scheme is to maintain and improve consumer protection and confidence by ensuring that local authorities are providing an effective food law enforcement service. The scheme also provides the opportunity to identify and disseminate good practice and provide information to inform Agency policy on food safety, standards and feeding stuffs. Parallel local authority audit schemes are implemented by the Agency's offices in all devolved countries comprising the UK.

This programme of focused audits has been specifically developed to address one of the main priorities identified in the Food Standard Agency's Strategy for 2010-2015 in meeting the outcomes that imported food is safe to eat and that regulation is effective, risk-based and proportionate. The strategic priority is to ensure risk-based, targeted checks at ports and local authority monitoring of imports throughout the food chain.

The attached audit report examines the Local Authority's Food Law Enforcement Service. The assessment includes the local arrangements in place for the implementation and effectiveness of food import control activities both at points of entry and inland, including inspection, sampling and enforcement, internal service monitoring arrangements and liaison arrangements for food and feed activity.

It should be acknowledged that there will be considerable diversity in the manner in which local authorities may provide their food enforcement services reflecting local needs and priorities.

The report contains some statistical data, for example on the premises profile of the district. 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).

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

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## **1.0 Introduction**

- 1.1 This report records the results of an audit at North West Leicestershire District Council with regard to the enforcement of imported food controls, under relevant headings of the Food Standards Agency Food Law Enforcement Standard. The audit focused on the Authority's arrangements for the control of imported foods of non-animal origin (FNAO) from non-EU countries at smaller points of entry. The arrangements for inland controls of products of animal origin (POAO) and FNAO were also examined as part of the audit scope. The report has been made publicly available on the Agency's website at [www.food.gov.uk/enforcement/auditandmonitoring/auditreports](http://www.food.gov.uk/enforcement/auditandmonitoring/auditreports). Hard copies are available from the Food Standards Agency's Operations Assurance Division at Aviation House, 125 Kingsway, London WC2B 6NH, Tel: 020 7276 8428.

### **Reason for the Audit**

- 1.2 The power to set standards, monitor and audit local authority food law enforcement services was conferred on the Food Standards Agency by the Food Standards Act 1999 and the Official Feed and Food Controls (England) Regulations 2009. This audit of North West Leicestershire District Council was undertaken under section 12(4) of the Act as part of the Food Standards Agency's annual audit programme.
- 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 Food Standards Agency, as the central competent authority for feed and food law in the UK has established external audit arrangements. In developing these, the Agency has taken account of the European Commission guidance on how such audits should be conducted.<sup>1</sup>
- 1.4 The Authority was included in the Food Standards Agency's programme of audits as it was responsible for imported food controls at a smaller point of entry and was representative of a geographical mix of five LAs or Port Health Authorities selected across England.

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

## **Scope of the Audit**

- 1.5 The audit examined North West Leicestershire District Council's arrangements for the enforcement of controls on imported FNAO at East Midlands Airport and inland controls of both FNAO and POAO. This included the assessment of local arrangements for service planning, delivery and review, provision and adequacy of officer authorisations and training on imports, and the implementation and effectiveness of imported food control activities, including inspection, sampling and enforcement. The audit also covered the maintenance and management of records in relation to imported food, internal service monitoring arrangements and liaison with other organisations in relation to imported food and feed.
- 1.6 The on-site element of the audit took place at the Council Offices, Coalville, Leicestershire on 17-18 March 2014. The audit also included a 'reality check' visit to assess the appropriateness of the facility at the airport for the newly designated points of entry and import.

## **Background**

- 1.7. North West Leicestershire District Council is predominantly a rural district covering an area of 27,933 hectares with an estimated population of 90,300. The two main urban areas in the district are Coalville and Ashby de la Zouch.
- 1.8. East Midlands Airport is located at Castle Donington in North West Leicestershire. It lies between the cities of Derby, Leicester and Nottingham and serves the counties of Derbyshire, Nottinghamshire, Leicestershire, Staffordshire and South Yorkshire. The Airport is the largest pure cargo airport in the UK and is particularly used for fast 'small parcel' freight. It has border inspection post (BIP) status for the control of certain imported POAO, which is managed and operated by the Authority.
- 1.9. In 2013, the airport submitted an application to the FSA for designated point of entry (DPE) and designated point of import (DPI) status. The FSA granted temporary DPE and DPI status to the Airport for a period of six months from 3 February 2014 to 2 August 2014 for certain ambient stable products listed within Commission Regulation (EU) No.'s 322/2014, 91/2013, 669/2009 (as amended) and 1152/2009 (as amended). At the time of the audit, the Authority had not implemented the new designations, but was about to commence.
- 1.10. An Official Veterinarian had been appointed by the Authority to inspect relevant POAO that arrived at the BIP, and an Official Fish Inspector from the Food Safety Team was responsible for inspecting fishery products. The airport predominantly handled short haul flights to and from European destinations. However, they also received flights direct

from or transiting through international 'hub' airports including those serving non-EU country Asian and American markets.

- 1.11. The 2012/13 Local Authority Enforcement Monitoring System (LAEMS) return for the Authority indicated that there were 815 premises for food hygiene, the profile of which was as follows:

<b>Type of Food Premises</b>	<b>Number</b>
Primary Producers	3
Manufacturers/Packers	36
Importers/Exporters	0
Distributors	18
Retailers	168
Restaurants/Caterers	590
<b>Total Number of Food Premises</b>	<b>815</b>

- 1.12. The food service was delivered by the Food Safety Team in the Environmental Health Team which sits within the Council's Legal and Support Services Department. Food law enforcement activities undertaken included programmed interventions, food sampling, water sampling, imported food surveillance and sampling and food hygiene training. Food standards enforcement was the responsibility of Leicestershire County Council.

## 2.0 Executive Summary

2.1 The Authority was selected for audit as it was responsible for inland controls of foods of non-animal origin (FNAO), and products of animal origin (POAO), and because there was a small point of entry within the district (East Midlands Airport), with a temporary designation as a Designated Point of Entry (DPE)/Designated Point of Import (DPI) responsible for the control of certain imported FNAO from non-EU countries. The audit was undertaken during a period of transition when temporary DPE/DPI status had been designated but not yet implemented. New procedures had been developed for imported food and checks at the airport as well as new inspection aides-memoire for staff to record inspection details. These were not yet in use.

2.2 The audit confirmed that there were currently no routine imports of higher risk FNAO at the airport. Auditors gained assurance that liaison arrangements were being put in place in order that effective and proportionate controls would be carried out in the event of a consignment being received.

### 2.3 **Strength:**

**Provision of advice:** It was clear that officers were developing close working relationships with importers and transit shed (now known as Internal Temporary Storage Facility, ITSF) operators through the provision of advice and regular surveillance, enabling them to monitor and control any import of higher risk FNAO at the airport.

### 2.4 **Key areas for improvement:**

**Inspection records:** In general officers were not routinely recording sufficient detail of inspection findings as part of their inland inspections and in particular needed to include basic details of food activities, follow-up actions and any imported food checks that had taken place.

**Internal monitoring:** Although the Authority had developed a documented procedure for internal monitoring this was not being fully implemented in practice. Qualitative and quantitative monitoring checks of food law enforcement activities were limited and not always recorded.



## **3.0 Audit Findings**

### **3.1 Organisations and Management**

#### Strategic Framework, Policy and Service Planning

- 3.1.1 The Service had published a Food Service Delivery Plan for 2013/14 which had received approval by Cabinet. The Plan provided details of the Service's food law enforcement activities for the year and included a comprehensive review of performance from the previous year showing service delivery trends. Whilst the Plan was broadly in line with the Service Planning Guidance in the Framework Agreement and included references to the Authority's responsibility for imported food, auditors suggested that future plans could be usefully improved by the addition of information on the staff resources required for the control of imported food at the airport.
- 3.1.2 The aim of the food safety service was 'to protect public health in North West Leicestershire and ensure that the food imported, prepared, stored, sold and consumed in the district is safe to eat through enforcement and education.' The Plan was linked to the Council's priorities 'Business and Jobs' and 'Safer and Healthier Communities.'
- 3.1.3 The Authority confirmed that there were currently sufficient officer resources to deliver the planned imported food law enforcement activities at the airport and inland, however it would be difficult to deliver any additional work unless further staff resources were provided. The Authority advised that a large proportion of their resources relating to imported food controls was in the provision of advice to importers and freight handlers, which was currently very time consuming.
- 3.1.4 At the time of the audit, the Environmental Health Team Leader was on external secondment for a year and this had impacted on the ability of the team to carry out their day to day duties. The Team Leader's role had been filled by one of the Environmental Health Officers. Another officer was designated as lead officer for imported food at the airport.

#### Documented Policies and Procedures

- 3.1.5 The Authority had developed policies and procedures covering most areas within the scope of the audit. Some procedures required further development in order to provide comprehensive operational guidance to officers and to facilitate effective qualitative internal monitoring.

- 3.1.6 Although there was no formal document control procedure in place, the Environmental Health Team Manager maintained master files of procedures, both in paper format and electronically. Procedures were stored on an electronic shared drive for officers' guidance with protected access. It was clear that most procedures had been recently reviewed.

#### Officer Authorisations

- 3.1.7 The Council's Scheme of Delegation set out responsibility for the authorisation of officers to the Commercial Services Manager. A documented procedure for the authorisation of officers had been developed and implemented which gave consideration to officers' qualifications and training, however, the Authority would benefit from a more structured and recorded formal assessment of officer competency. References to key legislation also required review to ensure authorisations were up to date and relevant, for example current and relevant emergency safeguard regulations.
- 3.1.8 The lead officer for imported food was able to demonstrate that they had the necessary experience and qualifications for the role.
- 3.1.9 Officers' training needs were identified as part of an annual performance review process. There was a system in place for recording the training undertaken by officers in the team and there was good evidence of officers attending training on imported food enforcement. Auditors were able to confirm that officers had achieved the minimum 10 hours food law training required by the Food Law Code of Practice (FLCoP). In addition, officers had recently visited Stansted Airport to gain further insight into imported food controls in practice.

#### **Recommendations**

3.1.10 The Authority should:

- (i) Further develop, review and implement the documented procedure for the authorisation of officers based on their competence and in accordance with the Food Law Code of Practice and centrally issued guidance.  
[The Standard – 5.1]
- (ii) Review and update authorisations to ensure that all officers are appropriately authorised under relevant legislation and in accordance with their level of qualification, experience and competency.  
[The Standard – 5.3]

## 3.2 Imported Food Control Activities

### Food Premises Database

- 3.2.1 The Authority had arrangements in place to ensure the food establishments database was maintained, up to date, secure and accurate. Audit database checks on a random selection of food businesses from a commercial directory and websites confirmed that these were present on the database.
- 3.2.2 Evidence was provided of routine checks by the Authority against the FSA's database of External Temporary Storage Facilities (ETSFs, formerly known as ERTS) to confirm these were up to date within the district.
- 3.2.3 The Authority had submitted an imported food return on the Local Authority Enforcement Monitoring System (LAEMS) for 2012/13. Minor anomalies in the imported food activities return were discussed. The Authority should ensure figures submitted accurately reflect the Authority's imported food sampling and enforcement activities.

### **Recommendation**

3.2.4 The Authority should:

Ensure that information on imported food law enforcement activity is accurately reported in official returns to the FSA on Local Authority Enforcement Monitoring System.  
[The Standard – 6.3]

### Facilities and Equipment including Verification Visit at the Point of Entry

- 3.2.5 During the audit, a verification visit was undertaken to East Midlands Airport imported food inspection facilities with officers from the Authority. The purpose of the visit was to confirm that no higher risk FNAO from non-EU countries had been routinely imported through the airport and that appropriate facilities were now available for the DPE and DPI designation.
- 3.2.6 The visit confirmed that the DPE/DPI facilities were generally appropriate for use at the airport. The Authority have confirmed that POAO not for human consumption will not be stored in the same room as some high risk FNAO. Minor improvements identified were:
- to label containers dedicated for FNAO equipment

- to produce a written memorandum of understanding for shared use of the BIP
- to improve written procedures and to have procedures for when consignments are to be destroyed.

3.2.7 The visit confirmed that there were no higher risk non-EU country FNAO imports currently entering through the airport. Generally, effective arrangements were in place so that the Authority would be made aware in the event of any illegal consignments being received.

**Recommendation**

3.2.8 The Authority should:

Ensure the necessary facilities and equipment are available for the effective delivery of all imported food activities and checks at the designated point of entry and designated point of import.  
[The Standard – 6.1]

Food Premises Interventions

3.2.9 The Service had developed and implemented a comprehensive documented procedure on the inspection of food premises and included reference for officers to use the aide-memoire for importers where appropriate.

3.2.10 The food safety inspection aide-memoire had been recently reviewed by the Authority to include specific questions relating to imported food checks. Another aide-memoire, specifically for food importers had also been developed. Neither of the forms were being used at the time of the audit.

3.2.11 Checks on a selection of recent inland food premises inspection records confirmed that premises were in general being inspected at the minimum frequencies set out in the Food Law Code of Practice. However, the aides-memoire used by officers to record inspection findings were not routinely being completed in sufficient detail, for example a lack of recorded information on the size and scale of the business, traceability checks carried out, and key information on inland imported food checks. It was not always clear in reports of inspection as to what further follow-up action was intended by the Authority. There was no evidence of internal monitoring of interventions noted in the records examined.

3.2.12 There were three ETSFs within the Authority's district which were used for food storage. These were typically low risk establishments based on the Food Law Code of Practice intervention rating scheme

and although these had been recently inspected, had not previously received regular visits. The Authority should maintain an overview of these premises.

### **Recommendations**

3.2.13 The Authority should:

- (i) Carry out inspections in accordance with relevant legislation, the Food Law Code of Practice and centrally issued guidance. [The Standard - 7.2]
- (ii) Implement the use of the revised inspection aides-memoire and ensure that inspections of food establishments adequately assess the compliance of establishments and systems to legally prescribed standards. Take appropriate action on any non-compliance found in accordance with the Authority's enforcement policy. [The Standard – 7.3]

### Imported Food Inspection and Sampling

- 3.2.14 A procedure had been developed on 'Inspection of Imported Food FNAO-Point Of Entry' detailing the import checks to be carried out at the airport. This procedure included advice on relevant legislation and guidance on import checks; completion of Common Entry Documents (CEDs) based on documentary, identity and physical checks; actions to be taken following satisfactory and unsatisfactory checks; charging, and illegal imports. This procedure should be further developed to provide more guidance for officers on onward transportation of imported food and destruction of FNAO when appropriate.
- 3.2 15 The Authority had also drafted a newly documented procedure, 'Imported food sampling' for the DPE and DPI, which detailed the arrangements for sampling checks on food consignments entering the airport. This was a working document which reflected the practical arrangements for the inspection of higher risk products arriving at the point of entry. All products covered by the specific Regulations such as Regulation (EC) No. 669/2009 (as amended) and Regulation (EC) No. 1152/2009 (as amended) were to be sampled in accordance with the frequency specified in the Regulations. The procedure stated that there were currently no known patterns to the imports of these products through East Midlands Airport. There had been no sampling interventions undertaken at the airport for FNAO prior to the new DPE/DPI designation.

- 3.2.16 The Authority had developed a procedure for the 'Surveillance of Imported Food' to identify the nature and volume of imported foodstuffs at East Midlands Airport and their ETSEs. This provided some useful guidance for officers but would benefit from being further developed to include higher level surveillance required due to the DPE and DPI status of the airport and to better reflect surveillance currently undertaken in practice.
- 3.2.17 A risk-based programme of monthly manifest checks was being implemented at the main carriers and internal temporary storage facilities (ITSE, formerly known as transit sheds). Due to a high proportion of night time flights, 'live' manifest checks had to be undertaken outside of office hours so the majority of these manifests were reviewed after the freight had left the airport. The frequency of manifest checks should be reviewed as trade develops.
- 3.2.18 The importance of undertaking routine checks to identify businesses, including low risk premises that may be receiving food as first point of destination inland was discussed. The Authority advised that business operators, eg freight handlers and ITSE which did not handle food, would continue to be contacted for surveillance and advisory purposes by email every three months and a questionnaire for these business operators had been developed for completion and return to the Authority.
- 3.2.19 The official laboratories appointed by the Authority for food sampling activities were properly accredited in accordance with relevant centrally issued guidelines. The Authority advised that if laboratory analysis identified unsatisfactory results a RASFF notification would be completed and sent to the FSA.
- 3.2.20 In addition to the surveillance and sampling of imported food at the airport, the Service had developed a general sampling programme including imported food in association with the Leicestershire Food Liaison Group and Public Health England. Sample records from a survey of imported fresh herbs were examined. All samples in the last six months had been taken by authorised officers and all results were satisfactory, however, follow-up letters of results to Food Business Operators were not evident in all records examined. There was no evidence noted of internal monitoring carried out on the sampling records examined.

## **Recommendation**

3.2.21 The Authority should:

Develop, maintain and implement procedures for the full range of imported food activities it carries out, including onward transportation and destruction of imported food, and surveillance and monitoring of imported food consignments.

[The Standard - 12.3]

### Imported Food Complaints and Referrals

- 3.2.22 The Service had produced an appropriate food and food premises complaint policy and procedure which included a section on imported food controls. This confirmed that complaints were to be dealt with in line with FSA guidance.
- 3.2.23 There had been no complaints directly relating to importers or imported foods in the six months preceding the audit. In the absence of specific complaints, checks were made on the investigation of three recent requests for service from transit shed operators relating to high risk FNAO imported from non-EU countries. Files examined confirmed comprehensive records of investigations undertaken and appropriate follow-up action undertaken. There was no evidence of internal monitoring undertaken on the files examined.

### Enforcement

- 3.2.24 The Authority had developed a Food Law Enforcement Policy dated April 2002 which had been appropriately approved but was now out of date. A further issue had been drafted in January 2014 and the Authority advised that this was due to go out for consultation, to be followed by approval by Council in August 2014. The recent policy set out the Authority's graduated approach to enforcement and commitment to the Regulators' Compliance Code.
- 3.2.25 The Authority had produced a number of procedures relating to enforcement actions relevant to imported food controls, for example: 'Inspection, Detention and Seizure of food' and 'Taking Legal Action'. Further guidance for officers on enforcement was also contained in the 'Inland Checks on Imported Food' procedure.
- 3.2.26 Three files were examined where notices had been served to re-export higher risk FNAO received at the airport prior to its DPE/DPI designation. In all cases this was an appropriate course of action and notices were served by authorised officers. However, there was no

evidence of proper service of notice in accordance with the FLCoP and there were also inconsistencies in record keeping of evidence of actions following service of notice. For example in one of the files examined there were no records maintained about the supervision or tracking of the rejected consignment to ensure it left EU territory. There was insufficient evidence of internal monitoring of service of notices and follow-up actions carried out.

- 3.2.27 In another file where a notice for destruction had been served, comprehensive records of actions taken had been maintained and appropriate advice had been given to the FBO.

#### **Recommendation**

3.2.28 The Authority should:

Develop and implement existing procedures for all available follow-up and enforcement options in respect of FNAO import controls in accordance with the Food Law Code of Practice and centrally issued guidance. [The Standard – 15.2]

#### Records of Imported Food Activities

- 3.2.29 The Authority was currently implementing an electronic system of record storage. Some documented records were still paper based. Whilst some records of imported food activities such as statutory notices, requests for service worksheets and sampling records were found to be easily retrievable, a number of inspection records for the food establishments examined were difficult to retrieve and the quality of officers' records of food premises interventions was variable. Record keeping of food law enforcement activities is important for ensuring maintenance of business compliance history, to inform a graduated approach to enforcement and to assist internal monitoring.
- 3.2.30 A consistent approach to record keeping, maintenance and storage of officers' records, whether in hard copy and/or electronic copy needed to be adopted. In a number of files it was not always clear what follow up action had been taken by the Authority or what action was intended to be taken.



**Recommendation**

3.2.31 The Authority should:

Maintain retrievable, comprehensive, up to date and accurate records on all imported food law enforcement activities, including detailed intervention records, in accordance with the Food Law Code of Practice and centrally issued guidance. This should include records of further action proposed by the Authority following interventions and enforcement activities.

[The Standard – 16.1 and 7.5]

### 3.3 Liaison with other Organisations

#### Liaison

- 3.3.1 The Authority advised of close liaison with the Cargo Development Manager at East Midlands Airport and was clearly developing good liaison links with the ITSF operators at the airport. It was recognised that liaison with UK Border Force (UKBF) had been ad-hoc over the last two years but the Authority were looking to improve this from April 2014 with planned quarterly liaison meetings.
- 3.3.2 The Authority was in regular and close liaison with other local authorities enforcing imported food controls at airports, such as at Stansted and Heathrow.
- 3.3.3 It was evident that the Service actively participated in the Leicestershire and Rutland CIEH Food Hygiene Best Practice Group and the Leicestershire Food Liaison Group. A Local Partnership Agreement to facilitate the delivery of Port Health Services at East Midlands Airport had been developed with Public Health England, however, most of the activities undertaken by the group were outside the scope of this audit. The BIP managed by the Authority received quarterly inspections by Defra.
- 3.3.4 There had been regular recent liaison with the FSA and Airport operators over the requirements and application for the DPE and DPI status awarded temporarily to the airport.

#### **Recommendation**

3.3.5 The Authority should:

Review the existing liaison arrangements with other official control bodies at East Midlands Airport, aimed at identifying any imported food consignments and to help facilitate consistent enforcement.  
[The Standard - 18.1]

#### Imported Food Alerts and Incidents

- 3.3.6 The Authority had produced and implemented an appropriate procedure on food alerts and incidents and had been proactive following receipt of recent relevant food alerts. Auditors examined a record of action taken following an 'alert for action' for imported food. The Authority had taken timely and appropriate follow-up action and good records had been maintained. A detailed procedure for generating a RASFF notification was also available for officers.

- 3.3.7 Arrangements were in place for officers to be contacted should incidents occur out of hours. The Service Plan 2013/14 stated that the border inspection post at the airport was manned on a reactive basis as and when the service was required.

#### Advice to Business

- 3.3.8 The Authority advised that they received frequent and wide ranging requests for advice from businesses relating to food consignments. Importers and their agents were encouraged to contact the Authority in advance of dispatching consignments to ensure they were familiar with relevant import legislative controls and requirements. The Authority advised that when necessary they referred to other sources for information such as GRAIL, BIP compendium and FSA guidance. When the Authority was unable to answer a particular query on FNAO they sought further advice from the imports teams at the FSA. The Authority advised that much of their advice to businesses was currently proactive and focused on improving awareness amongst those involved in importing food and cargo handling until they were sufficiently familiar with import legislation. Providing this advice was very resource intensive.

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

#### Internal Monitoring

- 3.4.1 An internal monitoring procedure had been developed which included monitoring of food law enforcement activities such as inspections, enforcement actions, sampling and food complaints. However internal monitoring, including imported food controls being undertaken did not in all cases reflect the monitoring procedure in practice. There was little evidence of internal monitoring noted in files checked during the audit, for example interventions undertaken, notices served, food sampling or requests for service.
- 3.4.2 Good evidence was provided of regular team meetings and monthly 'one to one' meetings by line managers, including discussion of training issues and qualitative and quantitative monitoring of workloads undertaken. There was also evidence of risk rating consistency exercises being undertaken between staff.
- 3.4.3 The team had clearly worked closely together in the development of the DPE/DPI application and potential delivery of imported FNAO controls at the airport.

#### **Recommendation**

3.4.4 The Authority should:

Expand and implement the documented procedure on internal monitoring and carry out monitoring to verify conformance of imported food controls across the whole of the Standard, relevant legislation, the Food Law Code of Practice, relevant centrally issued guidance and the Authority's own documented policies and procedures. Records of all monitoring activities should be maintained for at least two years. [The Standard – 19.1 and 19.3]

#### Third Party or Peer Review

- 3.4.5 The Authority had not participated in any other third party or peer review exercises in the last two years relating to imported food controls. Compliance checks of the structure and facilities of the newly designated DPE and DPI facilities at the Airport were undertaken by Defra every three months as part of the Airport's BIP function.

**Auditors:** **Jane Tait**  
John Ashcroft  
**Imported Food Team:** Alistair Edwards

Food Standards Agency  
Operations Assurance Division

## ANNEX A Action Plan for North West Leicestershire District Council

Audit date: 17-18 March 2014

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
<p>3.1.10(i) Further develop, review and implement the documented procedure for the authorisation of officers based on their competence and in accordance with the Food Law Code of Practice and centrally issued guidance. [The Standard – 5.1]</p>	<p>Completed  31/07/14</p>	<p>To amend the authorisation of officers procedure to include a competency assessment.  To develop and implement a competency matrix record for the authorisation of officers.</p>	<p>Procedure note amended to include a competency assessment.  A competency matrix record has been developed. The assessment of all food officers' competency is currently being undertaken and recorded using the matrix record following appraisals in May/June. This will be completed in July.</p>
<p>3.1.10(ii) Review and update authorisations to ensure that all officers are appropriately authorised under relevant legislation and in accordance with their level of qualification, experience and competency. [The Standard – 5.3]</p>	<p>Completed</p>	<p>To review and update officer authorisations to provide additional detail of specific powers in accordance with their level of qualification, experience and competency.</p>	<p>All officer authorisations have been reviewed and updated.</p>

<b>TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)</b>	<b>BY (DATE)</b>	<b>PLANNED IMPROVEMENTS</b>	<b>ACTION TAKEN TO DATE</b>
<p>3.2.4 Ensure that information on imported food law enforcement activity is accurately reported in official returns to the FSA on Local Authority Enforcement Monitoring System. [The Standard – 6.3]</p>	<p>30/09/14</p>	<p>To review the list of codes available within the software database for accurate recording of imported food work undertaken.</p> <p>To brief officers to ensure they understand and appropriately use the reviewed codes.</p>	<p>New codes have been created to record DPE related work and other FNAO.</p>
<p>3.2.8 Ensure the necessary facilities and equipment are available for the effective delivery of all imported food activities and checks at the designated point of entry and designated point of import. [The Standard – 6.1]</p>	<p>Completed</p>	<p>To make available all necessary facilities and equipment within the inspection facility at East Midlands airport.</p> <p>To develop a written memorandum of understanding of the shared use of the BIP with the FSA and Defra.</p>	<p>A dedicated storage/holding room for DPE products has been provided. Additional equipment has been purchased to ensure that no equipment is used for both POAO and FNAO. A pedal bin has been provided. Additional signage of doors and facilities have been put in place. Containers dedicated for FNAO equipment have been labelled. A written memorandum of understanding for the shared use of the BIP has been developed and agreed with the FSA and Defra.</p>

<b>TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)</b>	<b>BY (DATE)</b>	<b>PLANNED IMPROVEMENTS</b>	<b>ACTION TAKEN TO DATE</b>
3.2.13(i) Carry out inspections in accordance with relevant legislation, the Food Law Code of Practice and centrally issued guidance. [The Standard - 7.2]	30/09/14	To ensure that all food premises, including ETSFs, storing or handling imported food receive inspection in accordance with the Food Law Code of Practice and centrally issued guidance.	All ETSFs known to be handling foods received an inspection prior to the audit and were risk rated. All premises handling imported food will receive an appropriate intervention in accordance with the Food Law Code of Practice and centrally issued guidance.
3.2.13(ii) Implement the use of the revised inspection aides-memoire and ensure that inspections of food establishments adequately assess the compliance of establishments and systems to legally prescribed standards. Take appropriate action on any non-compliance found in accordance with the Authority's enforcement policy. [The Standard – 7.3]	30/09/14	<p>To implement the use of the revised inspection aides-memoire.</p> <p>To brief all authorised officers on the importance of fully completing aides-memoire to ensure an adequate assessment of compliance of the establishment has been carried out and to record detail of any follow-up action taken.</p>	<p>The revised inspection aide-memoire is now in use.</p> <p>Authorised officers have been reminded of the importance of comprehensively completing aides-memoire and to record detail of any follow-up action taken.</p>



<b>TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)</b>	<b>BY (DATE)</b>	<b>PLANNED IMPROVEMENTS</b>	<b>ACTION TAKEN TO DATE</b>
<p>3.2.21 Develop, maintain and implement procedures for the full range of imported food activities it carries out, including onward transportation and destruction of imported food, and surveillance and monitoring of imported food consignments. [The Standard -12.3]</p>	<p>30/09/14</p>	<p>The procedure relating to the 'Inspection of Imported Food FNAO-Point Of Entry' will be further developed and implemented to provide more guidance for officers on onward transportation of imported food and destruction of FNAO when appropriate.</p>	<p>The procedure detailing the 'Inspection of Imported Food FNAO-Point Of Entry' has been further developed to provide more guidance for officers on onward transportation of imported food and destruction of FNAO when appropriate.</p>
	<p>30/09/14</p>	<p>The procedure relating to the 'Surveillance of Imported Food' to identify the nature and volume of imported foodstuffs at East Midlands Airport and their ETSFs will be further developed and implemented to include higher level of surveillance required due to the DPE and DPI status of the airport and to better reflect surveillance currently undertaken in practice.</p> <p>To brief officers on the amendments on the procedure notes for their implementation</p>	<p>The procedure relating to the 'Surveillance of Imported Food' to identify the nature and volume of imported foodstuffs at East Midlands Airport and their ETSFs has been further developed to include higher level of surveillance.</p> <p>All Officers authorised to carry out checks on high risk FNAO at the DPE have been briefed on the amendments to the procedure notes.</p>

<b>TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)</b>	<b>BY (DATE)</b>	<b>PLANNED IMPROVEMENTS</b>	<b>ACTION TAKEN TO DATE</b>
<p>3.2.28 Develop and implement existing procedures for all available follow-up and enforcement options in respect of FNAO import controls in accordance with the Food Law Code of Practice and centrally issued guidance. [The Standard – 15.2]</p>	<p>30/09/14</p>	<p>Procedures relating to follow up and enforcement options will be developed to include the requirement for an officer to complete a form evidencing proper service of notice and follow-up action.</p> <p>A form will be developed to evidence the proper service of notices and follow-up action.</p> <p>To brief officers on the amendments to procedures regarding the service of notices and requirements for follow-up actions.</p>	<p>Procedures relating to follow up and enforcement options have been developed to include the requirement for an officer to complete a form evidencing proper service of notice and follow-up action.</p> <p>A form has been developed detailing measures to be taken for the proper service of a notice and follow up action to be completed by the Officer drafting and serving the notice.</p>
<p>3.2.31 Maintain retrievable, comprehensive, up to date and accurate records on all imported food law enforcement activities, including detailed intervention records, in accordance with the Food Law Code of Practice and centrally issued guidance. This should include records of further action proposed by the Authority following interventions and enforcement activities. [The Standard – 16.1 and 7.5]</p>	<p>30/09/14</p>	<p>To complete the transition from paper based storage of information to an electronic system of record storage.</p> <p>Comprehensive records of all imported food law enforcement and interventions activities, and follow up actions, to be maintained by all officers.</p>	<p>Paper files continue to be scanned and indexed.</p>

<b>TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)</b>	<b>BY (DATE)</b>	<b>PLANNED IMPROVEMENTS</b>	<b>ACTION TAKEN TO DATE</b>
<p>3.3.5 Review the existing liaison arrangements with other official control bodies at East Midlands Airport, aimed at identifying any imported food consignments and to help facilitate consistent enforcement. [The Standard - 18.1]</p>	<p>30/09/14</p>	<p>To review the existing liaison arrangements with other official control bodies at East Midlands Airport</p> <p>To set up and maintain quarterly liaison meetings with UKBF.</p>	<p>A review of existing arrangements has been undertaken. With the exception of UKBF current liaison arrangements are considered to be adequate.</p> <p>Contact has been made with UKBF. The Authority is still awaiting confirmation from UKBF of a suitable meeting date.</p>
<p>3.4.4 Expand and implement the documented procedure on internal monitoring and carry out monitoring to verify conformance of imported food controls across the whole of the Standard, relevant legislation, the Food Law Code of Practice, relevant centrally issued guidance and the Authority's own documented policies and procedures. Records of all monitoring activities should be maintained for at least two years. [The Standard – 19.1 and 19.3]</p>	<p>30/09/14</p>	<p>The procedure note relating to internal monitoring will be reviewed and implemented having particular regard to qualitative monitoring of interventions, enforcement actions, and follow up actions. The quantity of monitoring undertaken will reflect the content of the procedure note.</p> <p>Monitoring records will be maintained for two years.</p>	<p>The procedure note relating to internal monitoring has been reviewed and implemented so far in relation to recording monitoring undertaken relating to the service of notices.</p> <p>The quantity of monitoring undertaken now reflects the procedure note.</p>

## **ANNEX B Audit Approach/Methodology**

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

(1) Examination of LA policies and procedures.

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

- Service Delivery Plan 2013/14 and associated Member approval
- Authorisation of Officers procedure PN5.0
- Extracts from Scheme of Delegation
- Food Inspections procedure PN1.0
- Inland Checks on Imported POAO & FNAO procedure PN1.2
- Inspection aides-memoire, including for food importers
- Food Sampling procedure PN13.0
- Imported Food Sampling procedure PN13.1 (Draft)
- Inspection of Imported FNAO- Point of Entry PN 15.0
- Surveillance of Imported Food procedure PN15.1
- Food Complaints procedure PN7.0
- Food Alerts and Incidents procedure PN11.0
- Guidance on how to complete a CED RASSF on TRACES
- Environmental Health Food Law Enforcement Policy
- Taking Legal Action procedure PN2.0
- Inspection, Detention and Seizure of Food procedure PN16.0
- Internal Monitoring procedure PN17.0
- Example minutes from various Food Liaison Group meetings

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

- Officer authorisation and training
- Internal monitoring checks
- Food premises inspections and reports
- Food requests for service
- Food samples
- Formal enforcement notices

(3) Review of database records:

- To review and assess the completeness of database records of food hygiene inspections, imported food complaint investigations and referrals, samples taken by the authority, formal enforcement and other activities and to verify consistency with file records.
- To assess the completeness and accuracy of the food premises database.

(4) Officer interviews – the following officers were interviewed:

- Environmental Health Manager
- EHOs; Port Health and Lead Food Officer

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

(5) On-site verification check:

A verification visit was made with an officer from the Authority to East Midlands Airport. The purpose of the visit was to confirm the extent of imports of food from non-EU countries through the point of entry and to verify that appropriate liaison arrangements were in place to enable any necessary appropriate risk-based, proportionate checks to be carried out on consignments of imported FNAO at the airport.

## **ANNEX C Glossary**

Airway bill	Commercial document providing a general description of cargo items.
Authorised officer	A suitably qualified officer who is authorised by the local authority to act on its behalf in, for example, the enforcement of legislation.
Border Inspection Post	Point of entry into the UK from non-EU countries for products of animal origin.
CEDs/CVED	Common Entry Documents/Common Veterinary Entry Documents which must accompany certain FNAO food products and POAO to designated points of entry or import.
Code of Practice (Food Law)	A Government Code of Practice issued under Section 40 of the Food Safety Act 1990 as guidance to local authorities on the enforcement of food legislation.
Consignment	A unit of cargo that can consist of one or a number of different products.
County Council	A local authority whose geographical area corresponds to the county and whose responsibilities include food standards and feeding stuffs enforcement.
Defra	The Department for Environment, Food and Rural Affairs. The Government Department designated as the central competent authority for products of animal origin in England.
District Council	A local authority of a smaller geographic area and situated within a County Council whose responsibilities include food hygiene enforcement.
DPE	Designated point of entry. A port that has been designated for the entry of certain high risk feed and food products subject to enhanced checks.
DPI	Designated point of import. A port that has been designated for the entry of certain products subject to safeguard controls due to aflatoxin contamination.
Environmental Health Officer (EHO)	Officer employed by the local authority to enforce food safety legislation.

External Temporary Storage Facility (ETSF)	Formerly known as an enhanced remote transit shed or ERTS, this is an HM Customs and Excise designated warehouse where goods are held in temporary storage pending Customs clearance and release for free circulation.
Feeding stuffs	Term used in legislation on feed mixes for farm animals and pet food.
FNAO	Food of non-animal origin. Non animal food products that fall under the requirements of imported food control regime.
Food Examiner	A person holding the prescribed qualifications who undertakes microbiological analysis on behalf of the local authority.
Food hygiene	The legal requirements covering the safety and wholesomeness of food.
Food standards	The legal requirements covering the quality, composition, labelling, presentation and advertising of food, and materials in contact with food.
Formal samples	Samples taken in accordance with the requirements of the Food Law Code of Practice in accordance with the relevant sampling regulations and submitted to an accredited laboratory on the official list.
FPI	First Point of Introduction. A port that has been designated for the entry of certain polyamide and melamine plastic kitchenware from the People's Republic of China and Hong Kong subject to enhanced checks under Regulation (EU) No 284/2011.
Framework Agreement	<p>The Framework Agreement consists of:</p> <ul style="list-style-type: none"> <li>• Service Planning Guidance</li> <li>• Food and Feed Law Enforcement Standard</li> <li>• Monitoring Scheme</li> <li>• Audit Scheme</li> </ul> <p>The <b>Standard</b> and the <b>Service Planning Guidance</b> set out the Agency's expectations on the planning and delivery of food and feed law enforcement.</p>

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

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

Full Time Equivalent (FTE)	A figure which represents that part of an individual officer's time available to a particular role or set of duties. It reflects the fact that individuals may work part-time, or may have other responsibilities within the organisation not related to food enforcement.
LAEMS	Local Authority Enforcement Monitoring System is an electronic system used by local authorities to report their food law enforcement activities to the Food Standards Agency.
Home Authority	An authority where the relevant decision making base of an enterprise is located and which has taken on the responsibility of advising that business on food safety/food standards issues. Acts as the central contact point for other enforcing authorities' enquiries with regard to that company's food related policies and procedures.
Informal samples	Samples that have not been taken in accordance with the appropriate sampling regulation (e.g. samples for screening purposes) and/or not sent to an accredited laboratory.
Member forum	A local authority forum at which Council Members discuss and make decisions on food and feed law enforcement services.
Metropolitan Authority	A local authority normally associated with a large urban conurbation in which the County and District Council functions are combined.
Non-EU Countries	Countries outside the European Union.
POAO	Products of animal origin. Animal derived products that fall under the requirements of the veterinary checks regime.
Primary Authority	An authority that has formed a partnership with a business.



Port Health Authority	An authority specifically constituted for port health functions including imported food control.
Public Analyst	An officer, holding the prescribed qualifications, who is formally appointed by the local authority to carry out chemical analysis of food samples.
RASFF	Rapid alert system for food and feed. The European Union system for alerting enforcement authorities of food and feed hazards.
Regulators' Compliance Code	Statutory Code to promote efficient and effective approaches to regulatory inspection and enforcement which improve regulatory outcomes without imposing unnecessary burdens on businesses.
Risk rating	A system that rates food premises according to risk and determines how frequently those premises should be inspected. For example, high risk premises should be inspected at least every six months.
Service Plan	A document produced by a local authority setting out their plans on providing and delivering a food or feed service to the local community.
Trading Standards	The Department within a local authority which carries out, amongst other responsibilities, the enforcement of food standards and feed legislation.
Trading Standards Officer (TSO)	Officer employed by the local authority who, amongst other responsibilities, may enforce food standards and feed legislation.
Unitary Authority	A local authority in which the County and District Council functions are combined, examples being Metropolitan District/Borough Councils, and London Boroughs. A Unitary Authority's responsibilities will include food hygiene, food standards and feed enforcement.