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Report on the Food and Feed Law Enforcement Service

Powys County Council
25-29 November 2013

Foreword

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

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

FSA audits assess local authorities' conformance against the Feed and Food Law Enforcement Standard. "The Standard", which was published by the FSA as part of the Framework Agreement on Official Feed and Food Controls by Local Authorities (amended April 2010) is available on the FSA's website at:

www.food.gov.uk/enforcement/enforcework/frameagree

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

www.food.gov.uk/enforcement/auditandmonitoring

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

www.food.gov.uk/enforcement/auditandmonitoring

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

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

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1 Introduction

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

Reason for the Audit

- 1.2 The power to set standards, monitor and audit local authority food and feed law enforcement services was conferred on the FSA by the Food Standards Act 1999 and the Official Feed and Food Controls (Wales) Regulations 2009. The audit of the food and feed service at Powys County Council was undertaken under section 12(4) of the Act and Regulation 7 of the Regulations.
- 1.3 Regulation (EC) No. 882/2004 on official controls performed to ensure the verification of compliance with feed and food law, includes a requirement for competent authorities to carry out internal audits or to have external audits carried out. The purpose of these audits is to verify whether official controls relating to feed and food law are effectively implemented. To fulfil this requirement, the FSA, as the central competent authority for feed and food law in the UK has established external audit arrangements. In developing these, the FSA has taken account of the European Commission guidance on how such audits should be conducted.¹
- 1.4 The authority was audited as part of a three year programme (2013 – 2016) of full audits of the 22 local authorities in Wales.

Scope of the Audit

- 1.5 The audit covered Powys' arrangements for the delivery of food hygiene, food standards and feed law enforcement services. The on-site element of the audit took place at the authority's offices in Welshpool on 25-29

¹ 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).

November 2013, and included verification visits at food businesses and a feed establishment to assess the effectiveness of official controls implemented by the authority. In particular, the checks carried out by the authority's officers, to verify food and feed business operator (FBO/FeBO) compliance with legislative requirements.

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

Background

- 1.8 Powys County Council is a unitary authority which covers an area of 5,179 square kilometres, making it the largest county in Wales. It is bordered to the north by Gwynedd, Denbighshire and Wrexham; to the west by Ceredigion and Carmarthenshire; to the east by Shropshire and Herefordshire; and to the south by Rhondda Cynon Taf, Merthyr Tydfil, Caerphilly, Blaenau Gwent, Monmouthshire and Neath Port Talbot.
- 1.9 Powys is an extensively rural county with a high proportion of the land being of poor agricultural quality. Apart from the broad river valleys of the Severn, Wye and Usk and their tributaries, Powys is an area of upland mountain and moorland, well suited to grazing livestock, outdoor pursuits and forestry. The Brecon Beacons National Park (BBNP) covers about 16% of Powys. With limited scope for other forms of economic development, these characteristics provide a high quality landscape which is attractive to tourists and day visitors, as much for its remoteness and rugged natural beauty and for distinctive market towns and remote villages.
- 1.10 The population of Powys is 132,976, the majority of which live in villages and small towns. The largest towns are Newtown, Ystradgynlais,

Brecon, and Welshpool. Powys has the highest percentage of its population (28%) living in rural hamlets and isolated dwellings of all local authorities in England and Wales.

- 1.11 Powys has low levels of deprivation. However, one area Ystradgynlais 1 is among the 10% most deprived areas in Wales, as determined by the 2011 Welsh Index of Multiple Deprivation. Some 98% of the Powys population are white and just under a third of the residents speak Welsh.
- 1.12 The authority's administrative headquarters are located at County Hall, Llandrindod Wells. Food and feed law enforcement are carried out by the authority's Environmental Health and Trading Standards services which, until April 2013, were managed by a Public Protection Manager.
- 1.13 In a corporate structuring exercise, from 1 May 2013 the post of Public Protection Manager was removed. In the new structure the services reported to the Senior Manager (Regulatory Services). At the time of the audit this post was vacant and the service was being overseen by the Head of Regeneration Property and Commissioning who reported to the Strategic Director of the new `Place` Directorate. The Strategic Director was part of the authority's Corporate Management Team.
- 1.14 Trading Standards staff, responsible for food standards and feed enforcement worked from offices at Llandrindod Wells, Brecon and Newtown. Environmental Health staff responsible for food hygiene enforcement worked from offices at Llandrindod Wells, Brecon and Welshpool. The authority had developed an Environmental Health and Trading Standards Food and Animal Feed Service Plan 2013/14 which had been approved by the relevant portfolio holder in October 2013.
- 1.15 Several large seasonal events take place in Powys which impact on the food and feed law enforcement services. These include the Royal Welsh Agricultural Show, which is held annually at Llanelwedd, the Brecon Jazz Festival and the Hay on Wye Literature Festival.
- 1.16 Due to its rurality, the authority had encountered issues of illegal slaughter and supply of meat. A substantial amount of officer time has been taken up investigating these activities. Officers have worked in partnership with Police and the Wales Food Fraud Unit in relation to these issues.

- 1.17 The authority reported in its Service Plan that it had arrangements in place for authorised officers to be contacted out-of-office hours to deal with emergencies. This goodwill service was not tested as part of the audit.
- 1.18 In 2013/14, according to the Service Plan, there were 2,943 food establishments (of which 2,289 were registered with the authority) and 583 registered feed establishments in Powys. In addition, it was reported that there were an estimated 6,000 establishments that may be subject to food and feed hygiene controls, ranging from large livestock and arable farms to small scale producers of fruit and vegetables. Fourteen food establishments had been approved under product specific legislation and there were four water bottling plants.
- 1.19 The Service Plan 2013/14 stated that the authority had an estimated 8.4 full time equivalent (FTE) officers involved in the delivery of food hygiene. In respect of food standards, the authority reported that it had an estimated 3.4 FTE officers and for feed an estimated 0.1 FTE's.
- 1.20 Net expenditure on food hygiene (£449,940), infectious disease control (£55,470) and food standards (£141,260) was set-out in the Service Plan. Expenditure on feed enforcement was not provided.
- 1.21 The authority had been participating in the National Food Hygiene Rating Scheme which was launched in Wales in October 2010. At the time of the audit, the food hygiene ratings of 1,677 food establishments in Powys were available to the public on the National Food Hygiene Rating Scheme website.

2 Executive Summary

- 2.1 The Public Protection Service had been the subject of a management restructure in 2013 with the loss of a Public Protection Manager post. Delivery of food and feed law services was being overseen by the Head of Regeneration Property and Commissioning pending the appointment of the Senior Manager (Regulatory Services).
- 2.2 The delivery of food hygiene official controls was managed by the Professional Lead for Environmental Health (Commercial) and two Senior Environmental Health Officers that had split management responsibilities for the offices in the north and south of the authority. The audit confirmed that the service was being provided largely in line with the requirements of the Framework Agreement and the Food Law Code of Practice. Several areas of strength were identified.
- 2.3 The Trading Standards Manager was responsible for the delivery of food standards and feed official controls. Generally, reactive work was being carried out in line with the requirements of the Codes of Practice whilst planned interventions fell short of the requirements.
- 2.4 Prior to the audit the authority had lost significant amounts of data in connection with the food standards risk ratings of establishments whilst migrating data to a new risk rating scheme. Officers were working to rectify the problem.
- 2.5 Auditors noted the large number of feed establishments in the authority's area which is predominantly rural. The allocation of staff resources to deliver the feed service fell significantly short of those that would be necessary to deliver the range of official feed controls required. At the time of the audit there was no clear commitment to deal with the backlog of feed interventions. Auditors were aware of work taking place at a regional level to develop feed enforcement services in Wales, but the authority had not set-out how these improvements would be delivered locally.

2.6 The Authority's Strengths

Food Standards and Feed Complaints

The authority had carried out timely and thorough investigations in response to food standards and feed complaints, ensuring complainants were informed of the outcome of investigations.

Advice to Business

It was clear that the authority placed importance on the provision of helpful advice to businesses to assist them in complying with food hygiene, food standards and feed legislation. Targeted advice had been provided to childminders and butchers specific to their needs and drop-in sessions had been provided across the authority's area to increase business awareness of the Food Hygiene Rating Scheme. Comprehensive business information was available on the authority's website in respect of food hygiene, food standards and feed.

Control and Investigation of Outbreaks and Food Related Infectious Disease

The authority was able to demonstrate that it had responded appropriately to notifications of food related infectious disease and outbreaks and had maintained detailed records of its actions on file.

Food Safety Incidents

The authority was able to demonstrate that it had implemented its documented Food Alerts and Incidents Procedure. Effective liaison arrangements were in place between food hygiene and food standards officers to provide a response. Incidents arising locally with wider food safety implications had been notified to the FSA.

Food Hygiene Records and Interventions/Inspections Reports

Comprehensive records of food hygiene interventions were being maintained which were easily retrievable.

Liaison with Other Organisations

The authority was able to demonstrate that it had arrangements in place for effective liaison with other organisations on food and feed issues. The food hygiene service had been involved in developing and effectively delivering consistency training in the application of the Food Hygiene Rating Scheme to local authority officers across Wales.

Food Safety and Standards Promotion

The authority had delivered a number of initiatives with the aim of promoting food safety and standards.

2.7 The Authority's Key Areas for Improvement

Authorisation of food standards and feed officers

The criteria for determining feed and food standards officer competencies prior to authorisation and arrangements for authorising new or returning officers had not been documented. Further, insufficient resources had been allocated to the delivery of official feed controls.

Food Standards and Feed Interventions and Inspections

The authority was not carrying out food standards or feed interventions at the minimum frequencies required in the Codes of Practice. Interventions carried out at the minimum frequency ensure that risks associated with food and feed businesses are identified and followed up. Where food standards and feed inspection records were available, these were not sufficiently detailed to establish that effective interventions had been carried out, or to inform a graduated approach to enforcement. A significant number of feed establishments had not been subject to an intervention.

Food Standards and Feed Inspection Reports

Records relating to feed inspections were not consistently being maintained by the authority for the minimum period required by the Feed Law Enforcement Code of Practice. Further, food standards and feed reports provided to food/feed businesses operators following inspections did not contain all of the information required by the relevant Codes of Practice.

Internal Monitoring Food Standards and Feed

The authority was performing some quantitative monitoring of food standards and feed law enforcement activities, but needs to confirm conformance across all food and feed law enforcement activities with the requirements of the relevant Codes of Practice.

Food Standards Sampling

The authority had not taken appropriate follow-up action in response to unsatisfactory food standards sampling results.

Audit Findings

3 Organisation and Management

Strategic Framework, Policy and Service Planning

- 3.1 The authority operated a Cabinet style of local government with a Constitution that set-out the authority's decision making arrangements. Under the Constitution, decisions on certain specific matters had been delegated to officers.
- 3.2 The authority had developed a 'Food and Animal Feed Service Plan 2013/14' ('the Service Plan') which was broadly in line with the Service Planning Guidance contained in the Framework Agreement. It had been approved by the relevant portfolio holder in October 2013.
- 3.3 The Service Plan acknowledged the contribution of the food and feed services to the key outcomes in the One Powys Plan and to the priorities of the FSA.
- 3.4 The Service Plan set-out the aims and objectives of the food and feed services. The aims were i) to ensure that food (including drink) intended for supply for human consumption that is produced, stored, distributed, handled or consumed in Powys is accurately labelled, compositionally satisfactory and without risk to the health or safety of the consumer and ii) to ensure that all animal feeding stuffs that are produced, stored, distributed, handled or fed to animals in Powys are accurately labelled, compositionally satisfactory and without risk to the health or safety of animals or consumers.
- 3.5 The objectives of the service were:
- "To maintain an accurate and current record of all food and feeding stuffs premises.
 - To conduct a co-ordinated sampling programme of food and feeding stuffs supplied or produced in Powys.
 - To conduct a planned risk based inspection programme of local businesses.
 - To deal with complaints about food and feeding stuffs in a consistent and co-ordinated manner.

- To provide timely and informative advice to local food and feeding stuffs businesses.
- To investigate and control outbreaks and food related infectious diseases.
- To respond to food safety incidents in relation to the food hazard warning system”.

3.6 The planned interventions programmes for food hygiene, food standards and feed were set-out in the Service Plan:

Food Hygiene

Risk category	Total premises	Inspections Planned
A	32	64
B	197	198
C	897	548
D	294	120
E	1176	not provided*
Unrated	0	
Total	2596	930

* "Premises rated as Category E no longer need to be subject to primary inspection but must be subject to an alternative enforcement strategy not less than once in any 3 year period. It is therefore intended to target those premises by letter where they do not receive any visit to verify that there have been no significant changes within the business”.

Food Standards

Risk category	Total premises	Inspections Planned
High	46	46
Medium	980	482
Low	696	134
Total	1,722	656*

*The above figures are based on those supplied pre an IT update to M3 which has affected the risk categories adversely. It is extremely unlikely that this number of visits will be achieved but the emphasis will be on achieving our 'high' risk targets.

Feed

Risk category	Inspections Planned
High	3
Medium	10
Low	0
Total	13*

The Service Plan stated that “there are 4,269 feed establishments subject to inspection by Trading Standards officers (of which 586 are actually registered)”. The risk profiles of feed establishments were not provided in the Plan as, with a few exceptions, they had not been inspected.

The Service Plan stated that “Risk ratings are changing during 2013/14 to reflect the new Association of Chief Trading Standards Officers (ACTSO) risk rating scheme which will mean that there will be an increase in no’s of premises requiring inspection. For example it is anticipated that high risk premises will increase from 3 to 22 under the new risk codes.”

- 3.7 In respect of food hygiene it had been estimated that 745 revisits would be required. However there was neither an indication of the number of food establishments that would be subject to an alternative intervention nor the number of new food establishments that would require an inspection during the year.
- 3.8 An indication of the number of food standards interventions at new business had not been set-out in the plan. Further, a clear estimate of the number of food standards revisits had not been provided, as the figures for food standards and feed revisits had been combined.
- 3.9 The number of feed establishments subject to official controls in Powys had been estimated at 4,269 of which none had been risk rated. Whilst 13 feed establishment inspections had been planned the number due for inspection had not been provided. Clearly the planned number fell short of those required to meet the requirements of the Feed Law Enforcement Code of Practice.
- 3.10 Neither an estimate of the number of new feed businesses requiring inspection had not been included in the Service Plan nor the number of revisits.

- 3.11 The authority was committed to the Primary Authority Scheme and Home Authority Principle. Whilst not acting as a Primary Authority for any business, it acted as Home Authority for 15 food businesses and one feed business.
- 3.12 Arrangements for food and feed sampling were detailed in the Service Plan. The authority participated in the Welsh Shopping Basket Survey and sampled locally and nationally produced foods to monitor its quality. In addition to these locally driven sampling programmes the authority also participated in national food sampling surveys.
- 3.13 Free advice was provided to food and feed businesses to help them comply with the law and the authority's plans for feed and food safety and standards promotional work were set-out in the Service Plan.
- 3.14 Arrangements for internal monitoring were set-out in the Service Plan. These were limited to quantitative monitoring for food standards and feed but included qualitative monitoring for food hygiene.
- 3.15 The Service Plan provided details of the staff available for food and feed enforcement but did not identify the actual resources required to deliver the service.
- 3.16 Whilst the net costs of providing food hygiene and food standards services had been provided, insufficient detail was provided of the non-fixed costs including staffing, sampling budgets, travel and subsistence, equipment and financial provision for any legal action. Costs associated with providing the feed enforcement service had not been provided.
- 3.17 A review of 2012/13 achievements and areas for improvement in 2013/14 were included in the Plan. Areas for improvement included:-
- Making an electronic copy of the food safety service plan and enforcement policy available via email and the Authority's website.
 - Producing various promotional articles including a newsletter for businesses etc.
 - Continuing to carry out consistency training with officers in-house but also across boundary whenever available.
 - Ensuring the authority is in a position to apply to the FSA for additional funding for project work and to deliver such work.

- Evaluating the feed hygiene inspection requirements and implementing a programme to develop enhanced delivery of this function through various means

3.18 The authority had adequate arrangements in place for reviewing and reporting its performance in delivering food hygiene official controls through its service planning, service review and scrutiny processes. However, arrangements for reviewing and reporting performance in respect of food standards and feed were not sufficiently robust.

Recommendations

3.19 The authority should:

- (i) Ensure that future Food and Feed Law Enforcement Service Plans are developed in accordance with the Service Planning Guidance in the Framework Agreement. In particular the number of planned interventions due should be provided, including alternative interventions, an estimate of new business inspections and revisits that will be required to meet the requirements of the Food and Feed Law Codes of Practice. Further, more detailed information about the costs of providing food and feed services should be provided. A robust analysis of the resources required against those available, and plans to address any shortfalls identified should be included. [The Standard – 3.1]
- (ii) In respect of food standards and feed, carry out a documented review of its performance based on the Service Delivery Plan at least once a year, which should be subject to approval by the relevant member forum or delegated senior officer. Where any variances are identified these should be addressed in its subsequent Service Plan. [The Standard – 3.2 & 3.3]

4 Review and Updating of Documented Policies and Procedures

- 4.1 The authority had developed an extensive range of documented food hygiene policies and procedures covering all aspects of service delivery specific to Powys. Managers were responsible for developing and approving these documents as well as ensuring they were subject to review.
- 4.2 There was a formal document control system in place for food hygiene and auditors were able to verify that officers had access to up to date policies and procedures on the authority's intranet. All officers were able to access the internet for access to legislation, Codes of Practice and other centrally issued guidance. No superceded documents were found to be in place during the audit.
- 4.3 The authority had developed documented policies and procedures for food standards and feed. These had been approved by the Trading Standards Manager and were available to staff electronically on a shared drive. Further, a wide range of guidance documents and specimen letters were available electronically on a shared drive. These were supplemented with a comprehensive selection of trader guidance documents which were available for food businesses on the authority's internet site. The authority's subscription to TS Broadcast ensured these documents were subject to on-going review.
- 4.4 Auditors discussed the benefits of introducing a formal document control system for food standards and feed as generally, documents stored electronically had not been protected to prevent unauthorised amendments.
- 4.5 The majority of documented policies and procedures had been subject to recent review. However, a number of documents were identified during the audit which required updating e.g. Enforcement Policy, Procedure for Investigation, Reporting and Processing of Offences.

Recommendations

- 4.6 The authority should:
- (i) Ensure all documented policies and procedures are reviewed at regular intervals. [The Standard – 4.1]
 - (ii) Extend its document control system to include food standards and feed enforcement activities. [The Standard – 4.2]

5 Authorised Officers

- 5.1 The authority's scheme of delegation had been set-out in its Constitution and provided a generic delegation of powers to all Chief Officers and Deputy Chief Officers to authorise officers. The Constitution also prescribed the power of the Chief Legal Officer to authorise and administer prosecutions.
- 5.2 The authority had a documented authorisation procedure to ensure food standards and feed officers were suitably qualified, experienced and competent to carry out the range of tasks and duties they had been authorised to perform. The procedure stated that the Director of Place or in his absence the Head of Regeneration, Property and Commissioning was responsible for authorising officers.
- 5.3 The criteria for determining feed and food standards officer competencies prior to authorisation and arrangements for authorising new or returning officers had not been documented.
- 5.4 The authorisation procedure for food hygiene officers set-out an approach to authorisation based on an assessment of training, qualifications, training and experience using an assessment of competence form.
- 5.5 The authority had appointed lead officers for food hygiene, food standards, feed and communicable disease, all of whom had the requisite specialist qualifications, training and knowledge.
- 5.6 Although an estimate of the resources required to deliver the authority's feed enforcement service against those actually available had not been provided in the authority's annual Food and Feedingstuffs Service Plan, auditors noted that the 0.1 full time equivalent officers allocated was unlikely to be sufficient.
- 5.7 Officer training needs were assessed during annual performance reviews. 'Annual Personal Training/Development Forward Plans' were in place for each member of staff detailing training targets for the year. Training requests were submitted on a 'Training Needs and Evaluation' form and approved by designated line managers.

- 5.8 There was evidence that the progress of food hygiene officers towards meeting their training plans was monitored by the lead officer for food hygiene.
- 5.9 The authorisations, competency assessments, qualifications and training records of 10 officers involved in delivering official controls during the previous two years across the food hygiene, food standards and feed services were examined.
- 5.10 Officers had been authorised under the Food Safety Act 1990 and the European Communities Act 1972. Authorisations under associated relevant regulations had been made generically under these Acts, contrary to centrally issued guidance, which states that officers need to be separately authorised to deal with matters arising under specific implementing Regulations. Auditors were advised that the authority's legal department had been consulted and was satisfied that the existing authorisations would withstand legal challenge.
- 5.11 Auditors noted that authorisations and the powers exercised by officers in practice were generally consistent with their qualifications and training. However, one of the officers responsible for feed sampling had not received animal feed sampling training since 2003. In addition, an officer responsible for inspecting level 2 feed businesses had not received imported feed training.
- 5.12 Records confirmed that officers had received the minimum 10 hours continuing professional development training in accordance with the Food and Feed Law Codes of Practice.
- 5.13 All relevant officers had received consistency training on the application of food hygiene risk ratings under Annex 5 of the Food Law Code of Practice and had attended training on the FSA's control of cross contamination guidance.
- 5.14 Officer qualification and training records had been maintained by the authority.

Recommendations

5.15 The authority should:

- (i) Review, amend and implement its procedure for the authorisation of food standards and feed officers to ensure the criteria for determining officer competencies and its approach to new and returning officers is included. [The Standard – 5.1]
- (ii) Appoint a sufficient number of authorised officers to carry out official feed controls in accordance with the requirements of the Framework Agreement and Feed Law Enforcement Code of Practice. [The Standard – 5.3]
- (iii) Ensure that all authorised feed officers receive the training required to be competent to deliver the work in which they will be involved, in accordance with the Feed Law Enforcement Code of Practice. [The Standard – 5.4]

6 Facilities and Equipment

- 6.1 The authority had the necessary facilities and equipment required for the effective delivery of food hygiene and food standards services, and for undertaking animal feed sampling activities, which were appropriately stored and accessible to relevant officers.
- 6.2 An Equipment Calibration Policy that detailed the arrangements for ensuring that equipment, such as thermometers were properly identified, assessed for accuracy and withdrawn from use when found to be faulty, had been developed by the authority. The policy made reference to testing frequencies and tolerances together with action to be taken where tolerances were exceeded, which were in accordance with the Food Law Practice Guidance.
- 6.3 Officers had been supplied with infra-red and probe thermometers, which were being calibrated using a reference thermometer and calibration test keys. The policy required equipment to be calibrated at least once every six months. In most cases calibration was taking place on a three monthly basis. Records relating to calibration were being maintained by the authority, although the tolerance specified on the form used for recording calibration checks in the north of the authority was not consistent with that contained in the policy.
- 6.4 An examination of records relating to the latest calibration checks that were held in the office in the south confirmed that all thermometers were within the acceptable tolerance prescribed in the Food Law Practice Guidance and the authority's policy. However, the records of calibration checks undertaken in the north indicated that four individual probe thermometers had exceeded the acceptable tolerance. These thermometers had not been withdrawn from use as the officer undertaking the checks was observing the higher tolerance specified on the form.
- 6.5 The authority had a computer system that was used to maintain a food and feed establishments database and record information required by the FSA.

- 6.6 Systems administrators set-up new users on the system, provided management information and performance reports, as well as vital support in the provision of annual food and feed returns to the FSA.
- 6.7 In 2012/13 the computer system had been capable of automatically uploading food hygiene and food standards data to LAEMS and the returns had been provided to the FSA in a timely manner. The 2012/13 feed return had also been submitted to the FSA.
- 6.8 Shortly prior to the audit the authority had attempted to migrate food standards risk rating data from the Local Authorities Coordinators of Regulatory Services (LACORS) Risk Assessment Scheme to the National Trading Standards Risk Assessment Scheme. This had resulted in the loss of risk rating data for a significant number of businesses. To mitigate this loss, officers had started to apply desk top risk ratings to those businesses on the understanding that they would be risk rated following the next planned inspection.
- 6.9 The authority will be in a position to better quantify the impact of this data loss at year end in submitting the 2013/14 food standards LAEMS return.
- 6.10 The food and feed establishment database was password protected to prevent access to the system by unauthorised persons. Backup systems were also in place to minimise the risk of loss of information from the database and electronic files used for the storage of key information.

Recommendations

- 6.11 The authority should:
- (i) Ensure that the acceptable tolerance limits prescribed in the Food Law Practice Guidance are observed when undertaking calibration checks of thermometers and that any equipment that exceeds the tolerance is removed from service. [The Standard - 6.2]
 - (ii) Ensure systems are in place to prevent the loss of food standards risk rating data from its database. [The Standard - 6.4]

7 Food and Feedingstuffs Establishments Interventions and Inspections

Food Hygiene

- 7.1 In 2012/13 the authority had reported through LAEMS that 99.86% of category A-E food businesses due to be inspected had been inspected, and 84.10% of food businesses were 'broadly compliant' with food hygiene law (excluding unrated businesses and those outside the scope of the risk rating scheme). This represented an improvement of approximately 1.55% from 82.55% of businesses reported as 'broadly compliant' in the previous year.
- 7.2 At the time of the audit 419 food establishments were overdue an intervention by more than 28 days, of which only 33 were higher-risk. The majority of these higher-risk establishments had been due for inspection during the five months preceding the audit. The remainder of the overdue inspections related to lower-risk establishments, one of which had not received an intervention during the previous five years. However, this data demonstrated that the authority was adopting a risk-based approach to its inspection programme.
- 7.3 The Professional Lead for Environmental Health (Commercial) informed auditors that the authority adopted a risk based approach to new food business inspections consistent with the flexibility provided in centrally issued guidance.
- 7.4 The authority had developed a range of documented procedures, a general food hygiene inspection form and separate inspection forms for butchers shops and product specific establishments subject to Approval. These were aimed at establishing a uniform approach to the food hygiene official controls carried out. An examination of these documents confirmed that they had been developed in accordance with the requirements of the Food Law Code of Practice and relevant centrally issued guidance.
- 7.5 During the audit an examination of records relating to 10 food establishments was undertaken. The file histories for six establishments confirmed that they had been inspected at the frequencies required by the Food Law Code of Practice. However, in recent years, four

establishments had not been inspected at the required frequencies of which three were higher-risk (two category B and one category C), and one was lower-risk (category D). The category B rated establishments had both been inspected more than two months after their due dates; and the category C rated establishment had been inspected beyond its due date on two occasions, the latest delay was by more than one month. The category D rated establishment had been inspected more than seven months after its due date. The Food Law Code of Practice requires that interventions take place within 28 days of their due date.

- 7.6 Inspection records were available and legible for the 10 food establishments audited. The information recorded by officers on inspection forms was, in general, sufficiently detailed to demonstrate that an assessment of compliance with procedures based on Hazard Analysis Critical Control Points (HACCP) had been undertaken, and in eight cases information was available to demonstrate that discussions relating to monitoring of Critical Control Points (CCPs) had taken place. Inspection records also confirmed that consideration had been given to imported foods. Generally, it was not possible to ascertain from the records available that checks were being carried out to verify the source of health/ID markings on raw materials. Nonetheless, the authority was able to demonstrate that enforcement action had been taken in circumstances where businesses had been unable to authenticate the source of certain foods in their possession.
- 7.7 In five cases, inspection records confirmed that officers had undertaken an adequate assessment of compliance with centrally issued guidance on the control of cross-contamination. In three cases the guidance did not apply to the food operations within these businesses and in the remaining two cases, records were insufficient to demonstrate that all aspects of the guidance had been appropriately considered.
- 7.8 The risk ratings applied and recorded on the establishment files were consistent with the inspection findings, but in one case relating to a lower-risk business, the risk rating profile had been incorrectly input onto the authority's database. This did not have any adverse implications, as the establishment had been scheduled to receive an intervention at an increased frequency.

- 7.9 The authority's Revisit Policy stated that, 'generally, any food business assessed as not being 'broadly compliant' with food hygiene legislation will be subject to a revisit(s) together with any other necessary enforcement action.' In the 10 cases examined, revisits were not required at four establishments. Where revisits were required, evidence was available to confirm that these had taken place. However, in two cases these had not been carried out within the specified timescales.
- 7.10 Appropriate follow-up action, in-accordance with the authority's Enforcement Policy had been taken by officers in all cases where non-compliances had been identified.
- 7.11 The authority had indicated in its Service Plan that there were 14 approved establishments in its area. The records relating to eight of these were examined. Auditors noted that in general, establishment files contained most of the information required by the Food Law Code of Practice and centrally issued guidance. Documents not available included water distribution, drainage and pest control plans, as well as results of sampling undertaken by the businesses.
- 7.12 The inspection histories of the approved establishments confirmed that in recent years, six out of eight had been inspected at the frequencies required by the Food Law Code of Practice. The two cases that had not been inspected at the required frequency were category A and category C rated. The category A rated establishment had been inspected beyond its due date on two occasions, the latest delay by more than one month. In the other case the establishment was inspected some six months after its due date. The delay in the later inspection had occurred as a result of an incorrect risk rating being entered onto the authority's database.
- 7.13 Appropriate product specific aide-memoires had been used for inspections of approved establishments, but in three cases the information captured on the forms was not sufficient to confirm the scope of the inspection. In these cases, auditors were unable to determine the full extent of the assessment of compliance with procedures based on HACCP principles or that an examination of CCP records had taken place.
- 7.14 The risk ratings that had been applied to approved establishments were generally consistent with the inspection findings. In one case the risk

score did not reflect the nature of the business' food activities, which resulted in a higher overall risk category and increased frequency of inspection being applied to the establishment.

- 7.15 The authority had developed an Alternative Enforcement Strategy (AES) Procedure for low-risk establishments. The approach contained within the procedure consisted of a mailshot, in the form of a newsletter, with a covering letter that incorporated a request for the food business operator to notify the authority of any changes to the business that had taken place. Auditors were advised that officers were also provided with an annual list of category E rated establishments that were due for intervention, in order to identify any businesses, where it was known that activities had changed and required a visit.
- 7.16 Records for 10 establishments that had been subject to AES were examined. Auditors noted that these businesses had previously received a primary inspection and had been appropriately risk rated. However, in all cases the AES was overdue by at least six months. The Food Law Practice Guidance states that, low-risk establishments must be subject to an AES or other intervention, at least once during any three year period.
- 7.17 In all cases records were available to confirm that the authority had implemented its AES procedure. Further, auditors were provided with evidence that an establishment due for an AES had been inspected as a result of an officer having identified changes to the business' activities from their local knowledge.
- 7.18 Auditors discussed the benefits of undertaking visits to a sample of establishments that had been subject to AES to verify that they had been eligible for this type of intervention.

Recommendations

- 7.19 The authority should:
- (i) Ensure that food hygiene interventions/inspections are carried out at the minimum frequency specified by the Food Law Code of Practice. [The Standard -7.1]

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| (ii) | Carry out interventions/inspections in accordance with the Food Law Code of Practice, centrally issued guidance, and the authority's policies and procedures. [The Standard – 7.2] |
| (iii) | Ensure that observations made in the course of an inspection are recorded in a timely manner to prevent loss of relevant information. [The Standard – 7.5] |

Verification Visits to Food Establishments

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

Food Standards

- 7.23 The 2013/14 Service Plan stated that in '2012/13, 99.09% of high-risk businesses that were liable to a programmed trading standards inspection had been inspected', and that, '57.55% of new businesses identified during the year had been subject to a trading standards inspection'.

- 7.24 The interventions due in 2013/14 included 46 high-risk (category A), 482 medium-risk (category B) and 134 low-risk (category C) interventions. The authority's inspection targets set-out in the Service Plan, which comprised of 100% of high-risk businesses, 55% of new businesses identified during the year and 10% for the processing of food business self-assessment questionnaires fell short of the requirements of the Food Law Code of Practice.
- 7.25 The authority had a documented food standards inspection policy and procedures for inspection, sampling and revisits. However, auditors noted that these documents did not set-out of the authority's approach to unannounced visits, interventions at new food businesses or AES at low-risk food establishments. Further, the revisit policy focused on food durability offences and did not make reference to other food standards contraventions in respect of which follow-up was required.
- 7.26 The records of 10 food businesses which the authority reported had been subject to a food standards inspection during the two years prior to the audit were selected for examination. Three of these were not subject to detailed audit checks, as they did not relate to inspections, partial inspections or audit visits
- 7.27 In respect of the remaining seven establishments, food business registration forms were available in four cases and records indicated that the latest inspections had been unannounced. However, auditors were unable to verify whether the inspections had been carried out at the correct frequencies over the last three inspection cycles, as the risk rating scheme in use was not consistent with that in Annex 5 of the Food Law Code of Practice.
- 7.28 Auditors noted that in general, information captured on inspection records was not sufficiently detailed to demonstrate that a thorough assessment of compliance with food standards legislation had taken place. Although there was evidence to indicate that labelling requirements had been considered, there was no evidence of officers having undertaken an assessment of compliance in respect of compositional standards, traceability, product withdrawal arrangements or quality management systems, as appropriate.

- 7.29 Further, information relating to the size and scale of the business, the type of food produced and details of suppliers had not been consistently recorded.
- 7.30 Due to the lack of detail captured on inspection records, auditors were not able to verify that the risk rating scores allocated to food establishments were correct.
- 7.31 Action had taken place in one of the three cases where records indicated follow-up was required. In the remaining two cases there was no evidence that follow-up action had been undertaken to address an ongoing contravention in one case or to gather further information in the other. Further, there were two cases where it was not apparent from the records whether follow-up action was required.
- 7.32 Whilst the authority had not documented its' approach to AES, the records of 10 food businesses which had been reported as having been subject to an AES were selected for audit.
- 7.33 An examination of records confirmed that nine out of the 10 businesses selected were not eligible for AES. Eight had not previously been subject to a risk rating inspection whilst one had previously been rated as medium-risk. In the remaining establishment, an inspection had previously been carried out, the establishment had been rated as low-risk and an AES code allocated.

Recommendations

- 7.34 The authority should:
- (i) Ensure that food standards interventions are planned and carried out at a frequency not less than that determined under the intervention rating scheme set-out in the Food Law Code of Practice. [The Standard - 7.1]
 - (ii) Carry out interventions/inspections of establishments in accordance with the relevant legislation, the Food Law Code of Practice, and centrally issued guidance. In particular, ensure that the alternative enforcement strategy and risk rating scheme applied are consistent with the requirements of the Food Law Code of Practice. [The Standard - 7.2]

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| (iii) | Assess the compliance of establishments and systems to the legally prescribed standards. [The Standard - 7.3] |
| (iv) | Set-up, maintain and implement a documented procedure detailing its approach to alternative enforcement strategy for food standards. [The Standard - 7.4] |
| (v) | Ensure that observations made and/or data obtained in the course of an inspection/intervention are recorded in a timely manner to prevent loss of relevant information. [The Standard – 7.5] |

Verification Visits to Food Establishments

- 7.35 During the audit, two verification visits were carried out with authorised officers of the authority who had undertaken the latest food standards inspection. The main objective of the visit was to consider the effectiveness of the authority's assessment of the systems within the business for ensuring that food meets the requirements of food standards law.
- 7.36 The officers were knowledgeable about the businesses and had an appropriate understanding of the aspects of food standards controls that were relevant to the operations undertaken. Although the level of information captured on the inspection records was not sufficient to demonstrate that thorough assessments of compliance had taken place, officers demonstrated that they had considered the relevant key food standards controls during the inspection and had assessed compliance with applicable statutory requirements.

Feed

- 7.37 The authority's 2013/14 Service Plan stated that there were a total of 4,269 feed businesses in its area subject to feed interventions. Whilst it had been reported in the executive summary to the plan that 583 feed establishments were registered, it was noted that this was not consistent with figures reported later in the plan, i.e. 586 establishments.

- 7.38 Prior to the on-site audit visit, the authority advised that information relating to feed interventions was available in the annual feed return submitted to the FSA. The return indicated that there were 588 registered feed establishments in Powys; however this did not include two feed manufacturers, which had both been subject to inspections. The lead officer informed auditors that only three feed establishments in the authority's area had been subject to an inspection and that these had not been allocated a feed risk rating.
- 7.39 It was stated in the Service Plan that 13 feed establishments would be subject to inspection in 2012/13, of which three were categorised as high-risk and 10 medium-risk. However, auditors were advised that risk rating categories had been derived from an assessment that had regard to all trading standards activities relevant to the businesses and were not specific to feed activities. Feed activity codes applied to establishments indicated that there were 12 manufacturers (codes R1-R4) on the authority's feed establishments register, which did not include two of the manufacturers which had been inspected.
- 7.40 Having regard to the data reported, it was indicated that there were 14 feed manufacturing establishments in the authority's area. Such establishments have the potential to be high-risk and the inspection of these should be prioritised in the intervention programme and included in the plan. The number of feed inspections planned for 2013/14 fell significantly short of the requirements of the Feed Law Enforcement Code of Practice.
- 7.41 The authority had developed a procedure for feed inspections that was generally in accordance with the Feed Law Enforcement Code of Practice. However, the procedure considered that an inspection became overdue two months after its due date. This did not accord with Annex 5 of the Feed Law Enforcement Code of Practice, which requires inspections to be carried out within 28 days of the due date. The procedure did not contain a statement setting out the authority's policy on unannounced inspections. The feed inspections that had been carried out by the authority had been announced.
- 7.42 The authority had not documented its approach to the use of AES for lower-risk feed establishments.

- 7.43 Records of 10 feed establishments were selected for examination of which three had been subject to inspection in the six years prior to the audit. The inspections had been carried out by a suitably qualified and authorised officer.
- 7.44 At the time of the audit, inspections were overdue by between six weeks and six months at each of the three feed establishments that had previously been inspected.
- 7.45 Registration information was available on the feed establishments database for nine out of 10 businesses selected for audit. Hardcopy registration forms were not examined and auditors were informed by the lead feed officer that some of the registration information held by the authority was historic and could be out of date.
- 7.46 It was confirmed during the audit that the risk ratings of the three establishments which had been subject to inspection related to the feed element of the businesses. All three had been correctly risk rated, although the risk rating scheme in use was not equivalent to that in Annex 5 of the Feed Law Enforcement Code of Practice.
- 7.47 Inspection records were available for all three establishments that had been subject to inspection. The FSA's inspection form had been used by officers to assist them in undertaking an assessment of compliance with relevant statutory requirements. In general, appropriate information had been captured on inspection forms, although customer information was not available. However, in one case HACCP information had not been retained by the authority and in another, there was no evidence that an assessment of requirements relating to feed labelling had taken place during the inspection. In addition, auditors were not able to confirm whether any issues had been identified during previous inspections, as details of these were not available on the feed establishment database.
- 7.48 Two of the three establishments that had received an inspection did not require follow-up action. However, in the remaining case it appeared that a revisit would have been appropriate to check that matters identified at the time of the inspection had been rectified.
- 7.49 Audit checks were undertaken of records relating to 10 'low-risk' feed establishments reported to have been subject to an AES. However, it

was noted that these feed establishments had not received a primary inspection and had not been eligible to receive an AES. The process of registering a feed business had been designated as an AES by the authority, contrary to the requirements of the Feed Law Enforcement Code of Practice.

Recommendations

7.50 The authority should:

- (i) Ensure that feed establishment interventions and inspections are carried out at the frequency specified by the Feed Law Enforcement Code of Practice. [The Standard - 7.1]
- (ii) Carry out inspections/interventions and approve or register feed establishments in accordance with relevant legislation, the Feed Law Enforcement Code of Practice and centrally issued guidance. [The Standard - 7.2]
- (iii) Assess the compliance of feed establishments and systems to legally prescribed standards, including feed labelling requirements and ensure appropriate action is taken to follow-up non-compliance in accordance with the authority's Enforcement Policy. [The Standard – 7.3]
- (iv) Amend the documented Feed Inspection Procedure to ensure it reflects the requirements of the Feed Law Enforcement Code of Practice and includes the authority's approach to interventions in businesses regarded as low-risk. [The Standard 7.4]
- (v) Ensure that officers' contemporaneous records of interventions are stored in such a way as to be retrievable. [The Standard – 7.5]

Feed Establishment Verification Visit

- 7.51 During the audit, a verification visit was made to a feed business with an authorised officer of the authority, who had carried out the latest feed inspection at the establishment. The main objective of the visit was to assess the effectiveness of the authority's assessment of business compliance with feed law requirements.
- 7.52 The officer was able to demonstrate sufficient knowledge about the establishment and the operations carried out, and had a detailed understanding of the feed law requirements relevant to the business' activities. The contemporaneous inspection notes made by the officer reflected the nature and scope of the inspection.
- 7.53 At the time of the visit auditors were able to consider the appropriateness of the approval status of the establishment and also confirm the findings of the record check that labelling had not previously been assessed. However, a label was obtained by the officer during the visit with a view to undertaking an assessment to establish whether it complied with feed labelling requirements.

8 Food, Feed and Food Establishments Complaints

- 8.1 The 2013/14 Service Plan set-out the authority's policy in relation to the investigation of food and feed complaints. In particular, it was stated that complaints about food and feedingstuffs would be investigated in accordance with departmental procedures and the Food Law Code of Practice.
- 8.2 The authority had developed food hygiene protocols and procedures for responding to and dealing with complaints about food and food establishments. The protocols and procedures were in accordance with the Food Law Code of Practice and official guidance. A procedure for investigating food standards and feedingstuffs complaints was contained within one of the Trading Standards Procedure Manuals.
- 8.3 The records relating to 10 food hygiene, 10 food standards and all five feed complaints received by the authority in the two years prior to the audit were requested for examination.

Food Hygiene

- 8.4 Records of the 10 food hygiene complaints had been maintained on the food establishments database and/or on hardcopy establishment files.
- 8.5 In all but one case, food hygiene complaints had been investigated within the target response time. The exception had been responded to six days after the target response time. Auditors noted the authority had set a challenging response time of one working day for a food complaint and two working days for complaints relating to food establishments. Contact had been made with other relevant parties and in nine out of 10 cases complainants had been informed of the outcome of investigations. In general, records of complaints were sufficiently detailed.
- 8.6 In nine cases appropriate action had been taken in response to complaints, but in the remaining case, involving an allegation of illness following the consumption of food, there was no evidence that further investigation into the illness had been carried out. It was noted that in two cases where action had been taken by officers to deal with out of date food and food found to be outside temperature control

requirements, this action had not been reported in writing to the food business operator.

Food Standards and Feed

- 8.7 Detailed records of 10 food standards and five feed complaints had been maintained on the food and feed establishments database.
- 8.8 Appropriate investigations had been carried out within the target response time and follow up-action taken where appropriate. Contact had been made with all relevant stakeholders and complainants informed of the outcome of investigations.

Recommendations

- 8.9 The authority should:
 - (i) Investigate food hygiene complaints in accordance with its documented complaints procedures. [The Standard – 8.2]

9 Primary Authority Scheme and Home Authority Principle

- 9.1 The authority's commitment to the Primary Authority Scheme and Home Authority Principle was set-out in the Service Plan.
- 9.2 Officers had received training on Primary Authority matters and had been issued with passwords to access the Primary Authority and Home Authority online databases.
- 9.3 The Service Plan stated that the authority was acting as Home Authority to 15 food businesses and one feed business in its area. These had been classified as high priority and a commitment provided to visit them at least annually.
- 9.4 At the time of the audit the authority was not acting as a Primary Authority and had not received any requests to do so.
- 9.5 Records examined during the audit demonstrated that the authority implemented the Home Authority Principle and had responded to requests for information from businesses and other authorities. Comprehensive records of Home Authority work had been maintained on the food and feed establishment databases.
- 9.6 Primary and Home Authority considerations had been included in the Public Protection Enforcement Policy and relevant documented procedures. Auditors were able to verify during the audit that the authority, in its capacity as an enforcing authority had regard to Primary Authority matters.

10 Advice to Business

- 10.1 The authority demonstrated its commitment to assisting local businesses in complying with the law by delivering a number of initiatives which included:
- Provision of advice to butchers on preventing cross contamination
 - Coaching businesses to assist them in improving their food safety management systems with the assistance of FSA funding
 - Delivering a series of drop-in sessions across the county to increase awareness and understanding of the Food Hygiene Rating Scheme
 - Attending events aimed at childminders to provide food safety information including the provision of Safer Food Better Business packs
- 10.2 The authority had provided food hygiene, food standards and feed advice to businesses on request. Detailed records had been maintained on the database.
- 10.3 Subscription to TS Broadcast ensured comprehensive food standards information and advice was available to businesses on the authority's website.
- 10.4 The authority had developed a range of guidance sheets which were available on its website to assist businesses in complying with food hygiene legislation. These included:
- HACCP Guidance Notes
 - Food Safety Guidance for Farmers Market Traders
 - Standard Requirements for Food Stalls and Vehicles
 - Running a Small Business from Home
 - Food Temperature Control and Monitoring
 - Food Hygiene Supervision and Instruction and/or Training
 - The Safe Production and Service of Ice
 - Starting a Food Business
 - National Food Hygiene Rating Scheme
- 10.5 Advice on feed and feed legislation was available to businesses via a link on the authority's website to the FSA's website.

- 10.6 Technical advice on food standards issues had been provided to businesses in respect of which the authority acted as Home Authority.
- 10.7 There was evidence that advice was provided to businesses during inspections as well as on request.

11 **Food and Feed Establishments Database**

- 11.1 The authority had a documented procedure setting out its approach to ensuring its electronic database of food and feed establishments was accurate, up to date, and to minimise the risk of corruption or loss of information.
- 11.2 Systems administrators were responsible for ensuring the correct functioning of the database, and that access to the database was restricted to authorised personnel. Designated business support staff were responsible for accurate and timely data entry and amendments to information on the database.
- 11.3 All officers were responsible for ensuring that any errors, omissions or updates to the database were brought to the attention of appropriate staff.
- 11.4 The accuracy of the database was informed by officers obtaining up to date information during inspections, by information supplied by businesses on registration forms and from intelligence e.g. yellow pages, the internet and monitoring planning applications.
- 11.5 Auditors randomly selected five food businesses located in the authority's area from the internet. All were found to be on the authority's food hygiene establishments database and included in the planned interventions programme.
- 11.6 The same five businesses were present on the food standards database; however, three had not been subject to risk rating inspections.
- 11.7 Four feed establishments located in the authority's area were also randomly selected from the internet. Three of these had been included on the feed standards database and were registered. None of the establishments had been subject to risk rating inspections, one of which had been registered as a feed manufacturer.

Recommendation

11.8 The authority should:

- (i) Ensure its feed establishments database is accurate, reliable and up to date, as the accuracy of such databases is fundamental to service delivery and monitoring. [The Standard - 11.1]

12 Food and Feed Inspection and Sampling

- 12.1 The authority's 2013/14 Service Plan estimated that 155 food standards and 20 feed samples would be taken for analysis during the year. In addition, it was anticipated that approximately 270 samples would be taken for microbiological examination.
- 12.2 The authority had developed a documented Food and Feedingstuffs Sampling Policy which stated that risk based food and feed samples would be procured for examination and analysis having regard to the requirements of the FSA and the Welsh Food Microbiological Forum. It also set-out the circumstances under which samples would be taken, including sampling during planned inspections of food establishments. The policy would benefit from including details of the arrangements for sampling out of office hours.
- 12.3 The policy provided details of the authority's appointed food examiners and analysts, and auditors were able to verify that Public and Agricultural Analysts had been formally appointed by the authority. The details of accredited laboratories were also provided.
- 12.4 Food sampling protocols and procedures had been developed for food hygiene. These included guidance for officers on action to be taken on receipt of unsatisfactory results, handling of samples to prevent deterioration and ensure continuity of evidence, Home/Primary Authority considerations and the recording of samples on the authority's database.
- 12.5 Procedural guidance for food standards and feed officers was provided in the Food Standards Inspection Procedure Enforcement Manual.
- 12.6 Sampling programmes for food hygiene, food standards and feed had been developed in accordance with the authority's sampling policy and were being implemented. The food hygiene sampling programme included participation in the Welsh Food Microbiological Forum Shopping Basket Survey.
- 12.7 The authority had received funding from the FSA for food standards sampling.

Food Hygiene

- 12.8 Records relating to 10 food samples submitted for microbiological analysis were examined. In all cases samples had been obtained by appropriately authorised officers and sampling results were available on food establishment files.
- 12.9 Without exception, food business operators had been informed of unsatisfactory results and appropriate follow-up action had been taken.
- 12.10 Auditors noted that there had been delays in following up two unsatisfactory samples obtained concurrently from a food establishment. Follow-up had taken place 10 days after the target response time specified in the authority's procedure. These unsatisfactory samples did not relate to bacteria that were of public health significance.

Food Standards

- 12.11 Records relating to 10 unsatisfactory food standards samples were examined. All samples had been taken by an appropriately trained officer and sampling results were available in all cases.
- 12.12 Auditors noted that investigations in three cases were on-going and that in five of the seven remaining cases, appropriate follow-up action had not been taken. The five cases related to unsatisfactory sampling results, four of which concerned the identification of undeclared allergens that had not been notified to the relevant food business operators. The remaining case related to misdescription of a product.

Feed

- 12.13 Records relating to eight feed samples were examined, of which six were found to be unsatisfactory. All samples had been taken by an appropriately trained officer and sampling results were available in all cases.
- 12.14 In general, appropriate follow-up had taken place, but in two cases there was no evidence of action having been undertaken to investigate the unsatisfactory results. Feed business operators had been informed of unsatisfactory results in four of the six cases.

Recommendations

12.15 The authority should:

- (i) Carry out food standards and feed sampling in accordance with its documented sampling policy and procedures; in particular ensure that appropriate action is taken to follow-up results that are not considered to be satisfactory. [The Standard – 12.6]

13 Control and Investigation of Outbreaks and Food Related Infectious Disease

- 13.1 The authority had identified a lead officer for communicable disease who had attended events as part of the Wales Lead Officer Training programme.
- 13.2 The Wales Outbreak Control Plan, developed in consultation with relevant stakeholders had been approved for adoption by the authority.
- 13.3 Protocols and procedures for investigating sporadic cases of foodborne disease had been produced by the authority, supported by a range of advisory leaflets and questionnaires. The procedures made reference to the investigation of suspect foods and implicated food establishments.
- 13.4 The investigation protocols and procedures did not provide information on responding to notifications of foodborne disease out of office hours. However, the Professional Lead for Environmental Health (Commercial) confirmed that goodwill arrangements were in place and there was evidence that the authority had responded effectively to the notification of a suspected outbreak received out of office hours through its 24 hour 'Careline'.
- 13.5 Records relating to an investigation of a recent outbreak linked to a registered food business within the authority's area were examined. Auditors were able to verify that the implicated establishment had been visited and contact made with the appropriate agencies. A bespoke questionnaire had been developed to assist officers in obtaining information from cases. All questionnaires had been fully completed by officers.
- 13.6 Notifications relating to 10 sporadic cases of food related infectious diseases were selected for audit, of which records relating to nine case were examined. The remaining case had been investigated by a neighbouring authority prior to confirming that the case was a Powys resident.
- 13.7 In all nine cases auditors were able to verify from the records available that thorough investigations had been carried out by competent officers and that appropriate action had been taken.

14 Feed and Food Safety Incidents

- 14.1 The authority had a documented Food Alerts and Incidents Procedure. The procedure set-out how the authority responded to Food Incidents, Food Alerts for Action, Product Withdrawal Information Notices and Product Recall Information Notices, including those received outside normal office hours. Feed incidents/alerts had not been included within the scope of the procedure.
- 14.2 The authority had a computer system that was capable of receiving feed and food alerts, and it was stated in the procedure that *'actions taken in response to Action Alerts should be recorded so that it is retrievable for possible follow up action or audit by the FSA'*.
- 14.3 The procedure stated that the Professional Lead Environmental Health (Commercial) and Trading Standards Manager, in conjunction with Senior Officers were responsible for its effective operation, and included the authority's arrangements for alerting the FSA where an actual or potential food hazard was identified locally.
- 14.4 Auditors examined records in respect of five Food Alerts for Action issued during the previous three years. All had been received and responded to in accordance with FSA advice. The authority was able to demonstrate that effective liaison had taken place between Environmental Health and Trading Standards Officers in appropriate cases.
- 14.5 Details of action taken by the authority, including officer emails and other correspondence, had been maintained on file and were retrievable.
- 14.6 Checks carried out prior to the audit confirmed that the authority had been effective in notifying the FSA of serious localised incidents in accordance with the Food Law Code of Practice.

Recommendation

14.7 The authority should:

- (i) Set-up, maintain and implement a documented procedure for initiating and responding to feed incidents and feed alerts, in accordance with the Feed Law Enforcement Code of Practice. [The Standard - 14.1 & 14.4]

15 Enforcement

- 15.1 The authority had developed a Public Protection Enforcement Policy which had been approved by the relevant Elected Member in 2012 and was available to the public and businesses on its website. A range of documented enforcement procedures had also been developed and implemented, including a Procedure on the Investigation, Reporting and Processing of Offences.
- 15.2 It was noted that the Enforcement Policy had not been updated to reflect structural changes which had taken place within the authority in 2013. Auditors discussed the benefits of including in future revisions of the policy, more detailed information on the circumstances under which different enforcement options would be considered to address food standards and feed contraventions. This information was available in procedural documents for food hygiene offences.
- 15.3 The authority demonstrated a commitment to using the full range of enforcement sanctions to secure compliance with food hygiene legislation.
- 15.4 Records of 10 Hygiene Improvement Notices (HINs) were examined. These were all found to be the appropriate course of action and had been signed by correctly authorised officers who had witnessed the contraventions. In general, notices had been appropriately drafted in accordance with centrally issued guidance, appropriate time limits for remedial works had been specified and proof of service was available in seven cases. In all appropriate cases, letters had been issued to food business operators confirming that notices had been complied with.
- 15.5 Appropriate follow-up action had been taken in most cases. However, in three cases where HINs had not been complied with, the authority had not documented the reasons for not initiating further enforcement action. In two of these cases where additional time had been given to enable the food business operators to achieve compliance, the procedure for extending a notice contained in the Food Law Practice Guidance had not been followed. In the other case, non-compliance with the notice was identified at the next programmed inspection and a further HIN was served. There was no evidence at the time of the audit that compliance with the original notice had been determined or that consideration had been given to escalating enforcement.

- 15.6 In the one case where a Remedial Action Notice (RAN) had been served, it was the correct course of action. Auditors advised that specific details of the legislation breached should have been provided, together with the address of the local Magistrates' Court. Checks by officers confirmed that the notice had not been complied with, and a prosecution case file was prepared for consideration by the authority's legal department. Following legal advice the case did not proceed. The required works were subsequently completed, and the food business operator was notified in writing of the withdrawal of the RAN.
- 15.7 Records of 10 food establishments that had agreed to close voluntarily were examined. Auditors were able to confirm that in all cases this had been an appropriate course of action and there was evidence that the voluntary closures had been appropriately confirmed in writing to the food business operators. In six cases, there was evidence that the food establishments had been monitored after closure to confirm that the agreements were being adhered to, as required by the Food Law Code of Practice. However, in the remaining four cases there was no evidence that officers had undertaken checks at establishments whilst subject to voluntary closure.
- 15.8 All voluntary closures had been appropriately lifted. Auditors noted that in one case, an announced visit to determine whether the closure agreement could be lifted coincided with a programmed inspection. It was noted that the business received a revised risk rating following this announced visit.
- 15.9 The authority had reported prior to the audit that food had been voluntarily surrendered on 55 occasions in the previous three years. Records relating to 10 cases were selected for examination. However, one was found to have been incorrectly coded, as the item of food in this instance had not been surrendered to an officer of the authority for destruction, but had been disposed of by the food business operator.
- 15.10 In the nine cases where evidence was available to confirm that foods had been voluntarily surrendered, the reason for the action taken indicated that without exception this was the appropriate course of action. The voluntary surrender forms had been signed by both the officer and person surrendering the food, and clearly specified the type and quantity of food surrendered for disposal. However, in three cases

there was no record of how the food was disfigured to prevent it from re-entering the human food chain and/or subsequently destroyed.

- 15.11 Records relating to four cases where action was taken by the authority to formally detain foods and one case where food had been formally seized were checked against official guidance, the authority's Enforcement Policy and documented procedure. The format of the notices served was consistent with the template contained in the Food Law Code of Practice, and the information supplied was easy to understand and accurate. In all cases, the reason for detaining and seizing food indicated that the correct course of action had been taken.
- 15.12 In two cases where the Detention Notices had been withdrawn, this was the correct course of action. In one of these cases, auditors noted that a Regulation 27 certification had been concurrently served. This was inappropriate in the circumstances, as investigations to determine whether the food had failed to comply with the hygiene regulations had not been concluded.
- 15.13 An examination of the record relating to formal seizure verified that written confirmation had been provided to the food business operator following seizure, and that a successful application had been made to a Magistrate for a Condemnation Order. There was also evidence to confirm how the food had been disposed of to prevent it from re-entering the food chain.
- 15.14 The authority's Investigation, Reporting and Processing of Offences Procedure was particularly comprehensive and included detailed information and pro-formas to assist officers in preparing case files for prosecution/Simple Caution. Auditors noted that the procedure required updating to reflect structural changes within the service.
- 15.15 Auditors examined the records of five Simple Cautions of which, two related to food hygiene offences, two to food standards offences and one to an offence under feed hygiene legislation. On examination the Simple Caution in respect of feed hygiene was found to be a written warning which had been incorrectly coded on the database.
- 15.16 Generally, Simple Cautions had been the appropriate action, files had been prepared in accordance with the authority's documented procedure and there was evidence that internal monitoring had been carried out.

15.17 In the two years prior to the audit four case files had been prepared by officers recommending prosecution. In all cases prosecution files contained relevant information, including witness statements, transcripts of tape-recorded interviews, photographs, and 'initial reports' to the line manager.

15.18 In all four cases, there was evidence that officers had followed the authority's prosecution procedures and had regard to its Enforcement Policy.

Recommendations

15.19 The authority should:

- (i) Review, revise and implement its documented Enforcement Policy, in accordance with the relevant Codes of Practice and other official guidance. [The Standard -15.1]
- (ii) Ensure that food law enforcement is carried out in accordance with the Food Law Code of Practice, centrally issued guidance and the authority's own documented procedures. [The Standard -15.2 & 15.3]
- (iii) Ensure all decisions on enforcement action are made following consideration of the authority's Enforcement Policy and the reasons for any departure from the criteria set-out in the policy are documented. [The Standard -15.4]

16 Records and Interventions/Inspections Reports

Food Hygiene

- 16.1 Food business records, including registration and approval documents, inspection forms/aide-memoires and correspondence had been maintained by the authority on hardcopy establishment files. Details of the date and type of interventions associated with food businesses, as well as establishment risk profiles had also been maintained on the authority's electronic database. Auditors noted that hardcopy records were being held on file in chronological order and, where relevant, information relating to the last three interventions was retrievable. Records were being retained for six years.
- 16.2 Officers were using inspection report letters to communicate inspection findings to food business operators, which clearly differentiated between legal requirements and recommendations for good practice. These letters also detailed corrective actions and timescales required to achieve compliance, as well as indicating any further follow-up action intended by the authority.
- 16.3 In general, records on establishment files and the electronic database were accurate. Registration forms were available for all but one of the food businesses selected for audit. Where a registration form was not available, the file history indicated that the business had been operating since 1992. Auditors noted in another case, the food business operator's details on the registration form did not correspond with those contained in the latest inspection records and correspondence.
- 16.4 Audit checks confirmed that inspection forms/aide-memoires and correspondence contained details of the food business operator, inspection dates, type of business, the legislation under which the inspection was carried out, areas inspected, name and designation of inspecting officer, documents examined, whether samples had been taken and the authority's address and contact details of a senior officer in case of dispute.
- 16.5 Auditors were able to verify that in all cases examined, letters had been sent to businesses within 14 days of the inspection, as required by the authority's procedures.

Food Standards

- 16.6 Food standards inspection forms, which also served as a report of visit, were available for the latest inspections carried out at the seven food establishments considered during the audit. The information recorded on these forms was legible.
- 16.7 The inspecting officer's name, the address of the local authority, the time and the date of the inspection and key points of discussion had been documented on the report of visit forms and all had been signed by the inspecting officer. However, not all of the information required by Annex 6 of the Food Law Code of Practice had been consistently provided on the forms. In particular, the name of the food business operator, the type of business, the documents examined, the legislation under which the inspection had been carried out, the designation of the inspecting officer or the contact details for a senior officer in case of dispute.
- 16.8 In all but two cases officers had differentiated between legal requirements and recommendations on the report of visit forms. Generally, the actions to be taken by the food authority following inspections had been recorded. However, in all three cases where non-compliance had been identified and follow-up required, there was a failure to indicate the timescale for achieving compliance.
- 16.9 There were inconsistencies in the information relating to interventions on the authority's database. Auditors established that this was due to the use of different rating schemes, a reported software transfer problem, and an inconsistent approach to the scanning of inspection reports.
- 16.10 The authority was able to demonstrate that food standards records were being kept for six years.

Recommendation

- 16.11 The authority should:
- (i) Maintain adequate records and reports on food standards interventions for all relevant food establishments in accordance with the Food Law Code of Practice and centrally issued guidance. [The Standard – 16.1]

Feed

- 16.12 Inspection reports were available for three out of 10 feed establishments selected for audit. However, in all cases the availability of inspection reports was limited to the most recent inspection.
- 16.13 The reports available contained some of the information required by the Feed Law Enforcement Code of Practice. Information that was not included in reports comprised of the specific legislation under which inspections had been carried out, the areas of the business inspected, the documents examined, the contact details and designation of the inspecting officer and the details of a senior officer in case of dispute. Further, key points of discussion with feed business operators had not been documented in two of the three reports and a clear distinction between legal requirements and recommendations for good practice had not been made on one of the reports.
- 16.14 Due to the absence of records other than those relating to the most recent inspection, auditors were unable to verify that the authority had adopted a graduated approach to enforcement.

Recommendation

- 16.15 The authority should:
- (i) Maintain up to date, accurate records in a retrievable form on all relevant feed establishments and imported feed in accordance with the Feed Law Enforcement Code of Practice and centrally issued guidance. These records should include reports of all interventions/inspections, the determination of compliance with legal requirements made by the officer and details of action taken. [The Standard – 16.1]
 - (ii) Ensure feed records and intervention/inspection reports are kept for at least 6 years. [The Standard - 16.2]

17 Complaints about the Service

- 17.1 The authority had a corporate complaints policy and a procedure consisting of an informal resolution stage and a two stage formal procedure. The complaints policy and procedure had been published on the authority's website.
- 17.2 There had been no complaints about the authority's food or feed law enforcement services received in the two years prior to the audit. However, auditors were able to verify that effective arrangements were in place within the Public Protection Service to respond to, and report outcomes of food and feed complaint investigations.
- 17.3 Auditors noted that in respect of food hygiene, the contact details of a senior officer were provided on correspondence should businesses wish to complain following an inspection or other intervention. The requirement to include this information on correspondence following food standards and feed interventions were discussed with officers.

18 Liaison with Other Organisations

18.1 The authority had liaison arrangements in place with neighbouring authorities and other appropriate bodies aimed at facilitating consistent enforcement. They included active participation in the following:

- Directors of Public Protection Wales;
- Wales Heads of Environmental Health;
- Wales Heads of Trading Standards;
- Mid and West Wales Directors Liaison Group;
- Wales Food Safety Technical Panel;
- South West Wales Food Safety Task Group;
- Communicable Disease Technical Panel;
- South West Wales Communicable Disease Task Group;
- Wales Food Hygiene Rating Scheme Steering Group;
- Food and Agriculture Group for Wales;
- South and West Wales Food and Agricultural Standards Liaison Group;
- Wales Heads of Trading Standards Regional Feed Group.

18.2 Minutes of liaison group meetings were available and confirmed regular attendance by appropriate service representatives. The authority was able to demonstrate that it had active liaison arrangements in place with Public Health Wales and the FSA.

18.3 The authority had been involved in developing and effectively delivering consistency training in the application of the Food Hygiene Rating Scheme to local authority officers across Wales.

18.4 Liaison arrangements with other internal departments were also in place and the authority had been particularly proactive in providing advice to their catering services department on the procurement of high-risk foods.

19 Internal Monitoring

Food Hygiene

- 19.1 A comprehensive internal monitoring procedure had been developed for food hygiene incorporating both quantitative and qualitative aspects of service delivery. There were also references in individual documented procedures to relevant monitoring. The procedures were such that it enabled the authority to verify its conformance with the Standard in the Framework Agreement, the Food Law Code of Practice, centrally issued guidance and the authority's own documented policies and procedures.
- 19.2 Auditors were able to verify that internal monitoring carried out by the Professional Lead Environmental Health (Commercial) and Senior Environmental Health Officers was in accordance with the documented procedures.
- 19.3 There was evidence that officers had been provided with regular feedback on the quality of their work at review meetings and corrective action documented where issues had been identified.
- 19.4 The authority had been proactive in ensuring its officers, and other officers across Wales, adopted a consistent approach to the application of risk rating scores under Annex 5 of the Food Law Code of Practice by facilitating consistency exercises.
- 19.5 Regular team meetings assisted in ensuring a consistent approach by officers and provided managers with the opportunity to report progress in delivering the service against the targets identified in the Service Plan.
- 19.6 Records of internal monitoring were being maintained for two years in accordance with the requirements of the Food Law Code of Practice.

Food Standards and Feed

- 19.7 The authority had made reference to quantitative and qualitative internal monitoring by line managers in the Trading Standards Enforcement Visits Procedure. Auditors were able to verify that in practice, some quantitative internal monitoring of food standards and feed enforcement activities had been carried out. However, it had been limited to

monitoring progress against the high level performance indicators in the Service Plan. Qualitative internal monitoring had not been carried out.

Recommendations

19.8 The authority should:

- (i) Set-up, maintain and implement documented internal monitoring procedures for the delivery of food standards and feed services, in accordance with Article 8 of Regulation (EC) No. 882/2004 (Official Feed and Food Controls), the relevant Codes of Practice and centrally issued guidance. [The Standard – 19.1]
- (ii) Verify its conformance with the Standard, relevant legislation, the relevant Codes of Practice, relevant centrally issued guidance and the authority's own documented policies and procedures in respect of the delivery of food standards and feed. [The Standard – 19.2]
- (iii) Ensure internal monitoring records relating to food standards and feed are made and kept for at least 2 years. [The Standard – 19.3]

20 Third Party or Peer Review

- 20.1 There had been no peer reviews or third party audits of the service in the two years prior to the audit.
- 20.2 A focused FSA audit of *Local Authority Official Controls and Food Business Operator Controls in Approved Establishments* had taken place in 2010 and matters identified for action by the authority had been completed.
- 20.3 In 2010 a Scrutiny Review *Inspection of High Risk Food Premises* had been carried out, which acknowledged the pressures facing the service and made a number of recommendations that had subsequently been actioned. A further report was submitted to the authority's People Scrutiny Committee in June 2013 providing an overview of Environmental Health activities, including those relating to food hygiene and infectious disease control. As part of this process, members of the Scrutiny Committee had accompanied officers during food hygiene inspections of food establishments.

21 Food and Feed Safety and Standards Promotion

- 21.1 The authority had delivered a number of initiatives with the aim of promoting food safety and standards.
- 21.2 In respect of food safety, the authority had participated in a range of promotional activities. These included:
- Promoting the National Food Hygiene Rating Scheme;
 - Promoting good hand hygiene at local schools;
 - Participation in Food Safety Week;
 - Providing presentations to Elected Members on food safety issues including Professor Pennington's recommendations, current food safety issues and food poisoning;
 - Issuing press releases e.g. Food Safety at Christmas, Use of Leftovers, Food Safety at Barbeques
- 21.3 The authority's website included 'Tips for Food Safety' in the home and advice in relation to food poisoning.
- 21.4 Food hygiene and food standards officers had attended a farm diversification event where attendees were given advice on farm diversification schemes involving food production.
- 21.5 Advice had been provided to consumers on the dangers associated with consuming counterfeit alcohol in press releases and on the authority's website.
- 21.6 Records of food safety and standards promotion were being maintained by officers.
- 21.7 Feed had not been the subject of any promotional activities.

Recommendation

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

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TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
<p>4.6 The authority should:</p> <p>(i) Ensure all documented policies and procedures are reviewed at regular intervals. [The Standard – 4.1]</p> <p>(ii) Extend its document control system to include food standards and feed enforcement activities. [The Standard – 4.2]</p>	<p><i>Completed</i></p> <p>30/06/2015</p>	<p>All documented policies and procedures will be subject to review on a regular basis, and also when there are changes to legislation or relevant guidance.</p> <p>The document control system used for food hygiene will apply to food standards and feed policies and procedures, and these arrangements will be documented.</p>	<p>Procedures continue to be amended and reviewed as necessary.</p>
<p>5.15 The authority should:</p> <p>(i) Review, amend and implement its procedure for the authorisation of food standards and feed officers to ensure the criteria for determining officer competencies and its approach to new and returning officers is included. [The Standard – 5.1]</p> <p>(ii) Appoint a sufficient number of authorised officers to carry out official feed controls in accordance with the requirements of the Framework Agreement and Feed Law Enforcement Code of Practice. [The Standard – 5.3]</p>	<p>30/06/2015</p> <p>31/07/2015</p>	<p>The authorisation procedure will be reviewed and amended to ensure appropriate criteria used for assessing officer competency is included. The approach to assessing officer competency will be similar to that set-out in the food hygiene procedure*.When the procedure is finalised arrangements will be made to ensure that it is fully implemented.</p> <p>The authority will contribute towards the development of the proposed regional feed law delivery model for Wales, and where appropriate will make use of available resources to appoint officers to undertake interventions in accordance with the proposals</p>	<p>Powys has agreed to act as Regional Lead within the new Regional set up. Resources are being made available to deliver a programme of work.</p>

TO ADDRESS RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
<p>7.19 The authority should:</p> <p>(i) Ensure that food hygiene interventions/inspections are carried out at the minimum frequency specified by the Food Law Code of Practice. [The Standard - 7.1]</p> <p>(ii) Carry out interventions/inspections in accordance with the Food Law Code of Practice, centrally issued guidance, and the authority's policies and procedures. [The Standard – 7.2]</p> <p>(iii) Ensure that observations made in the course of an inspection are recorded in a timely manner to prevent loss of relevant information. [The Standard – 7.5]</p>	<p>31/03/2016</p> <p>31/03/2016</p> <p>31/07/2015</p>	<p>All establishments due a food hygiene intervention will be included in the intervention programme for the year ahead, and routine monitoring will be undertaken to assess progress against delivery of the programme. Any shortfall in meeting the programme will be detailed in the authority's annual performance review.</p> <p>Aim to ensure that food hygiene interventions/inspections are undertaken in accordance with the relevant requirements, specifically that interventions take place within 28 days of their due date. Remind officers of the requirements during appraisals, performance reviews and team meetings, and routinely undertake internal monitoring of interventions to verify conformance.</p> <p>Reinforce at team meetings, appraisals and performance reviews the requirement for officers to make appropriately detailed records of observations made during food hygiene inspections and interventions, and routinely undertake internal monitoring to verify conformance.</p>	<p>All establishments due a food hygiene intervention are included in the programme for the year and monitoring of progress against delivering the programme is carried out. Establishments that do not receive an intervention are noted in the review incorporated within the service delivery plan.</p> <p>Officers reminded and monitoring undertaken.</p> <p>Officers reminded and monitoring undertaken.</p>

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
<p>7.35 The authority should:</p> <p>(i) Ensure that food standards interventions are planned and carried out at a frequency not less than that determined under the intervention rating scheme set-out in the Food Law Code of Practice. [The Standard - 7.1]</p> <p>(ii) Carry out interventions/inspections of establishments in accordance with the relevant legislation, the Food Law Code of Practice, and centrally issued guidance. In particular, ensure that the alternative enforcement strategy and risk rating scheme applied are consistent with the requirements of the Food Law Code of Practice. [The Standard - 7.2]</p>	<p>31/03/2016</p> <p>31/03/2016</p>	<p>Planned inspections at high risk food standards establishments will be carried out at the frequency required by the Food Law Code of Practice. The authority will explore options for delivering future food standards interventions at medium and low risk establishments within current and future budgetary allocations, including the use of alternative enforcement strategies. Work to identify how the IOM aligns with the requirements of the Food Law Code of Practice will be carried out in conjunction with FSA in Wales. The authority will have regard to any future amendments to the Food Law Code of Practice in respect of planned food standards interventions. Internal monitoring to verify frequency of interventions.</p> <p>The authority will ensure that risk ratings applied to establishments following food standards interventions adequately reflect the observations made, and that intervention frequencies determined by the NTSB scheme are not less than would have been the case under the Food Law Code of Practice. Also see 7.35(i) above. The approach to food standards AES will be reviewed and appropriately revised to accord with the requirements of the Food Law Code of Practice.</p>	<p>All food premises have been risk rated in accordance with Annex V of the Food Law Code of Practice.</p>

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
(iii) Assess the compliance of establishments and systems to the legally prescribed standards. [The Standard - 7.3]	31/03/2016	Officers to be briefed on requirement and reminded at team meetings, appraisals and performance reviews of the requirement to ensure that food standards interventions are undertaken in accordance with the Food Law Code of Practice and the authority's own policies and procedures. Ensure these issues are checked on internal monitoring also see 7.35(i) above	
(iv) Setup, maintain and implement a documented procedure detailing its approach to alternative enforcement strategy for food standards. [The Standard - 7.4]	31/12/2015	The revised approach to food standards AES will be documented and communicated to officers to ensure effective implementation.	<i>Target for new businesses currently set at 50% - resource issue.</i>
(v) Ensure that observations made and/or data obtained in the course of an inspection/intervention are recorded in a timely manner to prevent loss of relevant information. [The Standard – 7.5]	31/07/2015	Reinforce at team meetings, appraisals and performance reviews the requirement for officers to make appropriately detailed records of observations made during food standards inspections and interventions, and routinely undertake internal monitoring to verify conformance.	All Wales Food Standards Inspection forms detailing observations and advice provided are in use, these on completion, are attached to the premise database. Internal monitoring of these forms is currently being undertaken.

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
<p>7.50 The authority should:</p> <p>(i) Ensure that feed establishment interventions and inspections are carried out at the frequency specified by the Feed Law Enforcement Code of Practice. [The Standard - 7.1]</p> <p>(ii) Carry out inspections/interventions and approve or register feed establishments in accordance with relevant legislation, the Feed Law Enforcement Code of Practice and centrally issued guidance. [The Standard - 7.2]</p>	31/03/2016	The authority will contribute towards the development of the proposed new feed law delivery model for Wales, and where appropriate will make use of available resources to ensure official feed controls in Powys are delivered in accordance with the intervention programme for Wales, and the Feed Law Enforcement Code of Practice, centrally issued guidance and relevant policies and procedures.	Powys has agreed to act as Regional Lead within the new Regional set up. Resources are being made available to deliver a programme of work.
<p>(iii) Assess the compliance of feed establishments and systems to legally prescribed standards, including feed labelling requirements and ensure appropriate action is taken to follow-up non-compliance in accordance with the authority's Enforcement Policy. [The Standard – 7.3]</p>	31/03/2016	As above	As above
<p>(iv) Amend the documented Feed Inspection Procedure to ensure it reflects the requirements of the Feed Law Enforcement Code of Practice and includes the authority's approach to interventions in businesses regarded as low-risk. [The Standard 7.4]</p>	31/03/2016	As above	As above.
<p>(v) Ensure that officers' contemporaneous records of interventions are stored in such a way as to be retrievable. [The Standard – 7.5]</p>	31/03/2016		Records now attached to premise file on the database. This will ensure that they are retrievable.

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
<p>8.9 The authority should:</p> <p>(i) Investigate food hygiene complaints in accordance with its documented complaints procedures. [The Standard – 8.2]</p>	31/07/2015	Remind officers at team meetings, appraisals and performance reviews of the process to be followed for investigating complaints, as set-out in the authority's procedures; and routinely undertake internal monitoring to verify conformance.	Officers reminded and monitoring undertaken.
<p>11.8 The authority should:</p> <p>(i) Ensure its feed establishments database is accurate, reliable and up to date, as the accuracy of such databases is fundamental to service delivery and monitoring. [The Standard - 11.1]</p>	31/03/2016	In contributing towards the development of the proposed new feed law delivery model for Wales, the authority will offer assistance to ensure the accuracy of database information relating to feed establishments in Powys.	The premises listed on the feed establishment database have been risk rated in accordance with the Feed Law Code of Practice. Direct intervention of LO Feed ensures that new registrations are verified prior to entry onto the Register.
<p>12.15 The authority should:</p> <p>(i) Take appropriate action in accordance with its Enforcement Policy where food standards and feed sample results are not considered to be satisfactory. [The Standard – 12.7]</p>	31/07/2015	Remind officers at team meetings, appraisals and performance reviews of the requirement to ensure appropriate action is taken to follow-up unsatisfactory results, in accordance with the authority's policy and procedures, and routinely undertake internal monitoring to verify conformance.	A monitoring system in respect of sample results has been developed and implemented.

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
<p>14.7 The authority should:</p> <p>(i) Set-up, maintain and implement a documented procedure for initiating and responding to feed incidents and feed alerts, in accordance with the Feed Law Enforcement Code of Practice. [The Standard - 14.1 & 14.4]</p>	31/03/2016	Set-up a feed incidents and feed alerts procedure, and communicate the content to officers to ensure effective implementation.	
<p>15.19 The authority should:</p> <p>(i) Review, revise and implement its documented Enforcement Policy, in accordance with the relevant Codes of Practice and other official guidance. [The Standard -15.1]</p> <p>(ii) Ensure that food law enforcement is carried out in accordance with the Food Law Code of Practice, centrally issued guidance and the authority's own documented procedures. [The Standard -15.2 and 15.3]</p> <p>(iii) Ensure all decisions on enforcement action are made following consideration of the authority's Enforcement Policy and the reasons for departure from the criteria set-out in the policy are documented. [The Standard -15.4]</p>	<p>31/12/2015</p> <p>31/03/2016</p> <p>Completed</p>	<p>Review the Enforcement Policy and amend, as appropriate. In particular, up to date details of the department's structure will be provided. Communicate the revised policy to officers for implementation and undertake routine internal monitoring to verify conformance.</p> <p>Remind officers of the relevant requirements of the Food Law Code of Practice, centrally issued guidance and the authority's procedures, and routinely undertake internal monitoring to verify conformance.</p> <p>Remind officers of the requirement to consider the policy when making decisions on enforcement. Departures from the policy would be unusual. However, where there are departures the reasons will be documented in future.</p>	<p>Officers reminded of requirements and monitoring undertaken.</p> <p>Officers reminded of the policy.</p>

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
<p>16.11 The authority should:</p> <p>(i) Maintain adequate records and reports on food standards interventions for all relevant food establishments in accordance with the Food Law Code of Practice and centrally issued guidance. [The Standard – 16.1]</p>	31/03/2016	Remind relevant officers of this requirement at team meetings, appraisals, supervisions and performance reviews, and routinely undertake internal monitoring to verify conformance.	All Wales Food Standards Inspection Forms have been adopted these provide accurate records of interventions. These forms are scanned to the premise record on the database.
<p>16.15 The authority should:</p> <p>(i) Maintain up to date, accurate records in a retrievable form on all relevant feed establishments and imported feed in accordance with the Feed Law Enforcement Code of Practice and centrally issued guidance. These records should include reports of all interventions / inspections, the determination of compliance with legal requirements made by the officer and details of action taken. [The Standard – 16.1]</p> <p>(ii) Ensure feed records and intervention / inspection reports are kept for at least 6 years. [The Standard - 16.2]</p>	31/03/2016	Remind relevant officers of these requirements at team meetings, appraisals, supervisions and performance reviews, and routinely undertake internal monitoring to verify conformance.	Wales Food Standards Agency has developed an inspection form in accordance with the Feed Law Code of Practice. This template is in use and includes reports of interventions/inspections, the determination of compliance. This record is audited/monitored and scanned to the premise record on the database.
<p>19.8 The authority should:</p> <p>(i) Set-up, maintain and implement documented internal monitoring procedures for the delivery of food standards and feed services, in accordance with Article 8 of Regulation (EC) No. 882/2004 (Official Feed and Food Controls), the relevant Codes of Practice and centrally issued guidance. [The Standards – 19.2]</p>	31/03/2016	Procedure/s will be developed in accordance with relevant requirements and subsequently implemented by officers/managers*.	Internal monitoring procedures have been implemented.

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
<p>(ii) Verify its conformance with the Standard, relevant legislation, the relevant Codes of Practice, relevant centrally issued guidance and the authority's own documented policies and procedures in respect of the delivery of food standards and feed. [The Standard – 19.2]</p> <p>(iii) Ensure internal monitoring records relating to food standards and feed are made and kept for at least 2 years. [The Standard – 19.3]</p>	<p>31/12/2015</p> <p>31/03/2016</p>	<p>The approach to internal monitoring, as set-out in the above procedure/s will include verification of the stipulated requirements.</p> <p>All relevant officers/managers will be reminded of the requirements to record internal monitoring activities and to retain these for 2 years.</p>	
<p>21.8 The authority should:</p> <p>(i) Develop promotional activities to include feed safety. [The Standard – 21.1]</p>	<p>31/07/2015</p>	<p>See planned intervention alongside recommendation 7.50 (i-v)</p>	

Audit Approach/Methodology

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

(1) Examination of local authority policies and procedures

The following policies, procedures and linked documents were examined:

- Powys County Council Environmental Health and Trading Standards Food and Animal Feed Service Plan 2013/14
- Powys County Council Public Protection Service Business Plan April 2012-March 2015
- Powys County Council People Scrutiny Committee Report on Activity of Environmental Health June 2013
- Powys County Council Regeneration and Development Service Review 2012/13
- Powys County Council Scrutiny review Inspection of High risk Food Premises
- Procedure for Authorisation of Officers for Food Standards and Feedingstuffs Enforcement
- Environmental Health Commercial team Training Monitoring Records 2012 and 2013
- Public Protection Officer Training/Development Plans
- Trading Standards Officer personal Learning Logs/Diaries
- Powys County Council Environmental Health Policy/Procedure for Control of Documentation
- Trading Standards Procedure for Cleaning and Sanitising Sampling Equipment
- Food Standards Equipment Inventory
- Environmental Health Equipment Calibration Policy
- Powys County Council trading standards Procedure Manual No 9
- Trading Standards Inspection/Visit Form and Guidance Notes for Completion of Visit/Inspection Sheet
- Powys food Hygiene Inspection Form
- Public Protection Butchers Inspection Form

- Feed Business Inspection Form -Registered Manufacturer/other Feed Business Operator Placing on the Market Additives premixes Bioproteins, Compound Feed
- Powys County Council Food Hygiene Inspection Procedure
- Powys County Council Approved Premises Protocols and Procedures
- Powys County Council Food Hygiene Inspection Form –Manufacturers Including Approved Establishments
- Food Safety News –Edition 1
- Powys County Council Environmental Health Service Protocols and Procedures Responding to and Dealing with Complaints about Premises
- Powys County Council Environmental Health Protocols and Procedures Food Complaints
- Powys County Council Trading Standards procedure for dealing with Complaints and Requests for Advice
- Powys Trading Standards List of Home Authority Companies
- Powys Environmental Health and Trading Standards Database Accuracy and Security Procedure
- Powys County Council - Letter of Appointment Public and Agricultural Analysts
- Powys County Council Environmental Health and Trading Standards Food and Feedingstuffs Sampling Policy
- Powys County Council Environmental Health Service Food Sampling Protocols and Procedures
- Powys County Council Trading Standards Procedure Manual 9
- Food Sampling Plan 2012/13 and 2013/14
- Welsh Government The Communicable Disease Outbreak Plan for Wales
- Powys County Council Investigating Sporadic Cases of Foodborne Disease Protocols and Procedures
- Public Protection Environmental Health and Trading Standards Food Alerts and Incidents Procedure 15 October 2013
- Powys County Council Public Protection Enforcement Policy
- Powys Investigation, Reporting and Processing of Offences Procedure Procedure Manual No 6
- Powys Environmental Health Hygiene Improvement Notices Procedure 22 November 2013
- Powys Environmental Health Service Hygiene Improvement Notices Protocols and Procedures 30 August 2013

- Powys Environmental Health Voluntary Surrender/ Detention and Seizure of Food Protocols and Procedures
- Powys Environmental Health Voluntary Closure/ Hygiene Emergency Prohibition/Remedial Action Protocols and Procedures 18 August 2013
- Powys County Council Investigate Once, Investigate Well Corporate Complaints Staff Guidance
- Minutes of Liaison Meetings
- Powys County Council People Scrutiny Committee Report on trading Standards Work 27 June 2013
- Horsemeat in Beef Products Update to Council Members
- Environmental Health Commercial Team Minutes
- Powys County Council Minutes of Meeting of Trading Standards Managers
- Powys County Council Environmental Health Internal Monitoring Procedures

(2) File reviews

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

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

(3) Review of Database records:

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

- Review and assess the completeness of database records of food/ feed inspections, food/feed and food/feed establishment complaint investigations, samples taken by the authority, formal enforcement and other activities and to verify consistency with file records

- Assess the completeness and accuracy of the food and feed establishment databases
- Assess the capability of the system to generate food/feed law enforcement activity reports and the monitoring information required by the FSA.

(4) Officer interviews

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

Professional Lead Environmental Health (Commercial)
Senior Environmental Health Officer
Environmental Health Officer
Trading Standards Manager
Trading Standards officers, including lead officers for food standards and feed

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

(5) On-site verification visits:

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

Glossary

Approved Establishments	Food manufacturing establishment that has been approved by the local authority, within the context of specific legislation, and issued a unique identification code relevant in national and/or international trade.
Authorised officer	A suitably qualified officer who is authorised by the local authority to act on its behalf in, for example, the enforcement of legislation.
Codes of Practice	Government Codes of Practice issued under Section 40 of the Food Safety Act 1990 as guidance to local authorities on the enforcement of food legislation.
CPIA	The Criminal Procedures and Investigations Act 1996 – governs procedures for undertaking criminal investigations and proceedings.
Environmental Health Professional (EHP)	Officer employed by the local authority to enforce food safety legislation.
Food Examiner	A person holding the prescribed qualifications who undertakes microbiological analysis on behalf of the local authority.
Food Hazard Warnings/ Food Alerts	This is a system operated by the Food Standards Agency to alert the public and local authorities to national or regional problems concerning the safety of food.
Food 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.

Framework Agreement The Framework Agreement consists of:

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

The **Standard** and the **Service Planning Guidance** **Food Hygiene** the FSA's expectations on the planning and delivery of food law enforcement.

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

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

Full Time 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.

HACCP Hazard Analysis Critical Control Point – a food safety management system used within food businesses to identify points in the production process where it is critical for food safety that the Control measure is carried out correctly, thereby eliminating or reducing the hazard to a safe level.

Home authority An authority where the relevant decision making base of an enterprise is located and which has taken on the responsibility of advising that business

on food safety/food standards issues. Acts as the central contact point for other enforcing authorities' enquiries with regard to that company's food related policies and procedures.

Hygiene Improvement Notice	A notice served by an Authorised Officer of the local authority under Section 10 of the Food Safety Act 1990, requiring the proprietor of a food business to carry out suitable works to ensure that the business complies with the requirements of food hygiene or food processing legislation.
Inter authority Auditing	A system whereby local authorities might audit each others' food law enforcement services against an agreed quality standard.
LAEMS	Local authority Enforcement Monitoring System is an electronic system used by local authorities to report their food law enforcement activities to the Food Standards Agency.
Member forum	A local authority forum at which Council Members discuss and make decisions on food law enforcement services.
OCD returns	Returns on local food law enforcement activities required to be made to the European Union under the Official Control of Foodstuffs Directive.
Originating authority	An authority in whose area a business produces or packages goods or services and for which the authority acts as a central contact point for other enforcing authorities' enquiries in relation to the those products.
PACE	The Police and Criminal Evidence Act 1984 – governs procedures for gathering evidence in criminal investigations.
Primary authority	A local authority which has developed a

partnership with a business which trades across local authority boundaries and provides advice to that business.

Public Analyst	An officer, holding the prescribed qualifications, who is formally appointed by the local authority to carry out chemical analysis of food samples.
Risk rating	A system that rates food establishment according to risk and determines how frequently those establishments should be inspected. For example, high-risk hygiene establishments should be inspected at least every 6 months.
Service Plan	A document produced by a local authority setting out their plans on providing and delivering a food service to the local community.
Trading Standards	The service within a local authority which carries out, amongst other responsibilities, the enforcement of food standards and feedingstuffs legislation.
Trading Standards Officer (TSO)	Officer employed by the local authority who, amongst other responsibilities, may enforce food standards and feedingstuffs legislation.
Unitary authority	A local authority in which all the functions are combined, examples being Welsh Authorities and London Boroughs. A Unitary authority's responsibilities will include food hygiene, food standards and feedingstuffs enforcement.