

Report on the Audit of Local Authority Inland Imported Food Control Arrangements

Slough Borough Council
17-18 November 2010



Foreword

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

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

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

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

The audits examined Port Health Authority (PHA) and Local Authority (LA) systems and procedures for control of imported food and where relevant imported feed, at ports of entry (sea and air) and at inland authorities, in 15 geographically representative PHAs and LAs in England. The audits of PHAs were confined to food not of animal origin (FNAO), where relevant imported feed. However the audits of inland authorities covered products of animal origin (POAO) and FNAO. As part of the programme, other LAs with ports are also being contacted to establish whether liaison with ports and appropriate checks on imports are being undertaken.

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

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

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

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

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

CONTENTS

	Page
1.0 Introduction	5
<i>Reason for the Audit</i>	5
<i>Scope of the Audit</i>	6
<i>Background</i>	6
2.0 Executive Summary	8
3.0 Audit Findings	10
3.1 <i>Organisation and Management</i>	10
- <i>Strategic Framework, Policy and Service Planning</i>	10
- <i>Documented Policies and Procedures</i>	11
- <i>Authorised Officers</i>	11
- <i>Food Premises Database</i>	13
- <i>Liaison with Other Organisations</i>	14
3.2 <i>Imported Food Control Activities</i>	15
- <i>Food Premises Inspections</i>	15
- <i>Verification Visit to a Food Premises</i>	15
- <i>Food Inspection and Sampling</i>	16
- <i>Enforcement</i>	17
- <i>Food Complaints and Referrals, Primary Authority Scheme and Home Authority Principle</i>	18
- <i>Food Safety Incidents</i>	18
- <i>Advice to Business</i>	18
- <i>Records</i>	19
3.3 <i>Internal Monitoring and Third Party or Peer Review</i>	20
- <i>Internal Monitoring</i>	20
- <i>Third Party or Peer Review</i>	20
Annexe A - Action Plan for Slough Borough Council	22
Annexe B – Audit Approach/Methodology	25
Annexe C – Glossary	27

1. Introduction

1.1 This report records the results of an audit at Slough Borough Council with regard to food law enforcement, under relevant headings of the Food Standards Agency Feed and Food Law Enforcement Standard. The audit focused on the Authority's arrangements for imported food controls. The audit was undertaken as part of the Agency's focused audit programme on imported food and, where appropriate, feed controls. The report has been made publicly available on the Agency's website at:

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

Hard copies are available from the Food Standards Agency's Local Authority Audit and Liaison Division at Aviation House, 125 Kingsway, London WC2B 6NH, Tel: 020 7276 8428.

Reason for the Audit

1.2 The power to set standards, monitor and audit local authority feed and food law enforcement services was conferred on the Food Standards Agency by the Food Standards Act 1999 and the Official Feed and Food Controls (England) Regulations 2009. This audit of Slough Borough Council was undertaken under section 12(4) of the Act as part of the Food Standards Agency's annual audit programme. Regulation (EC) No. 882/2004 on official controls performed to ensure the verification of compliance with feed and food law, includes a requirement for competent authorities to carry out internal audits or to have external audits carried out. The purpose of these audits is to verify whether official controls relating to feed and food law are effectively implemented. To fulfil this requirement, the Food Standards Agency, as the central competent authority for feed and food law in the UK has established external audit arrangements. In developing these, the Agency has taken account of the European Commission guidance on how such audits should be conducted.¹

1.3 Slough Borough Council was included in the Food Standards Agency's programme of audits of local authority food and feed law enforcement services because the Authority is home to a diverse community and therefore is likely to be an area where many local food businesses handle imported food. In addition the Authority had a significant number of enhanced remote transit sheds (ERTS) in its area due to its proximity to Heathrow Airport. The Authority was also selected to be representative of a geographical mix of 15 PHAs and LAs selected across England.

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)

Scope of the Audit

- 1.4 The audit examined Slough Borough Council's arrangements for imported food controls in respect of both foods not of animal origin (FNAO) and products of animal origin (POAO).
- 1.5 The audit scope included the assessment of local arrangements for service planning, delivery and review, provision and adequacy of officer training on imports and authorisations, implementation and effectiveness of imported food control activities, including inspection, sampling and enforcement. Auditors also assessed arrangements for the maintenance and management of appropriate records in relation to imported food activities and food businesses that handle imported food, as well as internal service monitoring arrangements.
- 1.6 The on-site element of the audit took place at the Authority's offices at St Martins Place, 51 Bath Road, Slough on 17-18 November 2010. The audit included a reality check to assess the effectiveness of official controls implemented by the Authority at an enhanced remote transit shed which handled imported food from third countries, and more specifically, the checks carried out by the Authority's officers to verify compliance with imported food law requirements.
- 1.7 The audit also afforded the opportunity for discussion with officers involved in imported food law enforcement with the aim of exploring key issues and gaining opinions to inform Agency policy. A set of structured questions were used as the basis for discussions which sought views and information on areas related to imported food controls such as:
- service planning and the strategic framework of controls
 - training and support
 - criteria used to determine the level of checks
 - issues affecting the imported food control programme
 - sampling, surveillance and enforcement approaches.
- 1.8 The information gained during interviews will be incorporated into a summary report on the imported food and feed inspection and control activities audit programme.

Background

- 1.9 Slough has a population of around 130,000 and is reputed to be the most ethnically diverse local authority area outside London. With extensive transport links, it is an important business centre in the South East and has the largest trading estate in Europe. Over the years the town of Slough has expanded to incorporate a number of different villages, including Chalvey, Cippenham, Colnbrook and Langley.

1.10 The Food Safety and Standards Service Delivery Plan 2010/2011 stated that there were 780 food premises in the Authority's area, the majority being small to medium food establishments. The area is home to a number of national and multi-national food manufacturers and a large importer of South African foods. In addition due to the proximity to Heathrow Airport there were a significant number of ERTS, some of which handled imported food from third countries. Officers were responsible for ensuring foods held in the ERTS were in accordance with legislation relating to both FNAO and POAO.

1.11 The 2009/2010 Local Authority Enforcement Monitoring System (LAEMS) return for the Authority indicated that there were 750 premises for food hygiene, the profile of which was as follows:

Type of Food Premises	Number
Manufacturers/Packers	15
Importers/Exporters	5
Distributors	24
Retailers	230
Restaurants/Caterers	476
Total Number of Food Premises	750

1.12 The 2009/2010 LAEMS return for food standards reported only 685 premises. Auditors were advised that the Authority had recognised that there were inconsistencies in the database between trading standards and food safety records which resulted in a number of businesses not being properly recognised as part of both inspection programmes. Work was ongoing to address the issue which, along with the introduction of more stringent protocols for closing premises records, should result in a more accurate reflection of actual food premises numbers and inspection programmes on future LAEMS returns.

1.13 The majority of imported food control work was undertaken by officers from the Food Safety and Standards Service, with officers from the Trading Standards team enforcing food standards legislation, particularly in relation to labelling issues.

2. Executive Summary

- 2.1 It was clear that imported food controls form an integral part of the food service provided by the Food and Safety and Trading Standards teams responsible for the enforcement of imported food controls at Slough Borough Council. Past and present Service Plans and discussions with officers confirmed that the enforcement of imported food controls had been long established into the work of the teams.
- 2.2 The Authority had developed Service Plans for both the food safety and trading standards services which were broadly in line with the Service Planning Guidance in the Framework Agreement. Appropriate reference to imported food controls was made in the Plans. Future Service Plans should however, fully reflect the requirements of the Service Planning Guidance, including a comparison of the resources required and those available to provide the Service.
- 2.3 Documented procedures for the authorisation of officers had been developed and implemented for both teams. These would benefit from greater detail on the assessment criteria and process for the authorisation of officers based on their individual qualifications, experience and training. Officers were found to be appropriately authorised and acting within their individual levels of authorisation. Food safety officers had received training in imported food controls and it was acknowledged that officers in the Trading Standards Team would also benefit from undertaking some basic training on inland imported food controls.
- 2.4 The Authority had developed policies and procedures relevant to the scope of the audit in respect of food safety, and useful guidance had been produced for officers on a range of imported food issues including inland imported food controls and imported food checks at the enhanced remote transit sheds (ERTS). It was acknowledged that trading standards procedures would benefit from more regular and ad hoc reviews as necessary to ensure they provided adequate and up to date guidance to officers.
- 2.5 There was evidence that officers made relevant checks on imported food as part of routine food hygiene and standards inspections. The food safety inspection aide-memoire had been amended to include a useful section to prompt officers to record details of their imported food traceability checks. The food standards report of inspection form required review to prompt officers to record details of the checks made on imported food during visits, including any referrals to the food and safety team.
- 2.6 The Authority had submitted an imported food return on the Local Authority Enforcement Monitoring System (LAEMS) for 2009/2010, which broadly reflected the Authority's sampling and enforcement activity. Auditors were advised that steps were being implemented to

resolve anomalies between the food standards and food safety records in respect of food businesses, which should improve accuracy of the database over time.

- 2.7 A draft Public Protection Service Enforcement Policy had been produced which was about to undergo consultation with external stakeholders. The policy clearly set out the Authority's graduated approach to enforcement. It was evident that appropriate follow-up action, including formal enforcement was being taken in relation to illegal food imports or high risk imported food where food safety issues had been identified. Notices had been served where appropriate.
- 2.8 It was clear that the Service was proactive in providing advice to food businesses on imported food controls, for example useful guidance had been provided to the ERTS operators on changes to requirements in respect of high risk FNAO. In addition, a newsletter had been produced for local food businesses featuring an article on imported food controls and helpful advice was provided by both teams to individual enquiries on imported food matters.
- 2.9 Procedures were available on both food safety and standards sampling which included imported foods. The Authority's food sampling programme took account of the imported foods sold in the Authority's area. It was noted that paper records relating to trading standards samples were not as easily retrievable or sufficiently detailed, and could be more usefully linked to the sample records on the database.
- 2.10 Procedures on responding to consumer and food complaints had been developed and implemented. Complaints relating to one importer were checked during the audit and it was clear that appropriate investigations had been carried out and relevant parties kept informed of progress.
- 2.11 The Food and Safety Team had developed a comprehensive internal monitoring procedure and there was clear evidence of effective internal monitoring across the Service, including imported food control activities. It was not evident however that similar risk based monitoring arrangements were in place in respect of trading standards activities on imported food.
- 2.12 A 'reality visit' was undertaken to an ERTS in the district that handled imported foods. The purpose of the visit was to determine the effectiveness of the Authority's assessment and application of imported food controls in relation to third country imports, and to assess that enforcement activities at the premises meet the requirements of relevant legislation. It was evident during the reality check that the Service maintained a good working relationship with the FBO and that there was good knowledge of the procedures in place at the premises and the controls relating to imported foods.

3. Audit Findings

3.1 Organisation and Management

Strategic Framework, Policy and Service Planning

- 3.1.1 The Authority had developed both a Food Safety and Standards Service Delivery Plan 2010/2011 and a corresponding Trading Standards Team Service Delivery Plan. Both plans were broadly in accordance with the Service Planning Guidance in the Framework Agreement. The plans provided clear outlines of the activities carried out by the respective services and provided comprehensive reviews of the previous year's activities including project work undertaken by the teams. The food safety Service Plan in particular contained a section outlining the Authority's imported food enforcement activities. In addition action plans set out the teams' priorities for the forthcoming year. These included the '*checking of consignments of food coming into Slough to ERTS*', and '*investigations into illegally imported POAO and other restricted foods*'. These key actions were subject to quarterly review.
- 3.1.2 Both plans had received approval by the relevant Member forum. It was agreed that the content of future Service Plans would be reviewed to ensure they fully reflect all relevant areas of the Service Planning guidance. This should include a clear comparison of the resources available to provide the food law enforcement service against the resources available.

Recommendation

3.1.3 The Authority should:

Ensure that future Service Plans contain details of the resources required to carry out the service effectively compared directly against the resources available.
[The Standard – 3.1]

- 3.1.4 Auditors were advised that the Assistant Director held regular monthly meetings with the relevant lead councillor where an update would be provided on the teams' activities, which would include any issues regarding imported food. In addition a Quarterly Performance Analysis report was produced for senior managers.
- 3.1.5 The Food Safety and Standards Service Plan confirmed that there were 5.7 full time equivalent officers (FTE) assigned to food hygiene enforcement and 2.25 FTEs for food standards work. Auditors were advised that there was 0.8 FTE assigned to imported food control

activities, although additional resources would be made available in the event of a major incident.

Documented Policies and Procedures

- 3.1.6 The Authority had developed a range of relevant policies and procedures. Officers with specific responsibilities were assigned procedures relevant to their specialism to develop, review and amend as necessary. Individual procedures were then approved by a senior officer. Documents were held electronically on a shared drive and in controlled hard copy reference documents.
- 3.1.7 The procedures developed for the food safety aspects of the imported food service underwent annual and ad hoc reviews in accordance with the requirements of a documented procedure. It was acknowledged however that food standards procedures required a more robust review process. Auditors were advised that the teams were planning to develop some joint procedures in the future where work overlapped. This had already commenced with procedures developed for both services on maintenance of the database and response to food alerts.

Recommendation

3.1.8 The Authority should:

Ensure that all documented policies and procedures, including those relevant to imported food control activities, are reviewed at regular intervals and whenever there are changes to legislation and centrally issued guidance.

[The Standard – 4.1]

Authorised Officers

- 3.1.9 The Food and Safety Team had implemented a procedure on the authorisation of officers. This set out the process by which officers were authorised, however the procedure would benefit from greater detail on the criteria used for selecting the appropriate level of authorisation based on the assessment of the individual officer's qualifications, experience and competency. The power to authorise officers was assigned through the Council's Scheme of Delegation to the Assistant Director Public Protection, on the recommendation of the Head of Food, Safety and Business Support which followed a structured assessment of the officer.
- 3.1.10 The Trading Standards Service had a brief procedure on officer authorisations. This also required review to ensure that there was adequate detail on the process for authorisation, in addition to the

assessment criteria to determine the appropriate level of authorisation for individual officers.

Recommendation

3.1.11 The Authority should:

Review the documented procedures for the officer authorisations of ensure they clearly set out the authorisation process based on individual officer competence and in accordance with the Food Law Code of Practice. [The Standard – 5.1]

- 3.1.12 Audit checks confirmed that officers were appropriately authorised under current legislation relevant to imported food control, in line with their qualifications, experience and competency and that they were acting within their individual conferred levels of authorisation. The officer with lead responsibility for imported food had the necessary specialist knowledge and experience to fulfil the role.
- 3.1.13 The Authority provided an out of hours duty rota system for both food safety and food standards issues. If an issue arose where an officer required confirmation of appropriate action, a hierarchy of senior officers could be contacted for further advice. In relation to the ERTS, informal agreement had been reached with relevant officials at Heathrow Airport to ensure that immediate checks were not required on foods received out of hours and they were dealt with by officers on the next working day.
- 3.1.14 Officers' individual training and development needs were identified as part of the annual performance review process. Audit checks confirmed that officers in the Food and Safety Team had achieved the minimum of 10 hours relevant training based on the principles of continuing professional development (CPD). Officers had attended relevant training on imported food controls and the Service had required all the officers to undertake specific on-line training available for enforcement officers on inland imported food controls. Officers from both teams interviewed during the audit were able to demonstrate a satisfactory knowledge of imported food legislation.
- 3.1.15 Officers in the Trading Standards team were unable to demonstrate that they had undertaken appropriate imported food training and it was agreed that relevant officers would also undertake the on-line course on inland controls. In addition, it was not evident that all officers carrying out food standards enforcement had achieved the minimum 10 hours CPD training.

Recommendation

3.1.16 The Authority should:

Ensure that all officers receive appropriate and adequate training on the enforcement of imported food controls in accordance with the Food Law Code of Practice.
[The Standard – 5.4]

Food Premises Database

- 3.1.17 Auditors were advised that some issues had been identified with the accuracy of the shared food safety and trading standards database, in that there were significant anomalies between the numbers of premises in the food safety inspection programme in comparison with those for food standards inspections. An officer had been tasked with investigating and rectifying the anomalies and the two inspection programmes were in the process of being harmonised. In addition a joint procedure on data entry had been developed to aid consistency between the two teams.
- 3.1.18 Premises handling imported foods, including importers and the ERTS were included on the food premises database and within the inspection programmes. The Authority was able to differentiate those premises which were ERTS, and to distinguish those premises handling imported food, and if importing food from outside the EU.
- 3.1.19 The Service confirmed that there were a significant number of ERTS in the area due to its proximity to Heathrow Airport. Checks were regularly made against lists held by the UK Border Agency (UKBA) of ERTS in the area to ensure that records were up to date and accurate. Historically surveys had been carried out by the Authority to establish which ERTS routinely received food consignments and the Authority liaised regularly with UKBA and officials at Heathrow Airport to confirm at which ERTS food from third countries was being held. In addition auditors were advised that all officers were aware of the need to check whether foods were handled during any visits to the ERTS for other purposes. Some anomalies between lists of ERTS were discussed and rectified during the audit. The Service was planning an initiative in the New Year working in conjunction with other enforcement bodies to update records on ERTS in the area.
- 3.1.20 The Authority had in place a computer software system capable of providing accurate food law enforcement monitoring data to the Agency. A LAEMS return for 2009/2010 had been submitted with data on imported food control activities properly included in the appropriate section of the return. The Authority acknowledged that there had been some inaccuracies in the data due to reconfiguration of the system,

but these issues had been identified and rectified in order to accurately reflect imported food enforcement activity in future returns.

Liaison with Other Organisations

- 3.1.21 The Authority had effective liaison arrangements with other relevant bodies in respect of imported food controls. The Authority was signatory to a Memorandum of Understanding drawn up between the local authorities involved with food and feed imported through Heathrow Airport. In addition, links had been established with UKBA officers at Heathrow Airport with liaison on consignments that were being received at the ERTS through onward transmission from Heathrow Airport.
- 3.1.22 The Authority had liaised as appropriate with other relevant bodies including Government agencies such as the Food Standards Agency on imported food issues.

3.2 Imported Food Control Activities

Food Premises Inspections

3.2.1 The Authority's LAEMS returns for 2009/2010 provided the following data on inspection activity for food safety and food standards:

Risk Category	No. inspections achieved (Hygiene)	No. outstanding (Hygiene)	No inspections achieved (Standards)	No. outstanding (Standards)
A	14	0	11	11
B	78	1	69	22
C	291	129	22	291
D	53	47	N/A	N/A
E	31	53	N/A	N/A
Unrated	11	1	19	0
TOTAL	478	231	102	324

3.2.2 The Authority focused resources on ensuring that higher risk premises were prioritised for inspection. Where there were establishments known to handle significant quantities of imported food, there was evidence that these received additional interventions, and where necessary officers provided helpful guidance on compliance with relevant legislation.

3.2.3 It was evident from audit checks and the Food Service Plan that the Authority was implementing a risk based intervention programme and that imported food control was an integral part of inspections and interventions. Audit checks were carried out on eight recent inspections, four of which related to food hygiene inspections and four food standards. In general inspections of higher risk premises were being undertaken at the frequencies set out in the Food Law Code of Practice, however some lower risk premises were overdue.

3.2.4 The food safety inspection aide-memoire had been revised to include a specific imported food section which provided a useful prompt for officers to record details of imported food traceability checks made during inspections and other interventions. It was agreed that the food standards inspection record form could be amended to include prompts for officers to record full details of their imported food control checks. Officers had been instructed to carry out 'one up, one down' checks on at least one item of food imported from a third country to trace its immediate supplier and where appropriate, who the food was being supplied to.

Verification visit to a Food Premises

3.2.5 During the audit a verification visit was carried out at an ERTS in the area that handled significant amounts of imported food from third

countries, some of which was high risk FNAO. Auditors were accompanied by the officer from the Authority who had carried out the last food hygiene inspection and the officer responsible for food standards enforcement at the premises. The purpose of the visit was to determine the effectiveness of the Authority's assessment and application of imported food controls in relation to third country imports.

- 3.2.6 During the visit, it was evident that the Service maintained a good working relationship with the food business operator (FBO). It was clear that the officer who routinely visited the premises in relation to imported food that had been transhipped to the establishment from Heathrow Airport was familiar with the operations at the business and fully aware of the procedures in place for the clearance of high risk FNAO. No issues were identified at the premises during the visit in relation to either food standards or food safety aspects of imported food controls and detailed notes were made by both officers on the findings from the visit.

Food Inspection and Sampling

- 3.2.7 In the Food Safety Service Delivery Plan, the Authority confirmed that the Authority would '*undertake sampling as part of a suite of interventions to improve food hygiene standards and focus on high risk and local needs*'. There was no specific reference in the Plan to sampling of imported foods although auditors were advised that the Service aimed to carry out 10% physical checks at the ERTS.
- 3.2.8 The Authority did not have a documented sampling policy, however policy issues were in part contained in other documentation. The sampling programme for 2008/2009 was also being used for the current year's programme and included participation in national, regional and local sampling initiatives which took account of the diverse nature of imported foods sold in the Authority's area. The Authority had received grant funding from the Agency to participate in a national co-ordinated imported food sampling and surveillance programme.
- 3.2.9 The Service had produced comprehensive, practical documented guidance to officers on both sampling for analysis and examination. Apart from comprehensive general guidance, procedures had also been produced on specific issues such as sampling from manufacturing businesses and from importers warehouses, and sampling fruit and vegetables for pesticides. Audit checks confirmed that the official laboratories used by the Authority for food sampling activities were properly accredited.
- 3.2.10 The records for four recent imported food samples were examined. All the samples had provided satisfactory results and had not required any additional follow-up activity. It was noted that the level of detail and retrievability of records varied considerably between the two

teams and improvements in relation to the trading standards records were discussed during the audit.

Enforcement

- 3.2.11 The Authority had developed a draft Public Protection Service Enforcement Policy which was due to undergo consultation with external stakeholders before publication. The policy clearly set out the Authority's graduated approach to enforcement.
- 3.2.12 The Service had developed documented procedures on formal enforcement options relevant to imported food control including those for enforcement of legislation on jelly mini cups; imported organic food; onward transmission of high risk foods from Heathrow Airport to the ERTS; imported food within ERTS and inland imported food controls.
- 3.2.13 A number of formal enforcement records relating to imported food, were examined during the audit including:
- 3 rejections of imported food at ERTS under the Official Feed and Food Controls (England) Regulations 2009
 - 2 illegal imports notices under Products of Animal Origin (Third Country Imports) Regulations 2006 – Regulation 5(3).
- 3.2.14 It was evident that appropriate follow-up action, including formal enforcement, was generally taken in relation to illegal food imports or high risk imported food where food safety issues had been identified, in accordance with the enforcement policy. Formal notices were in general subject to peer review prior to service except for those issued on site at the ERTS. These contained some minor discrepancies and it was agreed that post service review of such notices would be of benefit as part of the internal monitoring system, to prevent repeated issues. In addition where notices had been served by hand, evidence of service was not readily available.

Recommendation

3.2.15 The Authority should:

Ensure that formal enforcement notices are drafted and served in accordance with the relevant legislation, the Food Law Code of Practice and centrally issued guidance.
[The Standard - 15.3]

Good Practice –Enforcement Guidance

The Authority had produced a range of useful guidance for officers on relevant and specific imported food issues including the enforcement of jelly mini cup legislation, onward transmission of high risk foods to the ERTS and imported food controls within ERTS.

Food Complaints, Referrals, Primary Authority Scheme and Home Authority Principle

- 3.2.16 The Authority had produced separate food safety and standards complaints procedures which were of relevance to complaints or referrals from other enforcing bodies concerning imported foods.
- 3.2.17 Audit checks were carried out in relation to four complaints relating to imported food. In general, it was evident that these had been appropriately investigated and that relevant parties had been kept informed of the progress of the complaint. Useful guidance had been provided to the FBO to prevent similar future complaints.
- 3.2.18 The Authority confirmed its commitment to the Primary Authority Scheme and Home Authority Principle in both the safety and standards Service Plans. There were a number of large food businesses for which the Council acted as home authority and responsibility was shared between the two teams as appropriate. Auditors were advised that the Authority was keen to pursue primary authority partnerships with local companies and a seminar was planned to engage potential businesses in the New Year.

Food Safety Incidents

- 3.2.19 The Authority had developed a joint documented procedure for responding to and instigating food alerts. A decision was made on which team would take the lead in responding to individual alerts following consideration of the nature of the notification. Records of actions taken on alerts were recorded on the electronic database system.
- 3.2.20 The Authority had also appropriately notified the Agency of a serious localised incident relating to salmonella in melon seeds.

Advice to Business

- 3.2.21 The Authority was proactive in providing advice to food businesses on imported food requirements and controls. The provision of advice on imported food was also an integral part of day to day interventions at

food establishments and there was evidence of letters sent to businesses following visits that provided helpful guidance on compliance with imported food legislation. The Authority regularly produced a newsletter for food businesses and a recent edition featured an article on inland controls on imported foods. In addition, useful guidance had been produced for operators in ERTS to advise of procedures for the notification and clearance of imported foods and letters had also been sent advising of recent changes to the list of high-risk FNAO.

Good Practice –Advice to business

The Authority was proactively involved in providing advice to business in a range of ways to help them comply with imported food legislation. This included general advice on inland imported food controls and specific advice on high risk foods handled at the ERTS.

Records

- 3.2.22 Audit checks confirmed that in general comprehensive records were being maintained of the food hygiene aspects of imported food enforcement activities, however auditors discussed the need for greater consistency between the details held by the two teams, particularly in reference to food sampling and premises inspection records. Auditors found that records relating to food samples taken by the trading standards team were not as easily retrievable as those for food hygiene samples and paper records were not clearly linked to those on the database. In addition records of trading standards inspection activities did not always clearly and sufficiently detail the inspectors' findings in relation to imported food controls.

Recommendation

3.2.23 The Authority should:

Maintain up to date accurate records in retrievable form on all food establishments in its area and for all relevant checks on imported food, in accordance with the Food Law Code of Practice and centrally issued guidance. These records shall include reports of all interventions and inspections, the determination of compliance with legal requirements made by the authorised officer, details of action taken where non-compliance was identified, details of any enforcement action taken, and results of any sampling and follow-up.

[The Standard - 16.1]

3.3 Internal Monitoring and Third Party or Peer Review

Internal Monitoring

- 3.3.1 The Food and Safety Team had a comprehensive internal monitoring procedure which encompassed monitoring of both inland imported food controls and enforcement activity at the ERTS. Records of internal monitoring activity were being maintained and confirmed that regular peer review of imported food activities were undertaken by officers. Whilst case reviews were regularly undertaken with officers, the benefits of similar peer review procedures being produced and implemented for the Trading Standards Team were discussed.
- 3.3.2 Other relevant service review and monitoring arrangements undertaken by the Authority included:
- Officer performance reviews
 - Regular case reviews with senior officers
 - Regular documented meetings of the Food and Safety Team that included discussion of performance indicators, consistency issues and work planning, including imported food control
 - Monitoring and reporting against performance indicators
 - Monthly updates on performance to the lead councillor from the Assistant Director
 - Production of a 'Quarterly Performance Analysis' which highlighted any major issues for the teams.

Recommendation

3.3.3 The Authority should:

Review, expand and implement the documented internal monitoring procedure to include all aspects of the Service, including that of Trading Standards activities, in order to verify the Service's conformance with the Standard, relevant legislation, the Food Law Code of Practice, relevant centrally issued guidance and the Authority's own policies and procedures. Maintain records of all internal monitoring undertaken. [The Standard - 19.1, 19.2 and 19.3]

Third Party or Peer Review

- 3.3.4 The Authority participated in a Food Standards Agency inter-authority audit programme in 2009, and the Food Liaison Group had been considering the future of audit programmes within the county following a review of the process by an officer from a neighbouring authority. Officers had participated in peer challenge activities at

other councils, and were hopeful that a similar review would take place in the future of the services provided by the Authority.

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Action Plan for Slough Borough Council

Audit date: 17-18 November 2010

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.1.3 Ensure that future Service Plans contain details of the resources required to carry out the service effectively compared directly against the resources available. [The Standard – 3.1]	31/05/11	To include in 2011/12 Service Plan further details of the resources required to carry out the service effectively compared with the resources available.	Further information on resources and demands for 2011/12 collated and to be confirmed once budgets are finalised in March 2011.
3.1.8 Ensure that all documented policies and procedures, including those relevant to imported food control activities, are reviewed at regular intervals and whenever there are changes to legislation and centrally issued guidance. [The Standard – 4.1]	Completed Completed 30/04/11	All relevant joint procedures between Food Safety and Food Standards updated and implemented. Joint system in place to review all food hygiene and food standards procedures annually and when there are changes in legislation and centrally issued.	Imported Food Procedures updated to include recent legislative changes and to incorporate QA of notices served by hand. Joint Food Alert procedure updated to include to RASFF completed. Full implementation of joint procedures from April 2011.
3.1.11 Review the documented procedures for the officer authorisations of ensure they clearly set out the authorisation process based on individual officer competence and in accordance with the Food Law Code of Practice. [The Standard – 5.1]	28/02/11	Procedure for authorisation of officers reviewed to include details of the process and criteria of individual officer competency assessment. Implementation during February 2011.	Details of assessment and process for officer competency incorporated into the new joint Authorisation Procedure.

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.1.16 Ensure that all officers receive appropriate and adequate training on the enforcement of imported food controls in accordance with the Food Law Code of Practice. [The Standard – 5.4]	Completed 28/02/11	In line with the revised joint procedure on authorisation, all officers to have received adequate training on the enforcement of imported food controls.	Food Standards Officers registered with the FSA On-line training service. Training to be completed by end Feb 2011.
3.2.15 Ensure that formal enforcement notices are drafted and served in accordance with the relevant legislation, the Food Law Code of Practice and centrally issued guidance. [The Standard - 15.3]	Completed	All Notices served, including those served by hand, are included within the QA procedure and evidence of service confirmed.	Amendment of Imported Food procedure highlighting process for notices served by hand.
3.2.23 Maintain up to date accurate records in retrievable form on all food establishments in its area and for all relevant checks on imported food, in accordance with the Food Law Code of Practice and centrally issued guidance. These records shall include reports of all interventions and inspections, the determination of compliance with legal requirements made by the authorised officer, details of action taken where non-compliance was identified, details of any enforcement action taken, and results of any sampling and follow-up. [The Standard - 16.1]	Completed 31/03/11 30/04/11	Accurate data maintained on the all food establishments and continued use of the existing procedure for new and closed premises. Introduction of revised data entry process for Food Standards activities. Increased internal monitoring of records as part of revised monitoring procedures, to ensure sufficiently detailed records provided.	Database now accurate in relation to the match between Food Hygiene and Food Standards Premises. Revised data entry for food standards work scheduled for March 2011.

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
<p>3.3.3 Review, expand and implement the documented internal monitoring procedure to include all aspects of the Service, including that of Trading Standards activities, in order to verify the Service's conformance with the Standard, relevant legislation, the Food Law Code of Practice, relevant centrally issued guidance and the Authority's own policies and procedures. Maintain records of all internal monitoring undertaken. [The Standard - 19.1, 19.2 and 19.3]</p>	<p>30/04/11</p>	<p>A comprehensive internal monitoring procedure to be implemented for both Food Hygiene and Food Standards teams.</p>	<p>Joint QA procedure prepared. Extension of QA process to food standards activities scheduled implementation from April 2011.</p>

Audit Approach/Methodology

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

(1) Examination of LA policies and procedures.

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

- Food Safety and Standards Service Delivery Plan 2010/2011
- Trading Standards Team Service Delivery Plan 2010/2011
- Procedures (food safety and trading standards) relating to food law enforcement, including imported food controls
- Advisory letters to businesses
- Examples of guidance for businesses on imported food issues
- Draft Enforcement Policy

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

- The Authority's authorisation training and qualification records
- General food premises inspection records
- Food and sampling records
- Records for imported food inspection activity at ERTS
- Formal enforcement records
- Internal monitoring records
- Database reports
- Information reports on imported food project work and advice to business
- Minutes from local liaison groups and Heathrow Airport Single Authority meetings
- Minutes for meetings of the Food and Safety Team

(3) Interviews – the following officers were interviewed:

- Audit Liaison Officer – Lead Officer for Imported Food
- Head of Food Safety and Business Support
- Trading Standards Manager
- Senior Trading Standards Officer
- Trading Standards Officer
- Environmental Health Officer

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

(4) On-site verification check:

A verification visit was made with the Authority's officers to an ERTS which handled significant quantities of imported food from outside of the

EU. The purpose of the visit was to determine the effectiveness of the Authority's assessment and application of imported food controls in relation to third country imports.

Glossary

Authorised officer	A suitably qualified officer who is authorised by the local authority to act on its behalf in, for example, the enforcement of legislation.
Border Inspection Post	Point of entry into the UK from non-EU countries for products of animal origin.
CEDs	Common Entry Documents which must accompany certain food products to first destination inland.
CVEDs	Common Veterinary Entry Documents which must accompany 3 rd country imported POAO to first destination inland
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.
Consignment	A unit of cargo that can consist of one or a number of different products.
County Council	A local authority whose geographical area corresponds to the county and whose responsibilities include food standards and feeding stuffs enforcement.
Defra	The Department for Environment, Food and Rural Affairs. The Government Department designated as the central competent authority for products of animal origin in England.
District Council	A local authority of a smaller geographic area and situated within a County Council whose responsibilities include food hygiene enforcement.
DPE	Designated point of entry. A port that has been designated for the entry of certain high risk feed and food products subject to enhanced checks.
DPI	Designated point of import. A port that has been designated for the entry of certain products subject to safeguard controls due to aflatoxin contamination.
Environmental Health Officer (EHO)	Officer employed by the local authority to enforce food safety legislation.
ERTS	Enhanced remote transit shed. An HM Revenue and Customs designated warehouse where goods are held in temporary storage pending Customs clearance and release for free circulation.
Feeding stuffs	Term used in legislation on feed mixes for farm animals and pet food.
FNAO	Food not of animal origin. Non animal food products that fall

	under the requirements of imported food control regime.
Food Examiner	A person holding the prescribed qualifications who undertakes microbiological analysis on behalf of the local authority.
Food hygiene	The legal requirements covering the safety and wholesomeness of food.
Food standards	The legal requirements covering the quality, composition, labelling, presentation and advertising of food, and materials in contact with food.
Formal samples	Samples taken in accordance with the requirements of the Food Law Code of Practice in accordance with the relevant sampling regulations and submitted to an accredited laboratory on the official list.
Framework Agreement	<p>The Framework Agreement consists of:</p> <ul style="list-style-type: none"> • Service Planning Guidance • Food and Feed Law Enforcement Standard • Monitoring Scheme • Audit Scheme <p>The Standard and the Service Planning Guidance set out the Agency's expectations on the planning and delivery of food and feed law enforcement.</p> <p>The Monitoring Scheme requires local authorities to submit annual returns to the Food Standards Agency on their food law enforcement activities i.e. numbers of inspections, samples and prosecutions.</p> <p>Under the Audit Scheme the Food Standards Agency will be conducting audits of the food and feed law enforcement services of local authorities against the criteria set out in the Standard.</p>
Full Time Equivalents (FTE)	A figure which represents that part of an individual officer's time available to a particular role or set of duties. It reflects the fact that individuals may work part-time, or may have other responsibilities within the organisation not related to food enforcement.
LAEMS	Local Authority Enforcement Monitoring System is an electronic system used by local authorities to report their food law enforcement activities to the Food Standards Agency.
Home Authority	An authority where the relevant decision making base of an enterprise is located and which has taken on the responsibility of advising that business on food safety/food standards issues. Acts as the central contact point for other enforcing authorities' enquiries with regard to that company's food related policies and procedures.
Informal samples	Samples that have not been taken in accordance with the appropriate sampling regulation (e.g. samples for screening purposes) and/or not sent to an accredited laboratory.
Member forum	A local authority forum at which Council Members discuss

	and make decisions on food and feed law enforcement services.
Metropolitan Authority	A local authority normally associated with a large urban conurbation in which the County and District Council functions are combined.
POAO	Products of animal origin. Animal derived products that fall under the requirements of the veterinary control regime.
Primary Authority	An authority that has formed a partnership with a business.
Port Health Authority	An authority specifically constituted for port health functions including imported food control.
Public Analyst	An officer, holding the prescribed qualifications, who is formally appointed by the local authority to carry out chemical analysis of food samples.
RASFF	Rapid alert system for food and feed. The European Union system for alerting port enforcement authorities of food and feed hazards.
Regulators' Compliance Code	Statutory Code to promote efficient and effective approaches to regulatory inspection and enforcement which improve regulatory outcomes without imposing unnecessary burdens on businesses.
Risk rating	A system that rates food premises according to risk and determines how frequently those premises should be inspected. For example, high risk premises should be inspected at least every 6 months.
Service Plan	A document produced by a local authority setting out their plans on providing and delivering a food or feed service to the local community.
Third Country	Countries outside the European Union.
Trading Standards	The Department within a local authority which carries out, amongst other responsibilities, the enforcement of food standards and feed legislation.
Trading Standards Officer (TSO)	Officer employed by the local authority who, amongst other responsibilities, may enforce food standards and feed legislation.
Unitary Authority	A local authority in which the County and District Council functions are combined, examples being Metropolitan District/Borough Councils, and London Boroughs. A Unitary Authority's responsibilities will include food hygiene, food standards and feed enforcement.