

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

Solihull Metropolitan Borough Council  
20-21 March 2014



## Foreword

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

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

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

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

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

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

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

The report contains some statistical data, for example on the premises profile of the district. The Agency's website contains enforcement activity data for all UK local authorities and can be found at:

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

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

# Contents

<b>1.0</b>	<b>Introduction</b>	<b>5</b>
	Reason for the Audit	5
	Scope of the Audit	6
	Background	6
<b>2.0</b>	<b>Executive Summary</b>	<b>8</b>
<b>3.0</b>	<b>Audit Findings</b>	<b>9</b>
3.1	Organisations and Management	9
	Strategic Framework, Policy and Service Planning	9
	Documented Policies and Procedures	9
	Officer Authorisations	10
3.2	Imported Food Control Activities	12
	Food Premises Database	12
	Facilities and Equipment	12
	Food Premises Interventions	12
	Imported Food Inspection and Sampling	13
	Verification Visit at the Point of Entry	15
	Imported Food Complaints and Referrals	15
	Enforcement	15
	Records of Imported Food Activities	16
3.3	Liaison with other Organisations	17
	Liaison	17
	Primary Authority Scheme and Home Authority Principle	18
	Imported Food Alerts and Incidents	18
	Advice to Business	18
3.4	Internal Monitoring, Third Party or Peer Review	19
	Internal Monitoring	19
	Third Party or Peer Review	19
<b>ANNEX A</b>	<b>Action Plan for Solihull Metropolitan Borough Council</b>	<b>21</b>
<b>ANNEX B</b>	<b>Audit Approach/Methodology</b>	<b>26</b>
<b>ANNEX C</b>	<b>Glossary</b>	<b>28</b>

## **1.0 Introduction**

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

### **Reason for the Audit**

- 1.2 The power to set standards, monitor and audit local authority food law enforcement services was conferred on the Food Standards Agency by the Food Standards Act 1999 and the Official Feed and Food Controls (England) Regulations 2009. This audit of Solihull Metropolitan Borough Council was undertaken under section 12(4) of the Act as part of the Food Standards Agency's annual audit programme.
- 1.3 Regulation (EC) No. 882/2004 on official controls performed to ensure the verification of compliance with feed and food law, includes a requirement for competent authorities to carry out internal audits or to have external audits carried out. The purpose of these audits is to verify whether official controls relating to feed and food law are effectively implemented. To fulfil this requirement, the Food Standards Agency, as the central competent authority for feed and food law in the UK has established external audit arrangements. In developing these, the Agency has taken account of the European Commission guidance on how such audits should be conducted.<sup>1</sup>
- 1.4 The Authority was included in the Food Standards Agency's programme of audits as it was responsible for imported food controls at a smaller point of entry and was representative of a geographical mix of five LAs or Port Health Authorities selected across England.

---

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

## **Scope of the Audit**

- 1.5 The audit examined Solihull Metropolitan Borough Council's arrangements for the enforcement of controls on imported FNAO at Birmingham International Airport and inland controls of both FNAO and POAO. This included the assessment of local arrangements for service planning, delivery and review, provision and adequacy of officer authorisations and training on imports, and the implementation and effectiveness of imported food control activities, including inspection, sampling and enforcement. The audit also covered the maintenance and management of records in relation to imported food, internal service monitoring arrangements and liaison with other organisations in relation to imported food and feed.
- 1.6 The on-site element of the audit took place at the Council House, Manor Square, Solihull on 20-21 March 2014. The audit also included a 'reality check' visit to assess the effectiveness of official controls implemented by the Authority at the airport and, more specifically, the checks carried out by the Authority's officers to verify compliance with imported food law requirements.

## **Background**

- 1.7. Solihull Metropolitan Borough Council is situated in the West Midlands and has a predominantly urban north west and a rural south east. The Borough has an area covering 178.3 km<sup>2</sup> with an estimated population of 206,900. The Borough benefits from very good transport links which has led to a number of large businesses being established in the area including Land Rover, Birmingham International Airport and the National Exhibition Centre.
- 1.8. Birmingham International Airport is located at Bickenhill. It lies south east of Birmingham City Centre and is the seventh busiest airport in the UK. The airport handles both short haul flights to European destinations and long haul flights to North America, India, Pakistan and various other international destinations.
- 1.9. The airport does not have a designated point of entry (DPE) or designated point of import (DPI) status. There are no Internal Temporary Storage Facilities (ITSFs) at the airport and only two External Temporary Storage Facilities (ETSFs) within the Borough.
- 1.10. The 2012/13 Local Authority Enforcement Monitoring System (LAEMS) return for the Authority indicated that there were 1,330 premises for food hygiene, the profile of which was as follows:

<b>Type of Food Premises</b>	<b>Number</b>
Primary Producers	9
Manufacturers/Packers	20
Importers/Exporters	0
Distributors	16
Retailers	345
Restaurants/Caterers	940
<b>Total Number of Food Premises</b>	<b>1,330</b>

- 1.11. The food service was delivered by the Food Safety Team in Public Protection which sits within the Council's Places Directorate. Their activities included undertaking programmed interventions, food sampling, water sampling, imported food surveillance and sampling and food hygiene training. The Authority also had responsibility for food standards enforcement.

## 2.0 Executive Summary

- 2.1 The Authority was selected for audit as it was responsible for inland controls of foods of non-animal origin (FNAO), and products of animal origin (POAO), and because there was a point of entry within the Borough (Birmingham International Airport), for which the Authority had responsibility for the control of imported FNAO from non-EU countries.
- 2.2 The audit confirmed that there were imports of FNAO taking place at the airport. Auditors gained assurance that there were liaison arrangements generally in place enabling effective and proportionate controls to be carried out by the Service. However, some areas where liaison arrangements could be strengthened were identified.
- 2.3 The Service had established effective links with the cargo handling companies at Birmingham International Airport to systematically monitor incoming FNAO on a daily basis. In addition, the Authority regularly carried out documentary, identity and physical checks on site at the cargo handler's premises. In cases where high risk FNAO from non-EU countries had been identified, the Authority was able to demonstrate that effective, proportionate enforcement action had been taken.
- 2.4 The audit confirmed that the Service was aware of its responsibilities for inland controls.
- 2.5 **Key areas for improvement:**
- Authorisation of officers:** Authorisation documents and procedures would benefit from review to ensure the authorisation process is consistent and that officers are authorised under the correct legislation in accordance with their qualifications and level of competency. All current legislation should be included in the authorisation documents.
- Inspection records:** In general officers were not routinely recording sufficient detail of their inspection findings, including basic details of food activities and any imported food and traceability checks that had taken place as part of the inspection. The Authority should review the inspection aide-memoire to ensure officers have sufficient prompts to record their detailed observations.
- Liaison:** The Authority should review liaison arrangements with UK Border Force (UKBF) and neighbouring local authorities with regard to External Temporary Storage Facilities (ETSFs) to ensure that a co-ordinated approach is implemented for the official control of imported food.



## 3.0 Audit Findings

### 3.1 Organisations and Management

#### Strategic Framework, Policy and Service Planning

- 3.1.1 The Service had developed a Food and Safety Service Plan 2013/14 which had been approved by the appropriate Member forum and made available to the public. The Plan provided details of the Service's food law enforcement activities for the year and had been linked to the Council's corporate priorities and included a comprehensive review of performance from the previous year. The Plan was generally in accordance with the Service Planning Guidance in the Framework Agreement and made reference to the Authority's responsibility for imported food. The Plan could be further improved by the inclusion of information on the staff resources required to carry out food law enforcement activities against those available to the Service.
- 3.1.2 The Authority confirmed that there were currently sufficient officer resources to deliver the planned imported food law enforcement activities at the airport and inland. The Authority advised that most of the resources relating to imported food controls were employed in carrying out monitoring work at the cargo handlers' premises based at the airport.

#### **Recommendation**

3.1.3 The Authority should:

Further develop the Service Delivery Plan for 2014/15 in accordance with the Service Planning Guidance in the Framework Agreement, to include a clear comparison of the resources required to carry out the full range of statutory food law enforcement activities against the resources available to the Service. [The Standard - 3.1]

#### Documented Policies and Procedures

- 3.1.4 The Authority had generally developed and implemented policies and procedures relevant to the scope of the audit and included a procedure for monitoring imported food at the airport. However, the Authority had not developed an overarching procedure for the review and updating of documented policies and procedures. Auditors were advised that there had been a schedule for the review of procedures under a quality management system which was no longer used. In

practice, review of policies and procedures took place on an ad hoc basis or where it was identified that there had been a change in legislation.

### **Recommendation**

3.1.5 The Authority should:

Set up, maintain and implement a control system for all documentation relating to enforcement activities.

[The Standard - 4.2]

### Officer Authorisations

- 3.1.6 The Authority had not developed a specific documented procedure for the authorisation of officers. The Council's Scheme of Delegation and Schedule of Authorisations set out responsibility for the authorisation of officers as delegated to the Commercial Services Manager. It was noted that the Authority would benefit from more formally assessing and recording officer competency, in addition to consideration of qualification and training as part of the authorisation process. References to key legislation also required review to ensure they were up to date and relevant, for example current relevant emergency control and safeguard Regulations.
- 3.1.7 The Schedule of Authorisations listed officer names against legislation they were authorised to enforce. However, not all the legislation specified in the schedule had been delegated through the Scheme of Delegation. In practice officers were authorised by the Head of Public Protection after a recommendation was received from the Food Safety Team Leader following an assessment of qualifications and competency. However, the authorisation documents issued by the Head of Public Protection were hand written and inconsistently worded and did not always correlate to the list of legislation in the Schedule of Authorisations. Auditors discussed the need to review the authorisation procedures and documentation to ensure the process was consistent, and that officers were authorised under the correct legislation in accordance with their qualifications and level of competency.
- 3.1.8 The lead officer role for imported food had been allocated to an officer in a senior management position with no day to day enforcement responsibilities. Auditors discussed the need to have a lead officer able to take operational responsibility for food matters at any stage in the food chain. They should have a technical understanding of the food processes operating in the Authority's area and able to maintain professional competencies in these areas in accordance with the Food Law Code of Practice.

3.1.9 Officers' training needs were identified as part of an annual performance review process and all relevant officers had attended recent imported food training. In addition, auditors were able to confirm that officers had achieved the minimum 10 hours food law training required by the Food Law Code of Practice. However, training records had been maintained by individual officers. Consequently only one of the seven files examined was well organised with up to date records maintained. For the remainder of the files examined, auditors found continuing professional development (CPD) certificates difficult to retrieve due to disorganised files and some CPD records were not retrievable due to the officers not being available. Auditors discussed the benefits of the Authority maintaining officer qualifications and training records in accordance with the Framework Agreement.

### **Recommendations**

3.1.10 The Authority should:

- (i) Review the documented procedure for the authorisation of officers based on their competence and in accordance with the Food Law Code of Practice and any centrally issued guidance. [The Standard – 5.1]
- (ii) Review and update current authorisations to ensure that all officers are appropriately authorised under up to date current legislation in accordance with their level of qualification, experience and competency. [The Standard – 5.3]
- (iii) Maintain records of relevant qualifications, training and experience of each authorised officer in accordance with the Food Law Code of Practice. [The Standard - 5.5]

## **3.2 Imported Food Control Activities**

### Food Premises Database

- 3.2.1 The Authority's database system was capable of providing accurate information on food enforcement activities to the Agency and an imported food return had been submitted on the local authority enforcement monitoring system (LAEMS) for 2012/13. The Authority had attended recent training in regard to maintaining accuracy for LAEMS submissions which had highlighted some coding issues, and auditors discussed some minor discrepancies identified in database reports run prior to the audit.
- 3.2.2 The procedure for maintaining the database in regard to imported food was contained in the Imported Food Procedure. The Authority reported that it had experienced historical problems with database inaccuracy due to officers having free access, which had included the ability to create and delete premises but this had been largely resolved with a system of restricted access. In addition, the Authority reported that due to an attempt to move to a paperless records system, electronic records prior to 2011 had been lost from the database. This had coincided with the destruction of the paper records and therefore the Authority had no food law enforcement records prior to 2011.

### Facilities and Equipment

- 3.2.3 The Authority reported it had appropriate facilities and equipment to permit all activities associated with imported food control relating to FNAO.

### Food Premises Interventions

- 3.2.4 The Service had developed and implemented a documented Food Hygiene and Food Standards Inspection procedure for inland food premises. The procedure did not make any specific reference to the official control of imported foods. A general premises aide-memoire had been developed but did not contain any specific prompts for carrying out imported food checks or traceability exercises.
- 3.2.5 File checks on a selection of recent inland food premises inspection records confirmed that not all premises had been inspected at the minimum frequencies set out in the Food Law Code of Practice. Generally the aide-memoire had not routinely been completed in sufficient detail. In particular there was a lack of information regarding any imported food or traceability checks carried out.

- 3.2.6 There were two ETSFs within the Authority's district. These were typically low risk establishments based on the Food Law Code of Practice intervention rating scheme and had not received imported food recently. The Authority should maintain an oversight of these premises.

### **Recommendations**

3.2.7 The Authority should:

- (i) Ensure that food interventions/inspections are carried out at the frequency required by the Food Law Code of Practice. [The Standard – 7.1]
- (ii) Review the current inspection aide-memoire to ensure that officer observations made and data obtained in the course of an intervention/inspection are recorded in a timely manner, including checks on imported food and traceability. Maintain comprehensive, up to date and accurate records in retrievable form on all food law enforcement activity in accordance with the Food Law Code of Practice and centrally issued guidance. [The Standard – 7.5 and 16.1]

### Imported Food Inspection and Sampling

- 3.2.8 The Authority had developed an Imported Food Procedure for the surveillance of imported food to identify the nature and volume of imported FNAO and illegal POAO at Birmingham International Airport which provided useful guidance for officers. In practice the freight cargo handlers, operating at the airport, sent airway bills for imported food to the Authority. Officers checked 100% of the airway bills for basic details such as the country of origin and the product description and specifically the checks took account of the following:

- high risk foods from non-EU countries
- importers known for importing particular products
- importers not previously known to the Authority
- imported food not clearly described in the accompanying documentation
- imported foods previously identified as having a history of non-compliance.

Most of the imported food arriving at the airport was low risk fruit and vegetables. Where officers identified food cargo as potentially illegal, high risk or not clearly described on the airway bill, the cargo handling

company was contacted and asked to hold the consignment until the officers had visited to carry out further documentary, identity and physical check as necessary. In addition, the Authority carried out annual visits to the main cargo handling company importing food and had regular contact with the companies that only imported small amounts of food consignments. Any POAO detected was reported directly to the UK Border Force (UKBF) who had enforcement responsibility.

- 3.2.9 During the audit it was identified that in some cases the cargo handling company, on the request of importers, was regularly despatching consolidated product directly to ETSFs outside the Borough on the understanding checks would be carried out at these facilities. However, there was no way of confirming that the checks had been carried out or that the neighbouring authorities had been informed of the deferred consignments. Auditors discussed reviewing the current liaison and monitoring procedures, as a priority, to ensure that these consignments are subject to appropriate checks at the relevant establishment.
- 3.2.10 There were no ITSFs based at the airport. There were two ETSFs inside the Borough, neither of which handled imported food.
- 3.2.11 The Authority advised auditors that premises based at the airport eg freight handlers which had confirmed that they did not handle imported food would be contacted periodically for surveillance purposes. Auditors discussed the need to ensure that records of contacts are maintained.
- 3.2.12 The Authority had developed and implemented a documented Food Sampling procedure, which included a Sampling Policy as an appendix. The document made specific reference to carrying out imported food sampling at Birmingham International Airport.
- 3.2.13 The official laboratories appointed by the Authority for food sampling activities were properly accredited in accordance with relevant centrally issued guidelines.
- 3.2.14 The Service had developed a general sampling programme for 2013/14 which included imported food sampling in collaboration with the West Midlands Food Liaison Group. File check on three imported food samples, one of which was unsatisfactory, showed that in all cases appropriate action had been taken and the food business operator informed of the results. All samples checked had been procured informally.

## Verification Visit at the Point of Entry

- 3.2.15 During the audit, a verification visit was undertaken to the airport and more specifically at the cargo handling agent responsible for dealing with most of the FNAO arriving at the point of entry. Auditors were accompanied by the officer from the Authority with main responsibility for carrying out imported food monitoring activities at the premises. The purpose of the visit was to confirm that FNAO arriving from non-EU countries were routinely monitored, effective official control activities were carried out in relation to these goods and that effective liaison arrangements were in place to enable appropriate risk-based, proportionate checks to be carried out on any consignments.
- 3.2.16 The accompanying officer had a high level of knowledge for carrying out official controls relating to imported food and was able to effectively demonstrate to auditors how document, identity and physical checks were carried out at the premises. The visit clearly demonstrated that a close working relationship had been developed with the company.

## Imported Food Complaints and Referrals

- 3.2.17 The Service had developed and implemented an appropriate food complaint policy and procedure which included service requests.
- 3.2.18 There had been no complaints directly relating to imported foods in the six months preceding the audit. In the absence of specific complaints, file checks were made on three service requests. In all cases it was clear that the service requests had been dealt with in line with the complaints policy and procedure, appropriate investigations had been carried out and effective liaison had taken place with interested parties where necessary. Service requests were monitored and closed off by the Team Leaders.

## Enforcement

- 3.2.19 The Authority had produced a departmental Enforcement Policy and more specifically a Food Safety Enforcement Policy Statement which had been approved by the appropriate Member forum. This set out the Authority's graduated approach to enforcement and observance of the Regulators' Compliance Code. Whilst still relevant, the policy would benefit from a review to ensure it takes account of legislation relating to imported food such as the Official Feed and Food Control (England) Regulations 2009 (as amended) and detention and seizure under the Food Safety Act 1990.

- 3.2.20 Procedures relating to general enforcement actions of relevance to imported food were contained in the Imported Food procedure which detailed specific enforcement actions for both POAO and FNAO.
- 3.2.21 File checks on three enforcement notices relating to imported food were carried out. In all cases the action had been appropriate, carried out in accordance with the Authority's procedures and generally good records had been maintained and where necessary effective collaboration had been carried out with UKBF. However, the Authority should review procedures for the destruction of small quantities of imported food to ensure that the method of destruction is appropriate and effectively recorded.

### **Recommendations**

3.2.22 The Authority should:

- (i) Review the Authority's documented Enforcement Policy in accordance with the Food Law Code of Practice and centrally issued guidance.  
[The Standard – 15.1]
- (ii) Review the documented procedures for follow-up and enforcement actions in accordance with the Food Law Code of Practice and official guidance.  
[The Standard – 15.2]

### Records of Imported Food Activities

- 3.2.23 Generally recent records for enforcement, complaints and sampling were easily retrievable and contained relevant details. However, as previously mentioned records prior to 2011 had been irretrievably lost.
- 3.2.24 Records of the monitoring of imported foods cleared through the airport had been effectively maintained and were easily retrievable. However it was evident that few records for inland imported food controls had been retained. This should be addressed by a review of the general inspection aide-memoire to provide clear prompts for officers to record their observations in regard to imported food at inland premises. The Authority should have regard to Recommendation 3.2.7(ii) above to address this issue.



### **3.3 Liaison with other Organisations**

#### Liaison

- 3.3.1 Evidence was provided of routine daily checks being made with the main cargo handling company responsible for imported food at the airport and regular checks with the other cargo handling companies that handled smaller volumes of consignments. The Authority did not have regular contact with the airport management as they did not have any oversight of imported food.
- 3.3.2 The Service actively participated in the West Midlands Food Liaison Group, and auditors were advised that there was effective liaison links between the Service and the relevant public analysts and microbiology laboratory with regard to food sampling. In addition there was a routine exchange of information between the Service and neighbouring authorities that had businesses importing through the airport within their areas. The Authority had historically attended Association of Port Health Authority (APHA) meetings but had not attended recently due to budgetary restrictions. However they continued to receive the minutes of APHA meetings.
- 3.3.3 There was evidence to demonstrate an effective working relationship with UKBF regarding incidents involving POAO. However contact was generally limited to dealing with illegal imported food incidents and auditors discussed the benefits of strengthening the relationship to include more regular exchanges of information. In addition, auditors discussed the benefits of closer co-operation with authorities neighbouring the Borough with importers and ETSFs in their areas to provide a more comprehensive approach to the official control of imported food through the airport.

#### **Recommendation**

3.3.4 The Authority should:

Review the existing liaison arrangements with neighbouring authorities, government organisations and any other official control body or any other appropriate body aimed at identifying any imported food consignments including deferred examinations of low risk products to facilitate consistent delivery of official controls and enforcement.  
[The Standard – 18.1 and 18.2]

#### Primary Authority Scheme and Home Authority Principle

- 3.3.5 The Authority had no formal primary or home authority arrangements with food businesses although there were informal arrangements in place for the larger food companies operating in the area.

#### Imported Food Alerts and Incidents

- 3.3.6 The Authority had developed and implemented a documented Food Safety Incidents and Food Hazard Warnings procedure which had been recently reviewed. Auditors discussed the benefits of including a reference to RASFF notifications and EC Decisions when considering targeting imported food activities.
- 3.3.7 Arrangements were in place for officers to be contacted should incidents occur out of hours. The Authority advised that they had not had any serious localised incident in relation to imported food in the last two years.

#### Advice to Business

- 3.3.8 The Service Plan made reference to the Service's provision of advice to business. This was mainly carried out at the time of inspection, in response to direct enquiries to the team as service requests. There had been no specific initiatives to provide advice to businesses on imported food in the past two years.

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

#### Internal Monitoring

- 3.4.1 A Competency Framework procedure had been developed and implemented and this included the document Food Safety Monitoring and Ensurance of Inspection Quality and Uniformity which covered most of the areas in the Framework Agreement such as inspections, enforcement actions, food sampling and complaints. The procedure could be usefully expanded to ensure it covers all food law enforcement activities and to set out the frequency at which monitoring should take place.
- 3.4.2 Records were provided of qualitative internal monitoring activities including the Performance and Development Review Scheme (which included the corporate 'Behaviours' policy to maintain the professional standards of officers), accompanied inspections, regular one to one meetings, team meetings, and standardisation exercises. Correspondence, reports and notices were subject to 100% checks by the Team Leaders.

#### **Recommendation**

3.4.3 The Authority should:

Expand on the current internal monitoring activities carried out to verify its conformance across the whole of the Standard, relevant legislation, the Food Law Code of Practice, relevant centrally issued guidance and the Authority's own documented policies and procedures. [The Standard – 19.2 and 19.3]

#### Third Party or Peer Review

- 3.4.4 There had been no relevant inter-authority audit (IAA) schemes within the Food Liaison Group within the past two years.
- 3.4.5 The Authority had not participated in any other third party or peer review exercises in the last two years relating to imported food controls. However, standardisation exercises had been carried out in relation to general food inspections.

**Auditors: Robert Hutchinson**  
Christopher Green

Food Standards Agency

Operations Assurance Division

## ANNEX A Action Plan for Solihull Metropolitan Borough Council

Audit date: 20-21 March 2014

<b>TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)</b>	<b>BY (DATE)</b>	<b>PLANNED IMPROVEMENTS</b>	<b>ACTION TAKEN TO DATE</b>
3.1.3 Further develop the Service Delivery Plan for 2014/15 in accordance with the Service Planning Guidance in the Framework Agreement, to include a clear comparison of the resources required to carry out the full range of statutory food law enforcement activities against the resources available to the Service. [The Standard - 3.1]	31/08/14	The Service Plan 2014/15 to include resources (officer hours) allocated to food safety/standards enforcement.	
3.1.5 Set up, maintain and implement a control system for all documentation relating to enforcement activities. [The Standard - 4.2]	31/08/14	Produce a documented procedure for the review of the Quality System (QS) identifying as a minimum annual review of the system or significant legislative change.	Last reviewed August 2013.
3.1.10(i) Review the documented procedure for the authorisation of officers based on their competence and in accordance with the Food Law Code of Practice and any centrally issued guidance. [The Standard – 5.1]	30/09/14	Set up, maintain and implement a documented procedure for authorisation of officers based on their competence.	Contact West Midlands Food Group to establish best practice.

<b>TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)</b>	<b>BY (DATE)</b>	<b>PLANNED IMPROVEMENTS</b>	<b>ACTION TAKEN TO DATE</b>
3.1.10(ii) Review and update current authorisations to ensure that all officers are appropriately authorised under up to date current legislation in accordance with their level of qualification, experience and competency. [The Standard – 5.3]	31/08/14	Review and amend document QS01 to include detail of the level of authorisation of competent officers.	
3.1.10(iii) Maintain records of relevant qualifications, training and experience of each authorised officer in accordance with the Food Law Code of Practice. [The Standard - 5.5]	30/06/14	Set up and maintain a procedure with training records for individual officers to allow for updating by computer and access for managers.	A central database has been set up and is ready for use.

<b>TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)</b>	<b>BY (DATE)</b>	<b>PLANNED IMPROVEMENTS</b>	<b>ACTION TAKEN TO DATE</b>
<p>3.2.7(i) Ensure that food interventions/inspections are carried out at the frequency required by the Food Law Code of Practice. [The Standard – 7.1]</p>	<p>30/06/14</p>	<p>Inspections /Interventions are carried out in accordance with the Food Law Code of Practice as far as practicable with the resources currently available. Resources have been an issue with a member of the team being on maternity leave. A consultant was employed to ensure high risk premises were inspected. Closer monitoring of compliance with the code will be carried out through monthly reporting and the authority will consider the use of consultants again in the future should the need arise and resources permit. Further resources may be made available to the team through staff development and training, although this is a long term objective (Jun 2017). No extra resources are available at the moment.</p>	<p>Monthly monitoring/compliance reports set up to be sent to group leader.</p>

<b>TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)</b>	<b>BY (DATE)</b>	<b>PLANNED IMPROVEMENTS</b>	<b>ACTION TAKEN TO DATE</b>
3.2.7(ii) Review the current inspection aide-memoire to ensure that officer observations made and data obtained in the course of an intervention/inspection are recorded in a timely manner, including checks on imported food and traceability. Maintain comprehensive, up to date and accurate records in retrievable form on all food law enforcement activity in accordance with the Food Law Code of Practice and centrally issued guidance. [The Standard – 7.5 and 16.1]	30/06/14	Undertake a review and amendment of the inspection aide-memoire to include additional information thus enabling officers to record their observations and actions relating to imported food and its traceability.	
3.2.22(i) Review the Authority's documented Enforcement Policy in accordance with the Food Law Code of Practice and centrally issued guidance. [The Standard – 15.1]	30/09/14	Review the food safety enforcement policy having regard to imported food legislation such as the Official Feed and Food Control (England) Regulations 2009 and detention and seizure of food under the Food Safety Act 1990.	Initial review undertaken.
3.2.22(ii) Review the documented procedures for follow-up and enforcement actions in accordance with the Food Law Code of Practice and official guidance. [The Standard – 15.2]	30/06/14	Liaise and seek agreement from UKBF to enable the appropriate disposal of seized imported food. Review and amend the imported food QS document to outline agreed procedure.	



<b>TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)</b>	<b>BY (DATE)</b>	<b>PLANNED IMPROVEMENTS</b>	<b>ACTION TAKEN TO DATE</b>
<p>3.3.4 Review the existing liaison arrangements with neighbouring authorities, government organisations and any other official control body or any other appropriate body aimed at identifying any imported food consignments including deferred examinations of low risk products to facilitate consistent delivery of official controls and enforcement. [The Standard – 18.1 and 18.2]</p>	<p>31/08/14</p>	<p>To visit cargo handlers at the airport to identify the extent of deferred consignments. Liaise with Local Authorities responsible for ETSFs via liaison groups and directly over notification of imported food. Arrange meeting with local UK Border Force. To seek to establish a memorandum of understanding or protocol with aforementioned parties.</p>	
<p>3.4.3 Expand on the current internal monitoring activities carried out to verify its conformance across the whole of the Standard, relevant legislation, the Food Law Code of Practice, relevant centrally issued guidance and the Authority's own documented policies and procedures. [The Standard – 19.2 and 19.3]</p>	<p>31/08/14</p>	<p>Amend the competency framework to include imported food. Team Leaders to carry out peer review visits to ensure centrally issued guidance is implemented and the Authority's own procedures are in place.</p>	

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

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

(1) Examination of LA policies and procedures.

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

- Food and Safety Service Plan 2013/14 and associated Member approval
- Schedule of Authorisations
- Extracts from Scheme of Delegation
- Food Hygiene and Food Standards Inspection procedure
- Inspection aide-memoire
- Food Complaint policy and procedure
- Imported Food procedure
- Food Sampling Programme and Policy and Procedures document
- Food Incidents and Alerts procedure
- Enforcement Policy and associated Member approval
- Food Safety Enforcement Policy Statement
- Example minutes from West Midlands Food Liaison Group meetings
- Competency Framework (Internal Monitoring procedure)

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

- Officer authorisation and training
- Internal monitoring checks
- Food premises inspections and reports
- Food complaints/referrals
- Food samples
- Enforcement actions

(3) Review of database records:

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

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

- Food Safety Team Leader
- Environmental Health Officer
- Public Protection Officer

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

(5) On-site verification check:

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

## **ANNEX C Glossary**

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

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

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

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

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

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