

**Report on the Pilot Audit of Port Health Authority and
Local Authority Food and Feed Law Enforcement
Controls of Imported Food and Feed Not of
Animal Origin at Southampton Port**

Southampton City Council
22-23 September 2010



Foreword

Audits of local authorities feed and food law enforcement services are part of the Food Standards Agency 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 Feed and 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 and where applicable feed control activities, (including inspection, sampling and enforcement). Maintenance and management of appropriate records in relation to imports activity at ports and food businesses that handle imported food in inland local authorities (LAs) and 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 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 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.

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1. Introduction

- 1.1 This report records the results of a pilot audit at Southampton City Council with regard to food and feed enforcement, under relevant headings of the Food Standards Agency Food Law Enforcement Standard. The audit focused on the Authority's arrangements for imported food and feed controls at Southampton port. The audit was undertaken as part of the Agency's focused audit programme of LA 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 pilot audit of Southampton City Council was undertaken to further develop and validate the Agency's audit protocols in respect of imported food and feed controls. The finalised audit protocols will be used by the Agency in undertaking a focused audit programme of 14 local and port health authorities' imported food inspection and control activities between September and December 2010. 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 This report records the results of the pilot audit of Southampton City Council's imported food and feed law enforcement service at Southampton port and forms part of the validation exercise.
- 1.4 The Authority was included in the Food Standards Agency's programme of audits of local authority food and feed law enforcement services, because the port is a designated point of entry for certain

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)

high risk feed and food products, and a designated point of import for certain products subject to safeguard controls relating to aflatoxins. In addition the Authority was selected to be representative of a geographical mix of 15 Authorities selected across England.

Scope of the Audit

- 1.5 The audit examined Southampton City Council's arrangements for imported food controls in respect of imported food *not* of animal origin (FNAO). Products of animal origin (POAO) are subject to veterinary control checks and separate auditing regimes. The Authority also had enforcement responsibilities for non POAO imported feed and arrangements for their examination were assessed during the audit.
- 1.6 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 and feed control activities, including inspection, sampling and enforcement. Maintenance and management of appropriate records in relation to imports activity at the port and internal service monitoring arrangements were also covered.
- 1.7 The on-site element of the audit took place at the Authority's Port Health Office in Meridians House, 7 Ocean Way, Ocean Village, Southampton and at the Authority's Trading Standards office at 7 Civic Centre Road, Southampton on 22-23 September 2010. The audit included a reality check to assess the effectiveness of official controls implemented by the Authority at the port and, more specifically, the checks carried out by the Authority's officers to verify compliance with imported food and feed law requirements.
- 1.8 The audit also afforded the opportunity for discussion with officers involved in imported food and feed 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 and feed 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.
- 1.9 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

- 1.10 The City of Southampton is located in central southern England and covers approximately 50 square kilometres. It is the largest city in the South East Region outside London with a population of around 236,700 people. It includes the port of Southampton which is the second largest container port in the United Kingdom handling almost two million containers per year. The City's boundaries also include Southampton International Airport. Southampton is the regional business and financial centre for a catchment area of around four million people.
- 1.11 Southampton City Council is a unitary authority and is responsible for all local government services in the City. The City Council acts as the Port Health Authority and, as such, covers the majority of the Solent including the whole of Southampton Water, the oil terminals at Fawley and Hamble and one grain terminal, the river wharves, the Military Port at Marchwood and the Container Port, as well as other main berths in Southampton.
- 1.12 Southampton Port Health Services had responsibility for all food law enforcement within the Port Health Authority's area of jurisdiction. This included the inspection of imported FNAO and all imported POAO coming from outside the European Union. The Services were also responsible for a range of other port health functions, including the enforcement of classification and food safety standards of one of the largest public shellfish areas in the United Kingdom, and the inspection of vessels including passenger ships and work relating to environmental protection and infectious disease control. One of the largest flour mills in Europe is also located within the Port.
- 1.13 The port was designated as a Border Inspection Post (BIP) for certain imported POAO and was designated as a point of entry for certain high risk feed and food products. It was also a point of import for certain products subject to safeguard controls relating to aflatoxins.
- 1.14 Southampton Port Health Services operated on a 24-hour, 7 days a week basis from a satellite office in Ocean Village, Southampton.
- 1.15 Imported feed law enforcement at the port was the responsibility of the Trading Standards Service of Southampton City Council.

2. Executive Summary

- 2.1. The Authority had developed a Food and Health and Safety Service Plan which encompassed imported food and feed requirements. The Plan had generally been drawn up in line with Service Planning Guidance in the Framework Agreement.
- 2.2. There were well organised, effective systems and arrangements in place in relation to the control of containerised imported food and feed, including those for high risk products. The Authority had a robust system for the identification of incoming consignments of containerised food and feed through the systematic, detailed checking of every ship's manifest. Auditors discussed the need for additional liaison arrangements with the importer in relation to the importation of bulk feed. Appropriate facilities and equipment were available for the inspection and sampling of imported FNAO and feed.
- 2.3. The port had an effective electronic consignment control system, which enabled the Authority to immediately hold any containerised consignment where further information or an inspection was required.
- 2.4. Imported food and feed controls, including documentary checks, identity checks and random physical checks, were risk based and targeted in accordance with current legislation and officers' previous knowledge and experience.
- 2.5. In general, appropriate action had been taken on unsatisfactory consignments and where necessary notices had been served requiring appropriate follow-up action on both food and feed consignments. Auditors discussed changes to notices served under Regulation 32 of the Official Feed and Food Controls (England) Regulations 2009 in order to ensure that due legal process was followed in full.
- 2.6. Although records maintained in relation to imported food were detailed and accurate, auditors discussed possible additions to existing record keeping arrangements to clearly demonstrate the sequence of events in relation to the receipt of Common Entry Documents.
- 2.7. There were extensive liaison arrangements with central government, other enforcement bodies, professional organisations and other external stakeholders. The Authority was also making significant contributions to European and national training programmes on imported food work. The Authority had a variety of activities in place to advise businesses on imported food control requirements.
- 2.8. The Authority had a documented quality management system which included internal auditing of the imported food service. Auditors discussed some improvements that could be made to the audit and monitoring procedures, to ensure that all relevant areas of the Standard

are covered and include the timely reporting of quality action reports to relevant managers through a revised electronic notification system.

- 2.9 The Authority had made quarterly imported food returns and had submitted their annual 2009/2010 Local Authority Enforcement Monitoring Scheme (LAEMS) return, however, there were some data omissions in relation to unsatisfactory microbiological samples and a prosecution on the annual return.

3. Audit Findings

3.1 Organisation and Management

Strategic Framework, Policy and Service Planning

- 3.1.1 The Authority had developed a documented Food and Health and Safety Service Plan 2010-2012. The Plan incorporated the work of the Port Health Authority and made specific reference to arrangements regarding imported food and feed activities. The Plan generally followed the Service Planning Guidance in the Framework Agreement. However, whilst the Trading Standards financial and staffing allocation had been identified, the actual resources available for feed law enforcement, including imported feed, had not been specifically identified in the Plan. Imported FNAO activity at the port was captured in the Port Health financial and staffing allocation. The Plan confirmed that over 8,000 containers were checked by the Port Health Services during 2009/2010.
- 3.1.2 The Plan had been approved by the Cabinet Member for Environment and Transport on 5 July 2010 and a review of the previous year's performance had been carried out and reported to the Cabinet Member.
- 3.1.3 Information supplied prior to the audit and in the Service Plan confirmed that imported food controls at the port were primarily the responsibility of the following:

Officer Designation	Number of staff*
Team Leader	1.4
Environmental Health Officer (EHO)	3.5
Import Control Assistant	5
TOTAL	9.9

*Full Time Equivalent

- 3.1.4 The following officers from the Trading Standards Service were responsible for imported feed controls at the Port:

Officer Designation	Number of staff*
Team Leader	0.01
Trading Standards Officer	0.05
TOTAL	0.06

*Full Time Equivalent

- 3.1.5 The Plan provided information on key performance indicators relating to the imported FNAO work at the Port:

Performance indicator	Actual 2008/09	Actual 2009/10	Target 2010/11
NI 182 Satisfaction of Businesses with Port Health Services	N/A	95%	85%
% Consignments examined within 48 hours of notification to the Port Operator	99%	93%	95%

Documented Policies and Procedures

- 3.1.6 The Authority had developed a range of relevant policies and procedures as part of their ISO 9001-2008 documented quality management system, some of which were in the form of flow charts. Documents were held electronically on a shared drive and quality system documents were password protected. Procedures within the quality manual were subject to regular review and were controlled. A review of other documents was being undertaken to ensure key documents were controlled within the quality management system.
- 3.1.7 Access to relevant sources of information, including legislation and the database, was available to officers at the Port Health Offices at Meridians House and at the Port inspection facilities.
- 3.1.8 The Trading Standards Service had most of the key policies and procedures for imported feed law enforcement which were reviewed on an annual basis. Auditors discussed the benefits of extending the procedures to cover the full range of imported feed law enforcement activities.

Officer Authorisations

- 3.1.9 The Authority had a documented procedure, which formed part of the Officer Scheme of Delegation, and associated documentation, rules and guidance which had been reviewed in May 2010. Audit checks confirmed that all officers carrying out imported food and feed control were fully authorised in line with their qualifications, training and experience. New imported food officers were managed through a competency assessment programme and authorised in accordance with their competency. Officers with lead responsibilities for imported food and feed had the necessary specialist knowledge and experience to fulfil their functions.
- 3.1.10 Import control assistants, who were not authorised officers, assisted EHOs with imported food identity checks, inspections and sampling

and maintained the sampling equipment at the port inspection facilities. Auditors were advised that they worked under the direction and supervision of the EHOs.

- 3.1.11 The Authority provided a 24 hour, 7 day coverage of the port operation through a duty rota. The port office operated to set hours 7 days a week and the duty officer was on call outside of the stipulated hours. The rota specified the designated duties for officers and took account of individual levels of authorisation.
- 3.1.12 Two officers regularly carried out imported feed control work and auditors were advised that they co-ordinated their availability to ensure that there was adequate cover.
- 3.1.13 Officer training needs were identified through performance appraisals and when there were changes to legal requirements and centrally issued guidance. Audit checks confirmed that officer qualification and training records were generally maintained and that officers had received the required 10 hours training to maintain their professional competency. Auditors were advised that update training on formal enforcement was planned and the Authority had participated in Agency training on imported food.
- 3.1.14 Two port health officers were interviewed during the audit, and both officers were able to demonstrate a full knowledge of imported food controls and their implementation at the port.

Facilities and Equipment Including Verification Visit

- 3.1.15 A verification visit was carried out at the Port's imported food and feed inspection facilities. The purpose of the visit was to verify that appropriate risk based, proportionate checks are carried out on consignments of imported food and feed at the Port, and that requirements for designated point of entry (DPE) and designated point of import (DPI) status were met.
- 3.1.16 Auditors were satisfied that appropriate facilities and equipment were available to meet requirements as a DPE and DPI and to permit all activities associated with the imported food and feed control service. Auditors were advised that building works were to begin shortly to improve the layout of the Border Inspection Post and that this had been agreed with Defra. Specific food and feed sampling equipment had been provided for the range of sampling activities undertaken at the Port.
- 3.1.17 The Authority had an electronic manifest database system, the 'Port Health Information Management System' (PHIMS) which notified the Service in advance of the vessel arriving in the port, however, this was not used for recording all imported food control work and it only provided limited information on consignments and inspections. Once

the manifest was 'live' electronic port health holds could be applied to consignments by officers. Information was manually transferred to a Southampton Port Information Network (SPIN) database linked to the Port through which the consignment progress was controlled. Auditors were advised that a new integrated system was being developed.

- 3.1.18 Records relating to consignment checks such as sampling and formal enforcement were stored manually at the Port Health Offices and were used to compile the statistical information required by the Food Standards Agency. Additional spreadsheets had been developed for recording information on high risk products and those subject to safeguard measures, to ensure that such products were subject to appropriate checks, including inspection and sampling, at correct frequencies and also to facilitate provision of quarterly returns to the Agency. There were some anomalies between the data held by the Authority and that submitted in the Local Authority Enforcement Monitoring System (LAEMS) return for 2009/2010, in particular regarding the number of unsatisfactory food samples and a prosecution.

Recommendation

3.1.19 The Authority should:

Ensure that accurate information on imported food activity is provided in the official monitoring returns to the Agency.
[The Standard – 6.3]

Good Practice – Records of High Risk Products

The Authority had developed and maintained comprehensive spreadsheets to record details, including enhanced checks on consignments, of all products identified as high risk under Regulation (EC) No. 669/2009 and for products subject to safeguard controls in relation to aflatoxins under Regulation (EC) No. 1152/2009. This included pro active preparation for the implementation of revised product checks.

Liaison with Other Organisations

3.1.20 The Authority had extensive liaison arrangements with central government, other enforcement bodies, professional organisations and other external stakeholders. This was achieved in part through the Authority's representation on a number of groups including the:

- Association of Port Health Authorities (APHA)
- Border Inspection Post Committee
- Port Consultative Committee.

Links to port management and other organisations had also been established including:

- Associated British Ports
- British Institute of Freight Forwarders
- Airport Liaison Committee.

3.1.21 Arrangements were in place for regular liaison with the UK Border Agency, through monthly meetings, to share intelligence and work practices, at planned Port Information Management meetings and specific meetings to discuss imports issues. The Authority was also pro-active in liaising with central government such as the Food Standards Agency, and the Department of Environment, Food and Rural Affairs (Defra).

3.1.22 The Authority was also making significant contributions to European and national training programmes on imported food control.

3.1.23 Effective liaison arrangements were in place with Southampton's Trading Standards Service regarding imported feed control. Meetings were attended jointly by food and feed officers, where appropriate, and there was regular contact on containerised consignments of imported feed that had been identified from manifests by the Port Health Officers. The Service was represented on the National Animal Feed Ports Panel which included representation from key central government agencies.

3.1.24 Whilst the Authority liaised with the importer of bulk feed at the Port, it was not clear whether existing liaison arrangements were sufficiently robust to ensure that the Authority would be notified of all bulk feed consignments imported through the Port and auditors were advised that the current liaison arrangements would be reviewed. The benefit

of close liaison with the Port Health Service on the development of imported food and feed procedures was also discussed.

- 3.1.25 Liaison with Southampton Airport was through planned, regular visits to the Airport to carry out port health work which included checks relating to imported food. Records of visits were maintained and confirmed that the Authority had made arrangements to ensure that the Service would be notified of any food or feed consignments imported through the Airport. The Authority was not aware of any foods arriving at the Airport that would be subject to imported food controls and their checks had confirmed this.

Recommendation

3.1.26 The Authority should:

Review the existing liaison arrangements with the importer of bulk feed at the port, with the aim of ensuring that all bulk imported feed consignments are identified and to help facilitate consistent enforcement. [The Standard- 18.1]

Good Practice – Training and Stakeholder Engagement

The Authority's officers provided extensive support and training to other enforcement bodies on imported food control. Officers were pro-actively involved in stakeholder engagement with key organisations involved with imported food activities.

3.2 Imported Food and Feed Control Activities

Food and Feed Inspection and Sampling

- 3.2.1 The Authority's annual monitoring return to the Agency indicated the following FNAO activity at the Port:

Year	FNAO (third country) Consignments:				
	Entering	Checked			Rejected
Documentary		Identity	Physical		
2009/2010	5775	3516	311	268	16

- 3.2.2 Information provided by the Authority indicated that FNAO imported through the Port included a wide variety of products from around the world in particular tea, coffee, fruit and vegetables. Quarterly returns to the Agency for consignments subject to enhanced checks (required from January 2010) indicated that high risk products from certain third countries specified in Regulation (EC) No. 669/2009 had been subject to control at the Port, this included basmati rice, chilli and chilli products, groundnuts, palm oil and certain spices such as turmeric. Two consignments of nuts had been subject to enhanced checks in accordance with aflatoxins controls set out in Regulation (EC) No. 1152/2009.
- 3.2.3 The main consignments of feed not of animal origin entering the Port were bulk consignments of soya, maize and groundnuts. These products had been included in the annual Sampling Plan for 2010/2011 which had been clearly compiled on a risk basis with appropriate consideration of the Agency's National Priorities for Feed Authorities in Great Britain.
- 3.2.4 The Service had systems and arrangements in place, together with documented procedures, for the control of containerised imported food. These set out the arrangements and actions to be taken on imported FNAO. Flow charts had been developed for key imported food control activities, including handling of high risk products. A manual log of postal correspondence including health certificates and Common Entry Documents (CEDs) was date stamped on receipt by the Service and was maintained. Possible additions to existing record keeping arrangements were discussed to clearly demonstrate the sequence of events in relation to the receipt of CEDs.
- 3.2.5 The auditors were advised that Port Health staff identified feed consignments from manifests and liaised closely with Trading Standards colleagues on application of any holds on containerised feed. Risk based checks and sampling was being carried out on containerised feed and some checks were being carried out on bulk feed by the Trading Standards Officers.

- 3.2.6 The control systems were demonstrated by the Authority, confirming that ships arrivals lists were cross referenced to manifest details which had been electronically downloaded to PHIMS by Shipping Companies. An Import Control Assistant (ICA) systematically checked all new manifest details for food and feed consignments and once the manifest was 'live' within the system, a range of status codes were applied by the ICA where appropriate. Initial holds were used if the level of information about the contents was insufficient and further information was required. Other holds related to a required examination depending on the nature of the food or feed, or to further detention after inspection. The system worked effectively and enabled immediate electronic holds to be applied to consignments. Completed container records were printed off and checked by an authorised duty officer to ensure that the correct holding code had been applied.
- 3.2.7 Any holds were then replicated onto the SPIN port information system. Customs holds were also applied through the SPIN system and the Service liaised with them and other agencies as to the checks required. Manifests were then checked by officers to identify specific containers required for physical examination and a list of these was sent to the Terminal Control Room. The ICAs then prepared a list of inspections for the next day. Documentary checks were also carried out by the duty authorised officer.
- 3.2.8 The audit confirmed that imported food and feed controls, including documentary checks, identity checks and random physical checks, were risk based and targeted, in accordance with Regulations, official guidance and previous knowledge and experience. To assist officers in making judgements and decisions, a constantly updated information system incorporating white boards was maintained at the Port Health office and at the port inspection facilities. These included details of any products and countries of origin subject to enhanced checks, suspicious cargo, relevant requests from the Agency to check particular food or feed and other relevant instructions about prioritising inspection, sampling and detention of particular products. Other information which helped to identify food and feed consignments was also maintained and regularly referred to by officers and ICAs.
- 3.2.9 Whilst a number of Enhanced Remote Transit Sheds were located in the Southampton area, auditors were advised that these did not fall within the Port Health Authority area.

Good Practice –Officer information

The Authority constantly updated internal information system which provided timely information for officers in order to apply risk based, targeted, intelligence led imported food and feed controls at the Port offices and at the Port inspection facilities.

- 3.2.10 The Service had a documented food and feed sampling policy which was detailed in their Service Plan 2010-2012 and associated procedures. In addition, guidance on sampling methods had been developed for specific foods.
- 3.2.11 High risk foods subject to specific EC Regulations, safeguard measures and specific Commission Decisions, were included in the Authority's sampling plan for 2010-2011. The Plan was subject to regular review and amended if new identified food risks emerged either via the Food Standards Agency, the Commission or through the Authority's own surveillance. All high risk food identified through sampling and the Rapid Alert System for food and feed (RASFF), confirmed identified projects and new emerging risks were also included in the Plan. The Authority advised that all sampling was carried out formally.
- 3.2.12 A range of sampling records were examined in relation to food and feed samples. All samples had been taken by authorised officers and effective follow-up action had been taken, where appropriate, in relation to the sampling results examined. Three feed sample results were examined, one of which had been unsatisfactory. It was clear that the Authority had informed the importers of the results in all cases and in regard to the unsatisfactory sample had taken appropriate and effective enforcement action.
- 3.2.13 The official laboratories used by the Authority for food sampling activities were properly accredited.
- 3.2.14 The Authority's Service Plan 2010-2012 confirmed that a Public Analyst allocation of £40,000 had been made available for the Port Health Service and an additional £22,000 for microbiological sampling by the Food Safety Team and the Port Health Service had been made to supplement their allocation for microbiological examination.
- 3.2.15 The Service levied a charge for all imported feed and food work where there was provision in the legislation. Auditors were advised that charges were calculated in relation to the time spent on the inspection plus costs of any analytical fees and disposal. All charges were published on the Authority's website.

Good Practice – Sampling Methods

The Authority's sampling work instructions, which detailed the methodology for sampling specific products, provided helpful sampling guidance to officers.

Enforcement

- 3.2.16 The Authority had a corporate enforcement policy which confirmed that the Authority was committed to implementing Enforcement Concordat principles in all enforcement action. The Policy had been agreed by Members.
- 3.2.17 The Service had developed formal enforcement procedures including those for detention, seizure of suspect food including collection and destruction, voluntary surrender and the service of notices. A prosecution and simple cautions procedure had been developed and included reference to the Police and Criminal Evidence Act 1984 and the Criminal Procedure and Investigations Act 1996.
- 3.2.18 A number of formal enforcement records were examined during the audit including:
- detention documents
 - 3 composite notices combining the provisions of the Official Feed and Food (England) Regulations 2009 and the Food Safety Act 1990
 - 2 rejections
 - 3 voluntary surrenders
 - 1 prosecution
 - Feed enforcement records for 1 detention and subsequent re-despatch.
- 3.2.19 In general, appropriate action had been taken on unsatisfactory consignments and where necessary notices had been served requiring appropriate follow-up action on both food and feed consignments. Checks confirmed that appropriate risk based checks had been carried out and effective, pragmatic action had been taken in accordance with the enforcement policy.
- 3.2.20 Auditors had discussed changes to the composite detention/rejection notices served under Regulation 32 of the Official Feed and Food Controls (England) Regulations 2009 and Section 9 of the Food Safety Act 1990 in order to ensure that due legal process was followed in full. It was considered that the use of composite notices

could be confusing and in some cases the appropriate deletion of clauses was not always carried out. Auditors considered that the notices should be reviewed to ensure that actions being required are clear to the recipient of the notice.

- 3.2.21 The voluntary surrenders and the prosecution were examined and were found to have been appropriately carried out. Auditors discussed documenting the delegated decision to prosecute by the appropriate authorised officer and documenting evidence that the enforcement policy had been considered. During the audit, a memorandum had been developed by the Authority to request the institution of legal proceedings which would be signed by the Port Health Manager, who was the appropriately designated officer.

Recommendation

3.2.22 The Authority should:

Review the detention notice templates to ensure that formal enforcement actions are carried out in accordance with the relevant legislation, the Food Law Code of Practice and centrally issued guidance. [The Standard -15.3]

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

- 3.2.23 The Authority's general policy on food and feed complaints was contained in the Food and Health and Safety Service Plan 2010-2012. A customer requests procedure had been developed and was included in the Authority's quality management system and customer feedback was sought through a customer feedback questionnaire. The procedure included the process for handling complaints and requests for service about port health matters, which included imported food and feed.
- 3.2.24 Auditors were advised that no complaints or referrals relating to imported food or feed at the port had been received by the Authority in the last two years.
- 3.2.25 The Authority's Service Plan confirmed support for the Home Authority Principle and made reference to the Primary Authority scheme. The Service did not act as Home or Primary Authority for any imported food or feed businesses. The Authority routinely referred specific imported food and feed issues to other enforcement authorities, where appropriate, and had developed a standard letter and template to detail relevant information for referral to the home or

receiving authority. There was evidence of referrals for unsatisfactory labelling to relevant home and receiving authorities.

Food and Feed Safety Incidents

- 3.2.26 The Authority had developed documented procedures for handling food and feed notifications in relation to the Rapid Alert system, emergency control notices and safeguard measures and also had systems capable of receiving notifications. Team Leaders maintained the up to date information system including white boards which included information on RASFFs and other notifications. Officers were required to refer to the information when carrying out checks. Auditors were advised that the Food Safety Team of Southampton City Council led on the handling of food alerts, maintained records of responses to alerts and liaised with the Port Health Service on alerts of relevance to the Port.
- 3.2.27 A procedure on the initiation of RASFF alerts had also been developed and implemented. The Authority had correctly initiated a number of RASFF alerts for a range of products during the past two years, which included alerts relating to pistachios, curry powder, basmati rice and red pepper powder which did not meet legal requirements due to levels of aflatoxins.

Advice to Business

- 3.2.28 The Authority had a variety of activities in place to advise businesses on imported food and feed control requirements. This included responding to general enquiries from personal callers, handling telephone and correspondence enquiries and proactively providing guidance on general and specific imports controls. For example, detailed letters had been sent to Import Managers notifying them of new high risk food and feed requirements and about subsequent changes to the requirements.
- 3.2.29 An annual open day for importers, agents and shipping line representatives had also been arranged. The visit incorporated a tour of the inspection facilities, observation of sampling and an opportunity to discuss imported food and feed control requirements. Feedback on the day had been very positive. Information was also available on the Authority's website.
- 3.2.30 The Service also made significant contributions to European and national training programmes on imported food work. Press releases and local radio and national television interviews had also been given on imported food and feed matters.

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 food and feed legislation.

3.3 Internal Monitoring and Third Party or Peer Review

Internal Monitoring

- 3.3.1 The Authority had developed a Quality System Internal Audit Procedure which defined how to manage internal auditing of the quality management system. The procedure dealt with planning, preparation, conducting and reporting on audits and follow up action on identified non-compliances, where the audit revealed that activities undertaken within the scope of the quality procedures were not being performed in accordance with those procedures.
- 3.3.2 An on-going audit programme had been developed to identify areas for auditing, depending on their importance and status. However, the procedure did not identify how the Authority would verify its conformance with the Standard, relevant legislation and centrally issued guidance and some improvements to the system were discussed. The procedure required that completed audit reports should be given to the relevant Port Health Officer and copied to the Port Health Manager immediately on completion of each audit, however, there had been some delay in passing some recent quality action reports to the relevant Manager for action. Auditors were advised that a revised electronic notification system was being developed to streamline and effectively manage the notification process. There was evidence that action was being taken on non-compliances that had been identified by internal audit.
- 3.3.3 Competency assessment and training of new Port Health officers was closely monitored by the Team Leaders and progress documented. In addition there was evidence of other qualitative and quantitative internal monitoring being carried out:
- Officer performance reviews
 - Accompanied imported food inspections and sampling
 - Regular documented team meetings that included discussion of consistency issues and Trading Standards issues of relevance at the Port
 - Formal enforcement notices were checked and initialled by the Team Leader
 - On-going monitoring of inspection records by the Team Leader
 - The use and action on responses to customer satisfaction feedback questionnaires
 - Monitoring of business performance indicators collected and reported on in the Authority's Service Plan.

Recommendation

3.3.4 The Authority should:

Review and expand the documented internal monitoring procedure and associated audit schedule to include all aspects of the imported food and feed service. Implement the revised procedure to verify the Service's conformance with the Standard, relevant legislation and official guidance.
[The Standard -19.1 and 19.2]

Records

- 3.3.5 Records of imported food and feed activity including inspection, sampling and formal enforcement action, together with manifest and consignment records, were maintained on a combination of PHIMS database records, database spreadsheets, hard copy papers and correspondence logs. The combined records provided sufficient details about the activities undertaken. Records requested by auditors for particular aspects of the service were retrievable by officers and were provided in a timely manner.

Third Party or Peer Review

- 3.3.6 The Authority was subject to twice yearly external audits by the British Standards Institute to maintain their accreditation to ISO 9001-2008. The most recent assessment report confirmed that no major non-compliances had been identified. Remedial action had been taken on issues identified by the external audit.
- 3.3.7 The Service had been subject to an audit in September 2009 by the Food and Veterinary Office of the Commission of the European Communities, which evaluated the import and transit control system and BIPs for POAO, live animals and POAO for personal consumption. The auditors were advised that any recommendations relevant to Southampton were being implemented.

Auditors: **Sally Hayden**
Robert Hutchinson
Ann Reason
Yvonne Robinson
Christina Walder

Food Standards Agency

Local Authority Audit and Liaison Division

ANNEXE A

Action Plan for Southampton City Council

Audit date: 22-23 September 2010

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.1.19 Ensure that accurate information on imported food activity is provided in the official monitoring returns to the Agency. [The Standard – 6.3]	18/11/10	The use of the FSS net to record results will produce automatically details of imported food activity and avoid human error associated with entering data manually.	Until FSS net is fully operational a new agreed method to record data on a monthly basis has been implemented which will reduce the ability for error when the LAEMS returns are due. Also Team Leader to have access to monthly reports to assist in a double check when required.
3.1.26 Review the existing liaison arrangements with the importer of bulk feed at the port, with the aim of ensuring that all bulk imported feed consignments are identified and to help facilitate consistent enforcement. [The Standard- 18.1]	01/01/11	To discuss with the operator of the bulk import facility the feasibility of the trading standards service being notified of all consignments of feed material from outside the EU.	An initial enquiry has been made to the operator and we await their reply.
3.2.22 Review the detention notice templates to ensure that formal enforcement actions are carried out in accordance with the relevant legislation, the Food Law Code of Practice and centrally issued guidance. [The Standard 15.3]	01/11/10	Detention notice amended and instructions issued to all officers in relation to how this should be completed. Old template notices removed from system.	Implemented, see notice template attached.

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
<p>3.3.4 Review and expand the documented internal monitoring procedure and associated audit schedule to include all aspects of the imported food and feed service. Implement the revised procedure to verify the Service's conformance with the Standard, relevant legislation and official guidance. [The Standard 19.1 and 19.2]</p>	<p>01/01/11</p>	<p>A review of the documented internal audit process to take place to ensure that the internal audit process to take into account methods of verifying conformance with the Standard as set out in the Framework Agreement.</p> <p>A revised programme of internal audits will be produced.</p>	<p>A management review meeting took place on the 1st November and it was agreed that additional items to take into account the Standard, legislation and guidance would be correctly accessed for compliance purposes. Non compliances identified during internal audits to be reported within two days to the Team Leader for appropriate action to be taken and to identify ongoing improvements to the service.</p> <p>Regular reviews to incorporate the Standard and ensure all areas of Food Standards Agency audit against have been included in any internal audit including feedstuffs.</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 and Health and Safety Service Plan 2010-2012
- Reports to Cabinet Member for Environment and Transport on imported food and feed over the past two years
- Officer scheme of delegation and associated documentation, rules and guidance
- Quality system procedures relating to imported food and feed controls
- Customer requests procedure
- Referral letters to Trading Standards Departments
- Advisory letters to businesses
- Inspection and sampling procedures including flow charts
- Corporate Enforcement Policy
- Rapid alerts initiated by the Authority
- Proposed Border Inspection Post improvements plan

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

- Authorisation and training files
- Manifest and consignment records
- Imported food documentation including common entry documents
- Food and feed inspection and sampling records
- Formal enforcement records including detentions and re-exports
- Airport quarterly visit records
- Internal monitoring records including quality audit records

(3) Interviews – the following officers were interviewed:

- Audit Liaison Officer – Team Leader (Port Health)
- Environmental Health Officers
- Team Leader (Trading Standards)

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

Auditors also met with Councillor Matthew Dean, Cabinet Member for Environment and Transport to discuss imported food and feed control issues at the port.

(4) On-site verification check:

A verification visit was made with the Authority's officers to Southampton Port. The purpose of the visit was to verify that appropriate risk based, proportionate checks are carried out on consignments of imported food and feed at the Port and that requirements for DPE and DPI status are met.

Glossary

Agricultural Analyst	A person, holding the prescribed qualifications, who is formally appointed by a local authority to analyse feed samples.
Airways bills	Commercial documents 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	Common Entry Documents which must accompany certain food products to designated points of entry or import.
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.