

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

Tendring District Council
19-20 October 2010



Foreword

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

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

The attached audit report examines the Local Authority's 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 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.

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 feed and food law enforcement service. The scheme also provides the opportunity to identify and disseminate good practice and provide information to inform Agency policy on food safety, standards and feeding stuffs. Parallel local authority audit schemes are implemented by the Agency's offices in all devolved countries comprising the UK.

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

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1. Introduction

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

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

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

Reason for the Audit

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

1.3 The Authority was included in the Food Standards Agency's programme of audits of local authority food and feed law enforcement services, because Harwich International Port is a Designated Point of Entry (DPE) under Commission Regulation (EC) No. 669/2009 for certain high risk feed and food products, and a Designated Point of Import (DPI) under Commission Regulation (EC) No. 1152/2009 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 councils selected across England.

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

Scope of the Audit

- 1.4 The audit examined Tendring District 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. Essex County Council had responsibility for the enforcement controls relating to non POAO imported feed.
- 1.5 The audit scope included the assessment of local arrangements for service planning, delivery and review, provision and adequacy of officer training on imports and authorisations, implementation and effectiveness of imported food control activities, including inspection, sampling and enforcement. Maintenance and management of appropriate records in relation to imports activity at the port and internal service monitoring arrangements were also covered.
- 1.6 The on-site element of the audit took place at the Council Offices, Thorpe Road, Weeley, Essex and at Suffolk Coastal District Council Port Health, Avocet House, The Dock, Felixstowe, Suffolk on 19-20 October 2010. The audit included a reality check to assess the effectiveness of official controls implemented by the Authority at Harwich International Port and, more specifically, the checks carried out by the Authority's officers to verify compliance with imported food law requirements.
- 1.7 The audit also afforded the opportunity for discussion with officers involved in imported food law enforcement with the aim of exploring key issues and gaining opinions to inform Agency policy. A set of structured questions were used as the basis for discussions which sought views and information on areas related to imported food controls such as:
- service planning and the strategic framework of controls
 - training and support
 - criteria used to determine the level of checks
 - issues affecting the imported food control programme
 - sampling, surveillance and enforcement approaches.
- 1.8 The information gained during interviews will be incorporated into a summary report on the imported food inspection and control activities audit programme.

Background

- 1.9 Tendring District Council (hereafter 'the Authority') is located in the east of England and covers approximately 33,548 hectares and has a population of around 138,500 people. The major towns in the District include Clacton-on-Sea, Dovercourt, Harwich, Manningtree, Lawford and Brightlingsea. The District's economy is largely dependent on

tourism and some manufacturing based in specialist industrial estates.

- 1.10 The Authority is a Port Health Authority (PHA) and, as such, covers the ports south of the River Stour estuary. There were three relevant ports in the area, the most significant being Harwich International Port, which had recently been registered as a designated point of entry (DPE) for certain high risk feed and food products and also a designated point of import (DPI) for certain products subject to safeguard controls relating to aflatoxins. However, at the time of the audit no high risk products or products subject to safeguard controls had been landed at the port.
- 1.11 To fulfil its obligations as a PHA covering Harwich International Port, Harwich Navyard and Mistley Quay (hereafter 'the relevant ports') the Authority had contracted Suffolk Coastal District Council (hereafter 'SCDC') to carry out the full range of imported food monitoring and enforcement duties, in line with current legislation, the Food Law Code of Practice and centrally issued guidance. SCDC was also a PHA covering the Port of Felixstowe, one of the primary container ports in the United Kingdom, and had extensive experience, knowledge and resources in respect of imported food controls. SCDC operated on an extended 7 day service, covering 06:30 – 22:00 weekdays and 06:30 – 14:30 at weekends and on bank holidays from its main office in Felixstowe Docks, Felixstowe.
- 1.12 The Authority was also responsible for a range of other port health functions including the enforcement of classification and food safety standards of its shellfish areas and the inspection of vessels including ferry ships and work relating to environmental protection and infectious disease control.
- 1.13 Imported feed law enforcement at the relevant ports was the responsibility of the Trading Standards Service of Essex County Council.

2. Executive Summary

- 2.1. The Authority had developed a Food Safety Framework Agreement 2009/2010 (Service Plan) which included imported food requirements. The Plan had been drawn up generally in line with Service Planning Guidance in the Framework Agreement. However, at the time of the audit, the 2010/2011 Service Plan had not been drafted and approved by the appropriate Member forum or relevant delegated senior officer.
- 2.2 The Authority had contracted its imported food duties out to Suffolk Coastal District Council (SCDC) who had considerable experience with imported food controls. However, the contract had not been recently reviewed to ensure that it was kept up to date with legislative changes. The Authority had plans to review and redraft the contract to bring it up to date and also include more specific details in regard to the duties and responsibilities of the contracted parties. Auditors discussed the benefits of developing and implementing an overarching procedure for document control.
- 2.3 The Authority ensured that SCDC officers were appropriately authorised to carry out enforcement activities at the relevant ports. File checks showed SCDC officers had the 10 hours continuing professional development (CPD) training and appropriate imported food training. The Authority's Lead Officer for imported food also had the appropriate CPD and imported food training. However, the Authority needed to review their authorisation documents to ensure that officer authorisations are kept up to date with legislative changes.
- 2.4 The Authority had ensured that appropriate facilities and equipment were available for the inspection and sampling of imported FNAO at the relevant ports.
- 2.5 SCDC had well organised, effective systems and arrangements in place in relation to the control of containerised imported food, including those for high risk products. The Service had recently developed the Port Health Interactive Live Information System (PHILIS), which was a robust system for the identification of incoming consignments of containerised food and feed through the systematic, detailed checking of ship's manifests.
- 2.6 In addition PHILIS was an effective electronic consignment control system, which enabled SCDC to immediately hold any containerised consignment where further information or an inspection was required. Harwich International Port was electronically linked to this system. Harwich Navyard and Mistley Quay supplied their consignment data by e-mail which was examined by SCDC officers, detained by manual methods and entered onto PHILIS if appropriate.

- 2.7 SCDC had effective imported food controls, which were managed through the PHILIS system. Documentary checks, identity checks and random physical checks were risk based and targeted in accordance with current legislation and previous knowledge and experience. SCDC had carried 100% of document checks for the relevant ports. However, no identity or physical checks had been carried out as no high risk products had been landed.
- 2.8 Although no enforcement activities had been carried out at the relevant ports, SCDC were able to demonstrate systems and procedures for appropriate action on unsatisfactory consignments should they be necessary. Template enforcement notices were in line with the appropriate legislation. Auditors discussed the benefits of the Authority developing their own imported food enforcement procedures to cover their duties and responsibilities at the various stages of enforcement, and including any appeal processes importers would be expected to follow.
- 2.9 Records maintained in relation to imported food were detailed, accurate and easily retrievable.
- 2.10 SCDC had also taken responsibility for liaison arrangements and kept the Authority informed of developments. SCDC had extensive liaison arrangements with central government, other enforcement bodies, professional organisations and other external stakeholders. SCDC had supplied advice to businesses on imported food control requirements which it also carried out for the Authority in regard to the relevant ports.
- 2.11 The Authority had stated in its Service that six monthly audits of SCDC's activities would be carried out. However, there was no audit procedure and the auditing that had been carried out did not cover all aspects of SCDC's responsibilities. Auditors discussed the benefits of developing and implementing a formal documented audit procedure.
- 2.12 SCDC had a documented ISO 9001 quality management system which included internal and external auditing of their imported food service.

3. Audit Findings

3.1 Organisation and Management

Strategic Framework, Policy and Service Planning

- 3.1.1 The Authority had developed a documented service plan called the 'Food Safety Framework Agreement 2009 – 2010'. The Plan incorporated appropriate references to the Authority's Port Health responsibilities, including arrangements regarding imported food activities, and was generally in line with Service Planning Guidance in the Framework Agreement. However, auditors were informed that whilst the 2010/ 2011 Service Plan had been compiled, and had been due to be submitted for approval to the appropriate Member forum in September, it had not as yet been drafted.
- 3.1.2 The Suffolk Coastal 2010/2011 Service Plan had been approved by their Policy and Development Task Group on 20 July 2010 and a review of the previous year's performance had been carried out.
- 3.1.3 On 23 February 2005 the Authority had contracted out their operational Port Health enforcement responsibilities to Suffolk Coastal District Council (SCDC), including daily manifest checks of vessels entering the ports, document, identity and physical checks on imported foods, and any enforcement actions should they be necessary. SCDC were also responsible for imported food controls at the Port of Felixstowe; one of the largest container ports in Europe, and were ideally situated, equipped and staffed with the necessary expertise to carry out imported food controls on behalf of the Authority.
- 3.1.4 The Authority had designated an authorised Environmental Health Officer to oversee and liaise with SCDC in regard to the implementation of the agreed contract.
- 3.1.5 Information supplied prior to the audit and in the SCDC 'Food Safety Service Plan 2010/2011' confirmed that imported food controls at the relevant ports were primarily the responsibility of SCDC and included the following who were available to undertake controls at Felixstowe and the relevant ports:

Officer Designation	FTE
Port Health Service Managers	2.88
Port Health Officers	5.76
TOTAL	8.64

*Full Time Equivalent

Recommendation

3.1.6 The Authority should:

Produce a Food Enforcement Service Plan for 2010/2011 and submit it for Member approval or high level clearance as appropriate. [The Standard – 3.1]

Documented Policies and Procedures

- 3.1.7 Auditors observed that the contract document drawn up between the Authority and SCDC was required to be reviewed to ensure that it contained relevant up to date legislation and that the obligations of the parties involved were sufficiently well defined and detailed. Some of the information in the contract, including legislative references, was out of date and auditors were informed that the contract had not been recently reviewed. However, the Authority informed auditors that there were plans to review and re-draft the contract to ensure that the duties and responsibilities of both parties were more relevant to current practices and the content reviewed and updated on a regular basis.
- 3.1.8 The Authority did not have a procedure for the review and updating of documented policies and procedures and updates were carried out on an ad hoc basis. Auditors were informed that in relation to port health enforcement the Authority relied on SCDC to utilise their own policies and procedures. Auditors discussed the benefits of developing and implementing a procedure to ensure policies and documents are up to date and to identify any gaps in their current procedures.
- 3.1.9 SCDC had developed a range of relevant policies, procedures and documents, including enforcement notices, as part of their ISO 9001 documented quality management system which was subject to internal review and regular BSI audit. SCDC used their own enforcement notices, adapted with a Tendring District Council heading when carrying out enforcement duties on behalf of the Authority. SCDC documents were held electronically and were accessible to officers through the Port Health Interactive Live Information System (PHILIS).
- 3.1.10 Officers also had access to relevant sources of information and documentation which could be accessed at the central office.

Recommendation

3.1.11 The Authority should:

Ensure that all documented policies and procedures, including service level agreement contracts, for each of the enforcement activities covered by the Standard are reviewed at regular intervals, and whenever there are changes to legislation or centrally issued guidance. [The Standard – 4.1]

Authorised Officers

- 3.1.12 The Authority had a documented procedure for the authorisation of its own officers, which was linked to the corporate Scheme of Delegation. However, it was observed that the Authority's officer authorisations had not been kept up to date with legislative changes. Auditors discussed the need to ensure that authorisations were regularly reviewed to ensure that they were kept up to date with legislative changes and centrally issued guidance.
- 3.1.13 The Authority authorised SCDC Port Health Officers to carry out enforcement duties on their behalf at the relevant ports. In practice the Authority checked the training and competency levels before authorising the SCDC officers; however this was not part of a documented procedure.
- 3.1.14 Audit checks confirmed that all officers carrying out imported food control were fully authorised in line with their qualifications, training and experience. Officers with lead responsibilities for imported food had the necessary specialist knowledge and experience to fulfil their functions. However, the Authority's Lead Officer for imported food would benefit from more recent formal enforcement training.
- 3.1.15 Both the Authority's and SCDC's officer training needs were identified through annual 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 10 hours CPD training required by the Food Law Code of Practice to maintain their professional competency and had received appropriate specialised imported food training. SCDC officers had participated in Agency training on imported food.
- 3.1.16 During the audit, an SCDC Port Health Officer was interviewed and was able to demonstrate full knowledge of imported food controls and their implementation at the relevant ports.

Recommendation

3.1.17 The Authority should:

Review the schedule of officer authorisations and update as necessary to ensure it includes all current relevant imported food legislation. [The Standard – 5.1]

Facilities and Equipment including verification visit

- 3.1.18 A verification visit was carried out at Harwich International Port's imported food inspection facilities. The purpose of the visit was to verify that the facilities were adequate for appropriate risk based, proportionate checks on consignments of imported food and that requirements for designated point of entry (DPE) and designated point of import (DPI) status were met.
- 3.1.19 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 control service. Not all of the specific food sampling equipment had been provided at the Port for the full range of potential sampling activities. However auditors were informed that SCDC kept sampling 'grab bags' which were available at all times should officers need to carry out sampling duties.
- 3.1.20 SCDC had recently developed the Port Health Interactive Live Information System (PHILIS), a fully integrated import information management system. Consignments arriving on vessels at Harwich International Port are notified in advance by the port management DESTIN8 system. These details are captured by PHILIS. SCDC relied on port operators to inform them of arrivals at Harwich Navyard and Mistley Quay on a daily basis. Once the data had been captured or entered on PHILIS officers were able to exercise controls over consignments, including the use of electronic holds, whilst sampling and associated enforcement duties were carried out.
- 3.1.21 PHILIS contained all the records relating to consignment checks such as sampling and formal enforcement. PHILIS had also 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. In addition officers were able to link directly from the system to legislation, useful guidance documents and relevant websites for imported food controls.

Liaison with Other Organisations

3.1.22 SCDC had on behalf of the Authority 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)
- Eastern Ports Liaison Network (EPLaN)
- Harwich Port Users Association.

Links to the relevant port management had also been established including:

- Harwich International Port
- Harwich Navyard
- Mistley Quay.

3.1.23 Arrangements were in place for regular liaison with the UK Border Agency, to share intelligence and work practices, at specific meetings to discuss imports issues. SCDC was also pro-active in liaising with central government such as the Food Standards Agency, and the Department for Environment, Food and Rural Affairs (Defra).

3.1.24 Although as part of the contract SCDC were responsible for liaison arrangements at the relevant ports, the Authority was in regular contact with SCDC and the port operators in respect of monitoring and enforcement activities. In addition, the Authority was kept up to date with regard to national and local imported food developments through training, Food Standards Agency emails and attendance at meetings.

3.1.25 Liaison arrangements were in place with Essex Trading Standards Service regarding imported feed control. SCDC was represented on the National Animal Feed Ports Panel which included representation from key central government agencies.

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	56	30	0	0	0

3.2.2 Information provided by the Authority indicated that there were few consignments of FNAO imported through the Harwich International Port and none through Harwich Navyard or Mistley Quay. None of the consignments had contained products subject to enhanced checks (required from January 2010) for high risk products from certain third countries specified in Regulation (EC) No. 669/2009 or subject to enhanced checks in accordance with aflatoxins controls set out in Regulation (EC) No. 1152/2009.

3.2.3 SCDC had systems and arrangements in place, together with comprehensive documented procedures, for the control of 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. In relation to Harwich International Port, PHILIS was able to receive manifest information directly from DESTIN8. From this information officers were able to decide whether or not to electronically detain a consignment and/or request further information.

3.2.4 The port management of Harwich Navyard and Mistley Quay were not on the DESTIN8 system and were therefore required to provide paper manifests. SCDC officers then checked the manifests and if there was anything of relevance to imported food it was entered on the PHILIS system manually.

3.2.5 PHILIS was also used to manage correspondence, such as Common Entry Documents (CEDs) as any electronic document or scanned image can be linked to a PHILIS (Job) record. PHILIS is also used to automatically identify high risk products for sampling and to maintain examination and sampling frequencies.

3.2.6 The control systems were demonstrated by SCDC, confirming that ships arrivals lists were cross referenced to manifest details which had been electronically downloaded to PHILIS from DESTIN8. As well as PHILIS capturing manifest details officers systematically checked manifest details for food consignments. Once the manifest was 'live' within the system, a range of status codes were applied

where appropriate. Initial electronic holds were used if the level of information about the contents was insufficient and further information was required. Other electronic holds related to a required examination depending on the nature of the food, or to further detention after inspection. Although there had been no reason to use electronic holds in respect of the relevant ports the system demonstrated worked effectively and enabled immediate and effective controls to be applied to consignments pending documentary, identity or physical checks.

- 3.2.7 The audit confirmed that imported food 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, PHILIS also incorporated a constantly updated information system. These included details of any products and countries of origin subject to enhanced checks, suspicious cargo, and relevant requests from the Agency to check particular food or feed and other 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.
- 3.2.8 There were no Enhanced Remote Transit Sheds (ERTS) within the boundaries of the Authority's area.
- 3.2.9 SCDC had a documented food sampling policy which was detailed in their Service Plan which specified a risk based sampling programme for FNAO, in accordance with the frequencies laid down in the relevant legislation. No high risk imported food had been identified as arriving through the relevant ports therefore no samples had been taken. Auditors were informed that samples would be taken if new identified food risks emerged at the relevant ports, either via the Agency or the European Commission or through SCDC's own surveillance.
- 3.2.10 The official laboratories used by SCDC for imported food sampling activities were properly accredited.
- 3.2.11 The Service levied a charge for all imported 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.

Enforcement

- 3.2.12 The Authority had a corporate enforcement policy which confirmed that the Authority was committed to implementing Enforcement Concordat principles in all enforcement action. The Authority informed auditors that the Policy had been agreed at the appropriate

Member forum. The latest documentary evidence of approval was dated 4 October 2006 when it was approved as part of the Framework Agreement.

- 3.2.13 SCDC had its own Enforcement Policy and had developed formal enforcement procedures including those for detention, seizure of suspect food including collection and destruction, voluntary surrender and the service of notices. SCDC was able to administer and keep track of all enforcement activities through the PHILIS system. Enforcement notices and guidance notes were also linked to PHILIS, which ensured officers used the correct paperwork at all stages of the enforcement process.
- 3.2.14 Auditors were informed that in practice, should it be necessary, the Authority would become actively involved with any enforcement activity at the relevant ports carried out by SCDC officers under their authorisation. Auditors discussed the benefits of developing and implementing formal documented enforcement procedures relevant to imported food activity and linked to the contractual agreement with SCDC to ensure all parties were aware of their duties and responsibilities at the various stages of enforcement, and including any appeal processes importers would be expected to follow.
- 3.2.15 Due to the lack of activity at the relevant ports no formal enforcement procedures had been carried out. However, audit checks confirmed that appropriate risk based checks had been carried out at the relevant ports.

Recommendations

3.2.16 The Authority should:

- (i) Ensure that the Enforcement Policy is approved by the relevant Member forum, or alternatively the relevant delegated Senior Officer.
[The Standard – 15.1]
- (ii) Review, update and where necessary draft new procedures to provide appropriate guidance on all areas of imported food law enforcement activity in accordance with the Food Law Code of Practice.
[The Standard – 15.2]

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

- 3.2.17 SCDC had also been given responsibility to deal with imported food complaints and referrals in respect of the relevant ports. SCDC had developed and implemented a complaints policy and procedure and

dealt with all referrals in line with the Primary and Home Authority Schemes.

- 3.2.18 Auditors were advised that no complaints or referrals relating to imported food at the relevant ports had been received by the Authority in the last two years.

Food and Feed Safety Incidents

- 3.2.19 Both the Authority and SCDC had developed documented procedures for handling food and feed notifications in relation to the Rapid Alert System for Food and Feed (RASFF), emergency control notices and safeguard measures and also had systems capable of receiving notifications. In respect of imported food controls at the relevant ports, SCDC officers were required to refer to the information when carrying out checks.
- 3.2.20 A procedure on the initiation of RASFF alerts had also been developed and implemented by SCDC. There had been no RASFF alerts in the last two years that had required action in respect of the relevant ports.

Advice to Business

- 3.2.21 SCDC was responsible for providing advice to business at the relevant ports on behalf of the Authority. SCDC had a variety of activities in place to help advise businesses on imported food 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 port managers notifying them of new high risk food and feed requirements and about subsequent changes to the requirements.

3.3 Internal Monitoring and Third Party or Peer Review

Internal Monitoring

- 3.3.1 The Authority stated in the Service Plan that it would audit SCDC's activities on a six monthly basis to ensure the contract was being effectively implemented. Although there was some evidence in the form of audit reports, the Authority did not have a formal procedure for carrying out audit activities and auditors were informed that monitoring had not always been carried out as regularly specified and the the work that had been undertaken did not cover the full range of SCDC's responsibilities. Auditors discussed the benefits of developing and implementing formal audit arrangements to ensure that the Authority was able to verify that the work carried out on its behalf was in accordance with the agreed contract, relevant legislation, the Food Law Code of Practice and centrally issued guidance.
- 3.3.2 SCDC had developed and implemented an Internal Monitoring Procedure to ensure consistency and accuracy in their officer's work. This included the monthly examination of a sample of documentation, six monthly accompanied examination visits and monthly computer record checks. In addition the PHILIS system had the facility to automatically track ongoing work, including sampling and enforcement activities.
- 3.3.3 There was also evidence of other qualitative and quantitative internal monitoring being carried out including:
- Annual officer performance reviews as part of the Individual Personal Appraisal and Development System with six monthly progress checks.
 - Regular documented team meetings.

Recommendation

3.3.4 The Authority should:

Review and expand the documented monitoring procedures to include qualitative and quantitative aspects of contracted out imported food services. Implement the revised procedure to verify the Service's conformance with relevant legislation, official guidance and the Standard. A record should be maintained of external monitoring activities carried out. [The Standard - 19.1, 19.2 and 19.3]

Records

- 3.3.5 Records of imported food activity at the relevant ports including inspection, together with manifest and consignment records, were maintained by SCDC on the PHILIS database system. The 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. In addition SCDC was able to demonstrate that the system was capable of keeping detailed records of sampling and enforcement activities should they be required.

Third Party or Peer Review

- 3.3.6 The Authority had not been subject to an external audit or peer review within the last two years.
- 3.3.7 SCDC had previously been part of a Suffolk authorities Inter-Authority Audit (IAA) scheme which had not been carried out recently. The Service Plan 2010/2011 stated that consideration was being given to further IAA work as part of APHA's Imported Food Work Plan.
- 3.3.8 SCDC was subject to external audits by the British Standards Institute to maintain their accreditation to ISO 9001-2008. The most recent audit had been carried out in March 2010.
- 3.3.9 SCDC has Investors in People status and is subject to external accreditation every three years.

Auditors: Robert Hutchinson
Jane Tait
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Food Standards Agency

Local Authority Audit and Liaison Division

ANNEXE A

Action Plan for Tendring District Council

Audit date: 19-20 October 2010

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.1.6 Produce a Food Enforcement Service Plan for 2010/2011 and submit it for Member approval or high level clearance as appropriate. [The Standard – 3.1]	31/01/11	Updated Service Plan to be approved for 2011.	Service Plan forwarded to Environment Portfolio Holder for approval.
3.1.11 Ensure that all documented policies and procedures, including service level agreement contracts, for each of the enforcement activities covered by the Standard are reviewed at regular intervals, and whenever there are changes to legislation or centrally issued guidance .[The Standard – 4.1]	30/04/11	Review documented policies and procedures and update the service level agreement contract with Suffolk Coastal District Council.	Policies in the process of review and currently in discussion with Suffolk Coastal District Council in respect of the service level agreement.
3.1.17 Review the schedule of officer authorisations and update as necessary to ensure it includes all current relevant imported food legislation. [The Standard – 5.1]	31/03/11	Officer authorisations to be updated to ensure current relevant imported food legislation is included.	An amendment to the Council Constitution has been put forward to list the relevant legislation which can then be delegated. The annual Constitution amendments are currently awaiting approval by Full Council.

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.2.16(i) Ensure that the Enforcement Policy is approved by the relevant Member forum, or alternatively the relevant delegated Senior Officer. [The Standard – 15.1]	31/01/11	Enforcement policy to be reapproved as part of the Food Enforcement Service Plan of which it is a part.	Food Enforcement Service Plan forwarded to Environment Portfolio Holder for approval.
3.2.16(ii) Review, update and where necessary draft new procedures to provide appropriate guidance on all areas of imported food law enforcement activity in accordance with the Food Law Code of Practice. [The Standard – 15.2]	31/04/11	Procedures to be developed or updated in respect of imported food.	Procedures currently being updated and developed.
3.3.4 Review and expand the documented monitoring procedures to include qualitative and quantitative aspects of contracted out imported food services. Implement the revised procedure to verify the Service's conformance with relevant legislation, official guidance and the Standard. A record should be maintained of external monitoring activities carried out. [The Standard 19.1, 19.2 and 19.3]	31/03/11	Documented monitoring procedure to be developed, actioned and then recorded.	The current monitoring system is being reviewed to develop an updated system.

Audit Approach/Methodology

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

(1) Examination of LA policies and procedures.

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

- Food Safety Framework Agreement 2009 – 2010 (Service Plan)
- Contract to carry out Port Health work
- Port facilities maintenance records (on site)
- Inspection and sampling procedures including flow charts (SCDC)
- Enforcement Policy Food Safety Service Plan 2010/2011 (SCDC)
- Corporate Plan 2005 – 2015 (SCDC)
- Quality system procedures relating to imported food controls (SCDC)
- Enforcement Policy (SCDC)
- Advisory letters to businesses (SCDC)

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

- Authorisation and training files
- Internal monitoring records including quality audit records
- Manifest and consignment records (SCDC)
- Authorisation and training files (SCDC)
- Internal monitoring records (SCDC)

(3) Interviews – the following officers were interviewed:

- Audit Liaison Officer – EHO
- Acting Assistant Head of Environmental Services
- Acting Head of Environmental Services
- Head of Environmental Services & Port Health (SCDC)
- Service Manager (SCDC)
- Port Health Officers (SCDC)

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 officer to Harwich International 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.