

**Report on the Audit of Port Health Authority/Local
Authority Food Law Enforcement Controls of
Imported Food Not of Animal Origin and
Arrangements in respect of Imported Feed**

London Port Health Authority (Thamesport)
5-6 October 2010



Foreword

Audits of local authorities feed and food law enforcement services are part of the Food Standards Agency's arrangements to improve consumer protection and confidence in relation to food. 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 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 of the London Port Health Authority (LPHA) at Thamesport 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 with discussion on the Authority's arrangements in respect of imported feed. 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 the LPHA at Thamesport 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 LPHA at Thamesport was included in the Food Standards Agency's programme of audits of food and feed law enforcement services, because the port is a designated point of entry for certain high risk food and feed 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 PHAs and LAs selected across England.

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

Scope of the Audit

- 1.5 The audit examined the LPHA's arrangements at Thamesport 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 these arrangements were discussed 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 control activities, including inspection, sampling and enforcement. Maintenance and management of appropriate records in relation to food import 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 Thamesport Port Health Office at Maritime House, Grain Road, Grain, Kent on 5-6 October 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 law requirements.
- 1.8 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 was 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.
- 1.9 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 LPHA district extends for 94 miles along the tidal Thames from Teddington Lock to the estuary and includes the ports of Tilbury and London City Airport. The district also includes the lower reaches of the River Medway with the ports of Sheerness, Queenborough, Ridham Dock and Thamesport on the Isle of Grain and, to the north, parts of the River Crouch, the River Roach and its tributaries.

- 1.11 LPHA formed part of the City of London's Department of Environmental Services. The functions of the Port Health Authority were carried out by officers based in two divisions: Tilbury and Upper Thames, and Thamesport and Lower Thames. The audit was confined to the imported food and feed control activities operated at the port of Thamesport.
- 1.12 Thamesport 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 arriving from outside the European Union. The Service was also responsible for a range of other port health functions including shellfish and fishery control and the inspection of vessels including passenger vessels and pleasure launches, and work relating to environmental protection and infectious disease control.
- 1.13 Thamesport 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 and a point of import for certain products subject to safeguard controls due to potential aflatoxin contamination.
- 1.14 The Port Health Authority operated the same hours as the port from an office on the Isle of Grain and had limited on-call arrangements. These required review following recent restructuring arrangements.
- 1.15 LPHA was also responsible for feed law enforcement at Thamesport. This arrangement was set out in the London Port Health Authority Order 1965. There were however only limited imports of animal feed through the docks at Thamesport, the bulk entering through Tilbury.

2. Executive Summary

- 2.1. The Authority had recently undergone a reorganisation which had resulted in changes to and expansion of management roles at The Port Health Authority at Thamesport. A Food Enforcement Service Plan had not been produced for 2010/2011 due to the restructuring exercise that had taken place. Auditors were advised that it was intended to produce the current year's Plan at the beginning of 2011 and submit this for Member approval. The benefits of including a clear comparison between the resources required to carry out the Service and the resources available were discussed, particularly in light of the recent reorganisation.
- 2.2. There were effective systems and arrangements in place in relation to the monitoring and control of imported food, including those for high risk products. The Authority had in place a robust system for the identification of incoming consignments through the systematic detailed checking of every ship's manifest. The port had an effective electronic consignment control system which enabled the Authority to hold any consignment where further information or an inspection was required. Appropriate facilities and equipment were available for the inspection of imported food not of animal origin (FNAO). Imported food controls including documentary checks and random physical checks were risk based and targeted, in accordance with regulations and previous knowledge and experience. Appropriate official controls were being carried out as required on high risk FNAO.
- 2.3. Appropriate action had been taken on unsatisfactory consignments and where necessary notices had been served requiring appropriate follow-up action. Auditors discussed the need to ensure that there was official documentation to confirm that rejected high risk FNAO had been appropriately destroyed.
- 2.4. The Authority had developed and implemented policies and procedures covering most areas within the scope of the audit as part of the Authority's ISO accredited quality management system. There were a number of procedures that required some further development, including those on the destruction of FNAO, the generation of Rapid Alert System for Food and Feed (RASFF), practical and administrative aspects of sampling, and procedures on all formal enforcement options including prosecutions and simple cautions.
- 2.5. The Authority had a documented procedure for the authorisation of officers, however this needed some expansion to set out the means by which officers were assessed in accordance with their individual qualifications, experience and competency. Officers were found to be acting within their individual levels of authorisation. There was a need to ensure that the officer(s) appointed to be the lead for food hygiene,

standards and feed are able to demonstrate the necessary specialist knowledge and training to undertake that role.

- 2.6 There were extensive and effective liaison arrangements in place with central government, other enforcement bodies, professional organisations and other external stakeholders, including port managers and importing agents. The Authority was also contributing to the training of students and other port health authority officers in imported food controls.
- 2.7 Quantitative internal monitoring procedures were in place and were being reported to senior managers. Auditors were advised of some qualitative monitoring in respect of the peer review of notices, however it was not evident that qualitative monitoring was being undertaken on a risk basis across all areas of the imported food control Service.
- 2.8 During the audit, the arrangements for the control of imported feed were discussed. These were being carried out by the Port Health Authority, however auditors were advised that the Service was considering entering into new arrangements with relevant local authorities in respect of carrying out checks on imported feed entering the port.

3. Audit Findings

3.1 Organisation and Management

Strategic Framework, Policy and Service Planning

- 3.1.1 The Department of Environmental Services had recently undergone a restructuring exercise which had resulted in a rationalisation of the management structure, and the individual manager's responsibilities had expanded as a result. In addition the Thamesport port health team had lost a full time Port Health Officer post.
- 3.1.2 The Authority had drafted a LPHA Food Enforcement Service Plan for 2009 which had not yet been submitted for Member approval. The auditors were advised that the recent reorganisation of the Service had delayed the production of the Plan for 2010/2011, however it was intended to produce this in the New Year along with a review of the previous year's plan. The 2009 draft Plan was generally in accordance with the requirements of the Service Planning Guidance in the Framework Agreement, however particularly in the light of the recent re-organisation of the Department, future plans would benefit from a clear comparison of the resources required to provide the port health service against the resources available.
- 3.1.3 The Authority had also produced a Port Health and Veterinary Services Business Plan 2010/2013 which had been reported to Members. The Plan set out the Mission Statement of the Service as being: *'To protect, enhance and improve the public and environmental health of the tidal Thames and Lower Medway, and deliver animal health and welfare services to London and the nation, through the provision of high quality, accessible and responsive services'*.
- 3.1.4 The Business Plan contained information on the scope of the Service and set out service specific objectives and key performance indicators (KPIs). The KPI relevant to the scope of the audit was:
- LPH4: *Percentage of compliant consignments of non animal origin (NAO) cleared within 5 days of presentation of documents/consignments.*
- 3.1.5 The target for 2009/2010 had been set at 85%, and the average performance for that year had been 94%. The auditors were advised that the target had now been raised to 90%.
- 3.1.6 The Business Plan also set out a number of challenges and opportunities for the Service which included:
- the introduction of EC Regulations relating to the import of high risk FNAO;

- the acquisition of a new information management system, with a view to streamlining business processes to make them more efficient.

3.1.7 The Service also had internal performance indicators in respect of FNAO. These included a target of 50% documentary checks on incoming consignments and 10% physical checks. The auditors were advised that the Authority was currently unable to meet this target, particularly as the requirements relating to controls on high risk foods introduced at the beginning of the year had increased resource pressures on the Service.

3.1.8 Information supplied prior to the audit indicated that imported food controls at the port were primarily the responsibility of the following four officers:

Officer Designation	FTE*- Food	FTE - Feed
Assistant Port Health Service Director	0.45	<0.01
Senior Port Health Officer	0.80	<0.01
Port Health Officer	2.00	<0.01

*Full Time Equivalent

Recommendation

3.1.9 The Authority should:

Produce a Food Enforcement Service Plan for 2010/2011 and submit for Member approval or high level clearance as appropriate. Ensure that the Service Plan undergoes a review process which is also submitted for approval and ensure that any variances are addressed. Ensure that the Plan contains clear details of the resources required to carry out the Service effectively, compared directly against the resources available. [The Standard - 3.1, 3.2 and 3.3]

Documented Policies and Procedures

3.1.10 The Authority had developed a range of relevant policies and procedures as part of their ISO 9001 documented quality management system. Controlled reference copies of the documents were held within the offices and electronically on a shared drive. Management review meetings were held at six monthly intervals where procedures within the quality manual were identified for review. Auditors were advised of the intention to undertake a fundamental review of the policies and procedures when the new information management system was implemented.

Authorised Officer

- 3.1.11 The Authority had a brief documented procedure on the authorisation of officers. There was in addition a Scheme of Delegated Powers in the Department's Best Practice Manual which set out the process for ensuring that the schedule of delegated powers was kept up to date and accurate and a table detailing the limits of authorisation for various levels of officers. The process for assessment had not been set out, and it was not clear how in practice, any assessment of the individual's training and experience was taken into account in determining the level of authorisation. Audit checks confirmed however that all officers carrying out imported food and feed controls were generally authorised in line with their qualifications, training and experience.
- 3.1.12 The schedule of officer authorisations was comprehensive, although it required some review to ensure that all key legislative references were current.
- 3.1.13 The Authority had appointed a lead officer with responsibilities for food hygiene, standards and feed however it was not clear that their current training and recent experience was sufficient for the role. It was acknowledged that the lead officer arrangements for Thamesport required review to ensure that appointed officers had the necessary specialist knowledge.
- 3.1.14 The Authority provided coverage of the port operation through a duty rota. The Assistant Director Port Health was also an emergency contact out of stipulated hours, however there were no official arrangements for cover in the absence of the officer.
- 3.1.15 The Authority had a Performance Development Programme and officer training needs were identified through annual performance appraisals. A mechanism for providing feedback on courses attended was also built into the programme. The Authority made use of training opportunities provided by APHA and the CIEH Port Health Special Interest Group.
- 3.1.16 Comprehensive records of officers' training were being maintained. They confirmed that officers were achieving the minimum 10 hours food related training required by the Food Law Code of Practice. The Authority did not rely solely on attendance at formal training courses and officers were encouraged to undertake other experiential learning opportunities, such as visits to other ports and preparation for presentations.

Recommendations

3.1.17 The Authority should:

- (i) Review the schedule of officer authorisations and update as necessary to ensure it includes all current relevant imported food legislation.
[The Standard – 5.1]
- (ii) Ensure that the officer(s) appointed with lead responsibility for food hygiene, food standards and feed legislation are able to demonstrate the necessary specialist knowledge and experience.
[The Standard – 5.2]

Facilities and Equipment Including Verification Visit

3.1.18 During the audit, a verification visit was carried out at the port's imported food inspection facilities. The purpose of the visit was to assess the effectiveness of the Authority's assessment and application of imported food controls with food law requirements and to assess whether the requirements for designated point of entry (DPE) and designated point of import (DPI) status had been met. 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. Officers accompanying the auditor were able to demonstrate a detailed and thorough knowledge of specific sampling regimes, the facilities and equipment available and the practical working arrangements in place with other relevant Agencies at the port.

Liaison with Other Organisations

3.1.19 The Authority had specific arrangements in place regarding the enforcement of imported feed controls. Responsibility lay with the Port Health Authority rather than the relevant Trading Standards Authority for the port. The auditors were advised that following the recent re-organisation of the Department, the Authority was considering an arrangement with the relevant trading standards service to enter into an agreement in respect of imported feed control arrangements.

3.1.20 The Authority had liaison arrangements in place with central government, other enforcement bodies, professional organisations and other external stakeholders. The Authority actively participated in the Association of Port Health Authorities' Imported Feed and Food Committee and had attended meetings of the National Animal Feed Ports Panel (NAFPP). The Authority also liaised regularly with other

individual port health authorities and played a key role in training of students.

- 3.1.21 There were effective and regular informal liaison arrangements with the port operators and with the UK Border Agency. A Memorandum of Understanding had also been formally agreed between the two organisations, although it was acknowledged that this could be usefully expanded to include imported feed controls.

3.2 Imported Food Control Activities

Food Inspection and Sampling

- 3.2.1 The Authority's annual monitoring return to the Agency provided consolidated statistics on imported food control activity across all of the Port of London Health Authority. This indicated the following FNAO activity:

Year	FNAO (third country) Consignments:				
	Entering	Documentary	Checked Identity	Physical	Rejected
2009/2010	115,851	14,766	0	2,918	33

- 3.2.2 Auditors discussed the need to ensure that all types of checks are separately identified on the return to provide accurate statistics on imported food control activity and to ensure that effective clearance mechanisms for the return are in place to verify the accuracy of the statistics before submission to the Agency.
- 3.2.3 Information provided by the Authority indicated that FNAO imported through Thamesport included cereals and cereal based products, nuts and nut products, wine and alcoholic drinks and fresh and frozen fruit and vegetables. High risk products from certain third countries specified in Regulation (EC) No. 669/2009 had been subject to control at the port, including chilli and chilli products, groundnuts, almonds and certain spices. Very low volumes of animal feed were received through the port and these were mainly containerised pet food products.
- 3.2.4 The Authority had systems and arrangements in place, together with documented procedures detailing the arrangements for checks on general food consignments entering the port. It was acknowledged that the documented procedures would benefit from review to ensure they fully reflected the practical and specific arrangements in place for the inspection of higher risk products entering the port.
- 3.2.5 The Authority had an electronic manifest database system and had developed additional bespoke databases to record relevant details and actions in respect of higher risk food and feed products. The Authority was in the final stages of commissioning a new database system which would consolidate and enhance the current electronic recording and reporting arrangements.
- 3.2.6 The Authority made use of the port's web based system for port inventory controls to access details of ships entering the port and the contents of their manifests. The Port Health Officers had responsibility for checking these to identify any potential food or feed products entering the port. Once identified, a Local Authority Enforcement

Monitoring System (LAEMS) food code was applied which was then captured on a bespoke database to use as the basis for the LAEMS return.

- 3.2.7 Where there was any uncertainty about the nature of a product, further information was sought from the importing agent requesting additional details such as a bill of lading or commercial invoices. A decision was then made, based on the type of product, local intelligence and experience on whether further documentary checks were required and if the consignment required identity or physical checks. In such cases an informal 'hold' was placed on the consignment via the port's electronic inventory control system.
- 3.2.8 The Authority aimed to carry out 10% of random physical checks on products in addition to any required statutory checks. The Authority ensured that all relevant officers were kept fully aware of current restrictions on food products and emerging issues by the use of a 'white board' which was kept updated by a Port Health Officer.
- 3.2.9 The Authority had introduced a facility whereby common entry documents (CEDs) could be submitted electronically, and around 80-90% were submitted by this means which increased the efficiency of the checking process. Details were entered onto a bespoke FNAO database which was then used to verify that the Authority was carrying out the correct percentage of checks as set out in the legislation relating to specific high risk products.
- 3.2.10 Audit checks confirmed that there were effective systems in place in relation to the control of imported food, including those for high risk products. Documentary, identity and physical checks, including random checks undertaken, were risk based and targeted, in accordance with regulations, official guidance and previous knowledge and experience. Similar arrangements existed in respect of imported feed controls.
- 3.2.11 There were no Enhanced Remote Transit Sheds (ERTS) within the boundaries of the Thamesport area.
- 3.2.12 The London Port Health Authority had a sampling policy which covered Thamesport. This set out the Authority's general and specific approaches to imported food sampling. The Authority also had a procedure for sampling, however this focused on the administrative aspects of sampling and would benefit from further guidance on the specific practical aspects of food and feed sampling, particularly in reference to high risk products.
- 3.2.13 The Authority's sampling plan included high risk foods subject to specific EC Regulations, safeguard measures and specific Commission Decisions. The Plan was due for review and auditors

were advised that it was intended that in the future it would be more aligned to Food Standards Agency priorities.

- 3.2.14 The Service levied a charge for all imported food checks where there was provision in legislation. The charges had been recently reviewed and were based on officer time and analytical fees and therefore differed depending on the type of product subject to checks.
- 3.2.15 The official laboratories appointed by the Authority for food sampling activities were properly accredited in accordance with relevant centrally issued guidelines.
- 3.2.16 A range of sampling records were examined in relation to both general and high risk foods. All samples had been taken by authorised officers and effective follow-up action had been taken as necessary following receipt of the result to ensure that the food was not released, in accordance with the regulations.

Recommendation

3.2.17 The Authority should:

Ensure that the documented procedures on imported food and feed controls fully reflect the arrangements in place to inspect and sample consignments of high risk imported food and feed.
[The Standard – 12.3 and 12.5]

Good Practice – Officer Information

Simple but effective arrangements were in place to ensure that all relevant officers were kept informed of the latest information on imported food controls, in particular high risk products and emerging issues. The 'White Board' system assisted officers in making decisions to ensure controls were risk based and targeted.

Food Complaints, Primary Authority Scheme and Home Authority Principle

- 3.2.18 A policy on the investigation of complaints about food was included within the Port Health Service Plan and the Authority was committed to investigating all food complaints received. However, the Service received very few food complaints and auditors were advised that there had been none in the six months preceding the audit.

- 3.2.19 An appendix in the Enforcement Policy set out the Authority's policy on Home and Primary Authority arrangements. Whilst there were no partnerships in place at the time of the audit, the Authority advised they were considering entering into an agreement with a locally based importer.
- 3.2.20 The Authority routinely referred specific imported food issues to other enforcement authorities, for example where labelling issues on a sample were raised by the Public Analyst, the matter was referred to the relevant inland authority for food standards.

Food Safety Incidents

- 3.2.21 A documented procedure on the receipt or generation of Rapid Alert System for Food and Feed (RASFF) had not been developed, however in practice the Authority had an effective system in place for the receipt of RASFFs which were collated by an officer within the PHA and circulated on a weekly basis to all port health offices. An officer at the Thamesport office also carried out regular checks for RASFFs and updated the white board with any alerts of significance. There was also evidence that officers had properly notified issues through the RASFF system as appropriate in relation to adverse sample results and rejections of food.
- 3.2.22 Officers were also aware of food alerts that had been issued by the Food Standards Agency, although it was acknowledged that these were of greater relevance to inland authorities. Checks were however routinely made to ascertain if products subject to an alert had originated through the port.

Recommendation

3.2.23 The Authority should:

Develop a suitable documented procedure for initiating and responding to food and feed alerts in accordance with the Food and Feed Law Codes of Practice. This should include reference to RASFF notifications and relevant EC Decisions. The procedure should also include out of hours contact arrangements. [The Standard – 14.1]

Advice to Business

- 3.2.24 The Authority made use of the City of London's website to provide advice on imported food issues. This included guidance on high risk products and the submission of CEDs. Before the new requirements were introduced at the beginning of 2010, the Service advised the main importers into Thamesport of the implications of the changes.

3.3 Enforcement

- 3.3.1 The Department of Environmental Services had a Policy Statement on Enforcement which had been recently updated and approved by the Port Health and Environmental Services Committee. The policy set out the general aims of regulatory activity carried out by the Department including port health work.
- 3.3.2 There were in addition some documented procedures on rejections of imported food and follow-up, however they did not adequately cover all available formal enforcement options including prosecution and simple cautions.
- 3.3.3 Auditors examined the records for three rejections of imported FNAO and three detentions. Checks confirmed that appropriate action had been taken to deal with unsatisfactory consignments in accordance with the Department's enforcement policy. This included liaison with the importer and other interested parties. A documented procedure on the destruction of food had not been developed and it was not clear in cases where high risk FNAO foods were destroyed following rejection, that there was adequate documentation to confirm satisfactory disposal of the products, although procedures were in place to ensure this happened in practice.

Recommendations

3.3.4 The Authority should:

- (i) Develop and implement procedures for all available follow-up and enforcement options in respect of FNAO imported food controls in accordance with the Food Law Code of Practice and centrally issued guidance. [The Standard – 15.2]
- (ii) Ensure that appropriate records are maintained to confirm that rejected consignments of FNAO are disposed of appropriately. [The Standard – 16.1]

3.4 Internal Monitoring and Third Party or Peer Review

Internal Monitoring

- 3.4.1 The Authority had developed a quality procedure on Internal Audits which set out the general procedures for planning and delivering the internal audit programme. There were no specific procedures available on either quantitative or qualitative monitoring of the imported food service at Thamesport.
- 3.4.2 In practice there was evidence of quantitative monitoring activities, in particular reporting against targets for checks on FNAO. There were mechanisms for the regular reporting of achievement against performance indicators to senior management. In addition there was routine monitoring against the internal targets relating to documentary and physical checks. The auditors were advised that qualitative monitoring of notices took place by peer review, however this was not documented and there was no evidence of any other routine qualitative monitoring activities. Whilst the monitoring arrangements for a relatively small team working closely together need to be proportionate and risk based, it is important to ensure that monitoring covers the full range of activities at all officer levels, and that this is recorded together with any corrective actions.

Recommendation

3.4.3 The Authority should:

Review and expand the documented internal monitoring procedure to include qualitative monitoring of all aspects of the imported food service. Implement the revised procedure to verify the Service's conformance with relevant legislation, official guidance and the Standard in the Framework Agreement. A record of internal monitoring activities should be maintained.

[The Standard – 19.1, 19.2 and 19.3]

Third Party or Peer Review

- 3.4.4 The Service was subject to regular internal audit activity but there had not been any external audits in the recent past. Plans for an audit programme amongst port health authorities were not currently being pursued although the Authority was considering entering into a reciprocal audit agreement with another port health authority.
- 3.4.5 The Authority was accredited to ISO 9001 and was subject to regular external audits against the relevant Standard. Evidence was provided of actions being completed to address any recommendations made.

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ANNEXE A

Action Plan for London Port Health Authority (Thamesport)

Audit date: 5-6 October 2010

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.1.9 Produce a Food Enforcement Service Plan for 2010/2011 and submit for Member approval or high level clearance as appropriate. Ensure that the Service Plan undergoes a review process which is also submitted for approval and ensure that any variances are addressed. Ensure that the Plan contains clear details of the resources required to carry out the Service effectively, compared directly against the resources available. [The Standard - 3.1, 3.2 and 3.3]	31/01/11	A Food Service Enforcement Plan for 2010/2011 will be produced. The production of the plan will be integrated with the LPHA Business Planning process as there are common areas between these two work areas. The plan will detail the resources required to carry out the Service effectively compared to the resources available	Work is in progress to review the 2009/2010 plan that was not submitted to Members for approval. The outcome of the review will be used to produce the 2010/2011 plan. The Food Service Enforcement Plan 2010/2011 will be submitted to the March 2011 Port Health and Environmental Services Committee for approval.
3.1.17(i) Review the schedule of officer authorisations and update as necessary to ensure it includes all current relevant imported food legislation. [The Standard – 5.1]	Completed	The schedule of Officer Authorisations will be reviewed and updated.	This Action was completed on 13/10/10.
3.1.17 (ii) Ensure that the officer(s) appointed with lead responsibility for food hygiene, food standards and feed legislation are able to demonstrate the necessary specialist knowledge and experience. [The Standard – 5.2]	31/01/11	This requirement will be carried out as part of the Food Service Enforcement Plan review. Further discussions will be held with the FSA Feed Branch regarding the qualifications and experience necessary to carry out Feed enforcement activities.	Work is in progress.

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.2.17 Ensure that the documented procedures on imported food and feed controls fully reflect the arrangements in place to inspect and sample consignments of high risk imported food and feed. [The Standard – 12.3 and 12.5]	28/02/11	The LPHA ISO procedures and work instructions will be reviewed and expanded to cover the full range of activities associated with high risk food inspection and sampling.	This was considered at the ISO Management Review meeting on 23/11/10. The Quality Manager in liaison with the Assistant Director will carry out the review and updating.
3.2.22 Develop a suitable documented procedure for initiating and responding to food and feed alerts in accordance with the Food and Feed Law Codes of Practice. This should include reference to RASFF notifications and relevant EC Decisions. The procedure should also include out of hours contact arrangements. [The Standard – 14.1]	31/01/11	A suitable procedure will be developed and included in The LPHA ISO.	This was considered at the ISO Management Review meeting on 23/11/10. The Quality Manager in liaison with the Assistant Director will carry out the review and updating.
3.3.4(i) Develop and implement procedures for all available follow-up and enforcement options in respect of FNAO imported food controls in accordance with the Food Law Code of Practice and centrally issued guidance. [The Standard – 15.2]	28/02/11	The LPHA ISO procedures and work instructions will be reviewed and expanded to include all follow up enforcement options available for FNAO imported food controls.	This was considered at the ISO Management Review meeting on 23/11/10. The Quality Manager in liaison with the Assistant Director will carry out the review and updating.
3.3.4(ii) Ensure that appropriate records are maintained to confirm that rejected consignments of FNAO are disposed of appropriately. [The Standard – 16.1]	31/01/11	Staff were reminded at a “wash up” meeting following the Audit of the need to maintain appropriate records. The ISO procedure and work instruction will be reviewed and updated.	A further reminder will be issued when the work instruction is issued following our usual ISO procedures.

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
<p>3.4.3 Review and expand the documented internal monitoring procedure to include qualitative monitoring of all aspects of the imported food service. Implement the revised procedure to verify the Service's conformance with relevant legislation, official guidance and the Standard in the Framework Agreement. A record of internal monitoring activities should be maintained. [The Standard – 19.1, 19.2 and 19.3]</p>	<p>31/03/11</p>	<p>LPHA is holding negotiations with Suffolk Coastal District Council (SCDC) regarding the acquisition of a new information management system (PHILIS). The intention is to sign a contract by 31/12/10.</p> <p>As a consequence of the introduction of this system all of our business process will need to be reviewed. Internal monitoring to include qualitative monitoring will be included in this work to cover the details set out in the recommendation.</p>	<p>Work to acquire the PHILIS system is at an advanced stage.</p> <p>A liaison meeting is to take place on 14/12/10 with SCDC where key members of staff will be given a detailed briefing on the system.</p> <p>A major rewrite of our procedures is likely and will take place in parallel with the introduction of PHILIS.</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:

- LPHA Food Enforcement Service Plans for 2008/2009 and 2009/2010
- Associated reports on the Port Health and Environmental Services Committee
- Port Health and Veterinary Services Business Plan 2010-2013
- Scheme of Delegated Powers and associated documentation
- Quality system procedures relating to imported food and feed controls
- Sampling Programme for 2009/2010
- Referral letters to Trading Standards Departments
- Advisory letter to businesses
- Department of Environmental Services Policy Statement on Enforcement
- Minutes of attendance at liaison groups
- LAEMS imported food returns for 2008/2009 and 2009/2010.

(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 inspection and sampling records
- Formal enforcement records including detentions and destruction notices
- Examples of external and internal QMS audit reports and action plans.

(3) Interviews – the following officers were interviewed:

- Audit Liaison Officer – Assistant Port Health Service Director
- Senior Port Health Officer
- Port Health Officers.

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

(4) On-site verification check:

A verification visit was made with the Authority's officers to the facilities at Thamesport. 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.