



Food Standards Agency in Northern Ireland

Report on the Audit of Food Standards Food Law Enforcement Controls Delivered by Local Authorities in Northern Ireland

Foreword

Audits of local authorities' food law enforcement services are part of the Food Standards Agency's (FSA) 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 (LA) regulatory functions are principally delivered through their Environmental Health Services.

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

FSA 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 Local Authority Food Law Enforcement¹. The Framework Agreement and the audit protocols are available on the Agency's website at:

<http://www.food.gov.uk/enforcement/auditandmonitoring/>

The main aim of the audit scheme is to improve and maintain consumer protection and confidence by ensuring that local authorities are providing an effective food law enforcement service. The scheme also provides the opportunity to identify and disseminate good practice and information to inform Agency policy on food safety.

The report contains some statistical data on food law enforcement activities undertaken by the authority. The FSA's website contains enforcement activity data for all UK local authorities and can be found at: <http://www.food.gov.uk/enforcement/auditandmonitoring/>

The report also contains an action plan, prepared by the Authority, to address the audit findings.

A glossary of technical terms used within the audit report can be found at Annexe C.

¹ [The Framework Agreement](#): The Framework Agreement sets out what the Food Standards Agency expects from local authorities in their delivery of official controls on feed and food law.

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1.0 INTRODUCTION

1.1 Reason for the Audit

1.1.1 The primary purpose of FSA audits of Enforcement Authorities is to provide assurance that local delivery of official controls for feed and food is compliant with EU and UK legal requirements and official guidance. The detailed guidelines for the conduct of audits of competent authorities are set out in an EC Decision of September 2006².

1.1.2 In Northern Ireland, the power to set standards, monitor and audit Enforcement Authorities' food law enforcement services was conferred on the FSA by The Food Standards Act 1999³ and The Official Feed and Food Controls (Northern Ireland) Regulations 2009⁴. The audit will be undertaken under section 12 of the Act and regulation 7 of the Regulations.

1.1.3 The Framework Agreement on Local Authority (LA) Food Law Enforcement⁵ sets out the arrangements through which the FSA audits LA enforcement activities to help ensure that LAs are providing an effective service to protect public health.

1.1.4 The overarching aims of the audit scheme are to:

- Help to protect public health by promoting effective local enforcement of food law
- Maintain and improve consumer confidence
- Assist in the identification and dissemination of good practice to aid consistency
- Provide information to aid the formulation of FSA policy
- Promote conformance with the '*Food Law Enforcement – Standard*' and any relevant central guidance or Codes of Practice
- Provide a means to identify underperformance in LA food law enforcement
- Promote self regulation and peer review
- Identify continuous improvement

1.1.5 The Food Standards Agency in Northern Ireland (FSA in NI) has provided support and resources specifically targeting the food standards activities carried out by councils in Northern Ireland. This programme of focused audits has been developed to assess the impact of providing this additional support and resource to LAs in Northern Ireland.

² [Commission Decision \(2006/677/EC\) 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](#)

³ [Food Standards Act 1999 c.28](#)

⁴ [The Official Feed and Food Controls \(Northern Ireland\) Regulations 2009](#)

⁵ [Chapter 5 of the Framework Agreement on Local Authority Food Law Enforcement: 'Audit Scheme'](#)

- 1.1.6 Carrickfergus Borough Council (Carrickfergus BC) was included in the FSA's programme of audits of local authority food law enforcement services; because of the length of time since it had last been audited by the Agency.

1.2 Scope and objectives of the audit

- 1.2.1 The audit examined Carrickfergus BC's arrangements for food standards controls.
- 1.2.2 The audit scope included the assessment of local arrangements for service planning, delivery and review, provision and adequacy of officer training and authorisations, implementation and effectiveness of food standards activities, including inspection, sampling, and enforcement. Maintenance and management of appropriate records in relation to food standards activity in the council's area and internal service monitoring arrangements were also covered.
- 1.2.3 The on-site element of the audit took place at the Council's office at Museum & Civic Centre, 11 Antrim Street, Carrickfergus, BT38 7DG on 19 and 20 March 2013. The audit included a reality check to assess the effectiveness of official controls implemented by the Council at an FBO in the Council's area and, more specifically, the checks carried out by the Council's officers to verify compliance with food standards law requirements.

1.3 Background

- 1.3.1 The Borough of Carrickfergus lies approximately eight miles to the north of Belfast stretching along the northern shore of Belfast Lough. The Borough consists of three predominant settlements; Whitehead to the north, Greenisland to the south and Carrickfergus town centre occupying the middle ground.
- 1.3.2 Carrickfergus is the second smallest of Northern Ireland's twenty six council areas with an area of 83 square kms. But with a population of approximately 40,000 is the fifth most densely populated council in Northern Ireland with a population density of 472 persons per square kilometre.
- 1.3.3 There were 400 registered food businesses within the Carrickfergus BC's area including hotels, restaurants, takeaways, manufacturers, and retailers.
- 1.3.4 Following local government reorganisation in Northern Ireland in 1973 a statutory grouping system was set up to support district councils. This system consisted of four regional groups covering the 25 smaller district councils in Northern Ireland. Belfast City Council due to its size was not included in the statutory grouping system.

- 1.3.5 Carrickfergus BC was a constituent council of Northern Group Environmental Health Committee (NGEHC). NGEHC provided co-ordination, monitoring, and support to its constituent councils, Antrim Borough Council, Ballymena Borough Council, Ballymoney District Council, Carrickfergus Borough Council, Coleraine Borough Council, Cookstown District Council, Larne Borough Council, Magherafelt District Council, Moyle District Council, and Newtownabbey Borough Council.

2.0 EXECUTIVE SUMMARY

- 2.1** Carrickfergus BC had developed a Service Plan for Food Law Enforcement for 2012/13, which was noted by relevant members on 23 April 2012. However the majority of the plan had not been drawn up in line with Service Planning Guidance in the Framework Agreement.
- 2.2** The Council ensured officers were appropriately authorised against specific legislation to carry out enforcement activities. File checks showed officers had the required 10 hours continuing professional development training and appropriate food training. In most cases the record keeping arrangements in relation to officer qualifications and training were accurate, complete, and readily retrievable.
- 2.3** Carrickfergus BC had developed and implemented policies and procedures covering most areas within the scope of the audit. However a number of policies and procedures needed to be set-up or reviewed to fully comply with centrally issued guidance and relevant codes of practice.
- 2.4** The Council had records in relation to some food standards controls. In the majority of cases, food standards interventions were not carried out to the frequency required by the Food Law Code of Practice (Northern Ireland) 2012 (FLCoP). The auditors also noted the level of detail recorded in food standards inspection checklists did not contain sufficient evidence to indicate an assessment of the compliance of the establishment and its systems had been carried out to the prescribed standards set out in the FLCoP.
- 2.5** The Council had not developed a food standards sampling programme for 2012-13. The auditors did note the records and results relating to the sample examined during the audit was processed correctly.
- 2.6** The Council had implemented internal monitoring procedure which included monitoring of its food standards activities. The auditors examined the internal monitoring records available which were in relation to the examination of files and accompanied visits. The auditors noted these monitoring checks were not maintained at the frequency defined in the Council's internal monitoring procedure.

3.0 AUDIT FINDINGS

3.1 Organisation and Management

Strategic Framework, Policy and Service Planning

3.1.1 The Council had developed a documented Environmental Services Work Plan for 2012/13 and had been noted by the relevant members on 23 April 2012.

3.1.2 Chapter one of the Framework Agreement⁶ on official feed and food controls by local authorities contained guidance and information on how service plans for official feed and food law controls should be structured, and on what they should contain.

3.1.3 Carrickfergus BC Environmental Services Work Plan for 2012/13 contained some information which followed the guidance. The Council had included references and information on the following functions:

- Aims and objectives
- Profile of the local authority

3.1.4 However the Council had either not followed this guidance or had not provided sufficient detail when preparing the majority of their Service Plan for 2012/2013. These areas included sections 2.2, 2.5, 3.1 to 3.8, 4.1 and 5.1.

Recommendation

- (i) The Council should record specific information, including likely demand and allocation and resources, for the delivery of the food service as required by point 3.1, Chapter two of the Framework Agreement and as detailed in Chapter one of the Framework Agreement.

The Authority shall draw up, document and implement a service delivery plan in accordance with the Service Planning Guidance in Chapter 1.

[The Standard – 3.1]

3.1.5 Carrickfergus BC had carried out a review against performance of its Environmental Health Work Plan for 2011/12. The review included an identification of variation from the service plan; however, it did not address food standards interventions and food complaints. The review against the service plan did not provide reasons for variances and consequent areas for improvement in 2012/2013.

⁶ <http://www.food.gov.uk/multimedia/pdfs/enforcement/frameworkagreementno5.pdf>

3.1.6 The auditors also noted from the service plans for 2011-2012 and 2012-2013 the Council had identified two tasks in both services plans which have yet to be implemented, namely:

- Review the food-related emergency out-of-hours arrangements
- Develop an alternative enforcement strategy for low risk food premises

We would recommend the Council ensures it also includes these initiatives in its review of its service plan.

Recommendation

- (ii) The Council should ensure it includes all areas in its review against the service plan, provide reasons for variations, and set out plans for any relevant improvement or service development as required by point 3.2 and 3.3 of Chapter two of the Framework Agreement and detailed in Chapter one of the Framework Agreement.

A performance review shall be carried out by the Authority at least once a year based on the service delivery plan, documented and submitted for approval to either the relevant member forum or, where approval and management of service delivery plans has been delegated to senior officers, to the relevant senior officer.

[The Standard – 3.2]

Any variance in meeting the service delivery plan shall be addressed by the authority in its subsequent service plan. The Authority shall draw up, document and implement a service delivery plan in accordance with the Service Planning Guidance in Chapter 1.

[The Standard – 3.3]

Documented Policies and Procedures

3.1.7 The Council had developed and implemented a range of relevant policies and procedures as part of a documented quality management system; however the auditors did note a number of policies and procedures which had not been set-up. The details of those policies and procedures which had not been documented can be found in the following relevant sections.

3.1.8 Copies of documented policies and procedures were available to relevant staff and to the auditors.

Authorised Officers

3.1.9 The Council had two processes for authorising officers acting on behalf of Environmental Services. The first process was direct authorisation of individual officers by the council. The second process involved delegating

authorisation to the Chief Executive and the Director of the Environmental Services to authorise individual officers.

- 3.1.10 The Council's Scheme of Delegation had been revised in September 2003. The Scheme of Delegation authorised the Director of Environmental Services to discharge its functions relating to the authorisation of staff in, or acting on behalf of Environmental Services.
- 3.1.11 Carrickfergus BC had developed and implemented a documented policy and procedure for the authorisation of enforcement officers with respect to food safety.
- 3.1.12 The policy and procedure set out the means by which officers were authorised based on their qualifications, experience, and competency. Audit checks on officers carrying out food standards official controls confirmed that authorisations had been conferred generally under the European Communities Act 1972, and specifically under the Regulations relating to food made under that Act.
- 3.1.13 Point 3.4.4 of the Food Law Practice Guidance (Northern Ireland) 2012 (FLPG)⁷ details specific powers of seizure and detention for district councils enforcing food standards. The legislation detailed in the FLPG gives powers of seizure and detention to district councils. Carrickfergus BC should consider including the list of food standards legislation contained in the FLPG in their specific list of legislation used to authorise officers.
- 3.1.14 Audit checks confirmed that officer qualification and training records were detailed and well maintained. In all cases examined, officers had received the required 10 hours training to maintain their professional competency and had received training on food controls. In the majority of cases the record keeping arrangements in relation to officer qualifications and training were accurate, complete, and readily retrievable.
- 3.1.15 However in one case we were unable to confirm the academic qualifications for one officer as defined in point 1.2.9.2.2, Qualifications and awarding bodies – food standards, of the Food Law Code of Practice (Northern Ireland) 2012⁸ (FLCoP).

Recommendation

- (iii) The Council should ensure it retains records of relevant academic qualifications, as detailed in point 1.2.9.2.2 of the FLCoP, for all officers authorised to undertake food standards official controls as stated in 5.5 of Chapter two of the Framework Agreement.

Records of relevant academic or other qualifications, training and experience

⁷ [Food Law Practice Guidance \(Northern Ireland\) 2012](#)

⁸ [Food Law Code of Practice \(Northern Ireland\) 2012](#)

of each authorised officer and appropriate support staff shall be maintained by the Authority in accordance with the relevant Codes of Practice.

[The Standard – 5.5]

Facilities and Equipment

- 3.1.16 The Framework Agreement states ‘The Authority shall set up, maintain and implement a documented procedure to ensure that its food and feed premises database is accurate, reliable and up to date, as the accuracy of such databases is fundamental to service delivery and monitoring’.
- 3.1.17 The Council did not have a documented procedure for accessing the food establishment database and secure storage of the database.

Recommendation

- (iv) The Council should set-up, maintain and implement a documented procedure ensure procedure for accessing the food establishment database and secure storage of the database.

The Authority shall set up, maintain and implement a documented procedure to ensure that its food and feed premises database is accurate, reliable and up to date, as the accuracy of such databases is fundamental to service delivery and monitoring.

[The Standard – 11.2]

Liaison with other organisations

- 3.1.18 Carrickfergus BC had liaison arrangements with central government, other enforcement bodies, and professional organisations. This was achieved in part through the Council’s participation as a constituent council in NGEHC.

3.2 Food Standards Control Activities

Food Establishments Interventions and Inspections

- 3.2.1 Point 7.4 of the Framework Agreement states ‘The Authority shall set up, maintain and implement documented procedures for the range of interventions / inspections it carries out. Carrickfergus BC did not have a documented procedure in relation to how it carried out food standards interventions at food businesses in its area.

Recommendation

- (v) The Council should set up, maintain and implement a documented procedure in relation to how it carried out food standards interventions at food

businesses in its area.

The Authority shall set up, maintain and implement documented procedures for the range of interventions/inspections it carries out.

[The Standard – 7.4]

3.2.2 The Council’s Food Service Plan for 2012/13 provided the following details of the Council’s planned food standards inspections.

| Risk Category | Frequency | No of Premises | No of Inspections 2012/13 |
|-----------------------|------------------|-----------------------|----------------------------------|
| A | 12 months | 2 | 2 |
| B | 24 months | 62 | 20 |
| C | 60 months | 179 | ** |
| Unrated | | 64 | 40 |
| Outside the programme | | 89 | 0 |
| Total | | 400 | 54 |

- The unrated premises will be assessed and prioritised with higher risk proportion inspected this year mainly through combining with food hygiene inspections
- ** Category C premises will only be inspected if a food hygiene inspection is also due this year or if in connection with a nutrition project

3.2.3 The auditors examined the establishment file records in relation to food standards official control activities for five establishments and in some cases records were easily found and retrieved.

3.2.4 Point 4.5.2 of FLCoP states ‘the outcome of an official control must always be reported in writing to the food business operator either at the conclusion of the official control or as soon as practicable thereafter, even if the outcome was satisfactory. Where the official control was an inspection, partial inspection or audit, the information detailed in Annex 6, should be included in the report’. However in the majority of cases the auditors were not able to examine the report left on site after an inspection.

Recommendation

- (vi) The Council should ensure it maintains up to date, accurate records in retrievable form including reports of all interventions/inspections in relation to how it carried out food standards interventions at food businesses in its area. This is a requirement of Point 4.5.2, Reports Following an Official Control, of FLCoP.

The Authority shall maintain up to date accurate records in retrievable form on all food and feed establishments in its area, and for all relevant checks on imported food and feed, in accordance with Codes of Practice and centrally issued guidance. These records shall include reports of all interventions/inspections, the determination of compliance with legal requirements made by the authorised officer, details of action taken where non-compliance was identified, details of any enforcement action taken, results of any sampling, details of any complaints and any action taken, and also relevant food and/or feed registration and approval information. The authority should also record, with reasons, any deviations from set procedures.

[The Standard – 16.1]

3.2.5 In most cases officers were using appropriate inspection checklists and we also saw evidence of correspondence following inspections.

3.2.6 However, the auditors noted the level of detail recorded in the food standards checklists examined did not contain sufficient evidence to indicate an assessment of the compliance of the establishment and its systems had been carried out to the prescribed standards set out in point 4.2.4 of the FLCoP, including:

- Traceability
- Supplier specifications
- Materials in contact
- Emergency contact details
- Product specifications
- Composition, presentation, recipe control
- Effectiveness of management systems

Recommendation

(vii) The Council should consider all relevant food standards activities when carrying out interventions including, but not limited to, allergens, recipe control, and materials in contact. Point 4.2.4, Food Standards Inspections – Scope, of the FLCoP sets out areas which should also be addressed.

The Authority shall assess the compliance of establishments and systems in their area to the legally prescribed standards.

NOTE: In assessing compliance, the Authority shall (as required by Article 10(2) of Regulation (EC) No 882/2004) take into account any relevant Industry Guides to Good Hygiene Practice and have regard to any other relevant centrally issued guidance.

The Authority shall take appropriate action on any non-compliance found, in accordance with the Authority's enforcement policy.

[The Standard – 7.3]

- 3.2.7 The Council had not carried out food standards inspections to the frequency required by the FLCoP in three of the five establishment records examined, including one establishment rated as an A⁹ for food standards. The auditors were unable to determine if the frequency of inspection had been met at the other two establishment records examined as there were no relevant records available in the establishment files to confirm this.

Recommendation

- (viii) The Council should ensure interventions at high risk food business establishments are carried out at appropriate intervals in accordance with the prescribed frequencies specified in Annex 5 of the Food Law Code of Practice (Northern Ireland) April 2012 (FLCoP).

The Authority shall carry out interventions/inspections (as required by the relevant Code of Practice) at all food hygiene, food standards and feedingstuffs establishments in their area, at a frequency which is not less than that determined under the intervention rating schemes set out in the relevant legislation, Codes of Practice or other centrally issued guidance..

[The Standard – 7.1]

Food Sampling

- 3.2.8 Point 7.4 of the Framework Agreement states ‘the Authority shall carry out sampling in accordance with its documented sampling policy, procedures and programme’. Carrickfergus BC did not have a documented food sampling policy, a documented sampling procedure(s) and a documented sampling programme which addressed for food standards controls.

Recommendation

- (ix) The Council should set up, maintain and implement a documented sampling programme which addressed for food standards controls.

The Authority shall carry out sampling in accordance with its documented sampling policy, procedures and programme.

[The Standard – 12.6]

⁹ As defined in Annex 5 of the Food Law Code of Practice (Northern Ireland) 2012

- 3.2.9 The Council had submitted a list of chemical samples taken between May 2011 and November 2012 as part of the PVQ. The auditors specifically examined the records and results for one chemical sample and found the sample and results had been processed correctly.
- 3.2.10 Point 12.8 of the Framework Agreement states ‘the Authority shall, where appropriate, ensure a Public Analyst, and/or Agricultural Analyst is appointed to carry out examinations and analyses of food and feed samples. The laboratory the Council used to analyse samples taken in relation to food standards sampling activities was properly accredited in accordance with relevant centrally issued guidance. However, the auditors were not able to determine if the Council had documented their appointment of the laboratory as its Public Analyst.

Recommendation

- (x) The Council should document the appointment of the laboratory it used to analyse samples taken in relation to food standards sampling activities in its sampling programme as its Public Analyst.

The Authority shall, where appropriate, ensure a Public Analyst, and/or Agricultural Analyst is appointed to carry out examinations and analyses of food and feed samples. In making these appointments all relevant legal requirements and Codes of Practice shall be satisfied. All samples for examination should be submitted to a Food Examiner at a laboratory accredited for the purpose of examination.

[The Standard – 12.8]

Enforcement

- 3.2.11 Carrickfergus BC had an Environmental Health Enforcement Policy which was introduced in February 2000. The main purpose of the policy was ‘to secure efficient compliance with legislation while minimising the burden to the Council, individuals, organisations and businesses’.
- 3.2.12 Point 3.1.4, Food Law Enforcement Policies, of the FLCoP states ‘the Policy should cover all areas of food law that the district council has a duty to enforce and include criteria for the use of all the enforcement options that are available. It also states ‘a district council’s Food Law Enforcement Policy may be part of a generic policy, or combined with other enforcement policies, providing the applicability of the policy to the enforcement of food law is clear.
- 3.2.13 From an examination of Carrickfergus BC’s Environmental Health Enforcement Policy the auditors noted the policy did not cover food law or

ensure the policy clearly provided for the enforcement of food law as required by point 3.1.4, Food Law Enforcement Policies, FLCoP.

- 3.2.14 The auditors also noted that the Councils Environmental Health Enforcement Policy did not make specific reference to the Enforcement Concordat, the involvement of the Home Authority Principle (see point 3.1.9, FLCoP) and how the Council deals with situations where it is a FBO (see point 1.3.3, FLCoP).

Recommendation

- (xi) The Council should ensure its Enforcement Policy is documented in accordance with the FLCoP as required by point 15.1 of the Framework Agreement.

The Authority shall set up, maintain and implement a documented enforcement policy, in accordance with the relevant Codes of Practice and other official guidance. This policy shall be approved by the relevant Local Authority Member forum or, where approval and management of service delivery plans has been delegated to senior officers, by the relevant senior officer.

NOTE: The enforcement policy or an accurate summary should be readily available to the public and food businesses in the Authority's area

[The Standard – 15.1]

- 3.2.15 The auditors did not specifically examine enforcement actions during the audit but did note Carrickfergus BC had carried out some enforcement activity which related to food standards controls in the last two years. Specifically the enforcement actions related to six voluntary surrenders.

Food Complaints, Primary Authority Scheme, and Home Authority Principle

- 3.2.16 While the auditors did not review specific food complaints we did review the documentation provided by the Council to support the information in the PVQ.
- 3.2.17 Point 8.1 of the Framework Agreement states 'The Authority shall set up, maintain and implement a documented policy in relation to complaints about food'. Carrickfergus BC had a council wide policy which dealt with complaints about the service provided by the Council however it did not have a policy which made reference to complaints about food.
- 3.2.18 The Council had developed a procedure specifically for food complaints. The procedure detailed how the Council carried out investigations into food complaints. However, it did not cover complaints against establishments as required by point 8.1 of the Framework Agreement and also needed to

state how the Agency was notified when a complaint became a serious, localised hazard as required by point 2.4.2 of the FLCoP.

Recommendation

- (xii) The Council should set up, maintain and implement a documented policy in relation to complaints about food. The Council should also ensure its food complaints procedure addresses complaints against establishments as required by point 8.1 of the Framework Agreement and notifying the Agency as required by point 2.4.2, Matters Relating to Food Hazards, of the FLCoP.

The Authority shall set up, maintain and implement a documented policy and procedure(s) in relation to complaints about food and feed that originate within the UK, and those foods and feed originating from other EU member states, or from third countries and in relation to complaints against feed and food establishments. Procedures should cover any referral arrangements to inland authorities and/or authorities with responsibility for imported food and feed controls at the UK point of entry.

[The Standard – 8.1]

3.2.19 Carrickfergus BC had a task related to the Home Authority Principle in its Food Control Team Work Plan 2012/2013. It read 'To undertake all Home Authority responsibilities with respect to food produced in the Borough'.

3.2.20 However, the auditors noted the Councils service plan did not provide details in relation the Home Authority Principle, including an estimation of the resources required in relation to meeting and advising those businesses for whom it acts, and responding to enquiries from other enforcing authorities (See Recommendation (i)).

Verification Visit to a Food Establishment

3.2.21 During the audit a verification visit was carried out at a local food establishment with the authorised officer who had carried out a previous food standards inspection at the establishment. The purpose of the visit was to determine the effectiveness of the Council's assessment of food standards including risk assessment, composition and labelling and traceability.

3.2.22 During the visit, the officer demonstrated a basic understanding of the food standards controls required for the establishment. However, the auditors noted a number of areas in relation to food standards activities which the officer did not demonstrate sufficient awareness of FBO monitoring or checks, e.g. testing the effectiveness of FBO management systems, traceability, supplier specifications, composition, presentation, recipe

control, allergens, and food contact materials, as detailed in point 4.2.4 of the FLCoP (See Recommendation (vii)).

3.3 Internal Monitoring

3.3.1 The Council had developed and implemented a documented procedure for the internal monitoring of the food safety systems within the Environmental Health Department. The procedure detailed the monitoring carried out in relation to:

- correspondence and statutory notices
- risk score reduction in food hygiene category A ratings
- Enforcement and prosecution policy
- Examination of files
- Revisits and accompanied visits
- Peer review

3.3.2 However the auditors would recommend the procedure also include monitoring of the risk score reduction in food standards category A ratings.

3.3.3 The auditors examined the internal monitoring records available which were in relation to the examination of files and accompanied visits. The auditors noted these monitoring checks were not maintained at the frequency defined in the Council's internal monitoring procedure.

Recommendation

- (xiii) The Council should amend its internal monitoring procedure to include monitoring of the risk score reduction in food standards category A ratings. The Council should also ensure it carries out its internal monitoring at the frequency stated in its internal monitoring procedure.

The Authority shall verify its conformance with this Standard¹⁰, relevant legislation, the relevant Codes of Practice, relevant centrally issued guidance and the Authority's own documented policies and procedures.

[The Standard – 19.2]

¹⁰ The standards is that referred to in 19.1 of chapter 2 of the Framework Agreement i.e. Article 8 of Regulation (EC) 882/2004 (Official Feed and Food Controls), the relevant Codes of Practice and centrally issued guidance

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Annexe A – Action Plan

Audit Date: 19-20 March 2013

| RECOMMENDATION | PLANNED IMPROVEMENTS | DUE DATE |
|---|--|-------------------|
| <p>(i) The Council should record specific information, including likely demand and allocation and resources, for the delivery of the food service as required by point 3.1, Chapter two of the Framework Agreement and as detailed in Chapter one of the Framework Agreement.</p> <p>The Authority shall draw up, document and implement a service delivery plan in accordance with the Service Planning Guidance in Chapter 1.</p> <p>[The Standard – 3.1]</p> | <p>The template for the departmental yearly work plan has been adopted to take full account of the requirements of the Service Planning Guidance. From April 2014 on the additional information required in service plan will be included in the normal work planning process represented in the Departmental Work plan.</p> | <p>April 2014</p> |

| RECOMMENDATION | PLANNED IMPROVEMENTS | DUE DATE |
|--|---|-----------------------------|
| <p>(ii) The Council should ensure it includes all areas in its review against the service plan, provide reasons for variations, and set out plans for any relevant improvement or service development as required by point 3.2 and 3.3 of Chapter two of the Framework Agreement and detailed in Chapter one of the Framework Agreement.</p> <p>A performance review shall be carried out by the Authority at least once a year based on the service delivery plan, documented and submitted for approval to either the relevant member forum or, where approval and management of service delivery plans has been delegated to senior officers, to the relevant senior officer.</p> <p>[The Standard – 3.2]</p> <p>Any variance in meeting the service delivery plan shall be addressed by the authority in its subsequent service plan. The Authority shall draw up, document and implement a service delivery plan in accordance with the Service Planning Guidance in Chapter 1.</p> <p>[The Standard – 3.3]</p> | <p>The review process currently undertaken in the Department at 6 monthly and yearly intervals will now include a range of food standards issues. The outcome of the review will continue to be reported to Environmental Services Committee.</p> | <p>By end of March 2014</p> |

| RECOMMENDATION | PLANNED IMPROVEMENTS | DUE DATE |
|---|--|-----------------------------|
| <p>(iii) The Council should ensure it retains records of relevant academic qualifications, as detailed in point 1.2.9.2.2 of the FLCoP, for all officers authorised to undertake food standards official controls as stated in 5.5 of Chapter two of the Framework Agreement.</p> <p>Records of relevant academic or other qualifications, training and experience of each authorised officer and appropriate support staff shall be maintained by the Authority in accordance with the relevant Codes of Practice.</p> <p>[The Standard – 5.5]</p> | <p>The single issue of a missing qualification certificate has been resolved. We are content this was an historical issue and suitable procedures regarding records of qualifications for newly appointed officers are working well.</p> | <p>Completed</p> |
| <p>(iv) The Council should set-up, maintain and implement a documented procedure ensure procedure for accessing the food establishment database and secure storage of the database.</p> <p>The Authority shall set up, maintain and implement a documented procedure to ensure that its food and feed premises database is accurate, reliable and up to date, as the accuracy of such databases is fundamental to service delivery and monitoring.</p> <p>[The Standard – 11.2]</p> | <p>An existing Northern Group procedure regarding maintaining the food premises database will be updated and amended to include some aspects regarding data security.</p> | <p>End of November 2013</p> |

| RECOMMENDATION | PLANNED IMPROVEMENTS | DUE DATE |
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| <p>(v) The Council should set up, maintain and implement a documented procedure in relation to how it carried out food standards interventions at food businesses in its area.</p> <p>The Authority shall set up, maintain and implement documented procedures for the range of interventions/inspections it carries out.</p> <p>[The Standard – 7.4]</p> | <p>A new policy regarding carrying out Food Standards inspections will be developed and implemented</p> | <p>End of December 2013</p> |
| <p>(vi) The Council should ensure it maintains up to date, accurate records in retrievable form including reports of all interventions/inspections in relation to how it carried out food standards interventions at food businesses in its area. This is a requirement of Point 4.5.2, Reports Following an Official Control, of FLCoP</p> <p>The Authority shall maintain up to date accurate records in retrievable form on all food and feed establishments in its area, and for all relevant checks on imported food and feed, in accordance with Codes of Practice and centrally issued guidance. These records shall include reports of all interventions/inspections, the determination of compliance with legal requirements made by the authorised officer, details of action taken where non-compliance was identified, details of any</p> | <p>The Council will review the way food standards inspection information is recorded and increase the use of specific food standards inspection forms. The greater use of electronic inspection records will also be considered.</p> | <p>End of December 2013</p> |

| RECOMMENDATION | PLANNED IMPROVEMENTS | DUE DATE |
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| <p>enforcement action taken, results of any sampling, details of any complaints and any action taken, and also relevant food and/or feed registration and approval information. The authority should also record, with reasons, any deviations from set procedures.</p> <p>[The Standard – 16.1]</p> | | |
| <p>(vii) The Council should consider all relevant food standards activities when carrying out interventions including, but not limited to, allergens, recipe control, and materials in contact. Point 4.2.4, Food Standards Inspections – Scope, of the FLCoP sets out areas which should also be addressed.</p> <p>The Authority shall assess the compliance of establishments and systems in their area to the legally prescribed standards.</p> <p>NOTE: In assessing compliance, the Authority shall (as required by Article 10(2) of Regulation (EC) No 882/2004) take into account any relevant Industry Guides to Good Hygiene Practice and have regard to any other relevant centrally issued guidance.</p> <p>The Authority shall take appropriate action on any</p> | <p>Additional training for all officers in carrying out Food Standards inspections will be provided by PEHO from Northern Group Systems including the correct use of existing pro-formas and covering the additional areas mentioned and also considers relevant enforcement action for Food Standards issues.</p> | <p>Completed</p> |

| RECOMMENDATION | PLANNED IMPROVEMENTS | DUE DATE |
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| <p>non-compliance found, in accordance with the Authority's enforcement policy.</p> <p>[The Standard – 7.3]</p> | | |
| <p>(viii) The Council should ensure interventions at high risk food business establishments are carried out at appropriate intervals in accordance with the prescribed frequencies specified in Annex 5 of the Food Law Code of Practice (Northern Ireland) April 2012 (FLCoP).</p> <p>The Authority shall carry out interventions/inspections (as required by the relevant Code of Practice) at all food hygiene, food standards and feedingstuffs establishments in their area, at a frequency which is not less than that determined under the intervention rating schemes set out in the relevant legislation, Codes of Practice or other centrally issued guidance..</p> <p>[The Standard – 7.1]</p> | <p>The Council shall review the Food Standards inspection programme to assess what changes or additional resources may be needed to meet the inspection frequencies for Food Standards inspections as per CoP.</p> <p>The Department will have an additional Environmental Health Officer for at least the next 3 months (November 2013 – January 2014) and some of this extra resource will be devoted to additional Food Standards work including ensuring inspection frequencies are met in current year.</p> | <p>End of November 2013</p> |

| RECOMMENDATION | PLANNED IMPROVEMENTS | DUE DATE |
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| <p>(ix) The Council should set up, maintain and implement a documented sampling programme which addressed for food standards controls.</p> <p>The Authority shall carry out sampling in accordance with its documented sampling policy, procedures and programme.</p> <p>[The Standard – 12.6]</p> | <p>The new NIFLG sampling policy will be adapted and additional detail put in regarding the type of premises that will be included in programme in Carrickfergus.</p> | <p>End of November 2013</p> |
| <p>(x) The Council should document the appointment of the laboratory it used to analyse samples taken in relation to food standards sampling activities in its sampling programme as its Public Analyst.</p> <p>The Authority shall, where appropriate, ensure a Public Analyst, and/or Agricultural Analyst is appointed to carry out examinations and analyses of food and feed samples. In making these appointments all relevant legal requirements and Codes of Practice shall be satisfied. All samples for examination should be submitted to a Food Examiner at a laboratory accredited for the purpose of examination.</p> <p>[The Standard – 12.8]</p> | <p>Once the current tender process for Public Analyst Lab is completed it will be ensured the provider for the next tender is suitably appointed by Council.</p> | <p>By end of March 2014</p> |
| <p>(xi) The Council should ensure its Enforcement Policy is documented in accordance with the FLCoP as</p> | <p>The departments Enforcement Policy will be reviewed and amended to include the missing issues and communicated to</p> | <p>End of December</p> |

| RECOMMENDATION | PLANNED IMPROVEMENTS | DUE DATE |
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| <p>required by point 15.1 of the Framework Agreement.</p> <p>The Authority shall set up, maintain and implement a documented enforcement policy, in accordance with the relevant Codes of Practice and other official guidance. This policy shall be approved by the relevant Local Authority Member forum or, where approval and management of service delivery plans has been delegated to senior officers, by the relevant senior officer.</p> <p>NOTE: The enforcement policy or an accurate summary should be readily available to the public and food businesses in the Authority's area [The Standard – 15.1]</p> | <p>officers.</p> | <p>2013</p> |
| <p>(xii) The Council should set up, maintain and implement a documented policy in relation to complaints about food.</p> <p>The Council should also ensure its food complaints procedure addresses complaints against establishments as required by point 8.1 of the Framework Agreement and notifying the Agency as required by point 2.4.2, Matters Relating to Food Hazards, of the FLCoP.</p> <p>The Authority shall set up, maintain and implement</p> | <p>The existing Food Complaints procedure has recently been updated by the NIFLG and now includes a section on investigating food premises complaints. This new policy will be implemented by the Council following a staff training exercise.</p> | <p>End of November 2013</p> |

| RECOMMENDATION | PLANNED IMPROVEMENTS | DUE DATE |
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| <p>a documented policy and procedure(s) in relation to complaints about food and feed that originate within the UK, and those foods and feed originating from other EU member states, or from third countries and in relation to complaints against feed and food establishments. Procedures should cover any referral arrangements to inland authorities and/or authorities with responsibility for imported food and feed controls at the UK point of entry.</p> <p>[The Standard – 8.1]</p> | | |
| <p>(xiii) The Council should amend its internal monitoring procedure to include monitoring of the risk score reduction in food standards category A ratings. The Council should also ensure it carries out its internal monitoring at the frequency stated in its internal monitoring procedure.</p> <p>The Authority shall verify its conformance with this Standard, relevant legislation, the relevant Codes of Practice, relevant centrally issued guidance and the Authority’s own documented policies and procedures.</p> <p>[The Standard – 19.2]</p> | <p>The existing internal monitoring policy will be reviewed and amended to ensure the timescales can be met and will include issues such as the down grade of high risk food standards premises.</p> | <p>End of December 2013</p> |

Annexe B - Audit Approach / Methodology

(1) Examination of LA policies and procedures.

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

- Environmental Services Work Plan 2012-2013
- Minutes of the Environmental Services Committee
- Carrickfergus BC Environment Health Enforcement Policy
- Authorisation procedure including scheme of delegation
- Food complaints procedure
- Chemical samples for 2011-2012
- Council Internal Monitoring of Food Enforcement Activities procedure
- Recent food team meeting minutes

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

- Authorisations
- Qualifications and training files
- Food standards inspection records
- Sampling records
- Internal monitoring records

(3) Interviews – the following officers were interviewed:

- Audit Liaison Officer
- Deputy Director of Environmental Services

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 one of the Council's officers to a food establishment within Carrickfergus BC's area. The purpose of the visit was to verify that appropriate risk based, proportionate food standards official were carried out.

Annexe C - Glossary

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| Audit | Audit means a systematic and independent examination to determine whether activities and related results comply with planned arrangements and whether these arrangements are implemented effectively and are suitable to achieve objectives. |
| 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. |
| Codes of Practice (CoP) | Government Codes of Practice issued under Section 40 of the Food Safety (NI) Order 1991 as guidance to local authorities on the enforcement of food legislation. |
| Environmental Health Officer (EHO) | Officer employed by the local authority to enforce food safety legislation. |
| Food Business Operator (FBO) | This refers to the natural or legal persons responsible for ensuring that the requirements of food law are met within the food business under their control. |
| Food hygiene | The legal requirements covering the safety and wholesomeness of food. |
| Food Law Code of Practice (Northern Ireland) April 2012 | Article 39 of the Food Safety (NI) Order 1991 (the Order), Regulation 22 of the Food Hygiene Regulations (NI) 2006 and Regulation 6 of the Official Feed and Food Controls Regulations (NI) 2009, which empower the Department of Health Social Services and Public Safety to issue codes of practice concerning the execution and enforcement of that legislation by district councils. This code is issued as guidance to Local Authorities on the enforcement of food legislation. It relates to Northern Ireland only. |
| Food standards | The legal requirements covering the quality, composition, labelling, presentation and advertising of food, and materials in contact with food. |
| Food Standards Agency | The Food Standards Agency is an independent |

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| (FSA) | <p>Government department set up by an Act of Parliament in 2000 to protect the public's health and consumer interests in relation to food.</p> <p>Everything we do reflects our vision of Safe Food and Healthy Eating for all.</p> |
| Formal samples | <p>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.</p> |
| Framework Agreement | <p>The Framework Agreement consists of:</p> <p>Chapter One Service Planning Guidance</p> <p>Chapter Two The Standard</p> <p>Chapter Three Monitoring of Local Authorities</p> <p>Chapter Four Audit Scheme for Local Authorities</p> <p>The Standard sets out the Agency's expectations on the planning and delivery of food law enforcement.</p> <p>The Monitoring Scheme requires Local Authorities to submit an annual return to the Agency on their food enforcement activities i.e. numbers of inspections, samples, and prosecutions. Under the Audit Scheme the Food Standards Agency will be conducting audits of the food law enforcement services of Local Authorities against the criteria set out in The Standard.</p> |
| Full Time Equivalent (FTE) | <p>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.</p> |
| Home Authority | <p>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.</p> <p>Acts as the central contact point for other enforcing</p> |

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| | authorities' enquiries with regard to that company's food related policies and procedures. |
| 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. |
| Local Authority (LA) | An organization that is officially responsible for all the public services and facilities in a particular area. |
| Member forum | A local authority forum at which Council Members discuss and make decisions on food and feed law enforcement services. |
| Northern Ireland Food Liaison Group (NIFLG) | NIFLG is a sub-group of the Chief Officers Group (CEHOG), acts on behalf of 26 district councils in Northern Ireland as a co-ordinating body for the Food Control function, and consists of food specialist officers from each of the four Group areas in Northern Ireland, Belfast City Council, a district council representative, and a representative from the Food Standards Agency in Northern Ireland. |
| Practice Guidance | Guidance issued by the Food Standards Agency to assist district councils with the discharge of their statutory duty to enforce the Food Safety (NI) Order 1991, Regulations made under it, and food law made under the European Communities Act 1972. |
| Pre-visit Questionnaire (PVQ) | Used by FSA auditors to request information prior to an audit visit , to maximise the effectiveness of the time spent with a local authority. |
| 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. |
| Risk rating | A system that rates food premises according to risk and determines how frequently those premises |

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| | 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 service to the local community. |
| Third Country | Countries outside the European Union. |