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**Food Standards Agency Audit of  
Local Authority Official Controls  
and Food Business Operator  
Controls in Approved  
Establishments**

Powys County Council

09-12 March 2010

## Foreword

Audits of local authority food law enforcement services are part of the Food Standards Agency Wales 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 feedingstuffs is largely the responsibility of local authorities. These local authority regulatory functions are principally delivered through their Environmental Health and Trading Standards Services.

The attached audit report examines the official controls implemented in approved establishments by the Local Authority's Food Law Enforcement Service. The audit assessments included the Authority's policies, organisation and management and local arrangements for implementation of official controls in approved dairy, meat products and fish and shellfish establishments.

Agency audits assess local authorities' conformance against the Food Law Enforcement Standard ("The Standard"), which was published by the Agency as part of the Framework Agreement on Local Authority Food Law Enforcement. The Framework Agreement and the audit protocols are available on the Agency's website at: [www.food.gov.uk/enforcement/auditandmonitoring](http://www.food.gov.uk/enforcement/auditandmonitoring)

The main aim of the audit scheme is to 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 Agency's website contains enforcement activity data for all UK local authorities and can be found at: [www.food.gov.uk/enforcement/auditandmonitoring](http://www.food.gov.uk/enforcement/auditandmonitoring)

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 Annex C.

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## 1.0 Introduction

### 1.1 Background and Scope of the Audit

- 1.1.1 This report records the results of an audit of Powys County Council. The Authority was one of the authorities selected for the audit programme of local authority official controls and food business operator controls in approved establishments being undertaken between September 2009 and March 2010. The Authority was selected for audit on the basis that not all approved documents were made available to the Agency at the time they were requested.
- 1.1.2 The audit was carried out under relevant headings of the Food Standards Agency Food Law Enforcement Standard and the report has been made publicly available on the Agency's website at:  
  
[www.food.gov.uk/enforcement/auditandmonitoring](http://www.food.gov.uk/enforcement/auditandmonitoring) .  
  
Hard copies are available from Food Standards Agency Wales, 11<sup>th</sup> Floor, Southgate House, Wood Street, Cardiff, CF10 1EW.
- 1.1.3 The power to set standards, monitor and audit local authority food law enforcement services was conferred on the Food Standards Agency by the Food Standards Act 1999 and the Official Feed and Food Controls (Wales) Regulations 2007. This audit of official food controls implemented by Powys County Council's food Service was undertaken under section 12(4) of the Act and Regulation 7 of the Regulations.
- 1.1.4 The audit examined the local authority's arrangements for implementing official controls at approved establishments, with a focus on approved dairy, meat products and fish and shellfish establishments. In considering the effectiveness of these controls, the audit evaluated the appropriateness of approvals; compliance of the approvals process with legal requirements, the Food Law Code of Practice (Wales) and official guidance, delivery of routine official controls in approved establishments, the reactive elements of the Authority's approved establishments' responsibilities and related aspects of the Service.
- 1.1.5 Powys County Council is a rural area covering 519,700 hectares, a quarter of the land mass of Wales, and is the largest Welsh authority in terms of geographical area. Powys has a residential population of 130,700 (based on 2006 figures). The main towns in the Powys area are Llandrindod, Builth Wells, Newtown, Welshpool and Brecon. The Authority's headquarters is located in County Hall, Llandrindod and the Food Safety Service is provided from the Authority's offices in Welshpool, Brecon and Llandrindod..

1.1.6 The on-site element of the audit took place at the Authority's offices in County Hall, Llandrindod, Powys between 9 and 12 March 2010 and included reality checks at 2 of the Authority's approved establishments.

## 2.0 Executive Summary

- 2.1 The Authority had produced a Food Law Enforcement Service Plan for 2009/10 broadly in accordance with the service planning guidance in the Framework Agreement. The Plan had been subject to an annual review, and any variance in associated resource issues addressed.
- 2.2 The Authority had a documented procedure for the authorisation of officers. It had delegated power to authorise enforcement officers to the relevant Head of Service responsible for food law enforcement. The Authority had authorised its enforcement officers in accordance with guidance issued by the Local Authorities' Co-ordinating Body on Regulatory Services (LACORS). This was at variance with the Framework Agreement. However, the Authority were advised to seek the opinion of its Legal Services Section in order to satisfy itself that officers were appropriately authorised.
- 2.3 The Authority identified the training needs of its enforcement officers during a performance review process carried out every 6 months. Targets were set for the completion of the training, although there was no documented training programme.
- 2.4 A review of the training records of the 10 officers undertaking enforcement in approved premises indicated that 2 officers had not completed the 10 hours of relevant food related training in 2009. However, they had achieved more than the minimum the previous year and 1 officer had already achieved more than 10 hours relevant training since the beginning of 2010.
- 2.5 The Authority had developed and implemented comprehensive aides memoire for inspections at approved establishments. Separate aides memoire were provided for the different categories of food manufactured. They included provision to record all necessary information for an assessment of compliance at the establishment to be undertaken. The Authority had developed procedures for approving establishments.
- 2.6 The Authority had a documented enforcement policy which had been approved by the relevant member forum.
- 2.7 During the visits to 2 of the approved premises, auditors confirmed that officers were discussing documented food safety management procedures in detail with the food business operator.
- 2.8 The Authority had investigated a food incident in 1 of its approved establishments. The Agency had been contacted, and the Authority had carried out a thorough investigation. Food not complying with food safety requirements had been removed from sale.

## **3.0 Audit Findings**

### **3.1 Organisation and Management**

3.1.1 Food Law Enforcement was undertaken within the Commercial Team of the Environmental Health Service of the Authority's Housing and Public Protection Function. The Head of Service reported directly to the Authority's Board. Officers in the Commercial Team were also responsible for the investigation of communicable disease and undertook health and safety duties.

3.1.2 The Team Leader - Commercial was the nominated lead officer with responsibility for food safety including approved establishments.

3.1.3 The Authority had produced a Food and Animal Feed Service Plan for 2009/10 in accordance with the Service Planning Guidance in the Framework Agreement which had been appropriately approved by the relevant Cabinet Member Forum. The plan was subject to an annual review and any variances addressed in the form of an action plan highlighting areas for improvement and the outcome.

3.1.4 The aim of the service, as stated in the Food and Animal Feed Service Plan for 2009/10 was to:

*“ensure that food (including drink) intended for supply for human consumption that is produced, stored, distributed, handled or consumed in Powys is accurately labelled, compositionally satisfactory and without risk to the health or safety of the consumer.”*

3.1.5 The Plan indicated that there were 9 approved establishments in the Authority's area, 7 of which were within the scope of the focused audit. This was in accord with the information held by the Agency.

### **3.2 Review and updating of Documented Policies and Procedures**

3.2.1 The Authority undertook a review of its documented policies and procedures whenever there was a change to legislation or centrally issued guidance. A new issue number was applied to ensure that only up to date documents were available.

3.2.2 The Authority had a documented procedure for the review and updating of its documented policies and procedures. The up to date documents were accessible to all staff in all locations in “read only” format on a shared computer system drive which was part of the Authority's Intranet system. The Team Leader – Commercial and the Principal Environmental Health Officer were able to edit or amend documents, as appropriate. Supersede documents were removed from the system.

### 3.3 Authorised Officers

- 3.3.1 The Authority had set up, maintained and implemented a documented procedure for the authorisation of officers based on their qualifications and competence. The Authority had delegated the power to authorise officers to the relevant Head of Service.
- 3.3.2 The Authority had appointed an appropriately qualified and experienced officer to have lead responsibility in food hygiene and who also had the requisite specialist knowledge.
- 3.3.3 The Food and Animal Feed Service Plan did not indicate any vacancies in the Food Enforcement Team. A review of qualifications, experience and training of the 10 officers involved in undertaking enforcement in approved establishments indicated they were authorised in accordance with the Authority's procedure to undertake the work as outlined in the requirements for their particular post, and having regard to the qualifications and experience required for that post in accordance with the Food Law Code of Practice (Wales).
- 3.3.4 Officers' training needs were identified and recorded during a 6 monthly performance review with the line manager. Targets were set for completion of training, although there was no formal documented training programme
- 3.3.5 A review of the training records of the 10 officers undertaking enforcement in approved premises indicated that 2 officers had not completed the 10 hours of relevant food related training in 2009. However, they had achieved more than the minimum the previous year and 1 officer had already achieved more than 10 hours relevant training since the beginning of 2010.
- 3.3.6 Officers had been authorised in accordance with guidance from the Local Authorities' Co-ordinating Body on Regulatory Services (LACORS). This was at variance from The Standard in the Framework Agreement which requires officers to be authorised in accordance with the Food Law Code of Practice (Wales). This variance should be reported to the Authority's Legal Services for their interpretation, to ensure that the Authority is satisfied, from its own legal advice, that officers are appropriately authorised.

#### **Recommendation**

3.3.7 The Authority shall :

set up, maintain and implement a documented training programme

[The Standard - 5.4]



### **3.4 Food Premises Database**

- 3.4.1 The Authority had set up, maintained and implemented an electronic database of the food premises in its area.
- 3.4.2 The Authority had developed a procedure for ensuring that the premises database was up to date.
- 3.4.3 A review of records of 7 approved establishments was conducted utilising the Authority's database. The information was consistent with that in the paper files. No other database checks were carried out.

### **3.5 Approved Establishment Inspections**

- 3.5.1 The Authority had set up, maintained and implemented a documented procedure for the inspection of food premises, including approved establishments. The Authority had also produced comprehensive aides-memoire which were specific to product type, in order for enforcement officers to record a full assessment of compliance at approved establishments during inspections/interventions.
- 3.5.2 The Authority's Food Law Enforcement Service Plan for 2009/10 included the registered premises profile and reference to the approved establishments. Approval information supplied on the pre-visit questionnaire was consistent with that held by the Agency.
- 3.5.3 Approved establishments had been inspected at a frequency in accordance with the Food Law Code of Practice (Wales) and approved in accordance with the relevant legislation. Compliance had been assessed in accordance to the legally required standards. However, there was evidence that risk rating was not being appropriately allocated in establishments where pasteurisation was being carried out, where there appeared to be inconsistency in the risk rating of such establishments.
- 3.5.4 From the evidence of the files and the visits to the 2 approved establishments it was noted that officers involved in enforcement at the establishments undertook, in detail, assessment of the food safety management procedures based on HACCP principles. There was also information held on file relating to the food hygiene training that staff working in the approved establishments had undergone.
- 3.5.5 In both premises visited during the on-site audit officers confirmed that monitoring records for critical control points were available and also questioned the food business operators with regard to any changes in production methods or new product development.

## **Recommendation**

3.5.6 The Authority shall :

ensure that the risk rating of approved establishments is undertaken in accordance with the Food Law Code of Practice (Wales) Annex 5.

[The Standard: 7.2]

### **3.6 Food and Food Premises Complaints**

3.6.1 The Authority had developed and implemented a documented policy for the investigation of complaints relating to both food and food premises. This set out the actions necessary on receipt of a complaint.

3.6.2 In the 5 approved establishment files reviewed Auditors found that complaints regarding food from approved establishments had been dealt with appropriately and in accordance with the Food Law Code of Practice (Wales), centrally issued guidance and the Authority's policies and procedures.

### **3.7 Food Safety Incidents**

3.7.1 The Authority had a documented procedure for initiating and responding to food incidents and food alerts. It also had a computer system capable of receiving food alerts from the Agency. All food alerts, whether for action or information, are forwarded to all staff in the Food Team for appropriate action. The action taken was filed in hard copy.

3.7.2 A review of the 3 latest food alerts indicated that the Authority had undertaken appropriate action in each case and had recorded the action appropriately.

3.7.3 The Authority had dealt with a food incident in 1 of its approved premises in accordance with its own policy and procedures. The Authority had contacted the Agency, carried out a thorough investigation and had ensured that any food not complying with food safety requirements had been removed from sale.

### **3.8 Enforcement**

3.8.1 The Authority had set up, maintained and implemented a document Food Safety Enforcement Policy which was in accordance with the Food Law Code of Practice (Wales). The policy included procedures for follow up action.

3.8.2 The Food Safety Enforcement Policy had been reported to the appropriate member forum.

3.8.3 A review of 5 of the approved establishments files indicated that the Authority had undertaken enforcement following consideration of the Authority's policy and in accordance with the Food Law Code of Practice (Wales) and centrally issued guidance.

### **3.9 Food Sampling**

3.9.1 The Authority had a sampling programme for 2009/10 which set out its sampling priorities, in terms of national sampling programmes including LACORS and the shopping basket initiative from the Welsh Food Microbiological Food Forum. The programme did not include sampling from approved establishments, however, sampling for verification of food safety management systems was included as part of the approval procedure. Food business operators were required to sample for verification of the HACCP system.

3.9.2 The Authority had carried out its sampling programme in accordance with its sampling policy and had set up, maintained and implemented a documented sampling procedure for the procurement or purchase of samples, continuity of evidence and the prevention of deterioration or damage to samples whilst under their control in accordance with the Food Law Code of Practice (Wales) and centrally issued guidance..

3.9.3 From the 5 establishments files reviewed records indicated that samples had been procured by an appropriately authorised officer.

3.9.4 Files contained the results of samples taken by the Authority and evidence that they had been notified to the food business operator.

### **3.10 Records and Inspection Reports**

3.10.1 The 5 file records considered by the Auditors confirmed that aides-memoire were being used to record inspection findings. They were comprehensive and were specific to the type of product handled at the approved premises. Although files did contain a synopsis broadly in accordance with annex 12 of the Food Law Code of Practice (Wales), not all the information required by the annex was available in the synopsis. However, most of the information referred to in this annex could be found within the files.

3.10.2 Approved premises had been inspected at the correct frequency in accordance with Annex 5 of the Food Law Code of Practice (Wales). Each file contained evidence that officers had assessed compliance with HACCP principles during inspections/interventions.

3.10.3 In each of the 5 approved establishment files examined, a report had been left at the establishment and a follow up letter sent, where appropriate, to the food business operator confirming the official findings. The letters were in accordance with the requirements of Annex 6 of the Food Law Code of

Practice (Wales) and in particular contained a clear distinction between legal requirements and recommendations for good practice, together with measures required to achieve compliance and a timescale for completion.

3.10.4 Correspondence in the files examined was in chronological order. Auditors found evidence in the files of enforcement action. Hygiene Improvement Notices and Remedial Action Notices had been served as well as the use of a voluntary closure procedure. In 1 approved establishment file there was evidence that the Authority had served a notice, under Regulation 27 of the Food Hygiene (Wales) Regulations 2006, to remove food from the human food chain, as it had failed to comply with food safety requirements.

3.10.5 Records of inspections / interventions had been kept for a minimum of 6 years or as appropriate.

### **3.11 Internal Monitoring**

3.11.1 The Authority had set up, maintained and implemented a documented internal monitoring procedure which was generally in accordance with the Food Law Code of Practice (Wales) and centrally issued guidance.

3.11.2 Internal monitoring was carried out by both the Team Leader – Commercial and the Principal Environmental Health Officer. The Authority was currently trialling an approved premises audit form to be used on accompanied visits to approved premises and as part of the internal monitoring procedure.

3.11.3 Team meetings are held on a quarterly basis and Auditors reviewed minutes of the last 3 Team meetings. Meetings included discussions on risk rating and similar consistency issues. Team Meeting minutes also confirmed that cascade training was provided by officers who had attended training events.

3.11.4 Auditors found evidence that records of internal monitoring in many aspects of the food law enforcement service had been kept for 2 years as required by The Standard in the Framework Agreement. However, internal monitoring for establishments within the scope of this audit were in the pilot stage and records were therefore not available for those establishments.

#### **Recommendation**

3.11.5 The Authority shall :

keep a record of all internal monitoring for at least 2 years.

[The Standard : 19.3 ]

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**Annex A**

**ACTION PLAN FOR: POWYS COUNTY COUNCIL**

**Audit Date: 09 – 12 March 2010**

<b>IMPROVEMENTS PLANNED</b>	<b>BY DATE</b>	<b>TO ADDRESS (RECOMMENDATIONS INCLUDING STANDARD PARAGRAPH)</b>	<b>COMMENTS</b>
A documented training programme will be produced following employee staff reviews, to include for the monitoring of levels of training in accordance with the Food Law Code of Practice (Wales)	31 December 2010	3.3.7 The Authority shall :  set up, maintain and implement a documented training programme  [ The Standard - 5.4]	
Further risk rating exercises are planned	31 March 2011	3.5.6 The Authority shall :  ensure that the risk rating of approved establishments is undertaken in accordance with the Food Law Code of Practice (Wales) Annex 5.	

		[The Standard: 7.2]	
Monitoring records are kept, however , the monitoring of establishments within the scope of the audit is in the pilot stage	30 September 2010	3.11.5 The Authority shall : keep a record of all internal monitoring for at least 2 years.  [The Standard : 19.3 ]	Monitoring records will continue to be maintained

## **ANNEX B**

### **Audit Approach/Methodology**

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

(1) Examination of LA policies, procedures and linked documents were examined before and during the audit:

- Food Service Delivery Plan 2009/10;
- Authorisation of Officers procedure;
- Food Hygiene Inspections procedure;
- Approved Premises procedure;
- Food Incidents and Hazards procedure;
- The Authority's Enforcement policy;
- Food Complaints Investigation procedure;
- Internal Monitoring procedure;
- Food Sampling policy and plan.

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

- Approved establishment files;
- Establishment inspection records;
- Officer training records;
- Food complaint records;
- Food sampling records.

(3) Database records

- Food premises database records relating to approved establishments and records of complaints relating to approved establishments.

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

- Audit Liaison Officer (ALO);
- 1 Officer authorised to inspect approved establishments.

(5) On site verification check:

Site visits with the Authority's officers to two approved establishments.



## ANNEX C

### Glossary

Agricultural Analyst	A person holding the prescribed qualifications, who is formally appointed by a local authority to analyse feedingstuffs samples.
Approved premises	Food manufacturing premises that has been approved by the local authority, within the context of specific legislation, and issued a unique identification code relevant in national and/or international trade.
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.
Best Value	<p>A Government policy which seeks to improve local government performance in the delivery of services to local communities – from education and care for the elderly through to environmental health and road maintenance. Best Value aims to ensure that the cost and quality of these services are of a level acceptable to local people by:</p> <ul style="list-style-type: none"><li>• increasing the role of local people in deciding the priorities for local government services</li><li>• improving the way authorities manage and review their business</li><li>• building on the experience and expertise of staff.</li></ul> <p>* In Wales this has recently been replaced by the Wales Programme for Improvement</p>
Border Inspection Post	Point of entry into the UK from non-EU countries for products of animal origin.
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.
Enforcement Concordat	Government guidance setting out principles and procedures of good enforcement which local authorities may adopt. Developed in consultation with businesses, local and central government,

	consumer groups and other interested parties. It sets out what businesses and others being regulated can expect from enforcement officers.
Environmental Health Officer (EHO)	Officer employed by the local authority to enforce food safety legislation.
Feedingstuffs	Term used in legislation to describe feed mixes for farm animals and pet food.
Food Examiner	A person holding the prescribed qualifications who undertakes microbiological analysis on behalf of the local authority.
Food Hazard Warnings	This is a system operated by the Food Standards Agency to alert the public and local authorities to national or regional problems concerning the safety of food.
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.
Framework Agreement	<p>The Framework Agreement consists of:</p> <ul style="list-style-type: none"> <li>• Food Law Enforcement Standard</li> <li>• Service Planning Guidance</li> <li>• Monitoring Scheme</li> <li>• Audit Scheme</li> </ul> <p>The <b>Standard</b> and the <b>Service Planning Guidance</b> set out the Agency's expectations on the planning and delivery of food law enforcement.</p> <p>The <b>Monitoring Scheme</b> requires local authorities to submit quarterly returns to the Agency on their food enforcement activities i.e. numbers of inspections, samples and prosecutions.</p> <p>Under the <b>Audit Scheme</b> 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 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.

HACCP	Hazard Analysis Critical Control Point – a food safety management system used within food businesses to identify points in the production process where it is critical for food safety that the control measure is carried out correctly, thereby eliminating or reducing the hazard to a safe level.
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.
Improvement Notice	A notice served by an Authorised Officer of the local authority under Section 10 of the Food Safety Act 1990, requiring the proprietor of a food business to carry out suitable works to ensure that the business complies with the requirements of food hygiene or food processing legislation.
Inter Authority Auditing	A system whereby local authorities might audit each others' food law enforcement services against an agreed quality standard.
Member forum	A local authority forum at which Council Members discuss and make decisions on food law enforcement services.
OCD returns	Returns on local food law enforcement activities required to be made to the European Union under the Official Control of Foodstuffs Directive.
Originating Authority	An authority in whose area a business produces or packages goods or services and for which the Authority acts as a central contact point for other enforcing authorities' enquiries in relation to the those products
Port Health Authority	A local authority within whose boundaries there is a point of entry into the UK for imported foods.
Public Analyst	An officer, holding the prescribed qualifications, who is formally appointed by the local authority to carry out chemical analysis of food samples.
Risk rating	A system that rates food premises according to risk and determines how frequently those premises should be inspected. For example, high risk hygiene 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.
Trading Standards	The Department within a local authority which carries out, amongst other responsibilities, the enforcement of food standards and feeding stuffs legislation.
Trading Standards Officer (TSO)	Officer employed by the local authority who, amongst other responsibilities, may enforce food standards and feeding stuffs legislation.
Unitary Authority	A local authority in which all the functions are combined, examples being Welsh Authorities and London Boroughs. A Unitary Authority's responsibilities will include food hygiene, food standards and feeding stuffs enforcement.