

**Report on the Audit of Imported Food Controls  
on Foods of Non-Animal Origin (FNAO) at  
Smaller Points of Entry and Inland on  
FNAO and Products of Animal Origin**

Trafford Council  
25-26 March 2014



## 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 and feed. These arrangements recognise that the enforcement of UK food and feed 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.

Agency audits assess local authorities' (LA) conformance against the Food Law Enforcement Standard ("The Standard"), which was published by the Agency as part of the Framework Agreement on Official Feed and Food Controls by Local Authorities and is available on the Agency's website at:

[www.food.gov.uk/enforcement/auditandmonitoring](http://www.food.gov.uk/enforcement/auditandmonitoring).

The main aim of the audit scheme is to maintain and improve consumer protection and confidence by ensuring that local authorities are providing an effective food law enforcement service. The scheme also provides the opportunity to identify and disseminate good practice and provide information to inform Agency policy on food safety, standards and feeding stuffs. Parallel local authority audit schemes are implemented by the Agency's offices in all devolved countries comprising the UK.

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 attached audit report examines the Local Authority's Food Law Enforcement Service. The assessment includes the local arrangements in place for the implementation and effectiveness of food import control activities both at points of entry and inland, including inspection, sampling and enforcement, internal service monitoring arrangements and liaison arrangements for food and feed activity.

It should be acknowledged that there will be considerable diversity in the manner in which local authorities may provide their food enforcement services reflecting local needs and priorities.

The report contains some statistical data, for example on the premises profile of the district. 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).

For assistance, 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 This report records the results of an audit at Trafford Council with regard to the enforcement of imported food controls, under relevant headings of the Food Standards Agency Food Law Enforcement Standard. The audit focused on the Authority's arrangements for the control of imported foods of non-animal origin (FNAO) from non-EU countries at smaller points of entry. The arrangements for inland controls of products of animal origin (POAO) and FNAO were also examined as part of the audit scope. The report has been made publicly available on the Agency's website at [www.food.gov.uk/enforcement/auditandmonitoring/auditreports](http://www.food.gov.uk/enforcement/auditandmonitoring/auditreports). Hard copies are available from the Food Standards Agency's Operations Assurance 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 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 Trafford Council was undertaken under section 12(4) of the Act as part of the Food Standards Agency's annual audit programme.
- 1.3 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.<sup>1</sup>
- 1.4 The Authority was included in the Food Standards Agency's programme of audits as it was responsible for imported food controls at a smaller point of entry and was representative of a geographical mix of five LAs or Port Health Authorities selected across England.

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<sup>1</sup> 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 Trafford Council's arrangements for the enforcement of controls on imported FNAO at the Manchester International Freight Terminal ('MIFT') and the Manchester Container Base. Inland controls of both FNAO and POAO were also considered. This included the assessment of local arrangements for service planning, delivery and review, provision and adequacy of officer authorisations and training on imports, and the implementation and effectiveness of imported food control activities, including inspection, sampling and enforcement. The audit also covered the maintenance and management of records in relation to imported food, internal service monitoring arrangements and liaison with other organisations in relation to imported food and feed.
- 1.6 The on-site element of the audit took place at the Town Hall, Talbot Road, Stretford on 25-26 March 2014. The audit also included a 'reality check' visit to assess the effectiveness of official controls implemented by the Authority at the MIFT and Manchester Container Base and more specifically, the checks carried out by the Authority's officers to verify compliance with imported food law requirements.

## **Background**

- 1.7. The Borough of Trafford combines a mix of inner city, rural and suburban areas. It covers an area of approximately 40 square miles with an estimated population of about 212,000 and includes the towns of Altrincham, Hale, Partington, Sale, Stretford and Urmston. It is situated to the south west of Greater Manchester and is bordered by the City of Salford to the north and the county of Cheshire to the south.
- 1.8. The Borough is home to Trafford Park, which was the world's first planned industrial estate and is Europe's largest business park. More than 1,400 companies employing in excess of 45,000 people are based within the park, including large manufacturers. The Borough also has the Trafford Centre which is North West England's largest indoor shopping complex with over 30 million visitors per year. Trafford is also home to Manchester United Football Club, and Lancashire County Cricket Club which has become a major entertainment venue with audiences of up to 50,000 attending concerts.
- 1.9. The MIFT, Manchester Container Base and Trafford Park Euroterminal are located within close proximity to each other in Trafford Park. The MIFT is approved as a Designated Point of Import (DPI) for certain food products subject to safeguard controls due to aflatoxin contamination under Regulation (EC) No. 1152/2009 and is also a First Point of Introduction (FPI) for restricted polyamide and melamine plastic kitchenware from China and Hong Kong. The Manchester Container Base also had this designation until just prior to the audit, when the facility operator confirmed their requirement to be de-listed.

- 1.10. The 2012/13 Local Authority Enforcement Monitoring System (LAEMS) return for the Authority indicated that there were 2,444 premises for food hygiene, the profile of which was as follows:

<b>Type of Food Premises</b>	<b>Number</b>
Primary Producers	5
Manufacturers/Packers	49
Importers/Exporters	13
Distributors	58
Retailers	508
Restaurants/Caterers	1,811
<b>Total Number of Food Premises</b>	<b>2,444</b>

- 1.11. Delivery of the food safety and standards service was undertaken by the Environmental Health Team which formed part of the Public Protection Service. Officers within the team were also responsible for enforcing public health and health and safety legislation.

## 2.0 Executive Summary

2.1 The Authority was selected for audit as it was responsible for inland controls of food of non-animal origin (FNAO) and products of animal origin (POAO) and because there were a number of smaller points of entry in the Borough for which the Authority had responsibility for the control of FNAO. These were the Manchester Container Base and the Manchester International Freight Terminal (MIFT). The Trafford Park Euroterminal was identified during the audit as another point of entry for which the Authority has responsibility.

2.2 The visit to both facilities confirmed that there were food imports from non-EU countries entering through MIFT and no current food imports through the container base.

### 2.3 Strengths:

**Service planning and organisation:** It was apparent that in relation to food safety, there were clear and structured channels of communication in place at different levels of the Authority. This could be seen at team level through bi-monthly 'mini-meetings' which had been introduced in addition to the standing team meeting, since the Authority moved to a system of hot-desking, to help share good practice and specific case issues between officers. It was also demonstrated at a more senior level with the development of an internal control system for ensuring that Senior Managers and key Portfolio Holders were made aware of important changes and updates to key food service documentation.

**Food Sampling Programme:** The Authority had developed a well-considered, risk-based and targeted sampling programme which incorporated imported food.

### 2.4 Key areas for improvement:

**Organisation and management:** Service planning arrangements had not clearly provided a standalone breakdown of full time equivalents (FTEs) available to specifically deliver the food hygiene, standards and imported food elements of the Service to reflect the figures provided in the Authority's LAEMS return. The Plan would also benefit from a clear comparison being made of resources needed to deliver the food service alongside the resources available, which is of particular relevance in the light of recent cuts in Service budgets and resources.

**Officer authorisations:** Whilst in general the procedure for authorising officers was appropriate, officers' individual authorisations required review to ensure they detailed all relevant legislative references.

**Imported food controls at first points of entry:** Liaison arrangements required improvement with key stakeholders including operators of the three points of entry, External Temporary Storage



Facilities and importers on imported food matters. There was limited evidence of routine (quarterly) checks being carried out at the points of entry and documented procedures did not detail the point of entry controls that the Authority may be required to undertake as the enforcement authority for a Designated Point of Import and a First Point of Introduction.

**Records:** In order to rationalise the time officers spent on inspections and avoid duplication, a system had been adopted of recording inspection findings by exception, using the report of inspection form left with the food business operator as the inspection record. This resulted in some details of the officers' findings not being routinely recorded. This had been recognised by the Authority and a new system had been introduced where some additional detail was entered onto the food premises database. It was not however possible to confirm that officers were consistently recording sufficiently comprehensive detail of inspection findings, including any imported food checks that had taken place as part of their inspections.

## **3.0 Audit Findings**

### **3.1 Organisation and Management**

#### Strategic Framework, Policy and Service Planning

- 3.1.1 The Authority had a Service Plan for 2013/14 which was broadly in line with the Service Planning Guidance in the Framework Agreement. A useful system for 'approval sign off' was in place at the Authority which confirmed that the Plan had been discussed internally prior to publication. The Plan had been approved by the Public Protection Manager, Head of Public Protection and Corporate Director in addition to the Executive Member (portfolio holder) for Environmental Services.
- 3.1.2 Imported food controls featured in the 'aims and objectives' section of the Authority's Service Plan with clear reference to the required imported food checks undertaken by the Authority, both inland and at their points of entry incorporated throughout.
- 3.1.3 The Authority reviewed the document as necessary, with a full annual review taking place at the end of March. The Authority was in the process of preparing the 2014/15 Service Plan at the time of audit.
- 3.1.4 The 2013/14 Service Plan did not provide a clear comparison between resources needed to deliver the food service alongside the resources available. The Plan had identified the full time equivalent (FTE) officers available to deliver the functions of the food and health and safety service as 5.83, with the ability for extra resources to be diverted from other areas of the service as necessary. A further 4 business support staff assisted officers with administrative and internal service requests. The number of FTEs declared by the Authority on the Local Authority Enforcement Monitoring System (LAEMS) return differed from that mentioned in the Service Plan, as the LAEMS figure related solely to food resources. This figure stood at 3.00 FTE for food hygiene enforcement and 1.00 FTE for food standards enforcement. The Authority confirmed that this figure was an accurate reflection of the food resource availability.

### **Recommendation**

3.1.5 The Authority should:

Include an accurate and clear breakdown and comparison of the resources required to carry out the full range of statutory food law enforcement activities against a reasoned estimate of the resources available to the Service, in order to identify any shortfall which may prevent all of the work set out in the service delivery plan being delivered. [The Standard – 3.1 and 5.3]

3.1.6 The Authority coordinated its activities with the other Greater Manchester authorities through the work of the Public Protection Partnership and the Greater Manchester Food and Health & Safety Technical Group. A Business Plan had been drawn up for 2013/14 and 2014/15. The 2013/14 Business Plan had been reviewed and key achievements from the previous year had been highlighted. A number of projects had been identified by the group which included improving consistency between the authorities in addition to sampling and food fraud investigations.

3.1.7 The Authority had undergone a restructure in 2011 which had resulted in the loss of three posts, and was currently undergoing a new restructuring exercise with a further Environmental Health Officer post to be lost by the end of May 2014. Auditors were advised that the budget of the Service has been reduced by 45% over a three year period which had resulted in a more risk-based and focused approach to food inspections and sampling.

#### Documented Policies and Procedures

3.1.8 The Authority had produced a range of policies, procedures and work instructions which were relevant to the scope of the audit.

3.1.9 The Authority had introduced a document control system to ensure that all policies and procedures were kept up to date and removed from circulation where necessary. Auditors were satisfied that key documents were undergoing regular review.

#### Officer Authorisations

3.1.10 An Authorisation procedure had been drafted by the Authority and was last reviewed in January 2013.

- 3.1.11 The document helpfully laid down clear guidance for managers to use when officers' authorisation was being considered. The Head of Public Protection had delegated powers, as set out in the Council's Constitution, to authorise officers to undertake food safety, standards and health and safety enforcement functions. An 'authorisation memo' was used by the Authority to confirm that an officer was suitably qualified, experienced and trained, following which the authorisation was issued. An induction checklist was used by the Authority for newly qualified officers.
- 3.1.12 Auditors were informed that officers were issued with an 'authority to enter' card and a schedule of legislation which was kept with the card. The schedule provided a detailed list of relevant legislation that officers were authorised to act under including the Food Safety Act 1990, Official Feed and Food Controls (England) Regulations 2009 (as amended) and Trade in Animals and Related Products Regulations 2011.
- 3.1.13 Auditors reviewed the authorisation and training records of five officers including the Team Leader and Environmental Health Officers. The file checks highlighted that despite detailed records being retained by the Authority, it was difficult to establish the extent of individual authorisations, for example under the Food Safety and Hygiene Regulations 2013 the extent of the enforcement options under which officers were authorised was not immediately evident. Auditors suggested keeping a copy of the schedule of legislation on individual officer files as a method of assisting with this.
- 3.1.14 The MIFT has been designated as a first point of introduction for restricted plastic kitchenware from China and Hong Kong. However officers were not specifically authorised to enforce the requirements of the legislation and take any possible enforcement action at the FPI should the need arise in the future.

### **Recommendation**

3.1.15 The Authority should:

Ensure that authorisation documents specify the extent of authorisation and duties of officers consistent with their qualifications, training and experience and the Food Law Code of Practice. This includes reference to the specific enforcement powers in the Food Safety and Hygiene Regulations 2013 and other imported food legislation that may need to be enforced by officers. [The Standard - 5.3]

- 3.1.16 Training needs were identified by the Authority in a number of ways including team meetings, annual appraisals and development-needs assessments. An annual Trading Standards North West training matrix was completed by officers from the Authority which helped to identify and prioritise food standards training needs in the region.
- 3.1.17 Auditor checks confirmed that officers had received at least 10 hours continuing professional development (CPD) in areas relating to food safety, standards and formal enforcement/legal proceedings.
- 3.1.18 There was evidence that most officers had attended the FSA's imported food training in the past, whilst others had received some cascade training. Auditors suggested that officers would benefit from attending upcoming imported food training courses to ensure that they remained up to date with current import requirements. The Authority has subsequently organised training for the Greater Manchester Food Group on 'Effective Imported Food Control for Inland Authorities' which is due to take place later this year.

**Recommendation**

3.1.19 The Authority should:

Ensure that all officers receive the necessary refresher training to maintain their competence to deliver and enforce imported food requirements. [The Standard - 5.4]

## **3.2 Imported Food Control Activities**

### Food Premises Database

- 3.2.1 The Authority had arrangements in place to keep the food premises database up to date, accurate and secure. A documented procedure was also in place.
- 3.2.2 A number of methods were used by the Authority to ensure the accuracy of the database which included:
- information gained from new business registrations
  - local knowledge
  - service requests
  - officers' observations and
  - information received from other Council departments.
- 3.2.3 Arrangements in place to ensure the accuracy and security of the database included restricting access to certain fields, documented input protocols/work instruction and training of staff inputting information on the database. Data in the system was regularly verified by the Team Leader.
- 3.2.4 The Authority had submitted an imported food return on the Local Authority Enforcement Monitoring System (LAEMS) for 2012/13 which confirmed that one low-risk imported food consignment had arrived through MIFT and had been subject to a documentary, identity and physical examination, although samples were not taken. No other enforcement activity at the three points of entry within the Borough had been reported.
- 3.2.5 The Authority reported taking 153 hygiene and microbiological samples of which 19 were unsatisfactory. In addition, 51 'other' samples had been taken of which 11 were unsatisfactory.

### Facilities and Equipment

- 3.2.6 Auditors were advised that the Service had suitable equipment for the inspection and sampling of foods. Sterile sampling equipment was not kept by the Authority but they had a system in place for requesting this from neighbouring authorities and relevant laboratories as required.

### Food Premises Interventions

- 3.2.7 The Authority had developed and implemented two work instructions on food hygiene and standards interventions. Although no specific mention of imported food was made, other work instructions including

the Imported Food Control document highlighted the need for inland checks on POAO and FNAO. Controls at the points of entry were also included. The food standards and hygiene inspection aides-memoire also prompted officers to undertake traceability, supplier and basic imported food checks.

- 3.2.8 Checks on a selection of recent food premises inspection records confirmed that establishments were in general being inspected at the minimum frequencies set out in the Food Law Code of Practice.
- 3.2.9 Aides-memoire were not routinely completed in sufficient detail, with key information such as the size and scale of the business, suppliers and traceability checks often omitted. On one file, no aide-memoire had been used.
- 3.2.10 Auditors were informed that the Service had recently reviewed their system for documenting inspection findings, including the use of the inspection aides-memoire. A system had been adopted of recording inspection findings by exception, using the report of inspection form left with the food business operator as the inspection record. This resulted in some details of the officers' findings not being routinely recorded. This had been recognised by the Authority and a new system had been introduced where some additional detail was entered onto the food premises database. It was not however possible to confirm that officers were consistently recording sufficiently comprehensive detail of inspection findings, including any imported food checks that had taken place as part of their inspections.

#### **Recommendation**

3.2.11 The Authority should:

Maintain comprehensive, accurate and up to date records on all food establishments. These records shall include reports of all interventions/inspections, the determination of compliance with legal requirements made by the authorised officer and all relevant checks on imported food.

[The Standard - 16.1]

#### Imported Food Inspection and Sampling

- 3.2.12 The Service had developed and implemented a food sampling policy, procedure and work instruction. These documents could usefully be updated to incorporate specific DPI and FPI point of entry sampling that may be required periodically of the Authority. The Imported Food work instruction contained detail about how officers should deal with imported food arriving into the borough through the points of entry or found inland during routine inspections of food businesses. The document helpfully referenced FSA guidance and relevant legislation,

with useful flow diagrams being included in the annex to the document. Information about inland enforcement of imported food controls was also noted. Auditors suggested that more detail about specific FNAO safeguard control measures that may be required to be undertaken by the Authority could be incorporated into the 'Imported Food Controls at DPs, FPs and ETSFs' section of the document. This could usefully include the procedures for manifest checks as well as the requirement for pre-notification and undertaking the relevant documentary, identity and physical checks, including sampling at the frequencies laid down in the legislation.

- 3.2.13 A sampling programme had been developed with the Greater Manchester Food Liaison Group, the Trading Standards North West Food and Agriculture Group as well as the Authority's appointed Public Analyst and Food Examiner.
- 3.2.14 The Authority's approach to the programme was flexible and allowed for proactive and reactive food samples to be taken. A number of surveys were undertaken as part of this programme including one which focused on the testing of ready to eat dried foods from non-EU countries for the presence of microbiological contaminants. Another focused on the testing of ready to eat pre-cut fruits for listeria, which may include varieties imported from non-EU countries. Other imported food samples taken appeared well considered and risk-based.
- 3.2.15 The official laboratories used by the Authority for food sampling activities were properly accredited. The Authority had recently appointed a new Public Analyst following a tender for Public Analyst Services undertaken by the Greater Manchester Public Protection Partnership.
- 3.2.16 Auditors checked a number of files relating to imported food inspection and sampling. Although in some cases, auditors were unable to confirm whether sufficient follow-up action on unsatisfactory results had been undertaken.

**Recommendation**

3.2.17 The Authority should:

Ensure that appropriate follow-up action is taken in accordance with the Authority's enforcement policy on any unsatisfactory food sample results. [The Standard - 12.7]

- 3.2.18 Auditors also established that a third point of entry was located within the borough; the Trafford Park Euroterminal. The last contact made by the Authority to this facility was approximately 18 months ago. Whilst this did confirm that food imports were not received, more regular and proactive checks would be of benefit.



- 3.2.19 Auditors were informed that there had been periodic contact and visits to the points of entry within the Borough in the past but these had been scaled down over recent years. The Authority now operated a more reactive service, relying on importers/ETSF operators and freight handling agents to notify them of the arrival of foodstuffs. Auditors discussed the need for more proactive and frequent liaison arrangements to be established between the Authority, ETSFs and point of entry operators.

**Recommendation**

- 3.2.20 The Authority should:

Review the existing, limited liaison arrangements with relevant bodies and commercial operators at all the points of entry with the aim of identifying any imported food consignments and to help facilitate efficient, effective and consistent enforcement in accordance with the Food Law Code of Practice and other centrally issued guidance. [The Standard - 18.1]

Verification Visit at the Points of Entry

- 3.2.21 During the audit verification visits were made to the Manchester Container Base and MIFT. The aim of the visits was to establish the controls, liaison and notification arrangements that were in place for the possible arrival of 'higher risk' or other foodstuffs.
- 3.2.22 The visit to the Container Base confirmed that the facility was used mainly as an inland storage facility for containers unloaded from vessels which had arrived at other ports of entry such as Liverpool, Southampton and Felixstowe. The Container Base had de-listed as an FPI and DPI prior to the audit so was not considered against the standards laid down in the respective legislative regimes.
- 3.2.23 Auditors were informed that the facility had scaled down its operation in recent years, with the main operation now being the storage of Customs checked containers pending collection. Food items rarely arrived at the facility. The site was formally served by a rail line but this was no longer in use and containers now arrived by road.
- 3.2.24 The visit to the MIFT confirmed that it was formed by a number of individual warehouse units and associated container storage areas. Some of the units were vacant whilst others were operating as ETSFs and occupied by import and freight handling companies.
- 3.2.25 One of the warehouses at the MIFT was visited as part of the audit. Infrequent consignments of low risk food arriving from Turkey had taken place in the past of which the Authority was aware. Auditors were reassured that the Authority had a good working relationship

with this ETSF operator and would be contacted prior to the arrival of any imported food consignment.

#### Imported Food Complaints and Referrals

- 3.2.26 The Authority had produced an appropriate food complaint policy and work instruction.
- 3.2.27 The Service had investigated a number of imported food related complaints, some of which were referrals from other local authorities that had been made in the last six months.
- 3.2.28 Complaint files were checked during the audit and these confirmed that the Service had carried out appropriate investigations of imported food related complaints and that interested parties including the FSA and other authorities were contacted as necessary.

#### Enforcement

- 3.2.29 The Authority had a documented food safety and standards enforcement policy. This set out the Service's graduated approach to enforcement and observance of the Regulators' Compliance Code.
- 3.2.30 The document was last revised in September 2011 and was due to be updated again. A number of references to outdated imported food legislation were noted, however auditors were assured that these would be addressed as part of this review.
- 3.2.31 The Service had produced a number of appropriate work instructions relating to general enforcement actions of relevance to imported food. In addition, there was a separate work instruction on imported food control which set out specific options for enforcement action for both POAO and FNAO.
- 3.2.32 Auditors were advised that there had been no enforcement action relating to imported food in the past two years.

#### Records of Imported Food Activities

- 3.2.33 Records of all imported food activities were maintained by the Authority. The Service operated a mainly paperless system and audit checks revealed that these were generally easily retrievable. Reference has already been made within this report to specific issues relating to the inspection records.

### **3.3 Liaison with other Organisations**

#### Liaison

- 3.3.1 Officers from the Authority maintained good links with other points of entry as well as local authorities in the Greater Manchester area. Officers regularly attended the North West Food Liaison Group and the Trading Standards North West and Agricultural Group and Food Hygiene Forum.
- 3.3.2 Auditors were provided with evidence of close liaison between the Authority and the Port of Dover as well as Manchester Airport, on imported food and other matters.
- 3.3.3 The Authority had a service level agreement in place with Oldham Borough Council's Trading Standards Department to undertake feed enforcement on their behalf at the points of entry and inland. This included the investigation of imported feed matters, enquiries, sampling and inspections.
- 3.3.4 The Authority had liaised closely with the police and other enforcement agencies on matters relating to food fraud in the past.

#### Primary Authority Scheme and Home Authority Principle

- 3.3.5 The Authority had no formal primary or home authority arrangements with food businesses in the Borough. Auditors were advised that officers routinely accessed the Primary Authority database before inspections or formal enforcement actions to confirm if there was a relevant partnership agreement in place.

#### Imported Food Alerts and Incidents

- 3.3.6 The Authority had an Incidents, Hazards and Food Alerts work instruction which provided details about the Authority's response to such matters.
- 3.3.7 The Authority had established a local system for keeping officers informed of new alerts/incidents. Auditors suggested creating a folder to store 'for information' notifications and 'allergy alerts' that had been notified to officers.
- 3.3.8 Arrangements were in place for officers to be contacted should food incidents occur out of hours. The Authority advised that they had not had a serious localised incident in relation to imported food in the last two years.
- 3.3.9 A number of file checks undertaken by officers confirmed some liaison between the Authority and a selection of potentially affected

businesses on a recent food alert concerning imported jelly mini cups. The Authority were proactive on alerting businesses, where relevant to information contained in other food alerts.

#### Advice to Business

- 3.3.10 The Service Plan made reference to the Service's provision of advice to business. This was mainly carried out at the time of inspection, and as part of food complaint investigations and other service requests. Although the Service no longer employed a full time training provider, training courses would be considered where demand required it.
- 3.3.11 The Authority was considering expanding the use of social media as a way of providing advice to local businesses.
- 3.3.12 Approximately two years ago, officers from the Authority visited all ETSFs at the MIFT to provide them with imported food advice.
- 3.3.13 No other specific initiatives to provide advice to businesses on imported food have been undertaken in the past two years. Auditors suggested alerting relevant businesses and the port operators as/when imported food guidance and legislation changes.

### **3.4 Internal Monitoring, Third Party or Peer Review**

#### Internal Monitoring

- 3.4.1 An internal monitoring procedure had been developed. Whilst the document covered in detail many aspects of the Service's arrangements for internal monitoring it could usefully be expanded to set out the frequencies at which all monitoring should take place.
- 3.4.2 The Authority was able to demonstrate a range of internal monitoring activities that were in place. These included accompanied visits, local and Greater Manchester wide consistency exercises, monthly inspection monitoring and annual performance reviews.
- 3.4.3 Feedback from internal monitoring exercises and reviews against performance targets were a standing agenda item at the monthly team meeting. A supplementary 'mini meeting' system had also been introduced where matters such as consistency exercises and cascade training were discussed.

#### Third Party or Peer Review

- 3.4.4 The Authority had not participated in any relevant inter-authority audit schemes within the past two years. Auditors were advised that instead, consistency exercises had been undertaken by the Greater Manchester Authorities although these did not relate to imported food controls.

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Operations Assurance Division

**ANNEX A Action Plan for Trafford Council**

Audit date: 25-26 March 2014

<b>TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)</b>	<b>BY (DATE)</b>	<b>PLANNED IMPROVEMENTS</b>	<b>ACTION TAKEN TO DATE</b>
<p>3.1.5 Include an accurate and clear breakdown and comparison of the resources required to carry out the full range of statutory food law enforcement activities against a reasoned estimate of the resources available to the Service, in order to identify any shortfall which may prevent all of the work set out in the service delivery plan being delivered. [The Standard – 3.1 and 5.3]</p>	<p>Completed</p>		<p>The Environmental Health Service Plan for 2014/15 now includes a breakdown and comparison of the resources required to carry out the full range of statutory food law enforcement activities against a reasoned estimate of the resources available to the Service. This has identified a shortfall in resources, the main consequence of which is that not all food establishments will be inspected at the minimum frequencies set out in the Food Law Code of Practice. This impact has been partially mitigated by a risk-based approach to food inspections and the use of alternative interventions where appropriate.</p>



<b>TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)</b>	<b>BY (DATE)</b>	<b>PLANNED IMPROVEMENTS</b>	<b>ACTION TAKEN TO DATE</b>
3.1.19 Ensure that all officers receive the necessary refresher training to maintain their competence to deliver and enforce imported food requirements. [The Standard - 5.4]	31/10/14	At least two officers to attend FSA 'Effective Imported Food Control for Inland Authorities' course in October 2014 (this will include the one officer who has not previously attended this course).	We have reviewed all of our officer training and identified that 7 out of the 8 officers in the Environmental Health Team had previously attended the FSA's imported food training in the past, and all have received some additional cascade / update training.
	30/11/14	Cascade training to follow this course for those officers that did not attend.	Subsequent to the FSA audit, Trafford have organised training for the Greater Manchester Food Group on 'Effective Imported Food Control for Inland Authorities' for 16/10/14.
	Ongoing	All officers will continue to receive the necessary refresher training to maintain their competence to deliver and enforce imported food requirements, as and when import requirements change.	



<b>TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)</b>	<b>BY (DATE)</b>	<b>PLANNED IMPROVEMENTS</b>	<b>ACTION TAKEN TO DATE</b>
<p>3.2.11 Maintain comprehensive, accurate and up to date records on all food establishments. These records shall include reports of all interventions/inspections, the determination of compliance with legal requirements made by the authorised officer and all relevant checks on imported food. [The Standard - 16.1]</p>	<p>30/06/14</p>	<p>All officers to be issued with appropriate guidance to ensure that they are consistently recording sufficiently comprehensive detail of inspection findings, including recording on the aide memoire any imported food checks that had taken place as part of their inspections, to ensure that all Food Establishment record files contain all the information required under section 4.5.3 of the Food Law Code of Practice (England).</p> <p>Internal monitoring checks to be undertaken to ensure that planned improvements are working.</p>	<p>We have reviewed a larger number of inspection records and we are satisfied that, in the majority of cases, comprehensive, accurate and up to date records are kept of food establishments in Trafford, through the food premises database. The findings of each intervention/inspection, including the determination of compliance, are recorded on the database's 'Inspection' screen. All associated documentary records (including the report of inspection, aide memoire, letters and formal notices) are electronically attached to this record. However, we agree that in a small number of cases information recorded was not as comprehensive as it should be.</p>

<b>TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)</b>	<b>BY (DATE)</b>	<b>PLANNED IMPROVEMENTS</b>	<b>ACTION TAKEN TO DATE</b>
3.2.17 Ensure that appropriate follow-up action is taken in accordance with the Authority's enforcement policy on any unsatisfactory food sample results. [The Standard - 12.7]	30/06/14	<p>The Authority's Food Sampling work instruction will be updated to describe the appropriate action to be taken following receipt of an unsatisfactory result in respect of samples taken for the purposes of a) enforcement / investigation and b) surveillance / monitoring surveys. Officers will then be trained in the new work instruction to ensure sample records are updated accordingly in all instances.</p> <p>Internal monitoring checks to be undertaken to ensure that planned improvements are working.</p>	A review of sample records has been undertaken and it was found that in a small number of cases there was limited information on the follow-up action taken following receipt of sample results. This was in relation to samples which were for surveillance only, when follow-up action in accordance with the Authority's enforcement policy would not have been appropriate.

<b>TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)</b>	<b>BY (DATE)</b>	<b>PLANNED IMPROVEMENTS</b>	<b>ACTION TAKEN TO DATE</b>
<p>3.2.20 Review the existing, limited liaison arrangements with relevant bodies and commercial operators at all the points of entry with the aim of identifying any imported food consignments and to help facilitate efficient, effective and consistent enforcement in accordance with the Food Law Code of Practice and other centrally issued guidance. [The Standard - 18.1]</p>	<p>31/08/14</p>	<p>Following a review of the liaison arrangements with relevant bodies and commercial operators at all the points of entry, it has been decided that all points of entry will be visited or contacted on a quarterly basis to establish if any consignments of imported food are being received, and to ensure that the operators are kept up to date with any changes in legislation or controls on restricted imports.</p>	<p>The Manchester International Freight Terminal (MIFT) operator has agreed to MIFT being de-listed as a Designated Point of Import (DPI) and First Point of Introduction (FPI), and this has been notified to the FSA's Imported Food Branch.</p>

## **ANNEX B 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 relevant LA policies, procedures and linked documents were examined before and during the audit:

- Food Service Plan 2013/14 and associated Member approval.
- AGMA Food Technical Working Group Business Plan 2013/14.
- Food Safety And Food Standards Enforcement Policy and associated Member approval
- Food Compliant policy
- Sampling programme, policy and procedure documents
- Authorisation procedure
- Food Hygiene and Standards Intervention work instruction
- Imported Food Control work instruction
- Food Incidents and Food Hazard work instruction
- Food Alerts work instruction
- Inspection, Detention and Seizure of Suspect Food work instruction
- Ensuring Database is Accurate and Up To Date procedure
- Service Request and Food Premises Database instruction notes
- Food Service Request work instruction
- Food Complaints work instruction
- Legal Proceedings work instruction
- Simple Caution work instruction
- Seizure and Detention of food work instruction
- Internal Monitoring procedure
- Example Greater Manchester Food Leads Group minutes
- Environmental Health team meeting minutes
- Greater Manchester Food Liaison Group meeting minutes
- Trading Standards North West meeting minutes
- Minutes of the Trading Standards North West and Agricultural Group and Food Hygiene Forum.
- Inspection aides-memoire
- Trading Standards North West training matrix
- Inspection Report form
- Certificate of Release form
- Record of imported food.

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

- Officer authorisation and training
- Internal monitoring checks
- Food premises inspections and reports
- Food complaints/referrals

- Food sampling

(3) Review of database records:

- To review and assess the completeness of database records of food hygiene inspections, imported food complaint investigations and referrals, samples taken by the authority, formal enforcement and other activities and to verify consistency with file records.
- To assess the completeness and accuracy of the food premises database.

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

- Lead food officer
- Environmental Health Officer

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

(5) On-site verification check:

A verification visit was made with an officer from the Authority to MIFT and the Manchester Container Base. The purpose of the visit was to confirm the extent of imports of food from non-EU countries through the point of entry and to verify that appropriate liaison arrangements were in place to enable any necessary appropriate risk-based, proportionate checks to be carried out on consignments of imported FNAO at the entry points.

## **ANNEX C Glossary**

Airway bill	Commercial document 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/CVED	Common Entry Documents/Common Veterinary Entry Documents which must accompany certain FNAO food products and POAO to designated points of entry or import.
Code of Practice (Food Law)	A Government Code 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.

External Temporary Storage Facility (ETSF)	Formerly known as an enhanced remote transit shed or ERTS, this is an HM Customs and Excise 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 of non-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.
FPI	First Point of Introduction. A port that has been designated for the entry of certain polyamide and melamine plastic kitchenware from the People's Republic of China and Hong Kong subject to enhanced checks under Regulation (EU) No 284/2011.
Framework Agreement	<p>The Framework Agreement consists of:</p> <ul style="list-style-type: none"> <li>• Service Planning Guidance</li> <li>• Food and Feed Law Enforcement Standard</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 and feed law enforcement.</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.

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.

Full Time Equivalent (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.
Non-EU Countries	Countries outside the European Union.
POAO	Products of animal origin. Animal derived products that fall under the requirements of the veterinary checks 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 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 six 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.
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.