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## Summary Report

# Local Authority Official Controls and Food Business Operator Controls in Approved Establishments in Wales

June 2010

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## Foreword

Audits of local authorities (LAs) feed and food law enforcement functions are part of the Food Standards Agency's arrangements to improve consumer protection and confidence in relation to food. These arrangements recognise that the enforcement of UK feed and food law relating to feed and 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 Environmental Health and Trading Standards Services. The Agency's website contains enforcement activity data for all UK local authorities and can be found at: [www.food.gov.uk/enforcement/auditandmonitoring/](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 feed and food law enforcement service. The scheme also provides the opportunity to identify and disseminate good practice and provide information to inform Agency policy on food safety, standards and feeding stuffs. Parallel local authority audit schemes are implemented by the Agency's offices in all the devolved countries comprising the UK.

The power to set standards, monitor and audit feed and food law enforcement authorities was conferred on the Food Standards Agency (FSA) by the Food standards Act 1999. The Agency's audits of LAs are undertaken under section 12(4) of the Act.

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 and is available on the Agency's website at: [www.food.gov.uk/enforcement/enforcework/frameagree/](http://www.food.gov.uk/enforcement/enforcework/frameagree/)

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

Further information on the Agency's LA audit scheme, including Questions and Answers on the operation of the scheme and details of good practice identified during audits, is available on the Agency's website at: <http://www.food.gov.uk/enforcement/auditandmonitoring/>

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## **1.0 Introduction**

### **1.1 Background**

- 1.1.1 Establishments that are engaged in the handling of products of animal origin are required to be approved in accordance with Regulation (EC) No 853/2004 which came into force on 01 January 2006. Responsibility rests with Local Authorities for the approval and delivery of official controls in relation to establishments subject to approval under Regulation (EC) No 853/2004 laying down specific hygiene rules for food of animal origin in respect of which control does not fall to an official veterinarian.
- 1.1.2 Regulation (EC) No 178/2002 Article 17 specifically states that Food Business Operators at all stages of production, processing and distribution within the business under their control have to ensure that foods satisfy the requirements of the Food Law relevant to their activities.
- 1.1.3 Regulation (EC) No 882/2004 covers in detail the Competent Authorities requirements on official controls to ensure the verification of compliance with food law, animal health and animal welfare rules.
- 1.1.4 Regulation (EC) No 178/2002 and Regulation (EC) No 882/2004 clearly establish that the Food Business Operators (FBOs) are fully responsible for the safe production of food at their establishments, and that the Competent Authorities should ensure that the requirements of food law are duly implemented.
- 1.1.5 Following an onsite visit, a conditional approval for up to 3 months may be granted to an establishment which does not fully comply with the requirements of food law, but only if the establishment meets all the infrastructure and equipment requirements. When authorities have issued conditional approval they should not consider an extension for a second 3 month period until an enforcement officer has undertaken an inspection and noted evidence of progress since the conditional approval was issued. Professional judgement should be used in deciding whether it would be appropriate to extend conditional approval, on a case by case basis. Further details can be found in the Food Law Code of Practice (Wales) and the Practice Guidance. The link to the Code of Practice is:  
[www.food.gov.uk/enforcement/enforcework/foodlawcop/codepracticewales/](http://www.food.gov.uk/enforcement/enforcework/foodlawcop/codepracticewales/)
- 1.1.6 Once approval is issued the LA is responsible for conducting official controls in the establishment in accordance with the relevant legislation, Food Law Code of Practice (Wales), Food Law Practice Guidance and centrally issued guidance. In addition the authority is required to carry out interventions in accordance with the establishment's hygiene risk rating and to ensure compliance by taking appropriate enforcement action.
- 1.1.7 When authorities serve formal enforcement notices e.g. Hygiene Improvement Notices (HINs), Remedial Action Notices (RANs) etc; evidence

of service should always be available. An application by the FBO to extend the time limit on a statutory notice should always be available on file. The application should be made in writing and the authority needs to record its decision whether or not to extend the time period. If an extension is granted, new notices are required to be served.

- 1.1.8 These provisions apply across the UK. Similar audits have also been carried out in England, Northern Ireland and Scotland.

## **1.2 Reason for the Audit Programme**

1.2.1 From the information gained in regards to approved establishments from previous audits in Wales, information held by the Agency, the accuracy of that information and similar audit activity around the UK, it was decided to undertake a focused audit programme on the official controls carried out in establishments approved for dairy, fish and shellfish and meat and meat products.

## **1.3 Scope of the Audit Programme**

1.3.1 The audits covered the following areas of The Standard in the Framework Agreement in establishments approved for dairy, fish and shellfish and meat products:

- Organisation and Management;
- Review and Updating of Documented Policies and Procedures;
- Authorised Officers;
- Food Premises Database;
- Approved Establishment Inspections / Interventions;
- Food and Food Premises Complaints;
- Food Safety Incidents;
- Enforcement;
- Food Sampling;
- Records and Inspection Reports; and
- Internal Monitoring.

1.3.3 The onsite visits included interviews with 2 enforcement officers from each authority, 1 of whom was the Lead Officer for Food Hygiene. In addition 2 reality checks at approved establishments were carried out in each authority audited. The reality checks at selected approved establishments were carried out in order to gain assurance that official controls at the establishments were effective, in line with current legislation, the Food Law Code of Practice (Wales) and centrally issued guidance.

## **1.4 Selection of Local Authorities and Establishments**

1.4.1 Authorities and establishments were selected for audit based on various considerations, including:

- Number and locations of all commodity types of approved establishments;
- Number of each approved establishment product types overall
- Other intelligence, e.g. Remedial Action Notices, Food Alerts, Food Incidents etc;
- Failure to submit information on approved establishments as requested by the Agency; and
- Accuracy of approval documentation submitted to the Agency.

- 1.4.2 The focused audits included, for the first time in Wales, reality checks at selected establishments. These checks allowed the Agency to verify that the information found on premises' files reflected that found in the reality check and that official controls were being carried out effectively at the establishments.
- 1.4.3 10 out of the 22 unitary authorities were selected for audit and during the onsite visits, a total of 20 reality checks (2 per LA) were made and interviews with 20 enforcement officers carried out (including the Lead Officer in Food Safety in each of the selected local authorities).
- 1.4.4 The local authorities selected for audit were:
- Bridgend County Borough Council;
  - Carmarthenshire County Council;
  - Ceredigion County Council;
  - Denbighshire County Council;
  - Gwynedd County Council;
  - Isle of Anglesey County Council;
  - Monmouthshire County Council;
  - Pembrokeshire County Council;
  - Powys County Council and
  - Rhondda Cynon Tâf County Borough Council

## **1.5 Audit Reports**

- 1.5.1 The audits took place between September 2009 and March 2010.
- 1.5.2 In addition to the files for the 20 approved establishments visited, a further 32 files were also examined, giving a total of 52 files examined.
- 1.5.3 After the completion of the 10 local authority audits, an individual report outlining audit findings was sent to each LA. Remedial action plans were agreed with the authorities. All reports have been published on the Agency's website and can be found at:  
<http://www.food.gov.uk/enforcement/auditandmonitoring/auditreports/auditwales/>
- 1.5.4 This report summarises the key findings of the audit programme and good practice identified.

## **2.0 Key Objectives of the Audit Programme**

2.1 The audits and associated discussions sought to:

- examine local authority systems, procedures and records that support any re-assessment and the delivery of official controls in establishments subject to, or approved under regulation (EC) No. 853/2004;
- examine local authority procedures and records in respect of the qualifications and authorisation of officers undertaking official controls;
- consider the wide-ranging views from lead officers and officers undertaking enforcement in approved establishments on the level of support, training (particularly on HACCP and consistency), experience and qualifications needed to enable them to competently undertake enforcement in approved establishments; and
- examine the local authorities' records in respect of their approved establishments and confirm that the information as required by the Food Law Code of Practice (Wales), Food Law Guidance and other centrally issued guidance were available.

### **3.0 Methodology**

- 3.1 The methodology for the audit programme followed that as outlined in Chapter 5 of the Framework Agreement on Local Authority Food Law Enforcement. [www.food.gov.uk/enforcement/enforcework/frameagree/](http://www.food.gov.uk/enforcement/enforcework/frameagree/).
- 3.2 The Chief Executive of each authority to be audited was informed in writing of the agency's intention to undertake the focused audit. The letter outlined the reason for selection, the audit process and scope. A pre visit questionnaire was attached to the letter with a request for the authority to complete and return to the Agency, together with documentation on service delivery in relation to approved establishments.
- 3.3 Prior to the onsite visit the local authority was notified by the Agency of the final arrangements for the onsite visit. This included a timetable, details of the establishments to be visited and the officers to be interviewed.
- 3.4 The onsite audit visit included an opening meeting with LA officers where the audit process was explained and there was an opportunity for officers to ask questions of the audit team.
- 3.5 The onsite audit consisted of a systematic check of documented policies, establishment file records, officer interviews, database checks and examination of officers' qualifications, experience and authorisations
- 3.5 The second day onsite was usually reserved for reality checks at 2 selected establishments where auditors accompanied the authority's enforcement officers to assess the implementation of official controls.
- 3.6 Auditors ensured that the Local Authority's Audit Liaison Officer was comprehensively briefed throughout the audit and that other officers were briefed as appropriate at the daily feedback meetings.
- 3.7 A closing meeting was held on the last day of the onsite visit, when auditors presented the audit findings. Council officers and elected members (if present) had the opportunity to ask questions or to receive clarification. The auditors then confirmed the post audit timetable and follow up arrangements.

## **4.0 Executive Summary**

- 4.1 Ten local authorities were audited in the focused audit programme and a total of 52 recommendations were made. These are recorded in Annex A of this summary report.
- 4.2 It was evident from the files checked and the visits to approved establishments (reality checks) that generally enforcement officers were evaluating the Food Safety Management System (FSMS) and ensuring that the Hazard Analysis at Critical Control Points (HACCP) document reflected the activities within the establishment.
- 4.3 Where officers identified non conformances during interventions/inspections, they were, for the most part, undertaking the appropriate enforcement action, notifying the food business operator and ensuring that the necessary work was undertaken to achieve compliance with the legislation.
- 4.4 Auditors identified some authorities where enforcement action had not been undertaken in accordance with the authorities' enforcement policies and these have been addressed in the individual remedial action plans for the authorities concerned and will, in line with the other recommendations in Annex A, be subject to follow up from the Agency.
- 4.5 Following the coming into force of new legislation on 01 January 2006, all but 2 of the authorities audited had re-approved their establishments in line with the Agency's centrally issued guidance on the re-approval process.
- 4.6 Policies on food sampling varied within the authorities audited. However, the approaches adopted were designed to ensure that appropriate sampling was being undertaken either by the authority itself or by the food business operator and in accordance with the authority's sampling policy and programme.
- 4.7 A number of authorities did not have all the documented policies, and procedures as required by The Standard in the Framework Agreement,. An example is the documented policy on internal monitoring. The monitoring aims to ensure an appropriate and consistent approach to the delivery of official controls in approved establishments. Authorities audited were carrying out a range of monitoring activity, including accompanied visits, file checks and recording the internal monitoring activity. In other authorities any monitoring undertaken was not being recorded.
- 4.8 Generally enforcement officers were authorised in accordance with their qualifications, experience and competence to carry out enforcement work in approved establishments. Authorities in the main were able to demonstrate the schemes of delegation for authorised officers and that officers had been appropriately authorised within the authorities' schemes of delegation.

## **5.0 Summary of Audit Findings**

### **5.1 Organisation and Management**

- 5.1.1 All 10 authorities audited had a Service Plan for the period 2009/10. The plans were generally in the format required by The Standard in the Framework Agreement including information approved by the relevant member forum on the service and level of resource required for delivery of official controls.
- 5.1.2 In most cases the LAs had undertaken reviews of their performance and where this identified premises which had not received a programmed intervention, the shortfall was addressed in the service plan for the following year.
- 5.1.3 In 1 LA auditors identified a shortfall of premises with hygiene risk ratings which had not been managed in this way. Another authority had not made reference, as required in the service plan, to the number of approved establishments in its area, although the establishments were included in the inspection programme and were subject to appropriate interventions.

### **5.2 Review and Updating of Documented Policies and Procedures**

- 5.2.1 Most authorities were undertaking a review of their documented policies and procedures in accordance with The Standard in the Framework Agreement and had control systems for their documented policies and procedures. This ensured that policies and procedures included reference to legal requirements which were essential to the delivery of appropriate official controls.
- 5.2.2 Two of the authorities did not have a control system for documentation relating to enforcement activities. One authority had not reviewed its documented policies and procedures and another had not reviewed one of its policies in line with its own procedures.
- 5.2.3 At the time of the audit the policies in 2 LAs contained references to legislation that had been superseded. File documentation confirmed that incorrect information was also used in enforcement correspondence. In both cases the authorities were in the process of updating their policies and procedures.

### **5.3 Authorised Officers**

- 5.3.1 The majority of authorities had implemented documented procedures designed to ensure that officers and contractors were authorised to a level commensurate with their qualifications, experience and competences in accordance with the Food Law Code of Practice (Wales). Likewise most had

appointed a lead officer in food hygiene who also satisfied specific requirements.

- 5.3.2 One authority had authorised an officer to a level which was not consistent with current competencies, although auditors were able to confirm that there was no recent evidence of enforcement action being carried out by this individual. In another authority there were no records to confirm that the level of authorisation held by a contractor was appropriate to their qualifications and experience. The necessary evidence was subsequently supplied to the auditors by the authority.
- 5.3.3 One authority had appointed a lead officer in food hygiene who, although having the appropriate qualifications, did not have the necessary competence as required by the Food Law Code of Practice (Wales). This situation had arisen due to recent staff changes and the lead officer was being advised by a colleague who met all the lead officer requirements.
- 5.3.4 Each authority is required to have a documented training programme to identify and address the training needs of its authorised officers and appropriate support staff. However, this was not in place in 4 of the LAs audited.
- 5.3.5 Authorised officers are required to complete a minimum of 10 hours of training in food related matters each year. Officers in 2 authorities had not met this requirement. Although it was noted that both had undertaken in excess of 10 hours the previous year. Auditors accepted that there were mitigating circumstances with 1 officer and that the other officer had undertaken training in the current year.
- 5.3.6 Most authorities recorded the training needs of their authorised officers, and retained appropriate records of training undertaken.

#### **5.4 Food Premises Database**

- 5.4.1 All but 1 authority had set up, maintained and implemented a database of food premises, including approved establishments, in their area. Documented procedures were also in place to ensure that the databases were accurate and up to date.
- 5.4.2 Interrogation of the databases during the onsite visits confirmed that all the necessary information on approved establishments was held by the local authorities.

#### **5.5 Approved Establishment Interventions/Inspections**

- 5.5.1 Authorities are required to carry out approval and interventions of relevant premises in accordance with legislation, guidance and internal policies and procedures. The Food Law Code of Practice (Wales) sets out a hygiene rating system which determines the minimum frequency of such interventions

and LAs are required to take appropriate action in respect of any non-compliance found.

- 5.5.2 Authorities were generally undertaking interventions/inspections in approved establishments at the appropriate frequency in accordance with the establishment's food hygiene risk rating, as required by the Food Law Code of Practice (Wales) and centrally issued guidance. However, in 1 authority auditors were not able to determine if the correct frequency of interventions was being followed as a result of insufficient records. In another authority the hygiene risk rating was being incorrectly applied in dairy establishments with pasteurisation facilities which could have impacted upon the frequency of interventions.
- 5.5.3 One authority had raised issues of compliance with Article 5 (food safety management systems based on HACCP principles) in an approved establishment, but had not followed the issue through in a proactive manner and consequently the HACCP document did not reflect the activity at the establishment. The non-conformance should have been highlighted at the earliest opportunity in order to secure improvement.
- 5.5.4 Not all LAs were inspecting and approving establishments in accordance with relevant legislation and official guidance, particularly in respect of approvals/reapprovals post 01 January 2006.
- 5.5.5 One authority was failing to assess the compliance of all establishments as required by current hygiene legislation and not following consistent action on non-compliance in all its establishments in accordance with its own enforcement policy;
- 5.5.6 Another authority had issued a full approval when all the requirements had not been fully met. Having regard to available evidence the auditors were of the opinion that a conditional approval would have been more appropriate in the circumstances. This same authority had not considered an application for approval in a timely manner and had approved the establishment for the incorrect activity.
- 5.5.7 One other authority had adopted an inconsistent approach to the assessment and recording of traceability checks and there was insufficient evidence that relevant file information had been considered in accordance with the Practice Guidance

## **5.6 Food and Food Premises Complaints**

- 5.6.1 Auditors examined files and interrogated the authorities' databases looking at complaints regarding approved establishments. In all cases the complaints had been investigated in a timely and appropriate manner and authorities had undertaken follow up action as required.

## **5.7 Food Safety Incidents**

- 5.7.1 All authorities had computer systems in place capable of receiving food alerts from the Agency and had documented their responses to those alerts.
- 5.7.2 Examination of establishment files indicated that authorities were dealing with food incidents appropriately and where required, had contacted the Agency in relation to serious localised incidents and/or more wider food safety problems in accordance with the Food Law Code of Practice (Wales).
- 5.7.3 Nine authorities had an up to date documented procedure for dealing with food incidents. However, the other Authority was responding appropriately to food incidents notifications.

## **5.8 Enforcement**

- 5.8.1 Authorities are required to have in place a documented enforcement policy, approved by members, procedures and to carry out food law enforcement in accordance with the CoP and centrally issued guidance. All decisions on enforcement action shall be made following consideration of the enforcement policy and reasons for any departure shall be documented. The policy, or an accurate summary, should be readily available for the public and FBOs.
- 5.8.2 In general officers were undertaking enforcement in accordance with the authorities' documented policies and the Food Law Code of Practice (Wales). The reality checks carried out by auditors were able to confirm that compliance levels in the majority of the 20 establishments were acceptable.
- 5.8.3 Examination of files of approved establishments in 1 authority did not generally indicate if appropriate enforcement action had been undertaken. However, in 1 file it was noted that a more pro active approach should have been undertaken in accordance with the authority's enforcement policy. As a consequence auditors were unable to determine the level of compliance in the establishment and whether there were any issues around the status of approval.
- 5.8.3 Three authorities had not had their enforcement policies approved by the relevant member fora, however in 1 of these local authorities the policy was in draft form and due to be presented for approval.
- 5.8.4 From the review of files in 1 authority it was identified that Hygiene Improvement Notices (HINs) had been issued inappropriately and not in accordance with the Food Law Code of Practice (Wales) and centrally issued guidance. This action could have led to a challenge from the FBO. In another authority auditors found copies of HINs on file but could not find evidence of service of the notices. In addition the time limits on the notices had been

extended, but no written request for such an extension was available on the file. Notwithstanding that these actions were not in accordance with the CoP the file records indicate that compliance was improved.

## **5.9 Food Sampling**

- 5.9.1 Effective routine sampling is an essential part of a well balanced enforcement service. LAs are required to have in place documented procedures for the inspection of food, and to implement a documented sampling policy and programme having regard to the nature of local food establishments. Appropriate action shall be taken in accordance with the enforcement policy where sample results are not considered to be satisfactory.
- 5.9.2 Most authorities had sampling programmes that included routine sampling from approved establishments. Authorities were providing FBOs with sample results and, where necessary, were carrying out appropriate follow up action.
- 5.9.3 One authority did not have a documented sampling programme, although sampling from approved establishments was being undertaken. However, another authority had not undertaken recent sampling in its approved establishments in accordance with its own policy and cited resource constraints as the reason for failing to implement its own policy.

## **5.10 Records and Inspection Reports**

- 5.10.1 LAs are required to maintain accurate records of all inspections and visits alongside the determination of compliance with legal requirements and other information such as details of any enforcement actions, sampling and complaints. The CoP provides guidance on the content and structure of files produced for establishments requiring approval so that a history is available and there is continuity for inspecting officers.
- 5.10.2 Most authorities had comprehensive records and inspection reports for their approved establishments and, where appropriate, had retained the information for a minimum of 6 years. However, many authorities were not following the Practice Guidance and did not have a full synopsis of each approved establishment on file.
- 5.10.3 Most authorities had routinely informed the food business operator of the follow up action to be undertaken by the authority but one authority did not always communicate that information as a matter of course.
- 5.10.4 The same authority did not provide all the necessary information as required by the Code of Practice in relation to post inspection reports.
- 5.10.4 Another authority did not routinely indicate to the food business operator a timescale for the completion of the work required to achieve compliance. A possible consequence of such action being that a FBO would not take remedial action in a timely manner.

## **5.11 Internal Monitoring**

5.11.1 Local authorities adopted a range of approaches to internal monitoring, not all of which met the requirements of the Standard in the Framework Agreement.

5.11.2 Not all local authorities had implemented a documented procedure for internal monitoring and of those that had, a number failed to meet the requirements of the Food Law Code of Practice (Wales). In many cases where internal monitoring was taking place, the evidence was incomplete and records were not always retained for the 2 year period.

## **6.0 Reality Checks**

6.1 Auditors undertook verification visits or 'reality checks' to 2 establishments in each of the 10 local authorities audited. The establishments visited (by product) were as follows:

Dairy	7
Fish and shellfish	4
Meat Products	9

6.2 The number of fish and shellfish establishments visited is a reflection of the number and distribution of approved fish and shellfish establishments in Wales and the seasonality of the businesses.

6.3 In all the local authorities audited in the programme it was evident that enforcement officers were familiar with the establishments visited and were aware of the scope of the approved activities. All officers had a good and effective relationship with the food business operators which facilitated discussions around compliance with the current hygiene legislation, application of the documented food safety management system based on HACCP principles, (including verification and validation of the HACCP document) and formal enforcement by the local authority.

6.4 In 1 authority visited there was a marked difference in compliance between the 2 establishments visited and auditors raised concerns with management in the authority in respect of standards of hygiene, cleanliness and structure at one of the establishments. In the latter establishment the LA should have considered more fully whether or not the establishment met the requirements for approval when the application was first determined.

6.5 In another authority, during the course of the reality check, the enforcement officer discussed the need for a review of the HACCP documentation as there had been a modification to the activity at the establishment. The officer had been aware of this requirement at a previous intervention, but had not raised the issue with the food business operator at that time.

6.6 In 1 establishment visited, the food business operator was using a generic HACCP document. The food business operator was in the process of developing the HACCP document to better reflect the nature and size of the business, with the advice and guidance from the local authority enforcement officer. However, consideration should have been given as to the appropriateness of granting full approval initially.

6.7 Overall the reality checks carried out in the approved establishments confirmed that there was a good level of compliance with relevant legislation and that generally officers were undertaking enforcement appropriately and in accordance with the authorities' enforcement policies.

## **7.0 Conclusions**

- 7.1 The information provided by authorities on approved establishments in the pre-visit questionnaires generally reflected the position found during the onsite visits. However, several authorities had previously submitted incomplete or inaccurate information to the Agency relating to their approved establishments. Authorities are required to provide the Agency with information on the conditional and/or full approval of new establishments and the amendment, withdrawal or suspension of existing approvals.
- 7.2 Some authorities were not always consistent in the use of conditional approval and suspension/withdrawal of approvals. Examples included the re-issuing of conditional approval without a revisit to the establishment and inappropriate issuing of conditional approvals when requirements for conditional approval were not met.
- 7.3 Some authorities did not ensure that all relevant information gathered by the enforcement authority in accordance with Annex 12 of the Food Law Practice Guidance when considering an application for approval was on file. All evidence should be held on file and the basis of the authority's decision recorded.
- 7.4 Not all authorities had undertaken re-approval of establishments' post 01 January 2006 in accordance with the Agency's centrally issued guidance which was circulated to all local authorities in December 2005. The guidance set out how LAs were to undertake the re-approval of establishments at the next due inspection/intervention.
- 7.5 Authorities placed different emphasis on revisits to approved establishments. Not all authorities gave food business operators a timescale for the completion the work necessary to achieve compliance. Authorities should have regard to the Code of Practice (Wales) in consideration of whether a revisit is appropriate.i.e. where a business fails to comply with significant statutory requirements.
- 7.6 Not all authorities undertook enforcement in accordance with their own enforcement policy, the Enforcement Concordat, the Food Law Code of Practice (Wales) and centrally issued guidance. Reasons for deviation from the enforcement policy should be recorded and kept on file. Enforcement is a vital tool in achieving compliance in all food establishments and appropriate enforcement based on the authorities' policies is essential to ensure compliance.
- 7.7 Not all authorities were carrying out internal monitoring in accordance with statutory requirements. Authorities should ensure that internal monitoring is carried out in accordance with the Food Law Code of Practice (Wales) and in accordance with The Standard in the Framework Agreement.

## **8.0 Good Practice**

8.1 As part of the audit process, examples of good practice identified during an audit programme are shared with local authorities and other stakeholders. The Agency, through this summary report is disseminating the good practice identified, which local authorities are encouraged to consider.

8.2 The following examples of good practice were identified:

- Maintaining comprehensive file records, with files divided into the headings outlined in Annex 12 of the Food Law Practice Guidance (Wales) including a synopsis of the establishment at the front of the file;  
(Ceredigion)
- Requesting the food business operator to provide an 'action plan' to address issues raised during an intervention;  
(Gwynedd)
- Including a link to the authority's enforcement policy on formal correspondence to the food business operator;  
(Carmarthenshire)
- Providing additional correspondence to accompany statutory notices informing food business operators in writing, of the reasons, in lay terms, the reason(s) for serving the notices;  
(Powys)
- Including an inspection summary sheet at the front of the premises file providing information on date of intervention, inspecting officer, reason for the visit, a summary of the main issues noted and any other relevant developments. This information would be considered by the officer in advance of undertaking the next intervention;  
(Powys, Gwynedd)
- Providing comprehensive aides-memoir enabling enforcement officers to include all the relevant information required in order for a full assessment to be made of compliance within the establishment. A number of authorities had included separate aides-memoir for different types of establishment, other local authorities had introduced a generic aide-memoir with addenda for different product types;  
(Powys, Pembrokeshire, Ceredigion, Carmarthenshire, Gwynedd)
- Providing comprehensive documented policies and procedures, with a documented control system to ensure that all policies and procedures are up to date;  
(Pembrokeshire)

## **9.0 Recommendations**

### **9.1 Issues for the Agency**

9.1.1 The Agency will arrange an event for local authority enforcement officers in Wales to draw attention to all the issues identified in the audit programme, highlight good practice and other ways to consider continuing improvement in compliance. The Agency will also use other opportunities to ensure that the audit findings are widely disseminated.

9.1.2 The Agency will feed relevant issues into future policy considerations.

### **9.2 Issues for Local Authorities**

9.2.1 Local Authorities should consider the good practice and other issues highlighted in this report when approving establishments for products of animal origin and in particular, establishments handling dairy, fish and shellfish and meat products and when reviewing their policies and procedures.

## ANNEX A

### NON - CONFORMANCES WITH THE STANDARD

Reference in The Standard	Number of non-conformances
3.3 – Variances in meeting service delivery plan shall be addressed in the subsequent year's service arrangements	1
4.1 – All documented policies and procedures for each enforcement activity covered by this standard are reviewed	4
4.2 – set up, maintain and implement a control system for all documentation relating to enforcement	2
5.1 – set up, maintain and implement a documented procedure for authorisation of officers based on competence	3
5.2 –appoint an officer with specialist knowledge of food hygiene, standards or feeding stuffs to lead on that legislation	1
5.3 – appoint a sufficient number of suitable qualified authorised officers to carry out approved service delivery plan	2
5.4 – set up, maintain and implement a documented training programme	4
7.1 – carry out food hygiene, food standards and feedingstuffs inspections at a frequency as set out in inspection rating system set out in relevant legislation	1
7.2 – inspect, approve, register and license relevant premises in accordance with relevant legislation	6
7.3 – assess the compliance of premises and systems in their area to the relevant standards	3
7.4 – set up, maintain and implement documented inspection procedures	1
11.2 – set up, maintain and implement documented procedure for updating food and feedingstuffs premises database	1
12.4 – set up, maintain and implement documented sampling policy and programme in accordance with relevant guidance	1
14.1 – set up, maintain and implement documented procedure for initiating and responding to food hazard warnings	1
15.1 – set up, maintain and implement documented enforcement policy	2

15.3 – carry out food law enforcement in accordance with relevant code and guidance	3
15.4 – all decisions on enforcement action to be made following consideration on Authority’s enforcement policy	3
16.1 – maintain up to date accurate records in retrievable form for all food and feedingstuffs premises in its area	2
19.1 – set up, maintain and implement documented internal monitoring procedures	6
19.2 – verify its conformance with the Standard, relevant legislation, codes of practice, guidance and Authority’s own policies and procedures	1
19.3 – record all internal monitoring and keep for at least two years	4

## ANNEX B

### GLOSSARY

CoP	Food Law Code of Practice (Wales)
EC	European Commission
EH	Environmental Health
FBO(s)	Food Business Operator(s)
FSA	Food Standards Agency
FSMS	Food Safety Management System
HACCP	Hazard Analysis at Critical Control Points
HIN	Hygiene Improvement Notice
LA	Local Authority
RAN	Remedial Action Notice
UK	United Kingdom

## **ANNEX C**

### **ACKNOWLEDGEMENTS**

The Agency is grateful for the contributions of the following local authorities and their officers who participated in the audit programme:

- Bridgend County Borough Council
- Carmarthenshire County Council
- Ceredigion County Council
- Denbighshire County Council
- Gwynedd County Council
- Isle of Anglesey County Council
- Monmouthshire County Council
- Pembrokeshire County Council
- Powys County Council
- Rhondda Cynon Tâf County Borough Council

The Agency is also grateful to the food business operators of the twenty establishments visited for their co-operation and assistance during the reality checks.