

# Audit Findings

Audit Findings for Local Authority Shellfish Traceability Audit Summary Report (England) - July 2025

## Service Planning Arrangements

Effective planning is vital when delivering a consistent and effective service. The Framework Agreement and centrally issued guidance require that LAs maintain an up to date and appropriately approved Service Plan to identify the demands on services and to set out how they will use their available resources to meet these demands.

All the LAs audited except one had documented service plans in place or in draft format. Six plans had been approved at an appropriate level within the organisation, to make sure that senior council officials were made aware of plans and any service issues, with the remaining two awaiting sign off at the time of the audit. Only one Authority had a policy of publishing its past approved service plans on its website, although all the LAs audited provided assurances that service plans would be made available to the public and businesses upon request. Auditors discussed the benefits of ensuring that stakeholders were aware of service plans.

All the plans assessed broadly met the service planning guidance within the Framework Agreement and the FLCoP and FLPG. Whilst all the plans assessed made some reference to their responsibilities regarding the delivery of shellfish controls, all the LAs audited could strengthen their service plans and raise the profile of this area of work by including more detail on the size and scale of shellfish harvesting in their areas, its importance to the local economy and some of the particular challenges that can be faced when delivering official controls for this type of high risk product along large stretches of the English coastline and tributaries.

In addition, all the LAs audited needed to provide further details on the resources required to assess the delivery of official controls relating to shellfish, using an objective methodology documented in their plans. This includes the issuing of SRDs, maintaining the SRD register and verification of any relevant documentation. Any work involved in monitoring illegal harvesting, shellfish traceability and internal monitoring should also be referenced to allow a more accurate calculation of the resources needed to deliver these controls and the rest of the Food Safety Service.

The audit showed that most of the LAs audited were highly reliant on one or two experienced members of staff with appropriate experience and training to deliver shellfish controls. Auditors noted this dependence and were concerned about the resilience of services in the event of key members of staff retiring or otherwise leaving their authorities. Appropriate contingencies were discussed with the LAs audited, with two authorities meeting this challenge by providing appropriate training to all their authorised officers, to make more staff available in the event of an incident or the lead officer for shellfish not being available.

The identification of shellfish harvesting activities including any illegal harvesting was seen as a particular challenge by all the authorities audited, due to the practical issues of carrying out sufficient physical surveillance of large stretches of coastline and the ongoing financial pressures on LA resources at this time. The scale and nature of shellfish harvesting in the LAs audited was

therefore a “best estimate” of the activity taking place.

All the Authorities audited were using an informal network of relevant stakeholders to help to identify businesses and individuals involved in shellfish harvesting. These included useful liaison with other LAs through attendance of local Shellfish Liaison Groups, conversations with CEFAS, the MMO, the various IFCAs, local police, Harbour Masters and other shellfish businesses. These organisations routinely pass on and share intelligence and information on shellfish harvesting activity, particularly anything of concern. Evidence was provided during the audit programme to demonstrate specific cases where the sharing of intelligence had directly led to the identification of illegal activity relating to shellfish.

All eight LAs audited provided evidence of their regular attendance at SLGs. These groups are seen as a valuable way of sharing information and intelligence between neighbouring LAs as well as a useful forum for discussing any practical issues and solutions that have emerged when delivering official controls for shellfish. Where practical solutions cannot be agreed, these are passed on to the National Shellfish Liaison Group for further discussion, including liaison if needed with the FSA.

All the LAs audited had arrangements in place to deal with any incidents, including those relating to shellfish, that may occur out of hours (OHS). Only one authority used a formal, paid for OHS service, with the other seven depending instead on an informal system based on volunteers and the good will of officers. Auditors discussed the inherent risks associated with this informal approach, however these systems appeared to be working in practice, and no issues or concerns were cited during the audits.

Two of the LAs audited had direct links to information on shellfish controls and the registration of shellfish harvester on their LA websites. The benefits of using LA websites to signpost businesses and individuals was discussed with all the LAs, as well as the potential opportunity to make more use of websites to provide links to information on the need for SRDs and how to obtain them.

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Service Planning Arrangements:

- notifying portfolio holders with monthly updates on the delivery of the planned activities outlined in the Service Plan - this is beneficial as it identifies any potential issues early on, allowing timely remedial action to be taken
- All Authorities had developed and maintained effective liaison and partnership arrangements with key stakeholders involved in shellfish harvesting and conservation - these relationships help the Authority to deliver its duties in relation to the delivery of shellfish controls by providing local intelligence on any emerging issues that could affect shellfish harvesting in their area, as well as acting as a source of technical expertise on shellfish issues
- useful information for shellfish harvesters and other types of food businesses handling or processing shellfish was contained within the Service Plan, including links to the Food Standards Agency (FSA) classification list, information on the commercial status of shellfish harvesting areas and links to classification maps

## **Officer Authorisation, Competency and Training**

LAs are required to ensure that officers are appropriately authorised and competent to carry out food/feed law enforcement activities, including, where relevant, the delivery of official controls in relation to shellfish.

Six of the eight LAs audited (75%) had a fully documented procedure for the authorisation of officers. The remaining two LAs received a recommendation to draft and implement an appropriate procedure to ensure consistency. All the services assessed had appropriately authorised their officers in relation to the delivery of official controls including shellfish controls. Authorisation documents had been signed by a senior officer within each council, with the delegated power to do so in accordance with the constitutional framework of each council. In one case (13%) however, the legislation quoted in the officer authorisation needed to be expanded to include specific reference to all the relevant regulations as required by the FLCoP/FLPG. A failure to identify and appropriately authorise officers under all relevant legislation could potentially undermine any current or future formal enforcement and follow up actions taken by LAs.

In addition, officer authorisations in two LAs (25%) had not been restricted for certain officers, such as newly qualified officers, who were unable to fully demonstrate their competence to deliver the full range of controls granted under the legislation referenced in the documents. In practice however, most of the work allocated to new officers in these cases was closely monitored by the lead food officer to ensure that new officers do not deliver controls or other activities beyond their experience and competence.

All the Services assessed also had a system in place to identify officer competency requirements in relation to the delivery of official controls including shellfish controls, with all authorities being aware of the requirements of the FSA's Competency Framework. There was evidence that LAs were following the requirements for implementing the Framework for new officers, as well as having a suitable competency assessment process in place for existing officers. Authorities considered that the FSA should have a greater role in organising, coordinating, and providing formal training courses relative to official controls on approved establishments.

All the LAs bar one (13%) had developed a formal method of identifying ongoing training needs, linking this to their officer competency assessments. Training records for those officers involved in the delivery of controls in relation to shellfish controls and the issuing of SRDs were assessed. In all cases officers were able to provide evidence of appropriate specific training in the past on shellfish controls, including the delivery of controls at shellfish purification centres.

It was apparent though that some of the LAs audited were struggling to deliver appropriate update training on shellfish controls including shellfish traceability, to help maintain officer knowledge and competency. This is important to ensure that officers are able to keep up to date with any legislative changes or technological changes to industry processes and practices. Often this was cited as being due to a lack of appropriate training courses being provided. Several authorities felt that the FSA should help to provide more specific training for LAs in this subject and for other controls delivered by LAs. Some Services had addressed the gap in formal training courses by developing their own specific in-house update training for officers. Most Authorities were making use of online training packages to deliver training rather than face to face training courses.

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Authorisations, Competency and Training:

- developing existing employees through the provision of appropriate training - this investment can help to ensure that the Authority is able to maintain its workforce, helping to improve the resilience of its Service and possibly reducing the need to recruit new staff in the future

## **Guidance for Officers - Documented Policies and Procedures**

LAs should provide officers with appropriate documented guidance for the range of duties and activities they carry out. Appropriate guidance helps to ensure that official controls are delivered

in accordance with relevant legislation and centrally issued guidance, are effective and delivered consistently between officers.

Four of the Services assessed, (50%), had provided appropriate procedures and work instructions for their officers in relation to the issuing and monitoring of SRDs and other shellfish controls. In some cases, it was noted that these guidance documents had only recently been developed, making it difficult to assess whether or not they had been fully implemented. Although most of the LAs had a system in place for reviewing their documentation, two LAs, (25%) received a recommendation requiring the development of an appropriate process to ensure that their policies and procedures are regularly updated to include reference to the latest legislation and guidance. It was clear that despite having an update and review system in place, several LAs were having difficulty finding the time to review and update their range of procedures and guidance for officers due to other demands on their time and resources.

## **Food Establishment Database**

Authorities must have the necessary facilities and equipment that are required for the effective delivery of all activities associated with the service. LAs are required to set up and maintain a database of the food establishments in their areas and a documented procedure to ensure that the database is accurate, reliable and up to date.

All the Services audited maintained a food premises database, which included all food businesses in their area. All the LA except one had a suitable documented procedure for maintaining and verifying its accuracy. Shellfish harvesters had been registered and one LA they had also tagged harvesters with a specific code to enable them to be easily identified through their MIS if needed.

## **Delivery of Official Controls**

### **Shellfish Registration Documents (SRDs)**

Authorities should issue and record SRDs to shellfish harvesters upon request, in accordance with the FLCoP and any centrally issued guidance.

All of the Services audited had developed a suitable system for issuing SRDs upon request by shellfish harvesters and FBOs, although only half of the LAs had developed and implemented a documented procedure covering this activity. All the LAs issued paper SRDs, usually in triplicate, with returned copies being kept by the LA, the FBO and the operator at the next destination for the shellfish.

The audit included an assessment of recent returned SRDs issued by each Authority, as well as looking at any arrangements for Permanent Transport Authorisations (PTAs). PTAs can be arranged between LAs and businesses where the staff gathering shellfish also operate the purification centre, dispatch centre, relaying area or processing establishment receiving shellfish throughout the year and all establishments are supervised by the same local authority, removing the need for individual SRDs to be issued every time a batch of shellfish is harvested.

All the LAs audited had some form of register, either paper or digital to record the SRDs that had been issued and returned. All the LAs audited had pre-populated the SRDs with unique numbers to allow the records to be easily traced. Most of the LAs had provided useful guidance for harvesters completing the SRDs on how to complete the form. Most LAs had a process of issuing batches of up to 50 blank SRDs to regular harvesters to save time for the LA and the harvesters. This did lead to the possibility though of very old SRDs being submitted, well after the initial date that the SRD was issued. There was evidence that all the LAs audited kept records of the SRDs issued for at least 12 months in accordance with the FLCOP, with most LAs keeping records for

considerably longer than this.

Most of the SRDs assessed had been completed appropriately, with harvester names, addresses, species caught, size of the catch and harvest location details being provided. Only minor errors and gaps in a small number of forms were occasionally noted, however these errors did highlight the need for LAs to carry out some form of regular monitoring of the returned forms, to ensure that they are accurately and fully completed. There was evidence of effective routine monitoring of SRDs found in three LAs (38%), with incomplete forms being returned to harvesters or queries on the accuracy of the forms being followed up by the LAs. The remaining LAs were advised to introduce a system for the monitoring of issued and returned SRDs, to ensure that the LAs have effective oversight of the harvesting activities in their area, and to have better oversight of the SRDs that have been issued by the LA.

Current PTAs had been arranged with businesses in three of the LAs audited. Evidence of the arrangements made was seen in two of these Authorities, however one Authority could not provide documentary evidence of the PTA in place.

The audit programme highlighted the sometimes complex commercial arrangements associated with the shellfish industry and the difficulties of understanding and applying the legislation in some cases. One such example involved a large fish auction house with multiple landings of different species of shellfish happening throughout the year. To help with efficiency and the commercial viability of the process, practical arrangements had been made by the auction house with the large number of different harvesters landing produce at the site. In addition, the transport chain involved very large national wholesalers and retailers dealing in higher volumes of shellfish, along with very small volumes of ad hoc random landings from time to time.

Identifying the various legal entities and legal responsibilities around the issuing of SRDs for all of the businesses and agents involved in the transport chain, whilst trying to be supportive of local business in the area was a challenge for the LA involved. Shellfish traceability was possible but mainly centred around the use of GPS technology and financial receipts rather than always using the prescribed documentation. The LA has since sought advice from the FSA and its local shellfish liaison group (SLG). The Authority was advised to also seek advice from the National Shellfish Liaison Group on the use of express agreements.

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Issuing and monitoring SRDs:

the provision of information to shellfish harvesters on the correct use of SRDs and ensuring registration of harvesters prior to issuing SRDs

restricting and varying the number of SRDs issued to new FBO's considering the confidence in management

an electronic summary of each SRD issued and returned is recorded on a spreadsheet - this provides all the information on each SRD on one sheet and is a useful overview

a unique code for identifying shellfish harvesters has been set up on the LAs MIS - this allows quick identification of all shellfish businesses in the event of an incident

information had been provided to harvesters at the shoreline to encourage the correct use of SRDs, registration of businesses and to raise awareness of enforcement options available to the Authority

an effective electronic system whereby FBOs can apply for SRDs

## **Interventions**

Authorities should carry out interventions/inspections and approve or register establishments in accordance with the relevant legislation, Codes of Practice, centrally issued guidance and the Authority's policies and procedures.

Shellfish harvesting generally falls within the definition of primary production, and as such, once registered, these activities were seen as low risk, falling within the lower risk category of food business, usually category D or E. All the LAs audited had a policy of carrying out unannounced inspections where possible. There were some situations, usually involving fishing/harvesting vessels, where it was necessary to provide some notice for practical reasons.

All the LAs audited had a documented procedure for delivering interventions, providing officers with appropriate guidance for most of the interventions carried out. These procedures could be improved by making appropriate references to traceability checks, including checks on SRDs in relevant businesses. A sample of intervention records from businesses involved in handling or distributing shellfish were assessed as part of the audit. In each case the interventions had been carried out at the appropriate frequency in accordance with the FLCoP. Whilst most of the records seen contained appropriate detailed inspection findings, one LA received a recommendation in relation to the recording of their low risk alternative enforcement strategy interventions (AES) and another LA required more detailed inspection notes to be recorded to allow the LA to clearly demonstrate that businesses had been appropriately assessed against all the relevant legislation during interventions.

LAs were using a range of inspection aides-memoire to record officer findings, based on the nature of the business involved. Most LAs were using the FSAs inspection form template for fishing vessel inspections to record their findings, amending the form to make it more suitable for shellfish harvesting. However, it was noted that in most cases this form lacked a suitable prompt to record any assessment concerning the examination of SRDs or other traceability checks. Appropriate approved establishment aides-memoire had been used for the inspection of approved businesses, which did include sufficient prompts requiring officers to comment on shellfish traceability.

## **Reality Visits**

In order to complete the traceability element of the audit programme, visits were carried out in each LA to a business identified on the SRDs provided. LA officers accompanied FSA auditors on these visits, which were carried out to the point where batches of shellfish had an appropriate ID mark applied, as prescribed by legislation.

In every case, copies of the appropriate SRD were found on site in each of the businesses. Businesses all had a suitable system for recording and storing these SRDS either physically or digitally. The SRDs had been further completed by the businesses to show the next destination point for the shellfish, with ID marks applied to batches for further transportation to the retail sector. Based on the sample of batches selected, it was possible in each case to trace the origin of the shellfish back to its harvest location. Where appropriate, PTA arrangements were also discussed with the businesses and found to be appropriate in each case based on the nature of shellfish harvesting activities.

On each visit, LA officers were able to demonstrate a detailed knowledge of the businesses involved, and the range of business activities that took place on site. Officers were able to offer support and guidance to businesses to enable them to meet their legal obligations as efficiently and as effectively as possible. Through discussions during the visits, FBOs stated that they frequently discussed detailed practical issues with LA officers concerning any changes to business practices and legal guidance.

LAs are required to set up, maintain and implement a documented enforcement policy, in accordance with the relevant Codes of Practice and other official guidance. This policy should be approved by the relevant local authority member forum or relevant senior officer (where delegated).

All the Services had a suitable enforcement policy in place, and all had a range of appropriate enforcement procedures in place. These procedures play an important role in helping to ensure consistency between officers when delivering official controls. None of the eight LAs had found it necessary to carry out any formal enforcement activity in relation to shellfish traceability or the issuing of SRDs in the last 12 months. The LAs all had suitable guidance for officers though, should the need arise.

## **Food Safety Incidents, Complaints and Infectious Disease Outbreaks**

LAs are required to set up, maintain and implement documented policies and procedures for initiating and responding to food alerts, dealing with complaints and investigating outbreaks of infectious disease in accordance with the relevant Codes of Practice.

All the Services audited had appropriate documented policies and procedures in place, which required regular review to ensure they contain up to date legal references. All complaints and incidents relating to shellfish that were reviewed had been dealt with appropriately. No specific infectious disease outbreaks had been reported by the Services audited in relation to shellfish in the last 12 months.

## **Internal Monitoring and Corrective Actions**

LAs are required to set up, maintain and implement documented internal monitoring procedures to verify conformance with the Standard, relevant legislation and Codes of Practice, relevant centrally issued guidance and the Authority's own documented policies and procedures. They are also required to record all internal monitoring undertaken and to keep this for at least two years.

All eight LAs in the programme were able to provide an internal monitoring procedure, although not all LAs were currently implementing them. There was significant variation in the type and amount of internal monitoring activities being carried out by all eight LAs in the programme. Seven of the eight LAs (88%) were able to provide evidence of a range of internal monitoring activity across some elements of their service, including quantitative and qualitative monitoring. For most LAs, quantitative monitoring of intervention programmes was a strength, with detailed information on progress with intervention plans regularly issued and reported, often through the use of KPIs.

Seven of the eight LAs (88%) were also able to provide evidence of a range of qualitative monitoring of files, letters and inspection records across some of its service activities. Three of the eight LAs carried out monitoring in relation to completed SRDs and their SRD register. Five of the eight LAs were advised to extend the range of their internal monitoring activities to include all aspects of service delivery, including monitoring relating to shellfish traceability checks and SRDs. They should also ensure any identified corrective actions required as part of the internal monitoring process are implemented, completed and recorded. Appropriate risk based qualitative monitoring is essential to ensure compliance with relevant legislation and any centrally issued guidance and to ensure the effectiveness and consistency of the official controls being delivered.

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Internal monitoring:

- the development of a customer satisfaction survey that includes outcome focused questions on the business impacts of interventions - these questions should help the

Service understand the impact of its official controls on FBO behaviours and allow it to make any necessary improvements

- the development of consistency exercises for officers based on real local examples - this should help the Service to deliver consistent and effective official controls