



Report on the Food Law Enforcement Services

Merthyr Tydfil County Borough Council
23rd – 27th May 2016

Foreword

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

The attached audit report examines the local authority's Food Law Enforcement Services. The assessment includes consideration of the systems and procedures in place for interventions at food businesses, food sampling, internal management, control and investigation of outbreaks and food related infectious disease, advice to business, enforcement, food safety promotion. It should be acknowledged that there may be considerable diversity in the way and manner in which authorities provide their food enforcement services reflecting local needs and priorities.

Agency audits assess local authorities' conformance against the Feed and 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 (amended April 2010) is available on the Agency's website at: www.food.gov.uk/enforcement/enforcework/frameagree

The main aim of the audit scheme is to maintain and improve consumer protection and confidence by ensuring that authorities are providing effective food and feed law enforcement services. The scheme also provides the opportunity to identify and disseminate good practice, and provides information to inform Agency policy on food safety, standards and feedingstuffs and can be found at: www.food.gov.uk/enforcement/auditandmonitoring

The report contains some statistical data, for example on the number of food establishment inspections carried out. The Agency's website contains enforcement activity data for all UK local authorities and can be found at: www.food.gov.uk/enforcement/auditandmonitoring

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

For assistance, a glossary of technical terms used within the audit report can be found at Annex C.

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1 Introduction

- 1.1 This report records the results of an audit of food hygiene and food standards at Merthyr Tydfil County Borough Council under the headings of the FSA Feed and Food Law Enforcement Standard. It has been made publicly available on the Agency's website at www.food.gov.uk/enforcement/auditandmonitoring/auditreports

Reason for the Audit

- 1.2 The power to set standards, monitor and audit local authority food and feed law enforcement services was conferred on the FSA by the Food Standards Act 1999 and the Official Feed and Food Controls (Wales) Regulations 2009. The audit of the food services at Merthyr Tydfil County Borough Council was undertaken under section 12(4) of the Act and Regulation 7 of the Regulations.
- 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 FSA, 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.¹
- 1.4 The authority was audited as part of a three-year programme (2013 – 2016) of full audits of the 22 local authorities in Wales.

Scope of the Audit

- 1.5 The audit covered the authority's arrangements for the delivery of food hygiene and food standards enforcement services. The on-site element of the audit took place at the authority's offices at Civic Centre, Castle

¹ 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).

Street, Merthyr Tydfil on 23rd – 27th May 2016, and included verification visits at food businesses to assess the effectiveness of official controls implemented by the authority, and more specifically, the checks carried out by the authority's officers, to verify food business operator (FBO) compliance with legislative requirements.

- 1.6 The audit also afforded the opportunity for discussion with officers involved in food law enforcement with the aim of exploring key issues and gaining opinions to inform FSA policy.
- 1.7 The audit assessed the authority's conformance against "The Standard". The Standard was adopted by the FSA Board on 21st September 2000 (and was subject to its fifth amendment in April 2010), and forms part of the Agency's Framework Agreement with local authorities. The Framework Agreement can be found on the Agency's website at www.food.gov.uk/enforcement/enforcework/frameagree

Background

- 1.8 Merthyr Tydfil County Borough Council is a unitary authority in south-east Wales. It borders three other local authority areas – Powys to the north, Caerphilly to the east and south-east, and Rhondda Cynon Taff to the west and south-west.
- 1.9 Merthyr Tydfil is entirely inland and covers an area which stretches from Pontsticill in the north to Penrhiwceiber and Treharris in the South to Heolgerrig in the west and Dowlais in the east.
- 1.10 According to the 2011 Census, Merthyr Tydfil has a population of 58,600 with 97.6% of the population being White. The population density was the ninth highest in Wales in mid-2015. 8.9% of the population speaks, reads, writes or understands Welsh.
- 1.11 According to the Welsh Index of Multiple Deprivation (WIMD) 2014, Merthyr Tydfil is ranked the second most deprived local authority in Wales and contains indicators of deprivation above the Wales average. The County Borough is, however, rated better than average with regards to access to services and physical environment.

- 1.12 Both food hygiene and food standards law enforcement were being carried out by officers in the authority's Food Safety team in the Public Protection and Housing Department
- 1.13 Officers and support staff responsible for food hygiene and food standards were based at the Civic Centre, Castle Street, Merthyr Tydfil.
- 1.14 The authority reported that it had a 24-hour emergency out-of-hours service. The out-of-hours service was not tested as part of the audit.
- 1.15 At the beginning of 2015/16 there were some 583 food establishments in Merthyr Tydfil. In addition, there was one approved food establishments.
- 1.16 The authority had 2.6 full time equivalent (FTE) officers involved in the delivery of food hygiene and food standards official controls in 2015/16.
- 1.17 The authority provided officers with opportunities for continuous professional development. A training budget was available and this was being maintained year on year.
- 1.18 The annual budget for food law enforcement services in 2015/16 was £158,100.
- 1.19 The authority had been participating in the National Food Hygiene Rating Scheme which was launched in Wales in October 2010. At the time of the audit, the food hygiene ratings of 473 food establishments in Merthyr Tydfil were available to the public on the National Food Hygiene Rating Scheme website.

2 Executive Summary

- 2.1 The audit examined Merthyr Tydfil County Borough Council's arrangements for the delivery of official food controls. This included reality checks at food establishments to assess the effectiveness of official controls and, more specifically, the checks carried out by the authority's officers, to verify food business operator (FBO) compliance with legislative requirements. The scope of the audit also included an assessment of the authority's overall organisation and management, and the internal monitoring of food law enforcement activities.
- 2.2 The Environmental Health Manager had overall responsibility for the delivery of food law enforcement services and was also the nominated lead officer for food safety.
- 2.3 Food law enforcement services had been subject to significant resource challenges in the three years prior to the audit and in 2014/15 responsibility for food standards official controls was transferred from the authority's Trading Standards service to the Environmental Health service with no additional resource. Whilst this had put additional pressures on officers delivering food hygiene official controls, the benefits to local businesses of food standards and food hygiene official controls being delivered at the same time and by the same officers was acknowledged.
- 2.4 The service plan developed by the authority was largely in accordance with FSA guidance although the need to estimate the resources required to deliver food law enforcement services against those available was identified.
- 2.5 The authority had arrangements in place to ensure effective service delivery by officers who had been authorised in accordance with their qualifications, training and experience.
- 2.6 A documented work procedure had been developed to ensure the accuracy of the authority's food establishment database and the authority had been able to provide Local Authority Enforcement Monitoring System (LAEMS) returns to the FSA.

- 2.7 Record and database checks confirmed that the authority had prioritised food hygiene and food standards inspections of higher-risk and specialist businesses. The authority reported no overdue establishments in relation to food standards and only a small number of overdue establishments in relation to food hygiene.
- 2.8 Whilst in the majority of cases records confirmed that thorough inspections had taken place, information captured during food hygiene inspections in some cases could be improved to confirm that a thorough assessment of compliance had taken place. Where the need for follow-up action had been identified following inspections, auditors were able to confirm that it had been timely and appropriate in all cases.
- 2.9 In general, food hygiene and standards inspection records and reports were being adequately maintained by the authority; in accordance with the Food Law Code of Practice.
- 2.10 Overall, the investigation of food related infectious disease, the authority's response to incidents, the investigation of complaints and sampling had been carried out in accordance with the Food Law Code of Practice.
- 2.11 The authority had been proactive in providing advice and guidance to food businesses and undertaking promotional activities in its area. This included the provision of bespoke training and coaching sessions.
- 2.12 The Environmental Health Manager and her nominated deputy had put in place robust internal monitoring arrangements maintaining close oversight of officers' work. There was evidence that officers were receiving feedback on the quality of their work.

2.13 The Authority's Strengths

Food Standards Intervention Frequencies

The authority carried food standards interventions at the minimum frequencies required by Code of Practice. Interventions carried out at the minimum frequency ensure that risks associated with food businesses are identified and followed up in a timely manner.

Food Hygiene Interventions Reports

Intervention / inspection reports provided to food business operators contained all the information required by the Food Law Code of Practice.

Advice to business

The authority had been proactive and was able to demonstrate that it works with businesses to help them comply with the law.

Food Establishments Database

The authority's food premises database was found to be accurate, reliable, and up to date.

Control and Investigation of Outbreaks and Food Related Infectious Disease

The authority was able to demonstrate that notifications of infectious disease had been subject to thorough investigation by suitably qualified and competent officers.

Food Safety Incidents

The authority was able to demonstrate that it had initiated and responded to notifications of incidents in a timely and effective manner, investigating and sharing information with the FSA and other authorities.

Liaison with other Organisations

The authority had comprehensive arrangements in place to liaise with other local authorities and organisations to facilitate consistent enforcement and reduce burdens on business.

2.14 The Authority's Key Areas for Improvement

Authorised Officers

Officers should be properly authorised under all relevant legislation.

Audit Findings

3 Organisation and Management

Strategic Framework, Policy and Service Planning

- 3.1 Food law enforcement was overseen by the appointed Cabinet Member for the Public Protection and Housing portfolio. The authority's Constitution set out its decision-making arrangements. Under the Constitution, decisions on most operational matters had been delegated to the Head of Public Protection and Housing.
- 3.2 A 'Feed and Food Service Plan 2015-2016' ('the Service Plan') had been developed by the authority. There was evidence that the Service Plan had been approved by the Cabinet.
- 3.3 The Service Plan contained most of the information set out in the Service Planning Guidance in the Framework Agreement, including a profile of the authority, the organisational structure and the scope of the service. The times of operation, service delivery points and aims, and objectives of the service were clearly set out.
- 3.4 The annual LAEMS return indicated that there were approximately 584 food establishments in Merthyr Tydfil.
- 3.5 The profiles of businesses in Merthyr Tydfil for food hygiene and food standards were provided by establishment type and the number of planned interventions due in 2015/16 were provided by risk rating.
- 3.6 In respect of food hygiene the following information was provided in the Service Plan:

Risk Category	No of visits Planned	Type of Visit
A	1	Full inspection
B	34	Full inspection
C	165	Full inspection
D	19	Official intervention
E	77	Alternative Strategy
New premises	92 (approx. based on last year's figures)	
Revisits to all categories	75 (approx. based on last year's figures)	Revisit to check compliance
Rescores requested under the FHRS	15 (approx. based on last year's figures)	Full inspection
Total no of planned visits	478	

3.7 The targets and priorities for food hygiene had been identified in the Service Plan. These included a commitment to deliver all inspections / interventions due at higher-risk establishments.

3.8 In respect of lower-risk establishments, the Service Plan stated that they would receive either an inspection (Category D and some category E) or would be subject to alternative enforcement activity; both in accordance with the Food Law Code of Practice.

3.9 Although, the number of unrated businesses had been reported in the Service Plan, the benefit of including them in the above table was highlighted.

3.10 The following information was provided in respect of food standards:

Existing LACORS Category	Inspection Frequency	Number of Inspection Due 2015/16
A High risk	Once every year	0
B Medium risk	Once every 2 years	49
C Low risk	Once every 5 years	16
TOTAL		65

3.11 The targets and priorities for food standards included a commitment to deliver all inspections / interventions at the same time as food hygiene interventions. In the Service Plan, it was unclear what would happen if a food standards intervention becomes due before a food hygiene intervention. The authority would benefit from detailing in the Service

Plan the arrangements in place for programming high-risk food standards interventions where these become due in advance of food hygiene interventions.

3.12 The authority's priorities and intervention-targets as set out in the Service Plan, would be risk-based subject to the inclusion of the arrangements in place for programming high-risk food standards interventions where these become due in advance of food hygiene interventions.

3.13 The resources available to deliver food law enforcement services were detailed in the Service Plan as follows:

Position	Function	Qualification	FTE (approx.)
Public Protection and Housing Manager	Management of Environmental Health, Trading Standards, Licensing, Home to School Transport, Housing Services, Community Safety, Registrars	Trading Standards Officer	0
Environmental Health Manager	Environmental Health includes Food Safety, infectious Disease, Health and Safety, Private Sector Housing, Pollution, Pest Control, Dog Warden	Environmental Health Officer (EHRB registered, competent to carry out interventions and enforcement in all categories)	0.1
Environmental Health Officer	Food Safety, Food Standards Infectious Disease, Health and Safety	Environmental Health Officer (EHRB registered, competent to carry out food hygiene interventions and enforcement in all categories. Competent carry out food standards interventions in category B-C establishments)	2.1
Occupational Health Technical Officer	Food Safety, Food Standards, Health and Safety	Higher Certificate in Food Premises Inspection with endorsement to carry out food standards	0.5
Trading Standards	Food Standards interventions in high	Trading Standards Officer (Food Standards Certificate)	0.01

Officer	risk establishments,		
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- 3.14 The authority had not indicated the likely demand for each aspect of food service delivery or made a comparison of the resources required to deliver the full range of food official controls against those available.
- 3.15 The Service Plan included information on the authority's Enforcement Policy and its approach to staff development and the necessity to undertake many programmed inspections out-of-hours had been emphasised.
- 3.16 The authority supported businesses though its commitment to following the Primary Authority Scheme and the Home Authority Principle.
- 3.17 Arrangements for internal monitoring were set-out in the Service Plan and included monitoring the number and quality of inspections and inspection reports and enforcement actions.
- 3.18 The overall costs of providing food law enforcement services had been provided in the Service Plan, but not the trend in growth or reduction. Further, a breakdown had not been detailed in terms of the non-fixed costs such as travel and subsistence, investment in IT and a reference to the departmental financial provision for legal action.
- 3.19 A service review had been undertaken and was provided within the 2015/16 Service Plan. The variations in achieving the targets set-out in the previous Service Plan were identified and related to the timeliness of food hygiene interventions and the timeliness of interventions at new businesses.
- 3.20 The authority had incorporated a number of areas for improvement in its 2015/16 Service Plan, based on a review of the previous years plan. However, the improvements did not address the variances in ensuring timely food hygiene inspections of both new and existing businesses.
- 3.21 The authority had responded to an area for improvement identified in the previous year by transferring the delivery of food standards official controls from trading standards to the food hygiene team within environmental health. This was to assist the authority in meeting the required frequencies for food standards inspections.

Recommendation

3.24 The authority should:

- (i) Ensure future Service Plans for food hygiene and food standards are developed in accordance with the Service Planning Guidance in the Framework Agreement. In particular, an estimate of the resources required to deliver the services against those available should be provided. Also, ensure the improvements include actions to address the variances identified. [The Standard – 3.1]

4 Review and Updating of Documented Policies and Procedures

- 4.1 The authority had developed a Quality Manual which included a procedure on document control for both the food hygiene and food standards services. The procedures included control over the production, approval, review, amending and storage of policies, procedures and associated documents.
- 4.2 Documents were stored electronically on a specified restricted network drive, protected from unauthorised access.
- 4.3 Designated officers were responsible for developing and reviewing documents at specified intervals and whenever changes were required. Permission to make changes to the list of documents or individual documents, as well as ensuring the removal of superseded documents, was restricted to these designated individuals. The Head of Public Protection and Housing was responsible for the approval of policies and procedures in the authority.
- 4.4 Auditors were able to verify that officers had access to hard copy and electronic versions of policies and procedures, legislation and centrally issued guidance. Officers could also access information on the internet.
- 4.5 Most documents had been subject to review in line with the authority's procedures. However, auditors noted that contrary to the authority's own procedure, its Enforcement Policy had not been reviewed since 2014 despite organisational changes.

Recommendation

- 4.6 The authority should:
- (i) Ensure that its Enforcement Policy is updated at regular intervals in accordance with its document control procedures. [The Standard – 4.1]

5 Authorised Officers

- 5.1 The Authority's Scheme of Delegation to Officers, contained within the Constitution, provided the Head of Public Protection with delegated powers to execute all duties relating to the food hygiene and food standards services. This included powers to authorise other officers and to authorise legal proceedings.
- 5.2 A documented procedure had been developed for the authorisation of officers, based on their competencies for food hygiene, infectious disease control and food standards services. The process for assessing competency had been documented and competency assessments formed part of the authorisation records.
- 5.3 A lead officer for food hygiene, food standards and communicable disease had been appointed, who had the requisite qualifications and training.
- 5.4 The authority had systems in place to identify officer training needs including performance reviews, internal monitoring activities and discussions within team meetings. A documented training plan was available for the current year and covered all officers and a suitable allocation for training was provided within the budget. All officers were required to achieve 10 hours continuing professional development (CPD) in accordance with the Food Law Code of Practice. Officers had received the necessary training to deliver the technical aspects of the work for which they were involved.
- 5.5 A sample of authorisation and training records for officers involved in the delivery of official food controls were examined. Officers had been authorised in accordance with their qualifications, training and experience.
- 5.6 Officer authorisations were all up to date. Officers had been authorised under some of the required legislation and their powers restricted where appropriate. However, auditors identified that a number of statutes that require specific authorisation had been omitted from officer authorisations and that officers had been authorised by the authority under the Food and Environment Protection Act 1995 despite this being the responsibility of the FSA.

- 5.7 All officers had received the minimum 10 hours of CPD required by the Food Law Code of Practice and the authority's own policies. Further, all officers had received the necessary training to deliver the technical aspects of the work in which they were involved.

Recommendation

- 5.8 The authority should:
- (i) Ensure food enforcement officers are properly authorised under all appropriate legislation and in accordance with the Food Law Code of Practice. [The Standard – 5.1]

6 Facilities and Equipment

- 6.1 The authority had all of the necessary facilities and equipment required for the effective delivery of food hygiene and food standards services, which were appropriately stored and accessible to relevant officers.
- 6.2 The authority had developed a procedure for the maintenance and calibration of equipment for both the food hygiene and food standards services. The procedure detailed the arrangements for ensuring equipment such as thermometers were properly identified, assessed for accuracy and withdrawn from use when found to be faulty. The procedure made reference to testing including in house checks, together with action to be taken where tolerances were exceeded, in accordance with centrally issued guidance. Auditors discussed the benefit of ensuring that the procedure was reviewed to ensure that thermometers operated within the tolerances specified within centrally issued guidance.
- 6.3 Officers had been supplied with thermometers, which were being calibrated monthly against a reference thermometer. The reference thermometer was calibrated in a laboratory annually. Records relating to calibration were being maintained by the authority.
- 6.4 An examination of records relating to the latest calibration checks confirmed that all were within acceptable tolerances in accordance with the centrally issued guidance.
- 6.5 The authority's food databases were capable of providing the information required by the FSA. A number of checks were carried out during the audit which confirmed that databases were operated in such a way to enable accurate reports to be generated.
- 6.6 The food database, together with other electronic documents, used in connection with food law enforcement services were subject to regular back-up to prevent the loss of data.
- 6.7 The authority had systems in place to ensure business continuity and minimise damage by preventing or reducing the impact of security incidents. In respect of food law enforcement services, officers had been provided with individual passwords and access for entering and deleting data had been restricted on an individual basis. Data input

protocols were also in place and any issues were discussed during team meetings in order to achieve consistency.

7 Food Establishments Interventions and Inspections

Food Hygiene

- 7.1 In 2015/2016 the authority reported through LAEMS that of the 584 food businesses within its area all but two category A-E rated food establishments due to be inspected had been inspected. Furthermore, 93.46% of food businesses were 'broadly compliant' with food hygiene legislation. This represented an improvement in broad compliance of 1.92% from 91.54% reported as 'broadly compliant' in the previous year.
- 7.2 Information provided during the audit indicated that the authority had adopted a risk-based approach to managing its food hygiene interventions programme. There were 62 food establishments overdue an intervention by more than 28 days, all of which were in the lowest risk category as specified by the Food Law Code of Practice i.e. category E establishments.
- 7.3 The authority had developed documented procedures aimed at establishing a uniform approach to carrying out food hygiene interventions and revisits. An examination of these procedures confirmed that all made reference to relevant legislation, had been subject to recent review, and were generally in accordance with the requirements of the Food Law Code of Practice and centrally issued guidance.
- 7.4 A procedure for interventions at approved establishments was available based on one which had been developed by the All Wales Food Safety Expert Panel. A suite of template documents and pro-formas were available for officers to use when inspecting approved establishments which were readily accessible on the authority's shared drive.
- 7.5 A general food hygiene inspection aide-memoire and a specific aide-memoire for use at butcher's establishments had been developed to assist officers and ensure comprehensive inspection records were maintained.
- 7.6 During the audit, an examination of records relating to 10 food establishments was undertaken. Auditors confirmed that, in recent years, all but one establishment had been inspected at the frequencies required by the Food Law Code of Practice. In the remaining case, a high-risk establishment (i.e. a category A rated establishment) had been overdue an intervention by approximately two months from its due date. The Food Law

Code of Practice requires that interventions take place within 28 days of their due date

- 7.7 Inspection records were available and legible for the 10 food establishments audited.
- 7.8 In half the cases examined, auditors noted that sufficient information had been captured by officers to verify that the size, scale and scope of the business operations had been considered. Auditors were also able to determine that in all cases the level of detail recorded on aide-memoires was sufficient to verify that officers had, where appropriate, considered the effectiveness of cross-contamination controls in accordance with current guidance and in eight out of 10 cases, auditors were able to confirm that an assessment of business compliance with requirements relating to Hazard Analysis Critical Control Point (HACCP) had been undertaken.
- 7.9 In eight of the 10 cases, auditors were able to confirm that officers had retained the core elements of a business HACCP plan on file. In the remaining cases, there was insufficient evidence to demonstrate that officers had retained the critical control points from an establishments HACCP plan on inspection records.
- 7.10 Auditors were able to confirm that in all cases information on hygiene training undertaken by employees had been captured by officers and in seven out of 10 cases, auditors were able to verify that discussions with food handlers responsible for monitoring and corrective action at critical control points had been documented. In the remaining cases, insufficient evidence was available on the file to demonstrate that these discussions had taken place.
- 7.11 In all cases, supplier information had been recorded and there was evidence available in nine out of 10 cases to demonstrate that consideration had been given to imported foods. Auditors were able to confirm that officers had undertaken checks on health / I.D. marks to verify the source of foods in three cases.
- 7.12 Where establishments were supplying other businesses, auditors were able to confirm in all but one case that details of the business to which food is supplied and product recall/withdrawal arrangements had been captured.

- 7.13 The risk ratings applied to establishments were consistent with the inspection findings in all but one case. In this case an additional 'consumer at risk' score had been incorrectly applied which meant that the establishment had a higher overall risk rating and would be subject to intervention more frequently than required by the Food Law Code of Practice.
- 7.14 Where revisits had been required, records confirmed that these had taken place within the timescales specified in the authority's revisit procedure.
- 7.15 The authority had informed the FSA prior to the audit that there was one approved establishment in its area which was subsequently selected for audit.
- 7.16 The approved establishment was a standalone cold storage facility. Auditors were able to confirm that the most recent inspection had been undertaken at the correct frequency, the establishment was provided with an appropriate risk rating consistent with the inspection findings and that interventions had been undertaken by suitably authorised officers.
- 7.17 Information captured on the aide-memoire during the most recent inspection was sufficient to confirm that a full scope inspection had taken place, and that officers had undertaken a thorough assessment of compliance with food hygiene requirements as required by the Food Law Code of Practice.
- 7.18 It was noted that the establishment had been granted full approval upon application, contrary to the authority's procedure and centrally issued guidance. Whilst officers had been aware of the procedural requirements a decision had been made to grant full approval based on the scope of the business and perceived low risk.
- 7.19 The authority's food interventions procedure detailed when an Alternative Enforcement Strategy (AES) could be used for lower risk premises. The authority had also developed a questionnaire for use in establishments selected for an AES.
- 7.20 Prior to the audit the authority provided a list of AES activity that had been undertaken at low risk establishments. Ten files were selected for audit. In two cases, auditors established that the establishments had been rated as

category D and were not eligible for an AES. In the remaining eight cases, the AES had been properly undertaken by a qualified and authorised officer.

- 7.21 In recent years, six out of the eight establishments had been subject to AES at the frequencies required by the Food Law Code of Practice. In the remaining two cases, these had been overdue by between 4 and 5 months. The Food Law Code of Practice requires that interventions take place within 28 days of their due date.

Recommendations

7.22 The authority should:

- (i) Ensure that food hygiene interventions/inspections and AES are carried out at the minimum frequencies specified by the Food Law Code of Practice. [The Standard -7.1]
- (ii) Ensure that, where applicable, approval of establishments and application of risk ratings are undertaken consistently in accordance with the Food Law Code of Practice, centrally issued guidance, and local procedures. [The Standard – 7.2]
- (iii) Fully assess the compliance of establishments in its area to the legally prescribed standards; particularly, in relation to the assessment of HACCP requirements (including the retention of Critical Control Points), discussions with food handlers, checks on health / ID marks and assessment of product recall/withdrawal arrangements [The Standard - 7.3].
- (iv) Ensure that observations made and/or data obtained in the course of a food hygiene inspection including the scale of activities, are recorded in a timely manner to prevent the loss of relevant information. [The Standard – 7.5]

Verification Visits to Food Establishments

- 7.23 During the audit, verification visits were made to two food establishments with authorised officers of the authority who had carried out the most recent food hygiene inspections. The main objective of the visits was to consider the effectiveness of the authority's assessment of food business compliance with food law requirements.
- 7.24 The officers were knowledgeable about the businesses and demonstrated an appropriate understanding of the food safety risks associated with the activities at each establishment. The officers demonstrated that they had carried out a detailed inspection and had appropriately assessed compliance with legal requirements and centrally issued guidance and were offering helpful advice to the food business operators in both cases.

Food Standards

- 7.25 In 2015/16 the authority had reported through LAEMS that 100% of category A-C rated food businesses due to be inspected had been inspected. This is consistent with what had been reported in the previous year.
- 7.26 At the time of the audit all food establishments contained on the authority's database that were due a food standards intervention had received one. No overdue inspections were reported.
- 7.27 The authority had developed a combined food standards / food hygiene inspection procedure which was mainly in accordance with the Food Law Code of Practice. Auditors discussed the benefits of including guidance for officers on recording significant breaches and specifying timescales for follow-up action where required.
- 7.28 A food standards aide-memoire had been developed and appended to the food hygiene documentation for use by officers when undertaking food standards interventions. The aide-memoire contained relevant topics and prompts to cover the areas which officers were required to review during an intervention.

- 7.29 During the audit an examination was carried out of records held on the authority's database and in hardcopy for 10 food establishments reported to have been subject to food standards inspections. In all but one case these visits had been undertaken as combined food hygiene / food standards interventions. All establishments selected were also reviewed under the food hygiene section of this report.
- 7.30 In all cases establishments had been inspected at the frequencies required by the Food Law Code of Practice which requires that interventions take place within 28 days of their due date.
- 7.31 Inspection records were retrievable and legible in all but one of the cases examined where key information in relation to the food standards assessment had been archived off-site.
- 7.32 Auditors noted that officers had recorded observations against all sections of the aide memoire for food standards. However, in some cases records did not reflect in sufficient detail the scope and depth of observations made and/or data obtained in the course of inspections. Auditors discussed the benefits of recording more detailed observations in line with those recorded for food hygiene.
- 7.33 Given that files selected for audit related to combined food hygiene / standards interventions, information such as traceability, product recall, assessment of imported foods and size, scale and scope of business activities has been reported in section 7.8 of this report.
- 7.34 In all cases that had been subject to previous interventions, auditors were able to verify that appropriate enforcement or follow-up action had taken place in line with local procedures and centrally issued guidance.
- 7.35 The authority was using the intervention rating scheme at Annex 5 of the Food Law Code of Practice for determining food standards intervention frequencies. However, in practice food standards interventions were being planned to coincide with food hygiene interventions. In all but one case risk ratings were consistent with the information that was available on inspection records. In the remaining case, a poor compliance score did not reflect the nature of the inspection records which reported that no contraventions had been identified.

7.36 Auditors were able to confirm that, in accordance with the Food Law Code of Practice, interventions had been unannounced.

Recommendations

7.37 The authority should:

- (i) Ensure that food standards risk ratings are consistent with the information held on file. [The Standard – 7.2]

Verification Visit to Food Establishment

7.38 Verification visits were made to two food establishments with an authorised officer of the authority who had carried out the most recent food standards inspection. The main objective of these visits was to consider the effectiveness of the authority's assessment of the systems within the business for ensuring food meets the requirements of food standards law. Officers were able to demonstrate their knowledge of the business and provide auditors with an assurance that assessments of food standards controls had taken place as part of the inspections.

8 Food and Food Establishments Complaints

- 8.1 The authority had developed a procedure for both food hygiene and food standards complaints and service requests which outlined the criteria for investigations. The procedure was based on a template produced by the All Wales Food Safety Expert Panel (FSEP). The content of the procedure was in accordance with the Food Law Code of Practice and centrally issued guidance.
- 8.2 The procedure contained specific details in relation to timescales for responding to complaints, keeping complainants informed of the progress of investigations and ensuring investigations are carried out in line with the procedure. The procedure had been reviewed regularly since 2013, with the most recent review in January 2016.

Food Hygiene

- 8.3 An examination of the records relating to 10 food hygiene complaints received by the authority was undertaken. Auditors established that all complaints had been actioned in a timely manner and within the target response times set out in the procedure.
- 8.4 All complaints had been investigated in accordance with the authority's procedure and evidence was available to demonstrate that appropriate investigations had been carried out. There was complete information available on the complainant and the food establishment in all cases and, where appropriate, contact had been made with the food business concerned.
- 8.5 In all food hygiene complaints, evidence was available to show that food businesses had been informed of the outcome of investigations and in all but one case complainants had been informed of the outcome.

Food Standards

- 8.6 An examination of the records relating to seven food standards complaints received by the authority was undertaken. Auditors established that all complaints had been actioned in a timely manner.

8.7 In all cases complaints had been investigated in accordance with the authority's procedure and relevant centrally issued guidance. Where appropriate, there had been initial contact with implicated food businesses and complainant information was available. In all but two cases, there was evidence that, where appropriate, complainants had been informed of the outcome of investigations.

Recommendation

8.8 The authority should:

- (i) Ensure that complainants are informed of the outcome of food hygiene and food standards complaint investigations [The Standard 8.2]

9 Primary Authority Scheme and Home Authority Principle

- 9.1 The authority's commitment to the Primary Authority Scheme and Home Authority Principle was set-out in its Service Plan and Enforcement Policy.
- 9.2 Food law enforcement officers had been provided with passwords to enable them to access the Primary Authority website.
- 9.3 Primary and Home Authority considerations had been included in some other work procedures, for example food complaints and sampling procedures.
- 9.4 The authority had no Primary Authority agreements in place and auditors were also able to verify that, in its capacity as an enforcing authority, it had regard to Primary Authority guidance and followed up matters of concern with Primary Authorities as appropriate.
- 9.5 The authority had no formal Home Authority arrangements in place however; it remained responsible for manufacturers based within its area as an originating authority. Records examined during the audit demonstrated that they had been provided with accurate and timely advice and the authority had responded appropriately to requests for information from other local authorities.

10 Advice to Business

10.1 The authority had been proactive in providing food hygiene and food standards advice to businesses. There was evidence that advice had been provided during interventions, through provision of advice leaflets and participation in national events such as food safety week. In addition to this, auditors were provided with evidence that the authority had undertaken bespoke training and coaching sessions to food businesses in various languages. Service Plan figures indicated that 75 requests for information and advice had been received from businesses in the previous year.

10.2 A range of information was available on the authority's website to assist local businesses, which included advice on:

- Setting-up a new food business;
- Approvals and registrations;
- The Food Hygiene Rating Scheme (FHRS);
- Food Safety Management, including Hazard Analysis Critical Control Points (HACCP);
- Food labelling and allergens;
- Food complaints;
- Food poisoning;
- Food safety training;
- Enquiries and requests for advice;
- Food alerts;
- Food sampling;
- Education and promotion of food safety;
- Healthy Options Award

11 Food Establishments Database

- 11.1 The authority had a documented procedure for the maintenance of its food hygiene and food standards databases. Information to update the databases was obtained from food business operators, inspection activity, licensing and planning applications, database reports, online business directories, media / advertisements, local district knowledge, other council departments and members of the public.

- 11.2 Auditors randomly selected 10 food establishments located in the authority's area from the Internet. All were found to have been included on the authority's database.

12 Food Inspection and Sampling

- 12.1 The Authority had developed a Sampling Policy for food hygiene and food standards. Arrangements for out of hours sampling including transport, storage, examination and analysis were contained within the authority's Service Delivery Plan.
- 12.2 Programmes for the microbiological examination and chemical analysis of food that had regard to national and regional priorities had been developed and implemented. The authority indicated that it did not have a dedicated budget for the chemical analysis of foods but funding would be made available if an urgent need was identified. The authority had benefited from FSA grant funding for food standards sampling and had participated in the Welsh Food Microbiological Forum Survey with respect to food hygiene sampling.
- 12.3 A procedure had been developed for microbiological sampling and chemical analysis of foods. Further development of the procedure was required to include the equipment required to undertake food standards sampling, arrangements for sampling hot/cold, solid/frozen and liquid bulk foodstuffs, documentation to be used for the submission of samples, traceability and continuity of evidence.
- 12.4 The authority had appointed a Public Analyst and had a formal agreement in place with Public Health Wales for the microbiological analysis of food. The laboratories used were both on the recognised list of UK Designated Official Laboratories.

Food Hygiene

- 12.5 Audit checks of records relating to 10 samples submitted for microbiological examination were undertaken, seven of which had been notified as being unsatisfactory by the authority whilst the remaining three were notified as being borderline for aerobic colony counts (ACC). All samples had been procured by an appropriately trained and authorised officer and results were available on food establishment files.
- 12.6 Auditors were able to confirm that in eight out of ten cases, businesses had been informed of unsatisfactory and borderline results. In the remaining two cases, insufficient information was available to confirm

that the FBO had been notified of their result. Auditors noted that where businesses had been informed of unsatisfactory or borderline results, in three cases the notification had not taken place within the authority's target timescale.

- 12.7 In seven applicable cases, auditors were able to confirm that the relevant Primary/Home/Originating Authority had been informed of the sampling result. However, in three of these cases, evidence was unavailable to confirm that the Home/Primary authority had been notified within the authority's specified timescales.

Food Standards

- 12.8 An examination of the records relating to 10 unsatisfactory food standards samples was undertaken. All samples had been appropriately procured by suitably trained authorised officers and auditors were able to confirm that sample results were available on food establishment files.
- 12.9 Auditors were able to confirm that sampling had been appropriately undertaken in accordance with the Food Law Code of Practice in all cases.
- 12.10 In all cases, the authority had notified food businesses of sampling results, however in two cases this had not been within the authority's specified timescales. Further, in one case, where a formal sample was taken, the authority had not notified the manufacture of the sampling activity. In all applicable cases, auditors were able to confirm liaison with the Primary, Home or Originating authority had taken place.

Recommendations

12.11 The authority should:

- (i) Develop further its documented sampling procedure to include information relating to equipment, sampling foods in different states, the procurement, continuity of evidence and prevention of deterioration or damage to samples whilst under its control. [The Standard – 12.5]
- (ii) Ensure sampling is carried out in accordance with legislation, the Food Law Code of Practice, centrally issued guidance and its own documented procedure; in particular notifying food business operators and other authorities of the results of examination / analysis [The Standards – 12.6]

13 Control and Investigation of Outbreaks and Food Related Infectious Disease

- 13.1 The authority had identified a lead officer for communicable disease along with other designated officers to assist in investigation and assessment of notifications received by the authority.
- 13.2 The Wales Outbreak Plan, containing information on the management of communicable disease outbreaks in Wales, had been approved for adoption by a senior officer of the authority. The Plan had been produced by a multi-agency group, including Public Health Wales and Welsh Government. Auditors noted that the Plan had been localised to include the contact details of neighbouring local authorities and other agencies that have a role in the control of outbreaks.
- 13.3 A flowchart for investigating sporadic cases of food related infectious disease notifications had been produced by the authority, which was supplemented by a range of pathogen specific advisory leaflets and investigation questionnaires. The authority would benefit from reviewing the procedure to reflect the range of work that is undertaken, with specific reference to the process of investigation and local arrangements.
- 13.4 The authority had informal arrangements in place to respond to notifications of food related infectious disease received outside normal working hours involving contact with an appropriately qualified officer on a goodwill basis. A reciprocal arrangement was in place with a neighbouring authority to provide a service when officers could not be contacted. Auditors noted that all staff had been provided with an 'Outbreak Pack' which they kept in their private vehicles.

Good Practice – Outbreak Pack

The authority had introduced an 'outbreak pack' for dealing with outbreak investigations in line with the procedures. All staff had been provided with one which they kept in their vehicles.

- 13.5 Notifications relating to ten sporadic cases of food related infectious diseases were selected for audit. Completed questionnaires were available in eight cases, which confirmed that officers had interviewed

infected persons and that thorough and timely investigations had been carried out in accordance with the authority's procedures and target response times.

- 13.6 In the remaining two cases, officers had been unable to make contact. Auditors were able to establish that appropriate and timely attempts had been made to contact the cases prior to them being closed.
- 13.7 The authority reported that no food related outbreaks had occurred within their area in the two years prior to the audit.
- 13.8 Records relating to the control and investigation of food related infectious disease were being retained by the authority for at least six years.

Recommendation

- 13.9 The authority should:
 - (i) Further develop the procedure for the investigation of sporadic cases of food related infectious disease to include local arrangements with specific reference to the process of investigation. [The Standard -13.2]

14 Food Safety Incidents

- 14.1 The authority had developed a procedure for dealing with incidents and food alerts which included food alerts arising in its area.
- 14.2 Auditors were able to verify that five recent food alerts for action notified to the authority by the FSA had been received and appropriately actioned.
- 14.3 Auditors were able to verify that the authority was aware of the requirement to notify the FSA of any serious localised and non-localised food hazards arising in its area and had done so when this had been required.
- 14.4 Action taken by the authority had been documented in all cases and correspondence, including officer e-mails relating to food alerts, had been maintained.

15 Enforcement

- 15.1 The authority had developed a Public Protection and Housing Compliance and Enforcement Policy which had been approved by Full Council in March 2013. The most recent review of the Policy had taken place in January 2014. Although a review of the Policy had been scheduled to take place in January 2015, there was no evidence that this had taken place.
- 15.2 The Policy advocated a graduated approach to enforcement and was available to the public and businesses on the authority's website.
- 15.3 The Policy set out the circumstances under which informal action would be taken in addition to containing reference to a number of formal enforcement options. These included Seizure and Detention, Voluntary Surrender of food, Hygiene Emergency Prohibition Notices (HEPN) and Hygiene Orders, Improvement Notices, Voluntary Closures, Remedial Action Notices (RAN), Detention Notices (DNs), Simple Cautions and Prosecutions.
- 15.4 Auditors were able to confirm that the authority had developed a Voluntary Closure and Surrender procedure. Further, guidance on withdrawing and suspending approvals granted under Regulation (EC) No 853/2004 had been documented in the authority's Approved Premises procedure. Procedures in respect of other formal enforcement options had not been developed by the authority.
- 15.4 The authority demonstrated a commitment to using both informal and formal enforcement sanctions to secure compliance with food hygiene and standards legislation. In the two years prior to the audit the following formal enforcement action had been taken:

- 72 Hygiene Improvement Notices (HINs);
- 1 Improvement Notice (IN)
- 7 Fixed Penalty Notices for non-display of food hygiene ratings;
- 2 Remedial Action Notices;
- 2 Voluntary Closures;
- 2 simple cautions;
- 1 detention;
- 3 prosecution decisions

- 15.5 Ten Hygiene Improvement Notices (HINs) and associated records were selected for audit. In all cases, the service of HINs had been an appropriate course of action and the details of the contraventions identified and measures to be taken to achieve compliance had been specified. In addition, appeals information and court details had been provided with the notices.
- 15.6 In nine cases auditors were able to verify that timely checks on compliance with the notices had been carried out and that businesses had been provided with letters to confirm compliance.
- 15.7 One Improvement Notice had been served in respect of food labelling offences. Auditors were able to establish that the service of the notice had been the appropriate course of action and the process of service had been in accordance with the Food Law Code of Practice. Appropriate follow up action had been recorded on file.
- 15.8 Audit checks were undertaken of two RANs and associated records which confirmed that the action taken had been appropriate although in one case there had been a delay in serving the notice.
- 15.9 In both cases auditors were able to verify that the Notices had been properly served. However, it was not possible to verify from the information available that timely checks on compliance had been carried out. In one case, following an initial follow up visit, there was no evidence that the required further follow-up had been undertaken until approximately two weeks after the notice had been served. In the other case, following an initial revisit, approximately one month had elapsed before further follow up activity was recorded by the authority; although three revisits to check compliance were undertaken thereafter.

- 15.10 Auditors were able to verify that in one case the RAN had been properly withdrawn. The remaining Notice was still in force at the time of the audit.
- 15.11 Auditors examined the records of two Voluntary Closures which had been undertaken by the authority in the two years prior to the audit. In both cases auditors were able to verify that Voluntary Closure had been a suitable course of action.
- 15.12 Auditors were unable to establish that the Voluntary Closures had been agreed in writing by food business operators. During the audit officers updated the relevant procedure and voluntary closure agreement template to ensure, in future, Voluntary Closure Agreements were duly signed by food business operators.
- 15.13 In the one case, where food had been detained as part of an investigation, auditors were able to confirm that the action had been taken in line with the Food Law Code of Practice.
- 15.14 The authority had administered two Simple Cautions and successfully prosecuted three businesses for food hygiene offences in the two years prior to the audit. The decision to prosecute had been taken having regard to the authority's enforcement policy and centrally issued guidance. In respect of the Simple Cautions, in both cases there had been admissions of guilt signed by the defendants. However, in one case, auditors were unable to verify that the authority's Enforcement Policy had been considered, and in the remaining case, a witness statement was not available to support the decision to issue the Simple Caution, contrary to the authority's own procedure and relevant official guidance.

Recommendations

15.15 The authority should:

- (i) Set up, maintain and implement documented procedures for follow up and enforcement actions in accordance with the Food Law Code of Practice and official guidance. [The Standard - 15.2]
- (ii) Ensure that food hygiene enforcement is carried out in accordance with the Food Law Code of Practice, centrally issued guidance and local procedures. [The Standard –15.3]
- (iii) Ensure all decisions on enforcement action are documented and made following consideration of its Enforcement Policy. Document the reasons for any departure from the criteria set out in the Enforcement Policy. [The Standard - 15.4]

16 Records and Interventions/Inspections Reports

Food Hygiene

- 16.1 Food business records, including registration forms, inspection aide-memoires, post inspection visit report forms and correspondence were being stored by the authority on its food establishment database. Details of the date and types of intervention undertaken at food establishments, as well as the risk profiles and food hygiene ratings, were also maintained on the system. Information relating to food establishments selected for audit was provided by the authority in hard copy. Where relevant, information relating to the last three inspections was available and records were being retained for six years.
- 16.2 Food registration forms were available in respect of all establishments subject to audit checks and, with the exception of three historic registration forms, all had been date stamped in accordance with the requirement set out in the Food Law Code of Practice.
- 16.3 The approved establishment file examined contained all the information required at Annex 10 of the Food Law Practice Guidance.
- 16.4 Inspection letters had been used to communicate findings to food businesses. These clearly differentiated between legal requirements and recommendations for good practice. The letters also detailed corrective actions and the timescales required to achieve compliance, as well as indicating any further follow-up action intended by the authority.
- 16.5 Inspection letters contained all the information required to be provided to food business operators at Annex 6 of the Food Law Code of Practice.
- 16.6 In all of the cases examined, the most recent inspection letters had been sent to businesses within 14 days from the date of the visit, as required by the authority's procedures and Food Hygiene Rating legislation.

Food Standards

- 16.7 The outcome of inspections was being reported to businesses using combined food hygiene and food standards letters. Letters were being maintained electronically on the database and in hardcopy. Information

relating to intervention activity, including the date, type of intervention undertaken and risk rating for the establishment was also recorded.

- 16.8 All business operators of the establishments selected for audit had been provided with a report letter following their most recent inspection at the required company or trading address.
- 16.9 In general, all letters contained the information required by Annex 6 of the Food Law Code of Practice. However, in one isolated case clear distinction between legal requirements and recommendations of good practice was not detailed due to contraventions being noted without appropriate legislation being quoted.
- 16.10 The authority was able to demonstrate that food standards records were being maintained for at least six years.

17 Complaints about the Service

- 17.1 The authority had developed a *Corporate Complaints – Customer Policy* document which was available to the public and food businesses on its website.
- 17.2 The policy stated that complaints would be dealt with under a two-stage procedure, initially by the relevant officer and then, if the customer was not satisfied, a formal investigation would be commenced adhering to set timescales.
- 17.3 No complaints about food law enforcement services had been received in the two years prior to the audit.
- 17.4 Auditors noted that the contact details of a senior officer was provided on correspondence should businesses wish to complain following an inspection or other intervention.

18 Liaison with Other Organisations

18.1 The authority had liaison arrangements in place with other local authorities across Wales to facilitate efficient, effective and consistent enforcement. They included the following:

- Directors of Public Protection Wales (DPPW);
- Wales Heads of Environmental Health (WWhoEH);
- Wales Heads of Trading Standards (WWhoTS);
- South East Wales Food Safety Task Group;
- Communicable Disease Liaison Group;
- Glamorgan Food Group;
- All Wales Food Safety Expert Panel;
- Wales Food Hygiene Rating Steering Group;
- South East Wales Communicable Disease Task Group

18.2 Minutes of liaison group meetings were available and confirmed regular attendance by appropriate service representatives.

18.3 Liaison arrangements were also in place with colleagues in other departments of the local authority including Planning, Licensing, Building Control, Education and Social Services as well as external bodies including:

- The Food Standards Agency;
- Public Health Wales;
- Welsh Water;
- Chartered Institute of Environmental Health

19 Internal Monitoring

- 19.1 Internal monitoring is important to ensure performance targets are met, services are being delivered in accordance with legislative requirements, centrally issued guidance and the authority's procedures. It also ensures consistency in service delivery.
- 19.2 Quantitative internal monitoring arrangements were in place to monitor performance against the targets which had been set-out in the Service Plan. Performance records were being maintained and reported on quarterly.
- 19.3 A documented internal monitoring procedure had been developed for both food hygiene and food standards activities.
- 19.4 The service manager and suitably qualified senior officers were responsible for internal monitoring of food enforcement at an operational level.
- 19.5 Auditors were able to verify that qualitative internal monitoring had been undertaken across the service including database checks, accompanied inspections and record checks. Records maintained, in accordance with the procedure, confirmed the nature and extent of the monitoring activity. Auditors were able to confirm that all aspects of service delivery had been subject to internal monitoring.
- 19.6 The authority was able to demonstrate that officer progress in meeting performance targets, training and qualitative aspects of their work had been discussed in team meetings and during individual supervision meetings.
- 19.7 Officers had attended training to ensure the consistent application of food hygiene risk ratings, in accordance with Annex 5 of the Food Law Code of Practice. It had also recently participated in a national consistency exercise co-ordinated by the FSA.
- 19.8 Internal monitoring records were being maintained for at least three years.

20 Third Party or Peer Review

- 20.1 In January 2014 the authority, in common with the other 21 local authorities in Wales, had submitted information in respect of two FSA focused audits - Response of Local Government in Wales to the Recommendations of the Public Inquiry into the September 2005 Outbreak of *E. coli* O157 in South Wales and Local Authority Management of Interventions in Newly Registered Food Businesses. These focused audit reports are available at:
www.food.gov.uk/enforcement/auditandmonitoring
- 20.2 The recommendations arising out of these audits were considered within the scope of this audit.
- 20.3 The authority's arrangements for responding to emergencies out-of-office hours were tested by the FSA in March 2014. An appropriate response was received.
- 20.4 The authority's Environmental Health functions, which included the food service and the investigation of food related infectious disease, had been subject to a review by the Wales Audit Office in 2014/15.

21 Food Safety and Standards Promotion

21.1 The authority had delivered a number of initiatives with the aim of promoting food hygiene and standards. Activities included:

- Promotion of Allergy Awareness week
- Promotion of Food Safety Week,
- Provision of food hygiene training courses in languages other than English based on local need;
- Provision of Food Safety Management Training for food businesses in English, Chinese, Bengali and Turkish languages;
- Translation of *E. coli* O157 Cross-Contamination Factsheet into Mandarin, Cantonese and Polish

21.2 Information on food hygiene and food standards services was available for consumers and businesses on the authority's website.

21.3 Records of promotional activities were being maintained by the authority.

Auditors:

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Action Plan for Merthyr Tydfil County Borough Council**Audit Date: 23rd – 27th May 2016**

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.24 (i) Ensure future Service Plans for food hygiene and food standards are developed in accordance with the Service Planning Guidance in the Framework Agreement. In particular, an estimate of the resources required to deliver the services against those available should be provided. Also, ensure the improvements include actions to address the variances identified. [The Standard – 3.1]	Completed. Food Service Plan approved by Cabinet and published on website annually.		Content of Food Law Service Plan has been reviewed and updated to include an estimate of the resources required to deliver the services against those available, including actions to address variances. Amended plans published following audit for 2017/18 and 2018/19.
4.6 (i) Ensure that its Enforcement Policy is updated at regular intervals in accordance with its document control procedures. [The Standard – 4.1]	Completed.	5 year review of enforcement policy due to go before Council on 26/3/19	Compliance and Enforcement policy was reviewed and amended 21/6/16 following audit and has been subject to a further scheduled 5 year review in 2019.

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
5.8 (i) Ensure food enforcement officers are properly authorised under all appropriate legislation and in accordance with the Food Law Code of Practice. [The Standard – 5.1]	Dependant on outcome of EU Exit negotiations. by May 2019	Authorisation of food enforcement officers under statutes requiring specific authorisation, in particular legislation made under the European Communities Act 1972, to be reviewed and updated.	Reference to FEPA in officer credentials removed immediately following audit.
7.22 (i) Ensure that food hygiene interventions/inspections and AES are carried out at the minimum frequencies specified by the Food Law Code of Practice. [The Standard -7.1]	Completed		Failure to meet “28 day target” has been brought to Councils attention via the annual Food Service Plan, self-evaluation and scrutiny reports. Agreed by Corporate Management Team that income generated from fixed penalty notices and re-rating fees for the food hygiene rating scheme be used to increase capacity by increasing number of officer hours worked. Officers reminded to plan workload so that wherever possible inspections are completed within 28 day window. Performance reviewed as part on internal monitoring procedures and during one to ones.

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
7.22 (ii) Ensure that, where applicable, approval of establishments and application of risk ratings are undertaken consistently in accordance with the Food Law Code of Practice, centrally issued guidance, and local procedures. [The Standard – 7.2]	Completed		Internal monitoring exercises undertaken by the lead officer to ensure the application of risk ratings are undertaken consistently in accordance with the Food Law Code of Practice, centrally issued guidance, and local procedures. Any deviations discussed at team meetings and with individual officers. Findings of monitoring documented. Attendance of officers at regional consistency training events and participation in national consistency exercises.
7.22 (iii) Fully assess the compliance of establishments in its area to the legally prescribed standards; particularly, in relation to the assessment of HACCP requirements, discussions with food handlers, checks on health / ID marks and assessment of product recall/withdrawal arrangements [The Standard -7.3]	Completed		An improvement on the way information is recorded has been made by amendments to the general inspection aide memoire used for food hygiene and standards interventions, most recent update 27/11/18 also the butcher's aide memoire December 2016. A new aide memoire for food standards inspections in manufacturers was introduced 24/10/17.

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
7.22 (iv) Ensure that observations made and/or data obtained in the course of a food hygiene inspection including the size, scale and scope of activities are recorded in a timely manner to prevent the loss of relevant information. [The Standard – 7.5]	Completed		An improvement on the way information is recorded has been made by amendments to the general inspection aide memoire used for food hygiene and standards interventions, most recent update 27/11/18 also the butcher's aide memoire December 2016. A new aide memoire for food standards inspections in manufacturers was introduced 24/10/17.
7.37 (i) Ensure that food standards risk ratings are consistent with the information held on file. [The Standard – 7.2]	Completed		Ongoing internal monitoring exercises undertaken by the lead officer and peer review. Outcome of the exercises are communicated to staff through team meetings, e mail and individual officer feedback at one to ones.

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
8.8 (i) Ensure that complainants are informed of the outcome of food hygiene and food standards complaint investigations [The Standard 8.2]	Completed		Officers reminded of the importance of keeping the customer informed and to make note on system that complainant has been advised of outcome, or if they cannot be contacted a note made to this effect. Ongoing Internal monitoring and peer review undertaken to ensure that this is happening.
12.11 (i) Develop further its documented sampling procedure to include information relating to equipment, sampling foods in different states, the procurement, continuity of evidence and prevention of deterioration or damage to samples whilst under its control. [The Standard – 12.5]	Completed 28/6/16		Sampling procedure reviewed and updated to include information relating to equipment, sampling foods in different states, the procurement, continuity of evidence and prevention of deterioration or damage to samples whilst under its control.

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
12.11 (ii) Ensure sampling is carried out in accordance with legislation, the Food Law Code of Practice, centrally issued guidance and its own documented procedure; in particular notifying food business operators and other authorities of the results of examination / analysis [The Standards – 12.6]	Completed 28/6/16		Sampling procedure reviewed and updated in particular with regard to notifying food business operators and other authorities of the results of examination / analysis.
13.9 (i) Further develop the procedure for the investigation of sporadic cases of food related infectious disease to include local arrangements with specific reference to the process of investigation. [The Standard -13.2]	Completed 11/10/16		The procedure for the investigation of sporadic cases of food related infectious disease has been expanded to include local arrangements with specific reference to the process of investigation.

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
15.15 (i) Set up, maintain and implement documented procedures for follow up and enforcement actions in accordance with the Food Law Code of Practice and official guidance. [The Standard - 15.2]	April 2019 May 2019	Review existing notices for inland control of imported food in light of any necessary changes resulting from EU Exit. Review of existing procedures relating to prosecutions.	Additional documented procedures for follow up and enforcement actions in accordance with the Food Law Code of Practice and official guidance have been produced as part of the departmental quality manual. <ul style="list-style-type: none"> • Hygiene Improvement Notice (27/5/16) • Improvement Notice (Food Standards) • Hygiene Emergency Prohibition Notice(22/6/16) • Remedial Action Notice (14/6/16) • Detention and Seizure (12/2/19) • Simple Cautions (12/2/19).
15.15 (ii) Ensure that food hygiene enforcement is carried out in accordance with the Food Law Code of Practice, centrally issued guidance and local procedures. [The Standard –15.3]	Completed		Ongoing internal monitoring exercises undertaken by the lead officer and peer review. Outcome of the exercises are communicated to staff through team meetings, e mail and individual officer feedback at one to ones.

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
15.15 (iii) Ensure all decisions on enforcement action are documented and made following consideration of its Enforcement Policy. Document the reasons for any departure from the criteria set out in the Enforcement Policy. [The Standard - 15.4]	Completed		Process of case review updated so that there is a written record demonstrating that the Compliance and Enforcement Policy has been considered as part of the decision-making process.

Audit Approach/Methodology

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

(1) Examination of Local authority policies and procedures

The following policies, procedures and linked documents were examined:

- Merthyr Tydfil County Borough Council – Cabinet Report Food Service Plan June 2015
- Merthyr Tydfil County Borough Council – Equality Impact Assessment Form – Food Service Plan 2015 – 16
- Merthyr Tydfil County Borough Council – Food Service Plan 2015 – 16
- Cyngor Bwrdeistref Merthyr Tudful – Cynllun Gwasanaeth Bwyd 2015 – 16
- Merthyr Tydfil County Borough Council – Environmental Health Food Service Plan 2015 – 16
- Merthyr Tydfil County Borough Council – Cabinet Report on Council Wide Self Evaluation
- Merthyr Tydfil County Borough Council – Corporate Plan 2013 to 2017 Public Summary
- Merthyr Tydfil County Borough Council – Corporate Plan 2013 to 2017 – Updated for 2014/15
- Merthyr Tydfil County Borough Council – Corporate Plan 2013 to 2017 – Annual Delivery Document – 2015/16
- Merthyr Tydfil County Borough Council – Single Integrated Plan – Reviewed for 2015/2016
- Merthyr Tydfil County Borough Council – Lines of Inquiry – Service Performance Challenge – Public Protection & Housing
- Merthyr Tydfil County Borough Council – Self Evaluation – Public Protection & Housing
- Service Performance Challenge – Public Protection and Housing – 15 May 2015
- Merthyr Tydfil County Borough Council – Performance Challenge Pack
- Merthyr Tydfil County Borough Council – Service Risk Register – Public Protection and Housing
- Merthyr Tydfil County Borough Council – Food Hygiene Rating Scheme Ratings Issued 2011 – 2015
- Briefing Report to SMT – Corporate Policy on Food Hygiene Rating Scheme
- Briefing note on requirements of the Food Hygiene Rating (Wales) Act 2013 and the Food Hygiene Rating (Wales) Regulations 2013

- Merthyr Tydfil County Borough Council – Cabinet Report – Food Hygiene Rating (Wales) Act 2013
- Merthyr Tydfil County Borough Council – Decisions of Meeting Full Council – 9 September 2015
- Merthyr Tydfil County Borough Council – Minutes of Meeting – Cabinet Meeting – 9 October 2013
- Merthyr Tydfil County Borough Council – Full Council Report on the Corporate Policy on the Implementation of the Food Hygiene Rating Scheme
- Merthyr Tydfil County Borough Council – Public Protection and Housing Department – Procedure – Document Control – Ref:- PRO (EH) – 31/01/16
- Merthyr Tydfil County Borough Council – Full Council Report – Amendments to MTCBC Constitution
- Merthyr Tydfil County Borough Council – Constitution – December 2014
- Merthyr Tydfil County Borough Council – Minutes of Meeting – Full Council Meeting – 3 December 2014
- Merthyr Tydfil County Borough Council – Public Protection and Housing Department – Procedure – Authorisation of Officers – Ref:- PRO (EH/TS) – 31/01/16
- Merthyr Tydfil County Borough Council – Public Protection and Housing Department – Procedure – Calibration of Equipment – Ref:- PRO (EH) – 31/01/16
- Merthyr Tydfil County Borough Council – Data Protection Policy
- Merthyr Tydfil County Borough Council – Information Security Policy
- Merthyr Tydfil County Borough Council – Software Compliance Acceptable Use Policy
- Merthyr Tydfil County Borough Council – Unauthorised Access Policy
- Merthyr Tydfil County Borough Council – Aide Memoire for Inspection of Cold Stores
- Butchers Shop Inspection Checklist/Aide-Memoire
- Food Hygiene General Inspection Checklist/Aide-Memoire
- Merthyr Tydfil County Borough Council – Undertaking in Relation to an Acceptable Laboratory for the Purpose of Regulation (EC) 852/2004 and Regulation (EC) 853/2004
- Merthyr Tydfil County Borough Council – Acceptability of Laboratories for the Purpose of Regulation (EC) 852/2004 and Regulation (EC) 853/2004
- Merthyr Tydfil County Borough Council – Acceptability of Laboratories
- Food Hygiene Low Risk Inspection Checklist/Aide-Memoire
- Merthyr Tydfil County Borough Council – Public Protection and Housing Department – Procedure – Approved Premises – Ref:- PRO (EH) – 31/01/16
- Merthyr Tydfil County Borough Council – Public Protection and Housing Department – Procedure – Food Hygiene/Standards Interventions – Ref:- PRO (EH) – 31/01/16
- Merthyr Tydfil County Borough Council – Food Complaint Form FDC1

- Merthyr Tydfil County Borough Council – Food Complaint Leaflet
- Merthyr Tydfil County Borough Council – Public Protection and Housing Department – Policy – Food Complaints – Ref:- POL (EH) – 31/01/16
- Merthyr Tydfil County Borough Council – Food Complaint Label
- Merthyr Tydfil County Borough Council – Public Protection and Housing Department – Procedure – Food Complaints – Ref:- PRO (EH) – 31/01/16
- Merthyr Tydfil County Borough Council – Public Protection and Housing Department – Procedure – Food Database – Ref:- PRO (EH) – 31/01/16
- Sampling Plan 2015 – 2016
- Merthyr Tydfil County Borough Council – Pricing Schedule
- Merthyr Tydfil County Borough Council – Public Protection and Housing Department – Policy – Food Sampling Policy – Ref:- POL (EH) – 31/01/16
- Merthyr Tydfil County Borough Council – Public Protection and Housing Department – Procedure – Food Sampling – Ref:- PRO (EH) – 31/01/16
- Provisional Approval for the National Coordinated Risk Based Food Sampling Programme 2015 – 2016
- Infectious Disease Investigation Procedure
- Merthyr Tydfil County Borough Council – Public Protection and Housing Department – Policy – Food Alerts and Incidents – Ref:- POL (EH) – 31/01/16
- Merthyr Tydfil County Borough Council – Public Protection and Housing Department – Procedure – Food Alerts and Incidents – Ref:- PRO (EH) – 31/01/16
- Merthyr Tydfil County Borough Council – Public Protection and Housing Department – Policy – Compliance and Enforcement Policy – Ref:- (ALL) – 01/04/13
- Merthyr Tydfil County Borough Council – Full Council Report – Public Protection and Housing Compliance and Enforcement Policy
- Merthyr Tydfil County Borough Council – Full Council Meeting Minutes – 27 March 2013
- Merthyr Tydfil County Borough Council – Notice Checklist – 31/01/2014
- Merthyr Tydfil County Borough Council – Corporate Complaints – Customer Policy
- Merthyr Tydfil County Borough Council – Public Protection and Housing Department – Procedure – Internal Monitoring – Ref:- PRO (EH/TS) – 31/01/16

(2) File and records reviews

A number of local authority records were reviewed during the audit, including:

- General food establishment records
- Approved establishment files
- Food and food establishment complaint records

- Food sampling records
- Informal and formal enforcement records
- Officer authorisations and training records
- Internal monitoring records
- Calibration records
- Records of food related infectious disease notifications
- Food Incident records
- Minutes of internal meetings and external liaison meetings
- Advisory and promotional materials provided to businesses and consumers

(3) Review of Database records:

A selection of database records were considered during the audit in order to:

- Review and assess the completeness of database records of food inspections, food and food establishment complaint investigations, samples taken by the authority, formal enforcement and other activities and to verify consistency with file records.
- Assess the completeness and accuracy of the food establishments database.
- Assess the capability of the system to generate food law enforcement activity reports and the monitoring information required by the Food Standards Agency.

(4) Officer interviews

Officer interviews were carried out with the purpose of gaining further insight into the practical implementation and operation of the authority's food control arrangements. The following officers were interviewed:

- Environmental Health Manager
- Environmental Health Officers
- Occupational Health Technical Officers

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

(5) On-site verification checks:

Verification visits were made with officers to four local food establishments. The purpose of these visits was to consider the effectiveness of the authority's assessment of food business compliance with relevant requirements.

Glossary

Approved establishments	Food manufacturing establishment that has been approved by the local authority, within the context of specific legislation, and issued a unique identification code relevant in national and/or international trade.
Authorised officer	A suitably qualified officer who is authorised by the local authority to act on its behalf in, for example, the enforcement of legislation.
Codes of Practice	Government Codes of Practice issued under Section 40 of the Food Safety Act 1990 as guidance to local authorities on the enforcement of food legislation.
CPIA	The Criminal Procedures and Investigations Act 1996 – governs procedures for undertaking criminal investigations and proceedings.
Critical Control Point (CCP)	A stage in the operations of a food business at which control is essential to prevent or eliminate a food hazard or to reduce it to acceptable levels.
Directors of Public Protection Wales (DPPW)	An organisation of officer heading up public protection services within Welsh local authorities.
Environmental Health Professional/Officer (EHP/EHO)	Officer employed by the local authority to enforce food safety legislation.
Food Examiner	A person holding the prescribed qualifications who undertakes microbiological analysis on behalf of the local authority.
Food Hazard Warnings/ Food Alerts	This is a system operated by the Food Standards Agency to alert the public and local authorities to national or regional problems concerning the safety of food.

Food/feed hygiene	The legal requirements covering the safety and wholesomeness of food/feed.
Food Hygiene Rating Scheme (FHRS)	A scheme of rating food businesses to provide consumers with information on their hygiene standards.
Food standards	The legal requirements covering the quality, composition, labelling, presentation and advertising of food, and materials in contact with food.
Food Standards Agency (FSA)	The UK regulator for food safety, food standards and animal feed.
Framework Agreement	<p>The Framework Agreement consists of:</p> <ul style="list-style-type: none"> • Food Law Enforcement Standard • Service Planning Guidance • Monitoring Scheme • Audit Scheme <p>The Standard and the Service Planning Guidance set out the Agency's expectations on the planning and delivery of food law enforcement.</p> <p>The Monitoring Scheme requires local authorities to submit quarterly returns to the Agency on their food enforcement activities i.e. numbers of inspections, samples and prosecutions.</p> <p>Under the Audit Scheme the Food Standards Agency will be conducting audits of the food law enforcement services of local authorities against the criteria set out in the Standard.</p>
Full Time Equivalents (FTE)	A figure which represents that part of an individual officer's time available to a particular role or set of duties. It reflects the fact that individuals may work part-time or may have other responsibilities within the organisation not related to food enforcement.
HACCP	Hazard Analysis Critical Control Point – a food safety management system used within food businesses to identify points in the production process where it is critical for food safety that the Control measure is carried out correctly, thereby eliminating or reducing the hazard to a safe level.

Home authority	An authority where the relevant decision-making base of an enterprise is located and which has taken on the responsibility of advising that business on food safety/food standards issues. Acts as the central contact point for other enforcing authorities' enquiries with regard to that company's food related policies and procedures.
Hygiene Improvement Notice (HIN)	A notice served by an Authorised Officer of the local authority under Regulation 6 of the Food Hygiene (Wales) Regulations 2006, requiring the proprietor of a food business to carry out suitable works to ensure that the business complies with hygiene regulations.
Inspection	The examination of a food or feed establishment in order to verify compliance with food and feed law.
Intervention	A methods or technique used by an authority for verifying or supporting business compliance with food or feed law.
Inter authority Auditing	A system whereby local authorities might audit each other's food law enforcement services against an agreed quality standard.
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.
Member forum	A local authority forum at which Council Members discuss and make decisions on food law enforcement services.
National Trading Standards Board (NTSB)	An association of chief trading standards officers.
OCD returns	Returns on local food law enforcement activities required to be made to the European Union under the Official Control of Foodstuffs Directive.
Official Controls (OC)	Any form of control for the verification of compliance with food and feed law.

Originating authority	An authority in whose area a business produces or packages goods or services and for which the authority acts as a central contact point for other enforcing authorities' enquiries in relation to those products.
PACE	The Police and Criminal Evidence Act 1984 – governs procedures for gathering evidence in criminal investigations.
Primary authority	A local authority which has developed a partnership with a business which trades across local authority boundaries and provides advice to that business.
Public Analyst	An officer, holding the prescribed qualifications, who is formally appointed by the local authority to carry out chemical analysis of food samples.
Registration	A legal process requiring all food business operators to notify the appropriate food authority when setting-up a food business.
Remedial Action Notices (RAN)	A notice served by an Authorised Officer of the local authority under Regulation 9 of the Food Hygiene (Wales) Regulations 2006 (as amended) on a food business operator to impose restrictions on an establishment, equipment or process until specified works have been carried out to comply with food hygiene requirements.
Risk rating	A system that rates food establishments according to risk and determines how frequently those establishments should be inspected. For example, high risk hygiene establishments should be inspected at least every 6 months.
Service Plan	A document produced by a local authority setting out their plans on providing and delivering a food service to the local community.
Trading Standards	The service within a local authority which carries out, amongst other responsibilities, the enforcement of food standards and feedingstuffs legislation.

Trading Standards Officer (TSO)	Officer employed by the local authority who, amongst other responsibilities, may enforce food standards and feedingstuffs legislation.
Unitary authority	A local authority in which all the functions are combined, examples being Welsh Authorities and London Boroughs. A Unitary authority's responsibilities will include food hygiene, food standards and feedingstuffs enforcement.
Unrated business	A food business identified by an authority that has not been subject to a regulatory risk rating assessment.
Wales Heads of Environmental Health (WHeEH)	A group of professional representatives that support and promote environmental and public health in Wales.