

FOOD STANDARDS AGENCY AUDIT REPORT	6th February 2018
TO: ENVIRONMENTAL SERVICES COMMITTEE	
FOR INFORMATION	

Linkage to Council Strategy (2015-19)	
Strategic Theme	Innovation & Transformation
Outcome	To inform of the findings of an audit by the Food Standards Agency on Council's delivery of Food Official Controls
Lead Officer	Food, Health & Safety and Consumer Protection Manager
Cost: (If applicable)	Not Applicable

Background

The Food Standards Agency (FSA) is the central competent authority for feed and food law in the UK with powers to set standards and monitor food law enforcement services.

The FSA audits Enforcement Authorities (District Councils in Northern Ireland) to provide assurance that local delivery of official controls for feed and food is compliant with EU and UK legal requirements and official guidance.

In October 2017 the FSA carried out an audit of Council's food law enforcement activities delivered by Environmental Health Officers in the Food Team.

Attached as Appendix 1 is the FSA's draft audit report. An action plan outlining planned improvements to address the recommendations made is contained within annex A of the report.

Recommendation

For Information

**Food Standards Agency
in Northern Ireland**



**Report on District Council Organisation
and Management systems for the delivery
of Official Controls in Northern Ireland**



**Causeway
Coast & Glens
Borough Council**

03 – 05 October 2017

Contents

1.0 INTRODUCTION	3
1.1 Background	3
1.2 Reason for audit	4
1.3 Scope and objectives of the audit programme	4
1.4 Audit criteria	4
1.5 Overview of Causeway Coast and Glens BC	5
2.0 EXECUTIVE SUMMARY	6
3.0 AUDIT FINDINGS	7
3.1 Organisation and Management	7
<i>Auditor Competence and Training</i>	7
<i>Authorised Officers</i>	7
<i>Internal Monitoring</i>	8
<i>Control Procedures</i>	8
3.2 Delivery of Official Controls	9
<i>Approved Establishments</i>	9
<i>Interventions and Control Activities</i>	10
<i>Enforcement</i>	11
Annexe A - Action Plan	13
Annexe B - Glossary	16

1.0 INTRODUCTION

1.1 Background

- 1.1.1 The primary purpose of Food Standards Agency (FSA) audits of Enforcement Authorities is to provide assurance that local delivery of official controls for feed and food is compliant with EU and UK legal requirements and official guidance.
- 1.1.2 In Northern Ireland, the power to set standards and monitor Enforcement Authorities' food law enforcement services was conferred on the FSA by The Food Standards Act 1999¹ and The Official Feed and Food Controls (Northern Ireland) Regulations 2009². The audit will be undertaken under section 12 of the Act and regulation 7 of the Regulations.
- 1.1.3 When conducting audits of competent authorities the FSA follows the detailed guidelines set out in an EC Decision 2006/677/EC³.
- 1.1.4 The Framework Agreement on Local Authority (LA) Food Law Enforcement⁴ sets out the arrangements through which the FSA audits LA enforcement activities to help ensure that LAs are providing an effective service to protect public health.
- 1.1.5 The overarching aims of the audit scheme are to:
- Help to protect public health by promoting effective local enforcement of food law
 - Maintain and improve consumer confidence
 - Assist in the identification and dissemination of good practice to aid consistency
 - Provide information to aid the formulation of FSA policy
 - Promote conformance with the '*Food Law Enforcement – Standard*' and any relevant central guidance or Codes of Practice
 - Provide a means to identify underperformance in LA food law enforcement
 - Promote self-assessment and peer review
 - Identify continuous improvement

¹ [Food Standards Act 1999 c.28](#)

² [The Official Feed and Food Controls \(Northern Ireland\) Regulations 2009](#)

³ [Commission Decision \(2006/677/EC\) 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](#)

⁴ [Chapter 5 of the Framework Agreement on Local Authority Food Law Enforcement: 'Audit Scheme'](#)

1.2 Reason for audit

1.2.1 All eleven new district councils (DC) in Northern Ireland have been included in the audit programme that will run between March 2017 and June 2020.

1.2.2 Causeway Coast and Glens Borough Council was selected for audit at this stage in the audit programme because:

- of the number of legacy councils involved in the merger (four – Ballymoney BC, Coleraine BC, Limavady BC and Moyle DC)
- the geographical size of the Council (second largest council by area)

1.3 Scope and objectives of the audit programme

1.3.1 The specific aims of this audit programme are:

- evaluate the organisational and management systems each of the 11 DCs have implemented to ensure they are effective and suitable to achieve the objectives of the relevant food law
- assist in the identification and dissemination of good practice to aid consistency
- provide a means to identify under performance in council food law enforcement systems
- provide information to aid the formulation of Agency policy

1.3.2 The audit included the assessment of local arrangements for service planning, delivery and review, provision and adequacy of officer training and authorisations and internal service monitoring arrangements. Maintenance and management of appropriate records in relation to the councils' delivery of food law enforcement activities are also covered.

1.4 Audit criteria

1.4.1 The audit criteria are the legislation, policies, procedures or other requirements used as a reference against which audit evidence is compared, i.e. the standard against which the auditee's activities are assessed. For the purposes of this audit these will be:

- Regulation (EC) No. 882/2004 of the European Parliament on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules
- Regulation (EC) No. 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food

law, establishing the European Food Safety Authority and laying down procedures in matters of food safety

- The Official Feed and Food Controls Regulations (Northern Ireland) 2009 (as amended), in so far as they relate to food
- Relevant Causeway Coast and Glens BC policies and procedures

1.5 Overview of Causeway Coast and Glens BC

1.5.1 The Causeway Coast and Glens Borough Council area stretches east to west from Lough Foyle to the Glens of Antrim and from the Atlantic coast and Rathlin Island in the north to the Sperrins in the south. The Borough covers 1,968 square kilometres and has a resident population of approximately 141,000 people.

1.5.2 The Borough is rural in parts with the major populations found in Coleraine, Limavady, Ballymoney, Portstewart, Portrush and Ballycastle. The majority of businesses for which Council has enforcement responsibility fall within the catering and retail sectors. There are several key food manufacturers in the area producing dairy, meat, fish and bakery products.

1.5.3 At the time of audit, there were approximately 2000 registered food businesses within Causeway Coast and Glens BC's area including hotels, restaurants, takeaways, manufacturers, retailers, wholesalers, and distributors/ transporters.

2.0 EXECUTIVE SUMMARY

- 2.1** Causeway Coast and Glens BC had a comprehensive system in place for recording food officer's competency and training.
- 2.2** The Council had clearly delegated authority to authorise officers. Officers had been authorised generally in respect of the Local Government Act (Northern Ireland) and specifically under the Regulations relating to food made under the Act.
- 2.3** The Council had developed and implemented a documented procedure that described how internal monitoring was carried out within the food service. However, there were limited records of internal monitoring for the last two years.
- 2.4** Causeway Coast and Glens BC had a comprehensive system of policies and procedures that covered the full range of control procedure subject areas listed in Annex II, Chapter II of Regulation (EC) No. 882/2004.
- 2.5** The Council had implemented documented procedures for the approval of establishments and carrying out interventions. In the majority of cases, inspections had been planned and carried out to the frequency required in the FLCoP.
- 2.6** Causeway Coast and Glens BC had a comprehensive range of procedures that addressed all aspects of enforcement activities. In all cases examined enforcement action had been correctly carried out.
- 2.7** Sampling records for five establishments were reviewed and found suitable records, information and follow-up in relation to all sample results. Suitable evidence was available to demonstrate that complaints had been correctly recorded and investigated by the Council.

3.0 AUDIT FINDINGS

3.1 Organisation and Management

Auditor Competence and Training

- 3.1.1 Auditors examined specific training records for three food officers. All three officers had the required level of continuous professional development as required by paragraph 4.10.1 of the Food Law Code of Practice (Northern Ireland) (FLCoP)⁵. Officers had received activity specific training, for example, beef labelling, food Information regulations improvement notices and food supplements.
- 3.1.2 The officers had also provided evidence of qualifications as required by paragraph 4.4 of the FLCoP
- 3.1.3 Causeway Coast and Glens BC had a system in place for recording each food officer's assessment of competency. The auditors specifically examined the competency assessment records for four food officers. Sufficient detail was provided in these records to provide the auditors with a very good insight into each of the officers' competencies and experience.
- 3.1.4 The competency assessment records covered the following areas:
- Inspection of food establishments
 - Use of enforcement sanctions
 - Sampling
 - Import and export controls
 - Reactive investigations

Authorised Officers

- 3.1.5 Causeway Coast and Glens BC had clearly delegated authority to authorise officers and institute legal proceedings on behalf of the Council to the Council's Chief Executive, Director of Environmental Services and Head of Health and Built Environment. The granting of approval to establishments carrying out activities under Regulation (EC) 853/2004 was not delegated.
- 3.1.6 Authorisation had been general in respect of the Local Government Act (Northern Ireland) 2014 and specific under the Regulations relating to food made under the Act, including the Food Safety (NI) Order 1991, the Food Hygiene Regulations (NI) 2006 and Food Hygiene Rating (NI) Act 2016.

⁵ [Northern Ireland Food Law Code of Practice](#)

- 3.1.7 The auditors examined the authorisation records for four officers and noted in all three cases the authorisation documents had been signed by the Head of Health and Built Environment.
- 3.1.8 We noted there was also a process of presenting officer's authorisations to Council. Whilst this process did not cause issues with authorising officers, we did note minor errors in the list of legislation presented to Council. We would also highlight operating two processes for authorising officers may lead to confusion and in some cases delays in processing authorisations.

Internal Monitoring

- 3.1.9 The Council had developed and implemented a documented procedure that described how the competence of authorised food officers was monitored.
- 3.1.10 Some evidence was provided for internal monitoring, however there was a lack of internal monitoring, as defined in the Council's monitoring procedure, for the last two years.
- 3.1.11 We would note the Council would shortly be implementing a new internal monitoring procedure. This procedure had been drafted and provided to the Council through the Northern Ireland Food Managers Group (NIFMG).

Recommendation

- (i) The Council should:

Ensure internal monitoring is carried out on the activities described in their internal monitoring procedure.

Article 8 point 3(a) of 882/2004 – control & verification procedures states competent authorities shall have procedures in place to verify the effectiveness of official controls that they carry out.

Control Procedures

- 3.1.12 Article 8 of Regulation (EC) No. 882/2004 states CA shall carry out official controls in accordance with documented procedures. Causeway Coast and Glens BC had a comprehensive system of policies and procedures that covered the full range of control procedure subject areas listed in Annex II, Chapter II of Regulation (EC) No. 882/2004.

3.1.13 However, we did note some procedures which needed reviewed to update and clarify the information contained within them, e.g. Approvals and Sampling procedures. We recognise the difficulties and additional resources required in developing and implementing control procedures

3.1.14 In addition, Causeway Coast and Glens BC had documented and implemented procedures for the following activities required for the effective functioning of official controls:

- Equipment maintenance and calibration
- Food complaints
- Maintenance of the food premises database
- Reviewing and updating policies and procedures

Recommendation

(ii) The Council should:

Ensure it regularly reviews its range of control procedures to ensure they are fit for purpose and reflect the activities of the Council.

Article 8 of 882/2004 – control & verification procedures: Competent authorities shall carry out official controls in accordance with documented procedures. These procedures shall contain information and instructions for staff performing official controls including, inter alia, the areas referred to in Annex II, Chapter II.

3.2 Delivery of Official Controls

Approved Establishments

3.2.1 Approval records for two approved establishments were examined by the auditors. One establishment had been approved correctly to Article 31(2) of Regulation (EC) No. 882/2004.

3.2.2 However, the other establishment had not been approved correctly in 2012. The documentation presented to Council related to conditional approval and not full approval.

Recommendation

(iii) The Council should:

Ensure it reviews its approval documentation for each establishment carrying out activities that require approval with Article 31(2) of Regulation 882/2004.

Specifically, carry out an approval visit to the establishment and ensure it is granted full approval either by the council or the appropriate delegated person.

Article 31(2) of Regulation 882/2004

Interventions and Control Activities

- 3.2.3 The auditors examined the intervention records for six food establishments, including reports left with the FBO, checklists used to record details of inspections and communication / letters sent to FBOs.
- 3.2.4 In all cases a sufficient level of detail was recorded to indicate official controls had been carried out correctly and letters sent to FBOs following interventions were clear about legal requirements and advice.
- 3.2.5 In some cases, inspections had not been carried out to the frequency required in the FLCoP. We noted through the Council's service plan and discussions with senior officers the reasons for not achieving intervention frequencies.
- 3.2.6 The auditors recognise the reasons for this, however an examination of the risk profile of establishments and the interventions carried out at establishments indicated advisory visits, in most cases to lower risk establishments, were carried out in the same period that interventions at higher risk category establishments had become overdue.
- 3.2.7 Establishments registered by the Council but not yet rated was one of the areas examined by the auditors. The FLCoP states establishments should receive a risk rating within 28 days of being registered.
- 3.2.8 The auditors reviewed four unrated establishments, based on type of establishment and time since registration. In all cases, suitable reasons were provided to explain why the establishment had not yet been risk rated, e.g. no activity, very low risk activities.
- 3.2.9 During the audit, the Council's food service database was examined and in the majority of cases records and information were found. The Council also had a contract in place with the food service database provider which covered arrangements for both backup of the database and contingency planning.

Recommendation

(iv) The Council should:

Review its process for managing resources, particularly regarding its intervention programme. This review should ensure that during allocation of resources to complete the intervention programme priority is given to establishments that received a higher score in the FLCoP intervention rating over establishments that received a lower score.

Article 31(1)(a) of Regulation 882/2004 and the FLCoP.

Enforcement

3.2.10 Causeway Coast and Glens BC had provided the auditors with a comprehensive range of procedures that addressed all aspects of potential enforcement activities.

3.2.11 The records for two Remedial Action Notices (RANs) and one Hygiene Emergency Prohibition Notices (HEPN) were examined. All three notices had been drafted, issued and completed as required by the relevant legislation and contained accurate references to legislation.

Sampling and complaints

3.2.12 Causeway Coast and Glens BC had provided the auditors with a range of procedures that addressed sampling policies, associated guidance, and the system for food sampling. Sampling programmes were also provided for 2015/16 and 2016/17.

3.2.13 The auditors examined the sampling records for four samples and found suitable records, information and follow-up in relation to all sample results.

3.2.14 Three food complaints were examined. One was found to be recorded inaccurately and was not a food complaint. Another had been suitably investigated however, file records indicated a 'formal warning' would be issued to the FBO, this had not happened. The third food complaint had been suitably investigated and closed.

Recommendation

(v) The Council should:

Review its process and procedure for recording food complaints and review the follow-up actions to address food complaints.

Article 8 of 882/2004 – control & verification procedures: Competent authorities shall carry out official controls in accordance with documented procedures.

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Annexe A - Action Plan

Audit Date: 03-05 October 2017

RECOMMENDATION	PLANNED IMPROVEMENTS	DUE DATE
<p>(i) The Council should:</p> <p>Ensure internal monitoring is carried out on the activities described in their internal monitoring procedure.</p> <p>Article 8 point 3(a) of 882/2004 – control & verification procedures states competent authorities shall have procedures in place to verify the effectiveness of official controls that they carry out.</p>	<p>New internal monitoring procedure to be implemented.</p>	<p>January 2018</p>
<p>(ii) The Council should:</p> <p>Ensure it regularly reviews its range of control procedures to ensure they are fit for purpose and reflect the activities of the Council.</p> <p>Article 8 of 882/2004 – control & verification procedures: Competent authorities shall carry out official controls in accordance with documented procedures. These procedures shall contain information and instructions for staff performing official controls including, inter alia, the areas referred to in Annex II, Chapter II.</p>	<p>Control procedures to be reviewed at least annually.</p> <p>CC&G BC intends to adopt food procedures available on RIAMS. These are currently being reviewed by N.I. Councils and once agreed will be adopted and implemented.</p> <p>Procedures will be reviewed annually by RIAMS. In addition there is a mechanism for Councils to advise RIAMS at any time of the need to review a procedure e.g. due to new legislation.</p>	<p>31st March 2018</p>

RECOMMENDATION	PLANNED IMPROVEMENTS	DUE DATE
<p>(iii) The Council should:</p> <p>Ensure it reviews its approval documentation for each establishment carrying out activities that require approval with Article 31(2) of Regulation 882/2004. Specifically, carry out an approval visit to the establishment and ensure it is granted full approval either by the council or the appropriate delegated person.</p> <p>Article 31(2) of Regulation 882/2004</p>	<p>(i) Council has updated the Scheme of Officer Authorisation and Delegation of Powers and delegated the power to issue approvals for establishments subject to Regulation (EC) 853/2004 to the Chief Executive, Director of Environmental Services and Head of Health and Built Environment.</p> <p>(ii) Approval visit to premises planned with a view to granting approval.</p>	<p>Completed Nov 2017</p> <p>31st March 2018</p>
<p>(iv) The Council should:</p> <p>Review its process for managing resources, particularly regarding its intervention programme. This review should ensure that during allocation of resources to complete the intervention programme priority is given to establishments that received a higher score in the FLCoP intervention rating over establishments that received a lower score.</p> <p>Article 31(1)(a) of Regulation 882/2004 and the FLCoP.</p>	<p>Inspection programme reviewed on a monthly basis to ensure high risk premises prioritised.</p> <p>Outstanding inspections reviewed by Food, Health & Safety and Consumer Protection Manager on a monthly basis and officers advised of the category A, B and C premises inspections and unrated premises inspections to be prioritised.</p> <p>Council currently reviewing food team resources.</p>	<p>Commenced November 2017</p>

RECOMMENDATION	PLANNED IMPROVEMENTS	DUE DATE
<p>(v) The Council should:</p> <p>Review its process and procedure for recording food complaints and review the follow-up actions to address food complaints.</p> <p>Article 8 of 882/2004 – control & verification procedures: Competent authorities shall carry out official controls in accordance with documented procedures.</p>	<p>Food complaint procedure to be reviewed as per recommendation (ii) and staff trained on its implementation.</p> <p>Review Tascomi food complaint codes and guidelines drafted on the recording of food complaints.</p>	<p>31st March 2018</p> <p>January 2018</p>

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Annexe B - Glossary

Audit	Audit means a systematic and independent examination to determine whether activities and related results comply with planned arrangements and whether these arrangements are implemented effectively and are suitable to achieve objectives.
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.
Environmental Health Officer (EHO)	Officer employed by the local authority to enforce food safety legislation.
Food Business Operator (FBO)	This refers to the natural or legal persons responsible for ensuring that the requirements of food law are met within the food business under their control.
Food hygiene	The legal requirements covering the safety and wholesomeness of food.
Food Law Code of Practice (Northern Ireland) April 2012 (FLCoP)	Article 39 of the Food Safety (NI) Order 1991 (the Order), Regulation 22 of the Food Hygiene Regulations (NI) 2006 and Regulation 6 of the Official Feed and Food Controls Regulations (NI) 2009, which empower the Department of Health Social Services and Public Safety to issue codes of practice concerning the execution and enforcement of that legislation by district councils. This code is issued as guidance to competent authorities on the enforcement of food legislation. It relates to Northern Ireland only.
Food Standards Agency (FSA)	<p>The Food Standards Agency is an independent Government department set up by an Act of Parliament in 2000 to protect the public's health and consumer interests in relation to food.</p> <p>Everything we do reflects our vision of Safe Food and Healthy Eating for all.</p>
Framework Agreement	The Framework Agreement consists of:

	<p>Chapter One Service Planning Guidance</p> <p>Chapter Two The Standard</p> <p>Chapter Three Monitoring of Local Authorities</p> <p>Chapter Four Audit Scheme for Local Authorities</p> <p>The Standard sets out the Agency's expectations on the planning and delivery of food law enforcement.</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.
Local Authority (LA)	an organization that is officially responsible for all the public services and facilities in a particular area.
Food Law Practice Guidance (Northern Ireland) October 2012 (FLPG)	Guidance issued by the Food Standards Agency to assist district councils with the discharge of their statutory duty to enforce the Food Safety (NI) Order 1991, Regulations made under it, and food law made under the European Communities Act 1972.
Pre-visit Questionnaire (PVQ)	Used by FSA auditors to request information prior to an audit visit , to maximise the effectiveness of the time spent with a local authority.
Risk rating	A system that rates food premises according to risk and determines how frequently those premises should be inspected. For example, high risk premises should be inspected at least every 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.