

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

Christchurch Borough Council
11-12 March 2014



Foreword

Audits of local authorities' feed and food law enforcement services are part of the Food Standards Agency's arrangements to improve consumer protection and confidence in relation to food and feed. These arrangements recognise that the enforcement of UK food and feed law relating to food safety, hygiene, composition, labelling, imported food and feeding stuffs is largely the responsibility of local authorities. These local authority regulatory functions are principally delivered through their Environmental Health and Trading Standards Services.

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

www.food.gov.uk/enforcement/auditandmonitoring.

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

This programme of focused audits has been specifically developed to address one of the main priorities identified in the Food Standard Agency's Strategy for 2010-2015 in meeting the outcomes that imported food is safe to eat and that regulation is effective, risk-based and proportionate. The strategic priority is to ensure risk-based, targeted checks at ports and local authority monitoring of imports throughout the food chain.

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

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

The report contains some statistical data, for example on the premises profile of the district. The Agency's website contains enforcement activity data for all UK local authorities and can be found at:

www.food.gov.uk/enforcement/auditandmonitoring.

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

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1.0 Introduction

- 1.1 This report records the results of an audit at Christchurch Borough Council with regard to the enforcement of imported food controls, under relevant headings of the Food Standards Agency Food Law Enforcement Standard. The audit focused on the Authority's arrangements for the control of imported foods of non-animal origin (FNAO) from non-EU countries at smaller points of entry. The arrangements for inland controls of products of animal origin (POAO) and FNAO were also examined as part of the audit scope. The report has been made publicly available on the Agency's website at www.food.gov.uk/enforcement/auditandmonitoring/auditreports. Hard copies are available from the Food Standards Agency's Operations Assurance Division at Aviation House, 125 Kingsway, London WC2B 6NH, Tel: 020 7276 8428.

Reason for the Audit

- 1.2 The power to set standards, monitor and audit local authority food law enforcement services was conferred on the Food Standards Agency by the Food Standards Act 1999 and the Official Feed and Food Controls (England) Regulations 2009. This audit of Christchurch Borough Council was undertaken under section 12(4) of the Act as part of the Food Standards Agency's annual audit programme.
- 1.3 Regulation (EC) No. 882/2004 on official controls performed to ensure the verification of compliance with feed and food law, includes a requirement for competent authorities to carry out internal audits or to have external audits carried out. The purpose of these audits is to verify whether official controls relating to feed and food law are effectively implemented. To fulfil this requirement, the Food Standards Agency, as the central competent authority for feed and food law in the UK has established external audit arrangements. In developing these, the Agency has taken account of the European Commission guidance on how such audits should be conducted.¹
- 1.4 The Authority was included in the Food Standards Agency's programme of audits as it was responsible for imported food controls at a smaller point of entry and was representative of a geographical mix of five LAs or Port Health Authorities selected across England.

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)

Scope of the Audit

- 1.5 The audit examined Christchurch Borough Council's arrangements for the enforcement of controls on imported FNAO at Bournemouth International Airport and inland controls of both FNAO and POAO. This included the assessment of local arrangements for service planning, delivery and review, provision and adequacy of officer authorisations and training on imports, and the implementation and effectiveness of imported food control activities, including inspection, sampling and enforcement. The audit also covered the maintenance and management of records in relation to imported food, internal service monitoring arrangements and liaison with other organisations in relation to imported food and feed.
- 1.6 The on-site element of the audit took place at the Civic Offices, Bridge Street, Christchurch on 11-12 March 2014. The audit also included a 'reality check' visit to assess the effectiveness of official controls implemented by the Authority at the airport, and more specifically, the checks carried out by the Authority's officers to verify compliance with imported food law requirements.

Background

- 1.7. Christchurch is a Borough and town on the south coast of England. The New Forest lies to the east with the town itself being set on the edge of Bournemouth. Christchurch previously formed part of the county of Hampshire but became part of Dorset following the reorganisation of local government in the 1970s. Christchurch has a population of approximately 47,000 and covers an area of 19.5 square miles. The town is a popular tourist destination with upwards of 1.5 million visitors annually to the historical buildings, quaint streets, beaches and harbour areas.
- 1.8. Located within the borough of Christchurch, Bournemouth International Airport is a relatively busy airport which predominantly handles short haul passenger flights to UK and European destinations, and air mail to the Channel Islands and UK mainline. Seasonal flights to Turkey and Egypt are operational during the summer months.
- 1.9. The 2012/13 Local Authority Enforcement Monitoring System (LAEMS) return for the Authority indicated that there were 432 premises for food hygiene, the profile of which was as follows:

Type of Food Premises	Number
Primary Producers	0
Manufacturers/Packers	3
Importers/Exporters	2
Distributors	10
Retailers	98
Restaurants/Caterers	319
Total Number of Food Premises	432

- 1.10. The delivery of the food service was shared between Christchurch Borough Council and East Dorset District Council (EDDC) as part of an interim joint service arrangement that had been in place since 2010. Officers were also responsible for enforcing health and safety legislation within the Borough. Food standards enforcement in the area was the responsibility of Dorset County Council.

2.0 Executive Summary

2.1 The Authority was selected for audit as it was responsible for inland controls of foods of non-animal origin (FNAO) and products of animal origin (POAO) and because there was a small point of entry within the Borough (Bournemouth International Airport), for which the Authority had responsibility for the control of FNAO. The audit confirmed that there were no imports of FNAO taking place at the airport and no immediate plans to expand into the food cargo trade.

2.2 Auditors discussed the importance of setting up and maintaining quarterly liaison arrangements with the airport and any External Temporary Storage Facility in the Borough. During discussions the airport operators indicated that they would be willing to liaise with the Authority in the future as necessary.

2.3 Key areas for improvement:

Organisation and management: The Authority had not produced any service planning document that set out the proactive and reactive demands on the service, including the planned inspection programme and the arrangements for the control of imported food.

Authorisation of officers: Authorisation arrangements for the shared service were out of date and did not reflect current management arrangements. Officers were not issued with any documents that set out individual limits of authorisation based on consideration of an officer's level of training, qualifications and competence.

Imported food: The Service had not set up regular liaison arrangements with the airport operator to check whether imported food from non-EU countries was being received. Audit evidence also confirmed that the authority did not proactively carry out inland imported food controls as part of day to day food law enforcement activity.

Inspections: A significant proportion of the Authority's higher risk food businesses were overdue for inspection. In general officers were not routinely recording sufficient details of their inspection findings including basic details of food activities, the officer's assessment of compliance, follow up actions and any imported food checks that had taken place as part of the inspection.

Internal monitoring: Although some qualitative internal monitoring had been undertaken in relation to premises inspections, there was no evidence available detailing the outcome of the monitoring or any resulting follow up action. There was also no routine internal monitoring of other day to day food law enforcement activities such as response to service requests, complaints and sampling.

3.0 Audit Findings

3.1 Organisation and Management

Strategic Framework, Policy and Service Planning

- 3.1.1 An interim joint service arrangement had been in place between the Authority, Christchurch Borough Council (CBC) and East Dorset District Council (EDDC) since 2010. The auditors were advised that key regulatory services, including food safety law enforcement had been gradually merged over time and that the two Councils were aiming to have a new management structure and a fully integrated shared service in place on 1 July 2014.
- 3.1.2 Whilst officers from each authority remained located separately, they worked operationally as one merged Food and Safety Team to undertake food law enforcement activities in the two areas under the management of the Food and Safety Manager. Further restructuring was progressing and auditors were advised that the Authority anticipated a period of handover between outgoing and incoming managers and that further options for innovative food service delivery were being considered by senior managers at the Authority. The Authority advised that the shared service would be responsible for food law enforcement in just over 1,000 premises.
- 3.1.3 A Food Service Plan for 2013/14 had not been developed by the Authority with the most recent relevant plan being an EDDC Food and Safety Service Plan for 2011/12. A 2014/15 Service Plan for the shared Health and Housing Department had been developed by the interim service. The Authority advised that this Plan was relevant to the food service although the only reference to that service area related to the promotion of the Food Hygiene Rating Scheme and contributions to relevant initiatives through avenues such as 'work well Dorset'. The document instead identified key performance indicators and business priorities alongside target completion dates. Delivery outcomes were identified, with a requirement for distinctions to be made between 'business as usual' (lower priority) and 'service improvement' (higher priority) functions. The Plan however did not contain any assessment of the resources required to deliver the food law enforcement service in comparison to the resources available. Other key elements such as the proactive and reactive demands on the service including the planned inspection programme and arrangements for the control of imported food were also not included.
- 3.1.4 Rather than drafting a Service Plan for the interim shared service, auditors were informed that it was the intention to merge the Food Service and Health and Housing Service Plans to form a team action plan, with the format of the Health and Housing document being retained. This comprised a list of tasks and targets and was not in line

with the Service Planning Guidance, as laid down in the Framework Agreement.

- 3.1.5 A documented annual review of the delivery of the food service had not been undertaken but some performance verification checks had been carried out, including the comparison of percentages of broadly compliant premises between Dorset authorities. This document however did not identify variances from planned service delivery and did not inform future priorities and resources.
- 3.1.6 It was unclear from the audit discussions whether a sufficient number of staff were being made available within the interim shared service to undertake all the relevant food law enforcement activities in the CBC area, including imported food checks. One officer was undertaking food and health and safety inspections within the borough, with another officer from EDDC assisting for one day per week. Auditors were advised that existing staffing resources were being reduced by 30% in advance of the full implementation of the shared service arrangements on 1 July 2014.

Recommendations

3.1.7 The Authority should:

- (i) Develop and implement a service delivery plan for 2014/15 in accordance with the Service Planning Guidance in the Framework Agreement, giving consideration to the demands on the service and including details of the proposed food premises inspection programme for the year and taking into consideration imported food controls. The Plan should include a clear comparison of the resources required to carry out the full range of statutory food law enforcement activities against the resources available to the Service. [The Standard - 3.1]
- (ii) Ensure that a documented performance review is carried out by the Authority at least once a year, based on the service delivery plan and that this is submitted for approval to the relevant Member forum or senior officers. [The Standard - 3.2]
- (iii) Any variance in meeting the service delivery plan should be addressed by the Authority in its subsequent Service Plan. [The Standard - 3.3]

Documented Policies and Procedures

- 3.1.8 Auditors found that many of the policies and procedures which were relevant to the scope of the audit had either been developed by EDDC or the interim shared service. The main EDDC process document contained a wide range of operational procedures and an electronic version of the process document was available which contained various hyperlinks to external websites, pertinent legislation and legal notices relevant to the scope of the audit. This document was available on the Authority's intranet site for officers to access as required.
- 3.1.9 An imported food process diagram was incorporated into the EDDC process document. The document contained basic details about possible inland controls of POAO and FNAO but did not cover the types of checks that may be necessary at premises within the Borough that may handle imported foods such as takeaways, caterers or importers. In addition, the document did not cover possible point of entry checks that may be required of the Authority at Bournemouth International Airport which could include manifest checks, documentary, identity and physical checks (including sampling), detention and referral. The diagram could be usefully updated and reviewed in line with current official guidance on small ports of entry and inland imported food controls.
- 3.1.10 The Authority had implemented a control system whereby only nominated officers were able to access and update operational procedures and process flow diagrams.
- 3.1.11 A review of the process document was planned but had not been undertaken. Instead documented reviews were undertaken on an ad hoc basis. Auditors did see some evidence of historical reviews/updates but it was unclear which part of the document had been reviewed as the amendment date had been omitted.

Officer Authorisations

- 3.1.12 The Authority had not developed a specific documented procedure for the authorisation of officers in CBC. However, there was an EDDC officer authorisation procedure that formed part of that Authority's process document and which was relevant to the interim shared service. The document conferred responsibility for authorising officers to the Head of Planning and Health, upon recommendation by the Food and Safety Manager under the Authority's scheme of delegation. The procedure was not dated and had not been reviewed and updated to reflect current management or staffing arrangements. In addition, it did not define how officer experience and competency would be assessed prior to authorisation. A staff training matrix was incorporated into the document but this only highlighted desirable and

essential skills required of officers without expanding on whether these skills had been demonstrated or obtained.

- 3.1.13 The Council's Constitution was drafted in 2003 and required review. It contained references to out of date legislation as well as referring to officers no longer carrying out food law enforcement. In addition the Constitution did not refer to the key legislative powers relating to imported food controls.
- 3.1.14 Checks on five officer authorisations were undertaken including the Team Manager, a Senior Public Health Officer and Public Health Officers. Officer qualification documents were seen by auditors. The Authority issued officers with an authorisation document which comprised a photo identity card, stating that the officer was authorised to perform duties in accordance with the Council's Constitution. A list of current legislation was included in the documented authorisation procedure but individual levels of authorisation and the process by which these had been determined were not clear. Officers were not issued with any document that specified their individual levels of authorisation. The officer authorisation process appeared to be based primarily on officer qualifications and training courses undertaken. Auditors discussed the need for the competency assessment process to be documented.
- 3.1.15 In relation to one officer that had recently qualified, auditors could not find any documented evidence of additional supervision and training. Auditors were however informed that this particular case related to a long-term employee of the Authority and that the work of new officers is closely monitored. This was not documented in the EDDC authorisation procedure and there was no evidence on those files checked of any robust monitoring taking place.
- 3.1.16 The Authority confirmed that individual training and development needs were identified during the annual appraisal process. Auditors checked a number of training records maintained by officers and it was confirmed that these officers had achieved the minimum 10 hours food law training required by the Food Law Code of Practice. Auditors found some evidence of internal training delivered by the Authority's Legal Services Team on formal enforcement and legal procedure including the Regulation of Investigatory Powers Act 2000 (RIPA). Not all officers had received this training and there was no evidence of cascade training.
- 3.1.17 Two officers had attended the FSA's inland enforcement of imported food controls course in 2010. There was no evidence of cascade training following this event and auditors discussed the benefits of ensuring that all food law enforcement officers in the shared service attended specific imported food training courses that were available. The Authority has since been in contact with the Imported Food Team regarding upcoming training opportunities and an 'Effective Imported

Food Control for Inland Authorities' has been booked for the Dorset Food Group.

Recommendations

3.1.18 The Authority should:

- (i) Set up, maintain and implement a documented procedure for the authorisation of officers based on their competence and in accordance with the Food Law Code of Practice and any centrally issued guidance.
[The Standard - 5.1]
- (ii) Ensure that officers are authorised to carry out duties at a level consistent with their individual qualifications, training and experience in line with the Food Law Code of Practice. This should include reference to the specific legislation each officer is authorised under.
[The Standard – 5.3]

3.2 Imported Food Control Activities

Food Premises Database

- 3.2.1 The Authority had arrangements in place to keep the food premises database up to date, accurate and secure. The Service used information gained from new business registrations, local knowledge, service requests, officer observations and information received from other Council departments. Arrangements were in place to ensure the accuracy and security of the database including restricting access to new premises creation and closure fields.
- 3.2.2 All relevant food premises in the Borough appeared to be recorded within the system, including a large importer and national distributor of higher-risk food products from the Far East and three External Temporary Storage Facilities (ETSFs formerly known as ERTS).
- 3.2.3 Auditors were advised that at present the shared services of EDDC and CBC were reporting separate LAEMS returns. The Authority had submitted a nil return on imported food on the Food Standards Agency's Local Authority Enforcement Monitoring System (LAEMS) for 2012/13 which reflected that no imported food sampling or enforcement had been undertaken.
- 3.2.4 There was a nil return on imported food activity at the point of entry. A nil return had also been reported on imported food samples at premises in the Borough confirming that there had been no enforcement action taken relating to imported food in the last two years. Auditors were informed that a joint LAEMS return for the two authorities would be submitted from 2014/15.

Facilities and Equipment

- 3.2.5 Auditors were advised that the Service had suitable equipment for the inspection and sampling of foods. Facilities and equipment were not currently necessary at the airport as no inspection of imported food took place there.

Food Premises Interventions

- 3.2.6 The Authority did not have a specific documented procedure in place for the inspection of food premises within the Borough. The Service had produced a food safety inspection aide-memoire which included a brief prompt to check on suppliers and traceability in addition to imported POAO such as meat, dairy and eggs. Auditors suggested that the document could be usefully expanded to remind officers to record details of any imported food traceability checks made during

inspections in respect of both FNAO and POAO. Several references to out of date imported food legislation that required updating were also noted.

- 3.2.7 Checks on a selection of recent food premises inspection records confirmed aides-memoire were not always being fully completed by officers with records of checks or information on imported foods handled by the business often omitted. The auditors were advised that the Authority aimed to follow the intervention frequencies specified in the Food Law Code of Practice, however, a number of premises were overdue for inspection, some by several years. A database report produced during the audit confirmed 130 businesses were overdue for inspection across all risk categories including 115 higher risk B and C category premises. For all risk category premises, delayed interventions could result in some businesses increasing the risk of their food operations in relation to imported foods or changing ownership, without the Authority being made aware of their altered circumstances.
- 3.2.8 Auditors found little evidence on file about imported food and traceability checks including details about the size and scale of the business. It was difficult to verify from the inspection records whether HACCP requirements had been fully assessed. On a number of occasions, the inspection report or officer letter indicated that follow-up action would be taken in the form of a revisit or check on compliance with a legal notice but this was not undertaken. On at least one file, the same unresolved issues were identified again during the next programmed inspection.
- 3.2.9 The rationale behind the food hygiene risk rating scores allocated following inspection were unclear in some inspection records examined as part of the audit and there was an absence of evidence that a graduated approach to enforcement had been considered. One premises had been scored '10' for confidence in management and hygiene and structure yet had no documented food safety management system in addition to ongoing and recurrent cross-contamination and cleanliness issues. A score of '10' was awarded for confidence in management in the case of a large scale importer despite records indicating the business's questionable traceability systems and the lack of a food safety management system. The food hygiene inspection did not appear to have included the level of documentary and traceability checks appropriate for the business.

Recommendations

3.2.10 The Authority should:

- (i) Ensure that food premises inspections are carried out at a frequency specified by the Food Law Code of Practice and centrally issued guidance. [The Standard - 7.1]
- (ii) Carry out interventions and inspections in accordance with relevant legislation and centrally issued guidance. [The Standard - 7.2]
- (iii) Ensure that inspections of food establishments adequately assess the compliance of establishments and systems to legally prescribed standards and take appropriate action on any non-compliance found in accordance with the Authority's enforcement policy. [The Standard - 7.3]

Imported Food Inspection and Sampling

- 3.2.11 The Service had developed an imported food process flow diagram which made brief mention of food sampling and inspection. The Authority also had a documented food sampling process flow diagram and programmed sampling procedure. An electronic version of the imported food document, with hyperlinks to relevant websites and legislation was seen by auditors.
- 3.2.12 The flow diagram described that imported food could be identified as part of a food or food premises complaint, proactively, as part of a new registration or through sampling. Brief detail was provided about the nature of investigation to be undertaken including traceability checks before deciding on the course of action to take. The document omitted some key references to import documentation such as Common Entry Documents (CED, FNAO) or Common Veterinary Entry Documents (CVED, POAO). Other details such as how to carry out an investigation and action to take on satisfactory/unsatisfactory outcome was also not included. Seizure and detention was mentioned as an option where illegal activity was suspected but the flowchart stopped short of explaining how, when and why this might be necessary. The diagram did not contain any information about imported food referrals or imported food arriving into the borough through the airport or directly by the known Importer/ETSFs. Auditors suggested that the document could be reviewed to ensure that all possible routes of entry into the borough were captured. The

document also did not provide any detail about the type of checks that might be necessary to undertake at the point of entry, including surveillance and quarterly checks. Possible arrangements for identifying the arrival of food consignments from countries outside the EU were also omitted.

- 3.2.13 Auditors were provided with evidence to show recent contact had been made with the three ETSFs in the district. This confirmed that the facilities were not handling imported food. Contact had also been made with the airport operator who confirmed the same. Prior to this contact with the airport operator was patchy with few checks to confirm whether food imports were arriving. Auditors discussed the importance of introducing and maintaining regular quarterly monitoring at the airport as specified in the Agency's official guidance. In addition, auditors suggested periodic checks of the imported food status of the known ETSFs within the Borough and further checks on the list of ETSFs on the Food Standards Agency website, to ensure the Authority was aware of the location of new ETSFs should they relocate to the borough.
- 3.2.14 Audit checks indicated that officers were unclear about the term 'first point of destination inland' and had not realised that a major supplier of higher risk products from East Asia was also a direct importer and would likely have copies of import documentation such as CEDs and health certificates held on site.
- 3.2.15 The audit did not include any checks on the Authority's inspection activities at the point of entry as there had been no imports of food in the past two years.
- 3.2.16 The Service had not produced a stand-alone food sampling policy, although the food sampling procedure in the EDDC process document confirmed that the Authority was committed to taking part in national sampling programmes. The Authority had not applied for grant funding from the Agency over the last two years. A programme of sampling was undertaken at approved establishments and those manufacturing high risk products such as ice cream and cooked meats.
- 3.2.17 Auditors were advised that imported food sampling was not a priority for the shared service due to the demographics of the area. This type of sampling was therefore not included in the 2013/14 food sampling programme, which was instead aimed at locally produced food. The auditors discussed the inclusion in the programme of targeted imported food sampling, particularly from importers and in response to emerging risk notifications from the Agency. The audit did not include checks on imported food sampling activities as there had been no sampling in this area.
- 3.2.18 The laboratories used by the Authority for food sampling activities were properly accredited.

Recommendations

3.2.19 The Authority should:

- (i) Further develop the sampling policy and programme, to reflect national and regional co-ordinated programmes, and to take into consideration the nature of food establishments and imported foods within the district. [The Standard – 12.4]
- (ii) Carry out sampling in accordance with its documented sampling policy, procedures and programme. [The Standard – 12.6]

Verification Visit at the Points of Entry

- 3.2.20 During the audit, a verification visit was undertaken to the airport with an officer from the Authority. The purpose of the visit was to confirm that no foods from non-EU countries were routinely imported through the airport and to verify that in the event that this did happen, effective liaison would take place between the local authority and airport operator to enable appropriate, risk-based and proportionate checks to be undertaken.
- 3.2.21 The visit confirmed that there were no food imports from non-EU countries entering through the airport. Seasonal flights from some countries with products subject to enhanced checks did arrive into the airport during the summer months but auditors were assured by airport operatives that these did not contain any food cargo. Air mail arrived at the airport on a weekly basis and was stored pending collection in a large internal temporary storage facility (ITSF).
- 3.2.22 During discussions the airport operators indicated that they would be willing to liaise with the Authority in the future should there be any consideration of the airport expanding into trade in food cargo.

Imported Food Complaints and Referrals

- 3.2.23 The Authority did not have a current food complaint policy. A previous EDDC Service Plan did however make reference to the need for all complaints to be investigated in line with the relevant complaint process flow diagram. The latter was a joint food complaints and export certificates flowchart which provided officers with brief detail about the process to follow when dealing with food complaints. The diagram made reference to imported food referrals from specific

points of entry but referrals from sources such as other local authorities were not included.

- 3.2.24 Auditors were shown a list of food complaints that the Authority had received in 2013. Although no imported food complaints had been received by the Authority, one referral had been made from another local authority on adverse results following the sampling of fresh produce sourced from an importer within CBC. Despite the result, there was little evidence of follow-up action on file and no evidence of liaison with the point of entry, other potential suppliers and the referring authority. In addition, no follow-up sampling had been undertaken. It was not clear that the complaint had been investigated in line with the Authority's food complaint and enforcement procedure.
- 3.2.25 Records of complaints were kept on a separate database but auditors were informed that this would be difficult to access. Paper records provided by the Authority at the time of the audit, lacked detail about the extent of the investigation, any action taken and contact with relevant parties. Auditors were advised that the method of recording complaint investigations had been reviewed and a new system would be in place from 1 April 2014.

Recommendations

3.2.26 The Authority should:

- (i) Review the existing policy and procedure in relation to food and food premises complaints to ensure it includes any referral arrangements to other inland local authorities and those with responsibility for imported food controls at a UK point of entry. [The Standard – 8.1]
- (ii) Investigate complaints received in accordance with the Food Law Code of Practice, centrally issued guidance and the Authority's policies and procedures. [The Standard – 8.2]
- (iii) Take appropriate action on complaints received in accordance with the Authority's enforcement policy. [The Standard – 8.3]

Enforcement

- 3.2.27 Two enforcement policies had been developed, one by CBC in 2002 which was relevant to health and safety and the other, developed by EDDC which was relevant to food safety. The latter document was

undated but auditors were advised that this was current for the interim shared service.

- 3.2.28 The policy set out the Authority's graduated approach to enforcement but would benefit from a review to take account of the Authority's obligations under the Regulators' Compliance Code and the Regulatory Enforcement and Sanctions Act.
- 3.2.29 The Authority had produced a number of procedures and work instructions relating to enforcement actions. Although specific references to imported food enforcement were omitted, the documents were generally relevant.
- 3.2.30 Auditors were advised that there had been no formal enforcement actions taken in the past two years with regard to imported food issues.

Recommendation

3.2.31 The Authority should:

Review the documented Enforcement Policy in accordance with the Food Law Code of Practice and centrally issued guidance.
[The Standard – 15.1, 15.2 and 15.3]

Records of Imported Food Activities

- 3.2.32 Apart from records relating to complaints received, enforcement activity records kept by the Authority were generally easily retrievable and clearly legible. Auditors discussed the need for more comprehensive records of inspection findings to be routinely maintained in addition to any findings from the quarterly checks at the airport.

Recommendation

3.2.33 The Authority should:

Maintain comprehensive, up to date and accurate records in retrievable form on all food law enforcement activity in accordance with the Food Law Code of Practice and centrally issued guidance. This should include a record of further action proposed by the Authority following interventions. [The Standard – 16.1]

3.3 Liaison with other Organisations

Liaison

- 3.3.1 The Authority had developed links with the Trading Standards Service at Dorset County Council in relation to imported feed.
- 3.3.2 Auditors saw evidence of the Service's participation in the Dorset Heads of Regulatory Services Food Group, which was also attended by Dorset County Council Trading Standards. In addition an officer from the Authority attended the Dorset Food Specialist Sub-group and local Food Liaison Group.
- 3.3.3 The Authority had in the past liaised closely with the airport operator, mainly in relation to planning and parking matters but this had waned over recent years. The importance of introducing a system for routine liaison with the operator has already been discussed in the previous section of the report.

Recommendation

3.3.4 The Authority should:

Review the existing liaison arrangements with relevant bodies and commercial operators at Bournemouth International Airport, aimed at identifying any imported food consignments and to help facilitate consistent enforcement.
[The Standard – 18.1]

Primary Authority Scheme and Home Authority Principle

- 3.3.5 The Authority did not act as a primary or home authority for any food business in the borough.

Imported Food Alerts and Incidents

- 3.3.6 A food alerts process flow document had been developed by the EDDC which laid out the basic procedure for responding to food alerts. The document referred to imported food but was undated so it was unclear as to when the last document review had taken place. Auditors suggested expanding the document to also include the initiation of food alerts in response to a locally identified risk and the regular checking of rapid alerts issued by the EU on imported food issues, which may help to inform inspections and food sampling programmes.

- 3.3.7 Auditors were shown evidence of the Service's response to a recent food alert relating to imported food, which demonstrated effective liaison between Trading Standards at the County Council.
- 3.3.8 Arrangements were in place for officers to be contacted should incidents occur out of hours. The Authority advised that they had not had any serious, localised incident in relation to imported food in the last two years.

Recommendations

3.3.9 The Authority should:

- (i) Further develop the documented procedure for food alerts, to include the initiation of food alerts in response to a locally identified risk and the monitoring of RASFF notifications and relevant EC decisions. [The Standard – 14.1]
- (ii) Document its response to and the outcome of each food alert. [The Standard – 14.3]

Advice to Business

- 3.3.10 The EDDC process document did not make reference to the Service's provision of advice to business, although the Authority confirmed that this was mainly carried out at the time of inspection or in response to complaints and food alerts. The Authority also offered advice to new businesses on hygiene matters.
- 3.3.11 There had been no specific initiatives to provide advice to businesses on imported food in the past two years.

3.4 Internal Monitoring, Third Party or Peer Review

Internal Monitoring

- 3.4.1 A documented procedure for the internal monitoring of food and safety had been produced by the interim shared service. This included a review of departmental process documents and a schedule of quarterly audits of different aspects of the service. There were no records available in relation to any audits carried out. The procedure did not cover the regular monitoring of day to day food law enforcement activities and did not include the monitoring of complaint investigations and sampling. The document was to be reviewed annually but it was unclear when the last review had taken place as it was not dated. Imported food controls were not included in the scope of these audits.
- 3.4.2 Auditor file checks confirmed that most inspection forms had been initialled by the Food and Safety Manager, but there was no other evidence detailing what was monitored and any resulting follow-up actions. The auditors were advised that the Food and Safety Manager accompanied officers on visits on an ad hoc basis and also selected some inspection records for more in depth assessment. There were no records in relation to the monitoring undertaken. Auditors were advised that there was no routine internal monitoring of other day to day food law enforcement activities such as response to service requests, complaints and sampling.

Recommendations

3.4.3 The Authority should:

- (i) Further develop and implement the current internal monitoring procedure to include the monitoring of food law enforcement activity across all areas of the Standard and in accordance with the Food Law Code of Practice and relevant centrally issued guidance. [The Standard – 19.1]
- (ii) Expand on the current internal monitoring activities carried out to verify its conformance across the whole of the Standard, relevant legislation, the Food Law Code of Practice, relevant centrally issued guidance and the Authority's own documented policies and procedures. [The Standard – 19.2]
- (iii) Ensure records of internal monitoring activities are maintained. [The Standard – 19.3]

Third Party or Peer Review

- 3.4.4 The Authority had not participated in any relevant inter-authority audits (IAA), peer review or consistency exercises over the last two years.

Auditors: Christina Walder
Sarah McDermott

Food Standards Agency

Operations Assurance Division

ANNEX A Action Plan for Christchurch Borough Council

Audit date: 11-12 March 2014

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
<p>3.1.7(i) Develop and implement a service delivery plan for 2014/15 in accordance with the Service Planning Guidance in the Framework Agreement, giving consideration to the demands on the service and including details of the proposed food premises inspection programme for the year, and taking into consideration imported food controls. The Plan should include a clear comparison of the resources required to carry out the full range of statutory food law enforcement activities against the resources available to the Service. [The Standard - 3.1]</p>	<p>31/08/14</p>	<p>Revise and expand the existing East Dorset Service Plan so as to incorporate the Christchurch food service arrangements and to ensure that the key elements are included in accordance with the Service Planning Guidance.</p> <p>Review the backlog of programmed inspections and determine resources required to eliminate the high priority backlog.</p>	<p>Data gathering from both databases to assess future work plan and backlog for both services.</p>
<p>3.1.7(ii) Ensure that a documented performance review is carried out by the Authority at least once a year, based on the service delivery plan and that this is submitted for approval to the relevant Member forum or senior officers. [The Standard - 3.2]</p>	<p>28/02/15</p>	<p>Team Leader to undertake annual review of progress and report findings to Service Manager.</p>	

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.1.7(iii) Any variance in meeting the service delivery plan should be addressed by the Authority in its subsequent Service Plan. [The Standard - 3.3]	31/03/15	Service Manager to provide report of any variances to Corporate Management Team.	
3.1.18(i) Set up, maintain and implement a documented procedure for the authorisation of officers based on their competence and in accordance with the Food Law Code of Practice and any centrally issued guidance. [The Standard - 5.1]	31/07/14	Review existing East Dorset authorisation procedure and incorporate the Christchurch service into a single service document. The revised procedure should have regard to the Food Law Code of Practice (Apr 14) and the Councils' revised Schemes of Delegation.	Amendments to the Councils' Schemes of Delegation have been submitted for approval during the July 2014 Committee cycle.
3.1.18(ii) Ensure that officers are authorised to carry out duties at a level consistent with their individual qualifications, training and experience in line with the Food Law Code of Practice. This should include reference to the specific legislation each officer is authorised under. [The Standard – 5.3]	31/07/14	Create individual authorisations for each officer identifying experience and competencies against the relevant enforcement actions.	Review of existing East Dorset Authorisation procedure underway.

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.2.10(i) Ensure that food premises inspections are carried out at a frequency specified by the Food Law Code of Practice and centrally issued guidance. [The Standard - 7.1]	30/11/14	The food services of Christchurch and East Dorset Councils are in the process of being reviewed with Phase 1 (Management Team) having been completed and Phase 2 to be completed by August 2014. This will allow resource to be directed as the need arises.	It is proposed that with the resource available (Overtime has been sanctioned) to the new service, the backlog of high priority premises (A, B and C) for the combined service will be eliminated by November 2014.
3.2.10(ii) Carry out interventions and inspections in accordance with relevant legislation and centrally issued guidance. [The Standard - 7.2]	31/07/14	Team Leader to initially audit 10% of inspections, food complaints and food poisoning notifications each month, to check whether database and documentation are both accurate and comprehensive.	Draft audit checklist and procedure produced and to be tested during June/July 2014.
3.2.10(iii) Ensure that inspections of food establishments adequately assess the compliance of establishments and systems to legally prescribed standards and take appropriate action on any non-compliance found in accordance with the Authority's enforcement policy. [The Standard - 7.3]	31/07/14	Team Leader to initially audit 10% of inspections, food complaints and food poisoning notifications to look at how compliance is assessed and how any non-compliance is followed up. Team Leader to discuss at the County Food Group the possibility of re-introducing inter authority audits.	Draft Checklist and procedure produced and to tested during June/July 2014.

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.2.19(i) Further develop the sampling policy and programme, to reflect national and regional co-ordinated programmes, and to take into consideration the nature of food establishments and imported foods within the district. [The Standard – 12.4]	30/06/14	Update East Dorset Sampling Programme to reflect the nature of food establishments and imported food within the Authority's area.	Sampling programme updated to reflect premises within Christchurch area that have been identified as of special interest due to the nature of their activities i.e. Specialist suppliers of herbs and spices and approved establishments.
3.2.19(ii) Carry out sampling in accordance with its documented sampling policy, procedures and programme. [The Standard – 12.6]	30/06/14	Update East Dorset Sampling Programme and carry out sampling in accordance with revised programme.	Sampling programme updated to reflect premises within Christchurch area that have been identified as of special interest due to the nature of their activities i.e. Specialist suppliers of herbs and spices and approved establishments.
3.2.26(i) Review the existing policy and procedure in relation to food and food premises complaints to ensure it includes any referral arrangements to other inland local authorities and those with responsibility for imported food controls at a UK point of entry. [The Standard – 8.1]	31/07/14	Revise existing East Dorset process documents to cover referrals including those relating to imported food.	
3.2.26(ii) Investigate complaints received in accordance with the Food Law Code of Practice, centrally issued guidance and the Authority's policies and procedures. [The Standard – 8.2]	31/07/14	Revise existing East Dorset process documents to cover the investigation of food complaints in accordance with official guidance. Internal monitoring arrangements to include the investigation of food complaints.	All Christchurch premises data has now been migrated to the East Dorset premises database. This will allow complete control over the recording of food complaints in the future.

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.2.26(iii) Take appropriate action on complaints received in accordance with the Authority's enforcement policy. [The Standard – 8.3]	31/07/14	Revise existing East Dorset process documents to cover follow-up action in relation to food complaints. Internal monitoring to include action taken by officers following the receipt of food complaints.	All Christchurch premises data has now been migrated to the East Dorset premises database. This will allow complete control over the recording of food complaints in the future. Also refer to comments for 3.2.10(ii) above.
3.2.31 Review the documented Enforcement Policy in accordance with the Food Law Code of Practice and centrally issued guidance. [The Standard – 15.1, 15.2 and 15.3]	31/08/14	Revise existing Christchurch and East Dorset Enforcement Policy to cover this aspect and submit to the Joint Audit Committee.	
3.2.32 Maintain comprehensive, up to date and accurate records in retrievable form on all food law enforcement activity in accordance with the Food Law Code of Practice and centrally issued guidance. This should include a record of further action proposed by the Authority following interventions. [The Standard – 16.1]	31/07/14	Revise existing East Dorset process documents to cover record keeping following interventions.	All Christchurch premises data has now been migrated to the East Dorset premises database. This will allow complete control over the recording of food complaints in the future. Also refer to comments for 3.2.10(ii) above.

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.3.4 Review the existing liaison arrangements with relevant bodies and commercial operators at Bournemouth International Airport, aimed at identifying any imported food consignments and to help facilitate consistent enforcement. [The Standard – 18.1]	31/07/14	Internal audit procedure to be produced and incorporated into process documents.	Draft Audit procedure and checklist produced and trialled during June/July. Service database has been updated to hold details of Airport and the three ETSF units with three monthly alerts to check that food is not imported through their facilities.
3.3.9(i) Further develop the documented procedure for food alerts, to include the initiation of food alerts in response to a locally identified risk and the monitoring of RASFF notifications and relevant EC decisions. [The Standard – 14.1]	31/07/14	Revise existing East Dorset process documents to cover the initiation of food alerts in response to an identified risk and the monitoring of RASFF notifications.	We now receive the Food Standards Agency email alerts/summary of RASFF notifications. FSA emails are monitored and acted upon.
3.3.9(ii) Document its response to and the outcome of each food alert. [The Standard – 14.3]	31/07/14	Internal audit procedure to be produced and incorporated into process documents. This will include the recording of food alert responses.	Draft Audit procedure and checklist produced and trialled during June/July.
3.4.3(i) Further develop and implement the current internal monitoring procedure to include the monitoring of food law enforcement activity across all areas of the Standard and in accordance with the Food Law Code of Practice and relevant centrally issued guidance. [The Standard – 19.1]	31/07/14	Internal audit procedure to be produced and incorporated into process documents, to cover all areas of food law enforcement activity.	Draft Audit procedure and checklist produced and trialled during June/July.

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.4.3(ii) Expand on the current internal monitoring activities carried out to verify its conformance across the whole of the Standard, relevant legislation, the Food Law Code of Practice, relevant centrally issued guidance and the Authority's own documented policies and procedures. [The Standard – 19.2]	31/07/14	Internal audit procedure to be produced and incorporated into process documents. Internal monitoring to be introduced across all areas of food law enforcement activities.	Draft Audit procedure and checklist produced and trialled during June/July.
3.4.3(iii) Ensure records of internal monitoring activities are maintained. [The Standard – 19.3]	31/07/14	Internal audit procedure to be produced and incorporated into process documents. Records of all internal monitoring and audits to be maintained.	Draft Audit procedure and checklist produced and trialled during June/July.

ANNEX B Audit Approach/Methodology

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

(1) Examination of LA policies and procedures.

The following relevant LA policies, procedures and linked documents were examined before and during the audit:

- 2012/13 EDDC Food Service Plan and CBC Health and Housing Plan
- Authorisation procedure and officer authorisations
- Imported food training activity
- EDDC operational document incorporating process flow diagrams in imported food,
- Example minutes of team meetings and attendance at the Dorset Food Group
- Inspection aides-memoire
- Enforcement policy and procedure
- Sampling policy and procedures document
- Food incidents and alerts flow diagram

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

- Officer authorisation and training
- Food complaints/referrals
- Food premises inspections and inspection reports

(3) Review of database records:

- To review and assess the completeness of database records of food hygiene inspections, and to verify consistency with file records.
- To assess the completeness and accuracy of the food premises database.

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

- Lead food officer
- Senior Public Health Officer
- Public Health Officer

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

(5) On-site verification check:

A verification visit was made with an officer from the Authority to Bournemouth International Airport. The purpose of the visit was to confirm the extent of

imports of food from non-EU countries through the point of entry and to verify that appropriate liaison arrangements were in place to enable any necessary appropriate risk-based, proportionate checks to be carried out on consignments of imported FNAO at the airport.

ANNEX C Glossary

Airway bill	Commercial document providing a general description of cargo items.
Authorised officer	A suitably qualified officer who is authorised by the local authority to act on its behalf in, for example, the enforcement of legislation.
Border Inspection Post	Point of entry into the UK from non-EU countries for products of animal origin.
CEDs/CVED	Common Entry Documents/Common Veterinary Entry Documents which must accompany certain FNAO food products and POAO to designated points of entry or import.
Code of Practice (Food Law)	A Government Code of Practice issued under Section 40 of the Food Safety Act 1990 as guidance to local authorities on the enforcement of food legislation.
Consignment	A unit of cargo that can consist of one or a number of different products.
County Council	A local authority whose geographical area corresponds to the county and whose responsibilities include food standards and feeding stuffs enforcement.
Defra	The Department for Environment, Food and Rural Affairs. The Government Department designated as the central competent authority for products of animal origin in England.
District Council	A local authority of a smaller geographic area and situated within a County Council whose responsibilities include food hygiene enforcement.
DPE	Designated point of entry. A port that has been designated for the entry of certain high risk feed and food products subject to enhanced checks.
DPI	Designated point of import. A port that has been designated for the entry of certain products subject to safeguard controls due to aflatoxin contamination.
Environmental Health Officer (EHO)	Officer employed by the local authority to enforce food safety legislation.

External Temporary Storage Facility (ETSF)	Formerly known as an enhanced remote transit shed or ERTS, this is an HM Customs and Excise designated warehouse where goods are held in temporary storage pending Customs clearance and release for free circulation.
Feeding stuffs	Term used in legislation on feed mixes for farm animals and pet food.
FNAO	Food of non-animal origin. Non animal food products that fall under the requirements of imported food control regime.
Food Examiner	A person holding the prescribed qualifications who undertakes microbiological analysis on behalf of the local authority.
Food hygiene	The legal requirements covering the safety and wholesomeness of food.
Food standards	The legal requirements covering the quality, composition, labelling, presentation and advertising of food, and materials in contact with food.
Formal samples	Samples taken in accordance with the requirements of the Food Law Code of Practice in accordance with the relevant sampling regulations and submitted to an accredited laboratory on the official list.
FPI	First Point of Introduction. A port that has been designated for the entry of certain polyamide and melamine plastic kitchenware from the People's Republic of China and Hong Kong subject to enhanced checks under Regulation (EU) No 284/2011.
Framework Agreement	<p>The Framework Agreement consists of:</p> <ul style="list-style-type: none"> • Service Planning Guidance • Food and Feed Law Enforcement Standard • 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 and feed law enforcement.</p>

The **Monitoring Scheme** requires local authorities to submit annual returns to the Food Standards Agency on their food law enforcement activities i.e. numbers of inspections, samples and prosecutions.

Under the **Audit Scheme** the Food Standards Agency will be conducting audits of the food and feed law enforcement services of local authorities against the criteria set out in the Standard.

Full Time Equivalent (FTE)	A figure which represents that part of an individual officer's time available to a particular role or set of duties. It reflects the fact that individuals may work part-time, or may have other responsibilities within the organisation not related to food enforcement.
LAEMS	Local Authority Enforcement Monitoring System is an electronic system used by local authorities to report their food law enforcement activities to the Food Standards Agency.
Home Authority	An authority where the relevant decision making base of an enterprise is located and which has taken on the responsibility of advising that business on food safety/food standards issues. Acts as the central contact point for other enforcing authorities' enquiries with regard to that company's food related policies and procedures.
Informal samples	Samples that have not been taken in accordance with the appropriate sampling regulation (e.g. samples for screening purposes) and/or not sent to an accredited laboratory.
Member forum	A local authority forum at which Council Members discuss and make decisions on food and feed law enforcement services.
Metropolitan Authority	A local authority normally associated with a large urban conurbation in which the County and District Council functions are combined.
Non-EU Countries	Countries outside the European Union.
POAO	Products of animal origin. Animal derived products that fall under the requirements of the veterinary checks regime.
Primary Authority	An authority that has formed a partnership with a business.

Port Health Authority	An authority specifically constituted for port health functions including imported food control.
Public Analyst	An officer, holding the prescribed qualifications, who is formally appointed by the local authority to carry out chemical analysis of food samples.
RASFF	Rapid alert system for food and feed. The European Union system for alerting enforcement authorities of food and feed hazards.
Regulators' Compliance Code	Statutory Code to promote efficient and effective approaches to regulatory inspection and enforcement which improve regulatory outcomes without imposing unnecessary burdens on businesses.
Risk rating	A system that rates food premises according to risk and determines how frequently those premises should be inspected. For example, high risk premises should be inspected at least every six months.
Service Plan	A document produced by a local authority setting out their plans on providing and delivering a food or feed service to the local community.
Trading Standards	The Department within a local authority which carries out, amongst other responsibilities, the enforcement of food standards and feed legislation.
Trading Standards Officer (TSO)	Officer employed by the local authority who, amongst other responsibilities, may enforce food standards and feed legislation.
Unitary Authority	A local authority in which the County and District Council functions are combined, examples being Metropolitan District/Borough Councils, and London Boroughs. A Unitary Authority's responsibilities will include food hygiene, food standards and feed enforcement.