



## **CABINET – 21ST JUNE 2017**

**SUBJECT: FOOD STANDARDS AGENCY REPORT ON THE CAERPHILLY FOOD LAW ENFORCEMENT SERVICES**

**REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES AND SECTION 151 OFFICER**

- 
- 1.1 The attached report was considered by Health, Social Care and Wellbeing Scrutiny Committee on 21st March 2017. Members were presented with the findings of an audit conducted by the Food Standards Agency (FSA), in relation to Caerphilly County Borough Council's food law enforcement services. These include the food safety, food standards and communicable disease control functions in Public Protection.
  - 1.2 The audit, which took place in January 2016, examined Caerphilly County Borough Council's arrangements for the delivery of official food controls. The final report was received on 21st February 2017. The six key strengths and four areas for improvement that were identified are summarised in the report. The Scrutiny Committee were advised that Caerphilly is in a strong position compared with other Local Authorities in Wales and this is a good news report.
  - 1.3 Following consideration and discussion, subject to Cabinet being satisfied that the service is appropriately resourced, it was moved and seconded that the recommendation in the report be approved. By a show of hands this was supported by the majority present.

RESOLVED that:

- (i) the findings of the Food Standards Agency Audit and proposed Action Plan be referred to Cabinet for consideration;
  - (ii) Cabinet consider and be satisfied that the service is appropriately resourced.
- 1.4 Members are invited to consider the report and the recommendations.

Author: Amy Dredge, Committee Services Officer – 3100

Appendix 1 - Report to Health, Social Care and Wellbeing Scrutiny Committee on 21st March 2017



## HEALTH, SOCIAL CARE AND WELLBEING SCRUTINY COMMITTEE – 21ST MARCH 2017

**SUBJECT: FOOD STANDARDS AGENCY AUDIT ON THE CAERPHILLY FOOD  
LAW ENFORCEMENT SERVICES**

**REPORT BY: CORPORATE DIRECTOR SOCIAL SERVICES**

---

### **1. PURPOSE OF REPORT**

- 1.1 To present to Members the findings of an audit conducted by the Food Standards Agency, on Caerphilly County Borough Council's food law enforcement services, which include the food safety, food standards and communicable disease control functions in Public Protection.
- 1.2 To seek any views and recommendations on the Food Standards Agency Audit Findings and Action Plan prior to presentation to Cabinet.

### **2. SUMMARY**

- 2.1 The audit which took place during the week of the 18<sup>th</sup> to 22<sup>nd</sup> January 2016 examined Caerphilly 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. The final report was received on 21<sup>st</sup> February 2017.
- 2.2 The report details the results of the audit of food hygiene and food standards at Caerphilly County Borough Council under the headings of the FSA Feed and Food Law Enforcement Standard. The audit identified six key strengths and four areas for improvement. An action plan has been developed to address the areas for improvement.

### **3. LINKS TO STRATEGY**

- 3.1 The food safety, food standards and communicable disease functions are statutory functions linked to: the Healthier Caerphilly, Greener Caerphilly, Learning Caerphilly, Prosperous Caerphilly, and Safer Caerphilly priorities within the Caerphilly Local Service Board single integrated plan, Caerphilly Delivers.
- 3.2 The food safety, food standards and communicable disease functions also contribute to the following Well-being Goals within the Well-being of Future Generations (Wales) Act 2015:
  - A resilient Wales
  - A prosperous Wales
  - A healthier Wales
  - A more equal Wales
  - A Wales of cohesive communities
  - A Wales of vibrant culture and thriving Welsh language.

## **4. THE REPORT**

- 4.1 The Food Standards Agency, has a duty to monitor and audit the performance of local authorities. The audit was part of a three year programme (2013 – 2016) of full audits of the 22 local authorities in Wales.
- 4.2 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 feeding stuffs.
- 4.3 The audit took place during the week of the 18<sup>th</sup> to 22<sup>nd</sup> January 2016 and the final report was received on 21<sup>st</sup> February 2017.
- 4.4 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 audit also 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. It 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 Agency policy.
- 4.5 The audit report identifies six key strengths:-

### **Food Hygiene Interventions / Inspections Reports**

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

### **Food and Food Establishments Complaints**

The authority had responded to food complaints and complaints about food establishments in accordance with its procedures and centrally issued guidance, taking appropriate action in response to the findings of investigations.

### **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. It had delivered a number of initiatives with the aim of promoting food hygiene and standards.

### **Food Establishments' Database**

The authority had maintained its food establishments database and was able to provide accurate information to the FSA.

### **Food Hygiene Sampling**

The authority was able to evidence that it had consistently taken appropriate action in response to unsatisfactory food samples.

### **Liaison**

The authority had robust arrangements in place to liaise with neighbouring local authorities and other appropriate bodies to facilitate consistent enforcement. Its collaboration arrangements to procure a new Public Protection software system for Wales and work within the authority on food procurement were positive steps in ensuring consistent service delivery and improving food hygiene standards through its purchasing powers.

4.6 Four Areas for Improvement were identified:-

**Officer authorisations**

The authority's authorisation procedures require amendment to ensure authorisation of food standards officers under all relevant legislation under which authorisation is required.

**Food Hygiene and Food Standards Intervention Frequencies**

The authority had not carried out lower risk food hygiene and medium and low risk food standards interventions at the minimum frequencies required by the Food Law 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 Standards Establishment Interventions and Inspections**

Information captured by officers during interventions was not always sufficiently detailed to demonstrate that thorough assessments of business compliance had been undertaken for all key aspects.

**Food Standards Intervention / Inspection Reports**

Food standards intervention / inspection reports provided to food business operators did not contain all the information required by the Food Law Code of Practice.

4.7 A summary of the audit findings is attached as appendix 1. The full report has been made publicly available on the Agency's website at: [www.food.gov.uk/enforcement/auditandmonitoring/auditreports](http://www.food.gov.uk/enforcement/auditandmonitoring/auditreports)

4.8 An Action Plan has been developed with the Food Standards Agency to address the areas for improvement identified following the audit. This is attached at appendix 2.

**5. WELL-BEING OF FUTURE GENERATIONS**

5.1 The food safety, food standards and communicable disease control functions in the Authority's Public Protection service contributes to the Well-being Goals as set out in Links to Strategy above. The service's activity in this regard is consistent with the five ways of working as defined within the sustainable development principle in the Act in that it is focussed on preventing harm to public health and safety and protecting consumer and business interests by promoting a fair trading environment. The service uses a range of strategies, activities and interventions that ensure an integrated and balanced approach to service delivery. This 'enforcement mix' seeks to balance the need for proactive intervention programmes with the need to promote, educate and inform both business and the public; collaborating with them to promote compliance and improve standards over the long term.

**6. EQUALITIES IMPLICATIONS**

6.1 There are no potential equalities implications of this report and its recommendations on groups or individuals who fall under the categories identified in Section 6 of the Council's Strategic Equality Plan.

**7. FINANCIAL IMPLICATIONS**

7.1 Resources will need to be prioritised to address the overdue low risk inspections. It is considered that this can be met within the current Environmental Health budget at the present time, but this is an area which will need to be closely monitored through routine budget monitoring and in the light of other pressures on the service.

## **8. PERSONNEL IMPLICATIONS**

8.1 There are no personnel implications arising from this report.

## **9. CONSULTATIONS**

9.1 This report has been sent to the Consultees listed below and all comments received are reflected in this report.

## **10. RECOMMENDATIONS**

10.1 Scrutiny Committee is asked to consider and make any recommendations to Cabinet on the Food Standards Agency Audit Findings and Action Plan.

## **11. REASONS FOR THE RECOMMENDATIONS**

11.1 To comply with the requirements of the Food Standard Agency.

## **12. STATUTORY POWER**

12.1 The Framework Agreement on Official Feed and Food Controls by Local Authorities provides the Agency with a mechanism for implementing its powers under the Food Standards Act 1999 to influence and oversee local authority enforcement activity.

Author: Rob Hartshorn, Head of Public Protection  
Consultees: Cllr. Nigel George, Cabinet Member for Community and Leisure Services  
Dave Street, Corporate Director, Social Services  
Ceri Edwards, Environmental Health Manager  
Jacqui Morgan, Trading Standards & Licensing Manager  
Michele Wehden, Senior Environmental Health Officer  
Dilys Harris, Senior Trading Standards Officer  
Gail Williams, Interim Head of Legal Services and Monitoring Officer  
Anwen Rees, Senior Policy Officer (Equalities and Welsh Language)  
Mike Eedy, Finance Manager  
Shaun Watkins, HR Manager

Background Papers:  
Report on the Food Law Enforcement Services of Caerphilly County Borough Council  
18th – 22nd January 2016

Appendices:  
Appendix 1 Summary of Audit Findings  
Appendix 2 Action Plan for Caerphilly County Borough Council

## Summary of Audit Findings

The Head of Public Protection had overall responsibility for the delivery of food law enforcement services. The food hygiene service was delivered within the Food Safety, Health and Safety & Communicable Disease team within the Environmental Health section whilst the food standards service was delivered within the Trading Standards and Licensing section.

The food law enforcement Service Plan developed by the authority was largely in accordance with FSA guidance. The authority had provided its work programmes for the year, identified the resources required to deliver them and had reviewed its performance against the previous year's performance. A number of variations in achieving the targets were identified and explained, however, variances relating to lower risk food establishments had not been clearly addressed.

The authority had arrangements in place to ensure effective service delivery by appropriately authorised officers which require amendment to ensure food standards officers are authorised under all required legislation. Officers had been authorised in accordance with their qualifications, training and experience. The provision of access to several portals of information for food standards officers was identified as an area of good practice.

A documented work procedure had been developed to ensure the accuracy of the authority's food establishments' database. Audit checks confirmed that overall, the food hygiene and food standards database was accurate and the authority had been able to provide an electronic Local Authority Enforcement Monitoring System (LAEMS) return. The authority had been involved in a collaboration project to procure new Public Protection software for adoption by local authorities across Wales to improve consistency and value for money.

Record and database checks confirmed that the food hygiene service had achieved the required inspection frequencies at higher-risk and approved establishments. Some lower risk establishments were not being inspected at the frequencies required by the Food Law Code of Practice and centrally issued guidance. The food standards service had a similarly risk based approach where high risk establishments had been prioritised for inspection. A significant number of medium and lower risk establishments were overdue a food standards intervention.

Inspection records did not always demonstrate that a thorough assessment of business compliance had taken place during food standards inspections or for all aspects of food hygiene. Interventions at low-risk establishments had not generally been undertaken in accordance with the Food Law Code of Practice. In general, risk rating, revisits and follow up action was being carried out as required for both food hygiene and food standards services.

Food hygiene inspection records and reports were being adequately maintained by the authority. Food standards reports contained some but not all of the information required by the Food Law Code of Practice; and would benefit from improvement to include actions to be taken by the authority and an indication of timescales for compliance.

Food and food establishment complaints, food sampling interventions, notifications of food related infectious disease and food incident interventions had generally taken place in accordance with the Food Law Code of Practice. However, notifications of *Campylobacter* had not always been appropriately investigated.

The authority had been proactive in providing advice and guidance to food businesses in its area and undertaking promotional activities. Collaboration between food hygiene and standards officers and the authority's food procurement section and the use of social media to promote the Food Hygiene Rating Scheme and food alerts were identified as areas of good practice.

The authority had used a range of enforcement tools to secure improved business compliance with food hygiene legislation whilst the food standards service had conducted a major investigation and prosecution in respect of food supplements.

There was some evidence of internal monitoring of the food hygiene and food standards services. Further development and implementation of the authority's internal monitoring procedures will assist in achieving improvements.