



Report on the Re-approval of Coldstores by the Food Law Enforcement Service

Ballymoney Borough Council

14-15 December 2006

Foreword

Audits of local authorities' food law enforcement services are part of the Food Standards Agency's arrangements to improve consumer protection and confidence in relation to food. These arrangements recognise that the enforcement of UK food 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' conformance against the Food Law Enforcement Standard "The Standard", which was published by the Agency as part of the Framework Agreement on Local Authority Food Law Enforcement and is available on the Agency's website at www.food.gov.uk/enforcement.

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.

This audit formed part of a programme that specifically examined the food law enforcement activities, in relation to standalone coldstores, of 5 District Councils in Northern Ireland.

In January 2006 the Food Hygiene Regulations (Northern Ireland) 2006 came into operation to provide for the execution and enforcement in relation to certain Community instruments referred to in those Regulations as "the Community Regulations". The Community Regulations relate to the hygiene of foodstuffs, specific rules for food of animal origin, specific rules for the organisation of official controls on products of animal origin intended for human consumption, microbiological criteria for foodstuffs and specific rules on official controls for *Trichinella* in meat. The Food Hygiene Regulations (Northern Ireland) 2006 provide for the delegation by the Food Standards Agency for execution and enforcement of the Community Regulations by district councils in certain food establishments.

The attached audit report considers the District Council's Food Law Enforcement Service, focusing on the local arrangements in place for re-approving standalone coldstores, as required by the Community Regulations and for taking formal enforcement action in such premises.

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

The Agency's website contains enforcement activity data for all UK local authorities. A summary report of the findings of the focused audit programme on re-approval of coldstores and arrangements for taking formal enforcement action, as well as the 5 individual audit reports, will be made available on the Agency's website at www.food.gov.uk/enforcement.

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

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1.0 Introduction

- 1.1 This report records the results of an audit of the food law enforcement activities undertaken by Ballymoney Borough Council in respect of standalone coldstores. This report has been made publicly available on the Agency's website at: www.food.gov.uk/enforcement. Hard copies are available from the Food Standards Agency Northern Ireland at 10A-C Clarendon Road, Belfast, BT1 3BG, Tel: 028 9041 7700.

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 Regulations (Northern Ireland) 2006. The audit of the food law enforcement activities of Ballymoney Borough Council, in respect of standalone coldstores, was undertaken under Section 12(4) of the Act and Regulation 7 of the Regulations as part of the Food Standards Agency's annual audit programme.
- 1.3 Prior to January 2006, responsibility for approval of standalone coldstores used for the storage of fresh meat and poultry and requiring licensing under the hygiene regulations in force at that time, lay with the Food Standards Agency. The Department of Agriculture and Rural Development for Northern Ireland, Veterinary Service – Veterinary Public Health Unit (DARD VS-VPHU) undertook enforcement of the relevant food hygiene legislation in such premises on behalf of the Agency. The Food Hygiene Regulations (Northern Ireland) 2006, which came into force on 11 January 2006, provide for the execution and enforcement of certain new Community Regulations relating to the hygiene of foodstuffs and official controls.
- 1.4 The Food Hygiene (Northern Ireland) Regulations 2006 make district councils in Northern Ireland responsible for execution and enforcement of new Community Regulations (EC) No 852/2004 on the hygiene of foodstuffs and EC No 853/2004 laying down specific hygiene rules for food of animal origin, in certain food establishments to which both of these Regulations apply. This includes standalone coldstores used for the storage of meat. There has therefore been a transfer of responsibility for execution and enforcement of food hygiene regulations, in Northern Ireland, from the Food Standards Agency to district councils.
- 1.5 The Food Law Code of Practice for Northern Ireland requires establishments to which Regulations (EC) No 852/2004 and (EC) No 853/2004 apply to be assessed for re-approval, in accordance with the requirements of these Regulations, at the time of the next primary food hygiene inspection of the establishment. However, because of alleged serious breaches of food hygiene regulations, uncovered during an investigation, in late 2005 by DARD, into the activities in a standalone licensed coldstore in Northern Ireland, the Agency requested district councils to give priority to the re-

approval of such establishments. District councils were requested to assess relevant establishments for the purpose of re-approval by 31 March 2006 where possible.

- 1.6 A programme of focused audits of 5 Northern Ireland district councils was developed to audit the arrangements for the execution and enforcement of food hygiene regulations with a particular emphasis on standalone coldstores requiring approval under the new Community Regulations.
- 1.7 Ballymoney Borough Council was included with the audit programme on the basis that the Council had within its area a standalone coldstore requiring approval and had not previously been subject to audit by the Agency. This approach is consistent with the requirements for audit by competent authorities laid down in Community Regulation (EC) No 882/2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules and associated EC Guidance on Audit by Competent Authorities.

Scope of the Audit

- 1.8 The audit covered Ballymoney Borough Council's food hygiene law enforcement service. The on-site element of the audit took place at the Council's offices at Riada House, 14 Charles Street, Ballymoney, BT53 6DZ and at a standalone coldstore in the Council's area, on 14 and 15 December 2006.
- 1.9 The audit assessed the Council's conformance with the relevant requirements of the Standard. The Standard was adopted by the Food Standards Agency Board on 21 September 2000, (amended March 2002, June 2003, July 2004), and forms part of the Agency's Framework Agreement with local authorities throughout the United Kingdom. The Framework Agreement can be found on the Agency's website at: www.food.gov.uk/enforcement.
- 1.10 The audit also afforded the opportunity for discussion with officers in relation to food law enforcement in standalone coldstores with the aim of gaining opinions to inform Agency policy in this area.
- 1.11 A 'reality check' was also carried out as part of the audit. The auditors, accompanied by an authorised officer of the Council, visited a standalone coldstore within the Council's area. The purpose of the visit was to determine whether the Council's decision to approve the establishment was correct and also provided an opportunity for the authorised officer to demonstrate the food safety systems that the food business operator of the establishment had put in place.

Background

- 1.12 Ballymoney Borough Council covers an area of 41,855 hectares and has an estimated population of 27,478. The area, which is predominantly rural in character, is bounded on the west by the River Bann and to the east by the uplands of the Antrim plateau. The town of Ballymoney is the main centre and there are numerous small villages in the rural hinterland. Farming and the food industry are the mainstays of the local economy, but there are also manufacturing businesses associated with the textile industry, medical supplies and light engineering. The area is developing an increasing population base and expansion in private housing resulting in a general increase in demands for the Council's services.
- 1.13 There are 268 food establishments in the Borough, for which the Council has food law enforcement responsibilities, of which 13 are manufacturers. There are 5 premises to which (EC) Regulation 852/2004 and (EC) Regulation 853/2004 apply and two of these premises are standalone coldstores. One of the coldstores required re-approval as a result of the introduction of the new Community Regulations, whilst the other required approval for the first time.
- 1.14 Food hygiene enforcement is carried out by officers of the Borough Services Department of the Council. This department was created following a structural re-organisation within the Council that was completed during 2006. Previously the Food Service was delivered by the Health and Environmental Services Department of the Council, which is referred to in Council documents prepared prior to the reorganisation.
- 1.15 Following local government reorganisation in Northern Ireland in 1973 a statutory grouping system was set up to support district councils. This system consists for 4 regional groups covering the 25 smaller district councils in Northern Ireland. Ballymoney Borough Council is a constituent of Northern Group Systems (Group), being one of these regional groups. As part of its role Group undertakes responsibility for the organisation of sampling regimes and the issue of and response to Food Alerts issued by the Agency. The Group also provides advice and technical support and carries qualitative out monitoring of the food law enforcement service provided by the Council.
- 1.16 The Food Safety Service is based in the Council Offices at Riada House, 14 Charles Street, Ballymoney, BT53 6DZ.

2.0 Executive Summary

- 2.1 The Council had reviewed the authorisation of its officers, engaged in food law enforcement, subsequent to the coming into operation of the new Hygiene Regulations in January 2006. The revised officer authorisations were specific with regard to the Food Hygiene Regulations (Northern Ireland) 2006, however, they were not in full accordance with the requirements of the Food Law Code of Practice (Northern Ireland).
- 2.2 The Council was in the process of revising its documented procedures relating to food law enforcement activities to reflect the requirements of the new Hygiene Regulations, however, procedures were not in place to cover the full range of enforcement activities.
- 2.3 The Council had developed and implemented a procedure for the approval of premises that require approval under Community Regulation (EC) 853/2004 and had conditionally approved the standalone coldstore in its area in accordance with the requirements of the Community Regulations and the Food Law Code of Practice (Northern Ireland), and associated Practice Guidance.
- 2.4 File records maintained by the Council in respect of the standalone coldstore were detailed in nature and contained the majority of the information recommended in the Food Law Practice Guidance (Northern Ireland).
- 2.5 A reality check conducted at the standalone coldstore in the Council's area indicated that the decision to conditionally approve the premises was correct and the responsible officer had a sound understanding of the Food Business Operator's food safety systems.

3.0 Audit Findings

3.1 Organisation and Management

Strategic framework, policy, and service planning

3.1.1 The Council's business policy framework included an annual Food Service Plan, which provided a strategic framework for the delivery of customer services and integrated with other aspects of the work of the Borough Services Department work through the Council's Borough Services Business Plan.

3.1.2 The Food Service Plan recognised that the Food Service was an integral part of the Council's corporate service delivery programme which was detailed in its Corporate Plan (April 2004-March 2007). The Council's mission statement was:

"To improve the quality of life for all the citizens of Ballymoney Borough"

The corporate objectives of the Council were based around five main priority areas for the Council and the Borough. These were:

- To provide civic leadership and representation on behalf of the citizens of the Borough
- To encourage active citizenship and community participation
- To actively promote and encourage an attractive, clean, healthy, safe and secure environment
- To ensure that acceptable, accessible and affordable local services are provided in a way that meets people's needs
- To work with others to promote environmentally sustainable economic and social development in the Borough

3.1.3 The stated aims of the Food Service were:

"To protect consumers of food by ensuring that all food manufactured, prepared or supplied within the District:

- Complies with food safety requirements and is of the nature, substance and quality demanded
- Is of an acceptable quality and composition and is accurately labelled, presented and advertised"

and

"To protect and promote the health of the public through health education, consumer awareness and participation in multi-disciplinary health promotion initiatives"

In order to deliver the aims of the Service, a series of objectives had been detailed in the Food Service Plan. These included:

- To inspect all food premises, as per the recommended frequencies based on risk assessment, assess food handling practices, identify hazards and take appropriate action to remedy problems identified:
- To inspect or implement an alternative enforcement strategy for all food standards premises, as per recommended frequencies based on risk assessment, to ensure that legal requirements are met in relation to the quality, composition, labelling and advertising of food:
- To carry out a proactive and reactive food sampling programme for microbiological and chemical examination
- To undertake health promotion/education activities

3.1.4 The Council's current Food Law Enforcement Service Delivery Plan (2006/07) was generally in accordance with the Service Planning Guidance in the Framework Agreement and had been approved by the relevant member fora. The plan did not however include details of the specific financial allocation for delivery of the Food Service or details of the review of performance against the 2005/2006 Food Service Plan and planned improvements identified through the performance review against the Service Plan.

3.1.5 The Food Service Plan 2006/2007 stated that the overall budget for the Borough Services Department was:

- Expenditure £4.459,839
- Income £760,346

The Council's current financial accounting system did not facilitate calculation of the specific allocation for the Food Service, however, the Food Service Plan indicated that a total of 1.87 FTE EHOs and 1.0 FTE administrative staff had been allocated to delivery of the Food Service. The Plan also stated that at the time of preparing the plan there was an estimated shortfall of approximately 0.5 FTE EHOs. The auditors were advised that the time allocation for some activities had been overestimated, due to the exact workload arising from the new Hygiene Regulations being uncertain, and in the event that a shortfall in performance was identified towards the end of the year additional resources would be obtained from NGS to ensure delivery of the Plan.

3.1.6 The Borough Services Department reported performance to elected members on an end of year basis. The Review of the Borough Food Service Plan 2005/06 reported performance against some of the key objectives in the Plan. The review indicated that 93% of planned food hygiene inspections and 72 food standards inspections were achieved. The review did not detail the performance achieved in respect of the microbiological and chemical sampling programmes set out in the Plan. The Food Service Plan 2006/2007 included the planned food hygiene and standards inspections that were outstanding from the 2005/2006 Plan, however, with the exception

of these inspections, the Service Delivery Plan for 2006/07 did not specify any other planned improvements identified as necessary as a result of the review.

Liaison with Other Organisations

- 3.1.7 Appropriate arrangements were in place with neighbouring councils aimed at facilitating consistent enforcement. This was primarily through the Council's regular participation in the Northern Chief Environmental Health Officers Forum (NCEHOF) Food Safety Sub-Group and representation from the sub group on the Northern Ireland Food Liaison Group (NIFLG), which is a sub group of the Northern Ireland Chief Environmental Health Officers Group.

3.2 Officer Authorisation & Training

Scheme of Delegation

- 3.2.1 The Councils "Scheme of Delegation" was clear in respect of the delegation of all relevant food law enforcement powers. The power to authorise officers had been clearly delegated to the Director of Borough Services and decisions regarding prosecutions, simple cautions and the issue/revocation of approvals had been retained by the Council.

Authorisation Procedures

- 3.2.2 The Council had adopted guidance, prepared by NCEHOF, which set out a process by which the Council could ensure authorisation of officers on the basis of their qualifications, training and competency. This guidance had recently been revised since the introduction of the revised Food Law Code of Practice (Northern Ireland), associated Practice Guidance, and the Community Regulations. The revised guidance incorporated a Framework for the Assessment of Competence and a Food Control Experience/Authorisation Document, which included reference to the enforcement provisions of the Food Hygiene Regulations (Northern Ireland) 2006. However, the document did not refer to the provisions of the Official Feed and Food Control Regulations (Northern Ireland) 2006. The Food Control Experience/Authorisation Document also provided for general authorisation under Regulations having effect by virtue of the European Communities Act 1972.
- 3.2.3 The authorisation of officers had been reviewed subsequent to the coming into operation of the new Community Regulations and national Regulations in January 2006. The authorisations that had been granted were specific with regard to the enforcement provisions of the Food Safety (Northern Ireland) Order 1991 and the Food Hygiene Regulations (Northern Ireland) 2006 and confirmed the limitations of each officer's powers under this legislation. The authorisations did not however refer specifically to the Official Feed and Food Control Regulations (Northern Ireland) 2006, or other specific food regulations made under the European Communities Act 1972. Authorisation under the European Communities Act 1972 had been confirmed generally to all officers. The auditors noted that although the Director of Borough Services had been delegated the power to authorise officers, authorisations were in practice being agreed by the Borough Services Committee and the Council and the Director of Borough Services was not exercising his delegated powers in this respect. Whilst each officer engaged in food law enforcement activities had been reauthorised by the Council, officers authorisation cards had not been updated to reflect the new legislation they had been authorised to enforce.
- 3.2.4 The Council had authorised an officer to exercise the full range of enforcement powers under the Food Safety (Northern Ireland) Order 1991 and the Food Hygiene Regulations (Northern Ireland) 2006, including the

service of Emergency Prohibition Notices/Hygiene Emergency Prohibition Notices and Remedial Action Notices/Detention Notices, who was not currently engaged in food law enforcement or properly trained to exercise these powers as required by the Food Law Code of Practice (Northern Ireland).

- 3.2.5 The Council had appointed a sufficient number of authorised officers to carry out the work specified in the Service Delivery Plan for 2006/07.

Officer Qualifications and Training

- 3.2.6 The Council had developed a process for establishing officer training needs in conjunction with Group. Training needs generic to officers engaged in food law enforcement were identified on an annual basis by Group and individual officer needs were identified on an annual basis through the Council's training needs analysis process. The training programme for 2006/07, which was developed in conjunction with Group, contained provision for training in respect of the recent changes in food control legislation and associated guidance.
- 3.2.7 Records of officers' qualifications and training were maintained as part of the Council's Authorisation Procedure. The records examined indicated that officers within the Food Safety Service had undertaken training in respect of application of the Community Regulations and formal food law enforcement activities through an internet based training facility funded by the Agency. The records of training of officers did not however contain details of the content or objectives of training received.

Recommendations

- 3.2.8 The Council should:

(i) Ensure that its service delivery plan is drawn up and documented in accordance with the Service Planning Guidance in the Framework Agreement

[The Standard – 3.1]

(ii) Devise and implement an authorisation procedure, which reflects the Council's practices, to ensure provision for the delegation of all relevant food law enforcement powers and authorisation of all officers in full accordance with the requirements of the Food Law Code of Practice (Northern Ireland)

[The Standard – 5.1]

(iii) Ensure that records of training of each authorised officer contain details of the duration, content and objectives of training received

[The Standard – 5.5]

3.3 Facilities and Equipment

3.3.1 The Council had identified the facilities and equipment necessary to permit the activities associated with food law enforcement in coldstores to be carried out.

3.3.2 A documented procedure had been developed for the calibration of relevant equipment and checks on records indicated that the procedure had been fully implemented.

3.4 Documented Enforcement Policies and Procedures

Enforcement Policies

- 3.4.1 The Council had adopted the Enforcement Concordat in May 2001. This is a Cabinet Office and Local Government Association Scheme that sets the principles of good enforcement practice based on the following criteria:
- Standards of service and performance
 - Openness and clarity
 - Helpfulness
 - Effective complaints procedures
 - Proportionality of enforcement actions
 - Consistency
- 3.4.2 The Council had a generic Environmental Health Enforcement Policy that had been adopted in June 2005. The Policy did not refer specifically to food law enforcement but was intended to provide for a systematic and consistent approach to the use of enforcement powers across the Health and Environmental Services Department. The policy was generally in accordance with the requirements of the Enforcement Concordat and other centrally issued guidance, however, it did not include reference to the role of Home/Originating Authorities in investigations or to the Human Rights Act 1998. The policy required updating to reflect the re-organisation that had taken place within the Council during 2006, which resulted in the Food Service being delivered by the new Borough Services Department, which assumed responsibility for the former Health and Environmental Services Department.
- 3.4.3 The Enforcement Policy was referred to in informal written warnings issued to food business operators following inspections. The Policy had been made readily available to business and the public through publication on the Council's website.

Internal Formal Enforcement Procedures

- 3.4.4 The Council was in the process of revising its documented procedures relevant to formal enforcement actions to reflect the requirements of the Food Law Code of Practice (Northern Ireland) and associated Practice Guidance. These procedures were being reviewed in conjunction with Northern Group Systems and in accordance with the principles of the ISO 9001:2000 quality management system.
- 3.4.5 At the time of the audit the Council had available revised NCEHOF generic procedures in respect of:
- Hygiene Improvement Notices
 - Hygiene Emergency Prohibition
 - Detention and Seizure of Food

- Remedial Action/Detention Notices

These procedures were up to date and reflected the requirements of the Food Hygiene Regulations (Northern Ireland), the Community Regulations, provisions of the Food Law Code of Practice Northern Ireland) and associated Practice Guidance. The NCEHOF procedures had not however been tailored for use by the Council. The Council also had an existing procedure in respect of Emergency Prohibition under the provisions of the Food Safety (Northern Ireland) Order 1991.

- 3.4.6 The Council did not have procedures to cover prosecutions, simple cautions and notices to deal with illegally imported products of animal origin.

Reviewing and Updating of Documented Policies and Procedures

- 3.4.7 The Council had set up and implemented a document control system in accordance with the principles of the ISO 9001:2000 quality management system and all procedures covered by the system were stored in a controlled electronic format.
- 3.4.8 The system ensured that all changes and amendments to procedures were covered by the correct authorisation and there was evidence that the procedures were being reviewed to take account of recent changes in Community and national legislation and guidance.
- 3.4.9 Officers had access to up to date copies of legislation and official guidance documents and to appropriate food related professional websites through the internet.

Recommendations

- 3.4.10 The Council should:

(i) Revise its Enforcement Policy to reflect the revised organisational structure within the Council and all relevant centrally issued guidance. Ensure that the revised policy is adopted by the relevant member forum and made readily available to the public and food businesses in the Council's area.
[The Standard – 15.1]

(ii) Set up, maintain and implement documented procedures that include instructions for the full range of enforcement actions that may be required following inspection, in accordance with the Food Law Code of Practice (Northern Ireland) and official guidance.
[The Standard – 15.2]

3.5 Enforcement Activity

Food Premises Inspections

- 3.5.1 The Council had not reviewed its food hygiene inspection procedure to reflect the Community Regulations and the revised Food Law Code of Practice (Northern Ireland) and associated Practice Guidance. The Council's food hygiene inspection procedure, which was prepared in June 2002, did not include an assessment of whether to take food samples. Although the Council's food hygiene inspection procedure was out of date a set of up to date comprehensive inspection forms, prepared by NIFLG between January and March 2006, were being used by the Council for the purpose of conducting and recording the findings of food hygiene inspections.
- 3.5.2 The coldstore within the Council's area that required re-approval under Community Regulation (EC) 853/2004 had been subject to a primary food hygiene inspection for the purpose of assessment of the establishment for re-approval. The primary inspection had been carried out by an appropriately qualified and experienced officer and detailed inspection records were available on file. The inspection had been recorded on a comprehensive proforma specifically for coldstores, produced by NIFLG, which addressed all relevant aspects of the Community Regulations.
- 3.5.3 Following the primary inspection the establishment had been correctly risk rated in accordance with the inspection rating scheme in Annex 5 of the Food Law Code of Practice (Northern Ireland).

Inspection Reports

- 3.5.4 The Council had drawn up a Food Business Establishment Inspection Report that was in full accordance with the requirements of Annex 6 of the Food Law Code of Practice (Northern Ireland). The Inspection Reports in the coldstore establishment file had been fully and correctly completed by the inspecting officer prior to issue.

Record Keeping

- 3.5.5 The Council's file relating to the coldstore was detailed in nature and contained the majority of the information detailed in Annex 12 of the Food Law Practice Guidance (Northern Ireland). It was clear from examination of the file that certain information was not included in it because, although having been requested, not all required information had been provided by the Food Business Operator. All information relating to the application and approval process was included in the establishment file and was in the correct format.

Approval Procedures

- 3.5.6 The Council had available a draft NCEHOF documented procedure to be followed when approving establishments subject to Community Regulation (EC) 853/2004. Whilst this procedure had been prepared subsequent to conditional approval of the coldstore, examination of the establishment file indicated that the Council had followed the process laid down in the draft procedure and had notified the Agency of the conditional re-approval of the establishment.

Formal Enforcement Actions

- 3.5.7 It had not been necessary for any formal enforcement action to be taken by the Council in respect of the coldstore since the transfer in responsibility for enforcement of food hygiene regulations to the Council.

Recommendations

- 3.5.8 The Council should:

Revise its Food Hygiene Inspection Procedure to reflect the requirements of the Community Regulations, the Food Law Code of Practice (Northern Ireland) and associated Practice Guidance.
[The Standard – 4.1 and 7.2]

3.6 Reality Check

3.6.1 The auditors visited the coldstore that had been conditionally approved by the Council accompanied by the authorised officer from the Council who had enforcement responsibility for that establishment. The objectives for this visit were:

- To assess, on the basis of the information in the Council's establishment file and through observations made by the auditors during the visit, whether the Council's decision to conditionally approve the premises was correct.
- To establish the degree of understanding that the authorised officer had in respect of the food safety systems that the food business operator of the establishment had put in place.

Representatives of the food business operator also participated in the visit to provide documentation relating to the food safety systems.

3.6.2 Through the assessment the auditors were able to confirm that the requirements for approval of the establishment, as specified in the Community Regulations, had not been completely fulfilled and were of the opinion that the decision of the Food Service to recommend to the Council that conditional approval be granted was correct.

3.6.3 The authorised officer was able to demonstrate a sound understanding of the food business operator's food safety systems. During the visit the auditors placed particular emphasis on the system in place to ensure compliance with the traceability requirements of Community Regulations (EC) 178/2002 and (EC) 853/2004. The authorised officer was able to demonstrate the principles of this system.

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Food Standards Agency Northern Ireland

ANNEX A

Action Plan for Ballymoney Borough Council

Audit date: 14-15 December 2006

IMPROVEMENTS PLANNED	BY (DATE)	TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	COMMENTS
<p>The food service delivery plan is to be reviewed to include:</p> <ul style="list-style-type: none">• the specific financial allocation for delivery of the food service and• details of the review of performance against the previous years food Service Plan.	31.03.07	3.2.8 (i) Ensure that its service delivery plan is drawn up and documented in accordance with the Service Planning Guidance in the Framework Agreement [The Standard – 3.1]	Target date takes into account development of the 2007/08 Food Service Plan

<p>Produce and implement an Authorisation Procedure to:</p> <ul style="list-style-type: none"> • reflect local practice • include provision for the delegation of all relevant food law enforcement powers • authorise officers in full accordance with the requirements of the Food Law Code of Practice (NI), specifically to include the Official Feed and Food Control Regulations (NI) 2006 • Update officers authorisation cards to reflect the new legislation. 	31.08.07	3.2.8 (ii) Devise and implement an authorisation procedure, which reflects the Council's practices, to ensure provision for the delegation of all relevant food law enforcement powers and authorisation of all officers in full accordance with the requirements of the Food Law Code of Practice (Northern Ireland) [The Standard – 5.1]	None
<p>Current training records, maintained by each authorised officer, are to be amended to :</p> <ul style="list-style-type: none"> • include the duration, content and objectives of all training received. 	31.01.07	3.2.8 (iii) Ensure that records of training of each authorised officer contain details of the duration, content and objectives of training received [The Standard – 5.5]	Instruction has been issued to all staff with effect from 1st January 2007

<p>Review of Enforcement Policy to be carried out to reflect:</p> <ul style="list-style-type: none"> the changes in the Councils organisational structure, the role of the Home Authority/Originating Authority the Human Rights Act 1998. 	31.08.07	<p>3.4.10 (i) Revise its Enforcement Policy to reflect the revised organisational structure within the Council and all relevant centrally issued guidance. Ensure that the revised policy is adopted by the relevant member forum and made readily available to the public and food businesses in the Council's area. [The Standard – 15.1]</p>	None
<p>Produce and implement documented procedures that include:</p> <ul style="list-style-type: none"> prosecutions simple cautions notices to deal with illegally imported products of animal origin <p>in accordance with the Food Law Code of Practice (NI)</p>	31.08.07	<p>3.4.10 (ii) Set up, maintain and implement documented procedures that include instructions for the full range of enforcement actions that may be required following inspection, in accordance with the Food Law Code of Practice (Northern Ireland) and official guidance. [The Standard – 15.2]</p>	Northern Chief Environmental Health Officers Forum (NCEHOF) Food Safety Sub Group is currently updating procedures. The Target date for completion takes account of Food Group Meetings
<p>Review of Food Hygiene Inspection Procedure to:</p> <ul style="list-style-type: none"> reflect the requirements of the Community Regulations, the Food Law Code of Practice (NI) and associated Practice Guidance, including an assessment of whether to take food samples. 	31.08.07	<p>3.5.8 Revise its Food Hygiene Inspection Procedure to reflect the requirements of the Community Regulations, the Food Law Code of Practice (Northern Ireland) and associated Practice Guidance. [The Standard – 4.1 and 7.2]</p>	Northern Chief Environmental Health Officers Forum (NCEHOF) Food Safety Sub Group is currently updating procedures. The Target date for completion takes account of Food Group Meetings

Glossary

Alternative Enforcement Strategies	Strategies used as an alternative to primary inspections in respect of food businesses that present little or no risk to public health or safety for food hygiene purposes, or of prejudicing consumers or trading unfairly for food standards purposes.
Authorised Officer	A suitably qualified officer who is authorised by the district council to act on its behalf in, for example, the enforcement of legislation.
Enforcement Concordat	Government guidance setting out principles and procedures of good enforcement which district councils may adopt. Developed in consultation with businesses, local and central government, consumer groups and other interested parties. It sets out what businesses and others being regulated can expect from enforcement officers.
Environmental Health Officer (EHO)	Officer employed by the district council to enforce food safety legislation.
Food Law Code of Practice	Government Code of Practice issued under Article 39 of the Food Safety (NI) Order 1991, Regulation 22 of the Food Hygiene Regulations (NI) 2006 and Regulation 6 of the Official Feed and Food Control Regulations (NI) 2006, which district councils are required under that legislation to have regard to when discharging their duties relating to enforcement of food legislation.
Food Standards	The legal requirements covering the quality, composition, labelling, presentation and advertising of food, and materials in contact with food.

Framework Agreement

The Framework Agreement consists of:

- Food Law Enforcement Standard
- Service Planning Guidance
- Monitoring Scheme
- Audit Scheme

The **Standard** and the **Service Planning Guidance** set out the Agency's expectations on the planning and delivery of food law enforcement.

The **Monitoring Scheme** requires local authorities to submit yearly returns to the Agency on their food 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 law enforcement services of local authorities against the criteria.

Full Time Equivalentents (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.

Hygiene Improvement Notice

A notice served by an Authorised Officer of the district council under Regulation 6 of the Food Hygiene Regulations (NI) 2006, requiring the proprietor of a food business to carry out suitable works to ensure that the business complies with the requirements of food hygiene legislation.

Member forum

A district council forum at which Council Members discuss and make decisions on food law enforcement services.

Practice Guidance

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.

Primary Inspection	An inspection of a food business in which the appropriate elements set out in the relevant inspection form that relates to the type of business being inspected and the type of inspection being carried out are considered.
Risk rating	A system that rates food premises according to risk and determines how frequently those premises should be inspected. For example, high risk hygiene premises should be inspected at least every 6 months.
Service Plan	A document produced by a district council setting out their plans on providing and delivering a food service to their local community.