



FOOD AND FEED LAW ENFORCEMENT IN WALES

**A REPORT FROM THE FOOD STANDARDS
AGENCY TO THE
MINISTER FOR HEALTH AND SOCIAL SERVICES**

JULY 2014

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GLOSSARY

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1. EXECUTIVE SUMMARY

- 1.1 The Food Standards Agency (FSA) is the UK regulator for food safety, food standards and animal feed. Enforcement of legislation is delivered by the FSA and a range of partners. The significant majority of enforcement activity in most food businesses in Wales, as in other parts of the UK, is delivered by local authorities.
- 1.2 Enforcement of food and feed law is delivered through a range of interventions, including inspection and audit of food businesses. Enforcement activity aims to improve food business compliance, because this is the best proxy for consumer protection.
- 1.3 This review has been carried out by the FSA to provide the Minister for Health and Social Services with an update on the progress that has been made in the delivery of food hygiene since 2009 and the delivery of official food and feed controls since 2011.
- 1.4 Information was provided by all food authorities in Wales supported by FSA audit activity. Directors of Public Protection Wales (DPPW) have stated their willingness to work in partnership with the FSA to maintain and improve the delivery of official food and feed controls in Wales.
- 1.5 The review has found that:
 - The recommendations of the 2009 Public Inquiry report into the Outbreak of *E. coli* O157 in South Wales in 2005 have become embedded into local authorities' practices and procedures. In the authorities where deviations from systems introduced to implement Pennington's recommendations were identified, these were typically isolated cases. Only one local authority was unable to demonstrate that it had implemented a number of the recommendations.
 - The FSA established its Food Hygiene Delivery Programme to drive forward actions in response to the recommendations of the Public Inquiry. A

comprehensive programme of work was developed to improve food hygiene delivery and enforcement across the United Kingdom (UK).

- Local authorities' management of food hygiene interventions in newly registered food premises has improved since 2011. Recommendations for further improvement have been made.
- There is considerable variation across Wales in local authorities' approach to the management of food standards interventions in newly registered food premises. Recommendations for improvement have been made.
- Proposals to grade local authority food and feed law enforcement delivery on a three-year cycle were developed by the FSA. The FSA worked collaboratively with pilot local authorities to develop a narrative rating scheme which was considered by the FSA Board in November 2013. Further testing of the scheme has been carried out against audit findings at a further four local authorities. The FSA will continue to work with these local authorities to refine the scheme before final proposals are considered by the FSA Board in September 2014.
- FSA proposals to facilitate and host a Home Authority database following the demise of Local Government Regulation were not progressed. Since the publication of the 2011 report, as part of a 'Joint Statement of Commitment', BRDO, CIEH and TSI have completed the transfer of the Home Authority database to TSI's 'interlink' platform which has secured a sustainable future for the database.
- The recommendation in the FSA's 2011 report to the First Minister to publish a comparison of Indicator-Based Assessment (IBA) with Net Revenue Expenditure (NRE) for food law enforcement by local authorities in Wales has not been actioned. Following publication of the report by Welsh Government in 2012, DPPW raised concerns about the accuracy of the local authority NRE data. In order to determine whether NRE data quality has improved since 2011, this information has been reproduced for 2010/11 - 2012/13.

- In 2013 the findings of the FSA's [Review of Delivery of Official Controls \(RDOC\)](#) were reported to the FSA Board. Overall, the evidence indicated that despite the current delivery system remaining under pressure, local authorities had reported that they were able to deliver the service. Several areas of good practice were identified which will be published on the FSA website.
- Overall findings in respect of the delivery of official controls for food hygiene in Wales are that they are being delivered in accordance with the FSA's Framework Agreement and Food Law Code of Practice. Local authorities have been able to demonstrate that they are taking a risk-based approach to interventions at food businesses, and with the benefit of FSA funding, have worked with businesses to assist them in achieving compliance. Local authority data has confirmed significant improvements in the proportion of food businesses in Wales that are broadly compliant with food hygiene law. There is evidence that lower risk food establishments are not being subject to interventions at the required frequencies.
- Findings in respect of the delivery of food standards official controls in Wales are that overall, planned interventions are not being carried out in accordance with the requirements of the Framework Agreement and Food Law Code of Practice. Most local authorities have adopted a risk-based approach, but it has not generally been possible to assess the quality of interventions from the records available. In contrast, reactive food standards work e.g. responding to incidents and complaints and work in connection with Primary Authority / Home Authority matters is generally being delivered in accordance with FSA requirements and guidance. This was evidenced during the recent horsemeat incident.
- Overall, there has been little improvement in the delivery of official feed controls in Wales since 2011. Significant shortcomings have been identified in a number of local authorities. Local authorities are committed to the implementation of arrangements to enable regional delivery of feed services and secure urgent improvements.

1.6 As a result of the findings of this review the FSA will:

- Prioritise follow up activity including publication of the two focused audit reports - *Local Authority Management of Interventions at Newly Registered Food Businesses in Wales* and *Response of Local Government in Wales to the Recommendations of the Public Inquiry into the September 2005 Outbreak of E. coli O157 in South Wales*.
- In conjunction with DPPW, arrange appropriate support for the authority that was not able to demonstrate it had implemented several of the recommendations in the 2009 Public Inquiry report into the 2005 Outbreak of *E. coli* O157 in South Wales.
- Structure its support to facilitate urgent improvement in the delivery of feed enforcement services in Wales, and provide an update report reflecting progress achieved during 2014/15.
- Share good practice from audit, including that relating to the management of interventions at new businesses.
- Continue with its audit activity, publishing an annual audit timetable which will provide clarity on future commitments, and issue reports in accordance with agreed delivery dates.

1.7 And in collaboration with local authorities will:

- Work to finalise its proposals for a local authority audit rating scheme for consideration by the FSA Board in September 2014
- Develop and agree a process for annual publication of a comparison of the Indicator-Based Assessment (IBA) with Net Revenue Expenditure (NRE) for food law enforcement by local authorities in Wales, and explore a parallel mechanism for food standards and animal feed.
- Work towards the delivery of an effective and risk-based food standards enforcement service.

- Facilitate a workshop for service managers to discuss the findings of this review, and jointly agree a programme for improvement. The FSA will then consider the most appropriate method of support for local authority delivery.

2. TERMS OF REFERENCE

2.1 In January 2014 the Minister for Health and Social Services commissioned the FSA in Wales to review progress in the delivery of food and feed safety since 2009 and to advise Welsh Government on the relevant capacity, capabilities and other challenges facing Wales. The FSA was requested in its response to include:

- consideration of reports on food safety and feed and the progress that has been made against any recommendations; and
- assessment of progress against relevant FSA strategic priorities including key developments since 2009, including adulteration of meat products with horsemeat.

2.2 The objectives of the review were set out in the terms of reference (Annexe 1). In particular the FSA was requested to examine the current position with regard to the delivery and effectiveness of food and feed controls in Wales. In particular it was stated that the look back exercise should:

- a) assess progress against the recommendations in the First Minister's Food Law Review and take account of best practice identified from the FSA's Review of Delivery of Official Controls (RDOC).
- b) assess progress over the last five years against the recommendations in Professor Pennington's Report of 2009 on *E. coli* in so doing implementing Pennington Recommendation 21.
- c) set out the FSA response to address any shortcomings identified in the stocktake.

2.3 Given the work the FSA has already undertaken, the Minister advised that the review should be a 'stocktake' largely using existing information and that a statement of the food safety/food hygiene issues facing Wales over the next five years would be welcomed.

3. INTRODUCTION

3.1 In July 2012 the FSA's report to the First Minister 'Food Law Enforcement in Wales' was published by Welsh Government. The report made the following recommendations and identified further action to be taken by the FSA:

- The FSA will audit a sample of local authorities' management of interventions in newly registered food premises.
- The FSA will assess the actions planned and completed by local authorities in Wales in response to the Public Inquiry into the Outbreak of *E. coli* O157 in South Wales in 2005.
- The FSA will further develop proposals to grade food law enforcement delivery by each local authority in Wales on a three year cycle.
- In order to support local authorities in Wales in inspection and enforcement in food businesses trading across local authority boundaries, the FSA will facilitate and host a Home Authority database (once this function ceases to be provided by Local Government Regulation).
- The formula for determining the budget allocated for food safety enforcement should be re-weighted to take more account of the number of food premises in each local authority area rather than the size of the population.
- Local authorities in Wales should be urged to maintain a level of funding for food law enforcement teams that is no lower than the nominal allocation made for this service. Each year the FSA should publish a comparison of the Indicator-Based Assessment with Net Revenue Expenditure for food law enforcement by local authorities in Wales.
- The FSA recommends that a Welsh national feed inspection and enforcement service is formed as part of the FSA with a focus on effective, consistent and risk-based enforcement.

3.2 This 'stocktake' addresses the recommendation in the Public Inquiry report into the 2005 Outbreak of *E. coli* O157 in South Wales to carry out a "substantial review of food hygiene enforcement in Wales approximately five

years after the publication of the report”, and provides the opportunity to assess progress against the recommendations in the FSA’s 2011 report to the First Minister.

- 3.3 The issues facing Wales over the next five years have also been explored in the context of the relevant [FSA strategic priorities](#).
- 3.4 This report has been informed by data provided by local authorities and by on-site audit activity undertaken by the FSA at 10 of the 22 local authorities in Wales. The on-site visits were fundamental in providing the FSA with the opportunity to verify local authority data and to undertake a qualitative assessment of service delivery and associated outcomes informed by officer interviews and visits to food businesses. At local authorities which have not been subject to on-site audit visits, the FSA will assess the accuracy and reliability of local authority data as part of the ongoing full audit programme.
- 3.5 The FSA would like to thank officers from the 23 food authorities in Wales (22 local authorities and one Port Health Authority) for their engagement with the review, and for the information they have provided to the review team.

4. RESPONSE TO THE PUBLIC INQUIRY INTO THE 2005 OUTBREAK OF *E. COLI* O157 IN SOUTH WALES

Key Findings

- Since the publication of Professor Pennington's recommendations following the Public Inquiry into the 2005 Outbreak of *E. coli* O157 in South Wales, the FSA and local authorities have acted decisively to implement his recommendations.
- The FSA's Food Hygiene Delivery Programme was established to spearhead action and local authorities worked collaboratively across Wales to share good practice.
- Local authorities, with the exception of Gwynedd Council, have been able to demonstrate that overall they have implemented the recommendations.
- It is pleasing that the review has been able to provide the FSA with assurance that the recommendations of the Public Inquiry have become embedded in local authority policy and practice.

4.1 In March 2009 Professor Hugh Pennington published his report following the [Public Inquiry into the September 2005 Outbreak of *E. coli* O157 in South Wales](#). He reported that the requirements for food hygiene that were in place at the time of the outbreak should have been sufficient to prevent it, and made 24 recommendations reflecting what needed to be improved, tightened up or reinforced. These recommendations were aimed at food businesses, local authorities, the FSA, health and care organisations and Welsh Government.

4.2 Consumer Focus Wales published progress reports in [2010](#), [2011](#) and [2012](#) on the implementation of Pennington's recommendations, and in March 2011 the Welsh Local Government Association (WLGA), on behalf of all 22 local authorities in Wales published their response. The WLGA report provided

detailed information on the action taken by local authorities in response to the recommendations.

- 4.3 One of Professor Pennington's recommendations (recommendation 21) was that a substantial review of food hygiene enforcement in Wales should take place approximately five years after the publication of his report. To implement this recommendation, in January 2014 the Minister for Health and Social Services requested that the FSA assess progress over the last five years.

Action by the Food Standards Agency

- 4.4 The FSA established its Food Hygiene Delivery Programme to drive forward actions in response to the recommendations of the Public Inquiry. A comprehensive programme of work was developed to improve food hygiene delivery and enforcement across the UK, covering all foodborne pathogens and all food groups. Key achievements have included:

Recommendation 1

All food businesses must ensure that their systems and procedures are capable of preventing the contamination or cross-contamination of food with E. coli O157.

- 4.5 The FSA's guidance on controlling the risk of cross contamination from *E. coli* O157 was issued in February 2011. A question and answer document on the guidance, providing clarification in the light of feedback received, has been published and is subject to on-going review with the most recent version published in September 2013.
- 4.6 A stakeholder group with industry, local authority and FSA representatives was established to review the current guidance in light of feedback received following evaluation of the guidance. Considerable progress has been made, including revisions to the format. The revised guidance has been agreed by the group with the exception of the section that deals with the dual use of

complex equipment. A decision was made to wait for the research on dual use equipment before formal publication. The revised guidance will be published later this year.

- 4.7 The FSA ran eight courses for 240 local authority food enforcement officers in Wales between September 2012 and March 2013 to reinforce the guidance.

Recommendation 2

Food businesses must get to grips with food safety management based very clearly on the seven key HACCP principles, ensuring it is a core part of the way they run their business.

The Safer Food Better Business (SFBB) Support Programme

- 4.8 SFBB was developed in late 2005 to support small and medium sized food businesses in achieving compliance with Article 5 requirements under Regulation 852/2004.

Review of the adequacy of current legal powers for enforcement officers

- 4.9 The aim of this work was to improve the formal tools available to authorised officers to enable them to effectively assess and enforce compliance with HACCP-based food safety management. The Food Hygiene Regulations in Wales were amended in May 2012 to permit the use of Remedial Action Notices (RANs) in all food establishments.

Recommendation 3

Additional resources should be made available to ensure that all food businesses in Wales understand and use the HACCP approach and have in place an effective, documented, food safety management system which is embedded in working culture and practice.

- 4.10 Since the 2005 *E. coli* O157 outbreak the FSA has invested a significant amount of financial and staff resource in the production and distribution of SFBB support materials for businesses. A major review to bring all SFBB packs in line with the *E. coli* cross- contamination guidance key messages was completed in April 2013.
- 4.11 Following a review of guidance available for small businesses on the implementation of HACCP principles, it was identified that small food manufacturing businesses required support when developing their HACCP-based food safety management systems. The FSA is developing a web based tool, “MyHACCP” which will lead food business operators through a clear and structured stepwise process towards production of a plan for HACCP-based food safety controls that is specific to their business. It is anticipated that the tool will be launched later this year.
- 4.12 The FSA in Wales has provided funding for projects designed to improve compliance with food safety management requirements.

Recommendation 4

The principles underpinning the Butchers’ Licensing Scheme, which was introduced in response to the 1996 E. coli O157 outbreak, should guide food hygiene measures in businesses processing raw meat and unwrapped ready-to-eat foods.

- 4.13 In addition to the guidance for all businesses handling raw and ready-to-eat foods detailed in recommendation 1, the FSA has produced specific advice for butchers. This sets out the additional measures that need to be taken to effectively manage food safety risks in these businesses.
- 4.14 To provide further support to butchers, the FSA has produced a DVD ‘*E. coli* O157 –A Butchers’ Guide to Staying Safe’ which was sent to all local authorities for distribution. More than 9,000 DVD’s have been distributed.

- 4.15 Specific advice for local authorities on working with butchers to implement appropriate controls has also been published on the FSA's website.

Recommendation 5

The Food Standards Agency should review its guidance and should be proactive in generating new guidance where needs are identified.

- 4.16 A review was conducted of all FSA guidance to ensure it was current, accurate and in line with the new guidance on cross-contamination referred to in recommendation 1. New guidance for local authorities on the approval of establishments was issued in 2012 which includes a model procedure for the suspension and withdrawal of approval to deal with non-compliance.
- 4.17 FSA guidance to Official Veterinarians on hygiene control points in slaughterhouses that underpin the assessment of the operators food safety management system has been reviewed and amended to improve clarity.

Recommendation 6

The Food Standards Agency should remove the confusion that exists among food business operators about what solution(s) should be used to prevent cross-contamination from surfaces and equipment.

- 4.18 The FSA's control of cross-contamination guidance contains specific advice about the type of cleaning products to be used, particularly in relation to compliance with the appropriate British Standards, and the circumstances in which they should be used.

Recommendation 7

Regulatory and enforcement bodies should keep the choice of “light touch” enforcement for individual food businesses under constant review.

- 4.19 The FSA’s control of cross-contamination guidance includes advice for enforcement officers on the powers they should consider using in the absence of appropriate control measures to safeguard against cross-contamination. The review of the adequacy of legal powers and subsequent extension of RANs to all food businesses in Wales is viewed as an important development in ensuring that enforcement officers have appropriate powers to address non-compliance.
- 4.20 In businesses where the FSA has responsibility for delivery of official controls, a system was introduced in October 2009 whereby letters are issued each month to FBOs of approved meat premises across the UK that are considered as being ‘cause for concern’. Where effective action is not taken by the FBO to ensure risks to public health are minimised, additional FSA staff may be introduced (and charged for). Ultimately if there is no improvement, an operator’s approval will be reviewed and could be withdrawn or suspended. This initiative has had a significant impact on improving compliance levels. The number of businesses that are now considered to be broadly compliant is 81.6% compared to 64% in October 2009, with the proportion of businesses categorised as cause for concern reducing from 9% in 2009 to 3.2%. Since January 2012 the FSA has published those establishments identified as cause for concern on the FSA website increasing information available to consumers.

Recommendation 8 - 14

These recommendations relate to the inspection of HACCP plans, training for officers who check HACCP plans, keeping HACCP plans on file, unannounced inspections, the need for enforcement officers to 'red flag' issues of concern for the benefit of the next inspecting officer, for decisions about confidence in management to be evidence based and for discussions with employees to take place during inspections.

- 4.21 A letter was sent to all UK local authorities in May 2009, reminding them of their responsibilities in the light of the Public Inquiry report, and the Food Law Practice Guidance was amended to strengthen references to the issues highlighted by the Public Inquiry.
- 4.22 A training course for local authority food law enforcement officers on 'Effective Evaluation of Food Safety Management Systems' which addressed all of the issues highlighted by the Public Inquiry in relation to the inspection of food businesses has been rolled out since November 2009.
- 4.23 Thirteen local authorities in Wales were audited, either with regard to enforcement at approved establishments (2009/10) or compliance with the HACCP requirements of Article 5 of 852/2004 (2010/11). Further, in 2012/13 the FSA commenced a three-year programme of full audits which have regard to the Pennington recommendations.
- 4.24 The Manual for Official Controls which provides details of the tasks, responsibilities and duties FSA staff undertake in approved meat establishments, was reviewed and updated to reflect issues highlighted by the Public Inquiry.
- 4.25 Commencing in December 2009, a training programme in HACCP compliance and enforcement was delivered to all 1,150 Official Veterinarians and Meat Hygiene Inspectors.

Recommendation 15

The Food Standards Agency should develop, as part of its Audit Scheme or as an adjunct to it, a means of assessing how food hygiene inspections are undertaken by local authorities, including assessment of HACCP and HACCP-based plans.

- 4.26 The FSA's local authority audit process and protocols have been reviewed and revised to address the issues arising from the Inquiry Report. This included:
- Greater emphasis on the food business outcomes resulting from LA activities;
 - More checks of local authority procedures and activity/action records;
 - Restructured interviews with front line inspection staff to challenge inspection approaches and techniques.
 - FSA audit "verification visits" at high-risk businesses which verify the accuracy of local authority activity and action records; the implementation of relevant LA procedures; and the effective delivery of official controls.
- 4.27 Audit related guidance has been published by the FSA: [Making Every Inspection Count: Internal Monitoring Advice for Local Authority Food and Feed Law Enforcement Team Managers](#).
- 4.28 In Wales, following on from the audits already carried out, a programme of full and focused audits commenced in 2013. This included follow up activity in relation to local authority post-Pennington action plans.

Recommendation 16

Businesses contracting for supply of high-risk foods, such as raw and cooked meats, to public sector organisations must be subject to independent food hygiene audits

- 4.29 Whilst the FSA are unable to require independent audits, action was taken to better understand the current system of public sector food procurement and identify where the FSA may have a greater impact. A review of public sector food procurement in the UK was carried out which highlighted a fragmented system, particularly in relation to schools and hospitals. One example of good practice identified was the Value Wales website 'Buy4Wales'. This guides public sector procurers through the process, including how to assess food safety as a consideration in the awarding of contracts. The FSA was actively engaged in the Value Wales initiative with Welsh Government alongside local authorities and public sector procurement officials.
- 4.30 The FSA has highlighted the importance of public sector food procurement in the development of guidance for healthcare organisations on reducing the risk of vulnerable groups contracting listeriosis. Further guidance for those procuring food on behalf of schools will be produced ensuring the highest level of food safety in these settings.
- 4.31 With effect from November 2014, the scope of the Food Hygiene Rating (Wales) Act 2013 will be extended to include businesses supplying food to other businesses. Their food hygiene ratings will be displayed at the establishment and published on the FSA website. Public sector procurement officers will be able to access this information to help inform where they purchase food.

Recommendation 24

The feasibility of identifying “supershedder” cattle on farms should be explored as a potential means of reducing the likelihood of spreading E. coli O157 to other cattle.

4.32 In order to address this recommendation, the FSA held a research workshop in November 2011 with international experts in the field to identify the key evidence gaps in this area. The outputs of this workshop informed the development of an open tender which was published in March 2013, seeking proposals for research to improve understanding of the dynamics and transmission of *E. coli* O157 shedding and identify on-farm interventions with the potential to prevent the contamination of the foodchain and reduce human illness. Following external peer review, a research consortium led by the University of Edinburgh and involving leading scientists from the UK, United States and Australia was selected to take forward a three year research programme. This multidisciplinary project started on 1st January 2014 and involves a number of key work packages which will significantly advance understanding of the supershedding phenomenon.

Actions planned and completed by local authorities

- 4.33 To assess actions planned and completed by local authorities in Wales, a focused audit, Response of Local Government in Wales to the Recommendations of the Public Inquiry into the September 2005 Outbreak of *E. coli* O157 was carried out between November 2013 and March 2014. The scope of the audit was limited to those recommendations relevant to local authority food hygiene enforcement services.
- 4.34 Information received from all 22 local authorities was collated and analysed. Four representative local authorities were then selected for on-site visits –

Gwynedd Council, Merthyr Tydfil County Borough Council, Pembrokeshire County Council and Rhondda Cynon Taf County Borough Council. The findings, together with information from full audits of six local authorities which took place in 2013 /2014 were used to inform this report. A summary audit report will be published separately. Overall, with the exception of one local authority these recommendations have been implemented. A summary of the key findings is outlined below. The compliance of individual local authorities against each of the relevant recommendations is illustrated at Annexe 2. It should be noted that the findings in respect of recommendations 9, 17 and 19 have been verified at all local authorities. The remainder of the recommendations have been verified at the 10 local authorities which were subject to on-site audit visits in 2013 and 2014.

Recommendation 3

Additional resources should be made available to ensure that all food businesses in Wales understand and use the HACCP approach and have in place an effective, documented, food safety management system which is embedded in working culture and practice.

All local authorities had implemented this recommendation.

- 4.35 The FSA has made funding available to local authorities to assist them in supporting businesses in their understanding of Hazard Analysis and Critical Control Points (HACCP) and ensuring they have documented food safety management systems. Funding has also been accessed by local authorities from other sources:

Case Study - Merthyr Tydfil County Borough Council

Merthyr Tydfil County Borough Council had accessed funding from the town centre regeneration fund. A bid was submitted for funding from “The Big Heart of Merthyr Tydfil” Business Improvement District and, with the funding, offered assistance to all businesses within the Business Improvement District to improve their food hygiene rating scheme scores. The funding was used to produce a flyer and provide food safety management coaching visits to 28 businesses.

- 4.36 Funded work has most commonly taken the form of ‘one-to-one’ coaching for food businesses on food safety management requirements. This has been delivered in some cases by permanently employed local authority staff and in others by contracted staff. In 2009/10, FSA funding enabled local authorities in Wales to deliver food safety management coaching to 934 food businesses. In 2010/11, 696 food businesses were coached and in 2011/12, 874 businesses benefited.
- 4.37 A small number of local authorities held group seminars or drop-in sessions for food businesses to promote and explain food safety management. Some reported using newsletters to promote food safety management principles and practice. Others ran food safety management training courses for butchers or a wider selection of food businesses. Where English was not the first language used by food business operators, translators were used.

Case Study – Wrexham County Borough Council and Flintshire County Council

In 2013, Wrexham and Flintshire Councils made a joint bid to the FSA and were awarded funding to assist businesses with food safety management. They ran food hygiene training including food safety management tuition in Chinese for approximately 100 food handlers. The training included instruction in the use of Safer Food Better Business and HACCP requirements.

Case Study - Powys County Council

In 2013 Powys County Council was awarded funding by the FSA to run a focused sampling survey for 150 businesses, with the aim of providing assurances on the effectiveness of their food safety management systems. Particular emphasis was placed on assessing cross contamination controls, cleaning and disinfection regimes.

- 4.38 A number of local authorities reported that funding from their existing revenue budgets had been used to provide assistance to businesses in developing their food safety management systems, in addition to the work carried out as part of their routine work programmes.

Case Study - Rhondda Cynon Taf County Borough Council

Rhondda Cynon Taf County Borough Council operates a referral system for businesses requiring additional assistance in developing and implementing HACCP-based food safety management systems. Such businesses are identified by officers during planned inspections and referred to a specialist officer who carries out a programme of one-to-one coaching visits.

- 4.39 Two local authorities reported that they had funded additional posts for food hygiene enforcement since the publication of Professor Pennington's report. Bridgend County Borough Council reported three additional posts and Cardiff Council one additional post to promote and embed food safety management culture in local authority run premises and develop minimum standards for procurement.

Case Study - Monmouthshire County Council

Monmouthshire County Council has introduced a new food hygiene and food standards advisory service for food business operators and is making a charge for this service. This is in addition to delivery of official controls.

Recommendation 4

The principles underpinning the Butchers' Licensing Scheme, which was introduced in response to the 1996 E. coli O157 outbreak, should guide food hygiene measures in businesses processing raw meat and unwrapped ready-to-eat foods.

All but one local authority had implemented this recommendation.

- 4.40 Information provided by all local authorities confirmed that they had put in place inspection procedures and/or aide-memoire that explicitly required officers to evaluate the adequacy of HACCP-based food safety management systems and the separation of raw meat and ready-to-eat foods during inspections of food businesses.
- 4.41 The findings of on-site audit visits to the four local authorities selected for the focused audit and six local authorities, which had previously been subject to full audits found that all except one local authority had implemented this recommendation.

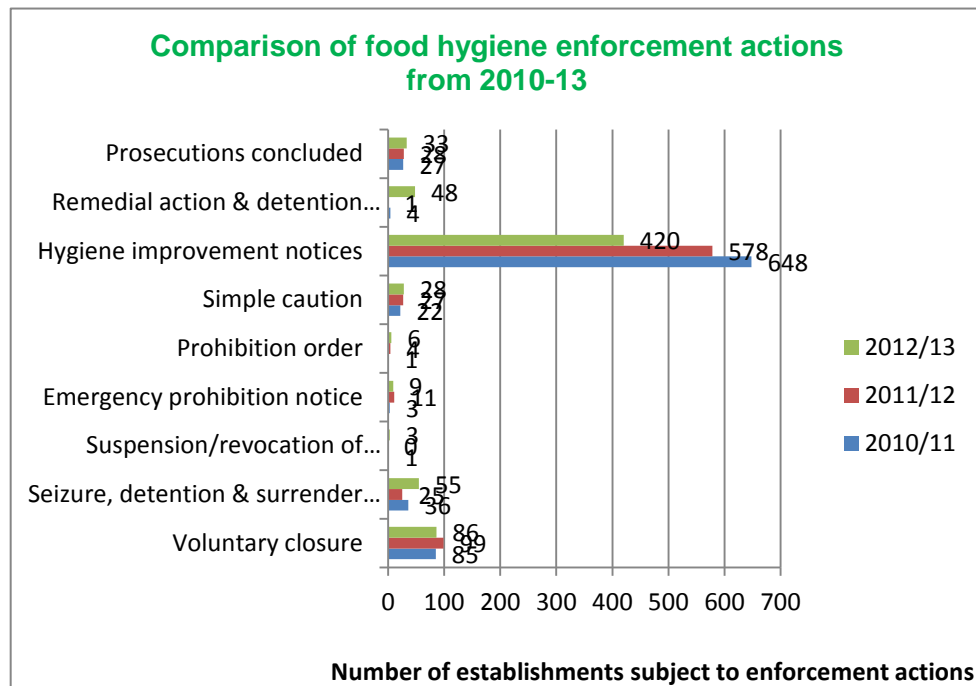
Recommendation 7

Regulatory and enforcement bodies should keep the choice of "light touch" enforcement for individual food businesses under constant review.

The majority of local authorities had implemented this recommendation.

- 4.42 There are many complex considerations associated with local authority enforcement. Since 2012 they have been guided in their approach to enforcement by the Better Regulation Delivery Office (BRDO). These principles include the “Primary Authority Scheme” which requires local authorities to agree enforcement with the Primary Authority for multi-site businesses, in pursuance of consistent enforcement across the UK.
- 4.43 At a local level, the presence and implementation of a graduated, risk-based and proportionate enforcement policy enshrines these shared values and underpins compliance with this recommendation.
- 4.44 In 2012/13, 13,358 food hygiene enforcement actions were reported in Wales, 12,670 written warnings and 688 other ‘official’ enforcement actions. This is a decrease of 4.3% on 2011/12 (13,961), although some types of enforcement action such as Remedial Action Notices, seizure, detention and surrender of food have shown increases (figure 1). Further information is available in the [FSA’s Annual Report on UK Local Authority Food Law Enforcement 1 April 2012 - 31 March 2013: Data Summary-Wales](#).
- 4.45 An important development since the publication of the Public Inquiry report has been the extension of the use of RANs to all food establishments in Wales. Previously they could only be applied to establishments subject to approval under Regulation 853/2004. RANs enable an immediate response to mitigate risks to food safety.
- 4.46 There has been a continued reduction in the number of food establishments subject to Hygiene Improvement Notices in 2012/13 compared with the previous two years. However, at the same time there has been an increase in the proportion of food establishments which are broadly compliant with food hygiene law and local authorities have demonstrated their ongoing commitment to support local food businesses to secure improvements.

Figure 1: Comparison of food hygiene enforcement actions from 2010-2013



4.47 Audit findings confirmed that all local authorities had developed enforcement policies which set out their approach to enforcement. Annual data returns to the FSA provided evidence that all but one local authority had used formal enforcement sanctions to deal with non-compliant businesses in 2011/12 and 2012/13. The FSA has not yet completed its three year programme of full audits and will continue to verify the use of formal enforcement by local authorities.

4.48 On-site visits to the ten local authorities identified that most issues were being followed up satisfactorily. However, in four authorities there were instances where enforcement action had either not been escalated to deal with non-compliant businesses or where there had been delays.

Recommendation 8

The inspection of HACCP plans must be audit-based.

All local authorities had implemented this recommendation.

- 4.49 Food businesses are required to have in place food safety management systems based on HACCP.
- 4.50 Local authorities have worked collaboratively through the Wales Heads of Environmental Health Food Safety Technical Panel to develop interventions procedures and inspection aide-memoire, which encourage and support an audit-based approach to the inspection of HACCP-based food safety management systems.
- 4.51 Aide-memoire and intervention procedures provided by all 22 local authorities indicated compliance with this recommendation which was verified during all 10 on-site audits.

Recommendation 9

Training provision should be developed to ensure that all officers in Wales who check HACCP and HACCP-based plans, including those responsible for overseeing the work of those officers, have the necessary knowledge and skills.

All local authorities had achieved full or overall compliance with this recommendation. Where exceptions were identified these were isolated cases.

- 4.52 The FSA has provided HACCP training for enforcement officers and managers in Wales since 2004. These were three day examined courses. Others attended training offered by other providers or completed courses on-line. Academic institutions also provide detailed HACCP training as part of the Environmental Health degree programmes.
- 4.53 The FSA has also provided further one-day refresher training events for 590 Welsh local authority officers since 2003, continuing to reinforce HACCP-based food safety management principles and to support the consistent application of HACCP in food businesses across Wales.
- 4.54 Following the publication of the FSA guidance “*E. coli* O157: Control of Cross-Contamination”, the FSA has provided eight one-day seminars in 2012 /13 for local authority enforcement officers. 240 delegates attended these events, including representatives from all 22 Welsh local authorities and the one Port Health Authority.
- 4.55 Information supplied by local authorities demonstrated that the vast majority of officers across all local authorities had attended HACCP training and in most cases this had been accredited / certified. The FSA will continue to work with local authorities to identify their training priorities and provide targeted training appropriate to their needs.

Recommendation 10

Environmental Health Officers should obtain a copy of a business’s HACCP/food safety management plan at each inspection, which should be held on the business’s inspection file.

All but one local authority had achieved full or overall compliance with this recommendation.

- 4.56 Professor Pennington clarified his intentions regarding this recommendation after acknowledging the practical implications of retaining businesses' food safety management plans on file. He stated that it would be sufficient for local authorities to hold only a copy of the key points of a food business HACCP, such as the Critical Control Points (CCPs).
- 4.57 Information obtained from ten on-site visits (full and focused audits) confirmed that generally, local authorities had implemented this recommendation. On-site visits found that three local authorities demonstrated full implementation and six demonstrated implementation during the majority of inspections. The remaining authority was unable to evidence implementation.

Recommendation 11

A system of logging issues, concerns or potential problems, whether by "red flagging" specific documents or by file notes, should be standard practice.

All local authorities had systems in place to enable officers to identify concerns at previous inspections which were being implemented in all but two authorities.

- 4.58 Information received from local authorities confirmed that they all had a system of logging concerns or potential problems in place which supplemented other routine information held on file for the benefit of the next inspecting officer. In 14 authorities the systems had been clearly documented in work procedures.
- 4.59 The on-site visits identified cases in a small number of authorities where concerns or potential problems had not been explicitly identified, either on documentation or on the authority's database, for the attention of the next inspecting officer. In two authorities, systems were not being effectively implemented. Recommendations for improvement have been made and will be detailed in the focused audit report.

Recommendation 12

Decisions about confidence in a business's management of food safety should be evidence-based.

The majority of local authorities had implemented this recommendation.

- 4.60 On-site visits at 10 local authorities found that eight were able to evidence that confidence in management assessments reflected inspection findings. At the remaining two local authorities, isolated instances were identified where this had not been the case.

Recommendation 13

All inspections, primary and secondary, must be unannounced unless, exceptionally, there are specific and justifiable circumstances or reasons why a pre-arranged visit is necessary.

All local authorities had implemented this recommendation.

- 4.61 Information provided by local authorities confirmed that they all had a policy of carrying out unannounced programmed inspections, apart from in circumstances permitted by the Food Law Code of Practice. On-site visits confirmed that unannounced inspections were taking place, with any announced inspections being appropriate to the permitted exemptions.

Recommendation 14

Discussion with employees must be a standard part of food hygiene inspection visits.

All but one local authority was able to demonstrate that they had implemented this recommendation.

- 4.62 Following the publication of the Pennington recommendations in 2009, local authorities across Wales reviewed the way they captured and documented information arising from inspections. Inspection procedures and aides-memoire were redesigned to take account of Pennington's recommendations.
- 4.63 A review of information provided by local authorities, together with that obtained during on-site visits, confirmed that 21 local authorities have implemented this recommendation. One local authority had made some provision for recording discussion with employees on their butchers shop aide-memoire which they had used for some high-risk inspections, but this provision was not evident on the aide-memoire used for recording information at other establishments. Further, the authority was not able to evidence that discussions with employees had taken place or that the requirement was included in their documented inspection procedures.

Recommendation 17

All health and care organisations should have an effective means of contacting key personnel during and outside normal working hours and for disseminating information.

All but two local authorities were able to demonstrate that they had implemented this recommendation.

- 4.64 Effective arrangements for communicating with key personnel during and outside normal working hours are important in ensuring organisations are able to respond effectively to outbreaks of food related infectious disease, and other food incidents which require an immediate response.
- 4.65 In March 2014 the FSA undertook an exercise to test the reliability of local authorities' emergency out of hours contact arrangements. Contact was made with 22 local authorities and one Port Health Authority using recently updated contact details that had been supplied to the FSA. Appropriate responses were received from 19 authorities within an hour of making contact. In respect of the remaining four authorities, two responded within two hours and 30 minutes, but two, Newport City Council and Swansea Bay Port Health Authority, did not respond on the day of the exercise.

Recommendation 19

All local authorities in Wales should review their policies, procedures and systems against issues raised by this report.

All but one local authority had implemented this recommendation.

- 4.66 In 2011, to inform its response to the First Minister, the FSA requested action plans for the work undertaken by each local authority in response to this recommendation. Action plans were received from all Welsh local authorities, except Gwynedd Council, who did however, provide an action plan later in 2011.
- 4.67 The Food Safety Technical Panel, a sub-group of the Wales Heads of Environmental Health, worked to develop a suite of policies and procedures which took account of Professor Pennington's recommendations. These were made available to all local authorities in Wales. The Technical Panel has also developed a policy on revisits to food establishments rated as 0,1, or 2 under the Food Hygiene Rating Scheme.

4.68 On-site visits to local authorities confirmed that all but one, Gwynedd Council, had carried out comprehensive reviews of their policies and procedures since the publication of the recommendations. Further, all had adopted the All Wales Revisit Policy. It was confirmed that the revisit policy was being applied effectively in most authorities visited.

5. UPDATE ON LOCAL AUTHORITIES' MANAGEMENT OF INTERVENTIONS IN NEWLY REGISTERED FOOD PREMISES

Key Findings

- Overall local authorities were able to demonstrate that they had arrangements in place for managing food hygiene interventions at newly registered food premises. In addition, reported data confirms that there has been a notable reduction in the number of unrated premises across Wales, which reflects that improvements have been made by authorities in the way food hygiene interventions at new businesses are managed and/or delivered.
- Arrangements for managing food standards interventions at new businesses were more variable.
- Local authorities were not generally able to demonstrate that they were managing food hygiene or food standards interventions at new businesses in a way which enabled them to meet the recommendation in FSA guidance on prioritisation, inspection and internal monitoring.

5.1 In its 2011 report to the First Minister the Food Standards Agency provided a commitment to audit a sample of local authorities' management of interventions in newly registered food premises by collating information from all Welsh local authorities and, from this, identifying a representative sample for on-site visits.

5.2 At that time, figures reported by local authorities indicated that a total of 6.1% of food establishments across Wales had been identified as being unrated, i.e. new businesses that had submitted registration forms or been identified by other means, which had not been inspected and subject to a risk rating assessment. There were wide variations in the number of unrated establishment in local authorities, with eight reporting that at least 9% of

establishments were unrated in their areas and 11 reporting less than 3% of establishments in their areas as unrated.

- 5.3 A review of the number of unrated food establishments reported by local authorities in 2012/13 confirmed an overall reduction across Wales from 6.1% in 2009/10 to 4% in 2012/13. This reflects improvements in the way local authorities manage their databases of unrated establishments and/or deliver interventions at unrated businesses in 14 local authorities.
- 5.4 Twelve local authorities reported that less than 3% of their food establishments were unrated compared to 11 in 2011. The most significant improvement was at Monmouthshire where the percentage of unrated establishments that were reported, reduced from 21% to 0.5%. Following the publication of the 2011 report, the FSA was informed by the authority that the previously reported high figure was due to a database reporting error which was subsequently rectified. The authority was subject to a full audit in 2013 when the FSA was able to verify that the authority had systems in place to effectively manage interventions at new businesses.
- 5.5 In the remaining local authorities, the percentage of unrated establishments remained constant at one and increased at seven. Only two authorities reported more than 9% of businesses in their areas being unrated compared to eight in 2011. A considerable increase in the number of unrated businesses was reported in Ceredigion County Council, where 165 out of a total of 1,212 (13.6%) were unrated, and in the City and County of Swansea where 229 out of a total of 2,148 (10.7%) were unrated. Both authorities acknowledged the position and confirmed that arrangements had been put in place to address this situation during 2014/15.
- 5.6 In 2014 a focused audit of local authority management of food hygiene and food standards interventions at newly registered food premises was carried out by the FSA. Information received from all 22 local authorities was collated and analysed. Four local authorities were selected for an on-site visit. A summary report will be published separately detailing the findings and recommendations, but the key findings are as follows:

- A search undertaken of local authorities' websites confirmed that they were all promoting the requirement to register new food businesses.
- All authorities had included specific reference to new businesses in their service planning documents. Most authorities had developed a range of initiatives for providing food hygiene advice to businesses. These included developing new business advice packs, offering food hygiene training and coaching new business operators in food safety management. Advice on food standards matters was largely limited to issuing information leaflets or providing verbal advice during interventions.
- Thirteen local authorities had identified the number of unrated businesses in their interventions programmes. Seven of these had indicated that the figures for unrated businesses in their programme consisted of an estimate of the potential number of new businesses requiring inspections in the year, based on the previous years' data. However, in the other six authorities the figures provided related to the total number of unrated businesses at the start of the year. The remaining nine authorities had not included any figures for unrated/new businesses within their intervention programmes.
- Information supplied by 18 local authorities indicated that they had a risk-based approach for the management of food hygiene interventions in new businesses. With regards to food standards, only 11 authorities had indicated that interventions at new businesses were prioritised on a risk basis. However, where local authorities had provided records of new business interventions, there was evidence in all cases of lower risk food businesses being inspected before higher and/or medium risk businesses for food hygiene and food standards.
- Where records of food hygiene interventions at new businesses had been supplied, information indicated that in all but two authorities, risk rating assessments had been determined following a primary inspection. Records of food standards interventions at new businesses confirmed that in seven authorities risk ratings had been determined following inspection.

Five authorities indicated that a number of their new businesses had been risk rated without inspection, and in the remaining authorities it was not clear from the information provided.

- Information supplied by local authorities in relation to officer authorisations and qualifications confirmed that interventions at new businesses had generally been undertaken by appropriately qualified and authorised officers.
- Fifteen local authorities had introduced internal performance measures into their service plans relating to the inspection of new and unrated businesses for food hygiene, and 12 authorities had similar measures in respect of food standards. However, where these measures existed, they did not generally relate to the Food Law Practice Guidance requirement to inspect within 28 days of the authority becoming aware of the business trading. Monmouthshire County Council was proactively monitoring its performance against the 28 day requirement.
- It was apparent from information supplied by local authorities that generally, the date they first became aware of a business trading had not been recorded. As a result of authorities not maintaining a record of the date on which they first became aware of a business trading, particular challenges arise in being able to monitor service performance.
- All authorities visited demonstrated that they could set up their systems, including their databases, to enable them to capture and report against this information in the future.

6. UPDATE ON PROPOSALS TO GRADE FOOD LAW ENFORCEMENT DELIVERY BY EACH LOCAL AUTHORITY IN WALES ON A THREE YEAR CYCLE

- 6.1 Audits of local authority food and feed law enforcement services are part of the FSA'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 feedingstuffs is the responsibility of unitary authorities in Wales.
- 6.2 European legislation on official controls performed to ensure the verification of compliance with feed and food law includes a requirement for competent authorities to carry out internal audits or to have external audits carried out. The purpose of these audits is to verify whether official controls relating to feed and food law are effectively implemented. To fulfil this requirement, the FSA, as the central competent authority for feed and food law in the UK has established external audit arrangements.
- 6.3 The power to set standards, monitor and audit local authority food and feed law enforcement services was conferred on the FSA by the Food Standards Act 1999 and the Official Feed and Food Controls (Wales) Regulations 2009.
- 6.4 In its 2011 report to the First Minister, to increase transparency and accessibility of local authority audit findings, the FSA committed to further develop proposals to grade food law enforcement delivery by each local authority in Wales on a three year cycle.
- 6.5 In October 2011, to increase transparency and accessibility of local authority audit findings the FSA in Wales consulted on proposals to award a banded "rating" to local authority food and feed law enforcement services. The consultation ended in January 2012.
- 6.6 Feedback from local authorities reflected their views that a single banding was over simplistic, risked misrepresenting the performance of local authorities

and misleading stakeholders, would add cost to local authorities, and would potentially further demoralise teams key to the delivery of food and feed law enforcement. They felt that the scheme as initially proposed would add no value to delivery.

- 6.7 Consideration was given to developing a scheme which met the need for clarity and transparency, did not oversimplify relatively complex issues, and particularly looked towards future performance as well as considering historic performance. Consequently, a narrative rating scheme was developed and subsequently tested using the evidence obtained from the audits of the two pilot authorities
- 6.8 In November 2013 the outcome of the pilots and proposals for a narrative scheme were reported to the FSA Board.
- 6.9 It was resolved that the proposals should be further tested using the outcome of first six full audits. This work is continuing and it is planned that the final proposals will be considered by the FSA Board in September 2014.

7. UPDATE ON FOOD STANDARDS AGENCY PROPOSAL TO FACILITATE AND HOST A HOME AUTHORITY DATABASE

- 7.1 In 2008 the Local Better Regulation Office (LBRO), now the Better Regulation Delivery office (BRDO) introduced the Primary Authority Scheme. The scheme offers businesses the opportunity to form a legally recognised partnership with one local authority, which then provides robust and reliable advice for other authorities to take into account when carrying out inspections or dealing with non-compliance. The scheme aims to cut red tape and support economic growth through better local regulation.
- 7.2 The Home Authority Scheme was the precursor to the Primary Authority Scheme. Some businesses have chosen to maintain less formal Home Authority relationships with local authorities rather than commit to the Primary Authority Scheme.
- 7.3 With the disbanding of Local Government Regulation who were responsible for the Home Authority database, local authorities in Wales were concerned that this valuable resource would be lost. The FSA in its 2011 report to the First Minister, provided a commitment to support local authorities in Wales, by facilitating and hosting the Home Authority database (once this function ceased to be provided by Local Government Regulation).
- 7.4 Since the publication of the 2011 report, as part of a 'Joint Statement of Commitment', BRDO, the Chartered Institute of Environmental Health (CIEH) and the Trading Standards Institute (TSI) have completed the transfer of the Home Authority database to TSI's 'interlink' platform which has secured a sustainable future for the database.
- 7.5 In light of these developments no further action is required on the part of the FSA.

8. LOCAL AUTHORITY FUNDING FOR FOOD SAFETY (COMPARISON OF INDICATOR- BASED ASSESSMENT WITH NET REVENUE EXPENDITURE)

- 8.1 The FSA recommended in its 2011 report to the First Minister that local authorities in Wales should be urged to maintain a level of funding for food law enforcement teams that is no lower than the nominal allocation made for this service. Further, it was recommended that each year the FSA should publish a comparison of the Indicator-Based Assessment (IBA) with Net Revenue Expenditure (NRE) for food law enforcement by local authorities in Wales.
- 8.2 The Welsh Government only partially accepted this recommendation - “We consider that “urging” might be seen as hypothecation through the “back door”. We would however like to see local authorities fully spend their allocations on food safety but would like to examine how this might be achieved. We propose to consider the issue further in the context of the discussions we are currently having with local authorities on how to introduce more collaboration in the administration and delivery of environmental health services”.
- 8.3 The recommendation in the FSA’s 2011 report to the First Minister to publish a comparison of IBA with NRE for food law enforcement by local authorities in Wales has not been actioned.
- 8.4 Following publication of the report by Welsh Government in 2012, DPPW raised concerns about the accuracy of the local authority NRE data. It is now accepted that this is the most appropriate data.
- 8.5 Food safety is one of the notional service areas called IBAs that make up the Standard Spending Assessment (SSA). SSAs are used to calculate the Revenue Support Grant (RSG) for local authorities.
- 8.6 At the end of each year local authorities report their expenditure under the food safety area as the Net Revenue Expenditure (NRE). Income and

expenditure (IBA and NRE) figures for each local authority for the last three years together with the IBAs for 2013/14 are provided at Annexe 3

- 8.7 In 2012/13 total net revenue expenditure on food safety in Wales was £769,000 (6%) less than the nominal provision in the SSA. This is consistent with the previous year, however in 2010/11 net revenue expenditure was only £239,000 (2%) less than the SSA
- 8.8 In 2012/13, 18 local authorities reported NRE to be less than IBA with seven authorities showing expenditure more than 30% lower than IBA. During the same period two authorities, reported NRE to be significantly more than IBA.
- 8.9 However, an analysis of the NRE data, when compared with that submitted as part of the focused audit exercise, shows that there are inconsistencies in the information reported by local authorities to Welsh Government.
- 8.10 Clarity and transparency on resourcing is important and the FSA will work with local authorities to develop and agree a process for identifying and reporting expenditure relating to food hygiene, food standards and feed law enforcement.

9. BEST PRACTICE IDENTIFIED FROM REVIEW OF DELIVERY OF OFFICIAL CONTROLS

9.1 The FSA established a programme of work in 2011 to review the current model for delivery of official food and feed controls by local authorities and port health authorities in the UK, and to consider the scope for making improvements to that model. Within the review evidence was gathered to:

- Establish a baseline of current practices and identify and quantify the impact of changes arising from alternative delivery systems;
- Understand how these delivery arrangements are changing as a consequence of reductions in LA budgets and changes to Government priorities.

9.2 A research project was also commissioned to contribute towards the programme, which took a case study approach to document the delivery of official controls in a selection of 30 authorities. The project allowed for the development of a more detailed picture on the delivery of official controls, including the support mechanisms that were in place, i.e. operating models for delivery and data on resources and costs of activities within the systems.

9.3 There were a number of common themes that emerged in the findings of this programme, which are as follows:

- Collaboration and a whole system approach to food safety – smaller unitary authorities seemed to work better than two tier structures. The background and interests of the member/portfolio holder had an important bearing on the level of interest in food in the upper levels of governance;
- Staff involved in the delivery of official controls for food standards and food hygiene had been merged in a number of authorities, and in others staff had been moved to broaden experience and develop expertise to be able to provide cross over cover. Food standards work had suffered greater cutbacks than food hygiene and in particular standards sampling work had declined.

- Innovative ways of working largely focused on improving compliance for hygiene, such as sector specific projects, and intelligence led imported food sampling for standards. Some authorities had applied innovation across the whole function fundamentally changing the way official controls were delivered. Authorities indicated that FSA funding was crucial to the furtherance of this work;
- The Food Hygiene Rating Scheme had been a good mechanism for engaging councillors in the importance of food safety and the development of the scheme has helped to break down barriers between the FSA and local authorities. Grant funding for ensuring timely and competent transition of the scheme had also been welcomed by authorities;
- Income was a significant proportion of the budget in a few of the authorities visited, but grants generally represented the highest income generator, followed by export certificates and business training receipts. There were disincentives for generative income as revenue allocation reduced to compensate;
- A perceived role for the FSA in working more collaboratively with local authorities, particularly in promoting consistency in terms of advice and guidance to fill the gap left by the demise of LACORS/LGR.

9.4 In 2013 RDOC findings were reported to the FSA Board. The Board recognised the valuable contribution of local authorities in developing the evidence base and discussed the high level emerging findings. Overall, the evidence indicated that despite the current delivery system remaining under pressure, local authorities had reported that they were able to deliver the service. The FSA Board confirmed the strategic importance of the delivery of official controls and the relationship between the FSA and local authorities. The areas of good practice identified during the review will be published on the FSA website.

10. FINDINGS OVERALL ON DELIVERY OF OFFICIAL CONTROLS ON FOOD HYGIENE

Key Findings

- Overall, food hygiene official controls in Wales are being delivered in accordance with FSA requirements and guidance.
- The delivery of food hygiene interventions at higher risk establishments is being prioritised by local authorities and there have been significant improvements in business compliance. However, local authorities' approach to lower risk food establishments is more variable.
- Local authorities, with the benefit of additional FSA funding have been proactive in assisting food businesses to comply with the law and have demonstrated the use of a range of enforcement tools to secure compliance.
- Collaborative working between local authorities, with the FSA and Welsh Government, has enabled significant achievements to be made in empowering consumers to make informed choices about where they eat based on the hygiene rating of food establishments.

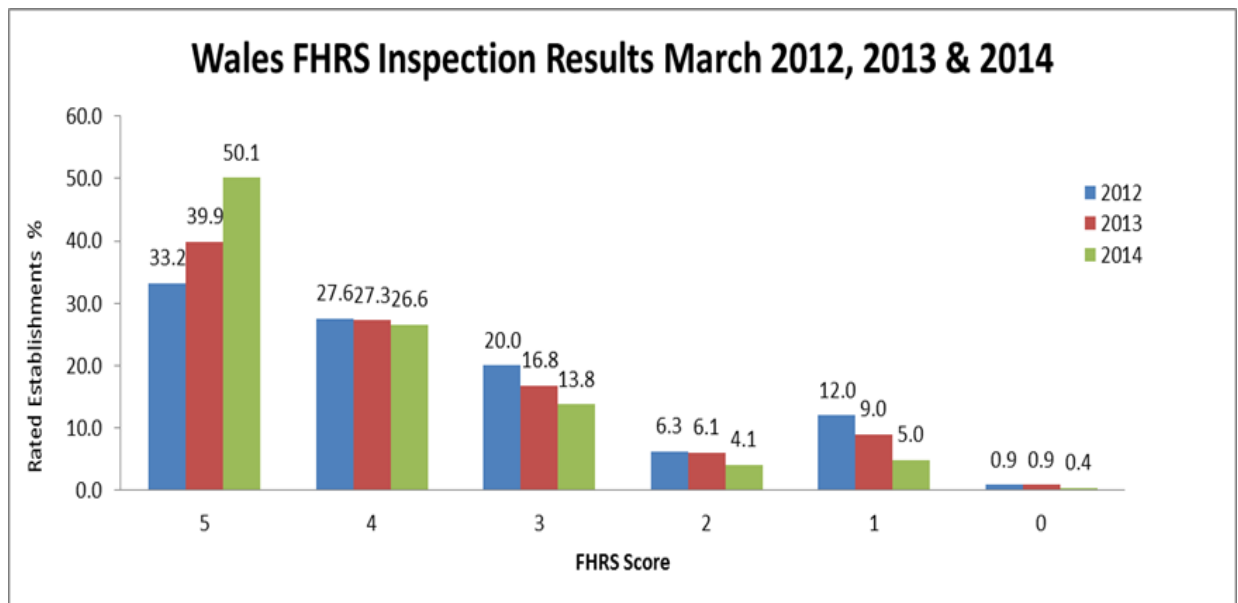
10.1 The provision of food hygiene official controls have been identified as a priority by most local authorities in Wales and generally the service has a high profile within local authorities. The Outbreak of *E. coli* O157 in South Wales in 2005 prompted local authorities to fundamentally review their policies and procedures and provided a catalyst for increased engagement of local authority elected members.

10.2 The collaborative work between local authorities in Wales, the FSA and Welsh Government, to introduce the mandatory display of food hygiene ratings at food establishments has been a significant achievement.

- 10.3 Local authority food hygiene services have been the subject of full audits at six local authorities (Bridgend County Borough Council, Denbighshire County Council, Flintshire County Council, Monmouthshire County Council, Newport City Council and Powys county Councils) as well as the four focused audits outlined earlier in this report.
- 10.4 All local authorities in Wales had produced service planning documents which had generally been developed in accordance with FSA guidance. Future plans would benefit by including an assessment of the resources required to deliver the full range of food hygiene official controls against those available.
- 10.5 All local authorities had appointed an appropriate lead officer for food hygiene matters and officers delivering food hygiene interventions had, for the most part, been authorised in line with their qualifications, training and competence. At all local authorities an assessment of officer competencies had been documented prior to them being authorised. It was noted that some local authorities had authorised officers generically rather than specifying relevant key Regulations which is contrary to FSA advice.
- 10.6 In the FSA's 2011 report to the First Minister a large proportion of businesses across Wales, i.e. 74.9% had been reported as being broadly compliant with food hygiene law (excluding unrated premises). The reported data indicated that in most authorities 80-95% of food businesses in their areas were broadly compliant, with exceptions having been identified in five authorities that were reporting less than 65% of their businesses achieving broad compliance.
- 10.7 A review of the 2012/13 broadly compliant data confirmed an overall improvement across Wales from 74.9% in 2009/10 to 88% in 2012/13. This reflects significant improvements made in the five authorities that had previously reported less than 65% of broadly compliant businesses. These authorities reported in 2012/13 that more than 83.9% of their businesses were broadly compliant.

10.8 These improvements in business compliance are reflected in the food hygiene rating scores which have been awarded to businesses in the period 2012-2014. These are illustrated in figure 2:

Figure 2



10.9 On-site audit visits confirmed that generally, authorities had adequate arrangements in place for managing inspections of higher-risk food premises in accordance with the frequencies determined by premises risk ratings. However, authorities were not always undertaking interventions at the required frequencies in lower-risk businesses. This had resulted in authorities experiencing backlogs of lower-risk food establishments awaiting intervention.

10.10 The level of information captured during inspections was generally sufficient to verify that an adequate assessment of business compliance had been undertaken and that accurate risk rating scores had been applied. Verification visits made to food businesses confirmed that officers were carrying out thorough inspections. Further, reports sent to businesses in conclusion to

intervention/inspection contained most of the key information with which food business operators must be supplied.

- 10.11 Overall, authorities' were providing an effective response to dealing with food hygiene complaints, and had each set-out a variation of target times by which they aimed to respond. Appropriate action in response to complaints had been provided by authorities in the majority of cases; however some delays in meeting response times were identified. Authorities were also able to demonstrate that they had arrangements for receiving and responding to food incidents, and that appropriate action had been taken when required.
- 10.12 The provision of food advice to businesses was identified as a particular strength of local authorities. Advice was being offered by all authorities on both a proactive and reactive basis, and included a range of initiatives, including the provisions of advice packs, food hygiene training and food safety management coaching. These were all aimed at securing business compliance. Authorities were also undertaking a range of promotional work to raise awareness of food hygiene matters within their communities.
- 10.13 All local authorities had enforcement policies in place and most were able to demonstrate that they had used a range of formal enforcement options to secure compliance. Some instances were identified where enforcement action might have taken place earlier to secure compliance.
- 10.14 Established systems were in place for internally monitoring the quality and quantity of food law enforcement work undertaken by authorities. Although the extent and frequency of internal monitoring undertaken within each authority varied, and improvements were required in some cases, all authorities were undertaking reviews of officers' assessments of compliance and enforcement activity.

11. FINDINGS OVERALL ON THE DELIVERY OF OFFICIAL CONTROLS ON FOOD STANDARDS

Key Findings

- Overall, there are considerable variations in the delivery of food standards official controls by local authorities in Wales. Planned food standards interventions, including the records of interventions fall short of those required to meet the requirements of the Food Law Code of Practice.
- In contrast, local authority reactive food standards work e.g. responses to incidents and consumer complaints, is generally timely and effective.
- Local authorities should set out clearly in their service plans the work required to meet the requirements of the Food Law Code of Practice, provide an estimate of the resources required against those available, and include plans to address any shortfall in resources.

11.1 Food Standards requirements cover the quality, composition, labelling, presentation and advertising of food. Food businesses must ensure that products they produce and sell are labelled appropriately and all information required by legislation is displayed for customers, either on packaging, labels, notices, invoices or menus.

11.2 Food business operators must also ensure that any claims made regarding their foods are accurate and can be verified by scientific and/or documented evidence (e.g. fresh, traditional, original, home-made etc.)

11.3 Food standards official controls have traditionally been delivered by local authority Trading Standards services. Increasingly, these services are being delivered in some authorities by Environmental Health services - Monmouthshire, Vale of Glamorgan, Flintshire, Pembrokeshire, Ceredigion.

- 11.4 Assessments of local authority food standards services have been made as part of the three year rolling programme of full audits which have included audits at Bridgend County Borough Council, Denbighshire County Council, Flintshire County Council, Monmouthshire County Council, Newport City Council and Powys County Councils. Food standards interventions at new businesses were also considered during a focused audit.
- 11.5 Traditionally, the profile of food standards within local authorities has not been as high as food hygiene, and the number of staff dedicated to the function has been significantly less. However, all local authorities in Wales had produced service planning documents which had been submitted for approval by the relevant senior officers and/or members.
- 11.6 Service plans had generally been developed in accordance with the FSAs service planning guidance although most would benefit by including a review of the previous year's performance and the identification of any variances from the previous plan. There was some variability in the accuracy and detail of the information provided by authorities under certain headings. In particular, it was found that plans did not contain an accurate assessment of the resources required to deliver the service against those available.
- 11.7 Overall officers had been suitably authorised, were qualified and competent. However some authorities had authorised officers who were not appropriately qualified or trained.
- 11.8 Generally, procedures for authorisation were in place but the quality of these were variable with occasional issues arising in connection with the assessment of officer competence, maintenance of qualification and training records, incomplete schedules of legislation and inadequate specificity of legislation.
- 11.9 All local authorities were undertaking a programme of food standards interventions. However their planned programmes did not comply with the minimum frequencies required by the Food Law Code of Practice.

- 11.10 The approach to food standards risk ratings varied across Wales. In many cases local authorities were not undertaking an appropriate on-site intervention to inform a reliable and accurate risk rating.
- 11.11 The quality of assessments of compliance during inspections was found to be variable. Contemporaneous notes made by officers during inspections were generally found not to be sufficiently detailed to provide assurances that compliance with traceability, authenticity, composition and labelling of food products was being assessed. This is particularly important given the concerns arising from the horsemeat incident of 2013.
- 11.12 Findings during verification visits to food businesses were consistent with the findings from file checks.
- 11.13 Generally documented procedures for undertaking inspections had not been set up or maintained.
- 11.14 In contrast, the quality of reactive work was generally found to be good with timely and appropriate responses made to concerns raised by the public, businesses and other authorities. Responses by food standards teams in Wales to incidents were good and generally, officers had been effective in initiating contact with the FSA and other authorities where a potential incident may emerge. A very small number of cases were identified where possible incidents were not reported for wider consideration.
- 11.15 All local authorities had policies, procedures and programmes for food standards sampling that were generally in accordance with national sampling priorities, as well as considering local sampling needs. Sampling programmes were generally being appropriately implemented using accredited analytical laboratories. Follow up on unsatisfactory samples was more variable with several authorities demonstrating an inconsistent approach to making contact with relevant parties and taking appropriate enforcement action.
- 11.16 Advice to businesses on food standards was widely available and delivered both proactively and on request.

11.17 Formal enforcement in respect of food standards matters was generally infrequent and confined to simple cautions or prosecutions. In 2012/13, 13 local authorities reported no formal enforcement action, one of which reported no enforcement activity. Whilst enforcement action was generally appropriate and proportionate, there were instances where there was no explanation to support the decision not to escalate enforcement action.

11.18 Most local authorities in Wales had procedures in place to assess the quality and quantity of work being carried out. Monitoring work tended to focus on the number of interventions and other work being undertaken with little attention to qualitative aspects of the work.

Horsemeat Incident

11.19 In January 2013 the Food Safety Authority of Ireland published the findings of a targeted study examining the authenticity, or labelling accuracy of a number of burger products, which revealed that a number of beef burger products manufactured in the United Kingdom and the Republic of Ireland contained horse and pig DNA. The FSA set out a four-point plan for implementation in conjunction with other Government departments, local authorities and the food industry.

11.20 An extensive programme of testing by UK industry and local authorities started in February 2013, at the request of the FSA, to check that beef products on sale or supplied into the UK food chain were accurately labelled and did not contain horse meat/DNA. Local authorities in Wales responded positively and adopted a proactive response to the incident.

11.21 Local authorities were also asked by the FSA to undertake a programme of enhanced enforcement at specific establishments within their area, and this exercise was completed by all local authorities in Wales.

Case Study - Rhondda Cynon Taf County Borough Council

In Rhondda Cynon Taf a beef burger sampled from a wholesaler was labelled to indicate the only meat content as beef, but analysis reported a significant amount of beef and sheep, and a lesser but still significant amount of chicken DNA. Legal action was taken against the manufacturer who pleaded guilty to charges of selling food with a label that was likely to mislead.

- 11.22 A number of complex investigations have been conducted in Wales with the FSA and local authorities working collaboratively in pursuit of resolution. For example, officers from Ceredigion County Council became involved in the early stages of a high profile investigation in West Wales and have operated alongside FSA officials and the Dyfed Powys Police. The FSA funded Food Fraud Coordination Unit also provided valuable support throughout the incident.
- 11.23 This incident has reinforced the importance of food standards services in protecting the human food chain and safeguarding the consumer from fraud.

12. FINDINGS OVERALL ON THE DELIVERY OF OFFICIAL CONTROLS ON ANIMAL FEEDS

Key Findings

- The delivery of official feed controls in Wales is not sufficient to ensure adequate safeguards are in place to protect the human food chain and the agricultural economy.
- In common with previous focused feed audits, significant shortcomings in service delivery were identified at all four local authority feed service audits in 2013/14. These included lack of confidence in the authorities' feed establishments databases, inaccurate risk ratings and a failure to quantify and deliver the number of programmed interventions required. Further, none of the authorities which had been subject to an on-site visit had estimated the resources required to deliver the service.
- Local authorities accept the gravity of this situation and through the establishment of regional working arrangements have demonstrated a commitment to making the necessary improvements. It is therefore recommended that the FSA continues to work with local authorities to secure the urgent improvements required and a further update be provided to the Minister in respect of 2014/15 performance.

12.1 In 2011 the FSA recommended to the First Minister “that a Welsh national feed inspection and enforcement service is formed as part of the FSA, with a focus on effective consistent and risk-based enforcement”. This recommendation was based on audit findings and data submitted by local authorities which indicated clear failings in the current delivery arrangements. These failings were also identified in 2009 and 2011 Food and Veterinary Office (FVO) audits which included verification visits in Wales.

- 12.2 Following publication of the 2011 report, the FSA met with DPPW who agreed that improvements to the delivery of official controls were required. They expressed a strong desire for the service to continue to be delivered by local authorities and committed to explore delivery on a regional basis.
- 12.3 A number of follow-up visits have been carried out by the FSA to the four local authorities where feed audits were carried out in 2011 to assess their progress in meeting the requirements of the action plans that had been agreed.

Table 1

Local authority progress in completing audit action plans

Local authority	No. of original recommendations	No. of outstanding recommendations
Newport	16	5
Torfaen	15	15
Vale of Glamorgan	11	4
Wrexham	13	7

- 12.4 Some improvements in the delivery of feed official controls had been made at three authorities with regards to procedures for handling imported feed consignments, authorisation and training of officers, inspection of feed establishments, sampling, responding to feed alerts and incidents and enforcement policies.

- 12.5 No progress had been made at one authority, Torfaen County Borough Council. The authority has advised the FSA that service improvements will be made as part of the planned collaboration for Trading Standards services in Gwent.
- 12.6 In addition to information from focused feed audits, in 2013/14 the FSA carried out full audits which included consideration of feed at four local authorities. The key findings from these audits have been collated to inform a general position on service delivery.
- 12.7 All local authorities audited had included feed information in their service planning documents which had been subject to scrutiny by a relevant senior officers and/or elected members. Service plans included some, but not all the information required by the FSA's service planning guidance. Key information not provided included service costs, identification of any variances in performance from the previous plan, reference to internal monitoring and an assessment of the resources required against those available.
- 12.8 Issues were identified with the authorisations, qualifications, training and competency of feed officers. However, when in force, the revised Feed Law Enforcement Code of Practice will introduce a comprehensive set of competence-based criteria for the authorisation of officers, which will allow more flexible use of local authority enforcement officers. A greater recognition of industry feed assurance schemes to better target resources and improve controls has also been incorporated.
- 12.9 The FSA identifies national enforcement priorities annually for local authority feed services to ensure work is appropriately targeted.
- 12.10 Most local authorities were undertaking a limited programme of feed hygiene interventions. In one authority, Powys County Council, which reported that there were over 4,000 feed establishments, only three had been subject to inspection and subsequently risk rated by an appropriately authorised officer.

- 12.11 Limited formal enforcement action had taken place in respect of feed hygiene. During on-site visits occasional examples were identified of feed contraventions not being appropriately followed up.
- 12.12 The interventions programmes were limited by the absence of comprehensive feed establishments databases. Feed hygiene interventions programmes did not comply with the minimum frequencies required by the Feed Law Enforcement Code of Practice. Information relating to the risk ratings awarded to feed establishments was not reliable as risk ratings had been applied without the benefit of a suitable intervention. Furthermore, the quality of the assessments was found to be variable.
- 12.13 Contemporaneous notes made by officers during inspections were generally found to be poor, failing to provide assurance that feed safety management systems, the condition of feed establishments and the traceability, composition and labelling of feed products was being thoroughly examined. Findings from file checks were supported by verification visits to food businesses and these proved valuable in supporting the validity of these findings. Generally, documented procedures for undertaking inspections had not been fully implemented and procedures for alternative enforcement strategies in low risk businesses had not been established.
- 12.14 In contrast, reactive feed work by local authorities was generally found to be good with timely and appropriate responses made to concerns raised by the public, businesses and other authorities.
- 12.15 Policies, procedures and programmes for feed sampling were variable. Where they existed, they had generally been developed in accordance with national sampling priorities as well as local sampling needs. However, some authorities failed to provide a feed sampling programme or where they had one, provide adequate procedures for its operation. Where feed samples had been taken, they were processed in accredited analytical laboratories. Follow up on unsatisfactory samples was generally good with authorities making contact with relevant parties and taking appropriate enforcement action.

- 12.16 Advice to businesses on feed hygiene was available and had been delivered both proactively during the small number of inspections and on request.
- 12.17 Whilst there was some evidence of quantitative monitoring of feed work qualitative monitoring of official feed controls is not generally being carried out.
- 12.18 Further monitoring will take place as the FSA audit programme continues. The FSA will highlight good practice to inform improvements across Wales, and continue to monitor implementation of agreed actions.
- 12.19 The FSA has provided local authorities in Wales with assistance in the form of a comprehensive training programme for feed officers, together with additional funding for feed sampling and project work. In 2013/14 the cost of this support was £66,000.
- 12.20 In 2013, work to progress the delivery of feed official controls regionally by local authorities in Wales commenced with the identification of regional lead feed officers and the establishment of a Wales Regional Feed Officer Group, which the FSA was invited to join. The group has agreed terms of reference and established priorities which in 2013/14 included the identification of the resources available across Wales to deliver feed official controls and the demands on feed services.
- 12.21 The FSA provided funding for the group to i) develop a comprehensive range of policies and procedures which could be adopted by local authorities across the UK to ensure a consistent approach and ii) identify different approaches to communication and collaboration which authorities have employed regionally in England and Wales, to maintain effective regulation and identify good practice with a view to it being replicated.
- 12.22 In 2012 as part of the Review of Delivery of Official Controls (RDOC) the FSA formally established an Animal Feed Steering Group to conduct a review of animal feed controls. It was clear further work was required to facilitate the necessary improvements to the delivery of feed services and the Animal Feed

Review Implementation Programme was formed to deliver effective feed controls across the UK. This included the following projects:

- Development and implementation of earned recognition and industry assurance schemes.
- Delivery of a training programme for local authority officers.

12.23 In England local authorities have migrated to a regional delivery model. Leadership and coordination of feed improvement initiatives on behalf of local authorities in England will be carried out by the National Trading Standards Board (NTSB).

12.24 Funding for feed in Wales remains part of the Revenue Support Grant (RSG). Increases to the RSG in Wales have reflected additional duties associated with animal feedingstuffs and food hygiene at primary production.

- from 2001/02 £200,000 was allocated to the RSG in respect of the enforcement of animal feedstuffs regulations.
- in 2003/04 £220,000 was added for implementation of new animal feedstuffs regulations and amendments to meat products and minced meat regulations
- in 2006/07 £110,000 was added in respect of enforcement of new EU Feed Hygiene legislation
- in 2007/08 £180,000 was added to reflect new responsibilities for enforcing food hygiene legislation at primary production level

12.25 In many local authorities it is clear that the above funding is not reaching this priority area. Until issues associated with funding are resolved at an individual local authority level, it is unlikely that improvements to individual and/or regional feed services will be realised.

12.26 The FSA has an on-going commitment to work with local authorities in Wales to identify how the necessary improvements to the delivery of feed official controls can best be achieved and what further support they may require. This together with the recent revisions to the Feed Law Enforcement Code of

Practice, which provides local authorities with additional flexibilities in service delivery, including the introduction of the concept of 'earned recognition' through membership of an approved assurance scheme provides a platform for moving forward.

13. ISSUES FACING WALES OVER THE NEXT FIVE YEARS

13.1 The economic downturn has introduced increased challenges for local authorities and food businesses and potential risks to consumers.

13.2 It is difficult to predict the future – particularly when so much is changing – the climate; food production and distribution systems; global economics; as well as the regulatory and public sector environment. However, issues concerning food availability, affordability and safety are likely to impact on the integrity of the food supply chain. In conjunction with local authorities in Wales, the FSA has identified that:

- the risks associated with food will become greater as pressures on both supply and demand increase;
- consumers need to be better informed to make appropriate choices;
- the continued reduction in government resources will challenge current delivery mechanisms;
- collaboration between local authorities and the FSA will become more important.

Risks associated with food

13.3 Local authorities and the FSA remain vigilant about threats to the food supply from fraudsters. Food fraud is not new, however, economic pressures on businesses and the demand for affordable food is likely to cause an increase in the problem.

13.4 Local authorities are presented with significant challenges in determining the most effective ways of dealing with food fraud which is often linked to organised criminal activity. The FSA funded Food Fraud Co-ordination Unit will continue to provide local authorities in Wales with vital support.

13.5 The UK has been at the forefront of an EU food fraud project -the FOODINTEGRITY project which aims to address the issue of food fraud. It will include the creation of an early-warning system, linked to international data

sources, to flag up food fraud risks. FOODINTEGRITY will address many of the post-horsemeat issues at EU level. The FSA and local authorities are integral partners and will continue to work alongside other key stakeholders in combating food crime.

Better informed consumers

- 13.6 With increasing pressures on public sector resources, there is a need to promote regulatory compliance by enabling consumers to make informed choices about where they buy and eat food. Consumer expectations are high and it is important they are founded on proper information and evidence. The Food Hygiene Rating Scheme in Wales is a flagship initiative which provides information to consumers so they can make informed choices on where to eat. These choices encourage businesses towards establishing and maintaining better standards. More of this is envisaged in the future with local authorities making their information and services more accessible to consumers and businesses alike to drive up standards. Increasing demand for services, against a climate of reducing resources will require new models and solutions to achieve desired outcome.
- 13.7 The horse meat incident was the biggest challenge to public confidence in food since the inception of the FSA. Local authorities, public analysts, the police, the food industry and the FSA worked together to identify the scale of the horse meat issue, remove items from the shelves, and ensure that consumers were protected from both health risks and fraud.

Pressures on resources

- 13.8 Austerity measures will continue to challenge the public sector. All local authorities in Wales are witnessing the effects, biting into their ability to deliver services in the same ways as they have in the past. The challenge is to deliver citizen-focused and business-focused outcomes efficiently and effectively in a climate of diminishing resources. Services in the future will need to be driven by a focus on outcomes that funders are willing and able to

pay for, be they central or local government funders using money taken from tax payers, or industry funders using money taken from consumers.

- 13.9 There is a need to strike the right balance between protecting people's rights, health and safety and freeing food businesses from unnecessary bureaucracy. The impact of the Primary Authority Scheme will continue to have an influence.
- 13.10 The effective delivery of local authority food law enforcement services is dependent upon funding at a local level. Placing the Food Hygiene Rating Scheme in Wales on a statutory footing has been successful in raising the political profile of food hygiene enforcement services. There is a need for local authorities to be proactive to ensure the profile of food hygiene, food standards and feed services is maintained or improved as pressures on local authorities' resources increase. There has been a tendency for the political spotlight to focus on these services when things go wrong.
- 13.11 The FSA and local authorities will need to be open to new ways of working provided they deliver the outcomes needed, whether that is through local authorities sharing services as advocated by the Williams Commission on Public Service Governance and Delivery, or through changes introduced by the FSA as a central regulator.

Better collaboration

- 13.12 Local authority service delivery will increasingly be intelligence-led and risk-based, especially but not exclusively in the area of food standards. There will be a need to work more collaboratively with industry on information and intelligence sharing to target collective resources. Greater recognition and encouragement will need to be given to industry controls in the delivery model – controls designed by industry to be effective, and paid for by industry. Effective ways will need to be found to make sure these schemes are challenged and audited by credible, independent bodies – be they local authority, the FSA, or robust accreditation bodies.

- 13.13 The key aim will be effective regulation that supports the economic success of businesses in Wales whilst delivering robust public protection. Local authorities in Wales are exploring innovative ways of working with businesses to deliver these outcomes on a sustainable basis.
- 13.14 Local authorities are key to the future delivery of food law enforcement services and it is important that the FSA and local authorities work together in moving forward.
- 13.15 Local authorities also contribute to the wider public health agenda and are calling for greater responsibility and power to shape and deliver the public health function in response to the Welsh Government White Paper “Listening to you – Your health matters”.
- 13.16 Collaboration will be key to ensuring effective and sustainable service delivery. The FSA has been working with DPPW to better co-ordinate animal feed work in a situation in which resources and skills are increasingly scarce. Further, all the issues identified in this report have been considered by the FSA in developing its 2015-2020 Strategic Plan which has included input from stakeholders, including local authorities.

Conclusion

- 13.17 Whilst the service delivery model cannot be predicted for five years’ time all stakeholders must be open to new approaches. The FSA will continue to support local authorities, including provision of priority training for enforcement officers and funding co-ordinated sampling. The FSA will also continue with its programme for monitoring local authority delivery of official food and feed controls, and will work closely with local authorities to maintain and improve standards as appropriate.

Mark Drakeford AC / AM
Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol
Minister for Health and Social Services



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref SF/MD/3983/13

Tim Bennett
Interim Chair
Food Standards Agency
Aviation House
125 Kingsway
London
WC2B 6NH

7 January 2014

Dear Tim,

PENNINGTON REPORT AND FOOD AND FEED SAFETY IN WALES LOOK BACK EXERCISE

As you are aware Professor Pennington in his report, published 19 March 2009, into the E.coli outbreak in South Wales in 2005, recommended:

"A substantial review of food hygiene enforcement in Wales should take place approximately five years after the publication of this report (Recommendation 21)."

At our recent meeting on the 30 October, we discussed the work the Food Standards Agency (FSA) had agreed to take forward in response to this recommendation. We also discussed the need to assess progress against the recommendations in the Food Law Review commissioned by the First Minister. I have since agreed the terms of reference for these stocktake exercises and attach a copy at **Annex A**, for your attention.

I would be grateful if the FSA could now commence these exercises in Wales. I welcome the FSA's support, and look forward to receiving the final reports and the FSA response to address any shortcomings identified, by the 31 March 2014.

I have copied this letter to Steve Thomas, Chief Executive, Welsh Local Government Association, in anticipation of their cooperation with this matter.

Best wishes

Mark.

Mark Drakeford AC / AM
Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol
Minister for Health and Social Services

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**REVIEW PROGRESS OF FOOD AND FEED SAFETY IN WALES
TERMS OF REFERENCE**

AIM

To consider progress of Food and Feed Safety in Wales since 2009 plus any relevant developments and to advise the Welsh Government on the relevant capacity, capabilities and other challenges facing Wales.

This includes:

- consideration of reports on food safety and feed and the progress that has been made against any recommendations; and
- assessing progress against relevant FSA strategic priorities including key developments since 2009, including adulteration of meat products with horsemeat.

OBJECTIVES

FSA are requested to examine the current position with regards to the delivery and effectiveness of Food and Feed Controls in Wales. In particular the look back exercise should:

- a. Assess progress against the recommendations in the First Minister's Food Law Review and take account of best practice identified from RDOC (Review of Delivery of Official Controls).
- b. Assess progress over the last 5 years against the recommendations in Professor Pennington's Report of 2009 on E coli in so doing implementing Pennington Recommendation 21.
- c. Set out the FSA response to address any shortcomings identified in the stocktake.

Given the work FSA has already undertaken in this field it should be regarded as a stocktake, largely using existing information and, as a consequence, early reporting would be appreciated with a target date of 31 March 2014.

The Minister would welcome a statement of the food safety/food hygiene issues facing Wales over the next 5 years.

Compliance of Welsh Local Authorities with the Recommendations of the Public Inquiry into the E. coli Outbreak in South Wales in 2005 – by Local Authority;

Recommendations	Anglesey	Blaenau Gwent	Bridgend	Caerphilly	Cardiff	Carms	Ceredigion	Conwy	Denbighshire	Flintshire	Gwynedd	Merthyr	Monmouth	Neath PT	Newport	Pemb	Powys	RCT	Swansea	Torfaen	VoG	Wrexham	
3	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green
4	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Red	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green
7	Green	Green	Green	Green	Green	Green	Green	Green	Green	Light Green	Light Green	Green	Green	Green	Light Green	Green	Light Green	Green	Green	Green	Green	Green	Green
8	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green
9*	Light Green	Green	Light Green	Green	Light Green	Light Green	Green	Light Green	Green	Light Green	Light Green	Green	Green	Light Green	Light Green	Light Green	Green	Green	Green	Light Green	Light Green	Green	Green
10	Green	Green	Light Green	Green	Green	Green	Green	Green	Light Green	Light Green	Red	Green	Light Green	Green	Light Green	Green	Light Green	Green	Green	Green	Green	Green	Green
11	Green	Green	Green	Green	Green	Green	Green	Green	Red	Green	Red	Green	Green	Green	Green	Light Green	Green	Green	Green	Green	Green	Green	Green
12	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Light Green	Green	Green	Green	Green	Light Green	Green	Green	Green	Green	Green	Green	Green
13	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green
14	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Red	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green
17**	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Red	Green	Green	Green	Green	Green	Green	Green	Green
19*	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Red	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green
Verified by Audit Visit (V)			V						V	V	V	V	V		V	V	V	V					

* Verified for all authorities.

** Verified for all authorities. Swansea Port Health Authority also did not comply.

Pennington Recommendation Compliance Status	Colour Key
Full Compliance	Green
Overall Compliance	Light Green
Poor Compliance	Red

Comparison of Indicator Based Assessments and Net Revenue Expenditure for Food Safety, 2010 to 2013

Local Authority	2010-11				2011-12				2012-13				2013-14
	IBA*	NRE*	Difference*	as % of IBA	IBA*	NRE*	Difference*	as % of IBA	IBA*	NRE*	Difference*	as % of IBA	IBA*
Anglesey	£298	£281	-£17	-6%	£279	£168	-£111	-40%	£291	£150	-£141	-48%	£335
Blaenau Gwent	£286	£201	-£85	-30%	£274	£266	-£8	-3%	£284	£275	-£9	-3%	£327
Bridgend	£517	£531	£14	3%	£495	£534	£39	8%	£528	£542	£14	3%	£612
Caerphilly	£630	£667	£37	6%	£603	£595	-£8	-1%	£631	£581	-£50	-8%	£730
Cardiff	£1,224	£1,182	-£42	-3%	£1,216	£1,351	£135	11%	£1,296	£1,217	-£79	-6%	£1,500
Carmarthenshire	£741	£716	-£25	-3%	£719	£665	-£54	-8%	£765	£672	-£93	-12%	£886
Ceredigion	£360	£282	-£78	-22%	£339	£115	-£224	-66%	£355	£333	-£22	-6%	£409
Conwy	£553	£408	-£145	-26%	£531	£428	-£103	-19%	£556	£383	-£173	-31%	£636
Denbighshire	£462	£246	-£216	-47%	£425	£230	-£195	-46%	£444	£248	-£196	-44%	£512
Flintshire	£550	£522	-£28	-5%	£515	£581	£66	13%	£537	£462	-£75	-14%	£622
Gwynedd	£616	£479	-£137	-22%	£589	£534	-£55	-9%	£617	£615	-£2	0%	£713
Merthyr Tydfil	£218	£163	-£55	-25%	£208	£165	-£43	-21%	£223	£205	-£18	-8%	£258
Monmouthshire	£355	£135	-£220	-62%	£343	£325	-£18	-5%	£360	£165	-£195	-54%	£415
Neath Port Talbot	£510	£1,188	£678	133%	£493	£1,188	£695	141%	£526	£263	-£263	-50%	£607
Newport	£541	£401	-£140	-26%	£503	£313	-£190	-38%	£539	£366	-£173	-32%	£627
Pembrokeshire	£576	£683	£107	19%	£542	£526	-£16	-3%	£570	£552	-£18	-3%	£659
Powys	£606	£716	£110	18%	£585	£499	-£86	-15%	£616	£439	-£177	-29%	£713
Rhondda Cynon Taf	£884	£975	£91	10%	£850	£1,867	£1,017	120%	£895	£2,065	£1,170	131%	£1,030
Swansea	£871	£621	-£250	-29%	£846	£537	-£309	-37%	£902	£515	-£387	-43%	£1,047
The Vale of Glamorgan	£466	£370	-£96	-21%	£455	£382	-£73	-16%	£478	£494	£16	3%	£554
Torfaen	£325	£658	£333	102%	£310	£609	£299	96%	£330	£576	£246	75%	£383
Wrexham	£479	£405	-£74	-15%	£449	£349	-£100	-22%	£483	£338	-£145	-30%	£559
Total Wales	£12,068	£11,829	-£239	-2%	£11,569	£12,228	£659	6%	£12,226	£11,457	-£769	-6%	£14,134

* Figures in £000s

Glossary

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.
Better Regulation Delivery Office (BRDO)	An independent body for ensuring that the views of business are represented in regulation policy.
Butchers Licensing	Introduced after the 1996 <i>E. coli</i> O157 outbreak in Scotland; a scheme that set out requirements for butchers handling raw and ready-to-eat products.
Codes of Practice	Government Codes of Practice issued under Section 40 of the Food Safety Act 1990 as guidance to local authorities on the enforcement of food legislation.
Chartered Institute of Environmental Health (CIEH)	The professional body for environmental health.
Consumer Focus Wales	A Welsh public organisation established to represent consumers across regulated markets. The organisation was re-directed to the Citizens Advice Bureau following the UK Government's 2010 Spending Review.
Critical Control Point (CCP)	A stage in the operations of a food business at which control is essential to prevent or eliminate a food hazard or to reduce it to acceptable levels.
Directors of Public Protection Wales (DPPW)	An organisation of officer heading up public protection services within Welsh local authorities.
Environmental Health	The service within a local authority which may carry out, amongst other responsibilities, the enforcement of environmental health related legislation.
Environmental Health Officer	Officer employed by the local authority to enforce food safety legislation.
Feed/food hygiene	The legal requirements covering the safety and wholesomeness of feed/food.

Food Hygiene Rating Scheme (FHRS)	A scheme of rating food businesses to provide consumers with information on their hygiene standards.
Food standards	The legal requirements covering the quality, composition, labelling, presentation and advertising of food, and materials in contact with food.
Food Standards Agency (FSA)	The UK regulator for food safety, food standards and animal feed.
Framework Agreement	<p>The Framework Agreement consists of:</p> <ul style="list-style-type: none"> • Food Law Enforcement Standard • Service Planning Guidance • Monitoring Scheme • Audit Scheme <p>The Standard and the Service Planning Guidance set out the Agency's expectations on the planning and delivery of food and feed law enforcement.</p> <p>The Monitoring Scheme requires local authorities to submit annual returns to the Agency on their food enforcement activities i.e. numbers of inspections, samples and prosecutions.</p> <p>Under the Audit Scheme the Food Standards Agency will be conducting audits of the food law enforcement services of local authorities against the criteria set out in the Standard.</p>
HACCP	Hazard Analysis Critical Control Point – a food safety management system used within food businesses to identify points in the production process where it is critical for food safety that the control measure is carried out correctly, thereby eliminating or reducing the hazard to a safe level.
Home Authority	An authority where the relevant decision making base of an enterprise is located and which has taken on the responsibility of advising that business on food safety/food standards issues. Acts as the central contact point for other enforcing authorities' enquiries with regard to that company's food related policies and procedures.

Hygiene Improvement Notice (HIN)	A notice served by an Authorised Officer of the local authority under Regulation 6 of the Food Hygiene (Wales) Regulations 2006, requiring the proprietor of a food business to carry out suitable works to ensure that the business complies with hygiene regulations.
Indicator-Based Assessment (IBA)	A calculation of what a service provided by a local authority should to spend, which is used in calculating the included in the SSA.
Inspection	The examination of a food or feed establishment in order to verify compliance with food and feed law.
Intervention	A methods or technique used by an authority for verifying or supporting business compliance with food or feed law.
LACORS/LGR	Local Authority Co-ordinators of Regulatory Services is a body which co-ordinates local authority regulators.
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.
National Trading Standards Board (NTSB)	An association of chief trading standards officers.
Net Revenue Expenditure (NRE)	The gross revenue expenditure excluding that funded by specific and special grants.
Official Controls (OC)	Any form of control for the verification of compliance with food and feed law.
Primary Authority	A local authority which has developed a partnership with a business which trades across local authority boundaries and provides advice to that business.
Registration	A legal process requiring all food business operators to notify the appropriate food authority when setting-up a food business.
Remedial Action Notice (RAN)	A notice served by an Authorised Officer of the local authority under Regulation 9 of the Food

	Hygiene (Wales) Regulations 2006 (as amended) on a food business operator to impose restrictions on an establishment, equipment or process until specified works have been carried out to comply with food hygiene requirements.
Review of Delivery of Official Controls (RDOC)	A programme of work established by the Food Standards Agency in 2011 to review the current model for the delivery of official controls on food safety by local authorities and port health authorities in the UK.
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.
Safer Food Better Business (SFBB)	Material developed by the Food Standards Agency to assist small to medium sized food businesses with developing food safety management procedures and complying with food hygiene requirements.
Service Plan	A document produced by a local authority setting out their plans on providing and delivering a food service to the local community.
Standard Spending Assessment (SSA)	A notional calculation of what a local authority needs to spend to provide a standard level of service.
Trading Standards	The service within a local authority which may carry out, amongst other responsibilities, the enforcement of food standards and feedingstuffs legislation.
Trading Standards Institute (TSI)	The professional body for trading standards.
Trading Standards Officer (TSO)	An officer employed by the local authority who, amongst other responsibilities, may enforce food standards and feedingstuffs legislation.
Unrated business	A food business identified by an authority that has not been subject to a regulatory risk rating assessment.

Wales Heads of Environmental Health (WWhoEH)	A group of professional representatives that support and promote environmental and public health in Wales.
Welsh Government	The devolved government of Wales.
Welsh Local Government Association (WLGA)	A body which represents the interests of local government and promotes local democracy in Wales.