

# TEWKESBURY BOROUGH COUNCIL

<b>Report to:</b>	Audit and Governance Committee
<b>Date of Meeting:</b>	16 December 2020
<b>Subject:</b>	Food Standards Agency Audit
<b>Report of:</b>	Principal Environmental Health Officer
<b>Corporate Lead:</b>	Head of Community Services
<b>Lead Member:</b>	Lead Member for Clean and Green Environment
<b>Number of Appendices:</b>	Two

## **Executive Summary:**

On 22-24 October 2019, the Food Standards Agency (FSA) undertook an audit of the Council's performance concerning the delivery of official controls at approved food establishments. The outcome of the audit was generally positive and included a commendation of best practice. However, the audit did identify several improvements for the Council to make and these have been incorporated into an action plan.

This report summarises the key findings of the audit and outlines the actions that will be taken by the Community Services Team to address the FSA requirements. Councillors may note that there is a significant delay in reporting this audit to the Committee and the reasons for this are explained in the body of the report.

## **Recommendation:**

**To CONSIDER the audit report provided by the Food Standards Agency, at Appendix 1 and the Council's action plan as set out in Appendix 2.**

## **Reasons for Recommendation:**

1. To update the Audit and Governance Committee on the outcome of the audit.
2. To assist the Council in fulfilling its internal monitoring obligations in respect of the Council's statutory food hygiene service functions.

## **Resource Implications:**

Progress with the audit action plan has been significantly delayed by the focus of the Environmental Health Team on the COVID-19 pandemic response since March 2020. It is not anticipated that delivery of the action plan will present any resource implications once normal service resumes.

## **Legal Implications:**

Failure to implement the audit action plan could result in follow up action and possible sanctions from the FSA.

**Risk Management Implications:**

The audit report and action plan are publicly available documents. Failure to address the action plan could result in adverse publicity and represents a reputational risk to the Council.

**Performance Management Follow-up:**

Progress with the audit action plan will be monitored by the Head of Community Services and Environmental Health Manager.

**Environmental Implications:**

None.

**1.0 INTRODUCTION/BACKGROUND**

- 1.1 Local authorities are responsible for the regulation of food businesses and enforcement of food hygiene legislation within their district. The Food Standards Agency (FSA) is the central regulator and has a legal responsibility to ensure that the legislation is effectively implemented within the UK. A framework agreement exists between the FSA and local authorities which outlines the standards that local authorities must achieve in terms of service planning. Furthermore, there is a statutory food law code of practice which sets out further requirements of local authorities in terms of officer competence and delivery of official controls such as inspections and sampling.
- 1.2 The FSA undertakes periodic audits of local authorities to determine performance against the framework agreement and the Food Law Code of Practice. In October 2019, the FSA undertook an audit of the Council's performance with respect to approved food establishments. Approved food establishments are those that require specific approval from the Council in order to place their products on the market and the products must display a unique identification mark which is issued by the Council. Approved premises are often high risk and complex premises, and the inspecting officers must demonstrate stringent requirements in terms of competence and experience. The Council currently has eight approved premises including a large dairy which supplies nationally, a meat products manufacturer and an international shellfish exporter.
- 1.3 Councillors may note there has been a significant delay between the date of the audit and the presentation of this report. This is due to the fact that the final report was not received from the Food Standards Agency until 16 January 2020 and there then followed a number of events including flooding in February 2020 and the COVID-19 outbreak in March 2020, which hampered the ability of the Community Services Team to present the report at an earlier opportunity.

**2.0 SIGNIFICANT AUDIT FINDINGS****2.1 POSITIVE OBSERVATIONS**

The positive observations noted from the audit are as follows

- The Authority had developed a service plan which followed the guidance in the framework agreement.
- The Authority had developed and implemented an officer competency matrix system in accordance with the code of practice.

- The Authority had developed and implemented local documented procedures for approval of establishments which follow the code of practice.
- Officers had completed the required hours of continuous professional development as required by the code of practice.
- File checks established that appropriate interventions had been conducted in accordance with relevant guidance.
- A complaint against an approved establishment had been investigated and followed up appropriately.
- Formal enforcement action taken against an approved establishment was undertaken in accordance with relevant guidance.
- The auditors noted that the Council's food premises file records were accurate, easily retrievable and represented good practice.

### **3.0 AREAS FOR IMPROVEMENT**

3.1 Areas to focus on for improvement identified by the FSA are as follows:

- The service plan should include a comparison of the resources required to deliver the plan against the resources available and identify any resulting shortfall.
- The Council's Scheme of Delegation must provide senior officers with the power to sign-off the annual food service plan.
- The Council should ensure that officers authorisations specify necessary restrictions to reflect the officers training, qualification, and experience. In this case it was noted that an officer who was partially trained for approved premises had the same level of authorisation as fully qualified officers.
- The Council should develop and implement a documented procedure to ensure that the food premises database is accurate, reliable, and up to date.
- The Council shall assess the compliance of establishments and systems in their area to the legally prescribed standards and ensure that microbiological testing is carried out in accordance with Regulation (EC) 2073/2005. In this case the auditors noted that a business was relying too heavily on the sampling undertaken by the Council officers to verify its food safety procedures, rather than undertaking its own sampling. The Council had previously raised this with the business and the auditors felt the matter should be progressed further.
- The Council should update its internal monitoring procedures to consider the full range of food enforcement activities carried out and develop a risk based internal monitoring approach.

### **4.0 FURTHER ACTION REQUIRED**

4.1 Following the audit, the Council agreed an action plan with the FSA to address the improvements identified during the audit (Appendix 2). Unfortunately, the impact of the COVID-19 pandemic response on the Environmental Health Team has resulted in many of the actions having to be put on hold.

4.2 The Head of Community Services and Environmental Health Manager will agree a revised set of target dates with a view to completing the outstanding actions as soon as practicable once normal service resumes.

**5.0 OTHER OPTIONS CONSIDERED**

5.1 None.

**6.0 CONSULTATION**

6.1 None.

**7.0 RELEVANT COUNCIL POLICIES/STRATEGIES**

7.1 The Food Law Service Plan 2019/20.

**8.0 RELEVANT GOVERNMENT POLICIES**

8.1 The Framework Agreement on Official Feed and Food Controls by Local Authorities.  
The Food Law Code of Practice (England).

**9.0 RESOURCE IMPLICATIONS**

9.1 As detailed elsewhere in the report.

**10.0 SUSTAINABILITY IMPLICATIONS**

10.1 None.

**11.0 IMPACT UPON (Value for Money/Equalities/E-Government/Human Rights/Health and Safety)**

11.1 None.

**12.0 RELATED DECISIONS**

12.1 None.

**Officer Contact:** Principal Environmental Health Officer Tel: 01684 272175

Email: [alastair.low@teWKesbury.gov.uk](mailto:alastair.low@teWKesbury.gov.uk)

**Appendices:** 1. Food Standards Agency Audit Report.  
2. Audit Action Plan.