

AUDIT  
REPORT

Follow-up and Close-out  
of Non Compliances with  
Food Law in Local Authorities  
– Offaly County Council

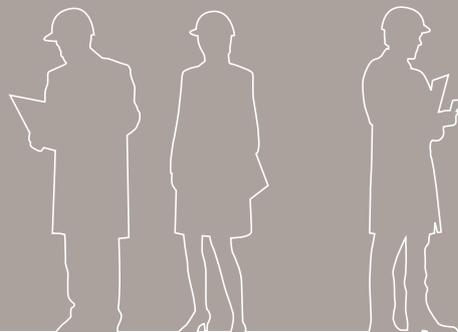
JUNE 2012



# AUDIT REPORT

## Follow-up and Close-out of Non Compliances with Food Law in Local Authorities – Offaly County Council

JUNE 2012



## Table of Contents

1.	GLOSSARY .....	2
2.	EXECUTIVE SUMMARY .....	3
3.	INTRODUCTION .....	5
3.1.	Audit Objective .....	5
3.2.	Audit Scope .....	6
3.3.	Audit Criteria and Reference Documents .....	6
3.4.	Audit Methodology .....	7
4.	OFFICIAL CONTROLS PERFORMED IN ACCORDANCE WITH REGULATION 882/2004.....	8
4.1.	Organisation and Structure of Official Controls .....	8
4.2.	Coordination and Planning of Official Controls .....	8
4.3.	Risk Categorisation .....	9
4.4.	Frequency of Official Controls .....	10
4.5.	Documented Procedures .....	11
4.6.	Staff Performing Official Controls .....	12
4.7.	Enforcement Activities .....	13
4.8.	Follow Up and Close Out of Non Compliances .....	14
4.9.	Official Control Inspection Outcome .....	14
4.10.	Reports to Food Business Operators .....	15
5.	FOOD BUSINESS OPERATOR CONTROLS PERFORMED IN ACCORDANCE WITH REGULATIONS 178/2002, 852/2004 & 853/2004 AND STATUTORY INSTRUMENT 432/2009 .....	16
6.	CONCLUSIONS.....	19
7.	RECOMMENDATIONS.....	20

## 1. GLOSSARY

CVO	County Veterinary Officer
FBO	Food Business Operator
FSAI	Food Safety Authority of Ireland
FVO	Food and Veterinary Office
LAVI	Local Authority Veterinary Inspector
LAVS	Local Authority Veterinary Service
SOP	Standard Operating Procedure
TVI	Temporary Veterinary Inspector

## 2. EXECUTIVE SUMMARY

The Food Safety Authority of Ireland is responsible for the enforcement of all food legislation in Ireland, which is carried out through service contracts with official agencies. As part of its legal mandate, the Food Safety Authority of Ireland is required to verify that the system of official controls is working effectively. For the purposes of assessing the delivery of official controls by the local authority veterinary service, the requirements regarding the follow up and close out of non compliances against the requirements of food law identified during official control inspections was audited. This audit with Offaly County Council was one in a programme of five audits relating to follow up and close out of non compliances.

The first day concentrated on an audit of paperwork associated with official controls, with an emphasis on follow up and close out of non compliances. A total of eight establishment files were examined by the audit team. The second day of the audit involved on-site verification in two food business establishments, which included an assessment of the status of the non compliances which had been identified during official control inspections.

Within the Offaly County Council functional area, there are nine food establishments, which are supervised by the local authority veterinary service. Of these establishments, eight are approved and the remaining one is registered, and so falls outside the remit of this audit. It was noted that where significant non compliances were identified, follow up inspections took place. The audit team examined the records of such inspections and noted that the information in relation to non compliances identified was adequately detailed, but the subsequent inspection reports did not contain information in relation to the close out of the non compliances by the food business operator. The audit team observed that these are official control records and noted that more detail in relation to the close out of non compliances by FBOs would be necessary to verify the enforcement of food law.

Two establishments were selected for on-site verification; in which non compliances were noted, but no formal enforcement action was taken. In the first establishment, eight non compliances were assessed by the audit team, which had been noted during the preceding five inspections. During the on-site verification activity, the audit team verified that all of these non compliances had been fully addressed and had not recurred at the time of this audit.

In the second establishment, the audit team examined the status of 21 non compliances; which had been identified during the preceding 8 inspections. The audit team confirmed that 13 of these 21 non-compliances had been fully addressed, 2 had been improved but required further attention and 6 non compliances were outstanding or had recurred at the time of this audit.

The audit team noted that official controls were being applied in a satisfactory manner in relation to the first establishment audited as part of the on-site verification work. However, in relation to the second establishment audited, official controls required strengthening.

The audit team were of the opinion that the first establishment was operating in line with the requirements and conditions of the approval, and at a standard required of an approved establishment, on the day of the audit.

The second establishment was not operating in line with the requirements of the conditions of approval, relating to compliance with the requirements of Regulations (EC) No. 852/2004 and 853/2004 and also compliance with all reasonable directions issued by an authorised officer, for the purposes of these regulations. This establishment was not at a standard required of an approved establishment, on the day of the audit. A number of significant non compliances were identified by the audit team during the on-site verification work, and this resulted in Offaly County Council taking enforcement action.

### 3. INTRODUCTION

The Food Safety Authority of Ireland (FSAI) is responsible for the enforcement of all food legislation in Ireland. The FSAI carries out this enforcement function through service contracts with official agencies. These service contracts outline an agreed level and standard of food safety activity that the official agencies perform as agents of the Authority. Offaly County Council (the local authority) has entered into a service contract with the FSAI. The local authority, through the local authority veterinary service (LAVS), is responsible for the implementation and enforcement of national and EU legislation as it applies to establishments under their supervision. It is a requirement of the service contract that the local authority shall ensure that official controls are carried out regularly; on a risk basis, and with appropriate frequency.

As part of its legal mandate, and in accordance with schedule 5 of the service contract, the FSAI is required to verify that the system of official controls is working effectively. For the purposes of assessing the delivery of official controls by the LAVS, and in light of a finding from the Food and Veterinary Office (FVO) General Audit in 2008<sup>1</sup> relating to follow up actions, it was decided to audit the follow up and close out of non compliances against the requirements of food law identified during official control inspections. Compliance by the local authority with regard to relevant food legislation, adherence to the terms and requirements of the FSAI service contract as well as conformance with relevant documented procedures was assessed.

This audit with Offaly County Council was one in a programme of five audits to assess the follow up and close out of non compliances within the LAVS. This report describes the audit objective, scope, methodology and the findings from the audit of Offaly County Council.

#### 3.1. Audit Objective

The objective of this audit was to assess the implementation of official controls in approved establishments supervised by the LAVS. The audit focused on follow up and close out of non compliances identified during official control inspections.

---

<sup>1</sup> General Audit Ireland 2008 - DG(SANCO)/2008-8724

### 3.2. Audit Scope

FSAI audits of official controls involve verifying compliance by official agencies with regard to relevant legislation and adherence to the FSAI Service Contract, as well as relevant Guidance Notes and Codes of Practice. This audit assessed the follow up and close out of non compliances against the requirements of food law identified during official control inspections. Additionally, on the spot confirmation at two approved food establishments took place, in order to verify implementation of the necessary supervisory arrangements and to assess the follow up and close out of non compliances identified during official control inspections.

### 3.3. Audit Criteria and Reference Documents

During the audit, the audit team assessed compliance with the audit criteria, which included:

- The FSAI Service Contract (including the FSAI Act)
- Offaly County Council Business/Service Plans & data supplied to FSAI
- Documented procedures for the LAVS
- Regulation (EC) No. 178/2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety, as amended
- Regulation (EC) No. 852/2004 on the hygiene of foodstuffs, as amended
- Regulation (EC) No. 853/2004 laying down specific hygiene rules for food of animal origin, as amended
- Regulation (EC) No. 854/2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption, as amended
- Regulation (EC) No. 882/2004 on official controls performed to ensure verification of compliance with feed and food law, animal health and animal welfare rules, as amended
- Regulation (EC) No. 2073/2005 on microbiological criteria for foodstuffs, as amended
- SI 432/2009: European Communities (Food and Feed Hygiene) Regulations, 2009
- Guidance Notes/Codes of Practice and other relevant legislation detailed in the FSAI Service Contract

### 3.4. Audit Methodology

This audit of official controls was undertaken using documented procedures which are included in the FSAI Quality Management System, namely the FSAI Audit Procedure and Charter. These procedures implement the FSAI audit obligations, defined in schedule 5 of the service contract between the FSAI and Offaly County Council, and are in accordance with the requirements of Regulation (EC) No. 882/2004 (including Article 6.1 of Commission Decision 2006/677/EC) and the FSAI Act.

A pre-audit questionnaire was forwarded to Offaly County Council. The purpose of the pre-audit questionnaire was to collate and confirm information regarding official controls and documented procedures within Offaly County Council's functional area.

An evaluation plan was then developed, which provided a detailed overview of the audit; including audit scope, objectives, criteria and team. The evaluation plan also included a proposed itinerary for on-site activity.

The on-site activity took place on Monday, October 17<sup>th</sup> and Tuesday, October 18<sup>th</sup> 2011. The first day was spent on desktop activities; commencing with an opening meeting to explain the objective of the audit, the audit methodology and how the audit findings would be reported. The desk top element of the audit involved a review of the information provided as part of the pre-audit questionnaire as well as an audit of paperwork associated with official controls; with an emphasis on follow up and close out of non compliances. As part of the audit; the actions taken, arising from non compliances identified during the course of official control inspections, from January 2010 to the time of this audit, were assessed. This evaluation included assessment of compliance with the requirements of the:

- legislation,
- service contract between the FSAI and Offaly County Council, including Guidance Notes and Codes of Practice and
- LAVS documented procedures

Establishment files were used to provide evidence of activity relevant to follow up and close out of non compliances, as appropriate. A total of eight establishment files were examined by the audit team.

This evidence included:

- inspection reports for official control inspections,
- records of enforcement actions taken, including prosecutions

The second day of the audit involved on-site verification in two food business establishments, which included an assessment of the status of the non compliances which had been identified during official control inspections.

A closing meeting was held at the end of the second day; the purpose of which was to outline the main findings from the audit. The findings were discussed and the local authority was provided with an opportunity to provide clarification and / or additional information, as well as providing feedback on the audit.

## **4. OFFICIAL CONTROLS PERFORMED IN ACCORDANCE WITH REGULATION 882/2004**

### **4.1. Organisation and Structure of Official Controls**

The LAVS provides a range of food safety / food control services in accordance with the service contract between the Local Authorities and the FSAI. These services include inspection of relevant food businesses together with food sampling to ensure compliance with food law and management of food alerts and outbreaks. The local authorities are autonomous bodies with no formal regional structure. Official control services are delivered by the CVO, with the assistance of temporary veterinary inspectors (TVIs).

Within the Offaly County Council functional area, there are eight approved food establishments, which are supervised by the local authority. The details of the inspection outcomes and records for official control inspections undertaken in the eight establishments were made available to the audit team. The FSAI holds a register of local authority supervised establishments and it was noted that seven of the eight approved establishments were on the FSAI register. An approval certificate had not been issued for the remaining establishment, and so it had not been included onto the national register of approved establishments. An approval certificate was provided for the audit team during the audit.

### **4.2. Coordination and Planning of Official Controls**

The target for frequency of inspection is based on risk assessments which have been undertaken in respect of establishments in Offaly County Council's functional area. Official control inspections are unannounced, and the local authority advised that inspections take place roughly once per month in each of the approved establishments.

From the establishment files reviewed, the audit team noted that where significant non compliances were identified during official control inspections; additional inspections were carried out.

### 4.3. Risk Categorisation

Article 3 of Regulation (EC) No. 882/2004 requires that official controls are carried out regularly, on a risk basis and with appropriate frequency. In doing so, account must be taken of identified risks that may influence food safety, past records of FBOs, the reliability of own checks and any additional information on non compliance.

The LAVS use the standard operating procedure (SOP), D25: Risk Assessment of Establishments, to assess the risk associated with food establishments under their supervision. This SOP guides the user through a risk assessment process, which includes assessment of the types of processes being undertaken, as well as animal health & welfare, throughput in the establishment and FBO skill, training, and compliance with food law. Following this assessment, a risk category is assigned which allows the nature and intensity of official controls to be determined.

The audit team examined whether or not a risk assessment had been carried out in order to determine the nature and intensity of official controls, for each approved establishment in Offaly County Council's functional area. The first establishment selected for on-site verification audits had been categorised as low risk and the second establishment had been categorised as medium risk. The audit team noted that the risk categorisation for this establishment should be reviewed in light of the history of repeated non compliances and the significant non compliances identified on the day of the audit.

The audit team were advised of the risk assessment outcome for all of the establishments and noted that a record of the risk assessment outcome was maintained in each establishment file examined as part of the audit. The audit team noted that the risk had been re-assessed for some establishments and a record of this was maintained in the establishment file.

**Table 1: Food Establishments by Risk Category**

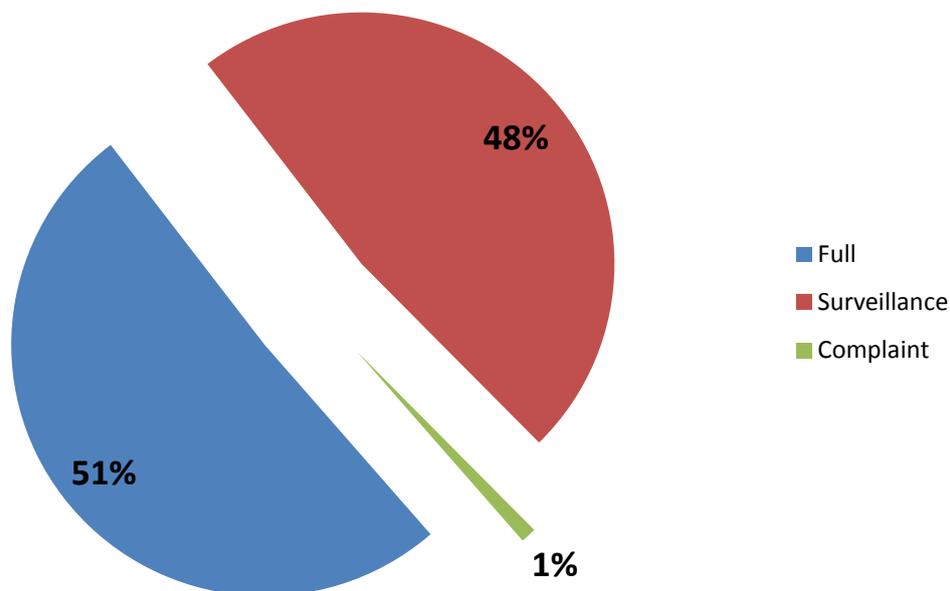
<b>Risk Category</b>	<b>Number of establishments</b>
Very High	0
High	0
Medium	5
Low	3
<b>Total</b>	<b>8</b>

#### **4.4. Frequency of Official Controls**

In Offaly County Council, the target for frequency of inspection is based on the results of the risk assessment for official controls. As part of the audit, information was examined relating to the numbers and outcome of inspections which had taken place in the eight approved establishments assessed as part of this audit. A total of 101 official control inspections were carried out between January 2010 and June 2011, in these establishments.

The audit team noted that there were 36 inspection reports in which the inspection outcome had not been recorded. The audit team noted that a proportion of these inspections had been recorded on old inspection report books, which the local authority advised the audit team, were being using up, and had no space for recording outcome.

Figure 1: Official Control Inspections from January 2010 to June 2011, by Inspection Type<sup>2</sup>



<sup>2</sup> These are inspections carried out in the eight approved establishments which were assessed as part of this audit.

#### 4.5. Documented Procedures

Article 8 of Regulation (EC) No. 882/2004 requires that competent authorities carry out their official controls in accordance with documented procedures containing information and instructions for staff and must keep these procedures up-to-date.

The purpose of the LAVS standardisation working group is to develop and review standard operating procedures (SOPs) to be followed by local authority veterinary inspectors (LAVIs) while carrying out official controls. There are a number of SOPs, which have been developed by the LAVS standardisation working group, which are relevant to this audit.

These include:

- QP 1: Non Compliance Procedure
- D1: Auditing of a HACCP System
- D4: Procedure for Issuing a Legal Notice for Enforcement
- D11: Preventative Maintenance Programme
- D25: Risk Assessment of Establishments
- M2: Hygiene Inspections of Establishments
- A6: Slaughter house Inspections / Audits

The audit team noted that Offaly County Council makes use of the SOPs detailed above, and the review of the establishment files provided evidence of this. In particular, the risk assessment carried out in respect of the eight establishments assessed; the form, which is provided as an appendix to SOP D25: Risk Assessment of Establishments, had been used and a copy of the completed document was maintained on the establishment file.

Offaly County Council also uses the triplicate book of inspection reports, the template for which is provided in SOP M2: Hygiene Inspections of Establishments and SOP A6: Slaughter House Inspections / Audits. The audit team verified that the inspection report is completed for every official control inspection. The inspection reports, which are left with the FBOs provided a clear explanation of the non compliance and required corrective action. However, the close out of non compliances was not being recorded on subsequent inspection reports. The audit team observed that these are official control records and noted that more detail regarding the follow-up and close out of the non-compliances would be necessary to verify the enforcement of food law. The audit team noted that the follow up of non compliances was not always effective, as non compliances remained outstanding or recurred, in particular, in the second establishment audited.

It was also noted that the FBOs confirmed in the two establishments, audited, that a verbal explanation in relation to audit findings and any non compliances which are identified during official control inspections, is also provided. The audit team were advised that the non compliance and corrective action form, which is provided as part of QP 1: Non Compliance Procedure is not used. The audit team consider that this form could have been used to facilitate effective close out of non compliances.

#### **4.6. Staff Performing Official Controls**

Article 6 of Regulation (EC) No. 882/2204 requires that the competent authority shall ensure that all of its staff performing official controls receive, for their area of competence, appropriate training enabling them to undertake their duties competently and to carry out official controls in a consistent manner and that staff performing official controls keep up to date in their area of competence and receive regular additional training as necessary and have aptitude for multidisciplinary cooperation.

The veterinary services team in Offaly County Council comprise one CVO, who is supported by five TVIs. Administrative support is also provided.

The local authority provided the audit team with a record of training undertaken and also noted that there would also be meetings, seminars, etc which would be attended. The local authority also maintains a record of training and updates provided for the TVIs. The audit team were advised that TVIs are kept up to date on changes to legislation, etc. by letter.

The local authority has developed a checklist of additional checks to be undertaken by TVIs, while carrying out official control duties in establishments. Evidence of completed checklists were seen by the audit team in the establishment files, although it was noted that not all TVIs carry out these additional checks.

#### 4.7. Enforcement Activities

As part of the preparatory work for the audit, the use of enforcement actions under the FSAI Act, prosecutions and voluntary closures by Offaly County Council were examined.

Since 2006, Offaly County Council has taken one enforcement action, under the FSAI Act, in relation to a food establishment. Information regarding enforcement activities is being supplied to the FSAI, as required.

**Table 2: Enforcement Action from January 2006 to June 2011**

Enforcement Information	Numbers					
	2006	2007	2008	2009	2010	2011
Closure Order	1	0	0	0	0	0
Prohibition Order	0	0	0	0	0	0
Improvement Order	0	0	0	0	0	0
Prosecution	0	0	0	0	0	0
Improvement Notice	0	0	0	0	0	0
Compliance Notice (under SI 432/2009)	-	-	-	0	0	0

#### 4.8. Follow Up and Close Out of Non Compliances

Article 54 of Regulation (EC) No. 882/2004 requires that when the competent authority identifies non compliance, it shall ensure that the operator remedies the situation. When deciding which action to take, the competent authority shall take account of the nature of the non compliance and that operator's past record with regard to non compliance.

The establishment files relating to eight food business operations were examined by the audit team. The records relating to the official control inspections were examined, which included examination of non compliances identified during official control inspections. The records relating to subsequent inspections were also examined, in which the audit team assessed the follow up of the non compliances identified.

It was noted that where significant non compliances were identified, during official control inspections, follow up inspections took place. The audit team examined the records of such inspections and noted that non compliances were identified in the report to the FBO, with clear descriptions of the non compliance and corrective action required. However, the audit team noted that close out of non compliances on the subsequent inspection reports was not being noted.

The requirements set out in the service contract between the FSAI and Offaly County Council regarding the follow up & close out of non compliances identified during official control inspections are not being fully complied with. Non compliances are being identified during official control inspections carried within the County Council's functional area. However, details regarding the close out of non-compliances should be recorded in order to verify that corrective action has been taken and the non compliance has been closed out.

Two establishments were selected for on-site verification, in which non compliances were noted, but no formal enforcement action was taken.

#### 4.9. Official Control Inspection Outcome

In line with the LAVS documented procedures for carrying out official control inspections (SOP A6: Slaughterhouse Inspection / Audits and SOP M2: Hygiene Inspections of Establishments) a record of the inspection is made on the relevant form. This includes a record of the inspection type and result as well as any observations or non compliances noted or corrective action required by the FBO.

There are three possible results for an inspection:

- Satisfactory
- Minor non compliance
- Unsatisfactory

**Table 3: Inspections from January 2010 to June 2011<sup>3</sup>**

Inspection Outcome	Number of Inspections	Percentage of Total Inspections
Satisfactory	71	70%
Minor non compliance	20	20%
Unsatisfactory	10	10%

<sup>3</sup> These are inspections carried out in the eight approved establishments which were assessed as part of this audit.

It was noted that there were 36 inspections, for which the outcome had not been noted on the inspection report. During the audit, the local authority clarified what the outcome was for each of these inspections, and they have been included in the relevant inspection outcome category in Table 3, above.

During the review of the inspection outcomes, it was noted that there were 20 inspections in which an inspection result of minor non compliance was recorded. These 20 inspections related to 4 establishments. There were ten official control inspections, examined by the audit team, with an unsatisfactory result. These ten inspections related to three establishments.

The audit team noted that the records of the non compliances identified during these official control inspections were detailed; however, close out of non compliances as assessed during official control inspections was not being recorded on subsequent inspection reports.

#### 4.10. Reports to Food Business Operators

Article 9 of Regulation (EC) No. 882/2004 requires that the competent authority provide the FBO with a copy of the report on official controls carried out, at least in the case of non compliance.

The establishment files relating to eight food business operations were examined by the audit team. The audit team reviewed non compliances identified and the follow up carried out. The local authority advised the audit team that a verbal report is also provided to the FBOs at the end of an inspection.

Inspection reports are left with the FBOs, and this was verified by the audit team in the two establishments visited as part of the on-site work. It was noted that the last inspection outcome for six of the establishments was satisfactory, one had an outcome of minor non compliance and the remaining establishment had an unsatisfactory outcome.

Records of official control inspections are maintained by the local authority. The audit team were advised that a copy of the inspection report, from the triplicate book, is left with the FBO after each inspection. This was verified by the audit team in the two establishments in which on-site verification was undertaken. The audit team noted that information recorded in relation to non compliances was detailed and provided a clear explanation of the non compliance and required corrective action. However, the close out of non compliances was not being recorded on subsequent inspection reports.

The audit team observed that these are official control records and noted that more detail in relation to the close out of non compliances by FBOs would be necessary to verify the enforcement of food law. Both FBOs confirmed that a verbal explanation in relation to any non compliances which are identified during official control inspections is also provided. The audit team noted that the first FBO audited was knowledgeable regarding the non compliances which had been identified during official control inspections.

The local authority advised the audit team that the non compliance and corrective action report, provided as part of QP1: Non Compliance Procedure, is not used.

## **5. FOOD BUSINESS OPERATOR CONTROLS PERFORMED IN ACCORDANCE WITH REGULATIONS 178/2002, 852/2004 & 853/2004 AND STATUTORY INSTRUMENT 432/2009**

Two establishments were selected for on-site verification. The audit team selected establishments in which there were a number of non-compliances identified, in order to maximise the value of the on-site verification activity in the establishments. In each case, the official control inspection reports were assessed and the non-compliances identified were tracked through subsequent inspections to assess the follow-up action taken by the local authority.

The audit team were accompanied during the on-site verification visits. Although the focus was on the closure of non compliances raised during previous official control inspections, the audit was not restricted to these findings alone and recorded any non-compliances with food law identified on the day of the visits. The audit team provided a report of any findings where an FBO was not in compliance with food law to Offaly County Council the next working day to facilitate follow up by the local authority.

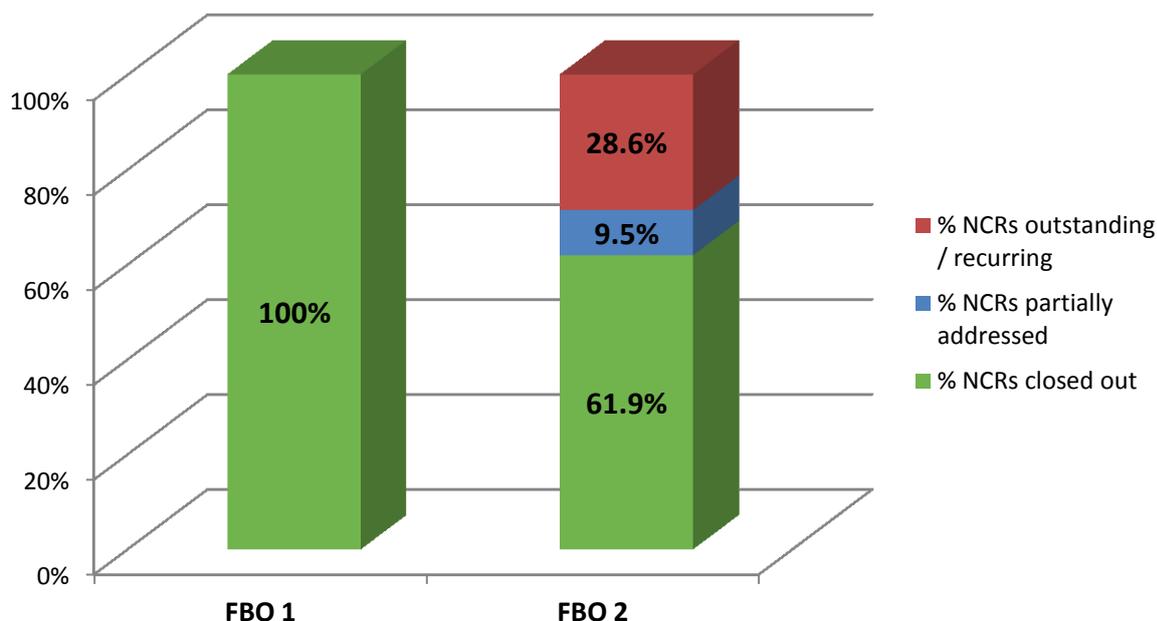
The numbers of non-compliances, which had been previously identified during official control inspections by the local authority, assessed in the two food businesses were eight and twenty-one, respectively.

The audit team calculated the percentage of non-compliances in each of three categories:

- Closed out – that is, corrective action had been taken by the food business operator to comply with food law
- Outstanding/recurring – that is, corrective action had not been taken by the food business operator to comply with food law (outstanding) or corrective action had been taken, but the non-compliance had recurred
- Partially addressed – that is, corrective action had been taken by the food business operator, but it was insufficient or did not adequately address the non-compliance, and so further corrective action was required to comply with food law.

The results of the on-site verification activity in the two food business establishments are presented in Figure 2.

Figure 2: Status of Non Compliances



During the on-site verification activity, in the first food business establishment, the audit team verified that all of the eight non-compliances had been addressed. None of the non-compliances, which were assessed, were outstanding or had recurred at the time of this audit.

In the second establishment, the audit team verified that 13 of the 21 non-compliances had been addressed, remedial action had commenced in relation to two, but required further attention and six were outstanding or had recurred at the time of this audit.

Records and associated paperwork relating to the inspection of establishments were well maintained in Offaly County Council.

The audit team noted that the inspection reports, which are left with the FBOs, are adequately detailed in relation to the non-compliances identified during official control inspections. However, they did not contain information in relation to the close out of the non-compliances by the FBOs. The audit team observed that these are official control records and noted that more detail in relation to the close out of non-compliances by FBOs would be necessary to verify the enforcement of food law. It was also noted that the FBOs confirmed in the two establishments that a verbal explanation is also provided in relation to audit findings and any non-compliances which are identified during official control inspections.

The audit team noted that official controls were being applied in a satisfactory manner in relation to the first establishment audited as part of the on-site verification work. However, in relation to the second establishment audited, official controls required strengthening.

The audit team were of the opinion that the first establishment was operating in line with the requirements and conditions of the approval, and at a standard required of an approved establishment, on the day of the audit.

The second establishment was not operating in line with the requirements of the conditions of approval, relating to compliance with the requirements of Regulations (EC) No. 852/2004 and 853/2004 and also compliance with all reasonable directions issued by an authorised officer, for the purposes of these regulations. This establishment was not at a standard required of an approved establishment, on the day of the audit. A number of significant non compliances were identified by the audit team during the on-site verification work, and this resulted in the local authority taking enforcement action.

## 6. CONCLUSIONS

A review of inspection outcomes confirmed that when significant non compliances were identified during official control inspections, follow up inspections took place. The audit team noted that the inspection reports are adequately detailed in relation to the non compliances identified during official control inspections. However, the close out of non compliances was not being recorded on subsequent inspection reports. The audit team observed that these are official control records and noted that more detail in relation to the close out of non compliances by FBOs would be necessary to verify the enforcement of food law. The audit team noted that the follow up of non compliances was not always effective, as non compliances remained outstanding or recurred, in particular, in the second establishment audited.

The audit team noted that official controls were being applied in a satisfactory manner in relation to the first establishment audited as part of the on-site verification work. However, in relation to the second establishment audited, official controls required strengthening.

The audit team were of the opinion that the first establishment was operating in line with the requirements and conditions of the approval, and at a standard required of an approved establishment, on the day of the audit.

The second establishment was not operating in line with the requirements of the conditions of approval, relating to compliance with the requirements of Regulations (EC) No. 852/2004 and 853/2004 and also compliance with all reasonable directions issued by an authorised officer, for the purposes of these regulations. This establishment was not at a standard required of an approved establishment, on the day of the audit. A number of significant non compliances were identified by the audit team during the on-site verification work, and this resulted in the local authority taking enforcement action.

## **7. RECOMMENDATIONS**

1. The local authority shall ensure that approval certificates are issued in relation to all approved establishments, to ensure they are included on the national register of approved establishments.
2. The local authority shall ensure that risk assessments are reviewed and amended in light of repeated non compliances or significant non compliances identified during official control inspections or audits.
3. The local authority shall ensure that inspection outcome is always indicated on the completed report following an official control inspection.
4. The local authority shall record detail relating to the close out of non compliances by FBOs, on subsequent inspection reports.
5. Non compliances identified as part of the on-site verification activity should be closed out by the local authority in conjunction with the FBOs concerned.





Abbey Court,  
Lower Abbey Street,  
Dublin 1.

Advice Line: 1890 336677  
Telephone: +353 1 817 1300  
Facsimile: +353 1 817 1301  
Email: [info@fsai.ie](mailto:info@fsai.ie)  
Website: [www.fsai.ie](http://www.fsai.ie)