

AUDIT
REPORT

Audit of Official Controls
in Local Authority
Supervised Establishments
– South Dublin County Council

SEPTEMBER 2016



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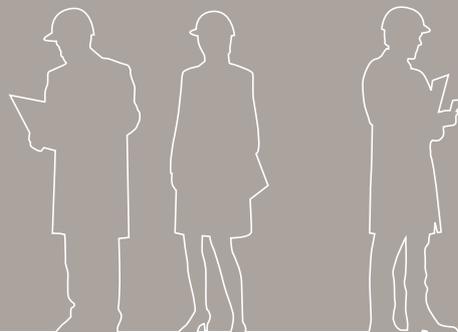


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1. GLOSSARY

CCP	Critical Control Point
FSAI	Food Safety Authority of Ireland
HACCP	Hazard Analysis Critical Control Point
OAPI	Official Agency Premises and Inspections database
SOP	Standard Operating Procedure

2. EXECUTIVE SUMMARY

The Food Safety Authority of Ireland (FSAI) 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 FSAI is required to verify that the system of official controls is working effectively.

This audit was carried out for the purposes of assessing the effectiveness and appropriateness of the delivery of official controls by the council. Compliance by the veterinary staff with their responsibilities under relevant food legislation, adherence to the terms and requirements of the FSAI service contract, as well as conformance with relevant documented procedures, was assessed. The audit focused on the management, delivery of official controls, follow-up and close-out of non-compliances identified during official control inspections in order to confirm compliance with the requirements of relevant food legislation, the service contract and the Multi Annual National Control Plan. Two establishments were selected to review how official controls are organised, conducted and followed up in practice, following a file review.

South Dublin County Council supervises 38 approved food businesses, two conditionally approved and one registered food business operation under service contract to the FSAI. The audit team confirmed that there was an organised approach for the delivery of official controls. In one establishment visited, compliance with food law requires improvement to ensure it continues to operate at a standard required for an approved food business operation.

3. INTRODUCTION

3.1. Audit Objective

The FSAI is responsible for the enforcement of 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 FSAI. South Dublin County Council has entered into a service contract with the FSAI and is responsible for the enforcement of food legislation as it applies to slaughterhouses, meat plants, cold stores and food vehicles (wholesaling meat) under its supervision. It is a requirement of the service contract and food legislation that the council ensures official controls are carried out regularly, on a risk-basis and with the 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. This audit was undertaken as part of the FSAI's audit programme for 2015 and was carried out in September 2015. This report describes the audit objective, scope, methodology and the findings of the audit.

3.2. Audit Scope

This audit was carried out for the purposes of assessing the effectiveness and appropriateness of the delivery of official controls by the council. Compliance by the veterinary staff with their responsibilities under relevant food legislation, adherence to the terms and requirements of the FSAI service contract, as well as conformance with relevant documented procedures, was assessed.

The objective of this audit was to verify (i) the effectiveness and appropriateness of official controls and (ii) compliance with official food control legislation and the procedures and plans put in place by the County Council to achieve these aims. The audit focused on the management, delivery of official controls, follow-up and close-out of non-compliances identified during official control inspections in order to confirm compliance with the requirements of relevant food legislation, the service contract and the Multi Annual National Control Plan. Two establishments

were selected to review how official controls are organised, conducted and followed up in practice, following a file review. In addition, the audit reviewed findings, recommendations and corrective actions taken following an internal audit carried out by staff from another local authority.

3.3. Audit Criteria and Reference Documents

The audit criteria referred to during the audit included the following:

- 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
- The FSAI Service Contract (including FSAI Act)
- Regulation (EC) No 852/2004 on the hygiene of foodstuffs, as amended
- Regulation (EC) 853/200 on the hygiene rules for food of animal origin
- Regulation (EC) No 2073/2005 on microbiological criteria for foodstuffs
- European Communities (Food and Feed Hygiene) Regulations, 2009 (S.I. No. 432 of 2009) as amended
- 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
- The Multi Annual National Control Plan for Ireland 2012-2016
- Local Authority Hygiene Plans & data supplied to the FSAI
- Local authority veterinary service Documented Procedures
- Local Procedures

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. These procedures implement the FSAI audit obligations, defined in Schedule 5 of the service contract between the FSAI and South Dublin County Council are in accordance with the requirements of Regulation (EC) No 882/2004 (including Article 6.1 of Commission Decision 2006/677/EC) and also Section 48 (9) FSAI Act as amended.

An evaluation plan describing the audit process and approach (including the scope, objectives, criteria and the audit team) was sent to the local authority ahead of the on-site activities. As part of the preparation for this audit, a review of relevant information and data held within the FSAI relating to official controls carried out by South Dublin County Council was also conducted.

The audit included a review of the performance and delivery of official food controls by the county council. The audit team evaluated whether the official controls were being carried out in accordance with relevant legislation, the service contract and documented procedures.

As part of the audit of the food business operators, the audit team assessed the adequacy and performance of the controls put in place at establishment level. The implementation of good hygiene practices and principles of HACCP (Hazard Analysis Critical Control Point) as part of the food business operator's food safety management system and traceability systems, was assessed to determine if it was effective, adequately maintained and in compliance with food law.

On completion of the on-site visits to establishments, the audit findings relevant to each food business operator were outlined by the FSAI audit team. The food business operator was informed that the FSAI would communicate the audit findings to the acting chief veterinary officer for follow-up. Following completion of the establishment audits, a final closing meeting was held by phone with the acting chief veterinary officer, where findings were discussed.

4. AUDIT FINDINGS

4.1 Official Controls performed in accordance with Regulation (EC) No 882/2004

4.1.1 Organisation and Structure of Official Controls

Article 4 (1) of Regulation (EC) No 882/2004 requires Member States to designate the competent authorities responsible for the purposes of the official controls set out in the Regulation.

Findings

South Dublin County Council has been designated a competent authority for the purpose of carrying out official controls to ensure verification of compliance with food law. This responsibility is discharged on behalf of the FSAI through the service contract. South Dublin County Council is responsible for official controls not only within the functional area of the local authority but also in Fingal County Council, Dublin City Council and Dun Laoghaire Rathdown County Council.

The chief veterinary officer and one full time veterinary inspector supported by an administrative assistant, organises and carries out official controls in food business operations, which are all listed on the FSAI website. In addition, one temporary veterinary inspector is employed to carry out nine shifts per month.

At the time of the audit, South Dublin County Council was responsible for the supervision of 38 approved food businesses, two food businesses which were under conditional approval and one registered food business operation.

The Dublin (Preparation for reorganisation) Regulation, 1994 makes provision for South Dublin County Council to be the lead authority for Veterinary services in Dún Laoghaire - Rathdown. Section 85 of the Local Government Act 2001 allows for an agreement to be put in place regarding the carrying out of functions by one local authority on behalf of another. Section 86 of the Act allows for the joint discharge of functions between two or more local authorities. Schedule 2.1.20 of the service contact requires that South Dublin County Council shall enter into a Section 85/86 agreement with at least one other city or county council by the end of 2011. At the time of the audit, no formal Section 85/86 agreements had been put in place with any county outside the other Dublin local authorities. Arrangements are in place between, Fingal, Dun Laoghaire Rathdown and Dublin City Council.

4.1.2 Approval of Establishments

Article 3 (1) of Regulation 854/2004 states that competent authorities shall approve establishments when, and in the manner, specified in Article 31(2) of Regulation (EC) No 882/2004.¹

Findings

South Dublin County Council uses SOP No. D3 on the Approval and Refusal, Suspension or Revocation of Approval of Local Authority Supervised Meat Establishments to comply with the requirements of Article 3(1) above. The audit team selected a number of food business operations which were listed as being approved on the FSAI website and verified that the approval process had been followed and Approval Certificates issued. The audit team also examined the files of a number of food businesses who were no longer trading to ensure their approvals had been revoked. In one instance, while approval had been revoked, there was no letter on file confirming this to the food business operator.

¹ Competent authorities shall establish procedures for feed and food business operators to follow when applying for the approval of their establishments in accordance with Regulation (EC) No 854/2004.

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In addition, files of food businesses which had conditional approval at the time of the audit were examined. Appropriate requirements were attached to the conditional approval which the food business operator needed to implement before final approval would be granted. However, the Conditional Approval status of one food business operation supervised by South Dublin County Council was not displayed on the FSAI's website².4.1.3 Competent Authorities Operational Criteria

Article 4 (2)(a) of Regulation 882/2004 requires competent authorities to ensure the effectiveness and appropriateness of official controls on food at all stages of production, processing and distribution.

Findings

Official controls in South Dublin County Council are organised through an "approved and registered premises annual inspection plan". This document sets out the inspection frequencies of each food business on a three monthly basis. It also specifies the type of general requirements to be concentrated on during a particular inspection, e.g. HACCP, labelling/traceability, structural hygiene and risk assessment. Reports on the completion of these inspections are attached to the file for each food business.

Article 4 (2)(b) of Regulation 882/2004 requires competent authorities to ensure that staff carrying out official controls are free from any conflict of interest.

Findings

The temporary veterinary inspector who carries out official controls for South Dublin County Council does not perform ante- or post-mortem inspections. In addition, the temporary veterinary inspector is not attached to a private veterinary practice so the question of conflict of interest does not arise.

Article 4 (2)(e) requires that staff have the legal powers to carry out official controls and to take the measures provided for in this Regulation.

Findings

Powers to carry out official controls are conferred on South Dublin County Council personnel through a warrant of appointment issued by the FSAI under the powers contained in Sections 45 and 49 of the Food Safety Authority Act, 1998 (as amended). The audit team verified that the three official veterinarians who carry out official controls have been issued with such warrants.

Article 4 (6) Of Regulation 882/2004 requires that competent authorities shall carry out internal audits or may have external audits carried out, and shall take appropriate measures in the light of their results, to ensure that they are achieving the objectives of this Regulation.

Findings

To meet this requirement of Regulation 882/2004, the local authority veterinary service has implemented a system of peer review. Under this system, a chief veterinary officer from another city or county council will carry out an audit of the official controls being conducted by the host local authority to ensure they meet the requirement of Regulation 882/2004. South Dublin County Council was audited by the chief veterinary officer from another local authority in December, 2012. The FSAI team verified the ongoing implementation of corrective action to close out the findings, one of which required the FSAI getting an opinion from the EU Commission.

² This was corrected by the acting chief veterinary officer on the day of the audit

4.1.4 Risk Based Controls

Article 3(1) of Regulation (EC) No 882/2004 requires that official controls are carried out regularly, on a risk basis and with appropriate frequency, so as to achieve the objectives of the Regulation.

Findings

South Dublin County Council uses a Standard Operating Procedure (SOP) No. D25 *Risk Assessment of Establishments* to assess the risk associated with a meat establishment and to base the nature and frequency of official controls on the assessed risk. The type of processes undertaken in an establishment and the nature and intended uses of its products determine to a large extent the risk to public health from consumption of those products. Table 1 outlines how these factors primarily determine the level of risk associated with an establishment and the minimum frequency of official controls to be carried out.

Table 1: [Table Title]

Category	Inspection Minimum	Minimum Audit Frequency
Low-Risk	Once every three months	Once per year
Medium-Risk	Once every two months	Once per year
High-Risk	Once per month	Twice per year

The audit team verified that South Dublin County Council uses Appendix A of SOP D 25 to determine on an annual basis, the risk category of the food businesses under its supervision. Of the files examined, the risk assessment had been determined for 2015 and official controls are being carried out at least at the minimum frequency set out in Table 1.

4.1.5 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.

Findings

Schedule 2.1.19 of the service contract between FSAI and South Dublin County Council states that 'The Official Agency shall carry out official controls in accordance with documented procedures developed by agreement between the FSAI and the local authority veterinary service. These procedures shall provide information and instructions for staff performing official controls'.

The Local Authority Standardisation Working Group has put a series of documented procedures in place for local authority veterinary inspectors to ensure official controls are implemented in a standardised manner. The audit team verified that South Dublin County Council utilises these procedures of which the current revisions are available on Safetynet³.

³ Safetynet is the secure intranet used by the FSAI to circulate confidential information and documentation to official agencies.

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South Dublin County Council has developed additional documentation in the form of checklists and *aide-memoires* for use during official controls conducted by the local authority.

4.1.6 Staff Performing Official Controls

Article 4.6 of regulation 882/2004 requires that competent authorities shall ensure that all of its staff performing official controls (a) 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 (b) keep up to date in their area of competence and receive regular additional training as necessary.

Findings

The Veterinary Council of Ireland has decided that continuing veterinary education is mandatory for renewing a licence to practice since 1 January, 2012 and annually, thereafter. The chief veterinary officer and temporary veterinary inspectors renewing their licence to practise will need to have achieved the required number of credits in the preceding continuing veterinary education credit year 1 August to 31 July. This is achieved through the attendance at relevant courses and eLearning modules developed by the Veterinary Council of Ireland.

The chief veterinary officer and veterinary inspector regularly attend training events organised by the FSAI. Certificates made available to the audit team confirmed attendance at recent training on foodborne outbreaks and food contact materials. In 2013, the chief veterinary officer and the veterinary inspector attended a training course on HACCP principles and audit techniques organised under the Better Training for Safer Food initiative of the EU Commission. In addition, all three official veterinarians have completed a post graduate course in veterinary public health which is organised by the University of Ulster, Coleraine.

4.1.7 Reports and Procedures to Ensure Corrective Action is Taken When Needed

Article 9 (1) of Regulation 882/2004 states that competent authorities shall draw up reports on the official controls that it has carried out.

Findings

The Local Authority Standardisation Working Group has put a series of report templates in place for local authority veterinary inspectors to ensure official controls are communicated to food business operators in a standardised manner. South Dublin County Council uses these templates in the form of pre-printed report books. All the files inspected by the audit team had the appropriate version of the inspection or audit report form attached to confirm that official controls had taken place.

Article 9 (3) of Regulation 882/2004 states that competent authorities shall provide the business operator concerned with a copy of the report at least in case of non-compliance.

Findings

During the visits to food businesses it was verified that the same report was issued to the operators as those attached to the official control files. It is the policy of South Dublin County Council to issue a report to each food business operator after official control inspection and not only when non-compliance with food legislation has been detected.

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.

Findings

South Dublin County Council use the templates attached to local authority veterinary service documented procedures to report on routine official control outcomes. Where serious more non-compliance with food law is detected, South Dublin County Council uses other legislative provisions available to them to ensure the food business operator remedies the situation. South Dublin County Council has not had reason to use the Closure Order or Prohibition Order of the provisions of Food Safety Authority of Ireland Act, 1998 (as amended) in 2014 or 2015.

Article 8.3 (b) of Regulation (EC) No 882/2004 requires that competent authorities shall have procedures in place to ensure that corrective action is taken when needed

Findings

South Dublin County Council issues reports to food business operations where non-compliances with food law have been identified during official controls. While the close-out of audit findings is clearly documented, it was not possible in all instances, for the audit team to verify from the documentation/notes contained on files that corrective action had been implemented for non-compliances identified during previous inspection.

4.1.8 Data Collection and Reporting

Schedule 4 of the service contract between the FSAI and South Dublin County Council details the requirements for data collection and reporting.

Findings

South Dublin County Council uses the Official Agency Premises and Inspections (OAPI) database to record and return data to the FSAI regarding establishments, inspections, and ante- and post-mortem examinations. The database facilitates more efficient use of inspectors' time and reduces administrative data processing by the local authority veterinary service and the FSAI. It also allows immediate and automated updating of establishment approvals on the FSAI website and improves ability to analyse trends in business activities and compliance with food legislation. Use of OAPI by South Dublin County Council eliminates the requirement to send the FSAI monthly 'Schedule 4' reports or the annual '48(8)' report.

The audit team assessed hard copy data on file in South Dublin County Council against returns submitted by the local authority on OAPI. All returns were found to concur.

4.1.9 Audits of Food Business Operators

The FSAI team visited two food business operations to assess their compliance with food law and to verify the effectiveness of official controls. A high level of compliance with food law was observed in one food business operator visited. In the second, a number of findings relating to non-compliances with food law were detected including; arrangements for the hygienic handling of trays, controlled use of buckets, labelling practices to ensure that all product was reliably and accurately labelled. Deficiencies were identified in the management of product regarding traceability, particularly in relation to good intake and frozen food stuffs. The food business operator has recently commenced slicing of cooked meats. Sliced cooked meats were not identified as a separate food product in the HACCP-based procedures and shelf-life studies to support the declared shelf-life of sliced cooked meats, had not been carried out.

These findings relating to the non-compliance with food law identified during this part of the audit were communicated verbally to the food business operator or their representative at a closing meeting at the conclusion of the audit in each establishment. These findings were subsequently documented and forwarded to the acting chief veterinary officer to allow for follow up during subsequent official control inspections/audits.

5. CONCLUSION

South Dublin County Council supervises 38 approved food businesses, two conditionally approved and one registered food business operation under service contract to the FSAI. The audit team confirmed that there was an organised approach for the delivery of official controls. In one establishment visited, compliance with food law requires improvement to ensure it continues to operate at a standard required for an approved food business operation.



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