

AUDIT  
REPORT

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

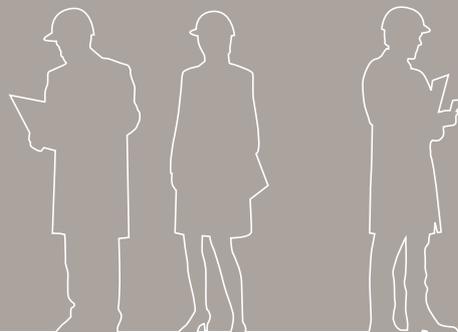
SEPTEMBER 2016



# AUDIT REPORT

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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.

Kilkenny County Council supervises 19 food business operations under service contract to the FSAI. The audit team confirmed that there was an organised approach to the delivery of official controls and the two establishments visited were found to be operating at a level of compliance with food law appropriate for approved food business operations.

## **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. Kilkenny 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, were 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 Kilkenny 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) 853/2000 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 Kilkenny 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 Kilkenny County Council, was also conducted.

There was an opening meeting in County Hall Kilkenny between the FSAI audit team and officials from Kilkenny County Council including the county veterinary officer.

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, were assessed to determine if they were 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 county veterinary officer for follow-up. Following completion of the establishment audits, a final closing meeting was held with Kilkenny County Council officials including the county veterinary officer in County Buildings Carlow, 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

Kilkenny 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. Since January 2013, Kilkenny Council has agreement in place regarding the carrying out of official controls in food business operations within the functional area of Carlow County Council. This has been arranged through the provisions of Section 85 of the Local Government Act, 2001 which allows for an agreement to be put in place regarding the carrying out of functions by one local authority on behalf of another.

One full-time county veterinary officer organises and carries out official controls in a total of 19 food business operations, ten of which are approved and nine registered. The ten approved establishments are listed as required, on the FSAI website. The county veterinary officer is supported in the carrying out of official controls by one veterinary service provider who is contracted to carry out 13 hours per week of official controls mostly in food business operations in the Carlow County Council functional area. In addition, five temporary veterinary inspectors carry out ante- and post-mortem inspections in slaughtering establishments. None of the food businesses under the supervision of Kilkenny County Council, dress or process animals which have undergone on-farm emergency slaughter.

#### 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.<sup>1</sup>**

#### Findings

Kilkenny 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. Food businesses previously licenced under the Abattoirs Act, 1988 have now been approved as required by Article 3 (1) of regulation 854/2004.

Kilkenny 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. Kilkenny County Council has attached conditions to the approval of food business operations where relevant. The audit team examined the file of a food business operation which was no longer trading and a letter was on file revoking the approval and also advised the proprietor that it would be illegal to recommence food business activities without approval from Kilkenny County Council. However, one food business which is inactive is also still listed on the

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<sup>1</sup> 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.

FSAI website and the approval of one food business operator requires amendment following significant change in the structure of the building.

#### **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**

Kilkenny County Council has developed a system of planning official controls whereby an annual work plan for each establishment under supervision, is developed. This document details the specific checks to be carried out during official controls in each quarter to verify compliance with food law. Following each official control inspection/audit, the date each compliance check was carried out is entered onto this document. It is envisaged that by year end, all aspects of food law specific to each food business operation will have been assessed.

**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 "Request for Tenders for the Provision of Veterinary Services" document which resulted in the recruitment of the appointment of the veterinary services provider specifically included a requirement that duties would be carried out without any conflict of interest. While temporary veterinary inspectors have not signed a contract, they are aware of their conflict of interest responsibilities while carrying out ante- and post-mortem inspections.

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

##### **Findings**

The county veterinary officer, veterinary service provider and temporary veterinary inspectors are authorised to carry out official controls as required by Regulation 882/2004. Warrants are issued under the provisions set out in Regulation 12(3) and Regulation 18 of the EC (Food and Feed Hygiene) Regulations, 2009 (S.I. No. 432 of 2009). They have the seal of Kilkenny County Council affixed and are signed by the Director of Services, nominated member and the authorised officer.

**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 county 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. Kilkenny County Council was audited by the county veterinary officer from another local authority in March, 2011. There were no findings relating to non-compliance with the requirements of official control legislation. One recommendation relating to best practice was included in the report. Audits were also carried out in November, 2013 and 2014. Corrective action to close out findings had been implemented for the findings contained in this audit reports.

#### 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

Kilkenny 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

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 Kilkenny 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 the FSAI and Kilkenny County Council states that 'The Official Agency shall carry out official controls in accordance with documented procedures developed by agreement between the Authority 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. Kilkenny County Council utilises these procedures the current revisions of which are available on Safetynet<sup>2</sup>. The food business inspection report Appended to SOP A6 is completed following each official control.

In addition, Kilkenny County Council has developed some supplementary documentation for carrying out official

<sup>2</sup> Safetynet is the secure intranet used by the FSAI to circulate confidential information and documentation to official agencies.

controls in selected food business operations. These supplementary SOPs document instructions as to how the official veterinarian should carry out specific tasks.

#### **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 county veterinary officer and temporary veterinary inspectors renewing their licence to practice 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 county veterinary officer regularly attends training events organised by the FSAI. In addition, training events are conducted with those involved in the performance of official controls as required. The audit team reviewed a memo to the training file regarding for the temporary veterinary inspector panel covering one particular food business operation. The county veterinary officer also made available the team development plan for 2015 which forms part of the performance management and development system of the veterinary service of Kilkenny County Council. The veterinary service provider has also completed the post-graduate certificate in veterinary public health from the University of Ulster.

**Article 10 2 (h) of Regulation 882/2004 on control activities methods and techniques specifies official controls on feed and food shall include, the controls carried out with the competent authority's own instruments to verify measurements taken by feed and food business operators.**

##### **Findings**

Kilkenny County Council has purchased and maintained three calibrated thermometers for use during official controls. Records reviewed by the audit team indicated that an assessment of temperature taken during one official control was not obtained using a calibrated thermometer issued by Kilkenny County Council.

#### **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.

Kilkenny County Council uses these templates in the form of pre-printed report books. 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. Reports for some inspections are not being entered onto the Official Agency Premises and Inspections (OAPI) database.

**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.

**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**

Kilkenny County Council use the templates attached to local authority veterinary service documented procedures to report on routine official control outcomes. Where more serious non-compliance with food law is detected, Kilkenny County Council uses other legislative provisions available to them to ensure the food business operator remedies the situation such as a Compliance Notice as provided for in Regulation 15 of EC (Food and Feed Hygiene) Regulations, 2009 (S.I. No. 432 of 2009).

**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**

Kilkenny County Council uses a 'Non-Compliance and Corrective Action Report' form to ensure findings identified during official controls are closed out. The form requires that the details of non-compliances detected to be entered as well as the corrective action required. A date for completion of corrective action is also inserted which is then signed by the food business operator. The final column 'Completion Verified by the Veterinary Inspector' is used to close the issue out. The audit team saw this document in use on all the food business operator files reviewed.

#### **4.1.8 Data Collection and Reporting**

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

### **Findings**

Kilkenny County Council uses the OAPI database to return data to the FSAI regarding establishments, inspections, and ante- and post-mortems examinations. The database facilitates more efficient use of inspectors' time and will reduce 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 Kilkenny 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 official control data on file in Kilkenny Co Council against returns submitted by the local authority on OAPI. The review of food business operator files indicated that some reports had not been entered onto OAPI.

#### **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. In general, there was high level of compliance with food law in both food business operations. In one food business operator, the calibration frequencies for chills and vehicles were not specified and data logger results were not attached to maintenance reports. In the second food business operator, the HACCP plan was under review and being updated because of the change of the nature of the business.

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. Close-out of these findings was monitored by the county veterinary officer during subsequent official control inspections/audits.

## **5. CONCLUSION**

Kilkenny County Council supervises 19 active food business operations under service contract to the FSAI. The audit team confirmed that there was an organised approach for the delivery of official controls and the two establishments visited were found to be operating at a level of compliance with food law appropriate for approved food business operations.





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