

## London Food Co-ordinating Group's Approvals Sub Group

### Minutes of Meeting held on 4 April 2008 City of London offices, Walbrook Wharf, EC4

Food authority	Officer attending	Apologies
Barking & Dagenham	Hope Robinson	
Barnet	Mark Stanbury	
Brent	Mina Mistry	
Camden	Sarah Page	
Camden		Yinka Fagbohunka
Croydon	Brian Griffiths	
Enfield	Rob Bartlett	
Hackney	Nigel Whiteley (Chair)	
Haringey		Simon Thomas
Havering	Andy Bourlet	
Islington	Carole Milligan	
Kensington & Chelsea	Linda Wheeler	
Kingston	Keith Fowler (minutes)	
Lambeth		Carol Stewart-Williams
Lewisham	Ken Giles	
Newham	William Adolph	
Redbridge		Henry Katsande
Tower Hamlets	Sandra Edmeade-Walters	
Wandsworth	Peter Reddell	
Westminster	Laura Parrott	
Brentwood DC		Lindsay Hewitt
Tendring DC	Allan Johnson	

#### Items

- 1 - Draft Guidance on Approval for small and medium bakeries
  - 2 - Minute-taker(s) to be appointed by the Group
  - 3 - Minutes of main Group meeting on 10 January
  - 4 - Minutes of small Group meeting on 21 February
  - 5 - Model HACCP plans available on websites
  - 6 - Experience of the Food and Veterinary Office (FVO) mission to L B Enfield
  - 7 - Meeting with Catherine Bowles of the FSA, on proposed FSA Guidance on Approvals
  - 8 - Enforcement action against establishments operating without approval
  - 9 - Hygiene Emergency Prohibition Orders
- Appendix - 'FVO mission to UK, 10 – 14 December 2007'

#### 1 - Draft Guidance on Approval for small and medium bakeries

BG tabled and outlined his draft "Guidance for Small and Medium Bakeries". His intent was to give this out with the Approval application form to provide simple guidance for FBOs, including a one-step example of a plain language HACCP plan, and the recommendation to engage a food safety consultant to guide FBOs through the Approval process.

Discussion then took place on what other aspects to include in the guide.

Agreed – BG agreed to amend the draft guidance to include references to: establishing shelf-life at an early stage, HACCP training (as this can take time to arrange), links to other relevant documents, such as FSA labelling guidance, and the Group's draft document on "Selecting a HACCP consultant".

## **2 - Minute-taker(s) to be appointed by the Group**

NW explained that the Association of London Environmental Health Managers (ALEHM) would pay £200 per meeting for a minute-taker for 6 bi-monthly meetings per year. He advised that KF had agreed to do this on a contractual basis and asked if any other members of the Group wished to also undertake the duties. No further interest was expressed at the meeting.

Agreed – To appoint KF to take and write the minutes.

## **3 - Minutes of main Group meeting on 10 January**

### **(Item 3.3) - Frequency of our meetings?**

NW questioned the frequency of meetings given the amount of work the Group was taking on. MS advised that the ALEHM had set a maximum of six meetings with a paid minute taker.

NW suggested that work outside of the main meetings could proceed by e-mail, possibly with additional small meetings for the 'working groups', (in a similar way to the work undertaken by BG to produce the guidance for small and medium bakeries).

## **4 - Minutes of small Group meeting on 21 February**

### **(Item 4.2) – Information sheets**

NW referred to the suggestion to produce “Information sheets” as a straight-forward way of recording and retrieving information researched and discussed by the group.

CM said she had partly indexed previous Group minutes but it was a laborious task.

### **(Items 4.5 & 4.6) - Documents for putting on our web-page, and their status**

NW asked if there was agreement to put the 13 'final' documents (produced by the former North East London Approvals Group), previously emailed to some of the Group, on the CIEH London Region website. PR thought this was a good idea as time and valuable work had gone into preparing them.

Agreed - The previously prepared 13 'final' documents to go on the CIEH London Region website, (NW).

Discussion took place on how to present relevant information and show its status. General feeling was for the information to be released long before the final stage but with a clear indication as to whether it was just for discussion, or was a draft or a final document.

Several officers volunteered to write some 'discussion documents' later on: CM, MS, BG, and NW.

Agreed –To put our documents on the CIEH-LR website and to show their status:

- 1) Discussion documents – ie, rough drafts.
- 2) Draft documents – to be replaced by any successor drafts,
- 3) Final documents – to be agreed by the Group, (drawing on any external references as may be required).

## **5 - Model HACCP plans available on websites**

NW asked if any members had information on preparing simple HACCP plans.

SEW said that there are many HACCP plans on the internet, which could be found by typing the name of the food into a search engine such as Google. She outlined her recent experience of a Chinese sausage manufacturer downloading a HACCP from the web following her advice. (<http://www.inspection.gc.ca/english/fssa/polstrat/haccp/chisau/chisaue.shtml>). The HACCP Generic Model was thorough but the manufacturer failed to stick to it, so his plan was no longer valid.

CM referred to some good examples of HACCP plans on Australian states websites.

Discussion took place on the merits of downloaded HACCP plans and some felt that a sufficiently close fit was obtainable allowing FBOs to adapt these to their businesses. However CM warned that unless a FBO follows the model plan exactly, his plan may not be valid. Some felt these model HACCP plans were better than HACCP plans provided by some consultants.

It was suggested that links to examples of different HACCPs could be put on the CIEH website. CM suggested the Group should put this into practice.

#### Agreed

- SEW, MS, and CM agreed to form a working group on model HACCP plans available on websites.
- SEW to collate links to web based HACCPs, and members of the Group to forward links to SEW.

### **6 - Experience of the Food and Veterinary Office (FVO) mission to L B Enfield**

RB gave a presentation on the 'FVO mission to UK, 10 – 14 December 2007'. See the Appendix.

RB said that L B Enfield participated in the context of the implementation of the EC food hygiene arrangements under Regulation 852/2004. Despite the 2 FVO auditors not being aware of SFBB, and the UK approach to HACCP for small businesses, their report was generally positive and did not identify any significant failings, although FSA are now required to update the Industry Guides to good hygiene practice

NW said that useful parallels could be drawn for any future missions auditing our official controls on establishments subject to approval, with the FVO emphasis on HACCP, but relatively light on site inspections.

MM confirmed from her experience in L B Brent in 2005, that insufficient time was spent by the FVO auditors at the Approved premises. There was one big difference however - she was not given any time to inspect the premises beforehand.

SEW told us of her experience in L B Tower Hamlets of the FVO audit of the UK's compliance with the Fish Labelling Regulations 2003. She had to frantically prepare a course for the traders in Billingsgate Market. However the traders did not attend the course, and when the auditors visited the market the traders were abusive to them. The FVO concluded that the UK was not complying with those regulations. Now Tower Hamlets have taken cautions and prosecutions for non compliance.

### **7 - Meeting with Catherine Bowles of the FSA, on proposed FSA Guidance on Approvals**

NW said that Catherine Bowles of the Strategic Policy Projects Branch of the FSA wanted to know the opinions of enforcement officers on what further guidance on Approvals they would like the FSA to produce.

She had invited NW to a meeting with her the previous week, (on the recommendation of David Lock of LACORS), to discuss the further guidance that FSA officials considered that they should

produce. She asked him for his comments, (as the representative of the London Food Coordinating Group's Approvals Sub Group).

NW said that he found the meeting very useful. CB realised that the FSA needs to write further guidance on Approvals, and to do so without delay. (She told him that the EC is not likely to write anything more for quite some time).

NW sent her his notes of that meeting, and forwarded them to all in the group on 25/03/2008.

On a side note CB added that the FSA expect shortly to send out their policy on the Approval of suppliers to farmer's markets.

### **7.1 - FSA Categorisation of establishments subject to Regulation 853/2004, based on activities**

Since the EC is unlikely to amend or update EC guidance, (leaving the resolution of ambiguities in both Regulation 853/2004 and the current guidance outstanding), then CB and other FSA officials wanted the FSA to take a pragmatic approach on approvals.

Their approach was to propose four Categories of Approved establishments, based on activities, to consider what law and guidance should apply to each.

A - Manufacturing.

B - 'Intermediate wholesaling'. Includes cold storage, transport, slicing & re-wrapping.

C - 'Supply to the final consumer'. Includes shops, restaurants, etc.

D - 'Mixed activity'. Includes retailing (C) with some manufacturing (A).

She has then raised a number of questions with the heads of the FSA policy areas for the 15 products of animal origin (PoAO) in Regulation 853/2004 on how the relevant requirements should be applied. CB has summarised this in the four spreadsheets attached to her email to NW, which he forwarded on to Group members on 3 April 2008. CB is seeking feedback from officers on whether this sort of categorisation gives a better basis for FSA guidance.

NW then went through the spreadsheets prepared by CB highlighting some relevant points. Her question was 'have I got the categories right?' NW asked whether there are business types which Group members have come across that would fall outside of these categories?

PR made the important remark that whether an establishment requires approval depends partially on whether products of animal origin enter that establishment processed or unprocessed. NW suggested more descriptive titles for category C and D. MS noted that category C "Supply to the final consumer" included the comment that national temperature controls should apply to meats.

Agreed – To send any more comments to NW by 9 April to allow him to reply to CB as a matter of priority.

### **7.2 - FSA proposed officer forum on Frequently Asked Questions**

NW also advised that the FSA would like to set up a 'Regulatory Forum' of enforcement officers who could draft initial answers, or check answers, to the Frequently Asked Questions (FAQs) on approvals. RB felt that when completed these should go to the FSA legal team for comment, e.g. on the subject of what is an 'establishment'. MS wanted a Regulatory Forum to be recognised in such a way that our employers may permit officers to carry out such work. The work could be done entirely by e-mail. MS, SEW, RB and NW expressed their interest in contributing to an FSA officer forum.

### **7.3 - Manufacture of egg products such as bakery products**

The meeting noted from CB's spreadsheet (on category A 'Manufacturing') that the use of shell eggs to make bakery products such as cakes would require approval, whilst the use of egg

products would not. After consideration the Group felt that to avoid applying approval to a potentially large number of businesses, e.g. cake manufacturers using shell eggs, a different approach should be taken based on risk. Group members were concerned at the impact for small businesses, and MS wondered if the FSA had consulted the baking industry. SEW suggested we should decide on an approach for this.

Agreed – To include in our response to CB the suggestion that establishments which use shell eggs together with products of plant origin to make egg products such as bakery products should require Approval. We suggest that there should be an exemption for establishments which use shell eggs in making products that are safe at ambient temperatures.

## **8 - Enforcement action against establishments operating without approval**

NW remarked that more consistency was needed on enforcement action taken against businesses operating without Approval. He referred to one authority, Hull, which appears to have a tough policy on establishments found operating without Approval.

SEW drew a distinction between establishments which have been operating for several years, but which only required Approval when the new hygiene regulations came into force, and newer establishments which have been warned not to operate until they are approved. Tough enforcement action was taken by Tower Hamlets against one establishment which did start operating at its new premises without approval, and it closed voluntarily.

BG advised that in Croydon a Remedial Action Notice was served on a business requiring Approval which was operating without a HACCP-based procedure.

## **9 - Hygiene Emergency Prohibition Orders**

BG advised that he had over 25 responses to his EHCnet enquiry on procedures for applying for hygiene emergency prohibition orders. It seemed that everybody handled this differently and he was intending to write to the FSA seeking clarification.

SEW said that Tower Hamlets had approached the Magistrates Court directly and got agreement on the application procedures that the Court and the local authority would work to. Others pointed out that EHOs in some authorities were prepared to wait outside the courtroom for hours until Court time was made available.

Key points noted were:

- To confirm any phone call to the Court (requesting a hearing) with a written application for an Order.
- To apply for costs, under the Magistrates Courts Act, (MM).

Action - BG to forward to all in the group the model fax and declaration he had received. The fax message to the Court applying for an Order, or for a declaration that there was a health risk condition on the date the Notice was served.

**Date of Next Meeting:** Tuesday 20 May 2008, 09:30 –13:00, Walbrook Wharf offices, EC4.

## **Appendix - FVO mission to UK, 10 – 14 December 2007**

See item 6 of the minutes: 'Experience of the Food and Veterinary Office (FVO) mission to L B Enfield'.

### **Introduction**

The mission formed the last in a series of focussed audits of all member states & its purpose was to assess the official control systems in place for food hygiene within the UK. The Food & Veterinary Office issued an evaluation plan (ref. DG(SANCO)/7192/2007) giving the objectives, scope & organisation of the mission. The principle objectives were as follows:

- To evaluate the implementation of 852/2004 (particularly in relation to Article 5);
- To evaluate the implementation of Article 18 of 178/2002 regarding traceability;
- To evaluate the implementation of EU directives relating to natural mineral waters;
- To evaluate the implementation of EU labelling directives particularly in relation to the provisions for the labelling of allergens.

In order to achieve this the mission of 2 auditors would visit the FSA, 3 local authorities & an official control laboratory. Visits would also be made to a number of relevant food businesses.

### **Preparation**

A pre-mission questionnaire was completed by the FSA providing background information on the relevant UK legislation, organisation of the FSA & links with other relevant bodies, sampling & analysis, crisis management, business registration, control plans, enforcement measures & specific details on the means by which compliance with the relevant areas of EU legislation forming the scope of the mission are achieved in the UK.

Enfield and Brighton & Hove were chosen by the FSA to take part in the mission as representatives of local food authorities in the UK. A natural mineral water producer in Scotland was also visited as part of the mission & Glasgow Scientific Services was the official control laboratory assessed.

In addition to auditing Enfield's systems, the mission also intended accompanying officers on routine inspections of a restaurant & manufacturer (non-animal origin) to assess the practical implementation of relevant legislation.

Preparation for the mission involved discussions with FSA to agree the premises concerned & systems/documentation expectations. A half day pre-audit visit was made by FSA for a detailed discussion of the mission scope & likely areas to be covered. This also involved an assessment of Enfield's systems & procedures & access to relevant documentation. A mini audit of food sampling was undertaken based on the current FSA audit schedule.

As a result of the FSA visit, an action plan was produced for the mission & much time was spent fine tuning existing quality manual procedures & forms & ensuring that all relevant guidance was readily accessible.

We did have freedom to choose the 2 premises concerned, a restaurant that was effectively implementing SFBB & was very keen on the system agreed to participate. The local Warburton's bakery also agreed to take part. Pre-mission visits were also made to both premises to ensure that there were no major problems.

Our main concerns were in relation to the approach that the auditors would take. The scope of the mission was wide & the auditors could take a broad brush approach & try to cover everything or they could take an in depth look at key areas eg Article 5. We therefore had to ensure that everything that could possibly be covered was in order.

## **The audit**

The auditors arrived in Enfield on 10/12/07 and held an initial session with FSA on the morning of their arrival. The auditors were given an initial presentation on Enfield covering demographics, structure, staffing, service plan, enforcement policy, food business profile, communication.

The auditors then undertook a very cursory audit of systems & procedures & looked at examples of staff training records, database information on food businesses, aide memoirs (they were particularly impressed with LACORS i.e. Nigel's 852 manufacturer aide memoir), premises files, sampling records, prosecution file & hygiene improvement notices. Detailed audit trails were not undertaken. It became apparent that they were unaware of SFBB & we had to explain how such a system complied with Article 5 requirements. This discussion continued at length during the restaurant inspection where the auditors found it difficult to see how SFBB clearly identified CCPs & it was clear that the auditors had been expecting a full classical 7 point HACCP system. The FBO provided really useful support in describing how the system worked for him & how it enabled him to ensure he produced safe food.

The following day involved the inspection of a bread manufacturing establishment. During the preparation for the mission, the programme had been amended requiring the inspection of a very large bakery to be covered in half a day rather than the original day. We had to clearly state to FSA & the auditors the areas that would be covered on the day (business overview / details, assessment of HACCP systems, physical inspection) & the additional areas that would be covered in a routine inspection. We had also selected typical products & undertaken detailed audit trails to assess systems during the mission preparation & presented the information gathered & findings during the inspection itself.

The mission also wanted to assess food sampling, & environmental swabs were taken at the restaurant & a formal compositional sample was taken at the bakery.

## **Report & outcomes**

The mission itself went well & no major problems both in terms of the auditors' findings & the logistics of the visit occurred. The draft FVO report was issued at the end of February & several minor comments were raised generally (it was not made clear whether these related to any particular LA). The mission's overall conclusion was that there was a well established control system in the UK. One recommendation made was that the guides to good hygiene practice need to be updated & it is hoped that the timescale for their review will be brought forward.

The format of the audit is very different from that of the FSA audits. The wide scope of the mission & the very limited time spent in the UK means that the audit is lacking in any real depth & audit trails & detailed validation & verification are not undertaken. Only 2 LA's & 5 food businesses were involved & it seems bizarre that an effective assessment of the whole of the UK can be made from such a limited sample. The limited time available also put considerable pressure on us to do ourselves (& the UK) justice, this was particularly evident with the manufacturer inspection where only a half day was available where we would normally need a day & a half for a premises of that size.

In relation to Article 5, the auditors were clearly expecting a traditional HACCP approach & it was disappointing that they had not picked up on SFBB or the FSA had not given it sufficient emphasis. The auditors initially found it difficult to grasp the concept & approach of SFBB & how it could ensure compliance. Even at the large bakery where a classical HACCP system is used, they were still asking convoluted questions about enforcement action if a CCP had not been formally documented or if our opinion differed from that of the business.