

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

### Minutes of Meeting held on 29 January 2009

City of London offices, Walbrook Wharf, EC4

Food authority	Officer attending	Apologies
Barking & Dagenham		Hope Robinson
Barnet	Mark Stanbury	
Brent	Shamsul Islam	
Camden		Sarah Page
Croydon		Brian Griffiths
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	
Merton		Pippa Barnes
Newham	Matthew Collins	
Redbridge		Henry Katsande
Richmond		Karen Alvey
Sutton		Jenny Winslet
Tower Hamlets	Ben Milligan	
Waltham Forest	Pip Broad	
Westminster	Phil Vine	Laura Parrott
Chelmsford BC	Roy Perry	

#### Items

- 1 - Minutes of Approvals Group meeting on 19 November 2008 – matters arising (Presentation by Veterinary Meat Hygiene Advisers on 'The Meat Plant Approvals Process')
  - (Item 6) – The approval procedure – how it works in practice for VMHAs
  - (Item 9) – Standard Operating Procedures (SOPs)
  - (Item 10) - Published guidance for meat producers
  - (Item 11) - Conditional approval - The standards that VMHAs require
  - (Item 12) - Appraisal of catering butchers establishments
  - (Item 14) - Cutting plants subject to approval, but operating without approval
- 2 - Requirements in Regulation 853/2004 for cutting plants
- 3 – The Illegal Meat Task Force – the experiences of one food officer
- 4 – Approval of cold stores, and other wholesale establishments storing food of animal origin chilled or frozen

#### **1 - Minutes of Approvals Group meeting on 19 November 2008 – matters arising (Presentation by Veterinary Meat Hygiene Advisers on 'The Meat Plant Approvals Process')**

NW stressed the usefulness of the detailed information gained and frank expressions exchanged at the last meeting when the two veterinary officers Lawson Wood (LW) of the MHS and Charlie MacLean (CMc) of the FSA made a presentation to the Group. The detail of this was reflected in the minutes of the meeting, and NW expressed his thanks to LW for checking their accuracy.

NW commented that the presentation had changed some of our views. Given the importance of this presentation and the matters arising it was decided to give the majority of this meeting to furthering our discussions on some of these topics.

## **(Item 6) – The approval procedure – how it works in practice for VMHAs**

### 'Appraisal' visit - advice and enforcement

NW noted that the VMHAs were “advisors” and not “enforcers” like us. KG noted the difference between VMHAs and food officers who would take enforcement action if a food business was deficient. Their first visit to a business was usually an “appraisal” visit where the VMHA gave advice to the FBO. It was for the FBO to decide what action to take, although the VMHA provided the FBO with a checklist of the matters required for approval.

### Checklists for officers

NW asked if any officers used a checklist for inspecting establishments for Approvals. MC referred to the LACORS Food Hygiene Inspection Forms:

<http://www.lacors.gov.uk/lacors/ContentDetails.aspx?id=7801&authCode=4E89994>

### 'Deficiencies lists' and reports specifying works

NW enquired if any officers at establishments requiring approval gave the FBO an inspection report immediately after an inspection listing the work to be done, before confirming it in detail in a letter. CS-W confirmed that she used carbonated forms, and then sent a letter. BM added that some matters require immediate action and should be brought to the FBO's attention in writing.

NW noted that the VMHA provides a 'Deficiencies List' which did not specify the action to be taken, and asked for officers' views on this. Some thought we should state the action required. MS was of the view that officers cannot specify particular works as FBOs may have more than one option to achieve compliance. AB informed us that he had seen a VMHA deficiencies list and felt it was precise enough to direct the FBO on what action to take, however the list did not contain any reference to the legal requirements. (The follow up letter was in that case the same as the deficiencies list). NW said that enforcement officers consider that the legal references are important.

### Undertakings

NW then asked about VMHAs granting Approval where a FBO has given an 'undertaking' to complete any outstanding deficiencies. Was this an approach for enforcement officers to use? NW liked the idea of using undertakings where the officer has confidence in the management, however ST did not trust any FBOs. MS felt that as the VMHAs had further to travel to businesses than LA officers, they used an undertaking as a means of confirming that a FBO would indeed carry out the required works.

### Time taken to meet the standards for Full Approval

AB said the VMHAs seemed unconcerned over the establishment not achieving the standards for Full Approval within the six months permitted in law, (ie, after being granted Conditional Approval), and so he queried the value of an undertaking. NW considered that in practice a 6 months timescale was unrealistic and this was accepted by VMHAs and EHOs alike.

PV noted that once a business had Conditional Approval, and could operate with few restrictions, there was little incentive for it to make the last few improvements in order to get Full Approval.

### Refusal to approve

PV advised that where a business was unlikely to receive Approval it should be notified early of a Refusal to grant approval, to avoid wasting everyone's time. He had taken this approach for a cafe proposing to use an inadequately-sized production area. (The FBO wanted to receive raw products

of animal origin, process and wrap it, all on one table in the cafe, and to supply the food to other businesses).

NW referred to production at home where it was important to make clear to the FBO that such premises if approved were only a starting point and later a move to larger commercial premises would be needed.

NW asked whether any officer issued Full Approval in 6 months? CM knew of one business that would achieve Full Approval in this time scale.

### **(Item 9) – Standard Operating Procedures (SOPs)**

NW enquired if any officers had come across these, but no-one had, as such. AB referred to Tilda, a rice product business that uses SOPs, but their SOPs referred to internal processes, not HACCP procedures. CM felt that smaller businesses tended not to have written procedures, these were more often used by larger companies.

NW referred to an example given by CMc on the removal of the spinal column where CMc expected to see a documented procedure for this. Is this SOP in practice a form of HACCP? BM considered that the VMHAs had put an emphasis on SOPs rather than HACCP. MS noted that meat plants and slaughterhouses had specific processes which SOPs could readily encompass.

### **(Item 10) - Published guidance for meat producers**

NW received a partial reply from Charlie MacLean (CMc) about the publisher of the useful guidance for meat producers. It was the Meat and Livestock Commission (MLC). Part of the MLC's work is now done by the Meat and Livestock Commercial Services Ltd, (but apparently not the publication of the guidance that CMc referred to).

### **(Item 11) - Conditional approval - The standards that VMHAs require**

NW referred to the granting of Conditional Approval by VMHAs at an earlier stage in the approvals procedure compared to food officers. NW said that VMHAs adopted a different standard for Conditional Approval to food officers. Our Approvals Group had concluded that we should require businesses to have nearly all matters in place before being granted Conditional Approval.

#### Structural requirements

CM considered that VMHAs focus more on structural requirements, and food officers more on controlling hazards. ST confirmed that the VMHA reports he had seen focused on structural requirements.

Officers went on to consider some situations where temporary measures could suffice for Conditional Approval, which would need to be replaced by permanent arrangements before granting Full Approval.

AB gave an example of a cutting plant where food handlers had to walk along a path from one building to another. For Conditional Approval Charlie MacLean (the VMHA) required them to change their footwear each time, but for Full Approval he required the construction of a covering over the path.

#### HACCP-based procedures

NW asked if officers were demanding a higher standard for Conditional Approval by requiring HACCP procedures etc to be in place first. CM said that food officers should take account of the

Food Law Practical Guidance which interprets 'the infrastructure and equipment requirements' as including HACCP-based procedures. CM guessed that the difference in standards for Conditional Approval is due to food officers working to the Practice Guidance, whereas the VMHAs are not.

#### Checklist of requirements for Conditional Approval

NW pointed out that the former N E London Approvals Group had considered this in 2007, and reached an agreement after extensive discussions. He highlighted a few excerpts from the Checklist the Group had produced.

On Conditional Approval:

- 'Professional judgement should be used in deciding whether it would be appropriate to grant conditional approval, on a case by case basis'. (Food Law Code of Practice, paragraph 5.1.8).
- The infrastructure and equipment requirements which include 'the systems and services necessary ... to produce safe food'. (Practice Guidance, A.3.4).

For Conditional Approval an establishment must comply with all the requirements in Regulations 852/2004 and 853/2004, including:

- A HACCP-based procedure, but possibly excluding verification
- Microbiological criteria, including initial shelf-life studies. Conditional Approval for short shelf lives only, until longer shelf lives are validated.

On the remaining requirements of food law for Full Approval the establishment must comply with:

- HACCP-based procedures including verification
- Microbiological criteria including testing to validate longer shelf lives.

#### General discussion on the standards that VMHAs require

MS thought that the VMHAs are more prescriptive. They have a clear idea of what they require, whereas food officers are more flexible in accepting other ways to meet legislative requirements. Most meat plants deal with the raw product in similar ways, resulting in more standard processes.

MS said that VMHAs in dealing with just one industry sector become experts in that one type of food. AB expressed the opinion that this has resulted in standards for raw meat in approved establishments being as high as those for ready to eat foods. KG saw a potential difficulty here between the standards VMHA advise on, and what officers subsequently consider they could enforce, (if necessary through the Courts).

#### **(Item 12) - Appraisal of catering butchers establishments**

BM asked about the numbers of catering butchers cutting plants not yet approved, and if a list was available. LW had told us that there were 140 plants in England which were referred to the FSA for approval, plus tip offs of others operating without the knowledge of any authority.

NW said that these catering butchers require approval by 31 December 2009, (if they have been operating from before 2006), which is now only 11 months away.

#### **(Item 14) - Cutting plants subject to approval, but operating without approval**

##### Enforcement by food authorities

NW referred to the surprise of most officers when LW and CMc emphasised that the responsibility for enforcement at non-approved meat establishments rests with LAs. VMHAs are keen that we should do this, but they know that it is for LAs to take the decision on any action required (pending Approval or Refusal).

As regards LAs taking enforcing action against meat establishments before approval by the FSA, ST and NW said that LAs are responsible for enforcement at all establishments, unless they are one of the types of approved meat establishments listed in the FH(E)R 2006. However CM thought that this demarcation between enforcement authorities was not so clear cut.

Since the meeting NW re-checked the Food Law Code of Practice 5.4.2.

The Food Hygiene (England) Regulations 2006, regulation 5 (2) & (6) lists the three types of approved meat establishments where the Hygiene Regulations are enforced by the FSA.

However, these regulations are enforced by food authorities in 'establishments newly subject to approval under Regulation 853/2004 until conditional approval or full approval is granted, or if approval is refused by the Agency'.

#### Liaison between VMHAs and food officers

NW said that LW had taken the initiative in coming to our meeting to start a dialogue between VMHAs and food officers, and to develop communication between us and them.

MSt had met CMc, the VMHA, at one cutting plant, and found the joint visit useful.

MS asked if VMHAs had ever notified a LA about a business operating illegally. ST replied that he had never received a referral and felt that VMHAs had not passed on information about known or suspect businesses to LAs.

MS suggested there should be a mechanism for VMHAs to flag up problems to LAs. While it was useful to have the VMHA and food officer forum at our last meeting, there was no substitute for having a formal referral mechanism between the FSA and LAs in place. MS considered a two-way exchange of information was required – officers referring businesses requiring Approval to VMHAs, and VMHAs referring businesses to officers that are not progressing (or cannot progress) to Approval. MS and AB felt especially that the VMHAs should notify LAs of any refusal to approve, so that LAs can take enforcement action, and provide advice as appropriate.

Action - NW to draw this to the attention of LW.

On the question of who to notify in the FSA when officers come across businesses that require Approval, NW reminded officers that a single point of contact had already been set-up:

#### Local Authority Support and Diversity Branch

(Part of the Enforcement Support Division of the FSA. Branch Head: Shaheen Zar).

[LAHygieneTechnicalSupportEnquiries@foodstandards.gsi.gov.uk](mailto:LAHygieneTechnicalSupportEnquiries@foodstandards.gsi.gov.uk)

- Technical advice on the enforcement of food law, with a focus on EU food hygiene legislation. Rachel Patrick, 020 7276 8455

- The Single Liaison Body role for UK, (as designated under Regulation 882/2004, Article 35). Bola Nathan. 020 7276 8454.

(See the details in the e-mail written by Rachel Patrick of the new Branch, which had been sent via EHCnet on 03/07/2008).

Generally, officers were not aware of this, and MS felt there was insufficient publicity by the FSA on this contact point.

Action - NW to inform the FSA that few know of this Branch.

#### Action by food authorities against badly-run cutting plants

MC cited an example of a badly-run poultry cutting plant in Newham on which the LA had served a Remedial Action Notice to stop production. LW, the Lead Veterinarian, had given the FBO advice, but still the FBO had not fitted a wash basin, or covered the bare concrete floors.

### Action by food authorities against cutting plants likely to be refused approval

NW said that two catering butchers he was aware of in Hackney had received letters from CMI consultants stating that their premises were not likely to meet the required standards for Approval. The options these FBOs have include:

- Reducing their supply of meat to other establishments sufficiently so that their establishments are exempt, ie:
  - to less than a quarter of the business, or
  - to less than 2 tonnes per week.
- Relocating to more suitable premises.

CM expressed concern over the differences in approach between VMHAs and LAs, particularly on structural requirements. This could result in LAs taking enforcement action on the contraventions that VMHAs had specified in their grounds for refusing Approval.

### Action by food authorities against fairly well-run cutting plants

NW asked what we should do about cutting plants which are not approved, but whose conditions are not so bad that we would take enforcement action against them. CS-W and SI also sought the Groups' view on what action we should take at cutting plants during the approval process by VMHAs.

NW considered that officers should continue to carry out inspections of Catering Butchers even though the consultants CMI are visiting these premises on behalf of the FSA. SI and MS considered it important to establish with the FSA if LAs should withhold enforcement action pending the FSA's decision on Approval.

SI noted that, whilst a VMHA would give a FBO a Deficiency List, a food officer could give him an inspection report, or a warning letter, or even a hygiene improvement notice, eg, requiring the provision of a supply of hot water, or (NW added) of equipment for chilling the cutting room.

MS referred to the FSA request to LAs in 2005 to provide information on Catering Butchers requiring approval. He suggested a similar approach with cutting plants to help identify any action needed and by whom.

See the FSA enforcement letter ENF/E/09/008 from Shahine Zar, which was sent a few days after our meeting. The letter repeats this request, and addresses some of the points discussed at our meeting under this item.

## **2 - Requirements in Regulation 853/2004 for cutting plants**

NW said that the requirements for cutting plants, which are enforceable by LAs in plants which are subject to approval, but are not approved, do include the specific requirements in Reg 853/2004. NW briefly listed them. Reg 853, Ann III, Sec I & II contain these specific requirements for red and white meat cutting plants respectively. NW said that he had included these requirements for cutting rooms in the Inspection Form for Meat Products establishments which he had written. The form is now on the LACORS website:

<http://www.lacors.gov.uk/lacors/ContentDetails.aspx?id=7801&authCode=4E89994>

The key parts are summarised below:

- Premises constructed so as to avoid contamination of meat.
- The work on meat must be organised in such a way as to prevent or minimise contamination.
- During the storage and transport of meat maintain a temperature throughout the meat of not more than 3°C for offal, 4°C for white meat, and 7°C for other [red] meat.

- Cutting rooms equipped to ensure an ambient temperature of not more than 12°C or an alternative system having an equivalent effect.
- Equipment for washing hands with taps designed to prevent the spread of contamination.
- Facilities for disinfecting tools.

### **3 – The Illegal Meat Task Force – the experiences of one food officer**

MS told us that the FSA had disbanded the Illegal Meat Task Force (IMTF) in December 2008, subsequent to a review, and the Food Fraud Task Force had been created instead. He read out from a letter he had received from the FSA.

“...of the responses received were considered as part of a wider review of the Agency’s work to establish a comprehensive programme of initiatives to tackle food fraud throughout the food chain. This reflects the Agency’s response to the recommendations made by the Food Fraud Task Force for a more consistent and effective approach to combating food fraud both nationally and internationally.

In this wider context, it has been decided that the Illegal Meat Task Force will be disbanded when the current contracts for membership expire at the end of this month (December). We will be establishing a new advisory resource to provide support in tackling food fraud more generally. However, in order to reflect this wider aim, the membership of the new group will contain a more diverse combination of enforcement expertise and experience.”

MS said that there had been three food officers in London who had been members of the IMTF. During his time with the IMTF commencing in 2000 he had only been contacted 3 times. He thought that perhaps the illegal meat trade had gone underground. MS then outlined the three raids he had been involved in.

- Operation Crab. The first was a raid on a cutting plant in Tower Hamlets which boned out pig’s heads, which was filthy, and had no running water. On returning two days later he found that the business had relocated. Acting on information received from one of the businesses it had supplied, the plant was subsequently discovered again in Haringey. After covert surveillance a raid was organised with police presence.

- Operation Lobster Pot. On the second occasion observations were carried out on a back street cutting plant in Tower Hamlets, including video recordings, before carrying out a raid in which more than 33 tonnes of meat were seized. Unfortunately, the company engaged to store the seized meat went into liquidation and the new owners disposed of the meat. Without this real evidence it was not thought prudent to take a prosecution.

- The third raid involved an illegal chicken cutting plant in Newham.

### **4 – Approval of cold stores, and other wholesale establishments storing food of animal origin chilled or frozen**

NW introduced a query from Pippa Barnes of L B Merton, concerning a request from the FSA for information on all their Approved cold stores, prior to an audit next month of their approval procedures.

NW enquired if any officers had been able to sort out which cold stores required Approval, and which are exempt. No officers present were sure of this. He also questioned why the EC and the FSA were focusing on 'stand-alone cold stores' and not on all wholesale establishments which both cold-store and transport products of animal origin.

NW pointed out that in law there is nothing special about the approval of cold stores, and officers should determine if such an establishment requires approval in the normal way. (See the Group's 'Flow diagram to determine if approval is required' which covers cold stores fairly well).

#### **4.1 - List of some examples of cold stores etc requiring approval of exempt**

NW listed some examples of cold stores which supply food of animal origin and other foods wholesale, and which may require approval, (in answer to queries by PB, CS-W and RP).

- Wholesale establishment, which stores and transports fresh or frozen meat or fishery products – Approval required.

- Wholesale cold store storing poultry meat, but not cutting it - Approval required. (Because the Food Law Practice Guidance requires approval. PG A.5.33. However see item 4.2 below).

- Cash and carry establishment which stores meat, fishery products, and/or other food of animal origin, (and may also cut and rewrap them) – Approval may be required, unless its supplies of FoAO to other 'retail' establishments are marginal.

(At previous meetings RB had informed us how he had calculated whether the supply of FoAO from one Makro store was marginal).

- Wholesale establishment storing 'food containing both products of plant origin and processed products of animal origin', (eg, chilled ready to eat meat pies, salamis, etc). – Exempt.

#### **4.2 - Cold-storage and delivery of poultry meat**

KG had asked the FSA about the temperature requirements of cut poultry meat in delivery vans leaving cutting plants. He received a reply stating that they fell under the general temperature requirements of Reg 852/2004, and not the specific ones in Reg 853/2004. NW added that surprisingly there are no specific temperature requirements for storage and delivery of poultry meat from poultry meat cutting plants. (See Reg 853/2004, Ann III, Sec II, Ch III & V).

**Date of next meeting:** 18 March 2009, 09:30 – 13:00, Walbrook Wharf offices, EC4