

London Food Co-ordinating Group's Approvals Sub Group

Minutes of Meeting held on 19 May 2009
City of London offices, Walbrook Wharf, EC4

Food authority	Officer attending	Apologies
Barking & Dagenham	Fola Ogunwole	
Brent	Fiona Inston	
Brent	Shamsul Islam	
Enfield	Rob Bartlett	
Hackney	Nigel Whiteley (Chair)	
Haringey	Ajit Kansara	
Havering	Andy Bourlet	
Hounslow	Juliet Isitt	
Islington	Carole Milligan	
Kensington & Chelsea	Linda Wheeler	
Kingston	Keith Fowler (Minutes)	
Lambeth	Carol Stewart-Williams	
Lewisham	Paul Magrath	
Merton	Pip Barnes (PB)	
Newham	Matthew Collins	
Redbridge	Henry Katsande	
Sutton	Jenny Winslet	
Tower Hamlets	Ben Milligan	
Waltham Forest	Pip Broad (PBr)	
Wandsworth		Peter Reddell
Westminster		Laura Parrott
Brentwood	Lindsay Hewitt	

Items

- 1 - Public Inquiry into the 2005 outbreak of E.coli O157 in South Wales - Recommendations on food hygiene inspections
- 2 – RSPH Conference “E.coli: Causes, Controls and Common Sense” - recommendations for food officers
- 3 - Approvals Group meeting on 18 March 2009 - matters arising
- 4 - Training on the Approval of food establishments – update.
- 5 - What is a 'product of animal origin' for which an establishment may require approval?
- 6 – Form requiring information on the extent of supplies of 'food of animal origin'.
- 7 - 'Retailers Distribution Centres' (in FSA letter ENF/E/08/036) - What is an 'establishment'?
- 8 - 'Stand-alone cold stores for storage of meat ' (in FSA letter ENF/E/09/024)
- 9 - Cold stores and other establishments used for the cold-storage and transport of products of animal origin for wholesale supply - which require approval?
- 10 - EU Mission to the UK on Meat and Milk
- 11 - Consolidated EC Regulations

1 - Public Inquiry into the 2005 outbreak of E.coli O157 in South Wales - Recommendations on food hygiene inspections

<http://wales.gov.uk/ecoliinquiry/;jsessionid=5bL6JBHbp2cDF2LVmDFCVVnKMhILFRXGxSP61yL81pPNjPnnK45R!1614610361?lang=en>

NW begun by putting this item at the top of the Agenda due to its importance and relevance for officers. He enquired if any officers had read the report, and what lessons could we learn from it. MC replied that all food officers in Newham had been told to read it all. NW said that the ten page Summary was worth reading, and especially the Recommendations on Food Hygiene Inspections.

The layout of these minutes follows the nine relevant Recommendations in the Summary, and not the order in which officers made their comments.

Recommendation 7 - 'Light touch' enforcement

Regulatory and enforcement bodies should keep the choice of "light touch" enforcement for individual food businesses under constant review

Jl said that one of the main messages in the Pennington report is that food officers did not take firm enforcement action soon enough. KF agreed.

PB informed us of an initiative at Merton involving the targeting of poorly-run businesses. The food authority informed them they were on 'special measures', a widely known term. Two officers inspected and decided what action to take, ranging from requiring the FBO to produce a plan of work, to taking a prosecution. This initiative was working well, but it meant that fewer inspections were being carried out.

FI advised us that in Manchester officers sent letters to certain FBOs informing them they were in the worst food hygiene category, and including a checklist (on four pages) for the FBOs to use, as self-audit. The letters warned them that by the next inspection their establishments were expected to reach the standard in the checklist, or else formal action could result including prosecution.

Recommendation 8 - Inspection of HACCP plans

The inspection of HACCP plans must be audit-based

NW said that the key lesson from Professor Hugh Pennington, (who chaired the Public Inquiry), was for businesses to have proper HACCP-based procedures in place. NW asked officers what ideas they had to persuade businesses implement proper HACCP procedures.

JW considered there was still a big gap between what was written in a business's HACCP procedures, and what happened in practice.

Jl said that EHOs need to check the documented HACCP procedures before most inspections. A mistake made by the officers at John Tudor & Son was that the first EHO had checked HACCP plan, but then subsequent EHOs had made only a cursory check of it, assuming that the first audit was sufficient.

HACCP for butchers shops

BM told us of a project at Tower Hamlets to check the HACCP-based procedures at butchers shops. Officers found that the use of documented HACCP procedures had declined, on the erroneous assumption by some butchers that it was no longer needed, (since butchers shop licensing was no longer a legal requirement). He added that many butchers were confused about HACCP. They mixed up hazards and controls, and did not understand the basic aim of the HACCP procedures.

JW suggested re-training for butchers on HACCP, using the old Meat and Livestock Commission (MLC) HACCP training pack for butchers. Both BM and JW thought that using that pack, (and keeping up to date the documents and records in it), was preferable to butchers using 'Safer food,

better business' (SFBB). CMI added that the SFBB Retail pack was not intended for such specialist retailers.

Jl showed us all a flyer from the Meat Training Council (MTC) advertising HACCP training and guidance for butchers. (The MTC is one of the successor organisations to the now defunct MLC). Their HACCP pack is still available and costs £45.

JW described the lengths that officers in Sutton went to to ensure that a large, mainly retail, butchers shop protected from cross-contamination the raw meat and ready-to-eat ham that it was supplying to a nursery. She found gaping holes in the butcher's HACCP procedures. The platters of ready to eat meats had to be brought through the raw meat area of the butcher's shop, so she required the FBO to double-bag the cooked ham. The procedure at the nursery now is for their food handlers to remove an outer bag from the ham, then wash their hands, and then open the inner bag. The butcher does now separate equipment for raw and ready to eat foods, (to prevent cross-contamination), eg, separate phones, credit card machines, tills, scales, etc.

Consultants in HACCP

JW advised certain FBOs to engage a consultant, and found that they had difficulty in engaging a reliable one. So she used the draft guidance on 'Choosing a Consultant in HACCP' written by CM, accompanied by the brief list of consultants compiled by our group. However MC found that one consultant on the list had produced an inadequate generic HACCP plan for one producer in Newham, (who supplies Chinese catering businesses).

HACCP and cleaning

AB said that a key aspect of an inspection was to ensure that FBOs verified their HACCP and procedures. He gave an example of a meat slicing machine in one establishment which was not cleaned properly, and said that the FBO should take rapid ATP swabs occasionally to check the adequacy of cleaning.

Vacuum packing machines. BM considered it was not practical to clean vacuum packing machines frequently. It took at least 30 minutes and required the machine to be stripped down by an engineer. Jl said that this was emphasised at an FSA training course for enforcement officers on Vacuum and MAP Packing. Discussion took place on the practicality of cleaning these machines, and requiring separate machines for raw meats and ready to eat meats.

Recommendation 9 - Training for officers in checking HACCP plans

Recommendation 9 - Training provision should be developed to ensure that all officers in Wales who check HACCP and HACCP-based plans, including those responsible for overseeing the work of those officers, have the necessary knowledge and skills.

Jl thought that ten years ago EHOs were not attuned to inspecting HACCP plans, and what inspectors did then (in John Tudor & Sons) was not a fair comparison with current expectations.

Recommendation 10 - Keep a copy of the HACCP plan

Environmental Health Officers should obtain a copy of a business's HACCP/food safety management plan at each inspection, which should be held on the business's inspection file

JW said that the Pennington report recommended that we should have the latest HACCP plans in our premises files. AK thought that might be an over-reaction to the outbreak.

Jl was concerned to avoid over reliance on auditing written HACCP documents, to the detriment of inspecting the practices.

CS-W advised that at Lambeth the food authority office keeps a copy of the HACCP plan for all approved and high risk businesses. Officers audit it in their office, and then check the practices on

site. AB felt this was especially important for an officer who was not familiar with a particular establishment. It was useful to have the HACCP plan to examine before the inspection, and in particular the process flow diagrams. NW said that he asks the FBO or consultant to send him the HACCP plans by e-mail before he visits. He then selects certain plans to look at in detail. BM agreed that seeing the HACCP plans in advance allowed the inspection to focus on the critical control points.

BM told us of a recent SANCO course he attended, and said that the EC was still considering removing the requirement for small establishments to have documented HACCP-based procedures, and instead to rely solely on the 'pre-requisites' to HACCP (in Reg 852, Annex II).

Recommendation 11 - System of logging issues, concerns or potential problems

A system of logging issues, concerns or potential problems, whether by "red flagging" specific documents or by file notes, should be standard practice.

NW then moved onto another Pennington recommendation on the continuity of information from the first officer to inspect, to the next.

Jl pointed out that while it was good to flag up an issue for the next officer this did not address the underlying question as to why the first officer had not followed up the issue himself. She did recognise however that there needs to be a formal way of flagging up a problem that an officer has a suspicion about, to help the officer preparing for the next inspection.

CM pointed out the need to be careful in the choice of wording used on a database or form, bearing in mind a possible Freedom of Information Act request. For example it would be safer to record that there was a 'discrepancy' in the FBO's records, rather than that they were 'falsified', or to write that the FBO was a 'liar'.

Inspection forms and reports

CM informed us that at Islington their inspection form has a space for mentioning any particular matters that need to be considered at the next inspection. AB told us of a similar inspection form for high risk premises. If one officer found, eg, one machine which had not been cleaned thoroughly, he could leave a note on the form for the next officer to check another machine carefully at the next inspection.

JW advised officers to look at the inspection reports over the last two years or more, (and not just the last report), to see if there are any persistent failures.

Computer databases

NW raised a query over computer databases, and how to flag up issues on them. Jl & PB replied that the Authority Public Protection database has an 'alarm' icon which can be selected to appear in certain programmes, and this can then alert other officers to more text, (up to 70 characters). This text could include concerns that officers still have about the establishment.

Computer documents held by the food authority

RB outlined the system at Enfield where all documents on establishments are now held on computer only. This makes it both difficult and time consuming to open documents one by one and to check them before an inspection. This is especially so for large establishments where the authority receives many Home Authority referrals.

AK also found that it is difficult and off-putting to go through documents on screen before an inspection. So, in practice, he found that officers tend to carry out their inspection with little knowledge of what the previous one found. Nevertheless AK tries to research on-screen, and to memorise what he needs to look for on the inspection.

NW said that he makes notes at the end of his inspection of manufacturing establishments of things which on reflection he still needs to check at the next inspection.

NW realised that, faced with a large number of computer documents on an establishment in the food authority office, he needs to list in some way the specific documents that the next officer should examine in preparation for the next inspection.

Recommendation 12 - Confidence in business's management of food safety

Decisions about confidence in a business's management of food safety should be evidence-based.

NW asked if officers had experience of falsified records.

CM has refused to grant approval to one establishment on the basis of falsified records, where an officer found that food was warm on arrival, but was not recorded as such. Other records had been filled in before the cook had even arrived. The thermometer did not work, yet the records stated the temperature readings that were supposed to have been taken using that thermometer.

Jl had seen photocopied temperature records with only the month at the top changed. BM told us of temperature records he had seen filled in to the end of the month, ie, in the future.

Recommendation 13 - Inspections must be unannounced

All inspections, primary and secondary, must be unannounced unless, exceptionally, there are specific and justifiable circumstances or reasons why a pre-arranged visit is necessary.

PB advised that officers in Merton just turn up to approved establishments unannounced, and can then get to speak to staff (as the FBO was often not present). However, this has outraged some FBOs.

Jl considered it better to turn up unannounced as this gave a more realistic view of the actual practices in place, eg, staff carrying on working despite the absence of soap. Officers could make an appointment for a second visit if necessary.

AB and LW both suggested getting around this by advising the FBO at the primary inspection that a revisit will be made unannounced (to undertake sampling etc), so that he knew that an officer would return, but not when. The officers could then observe staff at work.

Recommendation 14 - Discussion with employees

Discussion with employees must be a standard part of food hygiene inspection visits.

NW asked if officers ask food handlers questions during their inspections?

PB felt that officers should be talk to the staff when possible. "You don't mind me speaking to your staff, do you?" is the question JW puts to FBOs, who then feel obliged to let her speak to their food handlers.

Jl thought that food handlers' command of English was often a barrier, on many occasions meaning that only the FBO could answer questions.

Questionnaires. FI said that she had developed a set of ten questionnaires, each in a different language and containing twelve written questions. She used this to test food handlers knowledge of food hygiene using tick-box answers.

Recommendation 15 - How food hygiene inspections are undertaken

The Food Standards Agency should develop, as part of its Audit Scheme or as an adjunct to it, a means of assessing how food hygiene inspections are undertaken by local authorities, including the assessment of HACCP and HACCP-based plans.

Two officers to carry out inspections of some establishments

CM said that at Islington officers were carrying out some inspections in pairs, one to speak to the FBO, while the other carried out the physical inspection, including speaking to staff where possible. AB added that at Havering two officers inspect each approved establishment. AK and CS-W both supported the two-officer approach in factories, because this allowed one officer to discuss matters with the FBO, while the other was able to concentrate on the inspection of the actual practices. FI added that in practice two-officer inspections had proved to be an efficient use of resources.

Plans of premises etc

NW said that he made plans showing the flow of food through the premises, to record what was currently going on at the establishment, and what improvements had been made in the flow of food. JW also made a sketch plan to show the location of equipment, and to ask the FBO at the next inspection why he had moved certain equipment. BM had drawn plans to show the position of bait boxes, which was useful at the next inspection.

2 - RSPH Conference “E.coli: Causes, Controls and Common Sense” – recommendations for food officers

NW and CM attended this conference a week ago. Professor Hugh Pennington did not present his report, but left it to others to present parts of it.

Food safety culture

CM said that Professor Chris Griffith of the University of Wales Institute had spoken about the culture engendered by FBOs, and the important impact it has on food safety. The culture at a particular establishment is 'the way that we do things around here'. NW added that the person in charge at John Tudor & Son set the culture and thereby the actual standards of food safety. The culture was to cut costs, and don't waste meat but re-use it.

NW said that this culture should be assessed as part of the 'confidence in management' for the food hygiene score. PB felt that assessment of culture was more intuitive than objective. But FI said that an officer could detect part of it, eg, by watching if staff wash their hands, or asking the staff about this.

RB mentioned that there is a Social Marketing conference, aimed at helping to achieve a cultural change in businesses. He added that Westminster C C had tapped into the Chinese community leaders to support the Council's recent initiative in improving restaurants in China Town.

NW said that business customers can pressurise an FBO to improve food hygiene and the culture at the his establishment, even by stopping purchasing from an establishment with a poor record. They can do this because the food hygiene score of the establishment they purchase from is open to all on the 'Scores on the Doors' (SotD) website.

Fresh fruit and vegetables and E. coli

Kaarin Goodburn of the Chilled Food Association emphasised two basic precautions in producing ready to eat fruit and vegetables, to prevent contamination by E. coli in faeces. Firstly, establish 'field control', ie, keep animals and birds away from fields where fresh produce is grown, prevent faecal-contaminated water running into the field, provide toilets etc for workers. Secondly, the fresh produce should be chilled straight after harvesting, to prevent bacterial multiplication.

3 - Approvals Group meeting on 18 March - matters arising

Item 1 - 'Meat Plant Design Manuals'

CM asked if any officers had seen these manuals. As no one had CM volunteered to try to find copies.

Item 1 - FSA Local Authority Support and Diversity Branch

CM suggested that the LFCG or the N E London Sector Food Liaison Group should invited Julian Ciepluch of the LASDB to one of their meetings, to raise the profile of the branch. NW explained that one of their roles is to forward enquiries from local authorities to the right person in the FSA.

See the minutes of our meeting on 29 January 2009, page 5, for more information on this branch.

Item 10 - Sampling frequency in Approved establishments handling small quantities of minced meat and meat preparations

CM enquired if the FSA had clarified their view on sampling for microbiological testing for small businesses under Reg 2073/2005. KF replied that Mary Howell, of the FSA Hygiene and Microbiological Division, had given L B Kingston further advice. This advice drew a distinction between a producer's establishment, which was required to sample minced meat etc, and a catering establishment, which did not. This was on the basis that "a restaurant is not an establishment" and so does not need to sample. KF questioned her interpretation of this.

4 - Training on the Approval of food establishments – update

NW informed the group that he was preparing to train food officers at a fifth seminar, in North East London. Peter Scott of L B Havering was organising it. L B Hackney is charging £750 for the trainer's fee for the day.

5 - What is a 'product of animal origin' for which an establishment may require approval?

NW had revised his 'Flow diagram to determine if approval is required' by extending the notes (on page 2) on what a 'product of animal origin' means in Regulation 853/2004. (He had sent the document to all on 08/05/2009). He read out a few parts of the notes, and in particular his summary in legal terms of what a 'product of animal origin' is, (see the table below). He asked for officers' views on whether 'products of animal origin' include 'food containing both products of plants origin and processed products of animal origin' or not. This was the one and only interpretation that he and Paul Turner of Hull C C had disagreed on in the Flow diagram. No one had any comments. (See item 6 below for a practical application of this interpretation).

Products of animal origin entering an establishment for which that establishment may require approval, (unless its supplies to other establishments are marginal, localised and restricted) -	
include:	Food of animal origin, including blood
	Live marine invertebrates intended for human consumption
exclude:	Food containing both products of plant origin and processed products of animal origin
	Products of animal origin for which there are no requirements in Annex III

6 - Form requiring information on the extent of supplies of 'food of animal origin'.

Following on from this revised interpretation of what are 'products of animal origin' for which an establishment may require approval, (in item 5 above), NW had revised part 1 of this form, (and

had sent it to all on 08/05/2009). The form aims to help an officer determine whether the supply of food of animal origin from a retail establishment is 'marginal' and therefore whether it is exempt from approval.

NW pointed out from his experience and that of some other officers that this form has not been understood by FBOs or even by their consultants. The reason for this appears to be because of the precise questions posed concerning the legal interpretation of what is a 'product of animal origin' in Reg 853. Therefore NW said it was necessary for a food officer to go through the form with the FBO to obtain the right information.

7 - 'Retailers Distribution Centres' (in FSA letter ENF/E/08/036) - What is an 'establishment'?

NW had received from Alun Barnes of Cardiff C C a series of e-mails between him and Rob Wilkins of the FSA. In them AB had (rightly) questioned the FSA's novel implied definition of an 'establishment' given in this enforcement letter, (by which the FSA had decided that 'retailers distribution centres' are exempt from the requirement for approval). AB asked the FSA to re-issue their advice. RW eventually conceded that AB had made a valid point.

AB had written:

'Paragraph 4 of your letter effectively appears to contradict our common understanding that the definition of 'an establishment' for the purposes of EC regulation 853/2004, is a physical distinction, demarcating two physically separate sites. You appear to oppose this definition by stating that two or more premises with the same 'ownership and overall management' constitute one 'establishment'.

I would be grateful if you would clarify the legal definition of 'establishment' in respect of the aforementioned regulations, as I believe you have unintentionally re-defined 'establishment'. If so, I would urge you to re-issue your advice to avoid the 'domino effect' of further confusion and inconsistency of approach.'

PW's final reply was:

'I have again looked carefully at the wording of paragraph 4 and spoken with colleagues in Aviation House. We are agreed that you make a valid point with regard to the definition of "establishment" and would also agree that it would be undesirable for any such definition to be so inclusive as to result in national operations, such as the example you mention, to take advantage of the retail exemption in Regulation (EC)853/2004.

The Agency is aware of a need for clarity in this area and we are currently engaged in trying to find an acceptable definition with a view to providing for consistent enforcement. We expect to put either a proposal for comment or a clearer definition to local authorities shortly.'

8 - 'Stand-alone cold stores for storage of meat – an *aide memoire* for local authority enforcement officers' (in FSA letter ENF/E/09/024)

NW spoke briefly about the letter from Colin Houston, dated 13 May 2009. NW thought that the aide memoire was useful, but questioned why CH had given so few examples of 'cold stores'. This prompted NW to write to the FSA, (see item 9 below).

9 - Cold stores, and other establishments used for the cold-storage and transport of products of animal origin for wholesale supply - which require approval?

NW had sent an e-mail to all in the group on 01/05/2009, giving his draft answers to this question, and including examples of establishments which we may need to investigate to determine if they require approval or if they are exempt. He asked if the examples he had given were realistic, and briefly raised some of the questions he would be putting to the FSA.

Discussion took place on whether or not 'retail' establishments which supply food of animal origin to other establishments are exempt from the requirement for approval, if the only wholesale activities are storage AND transport. We did not reach an agreement.

Action – NW to revise his email and send it to the FSA for confirmation or otherwise.
NW sent this on 20/05/2009, and forwarded it to all in the group that same day.

10 - EU Mission to the UK on Meat and Milk

See FSA letter IFD/005/0003.

JI told us that the FSA had given Hounslow four weeks notice that the Food and Veterinary Office (FVO) auditors were coming, and gave the Council a four-page list of things to get ready, (on policies, presentation, etc). Officers spent three days preparing for the FVO audit of the official controls at a dairy. However the FVO visit was cancelled just two days beforehand. Apparently, this was because they had decided to check meat cutting plants in Wales instead. There were some benefits for Hounslow, in that they updated their policies and premises files.

11 - Consolidated EC Regulations

These 'consolidated EC regulations' are unofficial versions of the law, but they are very useful. They are on the EUR-Lex website, and are produced by the CONSLEG system of the Office for Official Publications of the European Communities.

NW asked if any officers had found the web-link for these 'consolidated regulations', but none had. Some officers volunteered to look this up and forward it to NW.

Subsequent to the meeting JI found the web-link and wrote a simple guide on how to find the latest 'consolidated' regulations. (NW forwarded this to all in the group on 22/05/2009).

'I went to the EUR-Lex website <http://eur-lex.europa.eu/en/index.htm>, selected 'Simple Search' and then 'Consolidated text' under 'Search by Document number'. I then entered the year and regulation number when prompted. I got several versions, the top one being the most recent.'

Date of next meeting: Wednesday, 29 July 2009, 09:30 – 13:00, Walbrook Wharf offices, EC4