

**Minutes of Meeting held on Tuesday 18 May 2010**  
City of London offices, Walbrook Street, EC4

<b>Food authority</b>	<b>Officer attending</b>	<b>Sent apologies</b>
Barking & Dagenham	Glen Mark	
Brent	Samantha Henry	
Camden	Yinka Fagbohunka	
"	Peter Dawkins	
Enfield	Rob Bartlett	
Hackney	Nigel Whiteley	
Havering	Andy Bourlet	
Islington	Carole Milligan	
Kensington & Chelsea	Matthew Morris	
Kingston	Keith Fowler	
Lambeth	Mohammed Suleman (MSu)	
Merton	Maria Dane	Dawn Kitson
Newham		Matthew Collins
Redbridge	Henry Katsande	
Sutton	Jenny Winslet	
Waltham Forest		Pip Broad
Wandsworth	Peter Reddell	
Westminster	Laura Collinge	
Brentwood BC	Doug Hurd	
Chelmsford B C	Roy Perry	

**Items**

- 1 - Approvals Group meeting on 16 March 2010 - matters arising
- 2 - Procedure on enforcement against food business establishments subject to approval
- 3 - Experience of FSA Audit of HACCP-based procedures
- 4 - Sharing expertise in inspecting food establishments: for approval, and/or with specialist or complex processes
- 5 - Guidance for small businesses requiring approval
- 6 – Food sampling programmes for 2010/11
- 7 - AoB

**1 - Approvals Group meeting on 16 March 2010 - matters arising**

Access to the Walbrook Wharf offices

NW reminded officers to confirm attendance to him by 3:00 p.m. on the day previous to a meeting for security purposes.

Minute-taking, and the number of meetings per year

KF reminded the meeting that ALEHM funding had reduced to x4 minuted meetings per year and suggested that in order to maintain the current detailed content of the minutes we move to 4 meetings a year, supplemented by occasional informal meetings or presentations according to officer interest.

NW supported 4 meetings p.a. as the minutes although lengthy to produce were used by many officers as a reference source.

CM also felt the minutes should be kept as a reference point and supported additional (unminuted) meetings or presentations on matters of interest to the Group.

PR said he found the meeting discussions very useful and personally he would be OK with abbreviated minutes and supported CM on the distribution of any presentations made.

NW enquired if any officers were prepared to take the minutes unpaid. No interest was expressed.

NW floated the idea of taking up an offer from Mike Seaton, Smithfield MVHA, of showing officers around Smithfield early a.m. All present expressed an interest, NW to follow up. NW ended by saying that the Group would probably hold its next formal meeting in 4 months time.

### Meat Hygiene Service Approvals Team

NW advised that since the last meeting due to re-structuring at the FSA the team had been re-named the Food Standards Approval Team, but otherwise was unchanged.

NW queried at what stage the MHVA charge for a visit, JW will check and advise next meeting.

### Vacuum packing machines, cleaning and disinfection

NW advised that he understood this was under discussion by a new group created at the FSA to consider cross-contamination issues generally.

CM informed of a FBO wanting to complain to the FSA on the variations in enforcement on the use of vacuum packers across his businesses in four different authorities.

## **2 - Procedure on enforcement against food business establishments subject to approval**

NW set the background to the production of his procedure note. The FSA are due to undertake an audit of Hackney and require to see such a note dealing with enforcement action on approved establishments – NW was given the task of introducing one.

NW introduced his procedure note and outlined it section by section. He also said that producing the note had led him to an unresolved area - deciding what to do when after 6 months of Conditional Approval a food business was not ready for the grant of Full Approval. NW referred to the FSA Code of Practice which sets out a graduated approach proportionate to the risk. One of the enforcement options is for the FBO to give a written guarantee regarding future conduct (CoP 5.2.3), although the Code recognises this has no legal status.

NW enquired if any officers had experience of a business obtaining full approval within 6 months?

MD referred to a business in Merton which had in 5 months, but the business was well prepared and had followed advice.

YF said that an additional period of 3 months was sometimes given to businesses, as at Conditional Approval stage the assessment had been that a business had the capability to meet the full approval requirements in time.

NW said he found it hard to imagine events 6 months ahead, and gave an example of a fishmonger who had lost all his staff and was forced to recruit, and train, agency staff.

Generally, the feeling was that for a food business “almost there” and continuing to make progress, it was not appropriate to stop production, although the law required this course of action.

PR advised about a business in unsuitable premises which he considered was never going to make approval although it had staggered on for some time trying too. Eventually, with pressure from PR, the firm re-located to a more suitable site.

NW clarified that PR and CM had both used suspension powers as a last resort, the outcomes resulted in improvement of food safety standards.

JW felt that there was often a rapid change in supply contracts leading to large fluctuations in business throughput, causing complications and difficulties with food safety compliance. Some purchasers were not thoroughly checking out suppliers leading to early termination of contracts.

NW said that his note was intended as a step by step guidance for practical use by officers, and in some cases the determination as to whether or not approval applied was complex, particularly for mainly retail businesses.

NW proceeded to highlighted at Section 3, penultimate para, that only officers with a detailed knowledge of enforcement in approved establishments can undertake inspections to approve establishments.

At Section 4.3 NW stressed the importance of establishing the risk and then went through the enforcement options at Section 4.5.

AB raised the difficulty in deciding if a business, or a business activity, required approval or not, and if not then Emergency Prohibition procedures could be used. AB suggested a cross-reference at this point.

LC pointed out that a Remedial Action notice (RAN) only applied to functions subject to approval, meaning that an Emergency Prohibition may also be required, depending upon circumstances.

JW recommended hand delivery of correspondence to a FBO in order to confirm receipt.

CM outlined a situation where a business was given time to apply for Approval but another LA indicated an intention to prosecute as the food was not coming from an Approved business. CM suggested advising businesses not Approved but requiring Approval that another LA might prosecute although the “home” authority was prepared to extend the time for receipt of an Approval application.

CM also described that on another occasion a business in very poor physical condition was advised from the outset that Approval would not be granted.

AB suggested the inclusion of a reference to sampling, NW agreed and explained the option to detain food pending further enquiries.

MM mentioned a business that was believed to be importing foods illegally and failed to provide the information requested. After taking legal advice the business's VAT file was seized to determine products, suppliers etc.

PR advised on his seizure of biltong from a small manufacturer because samples had indicated *Staphylococcus aureus* and the FBO was not able to provide any information on the production methods. Subsequently, the laboratory advised PR that the strain was not a food poisoning toxin forming one. PR then had to release the detained Biltong to the FBO who put in a claim for compensation. This was rejected by Wandsworth. PR stressed if food is seized to take great care over its handling and storage.

NW then referred to para 5.5 of the procedure outlining the Remedial Action Notice (RAN) and circumstances of use. It was important to refer to the FSA Code of Practice and only take action proportionate to the risk to public health. This also applied to Detention notices, and on occasions it may prove necessary to serve both a RAN and a Detention notice to deal with the risk.

NW moved onto para 6 and asked if any officers had obtained Approval in 6 months?

YF had with a business which operated at a good standard and which was responsive.

MD referred to a business in Merton which had had most matters in place including shelf-life testing. MD also referred to the FSA's requirements (via their audit at Merton) to Approve cold stores which were just trading in frozen fish.

Officers then raised queries over the circumstance requiring Approval for cold stores and NW reminded the Group of an email sent to the FSA at Easter 2009 for which he still had yet to receive a clear answer despite reminders.

RB suggested we hold an "informal" meeting of the Group on the subject of "cold stores" to agree further correspondence with the FSA. This was agreed.

### **3 - Experience of FSA Audit of HACCP-based procedures**

PD advised officers this had taken place over one day and the full report was awaited. It took place at a time of restructuring and the food team leader did not have food specialist knowledge. PD also informed on the background at Camden advising that documents are now scanned and then held in a different location. This meant it took the auditors upto 3 days to retrieve papers.

The auditors were satisfied with the approach to SFBB and the Approvals paperwork but were concerned over the lack of a service plan for the year and insufficient records on HACCP on inspection forms, which they considered were not detailed enough and will need now to be revised.

The auditors also questioned officers on HACCP and looked at the inspection of a butcher's which they felt was not detailed enough. Overall PD thought the findings were accurate and reflected the position at Camden, including the wider management issues.

JW suggested adopting the use of a standard inspection form and referred to LACORS.

PD continued by outlining SFBB workshops he had been involved in which focused on the constraints experienced by FBOs when establishing HACCP based procedures. These requires FBOs to take a proactive approach. The workshops had focused on the 4Cs plus 1C, the latter being the Consequence of not complying.

MS asked for clarification on SFBB workshops and PD explained that in the invite letter to FBOs it was made clear that if they did not attend then Camden would regard them as having a HACCP in place already.

PD said that the training included examples of how SFBB could be seen as a "due diligence" defence and that research indicated that while many small businesses did not believe that their activities could be dangerous they were fearful of bad publicity and/or being sued.

NW thanked PD for his summary and said it was really useful for what Hackney might expect from their audit in about 4 weeks time.

### **4 - Sharing expertise in inspecting food establishments: for approval, and/or with specialist or complex processes**

NW referred to the questionnaire form he had emailed out to officers and explained the background that the subject had arisen at a meeting he had with David Lock, LACORS, at the LFCG last year. He realised the form was fairly complex and referred to the FSA CoP, which requires officers to have additional training to carry out Approval inspections and to have a detailed knowledge of the food processes involved. Where necessary this could involve accompaniment by an experienced officer from

another LA. However, in practice this was not happening and the LFCG were considering setting up a voluntary arrangement across London.

NW raised an issue with this - if advice is given by an officer not from the approval LA is this in office time or the officer's own time? LC thought her employer would be OK on this. MS referred to the FSA task force where the FSA reimbursed LAs for officer time spent. He and RB suggested a similar approach for this voluntary scheme – a centrally funded scheme.

NW read from the LFCG minutes of March 2010 which referred to putting any arrangements on a more formal basis.....(Nigel – not sure how this continued...)

NW returned to his questionnaire and mentioned a list of specialist officers set up in 2005, but which had not been updated.

RB advised that he had not had an enquiry through LACORS for over 4 years.

NW also asked if any products of plant origin such as sushi or tofu should be added to the specific processes, as some of these required specialist knowledge.

LC moved back to the scheme and asked who would maintain it and keep it up to date. A discussion followed on what a “volunteer” meant and in whose time.

KF suggested it was for LFCG to reach agreement with ALEHM for the framework on any scheme, including agreement that any voluntary work was in office time.

JW referred to a previous LACORS scheme suggesting it was re-instated (Nigel... again I didn't follow this..)

LC felt it was important to get buy in at high level and for the maintenance of any registers of specialisms.

NW asked for volunteers to fill in the form and return it to him with any additional information considered relevant.

## **5 - Guidance for small businesses requiring approval**

PR tabled a pack for small businesses designed to assist them with the Approval process and acknowledged that the first part was based on Brian Griffith's work on selecting a consultant and CM's work on selecting a microbiological laboratory. PR has emailed the pack out to officers.

PR advised that initially he had hoped that businesses would use the guidance pack format but so far only about 20% were. However, the pack was proving useful for businesses with low level understanding of HACCP and Approval processes and in this it had been a success.

## **6 – Food sampling programmes for 2010/11**

CM advised that Duncan Arthur, Eurofins, had contacted her as the number of samples was down across London and asked if she knew why.

RB said that the NE London sector had not yet agreed on a sampling programme and the FSA programme was not agreed with the LFCG. CM added that staff shortages added to the situation. SH concurred that this was also an issue at Brent. LC advised at Westminster the sampling budget for 2011/11 had been cut back and was restricted to re-active work.

RB suggested that microbiological sampling could be linked to an intervention when carried out in conjunction with a review of hygiene practices, and count as an inspection for compliant “Cs”.

## **7 - AoB**

SH asked a question about an “Agent” developing and marketing foods and where the responsibility in law lay. NW gave an example of a manufacturer in Hackney who sub-contracted the business out but was still deemed to have control over what went on.

RB referred to the “directing mind of the business” as a test to identify the FBO.

SH said the difficulty involved a non-approved business involved in the manufacturing process for an Approved business.

YF suggested reversing the question and put it to the “FBO” to demonstrate who else was in control if s/he maintained they were not. The discussion continued with comparison to supermarkets and their own brands marketed by “contract” suppliers.

NW reminded officers that the next meeting would be in around 4 months time and further information would follow.