



## Summary Report

# Audit of Local Authority Official Controls in Approved Dairy Establishments Carrying out Cheese Recovery in England

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## Foreword

Audits of local authorities' (LAs) feed and food law enforcement functions are part of the Food Standards Agency's arrangements to improve the consistency and effectiveness of enforcement and consequently to increase consumer protection and confidence in relation to food. These arrangements recognise that the enforcement of UK feed and food law relating to feed and food safety, hygiene, composition, labelling, imported food and feeding stuffs is largely the responsibility of local authorities. These regulatory functions are delivered through LA Environmental Health and Trading Standards services in most food establishments, and by the Meat Hygiene Service (MHS) in approved fresh meat establishments.

The main aim of the LA audit scheme is to maintain and improve consumer protection and confidence by ensuring that authorities provide effective feed and food law enforcement services. The scheme also provides the opportunity to identify and disseminate good practice and to obtain information to inform Agency policy on feed and food safety.

The power to set standards, monitor and audit feed and food law enforcement authorities was conferred on the Food Standards Agency (FSA) by the Food Standards Act 1999. The Agency's audits of LAs are undertaken under section 12(4) of the Act.

Agency audits assess LAs' conformance against the Food Law Enforcement Standard ("the Standard"), the Food Law Code of Practice, the Feed Law Enforcement Code of Practice, and relevant enforcement guidance or instructions issued by the Agency. "The Standard" was published by the Agency as part of the Framework Agreement on Local Authority Food Law Enforcement and is available on the Agency's website at [www.food.gov.uk/enforcement/foodlaw/frameagree/](http://www.food.gov.uk/enforcement/foodlaw/frameagree/).

Further information on the Agency's LA audit scheme, including Questions and Answers on the operation of the scheme and details of good practice identified during audits, is available on the Agency's website at [www.food.gov.uk/enforcement/auditscheme/](http://www.food.gov.uk/enforcement/auditscheme/).

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## 1. Background

### 1.1 Introduction

- 1.1.1 The European Commission's Food and Veterinary Office (FVO) Mission to the United Kingdom (UK), of June and November 2006, identified significant deficiencies in cheese recovery<sup>1</sup>. Following the Mission, the Agency developed and implemented a detailed action plan to correct deficiencies identified and to bring about improvements in food safety controls across the whole dairy sector. Relevant guidance was also issued by the Agency to assist food business operators (FBOs) to comply with legal requirements and best practice.
- 1.1.2 The Cheese Recovery Guidance, issued in May 2007, was developed by the Agency, in conjunction with Dairy UK Limited, and food authority and industry stakeholders. The aim was to assist the UK dairy industry in ensuring that cheese recovery was carried out in accordance with food hygiene legislation, and to assist LAs to better regulate the associated practices and processes. The guidance was produced as a precautionary measure pending EU consideration of the public health and legislative issues.
- 1.1.3 These audits were planned to assess the effectiveness of LA systems for approval of dairy establishments and the effectiveness of routine official controls in approved dairy establishments, with particular focus on establishments involved in handling and processing down-grade and/or mould contaminated cheese. In addition, the audits considered the extent to which LA assessment of FBO controls complied with relevant legal requirements for approved establishments, official cheese recovery guidance and requirements for waste cheese disposal.
- 1.1.4 This summary report records the key findings and recommendations made during the programme of audits covering 10 LAs in England, which were carried out between August and September 2007. During the programme, 16 approved dairy establishments involved in cheese recovery were visited as part of audit 'reality checks' to verify LA implementation of official controls and FBO controls.
- 1.1.5 After the completion of each audit, an individual report outlining audit findings and recommendations for improvements was sent to the relevant LAs. Audited authorities were required to implement improvements to address deficiencies identified in their implementation of official controls and where necessary, to carry out follow-up checks to verify progress of corrective actions undertaken by FBOs.

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<sup>1</sup> In the context of the Cheese Recovery Guidance, the term 'cheese recovery' covers the handling of the following types of cheese and their preparation and/or processing for human consumption: line recovery, fines, mis-shapes, off-cuts, downgrade and quality rejects, returns, cheese contaminated with visible mould which is not present as part of the production process or integral to the final product.

## 1.2 Reasons for the Audit Programme

- 1.2.1 This audit programme was developed by the Audit and Policy Branch of the Agency to provide assurance that the action plan developed by the UK, following the November 2006 FVO Mission, had been satisfactorily implemented; and that LA official controls and FBO controls were effective and in accordance with legal requirements and official guidance.
- 1.2.2 The selection of LAs was based on the nature of the dairy products handling operations at relevant approved establishments, with particular focus on establishments carrying out cheese recovery. Consideration was also given to the location of approved establishments, to ensure there was a reasonably representative spread of LAs in England.
- 1.2.3 The approved dairy premises were selected from information submitted by LAs to the Agency on approved dairy establishments carrying out cheese recovery and other relevant sources of information. Annex II lists the LAs that were audited and the numbers of approved establishments visited in each authority, as part of the on-site 'reality checks'.

## 1.3 Scope of the Audit Programme

- 1.3.1 The audits assessed LA implementation of relevant official controls including the approval of dairy establishments, enforcement of requirements under Regulation (EC) No 178/2002, Regulation (EC) No 852/2004, Regulation (EC) No 853/2004, Regulation (EC) No 854/2004, the Community Animal By-Product Regulations (EC) No 1774/2002; and compliance with the FSA Cheese Recovery Guidance, in 10 LAs and 16 approved establishments in England. The Programme was carried out between August and September 2007.

## 1.4 Audit Methodology and Design

Details of the audit methodology and design, and the evaluation and assessment framework used during the audits are set out in Annex I.

## 1.5 Key Objectives of the Audits

- 1.5.1 The detailed assessments carried out during the audits sought to establish if:-
- (i) LA approvals of dairy establishments were correctly carried out in accordance with statutory requirements, the Food Law Code of Practice and relevant official guidance;
  - (ii) Appropriate and effective follow-up action had been taken by LAs to verify FBO compliance with legal requirements and official guidance, and that the guidance had been disseminated to FBOs;

- (iii) Routine official controls in relation to approved dairy establishments were correctly and effectively implemented by LAs;
- (iv) FBO controls in relevant approved dairy establishments were effective and carried out in accordance with legal requirements and official guidance.

## 2. Executive Summary

### 2.1 Official Controls Implemented by Local Authorities

- 2.1.1 Most LAs had developed and implemented generally effective procedures for approval. Some areas for improvement were identified, mainly in relation to animal by-products (ABP) controls, exclusion of products that were not fit for human consumption from the human food chain, product labelling and traceability, and compliance with official guidance.
- 2.1.2 File records confirmed that approval applications had in all cases been appropriately assessed and recorded before approvals were granted by LAs. With the exception of 2 approved establishments, all the other 14 businesses visited as part of the audit programme were operating in accordance with their approval conditions.
- 2.1.3 Assessment of LA inspection of approved establishments confirmed that 9 of the 10 audited authorities had inspected approved dairy establishments in their areas in accordance with the minimum frequencies specified in the Food Law Code of Practice. Whilst 5 of the 10 authorities were using well structured inspection protocols or aides-memoire for approved dairy establishments inspections, the remainder did not have such a structured approach to inspections. In these cases, inspection reports did not show the full scope of routine official controls and the extent to which checks undertaken during inspections, had verified compliance with statutory requirements, the Food Law Code of Practice and official guidance.
- 2.1.4 Examination of the LA file records of approved establishments confirmed that whilst some LAs' records were well ordered, comprehensive and information on visits and other enforcement activities were easily retrievable, this was not the case in more than half of the audited authorities whose file records did not contain adequate information.
- 2.1.5 There was evidence that LAs were working closely with businesses, and that officers provided information and advice routinely to support businesses in complying with food law.
- 2.1.6 Officers responsible for official controls in approved establishments had been correctly authorised by 9 LAs in accordance with the qualification, competency and experience requirements of the Food Law Code of Practice, and had attended relevant update training.
- 2.1.7 Although the audits confirmed that the essential framework for implementation of official controls in approved establishments had been developed in all authorities, the recommendations are aimed at improving effectiveness and consistency of LA enforcement.
- 2.1.8 The audits also identified the need to develop enhanced liaison and referral arrangements between Environmental Health and Trading Standards services in order to close any gaps in food law enforcement, particularly in relation to food standards and ABP enforcement issues.

## 2.2 Official Controls in Approved Dairy Establishments

- 2.2.1 The effectiveness of FBO controls in the approved establishments visited was variable. A number of recommendations were made to improve compliance with legal requirements and the relevant official guidance issued by the Agency. It was evident that all LAs had actively promoted and disseminated the cheese recovery guidance, although it was observed that some FBOs were not operating in full accordance with the guidance.
- 2.2.2 Seven of the 10 audited authorities were not adequately assessing the effectiveness of arrangements for disposal of waste cheese that was not suitable for human consumption, to establish compliance with requirements of the Animal By-Products (ABP) Regulation (EC) No 1774/2002, and the Agency's cheese recovery guidance.
- 2.2.3 In 2 approved establishments it was noted that line waste and floor sweepings, which were not suitable for human consumption, were not labelled as such in accordance with official guidance. The audits also highlighted unlawful practices that posed potential public health risks. These included practices whereby waste and down-grade cheese, including floor sweepings, were not consigned for disposal through approved routes, but were in some cases being sold on to other food businesses in the UK, and other EU countries. Subsequent audits of the receiving establishments confirmed that the product was being re-processed and re-packaged for sale. In 2 approved establishments, it was noted that the FBOs did not have adequate controls to exclude *Aspergillus* (black) mould contaminated cheese and other unsuitable cheese from recovery operations.
- 2.2.4 Where significant deficiencies were identified, auditors discussed and agreed the required remedial measures with enforcement officers and FBOs. In all cases written recommendations were made to enforcement authorities, to undertake appropriate follow-up actions and to ensure effective monitoring, thereafter, to confirm continuing compliance with requirements and official guidance. Subsequent follow-up contacts with relevant LAs confirmed that all authorities had undertaken appropriate follow-up actions and had where necessary referred cases to appropriate authorities or agencies.
- 2.2.5 The audits identified a number of issues for the Agency and other stakeholders including, Defra and LACORS. These are outlined in Section 6 of the report (Page 18).

### 3. Detailed Audit Findings

#### 3.1 Local Authority Implementation of Official Controls in Approved Dairy Establishments

##### 3.1.1 Procedures for Approval

- 3.1.1.1 LA procedures for approval of dairy establishments were assessed from reviews of LA records of the approval process, records of routine inspections, including assessment and verification of compliance with legal requirements, assessment of the appropriateness of approvals decisions and evaluation of the effectiveness of routine follow-up actions. Evidence was obtained from file and database records, officer interviews and the visits to approved establishments.
- 3.1.1.2 The audits confirmed that most LAs had developed and implemented adequate procedures for approval of dairy establishments. In all cases officers had carried out detailed on-site assessments to verify compliance with requirements for approval, and details of such assessments were adequately recorded in most cases.
- 3.1.1.3 There was evidence that LA officers were working closely with food businesses. Records showed that they had provided information and advice to businesses and generally supported them in complying with approval requirements. LAs tended to use a variety of approaches, including the provision of advisory letters and on-site advisory visits to food businesses.
- 3.1.1.4 File record checks, officer interviews and the on-site visits confirmed that in all cases, the approvals had been correctly and appropriately granted. However, in one of the authorities, officers had failed to identify all relevant food handling/processing operations requiring approval at the 2 approved establishments visited, and consequently, these were not specified in the approval documents. One of the FBOs was processing goats cheese and the other was smoking cheese.
- 3.1.1.5 Apart from the above cases, no other deficiencies in LA procedures for approval and routine verification of compliance with approval requirements were identified.

##### 3.1.2 LA Records of Approvals and Notification to the Agency

- 3.1.2.1 All the audited authorities had accurate and up to date registers of approved dairy establishments. Registers were maintained in paper records, on computer databases, or both formats in some cases. Checks of LA approved establishments registers confirmed that the information maintained by authorities corresponded to their notifications to the Agency's Dairy Hygiene Branch.
- 3.1.2.2 Approved establishments file checks confirmed that all the authorities kept individual premises files for each of the approved establishments. However, in 6 of the 10 authorities information was not easily retrievable from the files, and in these cases, the files did not contain all the information specified in guidance in Annex 12 of the Food Law Practice Guidance.

3.1.2.3 Some examples of good practice in relation to approved establishments file record keeping were noted in 3 authorities, which had exemplary procedures and practices in relation to the organisation and maintenance of file records. These are outlined in Annex IV of the report. LAs with unsatisfactory record-keeping practices were referred for advice to those where good practice was identified.

### 3.1.3 Effectiveness of Official Controls

3.1.3.1 In all the audited authorities it was evident that approved establishments had a high prioritisation given to their inspection. Nine of the 10 audited authorities had carried out inspections of their approved dairy establishments in accordance with the minimum frequency specified in the Food Law Code of Practice. It was also noted that enforcement responsibilities for approved establishments were generally allocated to the most experienced and suitably qualified officers.

3.1.3.2 In 9 LAs it was confirmed that authorised officers carrying out official controls in approved dairy establishments were adequately experienced and qualified and had received appropriate structured on-going training in accordance with the Food Law Code of Practice and Regulation (EC) No. 882/2004. Many authorities had benefited from training courses arranged by regional LA food service liaison groups. Information and materials from training courses was cascaded routinely to work colleagues by those who attended training courses.

3.1.3.3 Compliance with the specialist training and competency requirements in the Food Law Code of Practice could not be fully demonstrated by one LA. It was recommended that this Authority should more thoroughly assess officers' qualifications, experience, competency and training before authorising them under food legislation. They should also provide appropriate training and supervision before authorising officers to carry out approvals.

3.1.3.4 All the audited authorities had documented procedures for authorisation of officers carrying out official controls in approved establishments. In 9 authorities, officers had been correctly authorised to carry out official controls in approved dairy establishments on the basis of their qualifications, experience and training and in accordance with the LA's authorisation procedure. In the majority of cases, LAs had authorised their officers under the general provisions of the European Communities Act 1972, and relevant regulations made under it.

3.1.3.5 Overall, authorised officers were well informed and had adequate awareness of general approval requirements and the technical aspects of routine food law enforcement in approved dairy establishments. Where deficiencies in the implementation of official controls were noted, these tended to be associated with food labelling, traceability, and Animal By-Products (ABP) disposal requirements, which were the responsibility of Trading Standards services. Given that Environmental Health Officers (EHOs) are likely to visit such premises more frequently than Trading Standards Officers (TSOs) it is essential that these high priority issues are addressed through effective referral arrangements, with environmental health staff acting as the 'eyes and ears' for Trading Standards.

3.1.3.6 Other deficiencies in official controls related to inadequacy of checks to verify controls associated with cheese recovery. These, and other specific issues that were identified are outlined in subsequent sections of the report. A summary of the

recommendations made to address the issues identified during the audits is set out in Chapter 5 (*Summary of Recommendations to LAs*).

### 3.1.4 Inspection of Approved Establishments

- 3.1.4.1 LA records of approved dairy establishment inspections were examined and officer discussions and interviews were used to assess the extent to which inspections included verification of compliance with relevant legislation, including the checks required under Regulation (EC) No. 854/2004; and whether routine inspections were carried out in accordance with guidance in the Food Law Code of Practice.
- 3.1.4.2 A review of inspections carried out by the authorities since 01 January 2006, when current EU regulations laying down specific rules for the organisation of official controls on products of animal origin, came into force, confirmed that 9 of the authorities had carried out inspections of approved dairy establishments at the minimum frequency set out in the Food Law Code of Practice.
- 3.1.4.3 Five of the authorities had designed specific approved establishments inspection checklists or aides-memoire to assist in the effectiveness and consistency of inspections, whereas the other authorities did not use specific approved establishments inspection forms. In the latter group of authorities, it was not possible to establish if the scope of inspections ensured appropriate, adequate and consistent verification of FBO compliance with relevant legal requirements<sup>2</sup> and official guidance.
- 3.1.4.4 Recommendations aimed at promoting consistency of inspections were made to the audited LAs, including where appropriate, encouragement to develop and implement appropriate procedures and inspection protocols. LAs requiring additional advice were also referred to those authorities where examples of good practice were identified.
- 3.1.4.5 It was not possible during the audit programme to fully assess the extent to which FBO compliance with relevant food standards and animal by-products requirements were verified during routine inspections of approved dairy establishments by TSOs. However, it was observed in some cases that liaison and referral arrangements were inadequate and did not effectively ensure consistent and timely referral of issues identified by EHOs to their TS colleagues.

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<sup>2</sup> Article 4 of Regulations (EC) No. 854/2004 9 requires the competent authority to carry out official controls to verify FBO compliance with the requirements of; 852/2004 (including HACCP-based procedures, General Hygiene Practices), 853/2004 & 854/2004 (including Specific requirements for Products of Animal Origin), 178/2002, 1774/2002, 2073/2005 and other relevant legislation.

### 3.1.5 Effectiveness of Follow-up Actions

- 3.1.5.1 The audits confirmed that, in the majority of cases, advisory letters or inspection reports were provided to FBOs following food hygiene inspections. Most letters outlined inspection findings, contraventions identified, timescales for compliance, the matters that the FBO was required to address and included advice/guidance.
- 3.1.5.2 In cases where significant contraventions had been identified and recorded on file, it was noted that officers had scheduled follow-up revisits to verify completion of corrective actions. Some authorities had documented policies for revisits. However, in a few cases, there were no records of the corrective actions undertaken by the FBO, or any records of follow-up action taken by the LA.
- 3.1.5.3 The outcome of inspections was recorded on post-inspection reports by all LAs, as required in the Food Law Code of Practice. However in 1 Authority, the report template did not allow for recording of all the information specified in Annex 6 of the Food Law Code of Practice.
- 3.1.5.4 Other issues identified during the audits, which required further follow-up by LAs are detailed in Chapter 3.2 (*LA official controls and FBO controls in Approved Dairy Establishments*) and Chapter 4 (*Summary of Recommendations to LAs*).
- 3.1.5.5 Following the audits, LAs were required to produce documented action plans outlining planned improvements and actions to address issues identified. Subsequent reviews of action plans confirmed that all audited LAs had carried out appropriate follow-up and satisfactorily completed all corrective actions within 8 weeks of the audits.

## 3.2 LA Official Controls and FBO Controls in Approved Dairy Establishments

### 3.2.1 Scope and Audit Methodology

3.2.1.1 The effectiveness of LA official controls and FBO controls in approved dairy establishments were assessed during joint visits with LA officers to 16 approved dairy establishments. The visits followed the officer interviews and file, database and document checks and were used to verify information gathered from the audits of LA food law enforcement management systems and activities. The specific assessments carried out during the audit visits followed the 'Assessment/Evaluation Framework' in Annex I.

3.2.1.2 The main aims of the 'reality check' visits to approved dairy establishments were to confirm if approval decisions had been taken appropriately and to assess whether routine LA official controls adequately verified compliance with legal requirements and official guidance. The assessment of LA verification checks covered the FBO controls in relation to the following areas, activities and requirements:

- a. Receipt, identification etc;
- b. Cheese recovery;
- c. Procedures for dealing with off-cuts;
- d. Waste cheese handling and disposal arrangements;
- e. Wrapping and packaging;
- f. Use of identification marks and traceability;
- g. Date marking;
- h. Control of outgoing products;
- i. Application of HACCP principles;
- j. Compliance with microbiological criteria regulations;
- k. Compliance with legal requirements;
- l. Assessment of compliance with legislation and Cheese Recovery Guidance;
- m. Assessment of compliance with Approval; and,
- n. FBO records.

3.2.1.3 A summary of the findings of the audit of LA official controls and FBO controls in approved establishments is presented in Chapter 4, Section 4.2. The following sections outline the significant findings from the visits to approved establishments.

### 3.2.2 Waste Cheese and ABP Handling and Disposal

3.2.2.1 In 13 of the 16 establishments visited, LA verification checks of FBOs' procedures for the handling and disposal of Category 2<sup>3</sup> and Category 3 ABP were not adequate

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<sup>3</sup> For risk categorisation of ABPs, refer to Defra website at: <http://www.defra.gov.uk/animalh/by-prods/qanda.htm#gen>

and did not fully comply with requirements under Regulation (EC) No. 1774/2002. In the majority of cases, the FBO did not comply with requirements to keep adequate records of ABPs consigned for disposal, and there was limited evidence to demonstrate that LA inspections included appropriate and adequate checks to verify compliance. However, it was recognised that enforcement of the requirements rested with Trading Standards services.

- 3.2.2.2 It was commonly observed that some FBOs were depositing mouldy cheese off-cuts and other contaminated waste cheese, such as floor sweepings, in waste receptacles used for other commercial waste, for final disposal at landfill sites. It was also noted that, in most cases, there were no LA arrangements or procedures to refer ABP issues identified during EH visits to TS services for information and/or enforcement action.
- 3.2.2.3 Clarification was sought by auditors from Defra on the appropriate categorisation and the approved disposal routes for waste from cheese recovery, in response to the findings and queries from LAs. Defra subsequently confirmed that any waste from cheese recovery which posed potential health risk to humans or animals, should be treated as Category 2 ABP and therefore could not be consigned to landfill sites for disposal. It was also reiterated that such categories of ABP had to be accompanied by appropriate movement documents during transport to approved disposal sites. In addition, Defra proposed to review their guidance on ABP to include specific reference to ABP derived from cheese recovery, and to seek further guidance from DG SANCO if so required. The guidance on ABP disposal was also revised and re-issued by LACORS in light of the preliminary audit findings.
- 3.2.2.4 The visits to approved dairy establishment also revealed 4 establishments that were consigning waste cheese, including mouldy off-outs and contaminated floor sweepings, which were not suitable for human consumption, to other food establishments in the UK. In one case the contaminated waste was consigned to another EU Member State.
- 3.2.2.5 During visits to receiving establishments it was subsequently confirmed that contaminated waste from 2 of the establishments was being re-processed and re-packaged for human consumption. These practices had not been identified by the LAs of the consigning establishments, probably because routine checks did not adequately verify the destination of contaminated waste cheese from relevant establishments, nor the adequacy of labelling applied to contaminated waste.

### 3.2.3 Assessment of Compliance with Cheese Recovery Guidance

- 3.2.3.1 All the audited LAs had taken steps to bring the Agency's Cheese Recovery Guidance to the attention of relevant FBOs. In most cases LAs had provided businesses with information, advice and support to help them comply with legal requirements and guidance. However the audits revealed that the level of compliance with the guidance tended to vary from one approved establishment to another.
- 3.2.3.2 The significant deficiencies in LA official controls in relation to cheese recovery were brought to the attention of LAs to ensure that LA follow-up actions and subsequent routine checks addressed the relevant issues.

- 3.2.3.3 It was observed in 2 approved dairy establishments that the FBO did not apply appropriate labels to identify bags containing cheese off-cuts intended for further processing, in accordance with the advice in the Cheese Recovery Guidance. The LAs' assessment of compliance with the guidance on labelling of recovered cheese was therefore inadequate in those cases.
- 3.2.3.4 One approved dairy establishment did not apply the identification mark to bags containing mouldy cheese off-cuts intended for further processing in accordance with the Cheese Recovery Guidance. The requirement to apply the identification mark, and the need for more effective verification of compliance with related traceability requirements were discussed with LA officers.
- 3.2.3.5 The Cheese Recovery Guidance specifies a maximum limit of 10% visible mould in each bag of cheese intended for further processing. Whilst there was general awareness of this requirement among LA officers and FBOs, it was found that its application was variable in practice. In 4 cases, FBOs frequently exceeded the maximum limit and routine LA checks had not addressed the deficiency in FBOs' controls. It was recommended that LA follow-up checks should include verification of compliance with guidance on the maximum visible mould permitted in each bag of recovered cheese.
- 3.2.3.6 Inadequate FBO controls of incoming cheese intended for recovery were noted in 2 approved establishments. In 1 case, the checks were not sufficiently effective to ensure that products that were visibly contaminated with suspected pathogenic aflatoxin-producing *Aspergillus* (black) mould, were excluded from cheese recovery. In another case the FBO received a mixture of cheese off-cuts made up of different types of cheese, but procedures to inspect incoming products were not sufficiently robust to ensure the exclusion from further processing of products that were not suitable for recovery.
- 3.2.3.7 In 4 approved establishments carrying out cheese recovery from mould contaminated blocks, appropriate food safety controls had not been embedded into HACCP-based controls. In these cases, LA audits of HACCP systems had not identified the deficiencies, however, some good practice was noted in 2 other LAs that actively assisted food businesses to incorporate relevant food safety controls into their HACCP procedures.

### 3.2.4 Other issues

- 3.2.4.1 As the audit programme covered only District Councils, it was not possible to assess the effectiveness of food standards inspections carried out by Trading Standards Officers in relation to product date marking and durability indication. Where food standards issues were identified by District Council officers during routine food hygiene inspection in approved establishments, it was agreed that these issues would be pursued directly with TS colleagues and at local or regional food service liaison group meetings.
- 3.2.4.2 Good practice in LA interaction with FBOs was identified. Some authorities had developed innovative arrangements for providing advice to FBOs and in 1 authority this included planned, regular meetings with Technical Managers of approved establishments to share information on compliance issues.

## 4 Summary of Recommendations to LAs

Recommendations included in Audit Reports	Number of LAs	Associated Area of 'the Standard'
(i) Authorities should ensure that up to date consistent and comprehensive records, in retrievable form, are maintained for all approved establishments, including a synopsis for each establishment to provide information in summary with regard to the type of business, ownership, the processes, products, approximate volumes of products and other relevant information. <i>[The Standard – 16.1 and Food Law Code of Practice 4.5.3 (Food Law Practice Guidance Annex 12)]</i>	6	<ul style="list-style-type: none"> <li>Paragraph 16.1</li> </ul>
(ii) Authorities should ensure that subsequent follow-up visits and inspections verify that any line waste and floor sweepings which are not suitable for human consumption are clearly labelled and disposed of by the FBO in accordance with the national Cheese Recovery Guidance, and Article 9 & Annex II of the Regulation (EC) No 1774/200. <i>[FSA Cheese Recovery Guidance – Table 1, Page 5 &amp; Community Animal By-products Regulation (EC) No 1774/2002 – Article 9 &amp; Annex II]</i>	3	<ul style="list-style-type: none"> <li>Paragraph 12.1</li> </ul>
(iii) Authorities should review the inspection report form provided to FBOs as a record of inspection to ensure that it contains all the relevant information as required by the Food Law Code of Practice. <i>[Food Law Code of Practice 4.5.2 and Annex 6]</i>	1	<ul style="list-style-type: none"> <li>Paragraph 16.1</li> </ul>
(iv) Authorities should develop approved establishments specific inspection protocols/checklists, for use by its officers, to ensure that the minimum checks that are required to be carried out under Article 4(4) of Regulation (EC) No 854/2004 are covered during routine primary inspections. Such a review would also ensure that the Authority complies with the requirement that primary inspections should be based on the relevant inspection form for the business concerned. <i>[Regulation (EC) No 854/2004 – Article 4(4) Food Law Code of Practice - Paragraph 4.2.2]</i>	5	<ul style="list-style-type: none"> <li>Paragraph 7.4</li> </ul>
(v) Authorities should ensure that relevant staff receive appropriate update training as required by the Standard and the Food Law Code of Practice, and that records of officer training and experience are maintained. <i>[The Standard – 5.4 &amp; 5.5 and Food Law Code of Practice - Paragraph 1.2.4]</i>	2	<ul style="list-style-type: none"> <li>Paragraph 5.4</li> </ul>
(vi) Authorities should, in liaison with Trading Standards services, ensure that the FBO uses the correct format for durability indication on outgoing products. <i>[Food Labelling Regulations 1996 - Regulation 20]</i>	1	<ul style="list-style-type: none"> <li>Paragraph 18.1</li> </ul>

Recommendations included in Audit Reports	Number of LAs	Associated Area of 'the Standard'
(vii) Authorities should, in liaison with Trading Standards services, ensure that any alteration to durability date marking made by the FBO is carried out under the written authorisation of the original manufacturer or packer of the product. <i>[Food Labelling Regulations 1996- Regulation 20 &amp; 46]</i>	1	<ul style="list-style-type: none"> <li>• Paragraph 18.1</li> </ul>
(viii) Authorities should ensure, in liaison with Trading Standards services, that any dairy products being consigned as Category 3 ABP waste to another EU Member State are accompanied by the required commercial documentation. <i>[Commission Regulation (EC) No 93/2005 which amended Community Animal By-products Regulation (EC) No 1774/2002]</i>	1	<ul style="list-style-type: none"> <li>• Paragraphs 12.2 &amp; 18.1</li> </ul>
(ix) Authorities should review its approved establishments inspection protocol/checklist to ensure that they include a requirement to assess FBO compliance with the ABP Regulations 2003, and, where appropriate, any guidance on cheese recovery that has been issued. <i>[Regulation No (EC) 1774/2002, "Cheese Recovery Guidance", FSA May 2007]</i>	1	<ul style="list-style-type: none"> <li>• Paragraph 7.3</li> </ul>
(x) Authorities should ensure that appropriate follow-up measures are undertaken to assess and verify the effectiveness of the FBO's corrective actions; and that subsequent visits and inspections include checks to confirm continuing compliance with requirements and guidance. <i>[Food Law Code of Practice – Paragraph 4.2.5]</i>	1	<ul style="list-style-type: none"> <li>• Paragraph 7.3</li> </ul>
(xi) Authorities should ensure that subsequent follow-up visits and inspections verify that the FBO implements controls and procedures for labelling mould contaminated cheese off-cuts and other trimmings to ensure that Category 3 ABP for disposal and products intended for further processing are clearly identified, in accordance with official guidance. <i>[FSA Cheese Recovery Guidance – May 2007, ABP Regulation (EC) No 1774/2002].</i>	1	<ul style="list-style-type: none"> <li>• Paragraph 12.1</li> </ul>
(xii) Authorities should maintain an up to date list of approved establishments in their area, with their respective approval numbers and other relevant information. <i>[Regulation (EC) No 954/2004 – Article 3(6)].</i>	2	<ul style="list-style-type: none"> <li>• Paragraph 16.1</li> </ul>
(xiii) Authorities should take the necessary follow-up actions to ensure that the FBO carries out routine checks on all cheese received for processing at the establishment, to verify that it contains a properly applied identification mark. <i>[Annex 11 Regulation (EC) No 853/2004]</i>	1	<ul style="list-style-type: none"> <li>• Paragraph 12.2</li> </ul>
(xiv) Authorities should ensure that subsequent follow-up visits and inspections verify that the all bags of recovered cheese for export are labelled as 'cheese for further processing' and that all bags carry the FBO's identification mark. <i>[(Cheese recovery guidance &amp; Regulation (EC) No 853/2004 – Article 5)]</i>	1	<ul style="list-style-type: none"> <li>• Paragraph 12.1</li> </ul>

Recommendations included in Audit Reports	Number of LAs	Associated Area of 'the Standard'
(xv) Authorities should take the necessary follow-up actions to ensure that the FBO develops and implements effective controls to ascertain that incoming products are suitable for cheese recovery and further processing. <i>[Article 14, Regulation (EC) No 178/2002, FSA Cheese Recovery Guidance – May 2007]</i>	1	<ul style="list-style-type: none"> <li>• Paragraph 12.1</li> </ul>
(xvi) Authorities should take the necessary follow-up actions to ensure that FBOs develop and implement effective controls to ascertain that outgoing off-cuts from mould contaminated cheese comply with official cheese recovery guidance in relation to the maximum percentage of visible mould in each bag. <i>[FSA Cheese Recovery Guidance – May 2007]</i>	1	<ul style="list-style-type: none"> <li>• Paragraph 12.2</li> </ul>
(xvii) Authorities should ensure that follow-up visits and inspections of approved dairy establishments verify compliance with the requirements for disposal of animal by-products (ABP), and associated record keeping, in accordance with Article 9 and Annex II of Regulation (EC) No 1774/2002. <i>[Community Animal By-products Regulation (EC) No 1774/2002 – Article 9 &amp; Annex II]</i>	7	<ul style="list-style-type: none"> <li>• Paragraph 7.3</li> </ul>
(xvii) Authorities should ensure that inspections of approved dairy establishments are carried out at the minimum frequency required by the Food Law Code of Practice. <i>[Food Law Code of Practice, Paragraph 4.3.4]</i>	1	<ul style="list-style-type: none"> <li>• Paragraph 7.1</li> </ul>
(xix) Authorities should ensure that subsequent follow-up visits and inspections verify that the business is carrying out only those handling and processing activities that are specified in their approval. The Authority should remind the FBO of his/her legal duty to inform and seek approval from the Authority before undertaking any new activities that may require a review of their approval. <i>[Article 6(2) Regulation 852/2004 and Food Law Code of Practice 5.1.16]</i>	1	<ul style="list-style-type: none"> <li>• Paragraph 7.3</li> </ul>
(xx) Authorities should ensure that identification marks applied to products by the FBO are legible, indelible and the characters decipherable and appropriately displayed in accordance with Annex II, Section 1(B) of Regulation (EC) No 853/2004. <i>[Annex II, Section 1 B Regulation 853/2004, Food Law Code of Practice, 5.1.12 and Food Law Practice Guidance, 5.1.1]</i>	1	<ul style="list-style-type: none"> <li>• Paragraph 12.1</li> </ul>
(xxi) Authorities should ensure that subsequent follow-up visits and inspections verify FBO compliance with the advice in the centrally issued cheese recovery guidance. <i>[Cheese Recovery Guidance, FSA May 2007]</i>	2	<ul style="list-style-type: none"> <li>• Paragraph 7.3</li> </ul>
(xxii) Authorities should ensure that subsequent follow-up visits and inspections verify that the necessary controls and procedures for mould contaminated cheese cleaning and guidance, in accordance with official guidance, are incorporated into FBOs' HACCP Plans. <i>[Regulation (EC) No 852/2004 – Article 5 &amp; Regulation (EC) No 854/2004 – Article 4(5)].</i>	3	<ul style="list-style-type: none"> <li>• Paragraph 7.3, 12.1 &amp; 12.2</li> </ul>

## 5. Discussion and Conclusions

- 5.1 Audits of LA official controls in approved dairy establishments carrying out cheese recovery confirmed that LA controls were in most cases adequate, although some deficiencies were identified. It was evident from the audits that the transition from the previous to current approvals regime under Regulation (EC) No 853/2004 and 854/2004 had been effectively managed in most cases. Most LAs had pro-actively provided advice and information to food businesses to help them comply with legal requirements. LAs had also addressed the officer competency issues related to the implementation of new legislation by providing both specific and more general food law enforcement training to their staff.
- 5.2 The audits confirmed that in the authorities that were audited, approvals had been appropriately granted and routine official controls, including inspections, complaint investigations, food sampling and the follow-up and closure of actions on these areas of work were generally effective. However, some deficiencies in the implementation of official control were observed, as outlined in earlier parts of the report. Most of these related to variations in the interpretation of legal requirements and guidance, variations in levels of awareness of requirements relating to food labelling and traceability issues and ABP requirements.
- 5.3 Whilst the audits served to highlight and disseminate good practice among LAs in relation to official controls in approved establishments in general, and dairy establishments in particular, they also revealed some risks of unlawful and possibly fraudulent re-introduction of unfit food into the human food chain.
- 5.4 Of particular concern were the practical challenges of implementing more effective enforcement of the ABP regulations. Cheese recovery operations, by their very nature, tend to generate significant quantities of waste, including, excessively mouldy off-cuts, contaminated floor sweepings, and contaminated line waste and other material that are not suitable for human consumption. In line with the November 2006 FVO Mission recommendations, the Cheese Recovery Guidance advises that such material is not suitable for further processing and should be disposed of as ABP, through approved disposal routes.
- 5.5 Defra advice provided during the course of the audit programme also confirmed that any dairy products waste that poses potential risks to human or animal health should be treated as Category 2 ABP and disposed of in accordance with the requirements of the ABP regulations.
- 5.6 Weaknesses were noted in the ABP controls intended to prevent re-introduction of unfit cheese waste into the human food chain. It was observed that local enforcement, including liaison and referral arrangements, were not sufficiently robust to prevent the risks of unlawful re-processing of unfit dairy waste and its subsequent re-introduction into the human food chain.

- 5.7 A coordinated response by all relevant parties is required to close the gaps in LA enforcement of food safety and ABP requirements and to improve FBO compliance. The deficiencies observed in LA enforcement of ABP requirements could be better managed with more effective liaison on food standards, ABP, food labelling and traceability issues among EH and TS staff.
- 5.8 Subsequent auditor discussion with LACORS has led to the re-issue of the 'eyes and ears' guidance by LACORS<sup>4</sup>, which should help to improve cooperation and information exchange on ABP enforcement issues among EH and TS services. In addition, Defra's clarification on the categorisation of contaminated ABP generated from cheese recovery that may pose risks to human or animal health, and the proposal to issue new guidance in conjunction with DG SANCO, should bring clarity to the current ambiguity over the approved disposal routes for such waste.
- 5.9 Ultimately, the responsibility for ensuring compliance with food safety, food standards (including traceability) and ABP requirements rests with the FBO. LA official controls and advice given to businesses can help improve compliance if these are applied appropriately. However, to ensure that LA enforcement is effective and robust, routine verification checks must be sufficiently thorough to cover all areas of relevant legislation and should incorporate checks to prevent potential fraud. In the context of cheese recovery, these should include checks to establish the chain of ownership, the destination and intended use of dairy product waste that is consigned to establishments other than approved disposal sites. These controls must be underpinned by effective liaison and referral arrangements, which are in place under existing LA liaison and home/originating authority arrangements. However, these need to be strengthened to ensure robust information sharing between relevant LAs, government departments and the dairy industry.
- 5.10 The Cheese Recovery Guidance was intended to assist LAs to better regulate food safety legislation in relation to cheese recovery. However, feedback from the audited LAs indicated that LAs face many challenges in ensuring effective enforcement of food safety requirements and in assessing compliance with the guidance. A lack of centrally issued enforcement guidance explaining the legal and scientific basis of cheese recovery and the available enforcement options in cases of breaches of legislation and guidance were commonly cited. The non-statutory nature of the guidance was another source of difficulty for LA officers. There is also a perception among some enforcement officers, of a potential conflict between the recovery of cheese from mould contaminated blocks, and the provisions on food safety requirements under Article 14 of Regulation (EC) No 178/2002. In the absence of specific guidance for enforcement officers to clarify the circumstances under which food that is initially unfit for human consumption, as stipulated under the above legislation, can be treated and thereby rendered fit for human consumption, the enforcement of food safety requirements in relation to cheese recovery will continue to pose dilemmas and challenges for enforcement officers. The Agency keeps the Cheese Recovery Guidance under review on a periodic basis and to address new issues that arise in relation to cheese recovery. These reviews should provide opportunities to address the issues identified during the audit programme.

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<sup>4</sup> 'Guidance for local authority food enforcement officers on the disposal of milk and milk products' - complements the 'LACORS Local Authority Enforcement Guidance – EU Animal By-Products Regulations 2005' and 'LACORS Animal By-Products Frequently Asked Questions for Local Authorities'.

## 6 Issues for the Agency and Other Stakeholders

### 6.1 Issues for the Agency

- The Agency should consider issuing enforcement guidance to LAs to explain the legal and scientific basis of cheese recovery, and to advise enforcement officers on the available enforcement options for breaches of food law in relation to cheese recovery.
- The Agency should review the Cheese Recovery Guidance to clarify how FBOs can, in practice achieve more consistently the maximum limit of 10% visible mould in each bag of mouldy trimmings intended for further processing.
- Given the apparent inconsistencies in the use of 'use by' and 'best before' dates for different types of cheese by the dairy industry sector, the Agency should consider issuing guidance to LAs and FBOs on the appropriate durability indication for the main types of cheese.
- The Agency should disseminate the good practice identified among LAs using the available channels and opportunities.

#### Issues for Defra

- It is suggested that Defra guidance to LAs on ABP regulations should be revised to update advice on the categorisation and approved disposal routes for ABPs associated with dairy products processing, including cheese recovery.

#### Issues for LACORS

- In addition to the recently re-issued 'eyes and ears' guidance, it would be helpful if LACORS considered further measures to promote enhanced liaison and referral arrangements between EH and TS services, particularly on food standards and ABPs matters.
- In keeping with its LA co-ordination role, it is suggested that LACORS should complement the Agency's role in promoting the good practice identified from the audits, through sharing and dissemination of the initiatives, in addition to any other measures to promote consistency of LA enforcement.

#### Issues for LAs

- Local Authority EH and TS services should aim to strengthen existing liaison and home/originating authority arrangement to promote more effective referral and information sharing on food standards and ABP issues.

## 7 Annexes

### Annex I: Audit Methodology and Design

The audits assessed LA implementation of official controls through:

- (i) Discussion with officers and checks of LA file and database records relating to routine official controls, approvals, approved premises audits/inspections and any resulting follow-up enforcement activities;
- (ii) Joint visits with LA officers to a selection of approved dairy establishments;
- (iii) Structured interviews with FBOs in approved establishments;
- (iv) FBO document and record checks at approved dairy establishments.

The evaluation and assessment framework used during the audits are set out on the following pages.

## Evaluation Framework for Audit of LA Official Controls in Approved Dairy Establishments

### 1. Procedures for Approval

Verification check/Evaluation Question	Indicators/Source of Evidence
1.1. Assessment of the extent to which LAs processing and determination of application for approval complied with requirements under <i>Regulation (EC) No 852/2004 &amp; 853/2004.</i> ]	File records, database records, letters etc
1.2 Appropriateness of approvals granted by LA and whether it adequate specifies activities undertaken.	File Records Approval documents

### 2. LA Records of Approvals and Notification of Approvals to the Agency

Verification check	Indicators/Source of Evidence
2.1 Extent to which LA approved premises records meet record keeping requirements under Art. 3(6)/EC 854/2004?	Approved premises register
2.2 Whether LA has identified all dairy establishments requiring approval, including those processing raw milk, and;	FSA approved establishments register
2.3 If LA records match information held by the Agency.	

### 3. Effectiveness of Official Controls and Enforcement Activity Records

Verification check	Indicators/Source of Evidence
3.1 Assessment of adequacy of skills, training and experience; and authorisation of officers carrying out Official Controls in approved establishments; and extent to which LA's authorisation procedures comply with the <i>Food Law CoP</i> .	Officers training, of qualifications and experience records;
3.2 To what extent are approved premises inspections undertaken in accordance with the minimum frequencies required by the CoP?	Officers' authorisations, LA's Authorisation procedures
3.3. LA Assessment of FBO compliance with requirements and guidance	Inspection records Database records
3.3.1 – Relevance of forms and records of inspection findings/inspection reports in relation to: <ul style="list-style-type: none"> <li>• <i>Compliance with Regulation (EC) No 852/2004, 853/2004 and 854/2004, including HACCP principles, Design and maintenance of premises and equip, pre-operational, operational and post-operational hygiene, personal hygiene Staff training, pest control, water quality, temperature control, controls of incoming and out-going POAO, Identification marking of products, HACCP-based procedures, Temperature requirements, sampling etc;</i></li> <li>• <i>Compliance with requirements for disposal of cheese off-cuts under the Animal By-Products Regulation No (EC) 1774/2002 including liaison with TS;</i></li> <li>• <i>Compliance with requirements for Presentation &amp; Labelling, Traceability, Product recall under Regulation (EC) No 178/2002;</i></li> <li>• <i>Compliance with food safety criteria and process hygiene criteria under the Microbiological Criteria Regulations (EC) No 2073/2005 including;</i></li> <li>• <i>Assessment of FBO compliance with Cheese Recovery Guidance.</i></li> </ul>	Inspection reports/letters, Inspection forms Inspection reports Inspection letters  Letters to FBOs

3.4. Measures undertaken by the LA to address the other issues raised by the FVO following the last mission, re: antibiotics residues in raw milk, use of interface milk and procedures for dealing with burst cartons.	Records of staff training Records of visits to dairy establishments and Other initiatives to address FVO concerns
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**4. Effectiveness of Follow-up Actions and Closure of Corrective and Preventive Actions**

<b>Verification check</b>	<b>Indicators/Source of Evidence</b>
4.1 Assessment of quality of inspection reports and post inspection letters, appropriateness of any formal actions and follow-up actions undertaken by the LA's and adequacy of revisit policy.	Inspection letters/reports Revisit records Records of enforcement actions taken

## Framework for Assessment of LA Official Controls and FBO Controls in Approved Dairy Establishments

Verification check	Indicators/Source of Evidence
<p><b>1. Receipt, Identification</b> Evidence that incoming products are inspected and records kept; and that checks include quality, safety, fitness, product temperature, best before/use by dates.</p> <p>Extent to which raw materials specifications demonstrate how hazards associated with cheese recovery are controlled.</p> <p>Evaluation of system/procedures for marking/identification of incoming products.</p> <p><b>2. Cheese recovery</b> Adequacy of procedures to ensure compliance with 'Cheese Recovery Guidance in relation to; types of cheese processed, procedures for mould removal, and adequacy of records of dispatched products.</p> <p><b>3. Procedures for dealing with off-cuts</b> Assessment of effectiveness of procedures for labelling of off-cuts and disposal of waste cheese, and whether these comply with Guidance.</p> <p><b>4. Waste cheese handling and disposal arrangements</b> Assessment of waste cheese disposal arrangements and extent of compliance with ABP Regulation No 1774/2002 &amp; cheese recovery Guidance.</p> <p><b>5. Wrapping &amp; Packaging</b> Assessment of FBO's compliance with GHP re: Design and maintenance of premises and equip; cleaning and disinfection, pre-operational, operational and post-operational hygiene, personal hygiene, staff training, pest control, Water quality, temperature control, temperature requirements, Product/environmental samples, Use &amp; security of approval No. by FBO. Appropriateness and effectiveness of FBO's use of identification marks; and effectiveness of FBOs traceability procedures.</p>	<p>Visual observation of premises and practices</p> <p>FBO interview</p> <p>FBO's documented procedures and process control records</p> <p>Commercial documents FBO records</p> <p>HACCP Plan Process monitoring records</p> <p>ABP Movement document Waste transfer records</p> <p>FBO GHP procedures and records e.g. Staff training records, pest control records, cleaning schedules, temperature records, sample analysis records, water testing records, maintenance records, etc.</p>

Verification check	Indicators/Source of Evidence
<p><b>6. Use of Identification Marks and Traceability</b></p> <p><b>7. Date marking</b> Adequacy of procedures used to determine product durability, and to ensure that durability marking of products is carried out in accordance with legal requirements.</p> <p><b>8. Control of outgoing products</b> Evaluation of quality/safety checks carried out, and specifications of outgoing POAO; and associated records.</p> <p><b>9. Application of HACCP Principles</b> Assessment of adequacy of HACCP Plan and extent to which it covers procedures to <i>ensure compliance with; Regulation 2073/2005 (Microbiological criteria), EC legislation residues, contaminants and prohibited substances, and preventing physical hazards – Regulation (EC) No 854/2004 – Art. 4(5).</i></p> <p><b>10. Compliance with microbiological criteria regulations</b> Evaluation of checks undertaken to ensure compliance with food safety and process hygiene criteria;</p> <p><b>11. Compliance with legal requirements re: residues, contaminants (physical, chemical and biological) and other prohibited substances:</b>  Assessment of effectiveness of controls in relation to residues, contaminants and other prohibited substances.</p> <p><b>12. Overall Assessment of Compliance with legislation and Cheese Recovery Guidance</b> FBOs compliance with legislation and cheese recovery guidance.  Preventive/Corrective Actions or Improvements required by FBO and/or LA.</p> <p><b>13. Assessment of Compliance with Approval</b> Overall assessment to determine if FBO is operating in accordance with approval granted by LA.</p> <p><b>14. FBO Records</b> Adequacy of FBO process and hygiene records.</p>	<p>Visual observation of premises and practices</p> <p>FBO interview</p> <p>FBO's documented procedures and process control records</p> <p>Commercial documents FBO records</p> <p>HACCP Plan; Process monitoring records;</p> <p>Product labelling records/practices</p> <p>GHP and HACCP-based procedures</p> <p>HACCP/CCP monitoring records</p> <p>LA inspection notes and file records</p> <p>Sampling plans</p> <p>Microbiological and chemical sampling records</p> <p>Product release/dispatch records.</p>

## Annex II – Summary of Audit Findings

### LA Implementation of Official Controls

LA function audited	Findings	
	No. of LAs Satisfactory	No. of LAs Unsatisfactory
Procedures for Approvals	8	2
Records of Approvals and Notification to the Agency <ul style="list-style-type: none"> <li>Notification of approved establishments to the Agency</li> <li>Adequacy of records of official controls in approved dairy establishments</li> <li>Adequacy of inspection reports</li> </ul>	10 4 9	0 6 1
Effectiveness of Official Controls and Enforcement Activity Records <ul style="list-style-type: none"> <li>Compliance with minimum inspection frequency</li> <li>Adequacy of officer training, qualification and competence assessment</li> <li>Authorisation of officers</li> <li>Adequacy/effectiveness of LA assessment of compliance with Cheese Recovery Guidance</li> <li>Adequacy/effectiveness of LA assessment of compliance with ABP requirements</li> </ul>	9 9 9 6 3	1 1 1 4 7
Inspection of Authorised Establishments <ul style="list-style-type: none"> <li>Adequacy of LA inspection forms</li> <li>Extent to which inspections assessed compliance with relevant legislation and official guidance</li> </ul>	5 5	5 5
Effectiveness of Follow-up Actions and Closure of Corrective and Preventive Actions	8	2

## LA Official Controls and FBO Controls in Approved Establishments

FBO controls audited	Findings	
	No. of AEs <sup>5</sup> Satisfactory	No. of AEs Unsatisfactory
Receipt, identification	14	2
Cheese recovery	15	1
Procedures for dealing with off-cuts	10	6
Waste cheese handling and disposal arrangements	3	13
Wrapping, packaging and labelling	14	2
Use of identification marks and traceability	12	4
Date marking	15	1
Control of incoming products	14	2
Control of outgoing products	14	2
Application of HACCP principles	12	4
Assessment of compliance with legislation and Cheese Recovery Guidance	12	4
Assessment of compliance with approval	14	2

<sup>5</sup> AEs – Approved Establishments

## Annex III: Local Authorities Audited and Number of Approved Establishments Visited in Each Authority

The following table lists the LAs audited during the programme and the numbers of approved dairy establishments visited in each:

Local Authority	No. of approved establishments visited
Crewe and Nantwich Borough Council	2
Eden District Council	2
Mendip District Council	1
North Shropshire District Council	1
Richmondshire District Council	2
Sedgemoor District Council	2
South Somerset District Council	3
Torrige District Council	1
West Wiltshire District Council	1
Wyre Borough Council	2

Total No. of LAs Audited:	<b>10</b>	Total No. of approved establishments visited:	<b>16</b>
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## Annex IV – Examples of Good Practice Identified

This section lists examples of good practice, observed in LAs. These will be placed on the 'good practice' section of the Agency's website.

Local Authority	Good Practice Identified
<b>Crewe and Nantwich Borough Council</b>	<ul style="list-style-type: none"> <li>• A comprehensive and up to date procedure for approvals and a well structured approved dairy establishments inspection form.</li> </ul>
<b>Eden District Council</b>	<ul style="list-style-type: none"> <li>• An Approved Premises Checklist and Summary of file contents, to be kept at the front of Approved Premises files. These included a comprehensive list of records and file contents required to be kept in all Approved Premises files.</li> <li>• A comprehensive inspection form for general food hygiene of manufacturing establishments and/or establishments requiring approval. This included a specific section for inspection of premises requiring approval for heat treatment of dairy products.</li> </ul>
<b>North Shropshire District Council</b>	<ul style="list-style-type: none"> <li>• Approved establishments file records were comprehensive, well ordered, information was easily retrievable.</li> </ul>
<b>Richmondshire District Council</b>	<ul style="list-style-type: none"> <li>• Useful guidance for officers on the use of approved establishments inspection forms.</li> <li>• The Authority had adopted an aide-memoire for inspection of establishments requiring approval.</li> </ul>
<b>South Somerset District Council</b>	<ul style="list-style-type: none"> <li>• As a key LA participant in the development of the Cheese Recovery Guidance, the LA had established and was implementing procedures that ensured very effective delivery of official controls in approved dairy establishments.</li> <li>• Pro-active in developing and disseminating written guidance to assist food businesses to comply with food legislation and official guidance.</li> <li>• Approved establishments file records were comprehensive, well ordered, information was easily retrievable and file contents included all the information specified in Annex 12 of the CoP.</li> </ul>
<b>Torrige District Council</b>	<ul style="list-style-type: none"> <li>• Approved establishments file records were comprehensive, well ordered, information was easily retrievable and file contents included all the information specified in Annex 12 of the CoP.</li> <li>• Following the audit the Authority's EH service liaised closely with their County Council TS colleagues to address ABP disposal issues.</li> <li>• Officers advised and actively assisted food businesses to incorporate procedures and controls for cheese recovery into their HACCP systems.</li> </ul>
<b>West Wiltshire District Council</b>	<ul style="list-style-type: none"> <li>• Factory inspection record sheet - a comprehensive record sheet for factories was completed and retained on file for relevant premises.</li> <li>• Regular, planned meetings organised by Food Team Manager with technical managers within the LA area - the Authority had long standing arrangements to meet with Technical Managers of approved establishments on a regular basis, to share information and advice on enforcement issues.</li> <li>• Developed and maintained a central reference file of contacts for food factories and approved premises. Information included premises details, contact person, telephone number, and email.</li> </ul>
<b>Wyre Borough Council</b>	<ul style="list-style-type: none"> <li>• A comprehensive dairy establishments inspection checklist which included appropriate checks of cheese recovery operations.</li> </ul>

## Annex V: Summary Report Circulation

Food Standards Agency:

- Primary Production Division
- Internal circulation to relevant policy branches
- Agency website (Enforcement portal)

Defra

LACORS

Chartered Institute of Environmental Health (CIEH)

Trading Standards Institute (TSI)

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Crewe and Nantwich District Council

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North Shropshire District Council

Richmondshire District Council

Sedgemoor District Council

South Somerset District Council

Torridge District Council

West Wiltshire District Council

Wyre Borough Council

## Annex VI: Glossary

ABP	Animal By-Products
ABPR	Animal By-Products Regulations
CoP	(Food Law) Code of Practice
Defra	Department for the Environment, Food and Rural Affairs
DG SANCO	Acronym for the EU Directorate General for Health and Consumer Affairs
EC	European Commission
EH	Environmental Health
EHO	Environmental Health Officer
EU	European Union
FBO(s)	Food Business Operator(s)
FSA	Food Standards Agency
FVO	Food and Veterinary Office
HACCP	Hazard Analysis Critical Control Points
LA	Local Authority
LACORS	Local Authorities Coordinators of Regulatory Services
MHS	Meat Hygiene Service
TS	Trading Standards
TSO	Trading Standards Officer
UK	United Kingdom

## Annex VII: Acknowledgements

The Agency is grateful for:

- *the contributions of the following authorities and their officers who participated in the audit programme;*
  - Crewe & Nantwich Borough Council
  - Eden District Council
  - Mendip District Council
  - North Shropshire District Council
  - Richmondshire District Council
  - Sedgemoor District Council
  - South Somerset District Council
  - Torridge District Council
  - West Wiltshire District Council
  - Wyre Borough Council
  
- *the cooperation and assistance extended to auditors by FBOs in the approved dairy establishments that were visited during the audit programme.*

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