



Annual Report on UK local authority
food law enforcement
1 April 2012 to 31 March 2013
Data Summary – England

FOOD
HYGIENE
RATING

UK REPORT AVAILABLE AT [HTTP://WWW.FOOD.GOV.UK/MULTIMEDIA/PDFS/BOARD/BOARD-PAPERS-2013/LAFOODLAW-ANNUAL-REPORT-1213.PDF](http://www.food.gov.uk/multimedia/pdfs/board/board-papers-2013/lafoodlaw-annual-report-1213.pdf)

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1. ESTABLISHMENT PROFILES

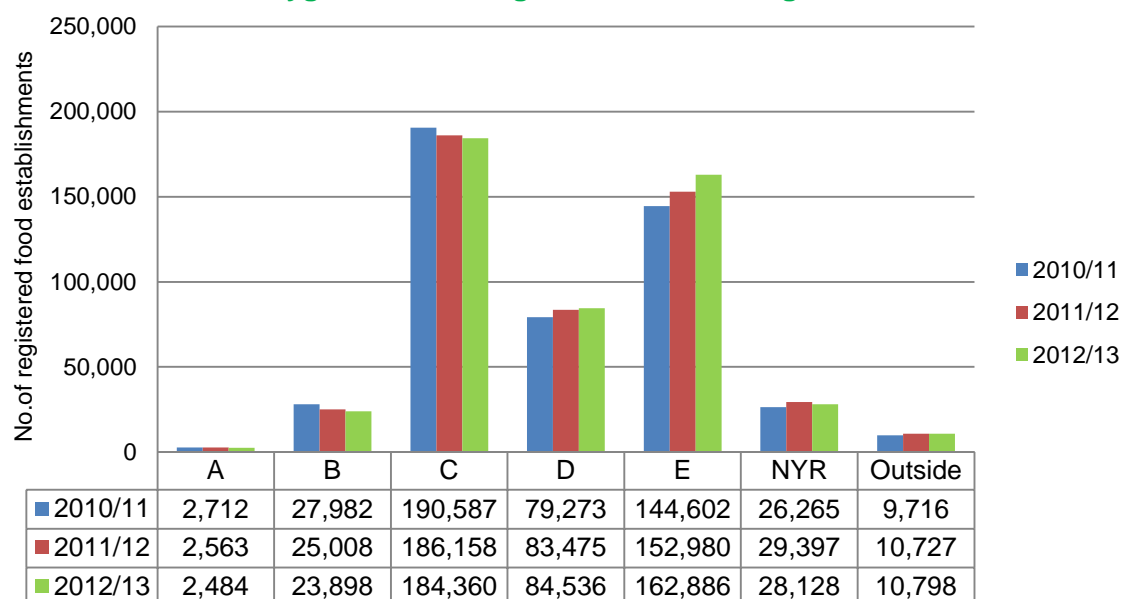
1.1. As at 31 March 2013, a total of 497,090 food establishments¹ were registered with LAs in England, an increase of 1.4% on 2011/12 (490,308).

Figure 1.1: 2012/13 registered food establishments profiles in England by food hygiene risk and premises type

	Primary producers	Manufacturers and Packers	Importers/ Exporters	Distributors/ Transporters	Retailers	Restaurants and Caterers	Total
A	11	372	3	10	282	1,806	2,484
B	62	1,779	11	56	1,994	19,996	23,898
C	166	3,790	124	743	22,998	156,539	184,360
D	226	1,810	149	1,355	22,671	58,325	84,536
E	1,266	4,442	466	4,482	56,539	95,691	162,886
NYR	819	974	111	569	5,188	20,467	28,128
Outside	1,039	281	131	623	2,015	6,709	10,798
Total	3,589	13,448	995	7,838	111,687	359,533	497,090

1.2. A comparison of the split of risk ratings in food establishments indicates a decrease of 1.4% in premises rated A to C (from 213,729 in 2011/12 to 210,742 in 2012/13) and an increase of 4.6% in premises rated D and E (from 236,455 in 2011/12 to 247,422 in 2012/13).

Figure 1.2: Comparison of food establishments profile by food hygiene risk rating from 2010/11 - England



¹ This figure does not include the food establishments at 6 LAs that were unable to provide a breakdown of premises by risk rating

2. Establishments Not Yet Rated²

2.1. In England, 5.7% of registered food establishments were not yet rated (NYR) for food hygiene risk as at 31 March 2013 (28,128 out of 497,090). This is an improvement on the 2011/12 figure of 6.0% (29,397 out of 490,308).

Figure 2.1: Comparison of percentage of English / UK LAs, by level of registered establishments NYR for food hygiene

	0 - 4.99%	5 - 9.99%	10 - 14.99%	15 - 19.99%	20 - 24.99%	25%+
England	58.6%	31.3%	6.0%	3.4%	0.3%	0.3%
Total UK	57.9%	31.1%	6.3%	4.0%	0.5%	0.2%

Figure 2.2: Comparison of percentage of registered establishments NYR for food hygiene from 2010/11

England	2010/11	2011/12	2012/13
Total number of establishments	481,137	490,308	497,090
Number of NYR establishments	26,265	29,397	28,128
Percentage NYR	5.5%	6.0%	5.7%

² Not yet rated (NYR) – those establishments yet to be assessed for a risk rating i.e. not inspected by LA.

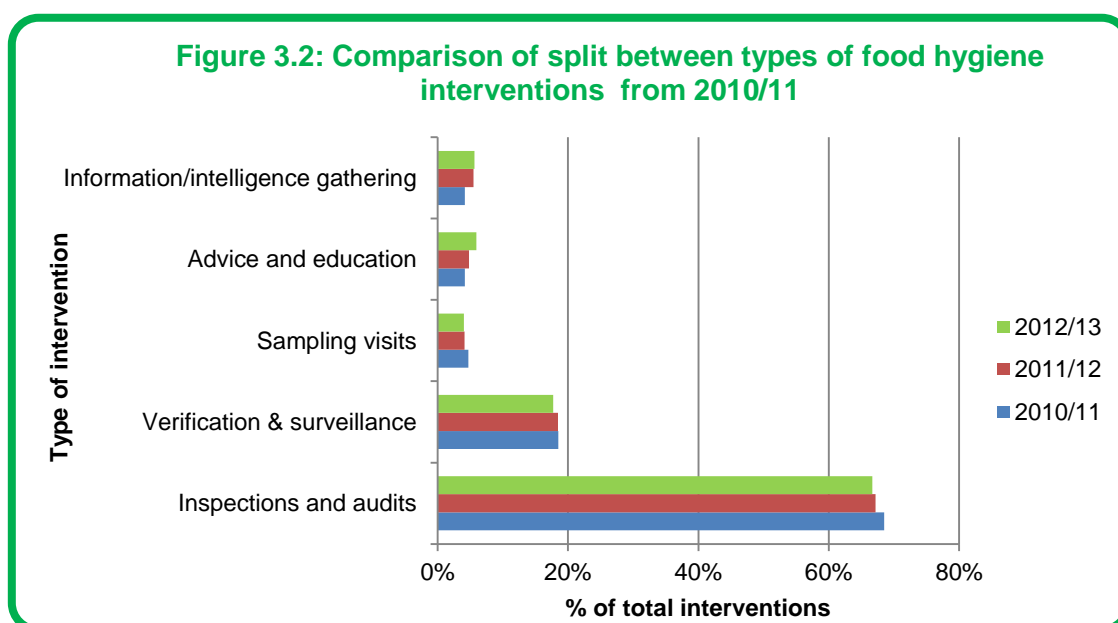
3. LOCAL AUTHORITY INTERVENTIONS

3.1. During 2012/13, 324,394 **food hygiene interventions** were carried out in England, a 1.0% decrease on the reported number in 2011/12 (327,677). 82.2% of all due food hygiene interventions were carried out during 2012/13, a slight reduction on 2011/12 figures (83.2%).

Figure 3.1: Food hygiene interventions in England 2012/13							
	Inspections and audits	Verification and surveillance	Sampling visits	Advice and education	Information/intelligence gathering	Total	
Interventions carried out							
England	216,359	57,485	13,072	19,231	18,247	324,394	
UK	269,962	80,911	18,737	25,129	20,560	415,299	
Intervention types as a % of total food hygiene interventions							
England	66.7%	17.7%	4.0%	5.9%	5.6%	100.0%	
UK	65.0%	19.5%	4.5%	6.1%	5.0%	100.0%	
Percentage of food hygiene due interventions achieved							
	A	B	C	D	E	NYR	Total
England	98.7%	98.3%	88.6%	69.9%	54.5%	88.2%	82.2%
UK	98.9%	98.5%	89.7%	70.6%	55.5%	88.4%	83.7%

3.2. Inspections and audits remain the most frequent food hygiene intervention type (66.7%, compared with 67.2% in 2011/12). The levels of sampling visits and information and intelligence gathering activity were similar to those reported in previous years.

3.3. The number of verification and surveillance visit continues to decline (from 60,432 in 2011/12 to 57,485 in 2012/13) whereas there is a significant increase in the number of advice and education visits carried out (from 15,668 in 2011/12 to 19,231 reported in 2012/13).



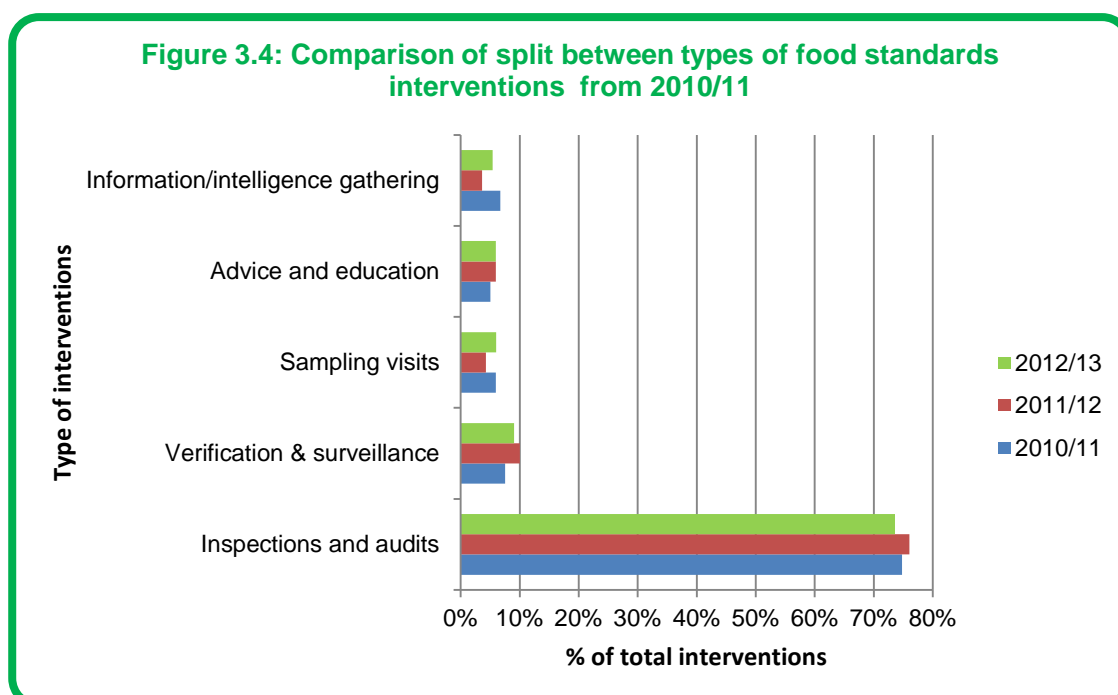
3.4. During 2012/13, 76,020 food standards interventions were carried out in England, a 20.7% decrease on the reported number in 2011/12 (95,909). 42.5% of due food standards interventions were carried out during 2012/13, a reduction on 2011/12 figures (50.2%).

Figure 3.3: Food standards interventions in England 2012/13

	Inspections and audits	Verification and surveillance	Sampling visits	Advice and education	Information/intelligence gathering	Total
England	55,943	6,889	4,552	4,511	4,125	76,020
UK	79,725	10,363	8,289	6,056	5,856	110,289
Intervention types as a % of total food standards interventions						
England	73.6%	9.1%	6.0%	5.9%	5.4%	100.0%
UK	72.3%	9.4%	7.5%	5.5%	5.3%	100.0%
Percentage of food standards due interventions achieved						
	A	B	C	NYR	Total	
England	87.0%	45.0%	31.6%	57.1%	42.5%	
UK	88.6%	51.8%	39.8%	62.6%	49.5%	

3.5. In comparison with 2011/12 data, the number of interventions and audits, verification and surveillance visits and advice and education visits decreased; however, the number of sampling visits and information and intelligence gathering activity increased by 10.3% and 18.6% respectively.

3.6. Despite a decrease from 76.0% in 2011/12 to 73.6% in 2012/13, food standards inspections and audits, as in previous years, were the most prevalent intervention type carried out in 2012/13.



4. ENFORCEMENT ACTIONS

4.1. In 2012/13, 134,447 **food hygiene enforcement actions** were reported in England, 128,223 written warnings and 6,224 other 'official' enforcement actions. This is an increase of 3.7% on 2011/12 (129,631).

Figure 4.1: Number of establishments subject to food hygiene enforcement actions in England 2012/13

	Voluntary closure	Seizure, detention & surrender of food	Suspension / revocation of approval or licence	Emergency Prohibition Notice	Prohibition Order	Simple caution	Improvement notice	Remedial action and detention notices	Written warnings	Prosecutions concluded	Totals
England	784	277	16	285	113	237	4,184	57	128,223	271	134,447
UK	1,024	407	22	318	125	276	5,274	213	161,327	320	169,306

Figure 4.2: Comparison of enforcement actions from 2010/11 -Food Hygiene

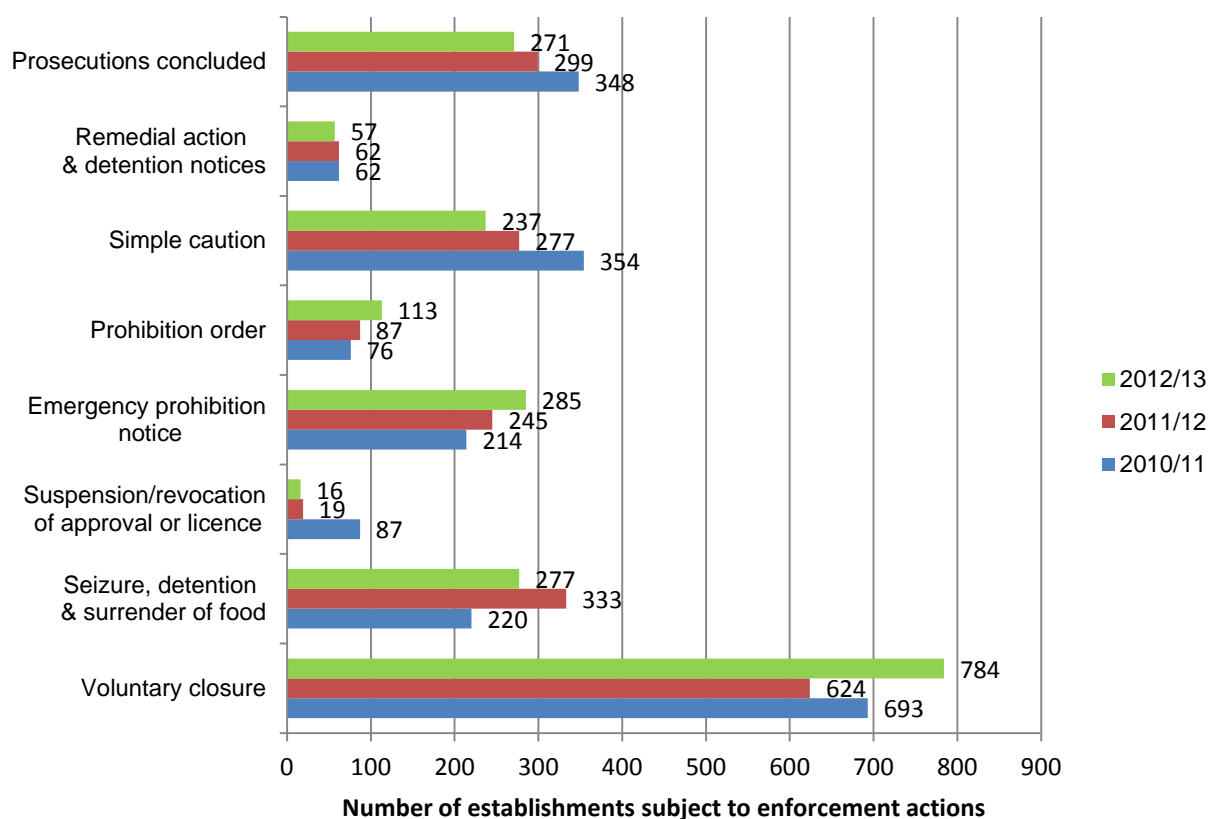
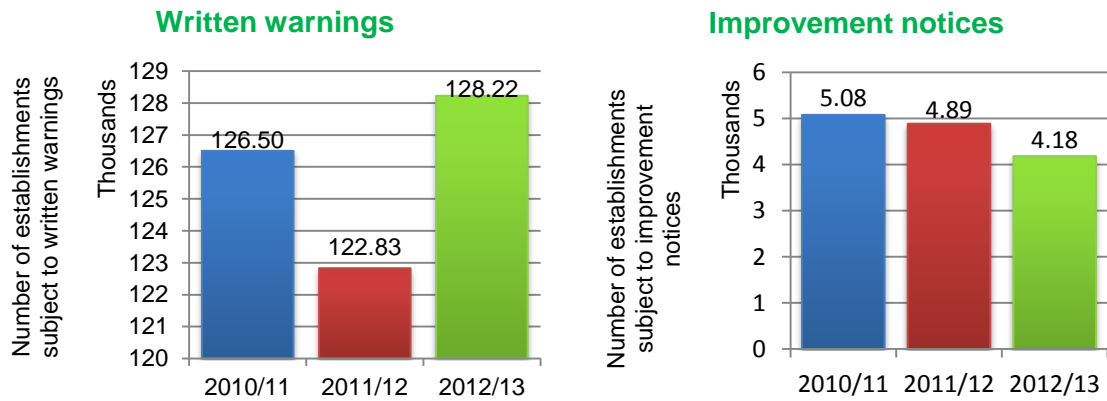


Figure 4.2 (cont.)



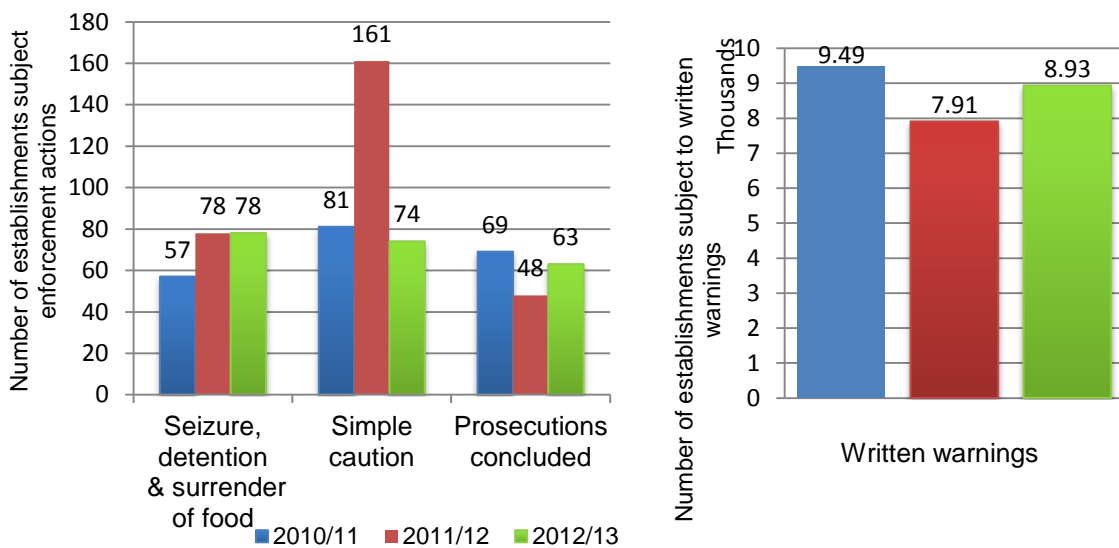
Note: to achieve adequate resolution, the scale does not begin at zero.

4.2. In total 9,147 **food standards enforcement actions** were reported in England in 2012/13, 8,932 written warnings and 215 other 'official' enforcement actions. This is an increase of 11.7% on 2011/12 (8,192).

Figure 4.3: Number of establishments subject to food standards enforcement actions in England 2012/13

	Seizure, detention & surrender of food	Simple caution	Written warnings	Prosecutions concluded	Totals
England	78	74	8,932	63	9,147
UK	136	143	13,903	78	14,260

Figure 4.4: Comparison of food standards enforcement actions from 2010/11



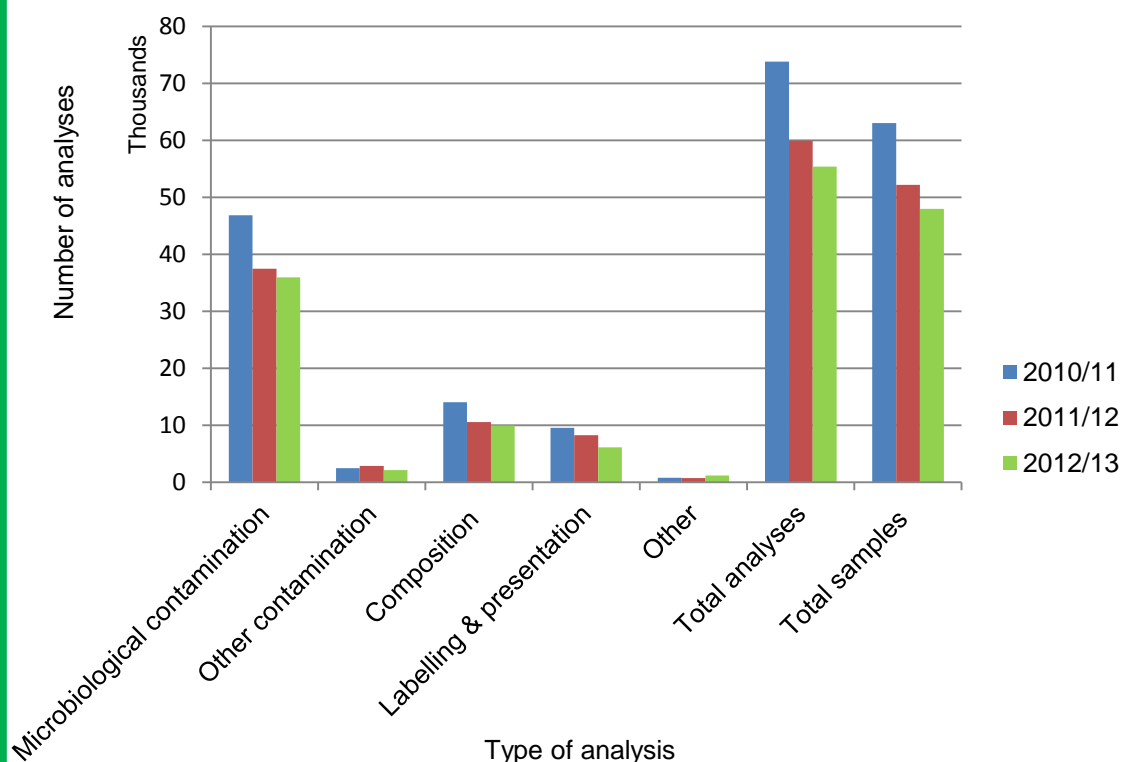
5. OFFICIAL FOOD SAMPLES

5.1. A total of 48,002 official food samples were taken in England in 2012/13, a decrease of 8.0% from 2011/12. This is slightly higher than the UK wide reduction of 6.8%. The number of analyses decreased by 7.6% (UK wide reduction of 6.3%).

Figure 5.1: Official samples in England from 2010/11

England	2010/11	2011/12	2012/13
Microbiological contamination	46,878	37,463	35,939
Other contamination	2,480	2,869	2,151
Composition	14,042	10,567	9,931
Labelling & presentation	9,578	8,291	6,129
Other	830	759	1,219
Total analyses	73,808	59,949	55,369
Total samples	63,049	52,186	48,002

Figure 5.2: Comparison of official sampling from 2010/11

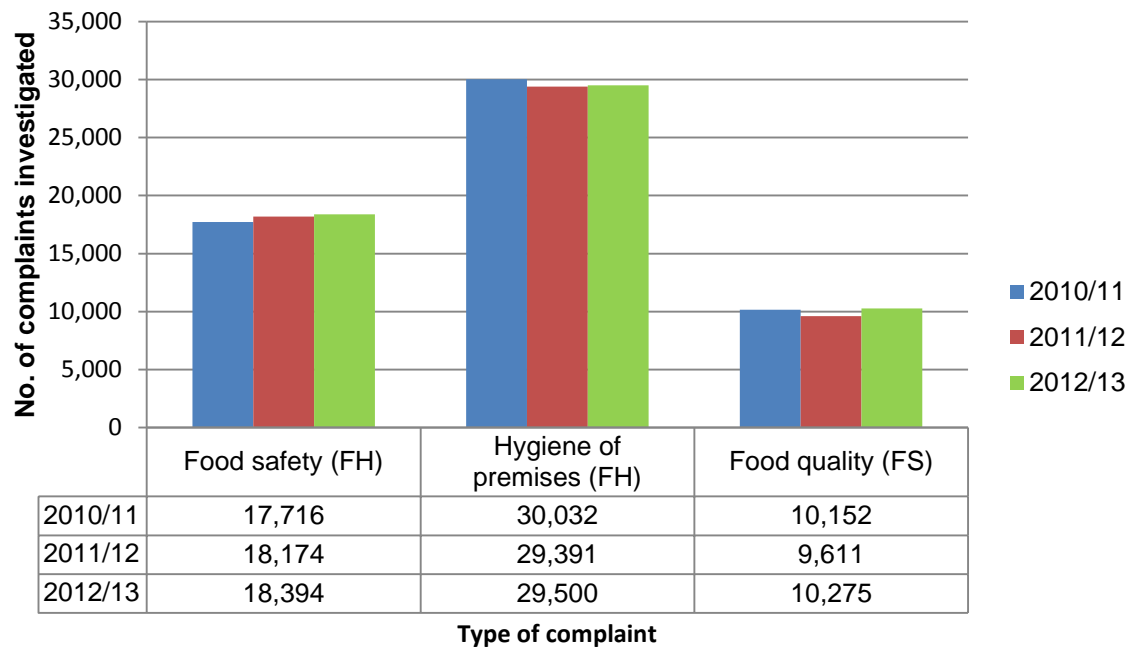


6. CONSUMER COMPLAINTS ABOUT FOOD AND FOOD ESTABLISHMENTS

6.1. LAs in England dealt with a total of 58,169 consumer complaints about food and food establishments during 2012/13, an increase of 1.7% (from 57,176) on 2011/12 data. This is slightly higher than the UK wide increase of 1.5%.

6.2. The levels of complaints in relation to food safety and hygiene of premises remained fairly static; whereas the number of complaints about food quality increased by 6.9% on 2011/12 data.

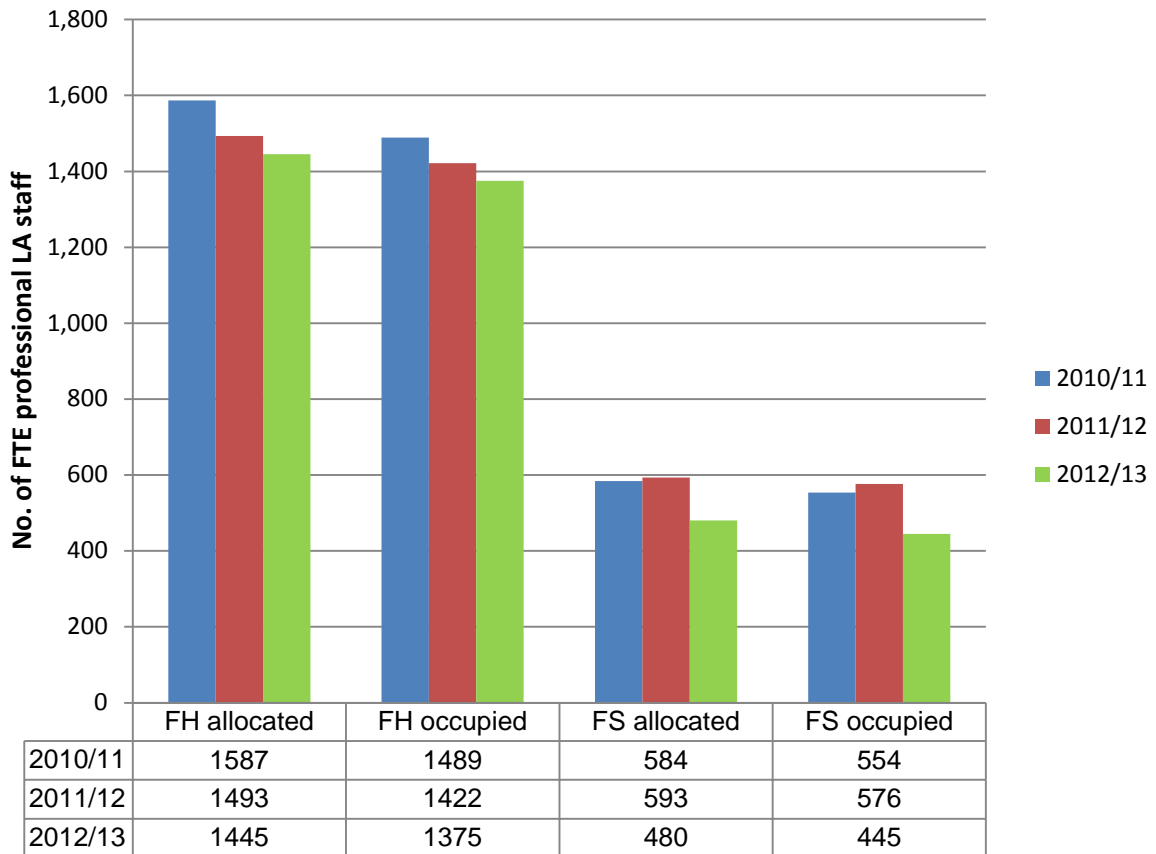
Figure 6.1: Comparison of consumer complaints investigated from 2010/11



7. FULL TIME EQUIVALENT (FTE) PROFESSIONAL LA STAFF

7.1. A total of 1,820 FTE professional LA staff was reported as being in post at 31 March 2013. This represents a 8.9% decrease on 2011/12 figures (1,998).

Figure 7.1: Comparison of FTEs allocated/occupied from 2010/11



8. FOOD HYGIENE COMPLIANCE

8.1. The level of Broad Compliance in England as at 31 March 2013 was 91.7% of rated establishments (86.4% of all establishments), compared with a 91.2% level across the UK. This is an increase on the 2011/12 level in England of 90.8% of rated establishments (85.3% of all establishments).

Figure 8.1: Broad compliance levels in England by LA

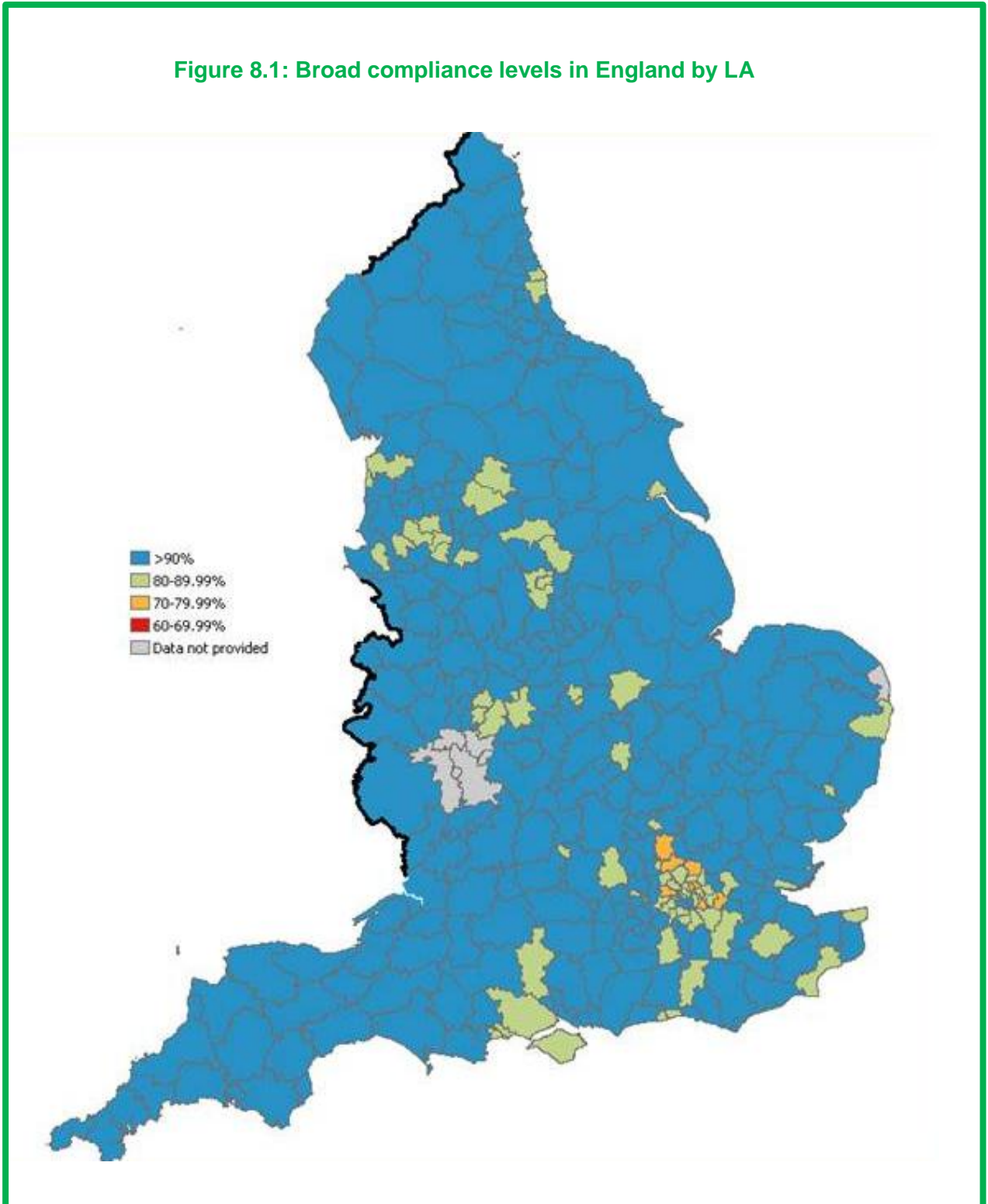
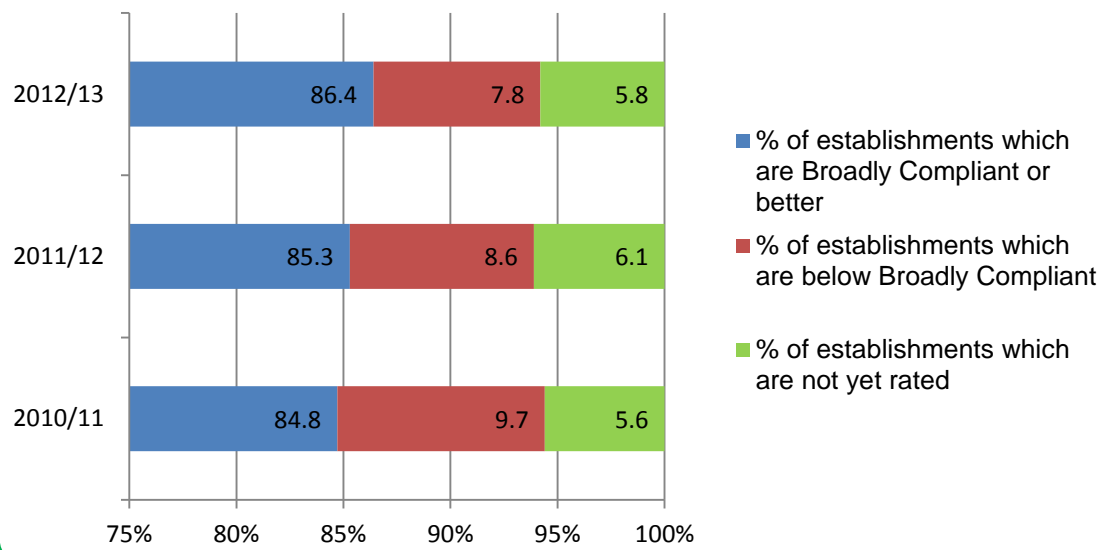


Figure 8.2: Food business compliance levels from 2010/11



9. AUDIT

9.1. In England, audit programmes during this reporting period focused on:

- A desktop assessment on LA approval arrangements for food establishments
- LAs with data management and/or performance issues identified from 2010/11 and 2011/12 LAEMS data
- 'Core' service delivery and business compliance audits.

9.2. The audit programme for the second and third quarters of 2012 took account of LA planning and delivery of food safety for the Olympics and was generally lighter in duration and content.

9.3. The desktop audit programme focussing on approvals of food establishments followed the FSA enforcement letter of August 2011 advising LAs of changes required to make sure LA approval processes were in line with a High Court judgement and subsequent judicial review. The audit was designed to check whether LAs had made the necessary changes. Key findings indicated that:

- LAs were in the process of re-assessing approved establishments that had changed food business since January 2006 in line with the Agency letter and suggested timescales.
- The process for approval and re-approval was generally allocated to specialist officers or those officers already familiar with the food establishments.
- In some LAs it was noted that officers had built up high levels of competency in certain specialist areas of approved establishments.
- There was a serious on-going administrative issue at the FSA relating to communication with and handling of approved establishments' responses from LAs. A review and rationalisation of the FSA's LA approvals databases was recommended and is now underway to facilitate timely updates, and that an accurate and consistent list of approved establishments is maintained.

9.4. To help with the prioritisation process for audits in England, LAEMS data is used to identify LAs for audit. During 2012/13 there were focused audit programmes on LAEMS and LAs where the 2010/11 and 2011/12 LAEMS hygiene and food standards information raised concerns over LA data management and general performance issues or required further investigation. The programmes were part of the FSA work to validate the accuracy of LA returns, as well as assisting the further targeting of audit programmes and to inform policy and strategy development. The findings confirmed that:

- Overall, the data returns made by LAs were an accurate reflection of activity.
- In some cases technical problems with data collection/management and record keeping were seen, most of which the LAs were able to quickly resolve.
- Food standards LAEMS audit follow-ups identified some issues with over reporting of numbers of full time equivalents, and under reporting of some enforcement actions, levels of overdue interventions and unrated premises, and variations in sampling levels. Views on food fraud and food standards issues were also specifically sought and referred to Agency colleagues to inform development of the Agency's food fraud strategy and revision of the Food Law Code of Practice.
- One LAEMS food hygiene audit highlighted potentially more significant performance issues at the Authority and a more comprehensive audit was scheduled.

9.5. The 'Core' service delivery and business compliance programme comprised 16 audits of food hygiene law enforcement services and a total of 246 recommendations were raised against the Standard in the Framework Agreement. The majority of these recommendations related to food establishments interventions including inspections not being carried out at the required frequency (61), problems with the authorisation of officers (49) internal monitoring (37), enforcement actions (25) and organisation and management issues (24).

9.6. Other audit activity carried out over the period included participation in an EU Food Safety Agencies Benchmarking exercise to assess official controls, accompanied visits with LA officers to premises intending to export dairy and fishery products to Russia, and an FSA dairy hygiene audit programme with Internal Audit.

9.7. It is clear from audit and from the feedback from the FSA Regional Team that LAs are reviewing their approaches and some are considering or implementing various models of shared services or approaches to generate efficiency savings and improvements. This has included greater use of intelligence and Systems Thinking or Lean Management to target resources. Some authorities were reporting resourcing difficulties which would have an impact on delivery of food and feed law enforcement services although evidence from audit and the Review of the Delivery of Official Controls is that authorities are prioritising front line food services and higher risk premises for interventions.

9.8. Changes to the Food Law Code of Practice, currently out for consultation, will also support greater targeting of LA resources to non-Broadly Compliant premises.

- 9.9. All audited LAs are subject to follow-up review and, where appropriate, further on-site assessment to make sure audit action plans are implemented effectively and priority issues dealt with. For the 2012/13 audit programmes, LAs have either completed their individual action plans or are making progress in achieving the necessary improvements in service delivery. However auditors are finding that LAs often need more time to complete actions particularly where additional resources are required, restructuring is being undertaken or where there are a large number of recommendations. All audit reports and updated action plans are available on the FSA website³.
- 9.10. To date escalation to senior FSA and LA officials has resulted in serious deficiencies being addressed appropriately by authorities. In one Authority, which had previously been subjected to escalation to FSA senior managers, Agency intervention was subsequently necessary to support the Authority in delivery of imported food official controls at a local airport interim of the LA being able to recruit suitable staff. The Agency is continuing to work with the LA at a senior level to confirm effective delivery of official controls to resolve matters and to protect public health.
- 9.11. Post-audit feedback from LAs in England on the outcomes of audits remains positive. Statistics are set out in Figure 11.2 with corresponding figures from the previous two years for comparison. Audited LAs are invited to complete an FSA audit feedback questionnaire following completion of the on-site audit. Nil responses to audits in 2012/13 were followed up to encourage LAs to provide feedback and this has resulted in a 22% rise in response rate on the previous year. Of those LAs providing feedback in 2012/13, all reported that the audits have helped them make improvements in the level of enforcement and consistency. For 2012/13 14% of LAs reported that the audits had resulted in increased resources to the service, a significant rise on previous years. Feedback on the audits has also informed reviews of our audit processes and documentation.

³ <http://www.food.gov.uk/enforcement/auditandmonitoring/auditreports/>

Figure 9.1: Audit programme in England 2012/13

Programmed audits and assessments planned	139
Programmed audits carried out	41
Desktop assessments carried out	98
% of planned audit and assessment programme completed	100%
Reality checks	16 (Core audits) 6 plant visits and 12 desktop assessments (Russian Export Visits) 12 (dairy farm visits)
Other LA assessments /follow-up audits carried out	19
Number of audits closed during reporting period (NB: includes those for audits carried out prior to the reporting period)	66