



## Food Standards Agency in Northern Ireland

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### **Report on the Local Authority Reporting and Monitoring of Food Law Enforcement Activities to the Food Standards Agency**

## Foreword

Audits of local authorities' food law enforcement services are part of the Food Standards Agency's (FSA) arrangements to improve consumer protection and confidence in relation to food. These arrangements recognise that the enforcement of UK food law relating to food safety, hygiene, composition, labelling, imported food, and feeding stuffs is largely the responsibility of local authorities. These local authority (LA) regulatory functions are principally delivered through their Environmental Health Services.

The attached audit report examines the Local Authority's Food Law Enforcement Service. The audit scope includes the assessment of local arrangements in place for service planning, delivery and review, provision and adequacy of officer training on official controls and authorisations, and the effectiveness of LA systems and procedures for reporting and monitoring of food law enforcement activities through LAEMS. Internal service monitoring arrangements will also be examined.

FSA audits assess local authorities' conformance against the Food Law Enforcement Standard ('The Standard'), which was published by the Agency as part of the Framework Agreement on Local Authority Food Law Enforcement<sup>1</sup>. The Framework Agreement and the audit protocols are available on the Agency's website at:

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

The main aim of the audit scheme is to improve and maintain consumer protection and confidence by ensuring that local authorities are providing an effective food law enforcement service. The scheme also provides the opportunity to identify and disseminate good practice and information to inform Agency policy on food safety.

The report contains some statistical data on food law enforcement activities undertaken by the authority. The FSA's website contains enforcement activity data for all UK local authorities and can be found at:

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

The report also contains an action plan, prepared by the Authority, to address the audit findings.

A glossary of technical terms used within the audit report can be found at Annexe C.

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<sup>1</sup> [The Framework Agreement](#): The Framework Agreement sets out what the Food Standards Agency expects from local authorities in their delivery of official controls on feed and food law.

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## 1.0 INTRODUCTION

### 1.1 Reason for the Audit

1.1.1 The primary purpose of FSA audits of Enforcement Authorities is to provide assurance that local delivery of official controls for feed and food is compliant with EU and UK legal requirements and official guidance. The detailed guidelines for the conduct of audits of competent authorities are set out in an EC Decision of September 2006<sup>2</sup>.

1.1.2 In Northern Ireland, the power to set standards, monitor and audit Enforcement Authorities' food law enforcement services was conferred on the FSA by The Food Standards Act 1999<sup>3</sup> and The Official Feed and Food Controls (Northern Ireland) Regulations 2009<sup>4</sup>. The audit will be undertaken under section 12 of the Act and regulation 7 of the Regulations.

1.1.3 The Framework Agreement on Local Authority (LA) Food Law Enforcement<sup>5</sup> sets out the arrangements through which the FSA audits LA enforcement activities to help ensure that LAs are providing an effective service to protect public health.

1.1.4 The overarching aims of the audit scheme are to:

- Help to protect public health by promoting effective local enforcement of food law
- Maintain and improve consumer confidence
- Assist in the identification and dissemination of good practice to aid consistency
- Provide information to aid the formulation of FSA policy
- Promote conformance with the '*Food Law Enforcement – Standard*' and any relevant central guidance or Codes of Practice
- Provide a means to identify underperformance in LA food law enforcement
- Promote self-regulation and peer review
- Identify continuous improvement

1.1.5 The FSA's monitoring and audit arrangements are set out in the Framework Agreement on the Delivery of Official Feed and Food Controls by Local Authorities. The legal bases for monitoring and audit of competent food authorities (LAs) are:

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<sup>2</sup> [Commission Decision \(2006/677/EC\) of 29 September 2006 setting out the guidelines laying down criteria for the conduct of audits under Regulation \(EC\) No 882/2004 of the European Parliament and of the Council on official controls to verify compliance with feed and food law, animal health and animal welfare rules](#)

<sup>3</sup> [Food Standards Act 1999 c.28](#)

<sup>4</sup> [The Official Feed and Food Controls \(Northern Ireland\) Regulations 2009](#)

<sup>5</sup> [Chapter 5 of the Framework Agreement on Local Authority Food Law Enforcement: 'Audit Scheme'](#)

- Sections 12-16 of the Food Standards Act and Regulations 7-11 of the Official Feed and Food Control Regulations (Northern Ireland) 2009.
  - Title II of and Annex II to the European Union (EU) Official Feed and Food Controls Regulation 882/2004 which requires all Member States to report relevant food law data and ensure the audit of competent authorities delivering Official Controls. This includes LA performance and enforcement data to underpin and verify implementation of the Multi-Annual National Control Plan.
- 1.1.6 LA delivery of official food controls, and the FSA monitoring and audit of LA food law enforcement activity, contribute to all five strategic outcomes in the FSA's Strategic Plan to 2015.
- 1.1.7 Local Authority Enforcement Monitoring System (LAEMS) is the system used by LAs to report their food law enforcement activities to the FSA. The LAEMS data and secondary analyses of the LAEMS data contributes to FSA research on what interventions work to improve compliance in food establishments; helping to track delivery and inform the FSA's enforcement and compliance, and imported food strategies.
- 1.1.8 LAEMS is a web-based system where LAs upload data that has been generated from the local system(s) on which they record data on food law enforcement activities. Once uploaded to LAEMS, the LA data is aggregated to the pre-defined categories required by the FSA, including 'interventions', 'sampling' and 'enforcement'. LAs are required to confirm the accuracy of the data before it is submitted for evaluation and publication by the FSA.
- 1.1.9 Antrim Borough Council (Antrim BC) was included in the FSA's programme of audits of local authority food law enforcement services because it had experienced issues with submitting accurate performance and enforcement data to the FSA.

## **1.2 Scope and objectives of the audit**

- 1.2.1 The audit examined Antrim BC's systems and procedures for reporting and monitoring of food law enforcement activities through LAEMS.
- 1.2.2 The audit included the assessment of local arrangements for service planning, delivery and review, provision and adequacy of officer training and authorisations and internal service monitoring arrangements. Maintenance and management of appropriate records in relation to reporting and monitoring of food law enforcement activities in the council's area were also covered.
- 1.2.3 The on-site element of the audit took place at the Council's office at Antrim Civic Centre, 50 Stiles Way, ANTRIM, BT41 2UB on 23 and 24 April 2014.

### **1.3 Background**

- 1.3.1 The Borough of Antrim is situated north west of Belfast and bordering the north and east shores of Lough Neagh, includes the towns of Antrim, Toomebridge, Crumlin, Randalstown, Parkgate, and Templepatrick. Covering an area of 220 square miles – approximately 4.1% of the total area of Northern Ireland.
- 1.3.2 According to the 2011 census the population of Antrim Borough was 53,428. Over half of the Borough's population live in the town of Antrim.
- 1.3.3 Antrim town lies on two of the main transport corridors, the Belfast – Derry corridor and the Southern corridor. Belfast International Airport is located within the Borough. The Borough is home to the International Airport, which is one of the busiest regional airports in Europe, and is 4 miles from the historic town of Antrim. The Borough is also regarded as one of the strongest tourist accommodation destinations in Ireland. There are over 700 hotel beds of which over 60% are in 4 star accommodations.
- 1.3.4 At the time of audit there were 694<sup>6</sup> registered food businesses within Antrim BC's area including hotels, restaurants, takeaways, manufacturers, retailers, and wholesalers.
- 1.3.5 Following local government reorganisation in Northern Ireland in 1973 a statutory grouping system was set up to support district councils. This system consisted of four regional groups covering the 25 smaller district councils in Northern Ireland. Belfast City Council due to its size was not included in the statutory grouping system.
- 1.3.6 Antrim BC was a constituent council of Northern Group Environmental Health Committee (NGEHC). NGEHC provided co-ordination, monitoring, and support to its constituent councils, Antrim Borough Council, Ballymena Borough Council, Ballymoney District Council, Carrickfergus Borough Council, Coleraine Borough Council, Cookstown District Council, Larne Borough Council, Magherafelt District Council, Moyle District Council, and Newtownabbey Borough Council.

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<sup>6</sup> figure taken from premises profile data - [Antrim BC's 2012/2013 LAEMS return](#) to the FSA

## **2.0 EXECUTIVE SUMMARY**

- 2.1** The auditors examined Antrim BC LAEMS return for three years, 2010/2011, 2011/2012 and 2012/2013 and the Council's service plans for 2011/2012, 2012/2013.
- 2.2** Antrim BC had developed service plans for Food Law Enforcement which had been drawn up in line with Service Planning Guidance in the Framework Agreement.
- 2.3** The Council had a system in place for delegation and authorisation of officers. Three officer's authorisation records were examined and the auditors noted three officers had been correctly authorised at the time of audit. Record checks showed officers had the required continuing professional development training.
- 2.4** Antrim BC had issues with the accuracy of the data in their LAEMS return over the last three years, 2010/11, 2011/12, 2012/13. This was noted from the large number of adjustments made in all sections of their LAEMS return each year.
- 2.5** During the on-site audit it was clear the Council had difficulty extracting, understanding and validating the data required for their LAEMS return from their food premises database. The auditors advised the Council they had a statutory requirement, as stated in paragraph 1.1.5, to provide the FSA with accurate performance and enforcement data.
- 2.6** During the on-site audit the auditors provided practical support and advice to aid Antrim BC in submitting their LAEMS return.

### **3.0 AUDIT FINDINGS**

#### **3.1 Organisation and Management**

##### *Strategic Framework, Policy and Service Planning*

- 3.1.1 Chapter one of the framework agreement on official feed and food controls by local authorities contained guidance and information on how service plans for official feed and food law controls should be structured, and on what they should contain.
- 3.1.2 The auditors examined the Council's service plans for 2011/2012 and 2012/2013 and noted. Antrim BC had followed the guidance contained in the framework agreement when preparing their Food Control Service Plans for 2011/2012 and 2012/2013.
- 3.1.3 The Council had carried out a review against performance of its service plan for 2011/2012 and had reported on the review in paragraph 6.1 of their Food Control Service Plan for 2012/2013.

##### *Documented Policies and Procedures*

- 3.1.4 Due to the focussed nature of the audit the auditors examined a limited number of the Councils policies and procedures, specifically in the areas of authorisations, training and internal monitoring.

##### *Authorised Officers*

- 3.1.5 Antrim BC had delegated authority to authorise officers to the Assistant Director of Environmental Health. The authorisation had been general in respect of the Local Government Act (Northern Ireland) and specifically under the Regulations relating to food made under that Act including the Food Safety (NI) Order 1991 and the Food Hygiene Regulations (NI) 2006.
- 3.1.6 The auditors examined the authorisation records for three officers and noted in three cases the authorisation documents had been signed by the authorising officer.
- 3.1.7 The auditors observed a potential issue with the dates officers were authorised. Each of the three officers had their progressive (i.e. initial, intermediate and full) authorisations signed off sequentially in date order by the authorising officer. This was highlighted to the Council at the time of audit.
- 3.1.8 Auditors examined qualification and training records for three officers. All three officers had the required level of continuous professional development as required by paragraph 1.2.4 of the FLCoP. Officers also had the required qualifications as required by paragraph 1.2.9.1.4 of the FLCoP.



*Facilities and Equipment*

- 3.1.9 Antrim BC had in place a computer software system capable of providing food law enforcement monitoring data to the Agency.
- 3.1.10 The Council had documented procedure for the maintenance of the food establishment database.
- 3.1.11 The auditors carried out 10 random verification checks on the data held in the database. All 10 premises identified in the checks were satisfactorily accounted for through an interrogation of Antrim BC's food establishment database.

*Internal Monitoring*

- 3.1.12 The Council had developed and implemented a documented procedure for the internal monitoring of Food Enforcement Activities within the Environmental Health Department. The procedure detailed the qualitative and quantitative areas which the Senior Environmental Health officer (SEHO) with responsibility for food control was responsible for internal monitoring.
- 3.1.13 The auditors noted Antrim BC had maintained records of the majority of the internal monitoring required by their internal monitoring procedure. However, the auditors noted part (h) – Peer Review of the internal monitoring procedure was not being carried out by the Council.
- 3.1.14 The auditors would also recommend the Council should state in its internal monitoring procedure the person responsible for carrying out the internal monitoring checks in the absence of the SEHO with responsibility for food control.

Recommendation

- (i) The Council should:
  - Ensure the activities identified in part (h) – Peer Review of the Council's internal monitoring procedure which details how monitoring of the SEHO is carried out by an external assessor
  - Review its internal monitoring procedure in relation to who is responsible for monitoring the work carried out by the senior food officer

The Authority shall verify its conformance with this Standard, relevant legislation, the relevant Codes of Practice, relevant centrally issued guidance and the Authority's own documented policies and procedures.

[The Standard – 19.2]

### 3.2 LAEMS Reporting

3.2.1 The auditors examined Antrim BC’s LAEMS return for three years, 2010/2011, 2011/2012 and 2012/2013 and the Council’s service plans for 2011/2012, 2012/2013. The evidence examined and the findings observed are detailed in the following paragraphs.

#### *Full Time Equivalents*

3.2.2 The auditors compared the Full Time Equivalents (FTE) data reported by the Council to the FSA through LAEMS with the Council’s service plans for 2011/2012, 2012/2013 and the information provided in the PVQ. For the last two LAEMS returns there were differences between the Council’s service plan and their LAEMS returns over the same period as detailed in table 1.

**Table 1: Full Time Equivalents**

| Year      | Service Plan | LAEMS Return | Difference |
|-----------|--------------|--------------|------------|
| 2011/2013 | 3.1          | 4            | 0.9        |
| 2012/2013 | 3.6          | 4            | 0.4        |

#### *Food Establishment Interventions and Inspections*

3.2.3 The auditors did not examine the Council’s procedures relating to interventions and inspections but did review the Council’s annual intervention programme through the LAEMS data submitted for the last three years.

3.2.4 The Council had adopted an Alternative Enforcement Strategy (AES) for low risk food hygiene category E establishments. The AES adopted included the use of self-assessment questionnaires and information guidance.

3.2.5 The Council had difficulty providing separate lists for establishments which were currently unrated and establishments which had been rated by the Council as not having an inspectable risk and were therefore outside the intervention programme as part of the PVQ information.

3.2.6 Antrim BC had relatively low levels of unrated<sup>7</sup> food hygiene establishments over the last three years as detailed in table 2.

<sup>7</sup> Unrated - those establishments yet to be assessed for a risk rating i.e. not inspected by LA.

**Table 2: LAEMS Data - Unrated Establishments**

| Year      | Number of unrated establishments |
|-----------|----------------------------------|
| 2012/2013 | 8                                |
| 2011/2012 | 59                               |
| 2010/2011 | 0                                |

*Broad Compliance*

- 3.2.7 The term 'broadly compliant', in respect of food hygiene, is defined as an establishment that has an intervention rating score of not more than 10 points under each of the following three parts of Annex 5, A5.3: Part 2: Level of (Current) Compliance - Hygiene and Level of (Current) Compliance – Structure; and Part 3: Confidence in Management.
- 3.2.8 For the last three years LAEMS returns Antrim BC had difficulties, either not able to provide accurate figures or figures which did not reflect the Council's broad compliance profile. Therefore the auditors could not draw any conclusions regarding Antrim BC's broad compliance figures.

*Food Complaints*

- 3.2.9 The auditors compared the food complaints data reported by the Council to the FSA through LAEMS with the Council's service plans for 2011/2012, 2012/2013.
- 3.2.10 There were differences between the Council's service plan and their LAEMS returns as detailed in table 3.

**Table 3: LAEMS Data - Food Complaint Investigations**

| Food Complaint        | 2012/13              | 2011/12   | 2010/11   |
|-----------------------|----------------------|-----------|-----------|
| Food (Food Hygiene)   | 37                   | 8         | 13        |
| Hygiene of premises   | 13                   | 38        | 4         |
| Food (Food Standards) | 0                    | 0         | 0         |
| <b>LAEMS Total</b>    | <b>50</b>            | <b>46</b> | <b>17</b> |
| <b>Service Plan</b>   | <b>-<sup>8</sup></b> | <b>38</b> | <b>10</b> |

<sup>8</sup> Not available at time of audit

- 3.2.11 In summary, Antrim BC had issues with the accuracy of the data in their LAEMS return over the last three years, 2010/11, 2011/12, 2012/13. This was noted from the large number of adjustments made in all sections of their LAEMS return each year. During the on-site audit the auditors provided practical support and advice to aid Antrim BC in submitting their LAEMS return.
- 3.2.12 From discussions with Antrim BC during the on-site audit it was clear they had difficulty extracting, understanding and validating the data required for their LAEMS return from their food premises database. The auditors advised the Council they had a statutory requirement, as stated in paragraph 1.1.5, to provide the FSA with accurate performance and enforcement data.

Recommendation

- (ii) The Council should ensure it can provide accurate and reliable performance and enforcement data to the FSA by:
- Ensuring they can extract the necessary data from their food premises database
  - Validate the extracted data to ensure it is accurate picture of their performance and enforcement activities

Any computer software package or other method of record administration used by the Authority shall be reliable and capable of providing any information reasonably requested by the Food Standards Agency. Such systems shall be operated in such a way so as to be able to provide required information to the Agency.

[The Standard – 6.3]

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[www.food.gov.uk](http://www.food.gov.uk)

[www.food.gov.uk/enforcement/auditandmonitoring](http://www.food.gov.uk/enforcement/auditandmonitoring)

**Annexe A - Action Plan**

Audit Date: 23-24 April 2014

| RECOMMENDATION  | PLANNED IMPROVEMENTS   | DUE DATE          |
|---|--|-------------------|
| <p>(i) The Council should:</p> <ul style="list-style-type: none"> <li>- Ensure the activities identified in part (h) – Peer Review of the Council’s internal monitoring procedure which details how monitoring of the SEHO is carried out by an external assessor</li> <li>- Review its internal monitoring procedure in relation to who is responsible for monitoring the work carried out by the senior food officer</li> </ul> <p>The Authority shall verify its conformance with this Standard, relevant legislation, the relevant Codes of Practice, relevant centrally issued guidance and the Authority’s own documented policies and procedures.</p> <p>[The Standard – 19.2]</p> | <p>Peer review of SEHO will take place by the PEHO (NGS) as per the Internal monitoring procedure.</p>   | <p>March 2015</p> |
| <p>(ii) The Council should ensure it can provide accurate and reliable performance and enforcement data to the FSA by:</p> <ul style="list-style-type: none"> <li>- Ensuring they can extract the necessary data from their food premises database</li> </ul>   | <p>The Council will be changing shortly to a new software package which should be capable of producing the data required by FSA. (A programme of training is planned for users by the new software provider)</p> | <p>March 2015</p> |

| RECOMMENDATION   | PLANNED IMPROVEMENTS | DUE DATE |
|--|----------------------|----------|
| <p>- Validate the extracted data to ensure it is accurate picture of their performance and enforcement activities</p> <p>Any computer software package or other method of record administration used by the Authority shall be reliable and capable of providing any information reasonably requested by the Food Standards Agency. Such systems shall be operated in such a way so as to be able to provide required information to the Agency.</p> <p>[The Standard – 6.3]</p> |                      |          |

## **Annexe B - Audit Approach / Methodology**

### **(i) Examination of LA policies and procedures.**

The following LA policies, procedures, and linked documents were examined before and during the audit:

- Food Control Service Plan - 2011/2012, 2012/2013
- Guidance on the Assessment & Documentation of Competence of Authorised Food Officers
- Authorisation procedure - Competency Based Authorisation and Core Competency Training for Environmental Health Officers in Food Safety
- Minutes of the Antrim BC Meeting - 30 October 2001 - delegated powers
- Internal Monitoring of Food Enforcement Activities
- Antrim BC food section meeting minutes
- Maintenance of Food Premises Database Procedure

### **(ii) File reviews – the following LA file records were reviewed during the audit:**

- Authorisations
- Qualifications and training files
- Internal monitoring records

### **(iii) Interviews – the following officers were interviewed:**

- Audit Liaison Officer- Senior Environmental Health Officer
- Deputy Director of Environmental Health

Opinions and views raised during officer interviews remain confidential and are not referred to directly within the report.

### **(iv) LAEMS Data – submitted to the Agency by Antrim BC**

- 2010/2011
- 2011/2012
- 2012/2013



## Annexe C - Glossary

|   |  |
|---|--|
| Audit   | Audit means a systematic and independent examination to determine whether activities and related results comply with planned arrangements and whether these arrangements are implemented effectively and are suitable to achieve objectives.   |
| Authorised Officer  | A suitably qualified officer who is authorised by the Local Authority to act on its behalf in, for example, the enforcement of legislation.  |
| Codes of Practice (CoP)   | Government Codes of Practice issued under Section 40 of the Food Safety (NI) Order 1991 as guidance to local authorities on the enforcement of food legislation.   |
| Environmental Health Officer (EHO)                              | Officer employed by the local authority to enforce food safety legislation.  |
| Food Business Operator (FBO)                                    | This refers to the natural or legal persons responsible for ensuring that the requirements of food law are met within the food business under their control.   |
| Food hygiene  | The legal requirements covering the safety and wholesomeness of food.  |
| Food Law Code of Practice (Northern Ireland) April 2012 (FLCoP) | Article 39 of the Food Safety (NI) Order 1991 (the Order), Regulation 22 of the Food Hygiene Regulations (NI) 2006 and Regulation 6 of the Official Feed and Food Controls Regulations (NI) 2009, which empower the Department of Health Social Services and Public Safety to issue codes of practice concerning the execution and enforcement of that legislation by district councils. This code is issued as guidance to Local Authorities on the enforcement of food legislation. It relates to Northern Ireland only. |
| Food Standards Agency (FSA)                                     | The Food Standards Agency is an independent Government department set up by an Act of Parliament in 2000 to protect the public's health and consumer interests in relation to food.  |

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|   | Everything we do reflects our vision of Safe Food and Healthy Eating for all.  |
| Framework Agreement                         | <p>The Framework Agreement consists of:</p> <p>Chapter One Service Planning Guidance</p> <p>Chapter Two The Standard</p> <p>Chapter Three Monitoring of Local Authorities</p> <p>Chapter Four Audit Scheme for Local Authorities</p> <p>The Standard sets out the Agency's expectations on the planning and delivery of food law enforcement.</p> <p>The Monitoring Scheme requires Local Authorities to submit an annual return to the Agency on their food enforcement activities i.e. numbers of inspections, samples, and prosecutions. Under the Audit Scheme the Food Standards Agency will be conducting audits of the food law enforcement services of Local Authorities against the criteria set out in The Standard.</p> |
| Full Time Equivalent (FTE)                  | A figure which represents that part of an individual officer's time available to a particular role or set of duties. It reflects the fact that individuals may work part-time, or may have other responsibilities within the organisation not related to food enforcement.   |
| LAEMS                                       | Local Authority Enforcement Monitoring System is an electronic system used by local authorities to report their food law enforcement activities to the Food Standards Agency.  |
| Local Authority (LA)                        | an organization that is officially responsible for all the public services and facilities in a particular area.  |
| Member forum                                | A local authority forum at which Council Members discuss and make decisions on food and feed law enforcement services.   |
| Northern Ireland Food Liaison Group (NIFLG) | NIFLG is a sub-group of the Chief Officers Group (CEHOG), acts on behalf of 26 district councils in Northern Ireland as a co-ordinating body for the   |

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|   | Food Control function, and consists of food specialist officers from each of the four Group areas in Northern Ireland, Belfast City Council, a district council representative, and a representative from the Food Standards Agency in Northern Ireland. |
| Food Law Practice Guidance (Northern Ireland) October 2012 (FLPG) | Guidance issued by the Food Standards Agency to assist district councils with the discharge of their statutory duty to enforce the Food Safety (NI) Order 1991, Regulations made under it, and food law made under the European Communities Act 1972.    |
| Pre-visit Questionnaire (PVQ)                                     | Used by FSA auditors to request information prior to an <b>audit visit</b> , to maximise the effectiveness of the time spent with a local authority.   |
| Risk rating   | A system that rates food premises according to risk and determines how frequently those premises should be inspected. For example, high risk premises should be inspected at least every 6 months.   |
| Service Plan  | A document produced by a Local Authority setting out their plans on providing and delivering a food service to the local community.  |