

**Report on the Audit of Local Authority Food Law
Service Assessment of Food Businesses'
Food Safety Management System (FSMS)**

Arun District Council 19-20 January 2010



Foreword

Audits of local authorities' food law enforcement services are part of the Food Standards Agency's 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 regulatory functions are principally delivered through Environmental Health and Trading Standards Services. The Agency's website contains enforcement activity data for all UK local authorities and can be found at: www.food.gov.uk/enforcement/auditandmonitoring.

The attached audit report examines the Local Authority's Food Law Enforcement Service. The assessment includes the local arrangements in place for officer authorisation and training, inspections of food businesses and internal monitoring. The audit scope was developed specifically to address Recommendations 9 and 15 of the Public Inquiry Report¹ into the 2005 E. coli outbreak at Bridgend, Wales. The programme focused on the local authority's training provision to ensure that all officers who check Hazard Analysis and Critical Control Point (HACCP) and HACCP based plans, including those responsible for overseeing the work of those officers, have the necessary knowledge and skills. Also, that existing inspection arrangements and processes to assess and enforce HACCP related food safety requirements in food businesses are adequate, risk based, and able to effect any changes necessary to secure improvements.

Agency 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 and is available on the Agency's website at: www.food.gov.uk/enforcement/auditandmonitoring. It should be acknowledged that there will be considerable diversity in the way and manner in which local authorities may provide their food enforcement services reflecting local needs and priorities.

The main aim of the audit scheme is to maintain and improve 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 provide information to inform Agency policy on food safety, standards and feeding stuffs. Parallel local authority audit schemes are implemented by the Agency's offices in all the devolved countries comprising the UK.

For assistance, a glossary of technical terms used within this audit report can be found at Annexe C.

¹ <http://wales.gov.uk/ecolidocs/3008707/reporten.pdf?skip=1&lang=en>

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1. Introduction

- 1.1 This report records the results of an audit at Arun District Council with regard to food hygiene enforcement, under relevant headings of the Food Standards Agency Food Law Enforcement Standard. The audit focused on the Authority's arrangements for the management of food premises inspections, enforcement activities and internal monitoring. The report has been made available on the Agency's website at: www.food.gov.uk/enforcement/auditandmonitoring/auditreports. Hard copies are available from the Food Standards Agency's Local Authority Audit and Liaison Division at Aviation House, 125 Kingsway, London WC2B 6NH, Tel: 020 7276 8428.

Reason for the Audit

- 1.2 The power to set standards, monitor and audit local authority food law enforcement services was conferred on the Food Standards Agency by the Food Standards Act 1999 and Regulation 7 of the Official Feed and Food Controls (England) Regulations 2007. This audit of Arun District Council was undertaken under section 12(4) of the Act as part of the Food Standards Agency's annual audit programme.
- 1.3 The Authority was included in the Food Standards Agency's programme of audits of local authority food law enforcement services, because it had not been audited in the past by the Agency and was representative of a geographical mix of 25 Councils selected across England.

Scope of the Audit

- 1.4 The audit examined Arun District Council's arrangements for food premises inspections and internal monitoring with regard to food hygiene law enforcement, with particular emphasis on officer competencies in assessing food safety management systems based on HACCP principles. This included a reality check at a food business to assess the effectiveness of official controls implemented by the Authority at the food business premises and, more specifically, the checks carried out by the Authority's officers to verify food business operator (FBO) compliance with legislative requirements. The scope of the audit also included an assessment of the Authority's overall organisation and management, and the internal monitoring of other related food hygiene law enforcement activities.
- 1.5 Assurance was sought that key food hygiene law enforcement systems and arrangements were effective in supporting business compliance, and that local enforcement was managed and delivered effectively. The on-site element of the audit took place at the Authority's office at the Civic Centre, Maltravers Road, Littlehampton on 19-20 January 2010.

Background

- 1.6 Arun District Council is a coastal district located in the county of West Sussex and is one of 7 districts and boroughs which make up the county. The District covers an area of approximately 218 square kilometres with a population of around 146,400, and is the fastest growing district in the County. The main urban populations are located in the towns of Arundel, Bognor Regis and Littlehampton, while over two-thirds of the district is used for agricultural purposes. Arun receives approximately 3 million day visitors and 600,000 overnight visitors per year. Hotels and holiday centres form key areas of employment within the District.
- 1.7 There are approximately 1,200 registered food premises in the District, with the majority in the small to medium retail and catering sector categories, reflecting the amount of tourism and registered care homes in the area. The Authority takes account of the significant number of food businesses which operate during the holiday season and addresses the requirements of these seasonal businesses within their intervention programme. There were 6 establishments in the Authority's area which require approval under Regulation (EC) No. 853/2004.
- 1.8 A Principal Environmental Health Officer manages the Commercial Team, which consists of a dedicated food safety team enforcing food hygiene legislation and a separate team responsible for occupational Health and Safety.
- 1.9 The profile of Arun District Council's food businesses as of 31 March 2009 was as follows:

Type of food premises	Number
Primary Producers	4
Manufacturers/Packers	39
Retailers	239
Restaurant/Caterers	799
Total number of food premises	1,081

2. Executive Summary

- 2.1 The Authority had developed and implemented a detailed Food Service Plan for 2009/2010, which had been approved and was broadly in line with the Service Planning Guidance in the Framework Agreement. Auditors discussed the requirement to include details of the likely demands on the food enforcement service, with an estimate of staffing resources required, compared with the staff resources available to deliver the Service, and also to consider the measures necessary to address identified variances against the previous years' Service Plan.
- 2.2 The Authority had developed a portfolio of documented policies and procedures relating to their food law enforcement responsibilities, including a very detailed procedure to assist officers undertaking interventions at general food premises. All policies and procedures were managed by the Principal Environmental Health Officer, who maintained responsibility for any amendments.
- 2.3 Auditors discussed the benefit of developing a specific procedure for the approval of establishments. It was not clear from the Authority's records whether all aspects of Annex 12 of the Food Law Practice Guide had been satisfied or whether officers had completed a full evaluation of the HACCP based food safety management systems held on the files for the Authority's approved establishments.
- 2.4 Their Service had a procedure and an authorisation matrix to assess the competence of individual officers; audit checks confirmed that generally officers employed by the Authority had been correctly authorised in accordance with their qualifications and experience. The procedure would benefit from expansion to include a method for continued assessment to ensure that officers' schedules of authorisation are reflective of their actual duties.
- 2.5 Individual officer training needs were identified as part of their annual performance review. All training records contained evidence that each officer had completed a minimum 10 hours relevant training in the last year, including recent training in HACCP principles and methods for effectively auditing HACCP based food safety management systems.
- 2.6 The Authority was, in general, implementing an effective risk based food premises inspection programme, although file checks identified historical evidence of some high risk premises which had not been inspected at the minimum risk frequency as required by the Food Law Code of Practice.
- 2.7 File checks of 5 general food hygiene premises confirmed that in all cases the Authority were completing detailed inspections including the assessment of HACCP based food safety management systems. Food business operators were provided with clearly worded letters

confirming the main findings from inspections. The information retained within the premises files provided sufficient evidence to support the basis for officers' enforcement decisions.

- 2.8 It was evident from audit checks that officers were taking a graduated approach to enforcement and actively worked with businesses to achieve compliance. The information reviewed relating to hygiene improvement notices and prosecution files identified that in each case the enforcement decisions reached were appropriate to the contraventions identified. However, in some cases where hygiene improvement notices had been served there was not always evidence of timely follow-up to check that the work required was being undertaken.
- 2.9 The Authority had implemented a documented food sampling procedure. In all cases audit checks confirmed that unsatisfactory sampling results had been properly followed up, the food business operator informed and the appropriate action taken.
- 2.10 Audit checks of 5 complaint records confirmed that on each occasion officers had followed the Authority's documented procedure, completed timely investigations of all complaints and notified the complainant of the investigation findings.
- 2.11 Discussion and review of internal monitoring procedures and practices indicated that the Authority was not routinely monitoring all aspects of food law enforcement work. The Authority were already aware of the gap in their monitoring arrangements and were in the process of expanding their monitoring procedures.

3. Audit Findings

3.1 Organisation and Management

Strategic Framework, Policy and Service Planning

3.1.1 The Authority had developed and implemented a detailed Food Service Plan for 2009/2010. This had been approved by the appropriate Cabinet Member for the Environment on 2 July 2009 and was broadly in line with the Service Planning Guidance in the Framework Agreement. The Plan confirmed the Council's aim to safeguard the public through set aims, which included ensuring that:

- *All food and drink produced, imported, prepared and sold within Arun is in all respects safe and wholesome to eat;*
- *Food is handled, prepared and produced hygienically;*
- *Food premises meet, as a minimum, the required legal standard in terms of structure, management and practices;*
- *Food businesses have access to support, advice and information in order to encourage them to be self-regulating, self-auditing and aspiring to best practice.*

3.1.2 The Service aims were linked to a number of key objectives for service delivery documented within the Food Service Plan for 2009/2010. These included carrying out food hygiene interventions in accordance with the Food Law Code of Practice, and specifically:

- *To draw up a programme of interventions based on the risks posed and to achieve 100% of that inspection programme.*
- *To prepare for the introduction of a countrywide 'Scores on the Doors' scheme, which aims to promote and increase standards in food businesses and enable consumers to make an informed choice.*
- *To secure compliance with Article 5 (HACCP/Food Safety Management System requirement) within businesses.*

3.1.3 As part of its proactive approach to food law enforcement, the Service actively promoted the 'Safer food, better business' initiative and was progressing with a programme of advising and coaching 90 local businesses on the requirements of food safety management systems. The aim of the programme was to support food business operators in gaining an improved understanding of food safety management systems and, in doing so, improving the overall levels of compliance at each of the participating businesses.

3.1.4 The Authority had completed a review against the previous year's Service Plan and identified variances against the Plan including a minor shortfall in completed inspections due to the seasonality of some of the businesses within the District. However, the Authority

had not detailed the relevant improvements required to address the identified variances as part of their structured review process.

Recommendation

3.1.5 The Authority should:

Within the review of Service's performance include measures taken to address any identified variances or areas for improvement. [The Standard – 3.3]

3.1.6 The Food Service Plan detailed that the staffing allocation available to undertake food law enforcement during 2009/2010 was the equivalent of 3.6 full time officers, comprising:

Officer Designation	Number of staff
Deputy Head of Environmental Health	0.1
Principal Environmental Health Officer	0.45
Senior Environmental Health Officer	0.60
Senior Food Safety Officer	1
Environmental Health Officer	1
Contractor Environmental Health Officer	0.45
TOTAL	3.6

3.1.7 The Food Service Plan however did not include a detailed breakdown of the staffing resources required in line with the Service Planning Guidance based on the likely levels of demand on the Service.

Recommendation

3.1.8 The Authority should:

Expand the Service Plan covering the food law enforcement service in line with the Service Planning Guidance; to include details of the staffing resources required to provide the food law enforcement service compared with the staffing resources available to the Authority. [The Standard – 3.1]

Good Practice – Service Planning

In response to the recommendations and issues raised by the Public Inquiry Report into the 2005 Wales E. coli outbreak (published March 2009), and following the subsequent guidance issued by the Food Standards Agency, the Authority had written to all of the butchers within their District detailing the key findings from the Inquiry. In addition, each business was reminded of the requirement to maintain effective food safety management systems and practices to properly segregate raw and cooked foods.

Documented Policies and Procedures

- 3.1.9 The Service had developed and implemented a wide range of documented policies and procedures covering most of its food law enforcement responsibilities. These documents were available to all officers in electronic format on a central directory and those evaluated during the audit contained up to date references to legislation and official guidance, with details of their approval.
- 3.1.10 Although the Authority did not maintain a formal document control procedure there was a process in place for the amendment and review of official policies and procedures. All changes to documentation were the responsibility of the Principal Environmental Health Officer, and all amendments to documentation reviewed during the audit had been approved by the Deputy Head of Environmental Health.

Officer Authorisations

- 3.1.11 The Authority had developed a documented procedure for the authorisation of officers which included a qualification, knowledge and professional skills matrix that recorded individual levels of officer authorisation. Although the procedure detailed the standard of competence required for specific tasks, it did not include a method for ongoing competency assessment in relation to the specific duties of individual officers. The documented procedure should be expanded to include a method for continued assessment to ensure that officers' schedules of authorisation reflect the extent and limitations of their actual duties.

Recommendation

3.1.12 The Authority should:

Review and revise the documented procedure on the authorisation of officers to detail the competency assessment process by which authorisations are conferred based on officer's individual qualifications, training and experience, and also ensure that officers' schedules of authorisation reflect the extent and limitations of individual officer's duties.

[The Standard – 5.3]

- 3.1.13 Audit checks confirmed that all officers' qualifications were available; that copies of relevant qualification certificates had been retained by the Authority and were current.
- 3.1.14 Officers' individual training and development needs were identified as part of their annual performance review. All training records examined, including those of a contractor, contained evidence of a minimum 10 hours relevant training in the last year based on the principles of continuing professional development. All officers had recently completed a workshop specifically for Environmental Health Practitioners which had included refresher training in HACCP principles and methods for effectively auditing HACCP based food safety management systems.

3.2 Food Premises Inspections

3.2.1 The Authority provided details of the proposed intervention programme for 2009/2010, by risk category:

Premises risk category	Planned Interventions
A	16
B	139
C	321
D	60
E	44
TOTAL	580

The Authority had set an internal performance target of achieving 100% of the planned interventions which had been reported in the Food Service Plan for 2009/2010.

3.2.2 The Authority had developed a detailed documented procedure to assist officers completing interventions at food premises. The procedure had been revised and included detailed guidance to officers when evaluating food safety management systems, including potential questions for food business operators when assessing hazard analysis and determining Article 5 compliance. The procedure however did not include the specific requirements on the approval and inspection of establishments subject to the requirements of Regulation (EC) No. 853/2004.

Recommendation

3.2.3 The Authority should:

Revise and implement a documented inspection procedure which includes product specific establishments subject to approval under Regulation (EC) No. 853/2004, and assess the compliance of premises and systems, particularly in relation to HACCP based food safety management systems.
[The Standard – 7.2, 7.3 and 7.4]

3.2.4 File and database record checks confirmed that the Authority was, in general, implementing an effective risk based food premises inspection programme, although there was some historical evidence that high risk inspections had not always been completed at the minimum frequencies required by the Food Law Code of Practice.

Recommendation

3.2.5 The Authority should:

Ensure that food businesses are inspected at a frequency which is not less than that determined under the inspection risk rating system set out in the Food Law Code of Practice. [The Standard – 7.1]

- 3.2.6 File record checks on 5 general food hygiene premises confirmed that adequate aides-memoire had been used to record inspection findings and areas of non-compliance had been recorded in detail. Inspection forms had been revised within the last year to provide specific guidance to officers when assessing food safety management within a food business.
- 3.2.7 Reports of inspection were left with the food business operator (FBO) which contained all the details required by the Food Law Code of Practice. In addition and in all cases, detailed and clearly worded letters were sent to confirm the main findings of inspections, with appropriate timescales for the required works to be completed. They also consistently differentiated between legal requirements and recommendations of good practice. Generally, revisits were made to premises where necessary to ensure that required works had been completed.
- 3.2.8 Files for 3 approved establishments in the Authority's area were examined during the audit. The inspection findings had not routinely been recorded on prescribed aides-memoire in accordance with official guidance and it was therefore difficult to establish from the file records whether an appropriate detailed evaluation had been carried out, and the basis of the officer's assessment of compliance.
- 3.2.9 File records of inspections were generally well ordered, although approved establishment files required review to ensure that they contained the relevant business and operations information as recommended in Annexe 12 of the Food Law Practice Guidance.

Recommendation

3.2.10 The Authority should:

Maintain up to date, accurate and comprehensive records for all approved establishments subject to Regulation (EC) No. 853/2004 in accordance with Annexe 12 of the Food Law Practice Guidance.
[The Standard – 16.1]

3.2.11 It was apparent from food hygiene inspection records and correspondence following inspections that officers had made an assessment of product specific establishments applying for approval in accordance with Regulation (EC) No. 853/2004. However it was not always obvious that the establishment had been assessed against all legislative requirements, in particular, whether the business had implemented an effective food safety management system (FSMS) based on Hazard Analysis and Critical Control Point (HACCP). Although there was evidence contained within each file of a food safety management system in place at each establishment, there was no evidence available to determine whether officers had completed a thorough assessment of the systems effectiveness.

Recommendation

3.2.12 The Authority should:

Ensure that records, observations and data obtained during the course of inspections, particularly in relation to the verification of HACCP based food safety management systems, include sufficient detail to demonstrate whether the compliance of premises and systems has been comprehensively assessed to legally prescribed standards. [The Standard – 16.1]

Verification Visit to a Food Premises

3.2.13 During the audit, a verification visit was undertaken to a local butcher with an officer from the Authority, who had carried out the last food hygiene inspection of the premises. The main objective of the visit was to assess the effectiveness of the Authority's assessment of food business compliance with food law requirements. The specific assessments included the conduct of the preliminary interview of the FBO by the officer, the general hygiene checks to verify compliance with the structure and hygiene practice requirements and checks carried out by the officer to verify compliance with HACCP based procedures.

- 3.2.14 The audit visit confirmed that the checks carried out by the officer were generally thorough and covered the majority of food law requirements. It was also clear that the officer was working at supporting the FBO to address legal contraventions identified at previous inspections.
- 3.2.15 The FBO had introduced a food safety management system based on HACCP principles; however during discussions it was evident that the system required further development to ensure it accurately captured and satisfied all HACCP principles, including the identification of all potential hazards and the measures necessary to control such hazards.

3.3 Enforcement

- 3.3.1 The Authority had adopted a detailed Enforcement Policy which had been revised in 2008 to take account of the Hampton and Macrory principles, DEFRA guidance on the use of Fixed Penalty Notices, the Regulators' Compliance Code and the LACORS guide on cautioning of offenders.
- 3.3.2 The Service had developed procedural guidance for all formal food law enforcement actions. It was also clear from audit checks that a graduated approach to enforcement was being implemented, in line with the Service's enforcement policy, and the Authority had instigated formal enforcement action where serious contraventions had been identified.
- 3.3.3 Three hygiene improvement notices, which had been served against businesses which had failed to comply with Regulation (EC) No. 852/2004 Article 5, were selected for review. In each case, the use of the notice had been the appropriate course of action and had been served in accordance with the Authority's own procedures. In one case a contractor not authorised to serve notices had witnessed the contravention which required a notice. Due to the contractor not being authorised to serve notices, an authorised officer returned to the premises the following day, to witness the contravention and correctly serve the notice.
- 3.3.4 Although in most cases a letter had been issued to the FBO confirming compliance with the hygiene improvement notice, there was not always evidence that a timely check of the work being undertaken had been completed by an authorised officer. In 2 of the 3 cases the food premises had not been visited until several days after the notice had expired. The files did not contain any evidence that the FBO had requested an extension to complete the required works, the delay in timely review was contrary to the Authority's own enforcement policy and the requirements of the Food Law Code of Practice. Failure to undertake a timely check on compliance may compromise an authority's ability to enforce the notice.

Recommendation

3.3.5 The Authority should:

Complete all aspects of food law enforcement in accordance with the relevant Food Law Code of Practice, centrally issued guidance and the Authority's own enforcement policy. [The Standard – 15.3]

3.3.6 Two files relating to food hygiene prosecutions against Regulation (EC) No. 852/2004 Article 5 were selected for audit review. In both cases prosecution had been the appropriate course of action for the contraventions that had been identified and there was clear evidence that the Authority's own enforcement policy had been considered and all actions were taken in line with the enforcement policy and the Food Law Code of Practice. Both prosecution files contained a substantial amount of appropriate evidence to support the contraventions identified during premises inspections and provided clear justification for the basis of the enforcement decisions.

3.4 Internal Monitoring and Third Party or Peer Review

Internal Monitoring

- 3.4.1 The Service had recently developed a documented internal monitoring procedure to monitor the consistency and quality of food hygiene inspections, the service of notices and the investigation of complaints. However, the procedure had not been fully implemented and required further development to cover the qualitative and quantitative monitoring of all food law enforcement activities.

Recommendation

- 3.4.2 The Authority should:

Expand and fully implement its internal monitoring procedure to include the qualitative monitoring of all areas of food law enforcement activity and to reflect the quantitative internal monitoring activity that is being undertaken in practice. [The Standard – 19.1 and 19.2]

- 3.4.3 In practice there was evidence of some detailed qualitative monitoring of inspection records and enforcement activities, and quantitative monitoring had been reported within the review of the Food Service Plan. The Authority had introduced a detailed pro forma for internal monitoring of inspection forms, which provided an opportunity for the reviewing officer to comment and for the inspecting officer to feedback on the findings.

Good Practice – Internal monitoring form

The Authority had developed and implemented a form to capture information from the internal monitoring of food inspection files. The method of internal review had highlighted issues which had subsequently been corrected by inspecting officers who were expected to feedback on the findings from internal review of their inspection reports. The practice assisted in prompting discussion on particular issues and also helped to facilitate the process of continuous improvement.

Food Complaints

- 3.4.4 The Authority had developed and implemented a fully documented policy and procedure for the investigation of food and food premises complaints. The procedure for complaint investigation included timescales for responding to the complainant and provided guidance to officers when investigating complaints. The expected levels of service were also replicated on the Authority's website to inform the general public.
- 3.4.5 Audit checks were completed of 5 separate complaint files. In all cases timely investigations had taken place and appropriate records had been maintained in accordance with the Authority's complaints procedure and the Food Law Code of Practice. Complainants had been notified of the investigation findings and there was evidence of appropriate liaison with an Originating Authority when appropriate.

Food Sampling

- 3.4.6 The Authority was actively participating in local, regional and national food sampling programmes, and had recently updated their Food and Water Sampling Policy to reflect the new Guidelines for Assessing the Microbiological Safety of Ready-to-Eat Foods. In conjunction with the Sussex Food Liaison Group the Authority had developed a detailed sampling programme for 2009/2010.
- 3.4.7 Audit checks of 5 unsatisfactory sample results were carried out. It was evident from file records that in each case this had been brought to the attention of FBOs and that effective and appropriate follow-up action had been taken. In 4 cases officers had also correctly identified a direct link between insufficiencies in the premises' food safety management systems and the resulting unsatisfactory food sample results.

Third Party or Peer Review

- 3.4.8 Auditors were informed that no recent formal Inter-Authority Audits had taken place in the area. There had been a third party review by the West Sussex Food Group several years previously and a number of recommendations had been identified. Although some of the recommendations were similar to those found during this audit, the information detailed within the report was historical and not relevant to the current Food Law Code of Practice. In addition the majority of recommendations identified had already been rectified by the Authority.

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Alan Noonan

Food Standards Agency

Local Authority Audit and Liaison Division

Action Plan for Arun District Council

Audit date: 19-20 January 2010

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.1.5 Within the review of Service's performance include measures taken to address any identified variances or areas for improvement. [The Standard – 3.3]	01/05/10	The Authority aims to have a suitably amended Food Service Plan for 2010/2011, to include comparison of staffing resources available and those required to deliver plan and relevant improvements to address identified variances in the 2009/2010 plan, completed and ready for approval by the relevant Cabinet Member by 01/05/10.	Drafting of the 2010/2011 Plan has begun.
3.1.8 Expand the Service Plan covering the food law enforcement service in line with service planning guidance; to include details of the staffing resources required to provide the food law enforcement service compared with the staffing resources available to the Authority. [The Standard – 3.1]	01/05/10		
3.1.12 Review and revise the documented procedure on the authorisation of officers to detail the competency assessment process by which authorisations are conferred based on officer's individual qualifications, training and experience, and also ensure that officers' schedules of authorisation reflect the extent and limitations of individual officer's duties. [The Standard – 5.3]	Completed 01/06/10	The authorisation procedure has been reviewed and revised to reflect the current extent and limitations of individual officer's duties, taking into account their levels of training and experience. Expanded internal monitoring procedure (see recommendation 3.4.2) will include annual documented review of individual officer authorisations, taking into account their qualifications and current levels of knowledge and experience, with subsequent changes made to the authorisation matrix as necessary.	Expanded internal monitoring procedure is being drafted. Assistance sought and provided by other local authorities in Sussex as to scope of their Internal Monitoring procedures.

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.2.3 Revise and implement a documented inspection procedure which includes product specific establishments subject to approval under Regulation (EC) No. 853/2004, and assess the compliance of premises and systems, particularly in relation to HACCP based food safety management systems. [The Standard – 7.2, 7.3 and 7.4]	01/06/10	A new documented inspection procedure for product specific establishments subject to approval under Regulation (EC) No. 853/2004 will be produced.	Review and gap analysis of existing procedure is underway.
3.2.5 Ensure that food businesses are inspected at a frequency which is not less than that determined under the inspection risk rating system set out in the Food Law Code of Practice. [The Standard – 7.1]	Ongoing	The expanded internal monitoring procedure (see recommendation 3.4.2) will include formalising and documenting the current system of checking progress against the annual target of food safety interventions, to ensure that high risk inspections are completed at the minimum frequencies required by the Food Law Code of Practice, and enable remedial action to be taken where necessary.	Expanded internal monitoring procedure is being drafted. Additional manual checks prior to the introduction of the new procedure are being used to ensure high risk premises are inspected at the correct frequency.
3.2.10 Maintain up to date, accurate and comprehensive records for all approved establishments subject to Regulation (EC) No. 853/2004 in accordance with Annex 12 of the Food Law Practice Guidance. [The Standard – 16.1]	01/07/10	Further to the production of a new documented inspection procedure for product specific establishments subject to approval under Regulation (EC) No. 853/2004 (as required in Recommendation 3.2.3), all existing approved establishment files will be reviewed to ensure they comply with Annex 12 of the Food Law Practice Guidance, and that there is sufficient detail included on the file to determine that business has been assessed against all legislative requirements, including whether the business has implemented a HACCP based food safety management system.	Where interventions have taken place at product specific establishments subject to approval under Regulation (EC) No. 853/2004, then this review and necessary remedial action has already been undertaken.
3.2.12 Ensure that records, observations and data obtained during the course of inspections, particularly in relation to the verification of HACCP based food management systems, include sufficient detail to demonstrate whether the compliance of premises and systems has been comprehensively assessed to legally prescribed standards. [The Standard – 16.1]			

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.3.5 Complete all aspects of food law enforcement in accordance with the relevant Food Law Code of Practice, centrally issued guidance and the Authority's own enforcement policy. [The Standard – 15.3]	01/06/10	Improvements will be made as part of the expanded internal monitoring procedure to the existing Notice Monitoring procedure to ensure that a timely check to ensure compliance with Hygiene Improvement Notices following expiry is undertaken.	Notice expiry dates now mentored by PEHO (as well as officer) to ensure that timely checks on expired notices undertaken.
3.4.2 Expand and fully implement its internal monitoring procedure to include the qualitative monitoring of all areas of food law enforcement activity and to reflect the quantitative internal monitoring activity that is being undertaken in practice. [The Standard -19.1 and 19.2]	01/06/10	The internal monitoring procedure will be reviewed and expanded to cover the qualitative and quantitative monitoring all food law enforcement activities	Whilst the procedure is being drafted, both qualitative and quantitative monitoring will continue to ensure that non conformances are still identified and remedial action taken where necessary.

Audit Approach/Methodology

The audit was conducted using a variety of approaches and methodologies as follows:

(1) Examination of LA policies and procedures.

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

- Environmental Health Food Service Plan 2009/2010 and associated appendices;
- The Authority's procedure for the authorisation of officers, authorisation matrix, training and qualification records;
- The Authority's Food Law Enforcement Policy Procedure;
- Food Premises and Inspection/Intervention aides-memoire;
- Procedure for Inspection of Food Premises and Other Food Safety Related Work;
- Food Complaints Procedure;
- The Authority's Internal Quality Assurance Monitoring Procedure;
- The Authority's Food and Water Sampling Policy and associated sampling programme.

(2) File reviews – the following LA file records were reviewed during the audit:

- General food premises inspection records;
- Approved establishment files;
- Food complaint records;
- Food sampling records;
- Formal enforcement records.

(3) Officer interviews – the following officers were interviewed:

- Audit Liaison Officer
- Senior Food Safety Officer

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

(4) On-site verification check:

A verification visit was made with the Authority's officers to a local food business. The purpose of the visit was to verify the outcome of the last inspection carried out by the Local Authority and to assess the extent to which enforcement activities and decisions met the requirements of relevant legislation, the Food Law Code of Practice and official guidance, having particular specific regard to LA checks on FBO compliance with HACCP based food management systems.

Glossary

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	Government Codes of Practice issued under Section 40 of the Food Safety Act 1990 as guidance to local authorities on the enforcement of food legislation.
County Council	A local authority whose geographical area corresponds to the county and whose responsibilities include food standards and feeding stuffs enforcement.
District Council	A local authority of a smaller geographic area and situated within a County Council whose responsibilities include food hygiene enforcement.
E. coli	<i>Escherichia coli</i> microorganism, the presence of which is used as an indicator of faecal contamination of food or water. <i>E. coli</i> 0157:H7 is a serious food borne pathogen.
Environmental Health Officer (EHO)	Officer employed by the local authority to enforce food safety legislation.
Feeding stuffs	Term used in legislation on feed mixes for farm animals and pet food.
Food hygiene	The legal requirements covering the safety and wholesomeness of food.
Food standards	The legal requirements covering the quality, composition, labelling, presentation and advertising of food, and materials in contact with food.
Framework Agreement	<p>The Framework Agreement consists of:</p> <ul style="list-style-type: none"> • Food Law Enforcement Standard • Service Planning Guidance • Monitoring Scheme • Audit Scheme <p>The Standard and the Service Planning Guidance set out the Agency's expectations on the planning and delivery of food law enforcement.</p> <p>The Monitoring Scheme requires local authorities to submit quarterly returns to the Agency on their food enforcement activities i.e. numbers of inspections, samples and prosecutions.</p> <p>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 Equivalents (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.

HACCP		Hazard Analysis and Critical Control Point – a food safety management system used within food businesses to identify points in the production process where it is critical for food safety that the control measure is carried out correctly, thereby eliminating or reducing the hazard to a safe level.
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.
Member forum		A local authority forum at which Council Members discuss and make decisions on food law enforcement services.
Metropolitan Authority		A local authority normally associated with a large urban conurbation in which the County and District Council functions are combined.
OCD returns		Returns on local food law enforcement activities required to be made to the European Union under the Official Control of Foodstuffs Directive.
Regulators' Code	Compliance	Statutory Code to promote efficient and effective approaches to regulatory inspection and enforcement which improve regulatory outcomes without imposing unnecessary burdens on businesses.
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.
Trading Standards		The Department within a local authority which carries out, amongst other responsibilities, the enforcement of food standards and feeding stuffs legislation.
Trading Standards (TSO)	Officer	Officer employed by the local authority who, amongst other responsibilities, may enforce food standards and feeding stuffs legislation.
Unitary Authority		A local authority in which the County and District Council functions are combined, examples being Metropolitan District/Borough Councils, and London Boroughs. A Unitary Authority's responsibilities will include food hygiene, food standards and feeding stuffs enforcement.