

# **Audit of Local Authority Service Delivery Operation of the Food Hygiene Rating Scheme**

Eden District Council  
16-17 March 2016



## Table of Contents

|  |   |           |
|--|---|-----------|
| <b>1.0</b>   | <b>Introduction</b>                       | <b>3</b>  |
| <b>2.0</b>   | <b>Scope of the Audit</b>                 | <b>3</b>  |
| <b>3.0</b>   | <b>Objectives</b>                         | <b>3</b>  |
| <b>4.0</b>   | <b>Executive Summary</b>                  | <b>4</b>  |
| <b>5.0</b>   | <b>Audit Findings and Recommendations</b> | <b>5</b>  |
| 5.1  | Organisation and Management               | 5         |
| 5.2  | FHRS implementation history               | 6         |
| 5.3  | Authorisation and Training                | 6         |
| 5.4  | Inspection Procedures                     | 6         |
| 5.5  | Notification of ratings and follow up     | 8         |
| 5.6  | Food Premises Database                    | 8         |
| 5.7  | Consistency Framework                     | 9         |
| 5.8  | Local Authority Website                   | 10        |
| 5.9  | FHRS Website                              | 10        |
| 5.10   | Issues Outside of Scope                   | 10        |
| <b>ANNEX A - Action Plan for Eden District Council</b> |   | <b>11</b> |
| <b>ANNEX B - Audit Approach/Methodology</b>            |   | <b>13</b> |
| <b>ANNEX C - Glossary</b>                              |   | <b>13</b> |

## **1.0 Introduction**

- 1.1 This is a report on the outcomes of the Food Standards Agency's (FSA) audit of Eden District Council conducted between the 17th and 18<sup>th</sup> March 2016 at Mansion House, Friargate, Penrith, Cumbria, CA11 7YG. The audit was carried out as part of a programme of audits on local authority (LA) operation of the Food Hygiene Rating Scheme (FHRS). The report has been made available on the Agency's website at:

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

Hard copies are available from the FSA by emailing the FSA at [LAAudit@foodstandards.gsi.gov.uk](mailto:LAAudit@foodstandards.gsi.gov.uk) or telephoning 01904 232116.

- 1.2 The audit was carried out under section 12(4) of the Food Standards Act 1999 and section 11 of the Food Hygiene Rating Scheme (FHRS), Brand Standard. The FSA is committed to fulfilling its role in monitoring and auditing the implementation and operation of the FHRS. Consistent implementation and operation of the FHRS is critical to ensuring that consumers are able to make meaningful comparisons of hygiene ratings for establishments both within a single local authority area and across different local authority areas, and to ensuring that businesses are treated fairly and equitably.
- 1.3 The Agency will produce a summary report covering outcomes from the audits of all local authorities assessed during this programme.

## **2.0 Scope of the Audit**

- 2.1 The audit focused on the LA's operation of the FHRS with reference to the FHRS Brand Standard, the Framework Agreement and the Food Law Code of Practice (FLCoP). This included organisation and management, resources, development and implementation of appropriate control procedures, reporting of data, premises database, training of authorised officers and internal monitoring. Views on operation of the FHRS were sought to inform FSA policy development.

## **3.0 Objectives**

The objectives of the audit were to gain assurance that:

- The LA had implemented the FHRS in accordance with the Brand Standard
- There were procedures in place to ensure that the FHRS was operated consistently.
- Notifications of ratings, handling of appeals, requests for re inspection and rights to reply were dealt with efficiently.

- Scoring under Chapter 5.6 of the FLCoP was appropriately evidenced and justified.
- Interventions were carried out at intervals determined by Chapter 5.6 of the FLCoP.
- Officers administering the scheme were trained and competent.

The audit also sought to identify areas of good and innovative FHRs working practice within local authorities. A key focus was on consistency with the Brand Standard.

## 4.0 Executive Summary

4.1 Local authorities were selected to provide a representative sample based on a number of factors. Eden District Council was selected for audit as it had a relatively low proportion of 0 and 1 rated establishments in its area and a relatively high proportion of 5 rated businesses (84.2%).

4.2 The Authority was found to be operating the FHRs largely in accordance with the obligations placed on it by participation in the Scheme. It was clear from the detailed evidence provided that the Authority had invested a lot of time and effort in introducing the FHRs and was committed to ensuring that the scheme is delivered consistently and fairly for all businesses in the area. At the time of the audit, the Authority had 59 low risk interventions to complete by the year end, but expected all to be completed by that point, with the exception of a small number of premises which were not currently operating following the Cumbria floods in December 2015.

A summary of the main findings and key improvements necessary is set out below;

**Strengths:** The Authority had a designated lead officer specifically responsible for the implementation and maintenance of the FHRs. This had help to ensure that the Scheme was implemented effectively and efficiently over the last few years.

4.3 **Key area for improvement:** Although the majority of ratings awarded seemed appropriate given inspection findings, the Authority would benefit from carrying out further internal monitoring of inspection records and letters to businesses to ensure that officers provide sufficient detailed evidence to explain the ratings awarded on every occasion.

## **5.0 Audit Findings and Recommendations**

### **5.1 Organisation and Management**

- 5.1.1 Eden District Council lies in the north -west region of Cumbria, with around one fifth of the district forming part of the Lake District National Park and nearly a quarter of the area lies within the North Pennines Areas of Outstanding Natural Beauty. The Authority covers a large geographical area of 830 square miles with a low population density consisting of only 52,000 residents. The District includes the towns of Penrith, Alston, Appleby and Kirkby Stephen, with Penrith being the largest town with a population of approximately 15,000.
- 5.1.2 There is a varied mix of food premises within the LA area with catering and retail being the dominant sectors with a significant proportion of these businesses being in some way linked to the local tourism industry. Businesses are predominantly small to medium sized establishments. The Authority is responsible for delivering official controls at approximately 1058 food establishments in its area, including 15 specialist food manufacturers approved under Regulation EC 853/2004. Although no Primary Authority Agreements are in place, the Authority acts as the Originating Authority for a number of businesses, providing advice and guidance to these businesses as well as liaising and investigating complaints on behalf of other local authorities
- 5.1.3 The Authority had developed a Food Service Plan for 2015-2016. The Plan generally followed service planning guidance contained within the Framework Agreement.
- 5.1.4 The Service Plan contained a reasoned estimate of the resources required to provide the food law enforcement service. The Service was delivered by five officers in addition to the Principal Environmental Health Officer, (PEHO), each spending a proportion of their time to the delivery of the Food Safety Service including the delivery of the FHRS. Part of their time involved other Environmental Health duties.. Although the Plan did not identify any current shortfall in resources it did describe the significant pressures being experienced by the Service on the resources needed to monitor and help maintain the current high levels of business compliance in the area.
- 5.1.5 The Service Plan contained suitable reference to the Authority's commitment to delivering and maintaining the FHRS. The Plan also included some basic analysis of the current food hygiene ratings in the area.
- 5.1.6 The Authority stated that it had invested time and resources tackling its high risk businesses in the past to improve levels of compliance, ensuring that most businesses had suitable food safety management system (FSMS) in place. These efforts, along with low business churn and a stable inspection regime were cited as the reasons for the relatively low number of 0 and 1 rated establishments in the area.

## **5.2 FHRs implementation history**

5.2.1 The Authority implemented the FHRs in April 2012. Implementation was on a critical mass basis and all relevant food businesses were included at the launch of the scheme. It was clear that the Authority was committed to delivering the FHRs successfully, with an officer having been nominated to take a lead specifically on the introduction and on-going implementation of FHRs. The Authority provided evidence of a wide range of thoughtful discussions and meetings between staff and other neighbouring LAs on the issues raised by the implementation of the scheme over the last few years. The Authority expressed no particular concerns regarding the roll out of the scheme.

## **5.3 Authorisation and Training**

5.3.1 A total of five six officer authorisation and training records were examined. All officers had received a wide range of relevant food safety training, including consistency training in relation to FHRs.

5.3.2 All officers were found to be suitably authorised for their level of qualification and experience.

## **5.4 Inspection Procedures**

5.4.1 The Authority outlined its intervention strategy as consisting of full inspections at category A-D premises with category E premises being subject to a suitable alternative enforcement strategy (AES), involving a mix of physical inspections and questionnaires.

5.4.2 The Authority had developed a specific food premises inspection and intervention procedure for officers last revised in January 2016. The procedure included appropriate references to the Brand Standard throughout and suitable practical working instructions for officers on the implementation and maintenance of FHRs in the area. It contained detailed instruction on the requirements at all stages of the scheme.

5.4.3 Intervention records relating to the last two interventions carried out at nine different food establishments in the area were assessed as part of the audit. All the interventions had generally been carried out at the correct frequency prescribed by the FLCoP.

5.4.4 Inspection details were recorded using a range of useful aides-memoire dependent upon the type of activities within food businesses. These prompted officers to record their assessments against relevant food hygiene legislation, including detailed hazard analysis and critical control point (HACCP) assessments and assessment of the implementation of the FSA's E-coli O157 guidance. Inspection reports and letters to businesses contained appropriate sections to record officers' decisions regarding the three scoring elements of the FHRs.

- 5.4.5 Evidence of detailed and thorough inspections being carried out was noted, although there was some variation in the quality and quantity of inspection findings being recorded by different officers. This made it difficult in some cases to assess whether the food hygiene rating score was appropriate. In the majority of cases however officers recorded and justified the reasons for the ratings given and the works required to address any issues and to help businesses to achieve the highest ratings possible.
- 5.4.6 Letters to businesses helped to demonstrate that officers were clearly identifying hazards and serious contraventions in food businesses, providing businesses with relevant information and advice. Auditors did note several examples however where the letters to businesses following past inspections seemed inconsistent with the food hygiene rating score awarded and potentially confusing for businesses. Following discussions with individual officers, auditors recommended that all officers frequently review their decisions amongst their Team taking into consideration the mix of legal contraventions and recommendations reported to the food business operator to ensure they always supported and reflected the food hygiene rating. Letters and inspection reports contained appropriate sections to record officers' decisions regarding the three elements of the FHS and always provided businesses with relevant information on their right to appeal and links to the FHS portal.
- 5.4.7 Auditors discussed the importance of ensuring that interventions are carried out in a timely manner to ensure that up to date ratings are provided for consumers under the FHS. An assessment of the database during the audit revealed that there were only a small number (59) of interventions at lower risk businesses to complete by the end of the year and the Authority expected these to be achieved.

**Recommendation 1 – Recording of inspections**

[The Standard - 7.3 & 7.5]

Ensure consistent recording of inspection findings by officers, using the appropriate inspection aides- memoire to demonstrate that businesses are assessed against all relevant food hygiene legislation on each occasion and to support the food hygiene rating scores awarded.

## Reality Visit to a Food Premises

- 5.4.8 A verification visit was undertaken at a local hotel 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 and resultant FHRs score.
- 5.4.9 During the visit the officer was able to demonstrate a good and effective working relationship with the FBO. The officer was able to justify previously identified non-compliances and the advice given at the last inspection had resulted in improvements being made.

## 5.5 Notification of ratings and follow up

- 5.5.1 A review of intervention records and letters showed that ratings were notified to the FBO in good time on all occasions. Evidence showed that appropriate information on the safeguards of the scheme was given within the required timeframe.
- 5.5.2 Four premises records for FHRs revisits were checked in detail. The Authority had followed the guidance in the Brand Standard and revisits were carried out in a timely manner.
- 5.5.3 The Authority had only received one appeal by a business against the rating awarded by an inspecting officer. The appeal had been appropriately dealt with and administered in accordance with guidance in the Brand Standard. The Authority believed that this was largely due to the efforts made by officers to fully explain the ratings given at the end of each inspection.

## 5.6 Food Premises Database

- 5.6.1 The Authority was able to provide database reports of premises included in the FHRs scheme in advance of and during the audit.
- 5.6.2 A detailed report was prepared on further potential anomalies of data submitted to the FHRs portal in advance of the visit. This was provided to the LA prior to the audit and the Authority had undertaken a comprehensive review of the data, a copy of which was provided for the auditors
- 5.6.3 Reality Upload

A reality upload to the FHRs portal was included in the verification checks on the LA database. The System Administrator was able to demonstrate that accurate data could be uploaded within expected time frames.



## 5.7 Consistency Framework

- 5.7.1 The Authority had recently developed a specific stand- alone Consistency Framework Procedure document in accordance with the Brand Standard. The procedure contained a range of measures and checks to be carried out on the implementation of the FHRS including inspection record checks that if fully implemented should help to ensure that the scheme is implemented consistently between officers. We were provided with some examples of consistency record checks that had been carried out recently on a selection premises files in accordance with the new procedure.
- 5.7.2 Prior to the development of the procedure earlier this year, other consistency checks had been carried out in the past on a more ad hoc basis, but these had not always been recorded. These had included some past shadowed inspections and joint visits by officers to aid consistency in risk scoring between officers. The PEHO also checked all letters to businesses following inspections, but acknowledged that the associated aides- memoire were not always reviewed.

### **Recommendation 2 – Monitoring of service delivery**

[The Standard – 19.1 and 19.2]

Increase the monitoring of inspection aides- memoire and letters to businesses to check that;

- Sufficient evidence is recorded by officers to support the food hygiene rating awarded in every case.
- All ratings are consistent with any legal contraventions and recommendations reported. This should include suitable reference to the guidance for officers contained in Section 3 of the Brand Standard.

- 5.7.3 The Authority was further able to demonstrate its commitment to ensuring FHRS consistency through its investment in the provision of relevant FHRS training for its officers. All officers had attended consistency training either directly or through cascade training at the initial rollout of the scheme, had subsequently completed in house consistency training and had taken part in the FSAs recent consistency training exercise. The Authority regularly attended meetings with neighbouring authorities and is a member of the Cumbria Food Liaison Group and the Cumbria Public Protection Group, with meeting agendas including a standing item on FHRS issues.

## **5.8 Local Authority Website**

5.8.1 The Authority's FHRs webpage was found to be consistent with Brand Standard guidance and the template text found in the toolkit resource<sup>1</sup>. There was a link to the FHRs portal to enable look up of ratings.

## **5.9 FHRs Website**

5.9.1 A sample of five premises records were checked. In all cases they were found to have the correct rating and status in accordance with Brand Standard guidance.

## **5.10 Issues Outside of Scope**

5.10.1 No issues were found outside the scope of the audit.

**Audit Team: Andrew Gangakhedkar – Lead Auditor**  
Chris Green – Auditor

Food Standards Agency  
Local Delivery Audit Team

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<sup>1</sup> <http://www.food.gov.uk/enforcement/enforcework/hygienscoresresources/hygieneratingtemplates#toc-4>

**ANNEX A - Action Plan for Eden District Council**

**Action Plan for Eden District Council**

**Audit date: 16 -17 March 2016**

| TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)  | BY (DATE)        | PLANNED IMPROVEMENTS   | ACTION TAKEN TO DATE  |
|---|------------------|--|---|
| <p><b>Recommendation 1 – Recording of inspections</b><br/>[The Standard - 7.3 &amp; 7.5]</p> <p>Ensure consistent recording of inspection findings by officers, using the appropriate inspection aides- memoire to demonstrate that businesses are assessed against all relevant food hygiene legislation on each occasion and to support the food hygiene rating scores awarded.</p> | <p>Completed</p> | <p>Inspection aide memoires have been reviewed and extended to include:</p> <ul style="list-style-type: none"> <li>• improved coverage of specialist process records eg sous vide, vac packing</li> <li>• more detail on the food safety management system</li> <li>• more detail on the implementation of the FSA E. coli guidance</li> <li>• improved traceability information</li> <li>• summary of justification for FHR rating awarded</li> <li>• summary of improvements implemented where a re-rating visit has been carried out</li> </ul> | <p>Team meeting held on 5/5/2016 to discuss:</p> <ul style="list-style-type: none"> <li>• the Draft Report and matters raised during the audit that require improvement</li> <li>• Revised inspection aide memoires to ensure more comprehensive information is documented during inspections as per the 'planned improvements' bullet points.</li> </ul> |

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|---|------------------|--|--|
| <p><b>Recommendation 2 – Monitoring of service delivery</b><br/>[The Standard – 19.1 and 19.2]</p> <p>Increase the monitoring of inspection aides- memoire and letters to businesses to check that;</p> <ul style="list-style-type: none"> <li>• Sufficient evidence is recorded by officers to support the food hygiene rating awarded in every case.</li> <li>• All ratings are consistent with any legal contraventions and recommendations reported. This should include suitable reference to the guidance for officers contained in Section 3 of the Brand Standard.</li> </ul> | <p>30/6/2016</p> | <ul style="list-style-type: none"> <li>• Monitoring procedure revised to increase monitoring of inspections, including the use of the revised aide memoires, the letter and FHR rating checks to monthly for the next 3 months, from May onwards and bi-monthly thereafter.</li> <li>• Further Team meeting planned for end of June to discuss use of the revised aide memoires, including use of the justification summary for FHR rating.</li> </ul> | <ul style="list-style-type: none"> <li>• Monitoring Procedure revised</li> <li>• Worked through three recent inspection examples during the Team meeting on 5/5/2016 as part of an internal consistency exercise; and reinforced the use of the guidance in Section 3 of the Brand Standard with all officers.</li> <li>• Discussed the revised aide memoires, letter format and the introduction of a justification summary box at the end of the aide memoire to record reasons for the FHR awarded.</li> <li>• Discussed use of the existing peer discussion form to record the outcome of officer consultations in relation to scoring decisions where appropriate.</li> </ul> |
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## **ANNEX B - Audit Approach/Methodology**

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

- (1) Examination of LA plans, policies and procedures.
- (2) A range of LA file records were reviewed.
- (3) Review of Database records
- (4) Officer interviews

## **ANNEX C - 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.  |
| Brand Standard                     | This Guidance represents the 'Brand Standard' for the Food Hygiene Rating Scheme (FHRS). Local authorities in England and Northern Ireland operating the FHRS are expected to follow it in full. |
| 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 geographical area and situated within a County Council whose responsibilities include food hygiene enforcement.   |
| 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"> <li>• Food and Feed Law Enforcement Standard</li> <li>• Service Planning Guidance</li> <li>• Monitoring Scheme</li> <li>• Audit Scheme</li> </ul> <p>The <b>Standard</b> and the <b>Service Planning Guidance</b> set out the Agency's expectations on the planning and delivery of food and feed law enforcement.</p> <p>The <b>Monitoring Scheme</b> requires local authorities to submit yearly returns via LAEMS to the Agency on their food enforcement activities i.e. numbers of inspections, samples and prosecutions.</p> <p>Under the <b>Audit Scheme</b> the Food Standards Agency will be conducting audits of the food and feed 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 and feed enforcement.   |
| 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.   |
| 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  
Officer (TSO)

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.