

Report on the Audit of Local Authority Food Law Service Delivery and Food Business Compliance

Elmbridge Borough Council
16-17 January 2013



Foreword

Audits of local authorities' feed and food law enforcement services are part of the Food Standards Agency's arrangements to improve consumer protection and confidence in relation to food and feed. These arrangements recognise that the enforcement of UK food and feed 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 attached audit report examines the Authority's Food Law Enforcement Service. The assessment includes the local arrangements in place for database management, inspections of food businesses and internal monitoring. 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.

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 Official Feed and Food Controls by Local Authorities and is available on the Agency's website at: www.food.gov.uk/enforcement/auditandmonitoring.

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.

The report contains some statistical data, for example on the number of food premises inspections carried out annually. The Agency's website contains enforcement activity data for all UK local authorities and can be found at: www.food.gov.uk/enforcement/auditandmonitoring.

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

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1.0 Introduction

- 1.1 This report records the results of an audit at Elmbridge Borough 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 the food premises database, food premises interventions, 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 the Official Feed and Food Controls (England) Regulations 2009. This audit of Elmbridge Borough Council was undertaken under section 12(4) of the Act as part of the Food Standards Agency's annual audit programme.
- 1.3 Regulation (EC) No. 882/2004 on official controls performed to ensure the verification of compliance with feed and food law includes a requirement for competent authorities to carry out internal audits or to have external audits carried out. The purpose of these audits is to verify whether official controls relating to feed and food law are effectively implemented. To fulfil this requirement, the Food Standards Agency, as the central competent authority for feed and food law in the UK has established external audit arrangements. In developing these, the Agency has taken account of the European Commission guidance on how such audits should be conducted.¹
- 1.4 The Authority was selected for inclusion in the Food Standards Agency's programme of audits of local authority food law enforcement services as it had not been audited in the past five years by the Agency, and was representative of a geographical mix of 12 authorities selected across England.

¹ Commission Decision 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 (2006/677/EC).

Scope of the Audit

- 1.5 The audit examined Elmbridge Borough Council's arrangements for food premises database management, food premises interventions and internal monitoring, with regard to food hygiene law enforcement. 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 food hygiene law enforcement activities.
- 1.6 Assurance was sought that key Authority 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 offices at High Street, Esher, Surrey on 16-17 January 2013.

Background

- 1.7 The Borough of Elmbridge is located seventeen miles south west of London close to the M25 and Heathrow Airport. The Borough covers 23,800 acres within Surrey and has five main towns, Cobham, Esher, Molesey, Walton-on-Thames and Weybridge. The rivers Thames, Wey, Mole and Rytte all run through the Borough both linking areas together and providing recreational assets. The population was estimated at 130,900 in 2011 and is expected to grow to over 150,000 by 2018. Elmbridge was top of an annual quality of life survey for three years from 2008 to 2010. The Borough has a relatively high number of businesses including, hotels, restaurants, finance and IT companies in comparison with similar local authorities in Great Britain.
- 1.8 Food hygiene law enforcement was the responsibility of the Food and Safety Team within the Environmental Health and Licensing Team reporting to the Strategic Director of Services who was a member of the Corporate Management Board of the Authority.
- 1.9 The Food and Safety Team was not responsible for food standards and feeding stuffs law enforcement which was carried out by the Trading Standards Service at Surrey County Council.
- 1.10 The Authority reported the profile of Elmbridge Borough Council's food businesses as of 1 April 2012 as follows:

Type of Food Premises	Number
Primary Producers	0
Manufacturers/Packers	5
Importers/Exporters	3
Distributors/Transporters	35
Retailers	236
Restaurant/Caterers	765
Total Number of Food Premises	1,044

2.0 Executive Summary

- 2.1 In 2012/13 the Service had been subject to additional pressures arising from work to support the Olympic Games and had undergone a strategic review. During the review the roles of Food Safety Manager and Head of Environmental Health and Licensing were temporarily combined.
- 2.2 The Authority had developed and implemented a comprehensive Food Enforcement Service Plan for 2012/13 based upon the service planning guidance in the Framework Agreement on Local Authority Enforcement. The Plan was well structured but required review to update references, include an annual performance review, and to set out a clear assessment of staffing levels required to meet all the demands on the Service.
- 2.3 The Service Plan detailed priorities for the inspection programme and auditors confirmed the Authority had adopted a risk-based approach to its intervention programme. Inspections had generally been conducted at the frequency required by the Food Law Code of Practice (FLCoP) and the Authority had also introduced “special measures” to help tackle high risk premises with a history of non-compliance.
- 2.4 The Service’s Enforcement Policy was under review and an overarching Corporate Enforcement Policy was being developed. The policies reflected a graduated approach to enforcement and contained guidance on enforcement actions in accordance with the FLCoP. The Authority had developed procedures relating to specific enforcement actions which were set out in the Task Instruction Manual. File checks demonstrated that the Authority had undertaken a range of formal enforcement actions to secure business compliance. Checks made on formal notices issued found them to be appropriate, properly drafted, authorised, and served in accordance with centrally issued guidance. Records of two prosecutions were found to be appropriate with good detailed records and evidence retained on file.
- 2.5 The Service had recently developed and issued documented procedures for food law enforcement activities which reflected current legislation and centrally issued guidance. These were contained in the Task Instruction Manual and provided useful guidance for officers.
- 2.6 File checks confirmed evidence of detailed inspections being undertaken with clear recording of contraventions. Inspection documentation included a pre-inspection form, an aide-memoire and additional documents which had been developed in relation to the Agency’s cross-contamination guidance. However, inspection documentation would benefit from additional details of the nature, size and scale of the business. Where revisits were necessary these were undertaken in a timely manner with appropriate follow-up action.

- 2.7 A procedure for the Competency and Authorisation of Food Enforcement Officers had been developed. Although the procedure confirmed that officer authorisations were assigned on the basis of qualifications, experience and competence, officer authorisations required review in regard to some specific legislative references and also the generic authorisation of officers under the Food Hygiene Regulations 2006. Qualifications and training records demonstrated that officers were appropriately qualified and receiving the minimum 10 hours relevant training per annum based on the principles of continuing professional development.
- 2.8 The Authority operated a database capable of providing monitoring returns to the Agency but the system required reconfiguration to ensure figures such as written warnings were correctly reported. Procedures in the Task Instruction Manual guided officers as to the information and activities that should be entered on the database. The database was updated through information provided from business rates, officer local knowledge, and liaison with other Local Authority Services. However documented procedures did not reflect the actions taken to ensure that the food premises database was accurate and up to date.
- 2.9 The Authority had one approved establishment. The premises file contained all the information required to assess whether approval under Regulation (EC) No 853/2004 was required. Checks confirmed that the establishment had been appropriately approved under the relevant legislation. However, pre-approval and subsequent programmed inspection records had not been recorded on an appropriate product specific aide-memoire. The use of appropriate product specific aides-memoire would assist the Authority in consistently undertaking and recording assessments under Regulation (EC) No. 853/2004.
- 2.10 An accompanied verification visit to a local care home with the officer who carried out the last inspection confirmed that the officer was familiar with the operations at the business, had a good working relationship with the food business operator (FBO), and had appropriately assessed the businesses compliance with legal requirements.
- 2.11 The Authority had a policy for the investigation of food and food premises complaints supported by procedures providing guidance to officers. Records examined confirmed that thorough and timely investigations were being undertaken and comprehensive records were being maintained.

- 2.12 Records of enforcement activities were stored on two separate paperless systems, namely the food premises database, and a corporate document management system. Auditors had considerable difficulty in effectively retrieving complete premises records from these unlinked systems and raised concerns about its effect on internal monitoring and retrieval of inspections records by officers.
- 2.13 Whilst there was evidence of qualitative internal monitoring this required review and the development of a documented internal qualitative monitoring procedure to reflect the actions being taken.
- 2.14 The Authority had participated in a one day third party inter-authority audit exercise in May 2011 covering certain paragraphs of the Standard in the Framework Agreement. The Authority had drawn up and implemented an action plan for non-conformances identified.

3.0 Audit Findings

3.1 Organisations and Management

Strategic Framework, Policy and Service Planning

- 3.1.1 The Authority had for the first time in several years developed and implemented a specific Food Enforcement Service Plan based upon the service planning guidance in the Framework Agreement on Local Authority Enforcement. Whilst the Plan was well structured there were a number of outdated references which required updating. The absence of a previous plan had prevented the inclusion of a performance review but there was a commitment to an annual review to be reported to the Corporate Management Board. Additionally the team had carried out a Strengths, Weaknesses, Opportunities and Threats (SWOT) analysis to assist service planning.
- 3.1.2 A number of figures in the Plan were found to be inconsistent with those reported in the 2011/12 Local Authority Enforcement Monitoring System (LAEMS) return. This included the number of full time equivalent professional staff, premises totals and premises totals within risk rating bands. The Plan also required a clear comparison of the resources required to carry out the full range of statutory food law enforcement activities against the resources available to the Service. Whilst Member development sessions had been provided to give an overview of food safety work, the Plan had not been appropriately approved by either an elected Member, Member forum, or suitably delegated senior officer.

Good Practice – SWOT Analysis

In preparing the Food Enforcement Service Plan for 2012/13 all food officers had been involved in a Strengths, Weaknesses, Opportunities and Threats analysis to help identify issues which the Food Enforcement Service needed to address. The results of the analysis were included as an appendix to the Plan.

- 3.1.3 The Service Plan set out links to the Corporate Plan “Building on Excellence” and the Councils’ five year vision. It also set out the Service’s strategic objective to “deliver an efficient and effective service to ensure food supplied within the Borough is safe” and the team service aim “to prevent disease and prolong and improve the quality of life by ensuring that local food business provides safe food”.

The Plan identified that the aim would be achieved by the following activities:

- Inspect identified food premises and mobile food vendors on a hazard rated basis
- Investigate service requests on a priority basis
- Monitor new or altered food premises
- Sample food and water supplies to monitor their safety and quality
- Provide advice and support to businesses within the Borough during inspections and including through liaison with the planning services team as well as seminars leaflets etc.
- Liaise with other local authorities on multiple outlet businesses etc.

Recommendation

3.1.4 The Authority should:

- (i) Ensure future Food Service Enforcement Plans contain up to date accurate figures, updated references, and that the plan is appropriately approved by either an elected Member, Member forum, or suitably delegated senior officer. [The Standard – 3.1]
- (ii) Ensure that the Service Plan includes a clear comparison of the resources required to carry out the full range of statutory food law enforcement activities against the resources available to the Service. [The Standard – 3.1]
- (iii) Undertake a documented performance review at least once a year based on the Service Plan. Any variance in meeting the service delivery plan should be addressed in the subsequent years' service arrangements. [The Standard – 3.2]

Documented Policies and Procedures

- 3.1.5 The Authority had developed documented procedures for food law enforcement activities which reflected current legislation and centrally issued guidance. These were contained in the Task Instruction Manual for Food and Safety dated September 2012. The manual provided useful guidance for officers across the full range of duties.

Officer Authorisations

- 3.1.6 Procedures were in place for the authorisation of food enforcement officers and these were detailed in the Task Instruction Manual. The Strategic Director was delegated to sign authorisations based on assessments of officers' competency by the Acting Head of Environmental Health and Licensing.
- 3.1.7 Officers' authorisations required review in regard to some specific legislative references, including those relating to the General Food Regulations 2004, Official Feed and Food Controls Regulations 2009, and the Trade in Animal Related Products Regulations. All officers carrying out food law enforcement had been generically authorised under the Food Hygiene Regulations 2006 contrary to guidance in the FLCoP.
- 3.1.8 Checks on records of training undertaken by a selection of officers demonstrated that officers were provided with a range of training to ensure they were appropriately qualified and receiving the minimum 10 hours relevant training per annum based on the principles of continuing professional development.

Recommendation

- 3.1.9 The Authority should:

Review and update all current officer authorisations to ensure they are appropriately authorised under current relevant legislation in accordance with their individual level of qualification, experience and competency.
[The Standard – 5.3]

3.2 Food Premises Database

- 3.2.1 The Service operated a computer database system that was capable of providing the returns required for LAEMS. Systems were in place for back up and maintaining the security of the electronic database. However the system was found to require reconfiguration to ensure LAEMS figures such as written warnings were correctly reported.
- 3.2.2 Database checks carried out as part of the audit including internet searches confirmed that the data was generally accurate.
- 3.2.3 In general, officers had responsibility for entering records of enforcement activity, including inspection details and risk ratings on to the system. The Task Instruction Manual included procedures to maintain database accuracy and guided officers on information and activities that should be entered on the database.
- 3.2.4 Action was taken to ensure the database was updated through assistance from business rates, officer local knowledge, and liaison with other Local Authority Services. However there was no documented procedure in place to reflect these actions and to ensure that the food premises database was accurate and up to date.
- 3.2.5 The Service was able to demonstrate its ability to provide a range of detailed and useful reports from its database, required for the effective management of its intervention programme.

Recommendations

3.2.6 The Authority should:

- (i) Ensure the database is configured and operated in such a way to provide accurate monitoring returns to the Agency. [The Standard – 6.3]
- (ii) Review and expand the existing procedures to include the methods used for ensuring the accuracy of the food premises database. [The Standard – 11.2]

3.3 Food Premises Interventions

3.3.1 The Authority's Food Enforcement Service Plan 2012/13 provided a detailed breakdown of the risk profile of registered food businesses in the area and the number of inspections due.

Premises Risk Category	Number of Premises	Number of Inspections due
A	9	18
B	62	62
C	375	212
D	184	63
E	239	37
Unrated	87	20
TOTAL	956	412

3.3.2 The Plan also set out the priorities for the inspection programme as part of a risk-based approach in accordance with the FLCoP. Category A and B premises would receive a food hygiene inspection. Category C, D and E premises would be subject to a mix of inspection and alternate interventions in accordance with centrally issued guidance.

3.3.3 The LAEMS return for 2011/12 indicated the Authority was generally carrying out interventions at the intervals required by the FLCoP. There were 85 outstanding inspections for the year of which 79 were category E rated premises. Data provided prior to and during the audit confirmed relatively low levels of overdue interventions. Auditors were able to confirm that the Authority had appropriately adopted a risk-based approach to its intervention programme, targeting resources at the higher risk and non-compliant businesses.

3.3.4 Newly registered businesses that required an initial inspection were routinely assessed and integrated into the intervention programme on a risk basis.

3.3.5 The Authority had also adopted an approach where high risk premises which had a history of non-compliance could be subject to "special measures" inspection. These inspections would be carried out by two officers.

Good Practice – Special Measures

In 2009/10 the Authority increased its focus on food businesses which were considered to have a history of poor compliance. This was done by the introduction of “special measures.” Whereas previously the premises would have been visited by the same officer, a new system was introduced where premises subject to special measures would be visited by different officers. This resulted in a number of successful enforcement actions being undertaken and has led to a reduction in the number of A and B rated food businesses.

- 3.3.6 The Authority had developed and implemented documented procedures for food hygiene inspection including pre-inspection checklists for officers.

Good Practice – Pre-inspection documentation

The Authority had developed and implemented a documented pre-inspection checklist for officers to be used as a desktop exercise in preparation for inspection. This included information relating to primary authority/home authority, previous history, records previously examined, red flag alerts, complaints and samples since the last inspection.

- 3.3.7 File checks of inspections carried out by different officers at food businesses were checked during the audit. These confirmed that food establishment inspections had been carried out at the required frequency, that there was adequate assessment of HACCP requirements, and risk ratings were appropriate in line with the Code of Practice. Reports had been provided for FBOs and where revisits were necessary these were generally undertaken in a timely manner with appropriate follow-up action. Computer records were up to date and accurate.
- 3.3.8 Checks on aides-memoire demonstrated that detailed inspection notes and a good level of information was recorded. Officers clearly identified any breaches of relevant legislation. However the inspection records would benefit from additional details on the nature, size and scale of the business.
- 3.3.9 The Authority had as part of their approach to highlighting the requirements of the E.coli O157 guidance produced a helpful leaflet with a list of sanitisers and disinfectants complying with relevant

British Standards and also supplied free dishwasher temperature indicator test strips which change colour at 82°C.

Good Practice – Sanitisers, Disinfectants and Dishwasher Temperature Strips

The Authority had developed a leaflet with an up to date list of popular sanitisers and disinfectants which comply with relevant British Standards. The LA had also issued free dishwasher temperature indicator test strips to Food Business Operators.

- 3.3.10 The Authority had one establishment that required approval under Regulation (EC) No. 853/2004. Files examined relating to the business showed that it had been approved in a timely manner in accordance with the appropriate legislation. However information recorded by the Authority for pre-approval and subsequent programmed inspections had not been recorded on the appropriate product specific aides-memoire. The use of appropriate product specific aides-memoire would assist the Authority in consistently undertaking and recording assessments under Regulation (EC) No. 853/2004.

Recommendations

3.3.11 The Authority should:

- (i) Review and develop its inspection aide-memoire to include additional details of the nature, size and scale of the business and type of food operation. [The Standard – 7.3 and 16.1]
- (ii) Ensure that pre-approval and subsequent programmed inspections at product-specific establishments subject to approval under Regulation (EC) No. 853/2004 are recorded on the appropriate product specific aides-memoire. [The Standard – 7.3]

Verification Visit to a Food Premises

- 3.3.12 A verification visit was undertaken to a local care home with an experienced officer of 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.
- 3.3.13 The officer was able to demonstrate general familiarity with the premises and the key operations carried out at the business including the adequacy of the operator's food safety management system.

3.4 Enforcement

- 3.4.1 The Service's Environmental Health and Licensing Enforcement Policy had been approved by the Council Cabinet in 2001 but had been under review for some time. In addition a draft of an overarching Corporate Enforcement Policy that was being developed was examined. The policies generally reflected a graduated approach to enforcement and contained guidance on enforcement actions in accordance with the FLCoP.
- 3.4.2 The Authority had developed procedures relating to specific enforcement actions, including hygiene emergency prohibition notices (HEPNs), hygiene improvement notices (HINs), prosecutions, simple cautions and warning letters which were set out in the Task Instruction Manual.
- 3.4.3 Records of three HINs were examined. These were all found to be appropriate, drafted in accordance with centrally issued guidance and signed by a correctly authorised officer who had witnessed the contravention. There was evidence that the notices had been properly served and that timely checks on compliance had been made following expiry of the notices.
- 3.4.4 A file relating to one HEPN was assessed and the notice was found to have been appropriate to the circumstances, correctly drafted and served in accordance with the FLCoP.
- 3.4.5 Records for two prosecutions and a simple caution were examined and these contained evidence to show actions were appropriate. Detailed records and evidence had been retained on file.

Recommendation

3.4.6 The Authority should

Ensure the review of the Environmental Health and Licensing Enforcement Policy is completed and that the policy is updated. [The Standard – 15.1]

3.5 Internal Monitoring, Third Party or Peer Review

Internal Monitoring

- 3.5.1 The Food Enforcement Service Plan detailed that the Food and Safety Manager and Senior Environmental Health Officer completed qualitative monitoring exercises to ensure officers dealt with food safety matters competently and consistently by:
- Ratification of notices and warning letters
 - Accompanied inspections
 - Process control of officers workload
 - Checks to ensure formal action is fair and consistent.
- 3.5.2 Some procedures within the Task Instruction Manual contained qualitative monitoring elements such as quality assurance checks on HINs and HEPNs by senior officers. In addition checklists were incorporated into some procedures to maintain quality and consistency.
- 3.5.3 File checks and discussions during the audit provided evidence that regular qualitative monitoring checks had been carried out across a range of food enforcement activities, however the Authority needed to review its internal qualitative monitoring activities to ensure it is undertaken across all areas of service delivery and that appropriate records are maintained.

Recommendation

3.5.4 The Authority should:

Ensure internal qualitative monitoring is undertaken across all areas of the service and that appropriate records are maintained. [The Standard – 19.1 and 19.3]

Food and Food Premises Complaints

- 3.5.5 The Food Service Enforcement Plan stated it was the Authority's policy to investigate all complaints where there may be breaches of legislation or where it was in the public interest. The policy was further supported by procedures in the Task Instructional Manual providing guidance to officers on complaint investigations.
- 3.5.6 Checks made on records for five food and food premises complaints showed that officers had carried out thorough, detailed, timely and appropriate investigations. Detailed records of investigations had

been maintained and all interested parties were informed of progress of the investigation. There was no evidence on files of internal monitoring of complaints.

Food Inspection and Sampling

- 3.5.7 The Food Service Enforcement Plan set out the Authority's food sampling policy and programme of an estimated 39 samples for 2012/13. Samples were to include national, regional and locally coordinated sampling, imported food sampling, and those arising from complaints, food poisoning investigations, and inspections.
- 3.5.8 The Task Instruction Manual also set out a number of documented procedures to ensure sampling was carried out in accordance with relevant Codes of Practice and centrally issued guidance.
- 3.5.9 At the time of the audit only two samples had been taken. These had arisen from an investigation of alleged food poisoning. Auditors explored the reason for the relatively low level of sampling which was due to the sampling plan being heavily focused on reactive work such as complaints etc which had not materialised as expected.
- 3.5.10 File checks on the two samples taken in response to an investigation of food poisoning allegations were found to have been taken in accordance with the Authority's sampling policy. The samples had been taken by a trained, authorised officer and appropriate follow-up action had been taken on the results.

Records

- 3.5.11 Records of food law enforcement activities were maintained electronically on two separate paperless systems, namely the food premises database, and a corporate document management system. While the records were retrievable auditors had considerable difficulty in retrieving complete premises records from these two unlinked systems in a timely and efficient manner. Concerns were raised with the Authority about the possible effect on internal monitoring and retrieval of inspections records by officers.

Third Party or Peer Review

- 3.5.12 The Authority had participated in a Surrey Chief Officers Group Food Safety Third Party Audit exercise in May 2011. The audit was a one day "partial audit" focusing on paragraphs relating to certain parts of the Standard utilising the Agency's audit protocols and checklists.

3.5.13 The Audit identified six “non-compliances” with the Standard and an action plan had been drawn up to be completed by 1 April 2012. It was clear that the Authority had taken action to address the recommendations.

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ANNEXE A Action Plan for Elmbridge Borough Council

Audit date: 16-17 January 2013

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.1.4(i) Ensure future Food Service Enforcement Plans contain up to date accurate figures, updated references, and that the plan is appropriately approved by either an elected Member, Member forum, or suitably delegated senior officer. [The Standard – 3.1]	30/04/13	Draft, update, and seek member approval of a Food Enforcement Service Plan 2013/14.	Completed.
3.1.4(ii) Ensure that the Service Plan includes a clear comparison of the resources required to carry out the full range of statutory food law enforcement activities against the resources available to the Service. [The Standard – 3.1]	30/04/13	Clear comparison of the resources required against those available to the food enforcement service included in Plan.	Completed - going forward the purchase of an IT activity based measuring tool to more accurately measure FTE's is being progressed.
3.1.4(iii) Undertake a documented performance review at least once a year based on the Service Plan. Any variance in meeting the service delivery plan should be addressed in the subsequent year's service arrangements. [The Standard – 3.2]	30/04/13	Provision made within the Plan for an annual review of the food enforcement service's performance against the targets set within it and corrective measures required to address any variances arising.	Completed.

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.1.9 Review and update all current officer authorisations to ensure they are appropriately authorised under current relevant legislation in accordance with their individual level of qualification, experience and competency. [The Standard – 5.3]	31/07/13	Update officer authorisations to ensure they are appropriately authorised under current relevant legislation in accordance with their individual level of qualification, experience and competency.	Examples of good/best practice being obtained from other local authority food enforcement services and being considered for the purposes of reviewing and updating existing authorisations.
3.2.6(i) Ensure the database is configured and operated in such a way to provide accurate monitoring returns to the Agency. [The Standard – 6.3]	30/04/13	Review the premises database configuration to identify anomalies and implement improvements to ensure monitoring returns accurately reflect the food enforcement service's activities.	Completed.
3.2.6(ii) Review and expand the existing procedures to include the methods used for ensuring the accuracy of the food premises database. [The Standard – 11.2]	30/04/13	Document the procedures for ensuring the accuracy of the food premises database in Officer Task Manual.	Completed.
3.3.11(i) Review and develop its inspection aide-memoire to include additional details of the nature, size and scale of the business and type of food operation. [The Standard – 7.3 and 16.1]	30/04/13	Add to current inspection aides-memoire to include additional details of the nature, size and scale of the business and type of food operation.	Completed.

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.3.11(ii) Ensure that pre-approval and subsequent programmed inspections at product-specific establishments subject to approval under Regulation (EC) No. 853/2004 are recorded on the appropriate product specific aides-memoire. [The Standard – 7.3]	31/07/13	Revise existing aide-memoire documents for pre-approval and follow-on inspection of product-specific establishments to ensure that the requirements of Regulation (EC) No. 853/2004 are properly audited against.	Being developed using template examples obtained from other local authority food enforcement services.
3.4.6 Ensure the review of the Environmental Health and Licensing Enforcement Policy is completed and that the policy is updated. [The Standard – 15.1]	31/07/13	Adopt the new overarching Corporate Statement of Enforcement and the revised services specific Environmental Health and Licensing Team's Enforcement Policy.	In progress through a Corporate working group involving all regulatory services.
3.5.4 Ensure internal qualitative monitoring is undertaken across all areas of the service and that appropriate records are maintained. [The Standard – 19.1 and 19.3]	30/06/13	Document procedures for conducting internal qualitative monitoring across all areas of the service in Officer Task Manual and maintain related records.	Completed.

ANNEXE B 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:

- The Food Service Enforcement Plan for 2012/13
- The Task Instruction Manual
- Relevant Cabinet meeting minutes
- Service policies and procedures
- Food premises inspection procedure and aide-memoire
- Database work instructions
- Officer authorisation, training and qualification records.

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

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

(3) Review of database records:

- To review and assess the completeness of database records of food hygiene inspections, food and food premises complaint investigations, samples taken by the authority, formal enforcement and other activities and to verify consistency with file records.
- To assess the completeness and accuracy of the food premises database.
- To assess the capability of the system to generate food law enforcement activity reports and the monitoring information required by the Food Standards Agency.

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

- Acting Head of Environmental Health and Licensing
- 1 Environmental Health Officer

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

(5) 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 regard to LA checks on FBO compliance with HACCP based food management systems.

ANNEXE 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.
Broadly Compliant	An outcome measure which the Food Standard Agency has developed with local authorities to monitor the effectiveness of the regulatory service relating to food law. It is based on the risk rating scheme in the Food Law Code of Practice which is currently used by food law enforcement officers to assess premises which pose the greatest risk to consumers failing to comply with food law.
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.
E.coli O157	E.coli O157 belongs to the group of verotoxigenic E.coli (VTEC) bacteria which are a toxin-producing strain of Escherichia coli that occur naturally in the gastrointestinal tract of animals such as cattle and sheep, and are pathogenic to humans. E.coli O157 is the VTEC strain that has been most commonly implicated in human infection in the UK.
Enhanced Remote Transit Shed	A warehouse designated by HM Revenue and Customs (HMRC), where goods are temporarily stored pending clearance by HMRC, and prior to release into free circulation.
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 Hygiene Rating Scheme (FHRS)	The Food Hygiene Rating Scheme provides information to the public about hygiene standards in catering and retail food establishments. It is run by local authorities in partnership with the Food Standards Agency. Businesses that fall within the scope of the scheme are given a ‘hygiene rating’ which shows how closely the business was meeting the requirements of food hygiene law at the time of inspection. The scheme also encourages businesses to improve hygiene standards.
Food Safety Management System	A written permanent procedure, or procedures, based on HACCP principles. It is structured so that this requirement can be applied flexibly and proportionately according to the size and nature of the food business.
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 and Feed 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 and feed law enforcement.</p> <p>The Monitoring Scheme 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 Audit Scheme 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 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 and feed 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.
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.
Safer food, better business (SFBB)	A food safety management system, developed by the Food Standards Agency to help small catering and retail businesses put in place food safety management procedures and comply with food hygiene regulations.
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.