



Food Standards Agency in Northern Ireland

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

Foreword

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

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

FSA audits assess local authorities' conformance against the Food Law Enforcement Standard ('The Standard'), which was published by the Agency as part of the Framework Agreement on Local Authority Food Law Enforcement¹. The Framework Agreement and the audit protocols are available on the Agency's website at:

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

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

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

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

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

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

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

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1.0 INTRODUCTION

1.1 Reason for the Audit

1.1.1 The primary purpose of FSA audits of Enforcement Authorities is to provide assurance that local delivery of official controls for feed and food is compliant with EU and UK legal requirements and official guidance. The detailed guidelines for the conduct of audits of competent authorities are set out in an EC Decision of September 2006².

1.1.2 In Northern Ireland, the power to set standards, monitor and audit Enforcement Authorities' food law enforcement services was conferred on the FSA by The Food Standards Act 1999³ and The Official Feed and Food Controls (Northern Ireland) Regulations 2009⁴. The audit will be undertaken under section 12 of the Act and regulation 7 of the Regulations.

1.1.3 The Framework Agreement on Local Authority (LA) Food Law Enforcement⁵ sets out the arrangements through which the FSA audits LA enforcement activities to help ensure that LAs are providing an effective service to protect public health.

1.1.4 The overarching aims of the audit scheme are to:

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

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

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

³ [Food Standards Act 1999 c.28](#)

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

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

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

1.2 Scope and objectives of the audit

- 1.2.1 The audit examined Fermanagh DC's systems and procedures for reporting and monitoring of food law enforcement activities through LAEMS.
- 1.2.2 The audit included the assessment of local arrangements for service planning, delivery and review, provision and adequacy of officer training and authorisations and internal service monitoring arrangements. Maintenance and management of appropriate records in relation to reporting and monitoring of food law enforcement activities in the council's area were also covered.
- 1.2.3 The on-site element of the audit took place at the Council's office at the Townhall, 2 Townhall Street, Enniskillen, Co. Fermanagh, BT74 7BA on 5 and 6 August 2014.

1.3 Background

- 1.3.1 The borders of Fermanagh DC are very similar to those of the traditional County Fermanagh, containing all of Fermanagh plus a small section of County Tyrone.
- 1.3.2 Fermanagh DC is a unique local authority in that it covers at least one entire county in Northern Ireland. County Fermanagh makes up one eighth of Northern Ireland's land mass, and the district council represents the largest local government district in geographical terms in Northern Ireland. One fifth of the area is covered by water, largely Lough Erne.
- 1.3.3 According to Census 2011, the County has population of 61,805, up 7% since 2001, living in the area spanning 725 square miles with 70% of the population residing in rural areas. This provides a population density of 29 persons per square kilometre compared to 112 persons per square kilometre for Northern Ireland. Enniskillen is the main centre of population with 13,000 people. Smaller towns in the area include Lisnaskea, Irvinestown, Belleek, Belcoo and Derrylin.
- 1.3.4 At the time of audit there were 872⁶ registered food businesses within Fermanagh DC's area including hotels, restaurants, takeaways, retailers, manufacturers and wholesalers.
- 1.3.5 Following local government reorganisation in Northern Ireland in 1973 a statutory grouping system was set up to support district councils. This system consisted of four regional groups covering the 25 smaller district councils in Northern Ireland. Belfast City Council due to its size was not included in the statutory grouping system.
- 1.3.6 Fermanagh DC was a constituent council of Western Group Environmental Health Committee (WGEHC). WGEHC provided co-ordination, monitoring, and support to its constituent councils, Derry City Council, Fermanagh District Council, Limavady Borough Council, Omagh District Council, and Strabane District Council.

⁶ figure taken from premises profile data - [Fermanagh DC's 2012/2013 LAEMS return](#) to the FSA

2.0 EXECUTIVE SUMMARY

- 2.1** The auditors examined Fermanagh DC LAEMS return for three years, 2010/2011, 2011/2012 and 2012/2013 and the Council's service plans for 2011/2012, 2012/2013.
- 2.2** The Council had provided the Agency with a complete LAEMS return every year since the inception of LAEMS in 2008.
- 2.3** There was a difference in the area of full time equivalents between the Council's service plan and their LAEMS returns over the same period. The auditors advised the Council to consider how they ensure both its annual LAEMS return and its annual service plan are consistent with each other and reflect the activities planned and carried out during the year.
- 2.4** Fermanagh DC had developed service plans for Food Law Enforcement which had been drawn up in line with Service Planning Guidance in the Framework Agreement.
- 2.5** The Council had a system in place for delegation and authorisation of officers. Four officer's authorisation records were examined and the auditors noted all four officers had been correctly authorised at the time of audit. Record checks showed officers had the required continuing professional development training.
- 2.6** Fermanagh DC had in place a computer software system capable of providing food law enforcement monitoring data to the Agency.

3.0 AUDIT FINDINGS

3.1 Organisation and Management

Strategic Framework, Policy and Service Planning

- 3.1.1 Chapter one of the framework agreement on official feed and food controls by local authorities contained guidance and information on how service plans for official feed and food law controls should be structured, and on what they should contain.
- 3.1.2 The auditors examined the Councils service plans for 2011/2012 and 2012/2013 and noted Food Control service plan for 2012/13 had been approved by council members in August 2012
- 3.1.3 Fermanagh DC had followed the guidance contained in the framework agreement when preparing their Food Control Service Plan for 2012/2013.
- 3.1.4 The Council had carried out a review against performance of its service plan for 2011/2012 and had reported on the review of their Food Control Service Plan for 2012/2013.

Documented Policies and Procedures

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

Authorised Officers

- 3.1.6 Fermanagh DC had delegated authority to authorise officers to the Chief Executive, the Director of Regulatory Services and the Head of Environmental Health. The authorisation had been general in respect of the Local Government Act (Northern Ireland) and specifically under the Regulations relating to food made under that Act including the Food Safety (NI) Order 1991 and the Food Hygiene Regulations (NI) 2006.
- 3.1.7 The auditors examined the authorisation records for four officers and noted in all cases the authorisation documents had been signed by an authorising officer.
- 3.1.8 Auditors examined qualification and training records for three officers. Appropriate qualifications⁷ for all three officers were provided. All three officers also had the required level of continuous professional development as required by paragraph 1.2.4 of the FLCoP.

⁷ [FLCoP - Chapter 1.2 - Qualifications and experience](#)

Facilities and Equipment

- 3.1.9 Fermanagh DC had in place a computer software system capable of providing food law enforcement monitoring data to the Agency.
- 3.1.10 The Council had documented procedures for accessing the food establishment database and secure storage of the database. The auditors noted that there was a process in place to verify the information held on the food establishment database.
- 3.1.11 One of the purposes of the information requested as part of the PVQ was to gather information about the council and its activities before beginning the onsite visit. Requests for information made in the PVQ also tested the systems the council had for recording and retrieving data about their activities and the information they hold on food businesses.
- 3.1.12 As part of the PVQ information, the auditors requested a list of Fermanagh DC's registered food businesses, including the name and address, type of establishment, current risk rating category⁸, the inspecting officer, and the last two intervention dates with risk ratings.
- 3.1.13 The auditors carried out ten random verification checks on the list of Fermanagh DC registered food establishments. All ten premises identified in the checks were satisfactorily accounted for through an interrogation of Fermanagh DC's food establishment database.

Internal Monitoring

- 3.1.14 The Council had developed and implemented a documented procedure for the internal monitoring of the food safety systems within the Environmental Health Department. The procedure detailed the qualitative and quantitative areas which the Senior Environmental Health Officer with responsibility for food control was responsible for internal monitoring.
- 3.1.15 The auditors noted good examples of monitoring records in relation to all areas stated in the Councils Internal Monitoring procedure.

3.2 LAEMS Reporting

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

⁸ District councils should determine the food hygiene and food standards intervention frequencies of food establishments within their area using the risk assessment criteria in Annex 5 of the [FLCoP](#), in order to determine their planned food hygiene intervention programmes. Section A5.4 of the FLCoP defines the food hygiene intervention frequencies category.

Full Time Equivalents

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

Table 1: Full Time Equivalents

Year	Service Plan	LAEMS Return	Difference
2011/2013	3.25	7	3.75
2012/2013	3.20	7	3.8

3.2.3 At the time of audit Fermanagh DC had 3.21 FTE. The auditors advised the Council to consider how they ensure both its annual LAEMS return and its annual service plan are consistent with each other and reflect the activities planned and carried out during the year.

Food Establishments Interventions and Inspections

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

3.2.5 The Council had adopted an Alternative Enforcement Strategy (AES) for low risk food hygiene category E establishments. The AES adopted included sector specific seminars/presentations, the use of self-assessment questionnaires and information guidance.

3.2.6 The Council had provided a list of establishments which were currently unrated as part of the PVQ information. Fermanagh DC had relatively low levels of unrated⁹ food hygiene establishments over the last three years as detailed in table 2.

Table 2: LAEMS Data - Unrated Establishments

Year	Number of unrated establishments
2012/2013	68
2011/2012	103
2010/2011	50

⁹ Unrated - those establishments yet to be assessed for a risk rating i.e. not inspected by LA.

Broad Compliance

3.2.7 The term 'broadly compliant', in respect of food hygiene, is defined as an establishment that has an intervention rating score of not more than 10 points under each of the following three parts of Annex 5, A5.3: Part 2: Level of (Current) Compliance - Hygiene and Level of (Current) Compliance – Structure; and Part 3: Confidence in Management.

3.2.8 Fermanagh DC experienced a percentage increase in food hygiene broad compliance¹⁰ of 7.4% between 2011/2012 and 2012/2013. Table 3 shows the comparison with the Northern Ireland average broad compliance figures.

Table 3: LAEMS Data - Broad Compliance

Broad Compliance	Fermanagh DC	NI Average
	All premises Inc. unrated	All premises Inc. unrated
2011/2012	81.7%	84.8%
2012/2013	89.1%	88.0%

3.2.9 Further analysis looking at high risk category A and B establishments shows an increase in broad compliance of 5% over the same period. Table 4 shows the comparison with the Northern Ireland average broad compliance figures for category A and B establishments.

Table 4: LAEMS Data - Broad Compliance - Risk Category A and B

Broad Compliance	Fermanagh DC	NI Average
	A & B rated premises	A & B rated premises
2011/2012	81.4%	67.1%
2012/2013	86.4%	68.8%

Food Complaints

3.2.10 The auditors compared the food complaints data reported by the Council to the FSA through LAEMS with the Council's service plans for 2011/2012,

¹⁰ The figures used for broad compliance relate to the total % of broadly compliant premises including unrated establishments.

2012/2013. The Council's service plans estimated Fermanagh DC would investigate on average 50 complaints each year.

3.2.11 There were minor differences between the Council's service plan and their LAEMS returns as detailed in table 5.

Table 5: LAEMS Data - Food Complaint Investigations

Food Complaint	2012/13	2011/12	2010/11
Food (Food Hygiene)	26	32	13
Hygiene of premises	16	15	19
Food (Food Standards)	0	0	0
Total	42	47	32

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Annexe A - Audit Approach / Methodology

(i) Examination of LA policies and procedures.

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

- Food Control Service Plan - 2011/2012, 2012/2013
- Minutes of the Fermanagh DC Meeting – 06 August 2012
- Fermanagh District Council - Authorisation Procedure
- Minutes of the Fermanagh DC Meeting - 05 March 2012
- Fermanagh District Council - Internal Monitoring Procedure - Internal Monitoring of Food Enforcement Activities
- Fermanagh DC food team meeting minutes – 26 June 2014, 01 April 2014, and 03 December 2013

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

- Authorisations
- Qualifications and training files
- Internal monitoring records

(iii) Interviews – the following officers were interviewed:

- Audit Liaison Officer - Senior Environmental Health Officer
- Administration officer – with responsibility for data entry on LAEMS
- Head of Environmental Health

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

(iv) LAEMS Data – submitted to the Agency by Fermanagh DC

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

Annexe B - Glossary

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

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

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