

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

Hertsmere Borough Council
26-27 June 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 their Environmental Health and Trading Standards Services.

The attached audit report examines the Local 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 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 the 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 Hertsmere 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 & 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 Hertsmere 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 because it had not been audited in the past five years by the Agency, and was representative of a geographical mix of five local 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 Hertsmere 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 Hertsmere Civic Offices, Elstree Way, Borehamwood on 26-27 June 2013.

Background

- 1.7 Hertsmere is the most southerly borough in Hertfordshire, bordering the London Boroughs of Barnet, Enfield and Harrow and covering an area of around 39 square miles. The location benefits from excellent transport links including easy access to the M1 and M25.
- 1.8 Hertsmere's population of 100,000 is concentrated in the Borough's four main towns of Borehamwood, Potters Bar, Bushey and Radlett. The area features wide tracts of Green Belt countryside and much of the land is still agricultural. The Borough is known for its film industry studios and a number of national companies are also based in the area. This has encouraged the development of Primary Authority Partnership agreements with two major food companies.
- 1.9 Food hygiene law enforcement was the responsibility of the Environmental Health Commercial Team, overseen by the Head of Service Delivery. The Team was also responsible for health and safety enforcement, public health issues in commercial premises, private water supplies and communicable diseases.
- 1.10 The Authority reported the profile of Hertsmere Borough Council's food businesses as of 31 March 2013 as follows:

Type of Food Premises	Number
Primary Producers	0
Manufacturers/Packers	14
Importers/Exporters	7
Distributors/Transporters	13
Retailers	144
Restaurant/Caterers	590
Total Number of Food Premises	768

2.0 Executive Summary

2.1 Hertsmere Borough Council was selected for audit as it had not been previously audited by the Agency in the past five years. The Service was in general able to demonstrate consistent conformance against the Standard in the Framework Agreement in the areas subject to audit. Food law enforcement activities were carried out by experienced and competent officers who demonstrated a commitment to providing helpful and comprehensive guidance on compliance to businesses.

2.2 Strengths:

Officer authorisations: The Authority had developed and implemented clear and comprehensive procedures for the authorisation of officers. Checks on authorisation documents and on inspection activities confirmed that officers were appropriately authorised and acting within the limits of their authorisation.

Documented procedures: Procedures were found to be comprehensive and provided useful guidance for officers across all areas of food law enforcement, reflecting actual practice at the Authority.

Records: Easily retrievable, up to date and detailed records were being maintained on all areas examined during the audit. These were supplemented in many cases by comprehensive evidence such as photographs, detailed premises plans and officers' notes. Auditors noted that approved establishment files were well organised, comprehensive and contained all relevant information on the establishments' activities. Officers were consistently recording their detailed assessments of business compliance with food law requirements and were highlighting key issues requiring follow-up at future interventions.

Food and food premises complaint investigations: Records of complaint investigations confirmed that they were appropriately and thoroughly investigated as part of a risk-based approach, with comprehensive records made of the progress of the investigation.

Service Plan review: The Service Plan for 2013/14 included a detailed review of the previous year's activities, and clearly set out the Service's achievements. The review included proposed corrective actions to address any variance from the Plan.

2.3 Key area for improvement:

Inspection frequencies: Due to limited resources, the Service Plan confirmed that there were some proposed departures from the Food Law Code of Practice in relation to interventions at lower risk premises. Whilst it was clear that the Authority was prioritising its resources into the inspection of higher risk premises, there were a significant number of lower risk and unrated premises overdue an inspection. The Authority should ensure it is taking full advantage of the current

flexibilities within the Code, including the option to implement an alternative enforcement strategy for category E premises. It should also continue to assess changes to business activities that may affect the risk profile of the business in the intervening period between inspections.

3.0 Audit Findings

3.1 Organisations and Management

Strategic Framework, Policy and Service Planning

- 3.1.1 The Authority had developed a Food Law Enforcement Service Plan for 2013/14, which had been approved by the Portfolio Holder for Environment and Transport.
- 3.1.2 The Plan was comprehensive and had generally been drafted in accordance with the Service Planning Guidance in the Framework Agreement. However, whilst the Plan contained some information on full time equivalent (FTE) resources and demands, it did not contain a complete breakdown to provide a clear comparison between the resources required to deliver the food law service and the FTE resources available. The use of contractors to assist with the delivery of the Service complicated calculation of the available resources as only officers on the Authority's staffing establishment had been included in a table setting out the staffing allocation in the Plan. The absence of an accurate comparison of resources makes it difficult to identify and quantify any shortfalls to senior managers and to Members.
- 3.1.3 In addition, future Plans would benefit from some further clarification of the proposed interventions programme for the year, to reflect the actual number of interventions due at each risk category including those overdue an inspection.
- 3.1.4 The Plan provided links to corporate objectives and plans, including the Environmental Health Service Plan, and the Corporate Plan which committed the Council to carrying out its statutory functions efficiently and effectively. Food law enforcement was a stated corporate policy.
- 3.1.5 The primary objective of the Service was set out in the Food Law Enforcement Service Plan as being to 'deliver high quality services responsive to public needs, concentrating on continuous improvement of core services and the proper discharge of the Council's statutory public, environmental and consumer protection responsibilities'. The Plan also set out the aim to ensure that 'Food and drink manufactured, prepared, stored and sold in the borough, including imported food, is safe to eat, free from contamination, is supplied in an hygienic manner from premises that are clean and hygienic'.
- 3.1.6 The Plan contained a comprehensive performance review of the previous year's activities and clearly stated which objectives had or had not been achieved, with proposed corrective actions to address any variances.

Recommendation

3.1.7 The Authority should:

Ensure that future Food Service Plans include an accurate and clear comparison of the resources required to carry out the full range of statutory food law enforcement activities against a reasoned estimate of the resources available to the Service. The Plan should also more clearly set out the proposed interventions programme for the year.

[The Standard – 3.1]

Documented Policies and Procedures

- 3.1.8 The Authority had developed a documented procedure setting out the system for reviewing documents and had developed a document control system. Comprehensive documented policies and procedures had been developed and had been recently reviewed. These covered all food law enforcement activities, and provided useful guidance to officers, reflecting actual practice at the Authority.

Officer Authorisations

- 3.1.9 The Authority had developed and implemented a procedure for the authorisation of officers, which included a comprehensive table which clearly set out the limit of authorisation based on an individual officer's qualifications, experience and competence.
- 3.1.10 In practice, the lead food officer assessed the appropriate level of authorisation following a review of the officer's qualifications, training and experience along with monitoring of the quality of the officer's work. A recommendation was then made on the appropriate level of authorisation to the Chief Environmental Health Officer who had delegated authority to sign the authorisation documents.
- 3.1.11 Checks carried out during the audit confirmed that officers had appropriately defined levels of authorisation under relevant legislation in line with their qualifications and experience. The use of an authorisation matrix provided a clear and up-to-date summary of the extent of each officer's powers.
- 3.1.12 Individual officer training needs were identified as part of the Authority's annual appraisal system. Training records confirmed that both in-house officers and contractors were receiving a broad range of relevant training and were meeting the minimum 10 hours relevant food training per annum required by the Food Law Code of Practice

(FLCoP) based on the principles of continuing professional development. Contractors were included in any in-house or regional training initiatives. Training included subjects relevant to specialist food businesses in the area, and also on HACCP systems, imported food controls, consistency in inspection risk ratings, and implementation of the E.coli.O157 guidance issued by the Agency.

3.2 Food Premises Database

- 3.2.1 The Service had produced procedures on the maintenance of the food premises database and on registration of food premises. Day to day maintenance of the database was the responsibility of an experienced systems administrator with some support provided by the Authority's central IT services.
- 3.2.2 The Authority had acknowledged that the database was outdated and was not capable of producing accurate local authority enforcement monitoring system (LAEMS) returns without significant intervention by the systems administrator and lead food officer. There were advanced plans in place for its replacement which should assist in providing future LAEMS returns to the Agency.
- 3.2.3 Various measures were in place to ensure that the database was kept up-to-date. These included:
- Training of staff
 - Restricted access for entering and deleting premises
 - Work instructions on data input
 - General weekly housekeeping of the database
 - Annual checks on business directories and other information sources
 - Weekly checks on local newspapers
 - Bi-annual checks on data obtained from sources such as the Care Quality Commission and the Office for Standards in Education, Children's Services and Skills
 - Ad hoc updating of information from other intelligence sources, such as officers' observations on the district, food business registration forms, licensing applications, business rates and complaints about premises.
- 3.2.4 It was evident from discussions and checks on the database that significant resource had been invested in ensuring that the database was accurate and reflected the food law enforcement activities carried out by the team. In general data held on the database was accurate and cross referencing against LAEMS returns confirmed that there were no significant issues other than ensuring that the returns reflected all food sampling activities that had been carried out.
- 3.2.5 Random checks on seven food businesses in the area identified by internet searches confirmed that they were in general on the database and included within the Authority's interventions programme.

3.3 Food Premises Interventions

3.3.1 The Authority's Food Law Enforcement Service Plan 2013/14 set out the food premises profile by risk category and the interventions programme for the year.

3.3.2 The Plan set out the breakdown of premises requiring inspection, and the inspections due in the year as follows:

Premises Risk Category	Number of Premises	Inspections due 2012/13
A	12	13
B	105	99
C	398	270
D	108	31
E	130	17
Unrated	15	100
Not in programme	0	0
Total	768	530

3.3.3 It was acknowledged that Service Plan estimates of inspections due did not necessarily correspond with the anticipated inspection frequencies set out in the FLCoP, for example 12 category A premises which have a six month inspection frequency should result in 24 inspections due. The figures in the Service Plan were derived directly from the Authority's database.

3.3.4 The Authority relied on experienced contractors to assist in the delivery of the majority of the inspection programme. The Service Plan placed an emphasis on implementing a risk-based interventions strategy and were committed to inspecting premises with a risk rating of A, B, or non-compliant C rated businesses. The Service Plan stated that with their current resources, the service could aim to inspect 75% of all broadly compliant C rated premises, and D and E rated premises would not be inspected unless they could achieve 100% of all other inspections. Auditors discussed the importance of continuing to assess changes to business activities that may affect the risk profile of businesses in the intervening period between inspections and to consider making full use of the flexibilities within the FLCoP in relation to alternative enforcement strategies (AES).

3.3.5 A database report produced during the audit confirmed that there were around 200 premises overdue an inspection. It was clear that the Authority had prioritised its inspection programme in accordance with the Service Plan as the majority of these were lower risk premises, with only 1 category A and 5 category B premises, the oldest of which was from April 2013.

- 3.3.6 The Service was planning an initiative to provide a focused AES for child-minders, based on the specific Safer food, better business pack published by the Agency, which would include a series of workshops held at times convenient for the target audience.
- 3.3.7 The Authority had separate documented procedures on Food Premises Interventions and the Approval and Enforcement of Food Businesses under Regulation (EC) No. 853/2004. These had been recently reviewed and provided useful guidance for officers, and included advice on the enforcement of imported food controls.
- 3.3.8 Officers used a comprehensive inspection aide-memoire to record the findings from inspections and their assessment of the food business operator's (FBO) compliance with food hygiene legislation. This prompted officers to clearly identify the main issues discussed on the inspection and those requiring follow-up. The document had been recently reviewed to further prompt officers to record their assessments of the implementation of the E.coli O157 prevention of cross-contamination guidance issued by the Food Standards Agency, and also checks made on imported food controls.
- 3.3.9 Records of a sample of inspections carried by different officers at food businesses were examined during the audit. In all files checked the aide-memoire had been completed with detailed notes of the officers' findings, including their assessments of the FBO progress in meeting the requirements to implement a HACCP based food safety management system (FSMS) and adherence to the E.coli O157 guidance.
- 3.3.10 It was clear that officers were providing comprehensive and helpful advice to FBOs on cross-contamination issues. These included practical discussions, the provision of guidance materials, practical demonstrations of effective cleaning methods, and the use of ATP test kits. Auditors were advised that there were also plans to produce photographic examples for businesses to demonstrate practical measures to comply with the E.coli O157 guidance.
- 3.3.11 The aide-memoire included a section to record internal monitoring carried out by the manager of the food team. This had been consistently completed on all records checked, and where appropriate confirmed their agreement to a downgrading of the risk rating from a category A or B.
- 3.3.12 Follow-up correspondence contained detailed and helpful advice for the FBO, and made a clear distinction between matters which were legally required and those which were recommendations of good practice.
- 3.3.13 The Authority provided details of four establishments which had been approved under the requirements of Regulation (EC) No. 853/2004.

These had been appropriately notified to the Agency as required by the EU, for inclusion on the central list of establishments published on the Agency's website.

- 3.3.14 Checks were made on three of the approved establishment files. These were found to be well ordered, comprehensive and in line with the Food Law Practice Guidance, including a useful synopsis of the operations carried out. Inspections had been carried out by suitably qualified and experienced officers, although there was some variation from the FLCoP inspection frequencies on two of the files examined.
- 3.3.15 Detailed records of the businesses activities and of the officers' assessments of the businesses compliance were provided, although these had not always been recorded on the relevant inspection aide-memoire for the type of business. Use of these assists in ensuring that all relevant details are routinely recorded as necessary at each inspection.
- 3.3.16 One of the establishments which had originally been approved under outdated legislation required re-approval under Regulation 853/2004.

Recommendation

3.3.17 The Authority should:

Carry out food hygiene interventions/inspections at a frequency which is not less than that determined by the Food Law Code of Practice. [The Standard – 7.1]

Verification Visit to a Food Premises

- 3.3.18 During the audit, a verification visit was undertaken to a local delicatessen with an experienced officer 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.
- 3.3.19 On the visit, the officer was able to demonstrate familiarity with the premises and the operations carried out. The officer had assessed the business' compliance with legal requirements including consideration

of implementation of the E.coli O157 guidance and had provided comprehensive and helpful guidance to the FBO on compliance. There were some issues identified on the visit with the layout and structure of the establishment which were discussed with the officer, and auditors were advised that further follow-up action was still being considered at the time.

3.4 Enforcement

- 3.4.1 The Authority had developed a generic corporate enforcement policy, which had been approved by the Authority's Executive Cabinet in January 2009. This set out the Authority's risk-based and proportionate approach to enforcement. The policy was undergoing corporate review at the time of the audit and the opportunity should be taken to expand or append the document to provide reference to the Authority's obligations under the Regulatory Enforcement and Sanctions Act 2008 in respect of Primary Authority Partnerships, and to include specific food hygiene sanctions such as the service of formal notices.
- 3.4.2 Comprehensive documented procedures for a range of formal enforcement actions had also been developed and recently reviewed.
- 3.4.3 Records for formal enforcement activities that had taken place over the previous two years were provided for audit. These comprised the service of a number of hygiene improvement notices (HIN) and emergency prohibition proceedings.
- 3.4.4 Records for HINs served in respect of three premises were examined. All notices were found to be an appropriate course of action in the circumstances, and had been drafted and served in accordance with centrally issued guidance. A monitoring checklist had been introduced which had been completed for the more recent notices served. Two notices had been granted an extension of time, however on one, a written request had not been received, and on both, the notices had not been withdrawn and a new notice issued with the revised compliance date. The Service had already identified these issues and evidence was provided to confirm that it had been discussed at a recent team meeting.
- 3.4.5 It was not evident from file records that timely graduated enforcement action had always been taken where an HIN had not been fully complied with. Information provided following the audit confirmed that formal action was still being actively pursued at the premises, however wherever there is any departure from procedures or the enforcement policy, the reasons and justification for this should be recorded.
- 3.4.6 Records for two hygiene emergency prohibition notices (HEPN) and a voluntary closure were examined. The measures taken were found to be appropriate in the circumstances and in accordance with Code of Practice requirements.

Recommendation

3.4.7 The Authority should:

Ensure that a graduated approach to enforcement is considered where there is a failure to comply with hygiene improvement notices, in line with the Authority's enforcement policy. The reasons for any departure from the Authority's policy should be documented. [The Standard – 15.3 and 15.4]

3.5 Internal Monitoring, Third Party or Peer Review

Internal Monitoring

- 3.5.1 A documented procedure had been developed on internal monitoring which covered various aspects of food law enforcement activities. This could be usefully expanded to cover additional areas such as food sampling, database accuracy, and the administration of the FHRS.
- 3.5.2 Auditors were advised that whilst internal monitoring activities had been undertaken previously, the procedure had only recently been fully implemented and records of internal monitoring activities maintained. There was clear evidence that internal monitoring had taken place in relation to all recent inspections and formal enforcement activities. Any variance was discussed with the officer concerned or if a general issue, it was raised for discussion at a future team meeting.

Food and Food Premises Complaints

- 3.5.3 References to the Service's policy on the investigation of food and food premises complaints were contained within the Service Plan and within relevant documented procedures which had been recently reviewed.
- 3.5.4 Complaints were categorised into three different levels of response depending on the type and severity of the complaint. Those where there was an evident risk to public health would take priority and the complainant visited within 24 hours of lodging the complaint. In order to ensure that sufficient progress was being made the procedure included an intended 21 day review of all complaint categories.
- 3.5.5 Checks were made on records for five food and food premises complaints. Records of investigations were comprehensive and included photographic evidence where appropriate. The records confirmed that officers had carried out thorough, timely and appropriate investigations and had kept interested parties informed of progress and the outcome of the investigation.

Food Inspection and Sampling

- 3.5.6 The Authority had produced a sampling policy, programme and documented procedures. The programme included participation in local, regional and national sampling surveys along with samples

taken as part of food poisoning investigations, or to confirm poor practices in relation to cross-contamination at food businesses.

- 3.5.7 LAEMS returns indicated that there had been no samples taken over the past three years, although a number of sampling visits had been recorded. A report produced during the audit confirmed that a number of samples had been taken in the past in accordance with the sampling policy, and the Service confirmed that future returns will detail this information. Auditors were advised that the numbers of samples taken had declined due to the absence of the officer who had responsibility for this area of work, however it was intended to increase activity in the forthcoming year. In addition arrangements were being made for officers to receive refresher training in sampling techniques.
- 3.5.8 Checks were made on records for recent food samples and environmental swabs which had received unsatisfactory results. All the samples were in relation to the investigation of an alleged food poisoning incident, the investigation of which was on-going at the time of the audit. The samples were found to have been taken in accordance with the Authority's sampling policy, were part of the sampling programme, and had been taken by a trained, authorised officer. A thorough investigation of the outbreak and the cause of the unsatisfactory results had taken place, with comprehensive records maintained.

Records

- 3.5.9 Records of food law enforcement activities were maintained in paper files and electronically on the food premises database system. Records were easily retrievable during the audit, and as noted throughout were in general very comprehensive, with detailed notes, which were supplemented by additional evidence such as photographs and detailed premises plans.

Third Party or Peer Review

- 3.5.10 There had been no inter-authority audit (IAA) activity in which the Authority had participated in the last two years. The Service Plan made reference to a peer review exercise proposed for the next financial year against an Authority with a similar area profile.
- 3.5.11 The Authority had been recognised by Investors in People in April 2011.

Auditors: **Yvonne Robinson**
Andrew Gangakhedkar
Daniel Morelli

Food Standards Agency
Local Authority Audit and Liaison Division

ANNEXE A Action Plan for Hertsmere Borough Council

Audit date: 26-27 June 2013

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
<p>3.1.7 Ensure that future Food Service Plans include an accurate and clear comparison of the resources required to carry out the full range of statutory food law enforcement activities against a reasoned estimate of the resources available to the Service. The Plan should also more clearly set out the proposed interventions programme for the year. [The Standard – 3.1]</p>	<p>31/07/14</p>	<p>Food Service Plan to be revised to enable:</p> <ul style="list-style-type: none"> i. Inclusion of resources required against estimate of resources available to carry out enforcement activities; and ii. Greater clarity of proposed interventions programme. 	<p>Review and revision of Food Service Plan 2014/15 to be started prior to commencement of LAEMS return and completed following submission of LAEMS return.</p> <p>Recommendation discussed in Commercial Team meeting held on 18/07/13.</p>
<p>3.3.17 Carry out food hygiene interventions/inspections at a frequency which is not less than that determined by the Food Law Code of Practice. [The Standard – 7.1]</p>	<p>On-going</p> <p>30/04/14</p> <p>31/01/14</p>	<p>Continue to target highest risk businesses.</p> <p>Introduce AES for low risk businesses including child-minders (where appropriate).</p> <p>Review and identify any outstanding interventions before year end and engage contractors, if resources permit, to complete programme of interventions.</p>	<p>On-going.</p> <p>Examples of AES questionnaires obtained from other LAs.</p> <p>Interventions due are being reviewed on a monthly basis.</p> <p>Recommendation discussed in Commercial Team meeting held on 18/07/13.</p>

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.4.7 Ensure that a graduated approach to enforcement is considered where there is a failure to comply with hygiene improvement notices, in line with the Authority's enforcement policy. The reasons for any departure from the Authority's policy should be documented. [The Standard – 15.3 and 15.4]	Immediate and on-going 31/10/14	Enforcement actions discussed with and agreed by Lead Food Officer and documented. Re-familiarisation of staff with procedures and policy to be held as a coaching session during Commercial Team meeting.	Recommendation discussed in Commercial Team meeting held on 18/07/13. Provisional date for meeting 02/10/13.

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

- Food Law Enforcement Service Plans 2011/12, 2012/13, 2013/14 including reviews and accompanying relevant committee items
- Procedure on review and updating of policies and procedures
- Officer CPD training records
- Relevant section from the Authority's Scheme of Delegation
- Authorisation procedure
- Food premises interventions procedure
- Approved establishment procedure
- Food Hygiene Rating Scheme procedure
- Herts & Beds Food Study Group Intervention Strategy
- Food premises and food complaints procedure
- Template inspection aide-memoire
- Food premises database procedure
- Food inspection and sampling procedure
- Corporate Enforcement Policy November 2008 and minutes of approval
- Prosecution and simple caution procedure
- Records and inspection reports procedure
- Internal monitoring procedure
- Minutes of recent Food Safety Liaison Group meetings.

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

- General food premises inspection records
- Approved establishment records
- Food complaint records
- Records of food sampling
- Internal monitoring 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:

- Assistant Chief Environmental Health Officer
- Principal Environmental Health Officer
- Two Environmental Health Officers.

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

The Framework Agreement consists of:

- Food and Feed Law Enforcement Standard
- Service Planning Guidance
- Monitoring Scheme
- Audit Scheme

The **Standard** and the **Service Planning Guidance** set out the Agency's expectations on the planning and delivery of food and feed law enforcement.

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.

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.

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.