



# **Annual report on UK local authority food law enforcement**

**1 April 2015 to 31 March 2016**



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## 1. Introduction

- 1.1 The Food Standard Agency (FSA) is responsible for monitoring and reporting on the performance of local authority (LA) food law enforcement services. This responsibility is mirrored in Scotland by Food Standards Scotland (FSS) who continue to collect data using the UK LAEMS system. Data are collected annually from LAs on food law enforcement activity with food businesses in the UK. Data are also collected on the checks carried out by port health authorities (PHAs) on food imports from countries outside the European Union (third countries). The data are reported as Official Statistics. The Official Statistics for the period 1 April 2015 to 31 March 2016 (2015/16) comprise the summary data in this report together with data for the individual LAs in all four UK countries. This report and individual LA data are published at: [www.food.gov.uk/enforcement/monitoring/laems/mondatabyyear/](http://www.food.gov.uk/enforcement/monitoring/laems/mondatabyyear/). Data for previous years are also available at this link.
- 1.2 The arrangements for monitoring LA performance are set out in the 'Framework Agreement on the Delivery of Official Feed and Food Controls by Local Authorities'.<sup>1</sup> Data are collected electronically from LAs and PHAs using a web-based system: the Local Authority Enforcement Monitoring System (LAEMS). LAs that have used the UK Food Surveillance System (UKFSS) to record details of samples taken for the whole of the 2015/16 reporting year have the option to use UKFSS data as the sample part of their LAEMS return.<sup>2</sup>
- 1.3 LAs provide returns for food hygiene (microbiological quality and contamination of food by micro-organisms or foreign matter) and food standards (composition, chemical contamination, adulteration and labelling of food). Imported food returns provide information specifically on enforcement action related to food imported from third countries.<sup>3</sup>
- 1.4 A summary of the key findings for the returns made in 2015/16 is provided at Section 2. Section 3 outlines the levels of returns for this year, and Sections 4 to 11 provide key data from these returns, together with comparative data from 2013/14 and 2014/15 and analysis of key trends and variations. Explanatory notes for users of LAEMS statistics can be found at Annex A.
- 1.5 The returns for Northern Ireland for 2014/15 were made in advance of the changes that occurred from 1 April 2015 which reduced the number of district councils from 26 to 11. In view of this, it was agreed that returns for councils in Northern Ireland for 2014/15 should be made in advance of the changes becoming effective and would cover the first three quarters of the reporting period only. It is recognised that this will have an impact on some of the trend analysis of the 2015/16 data. As the proportion of businesses in Northern

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<sup>1</sup> See [www.food.gov.uk/sites/default/files/multimedia/pdfs/enforcement/frameworkagreementno5.pdf](http://www.food.gov.uk/sites/default/files/multimedia/pdfs/enforcement/frameworkagreementno5.pdf)

<sup>2</sup> Further information on UKFSS may be found at [www.food.gov.uk/enforcement/sampling/fss](http://www.food.gov.uk/enforcement/sampling/fss)

<sup>3</sup> Non-European Union countries

Ireland is only around 3% of the UK total, it is considered that this impact will be small.

## 2. Summary of key findings

- 2.1 The key findings from the LAEMS data reported by LAs for 2015/16 and comparisons with data reported for 2014/15 are set out below (meaningful comparisons cannot be made for imported food due to differing control requirements with safeguards and foods subject to enhanced consignment checks changing annually).

### Food establishments

- **Numbers of registered businesses** increased by 1.0% from 627,425 to 633,638 ▲
- **Proportion of registered businesses not yet rated for food hygiene risk<sup>4</sup>** increased from 4.9% (30,949) to 5.0% (31,659) ▲
- **Proportion of registered businesses not yet rated for food standards risk** has remained around 11% ◀▶

### Interventions

- **Food hygiene interventions** increased by 0.5% from 402,475 to 404,551 ▲
- **Food standards interventions** increased by 8.9% from 117,877 to 128,364 ▲
- **Targeting of interventions** has continued to be for higher risk establishments – Category A to C for food hygiene and Category A for food standards. For food hygiene, 99.7% (Category A), 99.2% (Category B) and 93.5% (Category C) were achieved. For food standards, 88.8% (Category A) were achieved. -

### Enforcement actions

- **Total number of enforcement actions** (food hygiene and food standards) increased by 5.4% from 181,877 to 191,719<sup>5</sup> ▲
- **Total food hygiene enforcement actions** increased by 0.8% from 167,338 to 168,663 ▲
- **Formal food hygiene enforcement actions<sup>6</sup>** decreased by 7% from 7,133 to 6,634 ▼
- **Food hygiene written warnings** increased by 1.1% from 160,205 to 162,029 ▲
- **Total food standards enforcement actions** increased by 58.6% from 14,539 to 23,056 ▲

<sup>4</sup> Not yet rated (NYR) – those establishments yet to be inspected by the LA and assessed for an intervention rating.

<sup>5</sup> LAEMS records the number of establishments subjected to the individual types of enforcement action. The total number of individual enforcement actions taken by LAs is likely to be higher.

<sup>6</sup> All enforcement actions other than written warnings

- **Formal food standards enforcement actions** increased by 57.7% from 215 to 339 ▲
- **Food standards written warnings** increased by 56.3% from 14,324 to 22,717 ▲
- **Seizure, detention and surrender of food** (food hygiene and food standards) increased by 1.9% from 482 to 491 ▲
- **Remedial action and detention notices** (food hygiene) increased by 3.6% from 280 to 290 ▲
- **Simple cautions** (food hygiene and food standards) increased by 22.0% from 309 to 377 ▲
- **Prosecutions** (food hygiene and food standards) remained unchanged at 361 ◀▶
- **Voluntary closure** (food hygiene) increased by 2.5% from 1,094 to 1,121 ▲
- **Hygiene emergency prohibition notices** increased by 5.9% from 321 to 340 ▲
- **Hygiene improvement notices** decreased by 12.2% from 4,366 to 3,834 ▼
- **Hygiene prohibition orders** decreased by 32.1% from 109 to 74 ▼
- **Suspension/revocation of approval or licence** (food hygiene) decreased by 50.0% from 26 to 13 ▼

### Official samples

- **Total reported samples** decreased by 1.9% to 67,165 from 68,471 in 2014/15 (this continues an overall decline in recent years, with the exception of 2013/14 when there was an increase, which may have reflected increased activity in monitoring fraud following the horsemeat incident). ▼
- Samples tested for **microbiological contamination** decreased by 1.6% from 46,319 to 45,602 ▼
- Samples tested for **other contamination** decreased by 5.9% from 4,909 to 4,621 ▼
- **Labelling and presentation** increased by 9.6% from 6,700 to 7,342 ▲
- Samples tested for **composition** decreased by 3.7% from 16,899 to 16,270 ▼
- **Other analyses** increased by 46.1% from 2,725 to 3,981 ▲
- There are also 1,652 **unclassified samples** in the 2015/16 data, which covers samples recorded on UKFSS where it was not possible to identify the analysis type for LAEMS -

### Consumer complaints

- **Complaints** about the safety and quality of food and the hygiene standards of food establishments decreased by 4.9% from 72,558 to 69,031 ▼

## Professional staff resources

- **Full Time Equivalent (FTE) professional staff engaged in UK food law enforcement** decreased by 6% from 2,303 to 2,164 ▼
- **FTE professional staff engaged in food hygiene** decreased by 4.8% from 1,796 to 1,709 ▼
- **FTE professional staff engaged in food standards** decreased by 10.3% from 507 to 455 ▼

## Hygiene compliance

- **Proportion of rated establishments achieving 'broad compliance'** increased from 93.0% to 93.5%<sup>7</sup> ▲
- **Proportion of LAs with 'broad compliance' levels of 90% or greater for rated establishments** increased from 84.0% to 87.0% ▲

## Imported food

- The total number of consignments of imported food received was 431,840 of which 0.3% was rejected
- A total of 151,100 documentary checks, 58,082 identity checks and 24,172 physical checks were carried out
- The total number of samples taken at ports was 4,588, 8% of which were found to be unsatisfactory

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<sup>7</sup> LAs assess compliance in accordance with statutory guidance set out in the Food Law Codes of Practice for England, Wales and Northern Ireland at [www.food.gov.uk/enforcement/codes-of-practice/food-law-code-of-practice-2015](http://www.food.gov.uk/enforcement/codes-of-practice/food-law-code-of-practice-2015) and for Scotland at [www.foodstandards.gov.scot/food-law-code-practice-2015](http://www.foodstandards.gov.scot/food-law-code-practice-2015)

Scores are given for three compliance criteria: hygiene; structure; and confidence in management. Businesses that score not more than 10 under each of these three criteria are defined as 'broadly compliant'. This is equivalent food hygiene ratings of 3 to 5 under the Food Hygiene Rating Scheme operating in England, Wales and Northern Ireland.



### **3. Data return levels from local authorities**

#### **Food hygiene and food standards**

- 3.1 There were 419 UK LAs with responsibility for food controls during the 2015/16 reporting period (354 in England, 22 in Wales, 11 in Northern Ireland and 32 in Scotland).
- 3.2 In England, County Councils (27) are responsible for food standards only, District Councils (201) for food hygiene only, while London Boroughs (33), Metropolitan Borough Councils (37) and Unitary Authorities (56) are responsible for both. In the other three countries, all authorities are responsible for both.
- 3.3 All expected returns were received for food standards (210) and for food hygiene (388). Expected returns are lower than the number of LAs as some joint services submit single returns.
- 3.4 There were two LAs that reported they were unable to provide a full return (only food hygiene data provided) due to local IT issues. One LA reported it was unable to transfer some of the data from its local IT system.
- 3.5 For the 2014/15 data Northern Ireland's returns only covered the first three quarters of the reporting period, which was agreed in advance of local government reorganisation which reduced the number of district councils from 26 to 11 on 1 April 2015. In view of this Northern Ireland has been excluded from the secondary analysis of data for interventions and enforcement (see Annex A).

#### **Statistical comparisons with previous years**

- 3.6 It should be noted that whilst each year care is taken to ensure the accuracy of the data provided there may be instances where the data reported in previous years has been subsequently amended.

#### **Imported food**

- 3.7 Imported food returns provide information specifically on enforcement action relating to food imported from Third Countries (countries outside the European Union). These were received from all major PHAs and LAs with ports receiving food from Third Countries. Where no imported food control data were submitted via LAEMS or UKFSS during the past year, the FSA has assumed a nil return.

## 4. Establishment profiles

4.1 A total of 633,638 food establishments were registered with LAs in the UK at 31 March 2016. A breakdown of these businesses by premises type and food hygiene risk category is provided in Table 1 and by premises and country in Table 2.

**Table 1: UK registered food establishments profile for 2015/16 by food hygiene risk and premises type**

Risk category	Primary producers	Manufacturers & Packers	Importers/ Exporters	Distributors/ Transporters	Retailers	Restaurants & Caterers	Total
A	5	514	2	18	289	2,137	2,965
B	70	2,455	18	77	2,390	24,881	29,891
C	142	3,739	47	410	13,970	117,917	136,225
D	726	4,183	264	1,957	38,041	151,303	196,474
E	2,569	7,060	664	6,077	74,130	126,127	216,627
Not Yet Rated	677	1,568	202	681	5,616	22,915	31,659
Outside <sup>8</sup>	1,528	461	210	825	3,739	13,034	19,797
<b>Total</b>	<b>5,717</b>	<b>19,980</b>	<b>1,407</b>	<b>10,045</b>	<b>138,175</b>	<b>458,314</b>	<b>633,638</b>

**Table 2: UK registered food establishments profile for 2015/16 by country**

Country	Primary producers	Manufacturers & Packers	Importers/ Exporters	Distributors/ Transporters	Retailers	Restaurants & Caterers	Total
England	3,441	14,500	1,276	8,246	113,830	375,878	517,171
Northern Ireland	71	1,201	44	442	4,073	14,879	20,710
Scotland	1,853	3,171	72	928	12,532	42,211	60,767
Wales	352	1,108	15	429	7,740	25,346	34,990

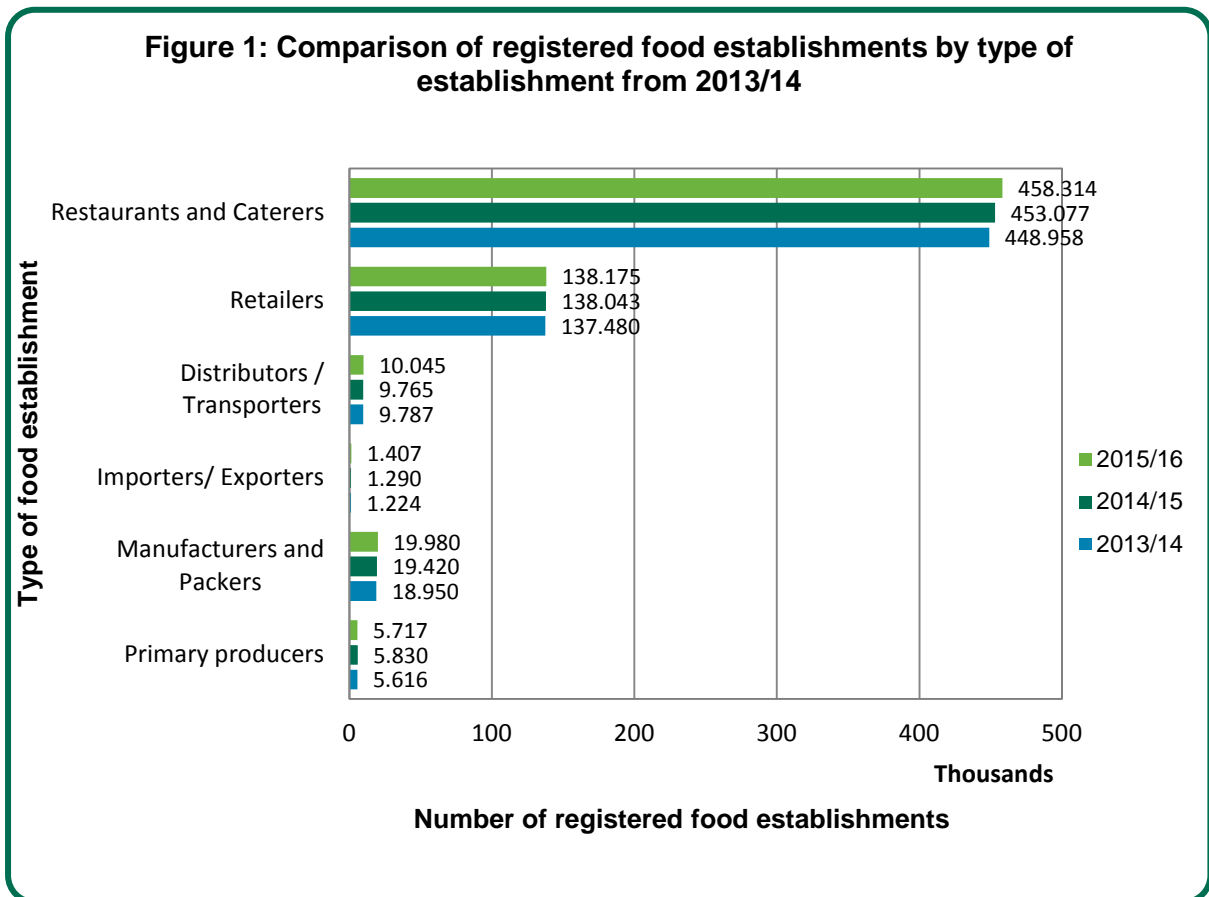
4.2 The total number of businesses increased by 1.0% compared with 2014/15 (627,425 businesses). This increase is reflected across most establishment types - see Figure 1. This includes:

- a 9.1% increase in the number of registered importers and exporters (from 1,290 to 1,407)

<sup>8</sup> Outside – those establishments assessed by LAs to be of such low risk as to not be included in the intervention programme e.g. coffee/refreshments served in betting shops/hairdressers.

- a 2.9% increase in the number of manufacturers and packers (19,420 to 19,980)
- a 2.9% increase in the number of distributors/transporters (from 9,765 to 10,045)
- a 1.2% increase in the number of restaurants and caterers (from 453,077 to 458,314).

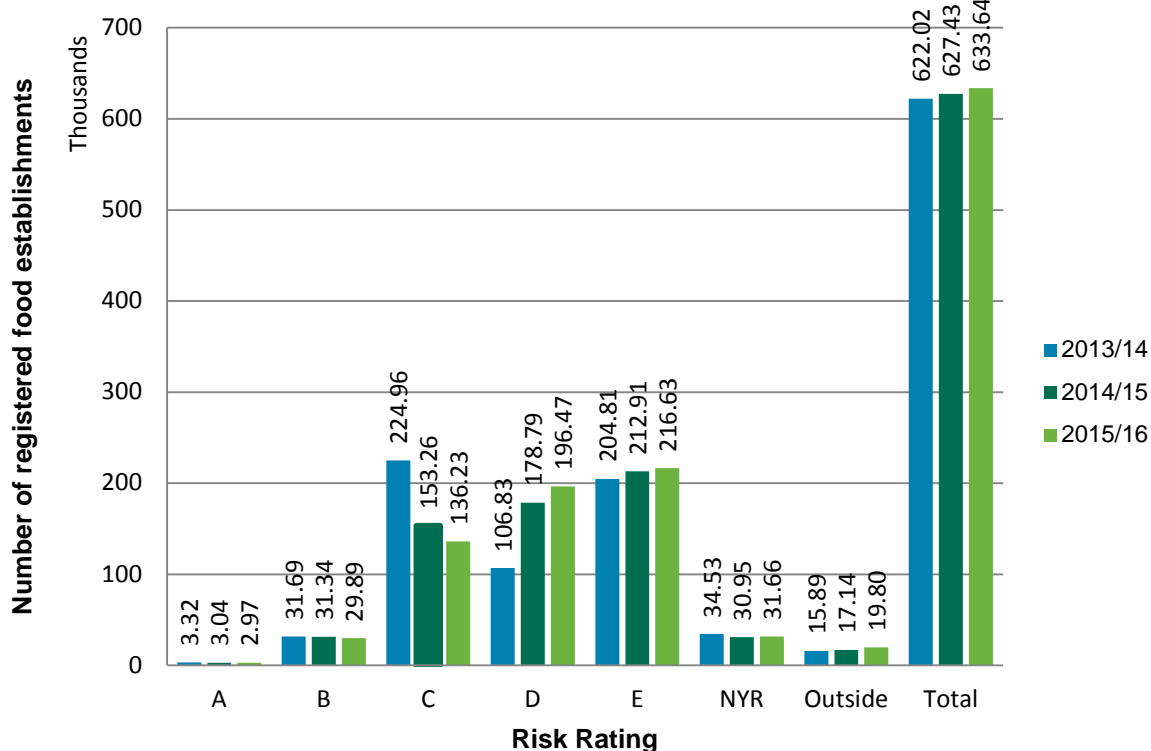
4.3 There has been a decrease of 1.9% in the number of registered primary producers (5,830 to 5,717).



4.4 A comparison of the split of risk ratings of food establishments<sup>9</sup> is provided at Figure 2. This indicates a reduction of 9.9% in establishments rated A to C (from 187,637 in 2014/15 to 169,081) and an increase of 5.5% in establishments rated D and E (from 391,703 in 2014/15 to 413,101).

<sup>9</sup> The system that LAs use to risk rate food establishments is set out in the Food Law Codes of Practice for England, Wales and Northern Ireland at [www.food.gov.uk/enforcement/codes-of-practice/food-law-code-of-practice-2015](http://www.food.gov.uk/enforcement/codes-of-practice/food-law-code-of-practice-2015) and for Scotland at [www.foodstandards.gov.scot/food-law-code-practice-2015](http://www.foodstandards.gov.scot/food-law-code-practice-2015).

**Figure 2: Comparison of food establishments profiles by food hygiene risk rating from 2013/14**



4.5 The largest decrease is in establishments rated C and the largest increase is in establishments rated D. This difference mainly reflects LAs implementing revised Code of Practice parameters on their IT systems for category C and D establishments prior to submission of the LAEMS return. For England and Northern Ireland this was effective from 1 April 2014 and for Scotland from July 2014.<sup>10</sup> The Code of Practice was amended to reduce the minimum intervention frequency for some establishments considered lower risk (the C rated establishments with the lowest risk scores). This allows LAs to focus on non-compliant businesses. It should also be noted that the shift from A to C to D to E rated establishments is a continuing trend which reflects the increasing compliance levels discussed further in Section 10.

<sup>10</sup> At the end of 2015/16, 258 out of the 360 LAs in England, Northern Ireland and Scotland which provided premises level data had all establishments in the affected range re-classified as Ds in line with the new risk bands. Based on the 360 LAs, 97% of food establishments in these countries with risk scores in this range were correctly classified as Ds, in line with the new risk bands.

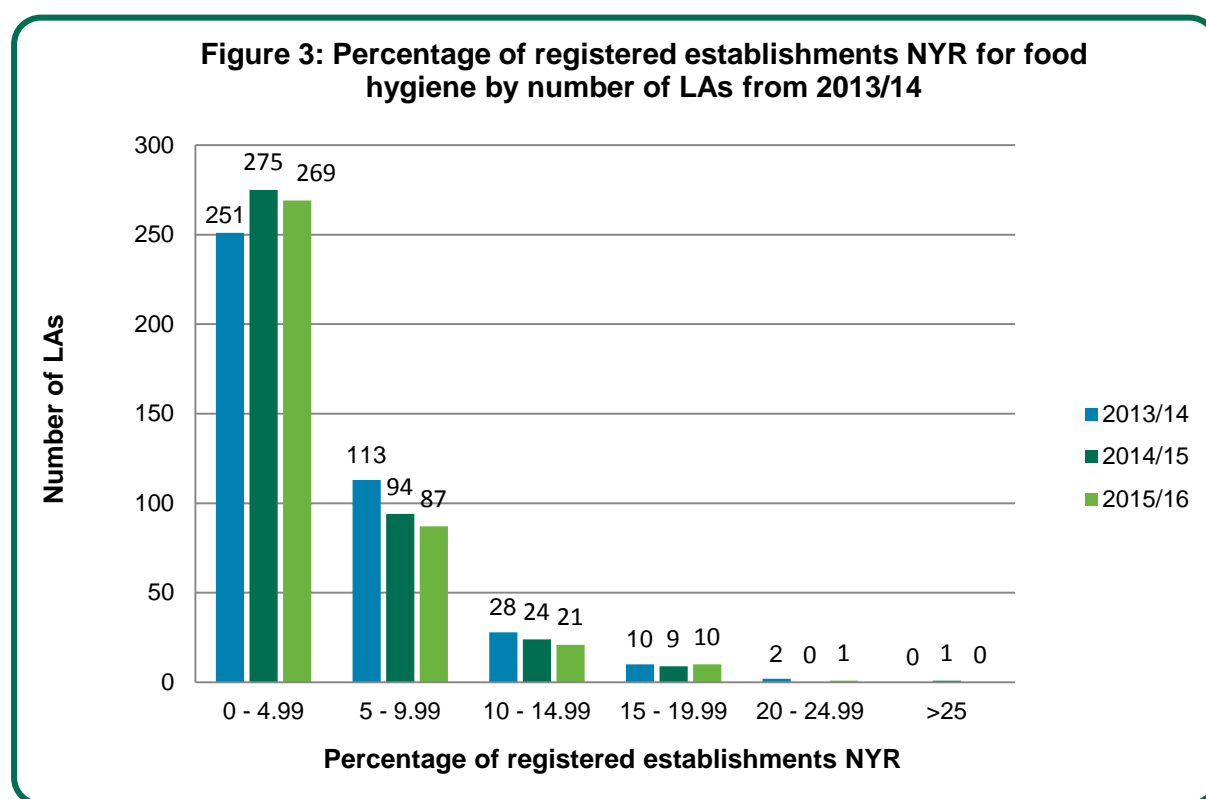
## Establishments 'Not Yet Rated' for food hygiene

4.6 UK-wide, 5.0% of registered food establishments were not yet rated (NYR) for food hygiene risk at 31 March 2016 (31,659 out of 633,638).<sup>11</sup> This is similar to the 2014/15 level of 4.9% - see Table 3.

**Table 3: Comparison of percentage of registered establishments NYR for food hygiene from 2013/14**

	2013/14	2014/15	2015/16
Total number of establishments	622,015	627,425	633,638
Number of NYR establishments	34,529	30,949	31,659
Percentage NYR	5.6%	4.9%	5.0%

4.7 There has been a slight decrease in the number of LAs reporting levels of NYR establishments below 5% (see Figure 3). This is consistent with LAs continuing to focus on this activity.

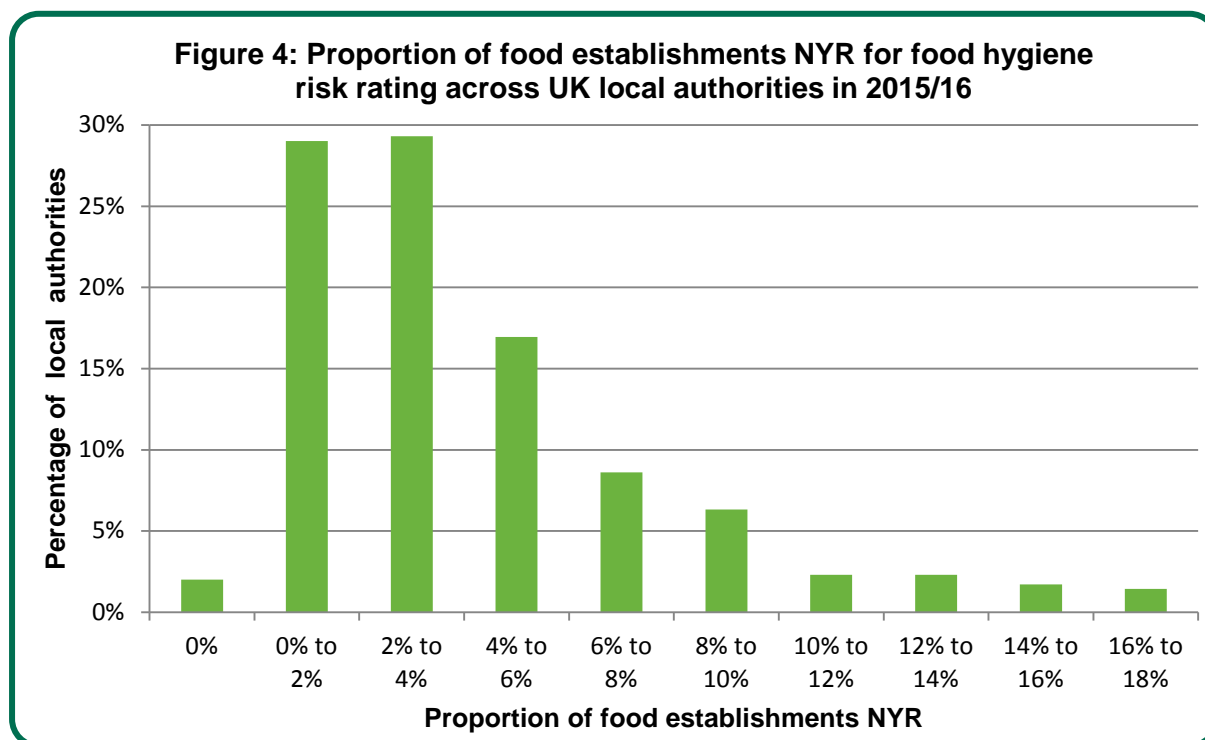


4.8 Based on LAs for which comparable data are available for the past three years (348 out of 387), the proportion of food establishments NYR for food hygiene risk remained at around 5% between 2013/14 and 2015/16.

<sup>11</sup> Initial inspections should normally take place within 28 days of registration or from when the authority becomes aware that the establishment is in operation. Some of these establishments may still be within the 28 days.

4.9 The distribution across LAs of the proportion of food establishments NYR for food hygiene risk in 2015/16 (see Figure 4) indicates:

- for 2% of LAs, all food establishments had been assessed for their level of hygiene risk
- for the vast majority (92%) of LAs the proportion of food establishments yet to be given a hygiene risk rating was under 10%



Basis: 348 out of 387 local authorities

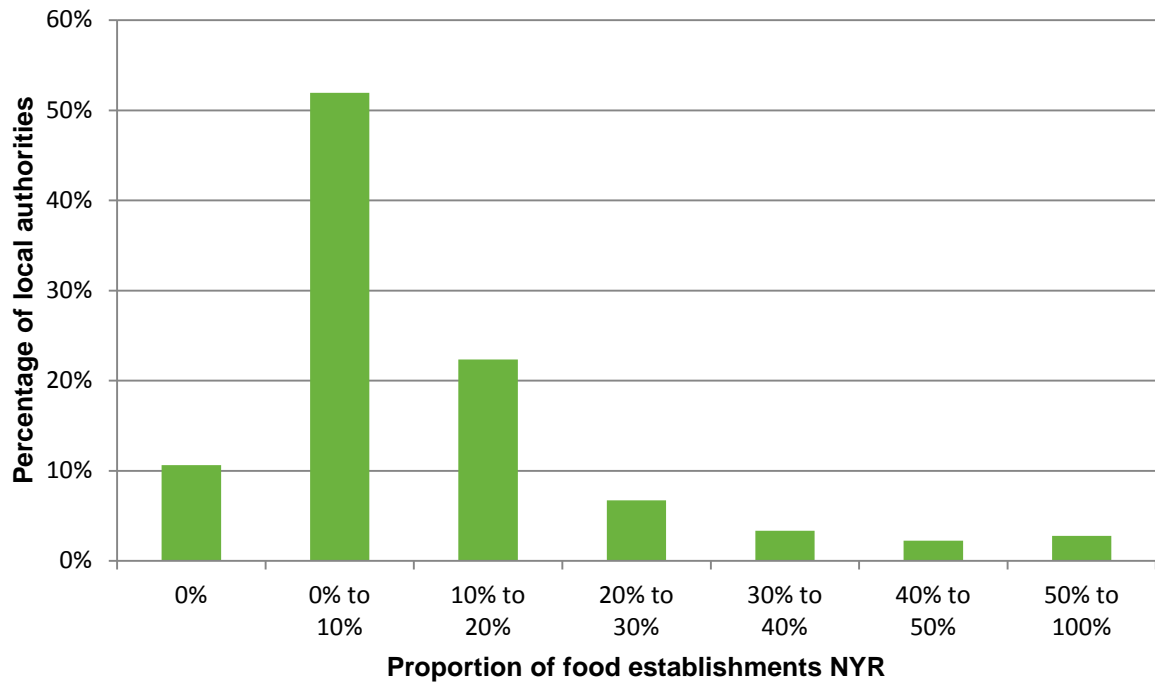
### Establishments 'Not Yet Rated' for food standards

4.10 Based on LAs for which comparable data are available (179 out of 209), the proportion of registered food establishments NYR for food standards risk has remained around 11% over the past three years from 2013/14 to 2015/16.

4.11 The distribution across LAs of the proportion of food establishments NYR for food standards risk in 2015/16 (see Figure 5) indicates:

- for 11% of LAs, all food establishments within the programme had been assessed for their level of food standards risk
- for 63% of LAs, either all or under 10% of the food establishments had been assessed for their level of food standards risk
- for 15% of LAs, the proportion of food establishments yet to be assessed was greater than 20%

**Figure 5: Proportion of food establishments NYR for food standards risk rating across UK local authorities in 2015/16**



Basis: 179 out of the 209 LAs

## 5. Local authority interventions

### Food hygiene interventions

5.1 A total of 404,551 food hygiene interventions were reported in 2015/16, an increase of 0.5% on the reported number carried out in 2014/15 (402,475),<sup>12</sup> see Table 4. The figures in this section include interventions at establishments that have subsequently ceased trading.

**Table 4: Food hygiene interventions carried out in 2015/16**

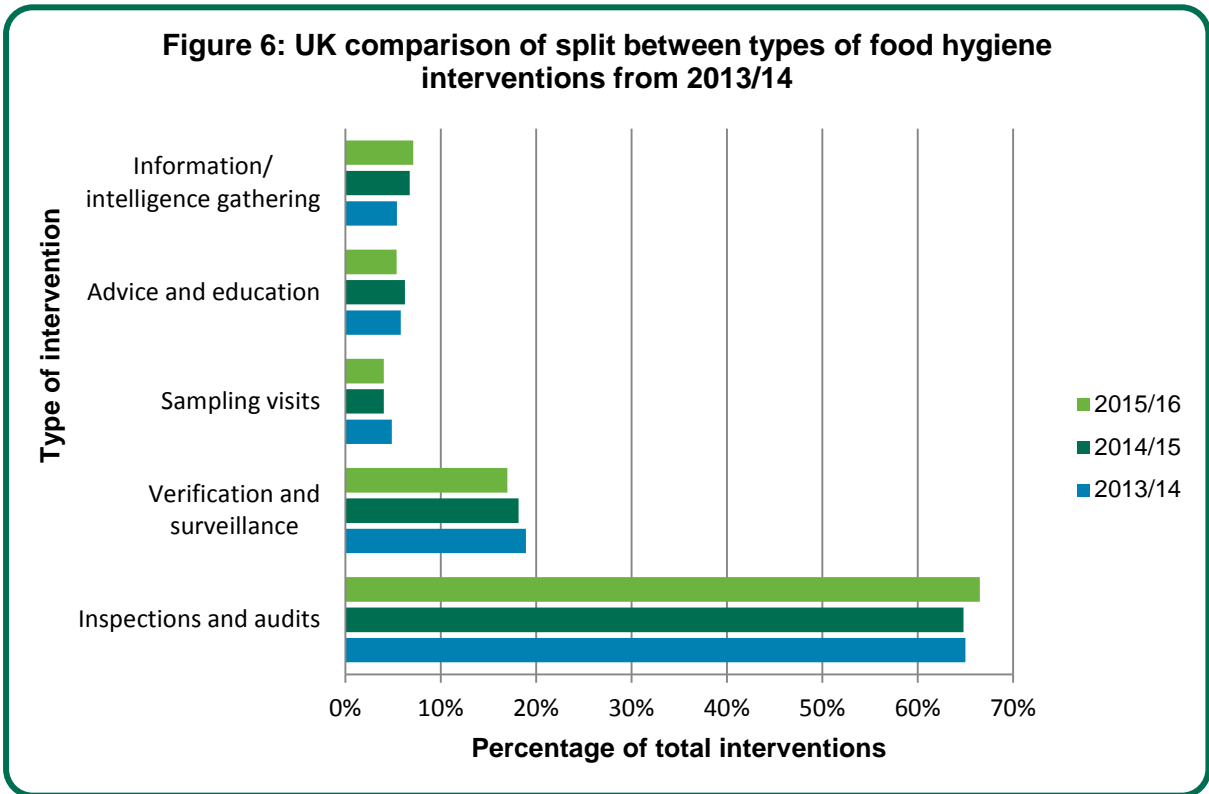
	Inspections and audits	Verification and surveillance	Sampling visits	Advice and education	Information/intelligence gathering	Total
England	216,035	49,564	10,751	16,052	26,059	<b>318,461</b>
Northern Ireland	9,017	2,439	2,467	1,842	560	<b>16,325</b>
Scotland	27,332	11,833	1,555	2,743	1,099	<b>44,562</b>
Wales	16,679	4,829	1,496	1,091	1,108	<b>25,203</b>
<b>UK Totals</b>	<b>269,063</b>	<b>68,665</b>	<b>16,269</b>	<b>21,728</b>	<b>28,826</b>	<b>404,551</b>
<b>Intervention types as a % of total food hygiene interventions</b>						
England	67.8%	15.6%	3.4%	5.0%	8.2%	100.0%
Northern Ireland	55.2%	14.9%	15.1%	11.3%	3.4%	100.0%
Scotland	61.3%	26.6%	3.5%	6.2%	2.5%	100.0%
Wales	66.2%	19.2%	5.9%	4.3%	4.4%	100.0%
<b>UK Totals</b>	<b>66.5%</b>	<b>17.0%</b>	<b>4.0%</b>	<b>5.4%</b>	<b>7.1%</b>	<b>100.0%</b>

5.2 The split between food hygiene intervention types is consistent with previous years, although there was an increase in inspection and audit, information/intelligence gathering and a decrease in sampling visits, advice and education and verification and surveillance (see Figure 6).

<sup>12</sup> Based on nine months data for Northern Ireland for 2014/15.



**Figure 6: UK comparison of split between types of food hygiene interventions from 2013/14**



- 5.3 Table 5 and Figure 7 indicate the trend for LAs to target higher risk establishments (Category A to C) for food hygiene intervention rather than undertaking planned interventions at lower risk establishments.<sup>13</sup> Data in Table 5 are averages, but there is wide variation of values for individual LAs.<sup>14</sup>
- 5.4 Although the trend has continued across the UK, the opportunity given to LAs in Scotland to adopt a time-limited change of focus to prioritise the management of compliance with cross contamination controls may be reflected in the data for Scotland. This opportunity was available up to a maximum of three years from April 2012. This will continue to have an effect for some LAs until all establishments are included back into the intervention programmes.

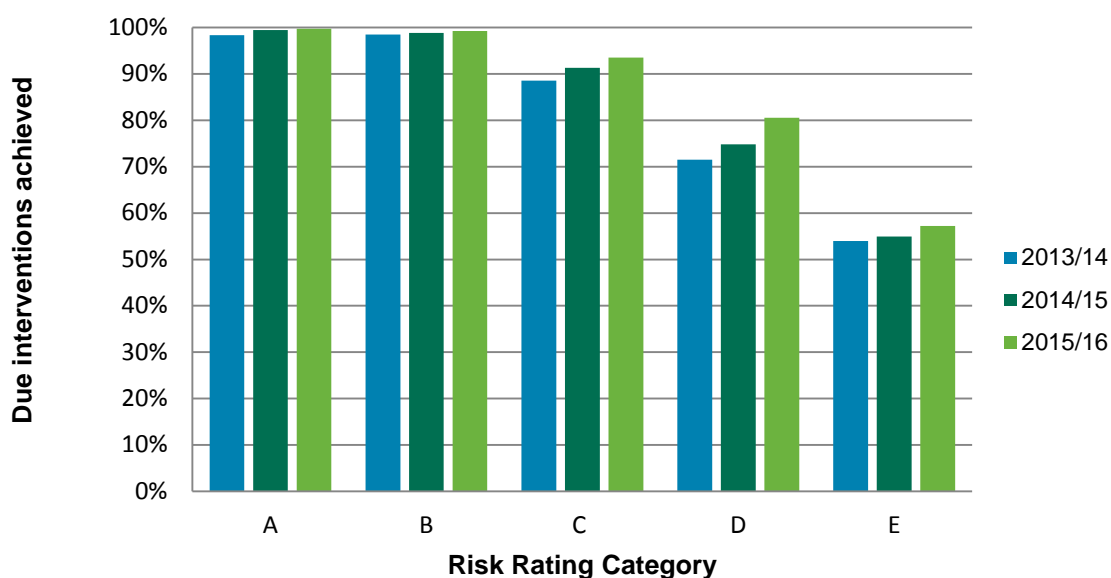
<sup>13</sup> LAs report all interventions achieved, including those which were over-due, those planned at the start of the year and follow-up visits.

<sup>14</sup> Individual LA data are published at: [www.food.gov.uk/enforcement/monitoring/laems/mondatabyyear/](http://www.food.gov.uk/enforcement/monitoring/laems/mondatabyyear/)

**Table 5: Percentage of food hygiene due interventions achieved 2015/16**

	A	B	C	D	E	Unrated	Total
England	99.7%	99.1%	93.0%	80.0%	56.1%	87.7%	<b>82.8%</b>
Northern Ireland	100.0%	99.7%	97.2%	93.5%	84.4%	95.4%	<b>94.7%</b>
Scotland	99.8%	99.4%	92.6%	84.2%	67.4%	91.0%	<b>90.8%</b>
Wales	100.0%	99.8%	97.0%	75.2%	52.7%	95.2%	<b>86.3%</b>
<b>UK Totals</b>	<b>99.7%</b>	<b>99.2%</b>	<b>93.5%</b>	<b>80.5%</b>	<b>57.2%</b>	<b>88.6%</b>	<b>84.3%</b>

**Figure 7: Comparison of percentage of due food hygiene interventions achieved UK wide from 2013/14**



### Food standards interventions

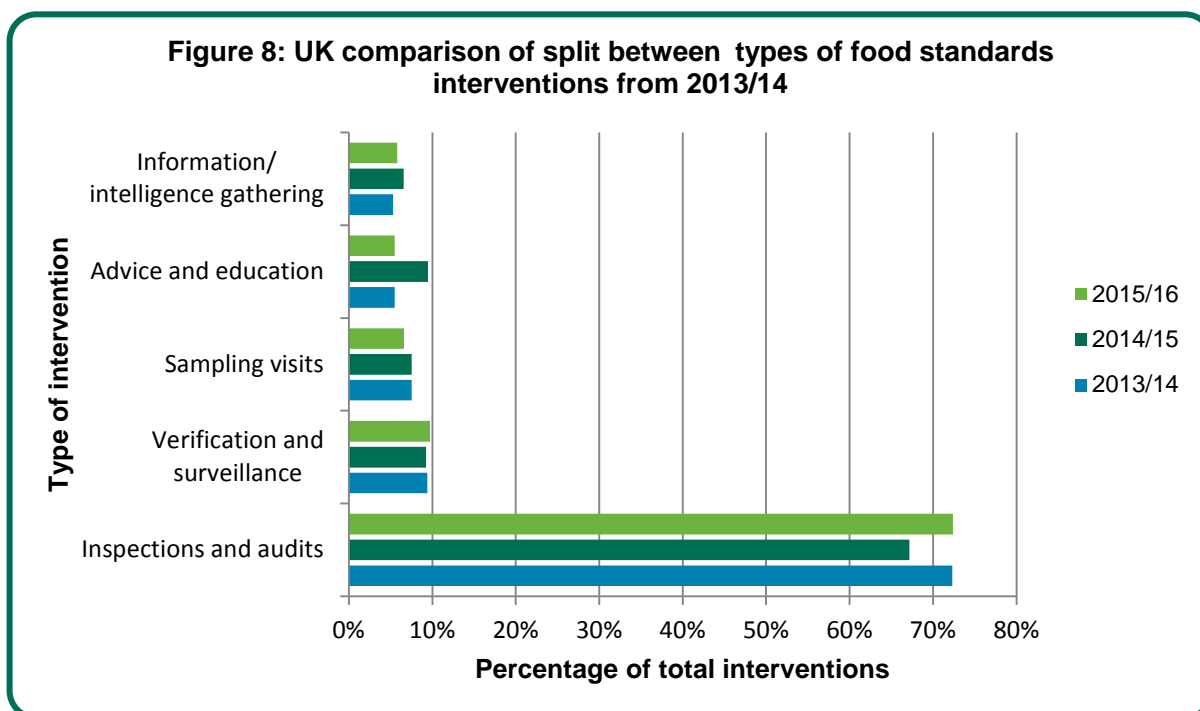
5.5 Reported numbers of food standards interventions have continued to increase, with a total of 128,364 interventions carried out in 2015/16, an increase of 8.9% on the reported number carried out in 2014/15 (117,877).<sup>15</sup> A breakdown is provided at Table 6.

<sup>15</sup> Based on nine months data for Northern Ireland for 2014/15.

**Table 6: Food standards interventions carried out in 2015/16**

	Inspections and audits	Verification and surveillance	Sampling visits	Advice and education	Information/intelligence gathering	Total
England	65,435	9,040	4,630	4,968	5,228	<b>89,301</b>
Northern Ireland	4,659	897	897	1,093	666	<b>8,212</b>
Scotland	15,110	1,946	2,392	726	1,152	<b>21,326</b>
Wales	7,693	605	564	267	396	<b>9,525</b>
<b>UK Totals</b>	<b>92,897</b>	<b>12,488</b>	<b>8,483</b>	<b>7,054</b>	<b>7,442</b>	<b>128,364</b>
<b>Intervention types as a % of total food standards interventions</b>						
England	73.3%	10.1%	5.2%	5.6%	5.9%	100.0%
Northern Ireland	56.7%	10.9%	10.9%	13.3%	8.1%	100.0%
Scotland	70.9%	9.1%	11.2%	3.4%	5.4%	100.0%
Wales	80.8%	6.4%	5.9%	2.8%	4.2%	100.0%
<b>UK Totals</b>	<b>72.4%</b>	<b>9.7%</b>	<b>6.6%</b>	<b>5.5%</b>	<b>5.8%</b>	<b>100.0%</b>

- 5.6 The split between food standards intervention types is fairly consistent with 2014/15 (see Figure 8). There was, however, a decrease in the percentage of advice and education visits to 5.5% of total reported interventions over the past year (from 9.5% in 2014/15). The increase in the previous year was probably a reflection of LA activity following the coming into force in December 2014 of provisions in the the EU Food Information for Consumers Regulation. For example, this requires all food businesses to declare any of 14 identified allergenic ingredients used in non-prepacked or loose foods that are sold or provided.
- 5.7 There was a decrease in the percentage of sampling visits to 6.6% of total reported interventions (from 7.5% in 2014/15). The percentage of information and intelligence gathering interventions also decreased to 5.8% (from 6.6% in 2014/15).
- 5.8 In contrast, the percentage of inspections and audits increased to 72.4% (from 67.2% in 2014/15) and verification and surveillance interventions increased slightly to 9.7% (from 9.3% in 2014/15).



5.9 LAs have continued to target higher risk establishments (Category A) for food standards interventions across the UK (see Table 7). The percentage of due interventions achieved has increased for Category A and Category C establishments (see Figure 9).<sup>16</sup>

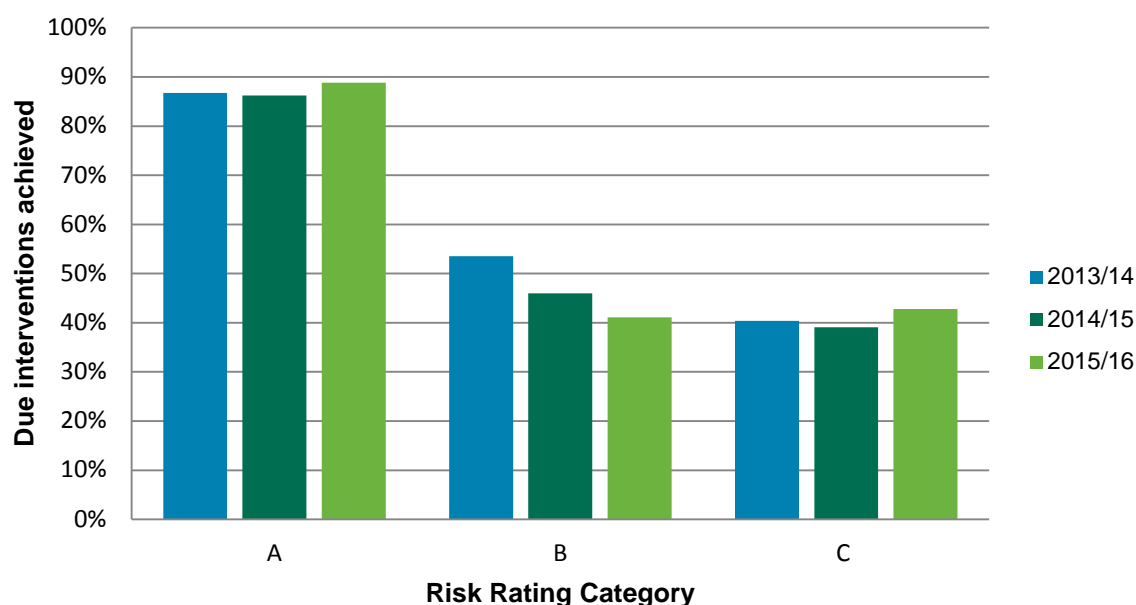
5.10 The overall figure of less than 50% of due interventions achieved reflects the low level in England compared with the other countries. This is being investigated with LAs. We are aware from LA feedback that there is a continuing trend, particularly in food standards lower risk category establishments, for LAs to use more intelligence led approaches rather than programming interventions based on the frequencies laid down in the Food Law Code of Practice (FLCoP). In some cases due interventions are not being reported according to the frequencies laid down in the FLCoP and this will also be investigated during the coming year.

**Table 7: Percentage of food standards due interventions achieved 2015/16**

	A	B	C	NYR	Total
England	86.2%	34.0%	35.3%	68.0%	<b>40.7%</b>
Northern Ireland	96.0%	92.4%	86.5%	89.7%	<b>88.7%</b>
Scotland	97.3%	93.3%	83.1%	96.0%	<b>88.8%</b>
Wales	97.2%	65.7%	48.2%	74.5%	<b>64.1%</b>
<b>UK Totals</b>	<b>88.8%</b>	<b>41.1%</b>	<b>42.8%</b>	<b>72.6%</b>	<b>48.0%</b>

<sup>16</sup> Based on nine months data for Northern Ireland for 2014/15.

**Figure 9: Comparison of percentage of due food standards interventions achieved UK wide from 2013/14**



5.11 Where food standards risk assessments are based on the Trading Standards Risk Assessment Scheme,<sup>17</sup> the intervention frequency for food standards purposes should not be less than would have been the case under the FLCoP scheme.<sup>18</sup>

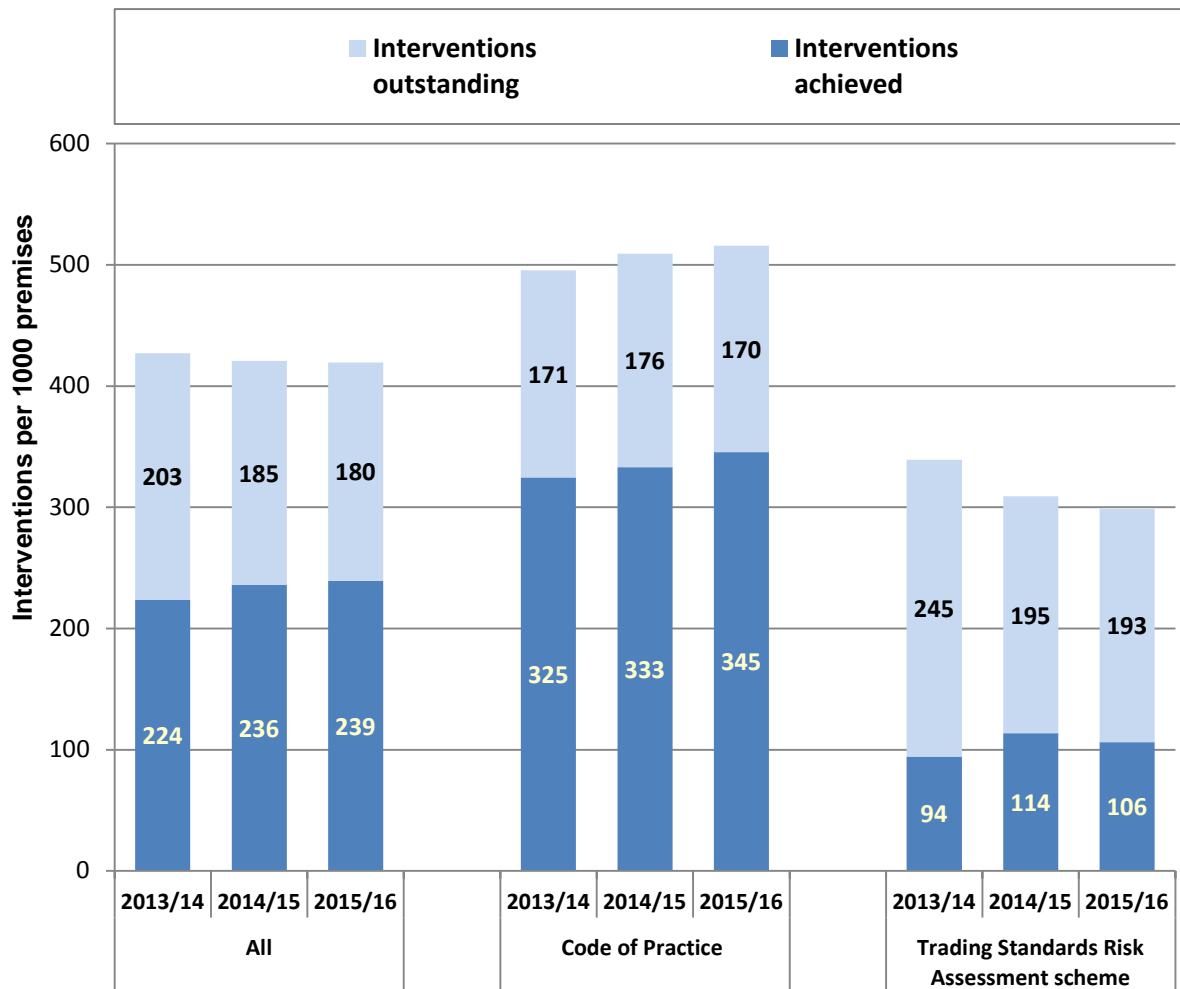
5.12 Based on the LAs for which we can make comparisons over the past three years (160 out of 209) (see Figure 10):

- the number of food standards interventions reported in 2015/16 has increased by 7%, to 239 for every 1000 food establishments
- LAs using the FLCoP risk rating scheme for food standards, reported approximately three times as many food standards interventions as those using the Trading Standards Risk Assessment Scheme
- the trend for less reported interventions under the Trading Standards Risk Assessment Scheme corroborates with our intelligence that guidance regarding the intervention frequency required under the scheme may not be happening in practice

<sup>17</sup> Where the LA is responsible only for food standards, or where food hygiene and food standards enforcement is carried out by separate departments within the same food authority, e.g. Environmental Health and Trading Standards, the food standards risk assessment may be based on the Trading Standards Risk Assessment Scheme (previously known as the LACORS/NTSB scheme) guidance.

<sup>18</sup> Food Law Codes of Practice, Frequency of controls: [www.food.gov.uk/enforcement/codes-of-practice/food-law-code-of-practice-2015](http://www.food.gov.uk/enforcement/codes-of-practice/food-law-code-of-practice-2015)

**Figure 10: Planned food standards interventions by UK local authorities per 1000 food establishments: 2013/14 to 2015/16**



Basis: 116 out of the 144 LAs using the Code of Practice guidance;  
44 out of the 65 LAs using Trading Standards Risk Assessment scheme

## 6. Enforcement actions

### Food hygiene enforcement actions

- 6.1 The total number of establishments subject to food hygiene enforcement actions reported in 2015/16 was 168,663 compared with 167,338<sup>19</sup> in 2014/15.<sup>20, 21</sup> This represents an overall increase of 0.8%.
- 6.2 Table 8 provides details of the types of enforcement actions and highlights that 6,634 establishments were subject to formal enforcement action. In addition 162,029 received written warnings (see glossary for information about enforcement actions).

**Table 8: Number of establishments subject to food hygiene enforcement actions in 2015/16**

	England	Northern Ireland	Scotland	Wales	UK Totals
Written warnings	127,349	6,038	16,135	12,507	<b>162,029</b>
<b>Formal enforcement actions</b>					
Voluntary closure	859	15	173	74	<b>1,121</b>
Seizure, detention & surrender of food	300	42	27	31	<b>400</b>
Suspension/revocation of approval or licence	7	3	2	1	<b>13</b>
Hygiene emergency prohibition notice	326	3	6	5	<b>340</b>
Hygiene prohibition order	70	2	1	1	<b>74</b>
Simple caution <sup>22</sup>	222	14	0	12	<b>248</b>
Hygiene improvement notice	3,164	45	351	274	<b>3,834</b>
Remedial action and detention notices <sup>23</sup>	46	14	187	43	<b>290</b>
Prosecutions concluded	279	10	6	19	<b>314</b>
<b>Totals</b>	<b>132,622</b>	<b>6,186</b>	<b>16,888</b>	<b>12,967</b>	<b>168,663</b>

<sup>19</sup> Based on nine months data for Northern Ireland for 2014/15.

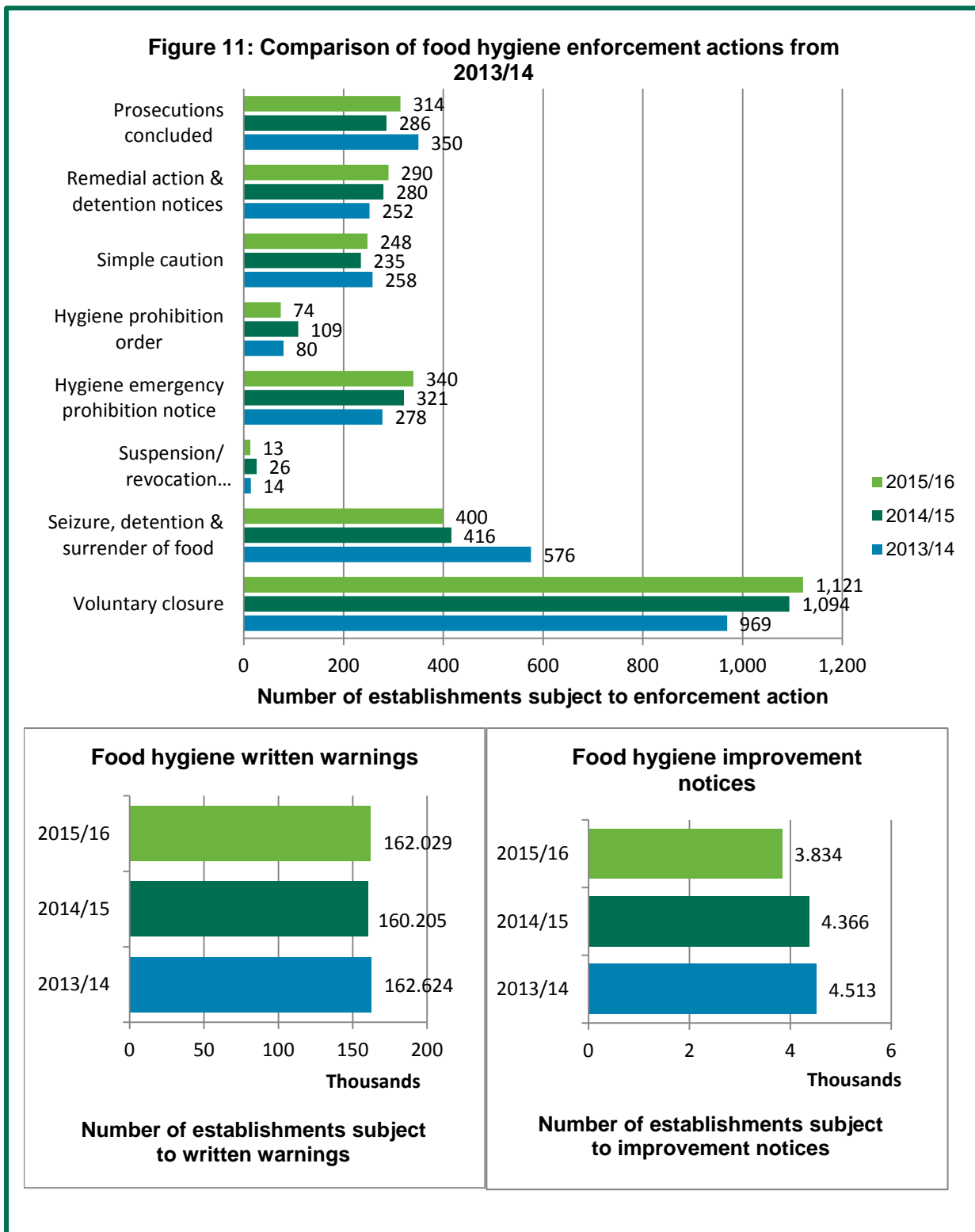
<sup>20</sup> LAEMS records the number of establishments subject to the individual types of enforcement action. The total number of individual enforcement actions taken by LAs is likely to be higher.

<sup>21</sup> The figures in this section may include enforcement actions at premises that have subsequently closed.

<sup>22</sup> Simple cautions do not apply in Scotland.

<sup>23</sup> Remedial action notices (RANs) only apply to a small percentage of establishments in England, i.e. those approved under EC Regulation 853/2004, whereas amendments to the domestic hygiene legislation in Scotland, Wales and Northern Ireland extended the scope of RANs into premises that are registered under Regulation 852/2004.

6.3 The enforcement actions for which there have been increases include prosecutions concluded, remedial action and detention notices, simple cautions, hygiene emergency prohibition notices and voluntary closures (see Figure 11).





6.4 Based on the LAs for which we are able to make comparisons over the past three years (348 out of 387), it is evident that in 2015/16:

- the number of formal enforcement actions for every 1,000 food establishments across these LAs decreased to 11 from 13 in 2013/14
- 15 out of the 348 of LAs carried out no official food hygiene enforcement action in 2015/16, a similar number to the previous two years
- only one of the 348 LAs for which comparisons are possible, reported no formal food hygiene enforcement action over the past three years
- 265 written warnings were issued for every 1000 food premises, down 3% from 2013/14

### Food standards enforcement actions

6.5 The total number of establishments reported to be subject to food standards enforcement actions in 2015/16 was 23,056 (see Table 9). This represents an overall increase of 58.6% compared with 2014/15 (14,539), mainly due to a large increase in written warnings (56.3%) evident across all countries (from 14,324 in 2014/15 to 22,717 in 2015/16).<sup>24</sup> There was also a large increase (74.3%) in the number of simple cautions (from 74 in 2014/15 to 129 in 2015/16) (see Figure 12). Our intelligence suggests these increases in the past year may primarily be due to actions following changes in the food allergen labelling regulations.<sup>25</sup>

6.6 LAs can now serve food standards improvement notices in relation to provisions in the EU Food Information for Consumers Regulation which came into force in December 2014.<sup>26</sup> Only a small number of LAs (26) reported serving such notices in the past year to 72 establishments.

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<sup>24</sup> Based on nine months data for Northern Ireland for 2014/15.

<sup>25</sup> The Food Information for Consumers Regulation (EU) No. 1169/2011, implemented in December 2014, introduced a new requirement for allergen information to be provided for foods sold non-packed or prepacked for direct sale. See [www.food.gov.uk/science/allergy-intolerance/label](http://www.food.gov.uk/science/allergy-intolerance/label)

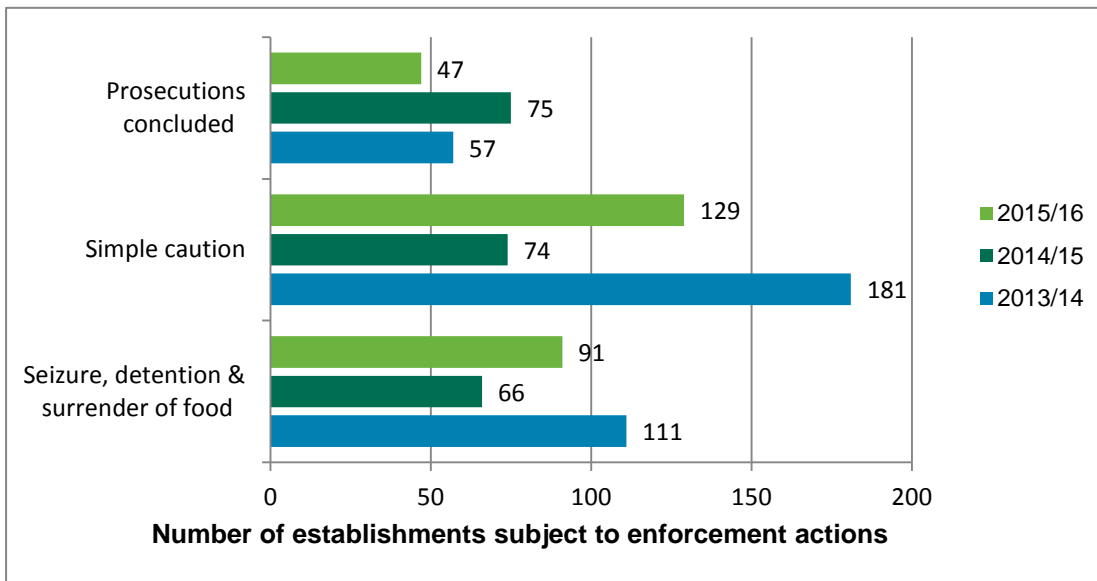
<sup>26</sup> See [www.food.gov.uk/enforcement/regulation/fir](http://www.food.gov.uk/enforcement/regulation/fir)

**Table 9: Number of establishments subject to food standards enforcement actions 2015/16**

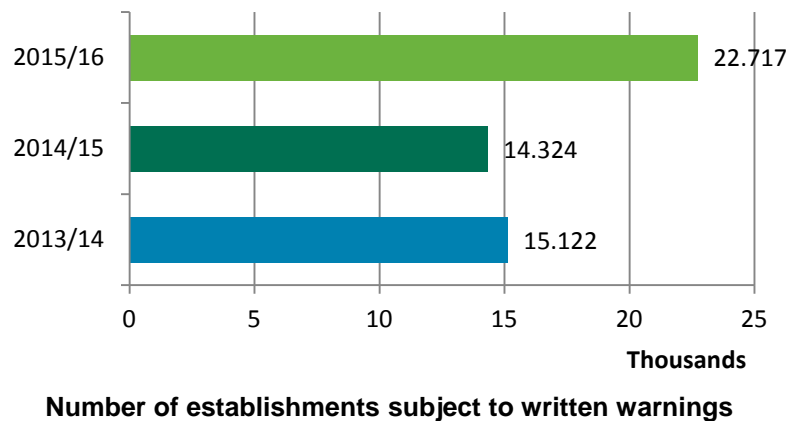
	England	Northern Ireland	Scotland	Wales	UK totals
Written warnings	14,409	1,994	4,230	2,084	<b>22,717</b>
<b>Formal enforcement actions</b>					
Seizure, detention & surrender of food	55	2	22	12	<b>91</b>
Simple caution <sup>27</sup>	119	0	0	10	<b>129</b>
Prosecutions concluded	38	3	0	6	<b>47</b>
Standards improvement notices	50	0	8	14	<b>72</b>
<b>Totals</b>	<b>14,671</b>	<b>1,999</b>	<b>4,260</b>	<b>2,126</b>	<b>23,056</b>

<sup>27</sup> Simple cautions do not apply in Scotland.

**Figure 12: Comparison of food standards enforcement actions from 2013/14**



**Food standards written warnings**



6.7 Based on the LAs for which we are able to make comparisons on the numbers of reported food standards enforcement actions carried out over the past three years (133 out of 209), it is evident that:

- on average 0.5 formal enforcement actions were reported to be carried out per 1,000 food premises over the past three years
- 30% of LAs reported no formal food standards enforcement actions over the past three years

## 7. Official samples

- 7.1 A total of 67,165 official food samples<sup>28</sup> were reported to be taken in 2015/16, a decrease of 1.9% from 2014/15 (68,471).<sup>29</sup>
- 7.2 There has been a reduction since 2014/15 for most types of analysis/tests (see Figure 13). The rise in overall sample numbers and in compositional analysis in 2013/14 may have been a reflection of the increased activity in monitoring food fraud following the horse meat incident, and the decline over the past year, a relaxation in this activity.
- 7.3 Those LAs that record their food samples on the UK Food Surveillance System (UKFSS) have the option to provide their sampling return from that system. There continued to be issues with extracting data from UKFSS on the analyses carried out on some samples. The figures provided below may therefore be subject to under-reporting. Also, in some cases the analysis type could not be mapped to the LAEMS analysis type and these samples have been identified as unclassified in Table 10.
- 7.4 There were 7 District Councils that did not carry out any sampling during 2015/16. In addition, 1 District Council was unable to retrieve sample data for LAEMS.

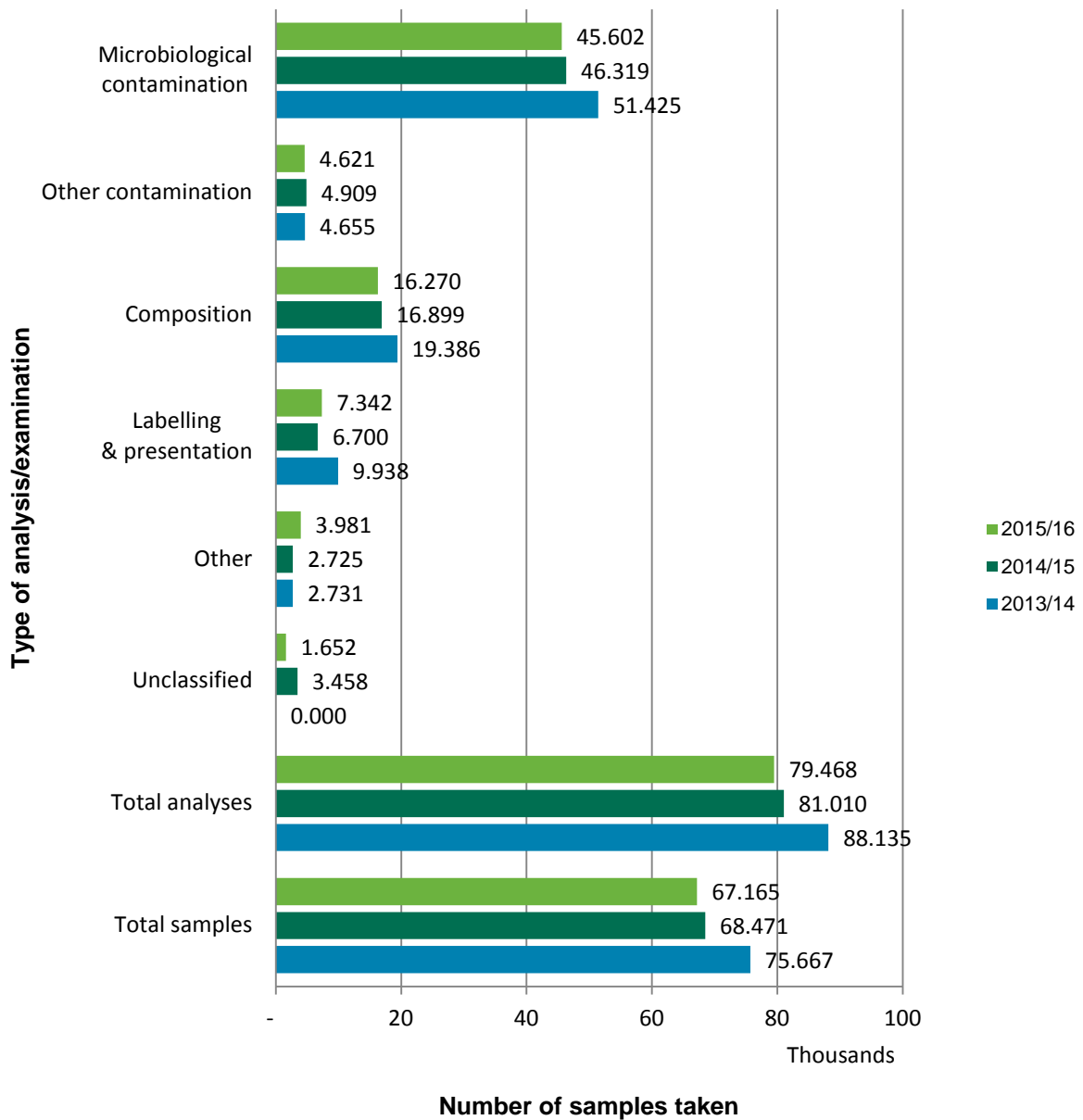
**Table 10: Official samples 2015/16**

	England	Northern Ireland	Scotland	Wales	UK Totals
Microbiological contamination	30,213	5,961	5,622	3,806	<b>45,602</b>
Other contamination	2,995	308	1,010	308	<b>4,621</b>
Composition	8,776	1,758	4,358	1,378	<b>16,270</b>
Labelling & presentation	4,682	1,138	962	560	<b>7,342</b>
Other	1,614	92	2,213	62	<b>3,981</b>
Unclassified	805	622	146	79	<b>1,652</b>
<b>Total analyses/examinations</b>	<b>49,085</b>	<b>9,879</b>	<b>14,311</b>	<b>6,193</b>	<b>79,468</b>
<b>Total samples</b>	<b>42,863</b>	<b>8,333</b>	<b>10,485</b>	<b>5,484</b>	<b>67,165</b>

<sup>28</sup> Official samples are those analysed/tested by official control laboratories. The FSA monitoring returns only collect data on official samples.

<sup>29</sup> Based on nine months data for Northern Ireland for 2014/15.

**Figure 13: Comparison of UK sampling data from 2013/14**

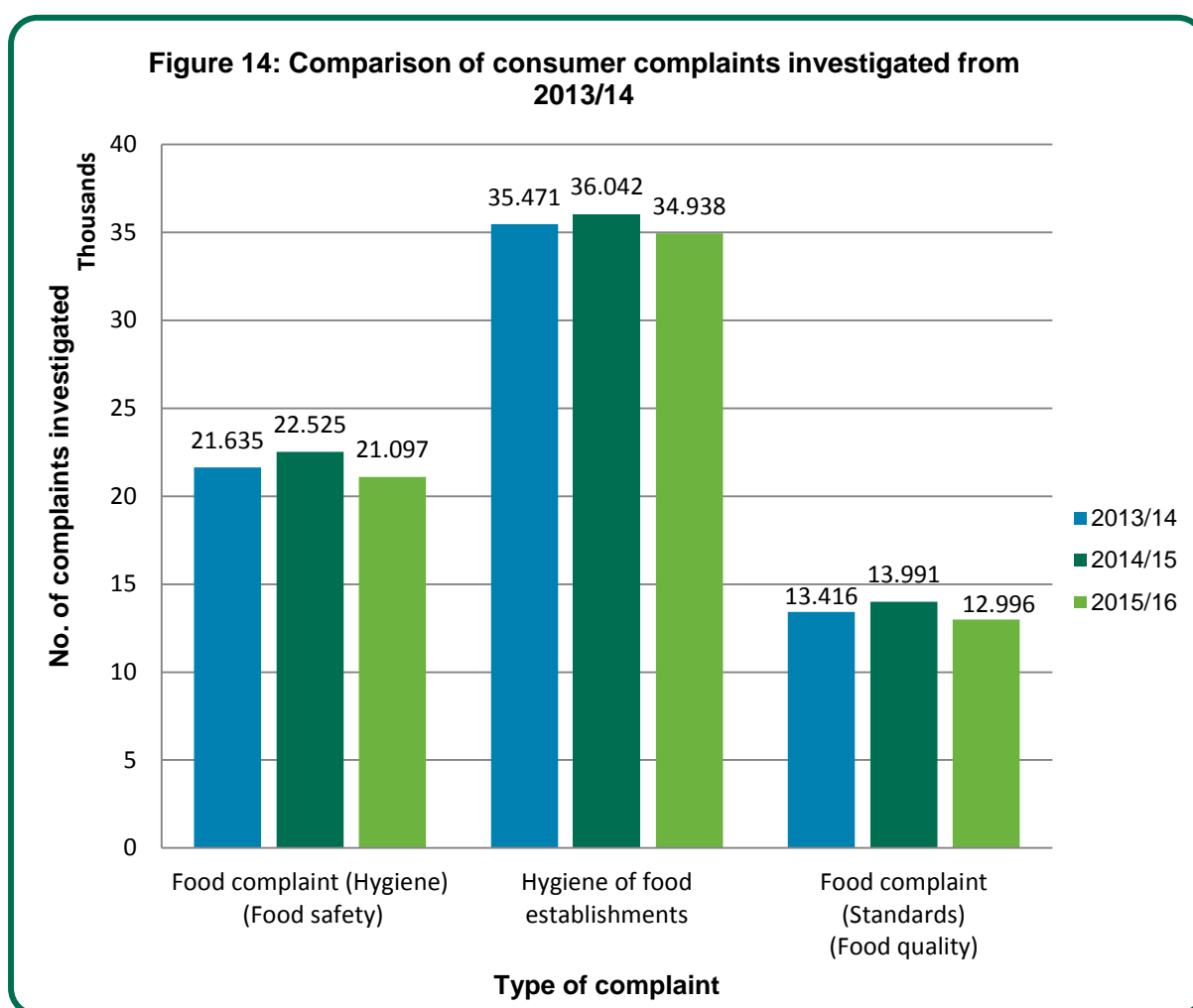


## 8. Consumer complaints about food and food establishments

8.1 LAs reported a total of 69,031 consumer complaints about food and food establishments dealt with during 2015/16 – details are provided at Table 11. This represents a decrease of 4.9% (from 72,558) from 2014/15 across the UK (see Figure 14).<sup>30</sup>

**Table 11: Consumer complaints dealt with in 2015/16**

	Food complaint - hygiene	Hygiene of food establishments	Food complaint - standards	UK Totals
England	17,763	29,931	11,023	58,717
Northern Ireland	262	770	487	1,519
Scotland	2,014	2,536	933	5,483
Wales	1,058	1,701	553	3,312
<b>UK Totals</b>	<b>21,097</b>	<b>34,938</b>	<b>12,996</b>	<b>69,031</b>



<sup>30</sup> Based on nine months data for Northern Ireland for 2014/15.

8.2 The trend for the reported number of consumer complaints dealt with by LAs varies across the four countries of the UK from 2014/15 to 2015/16 is as follows:

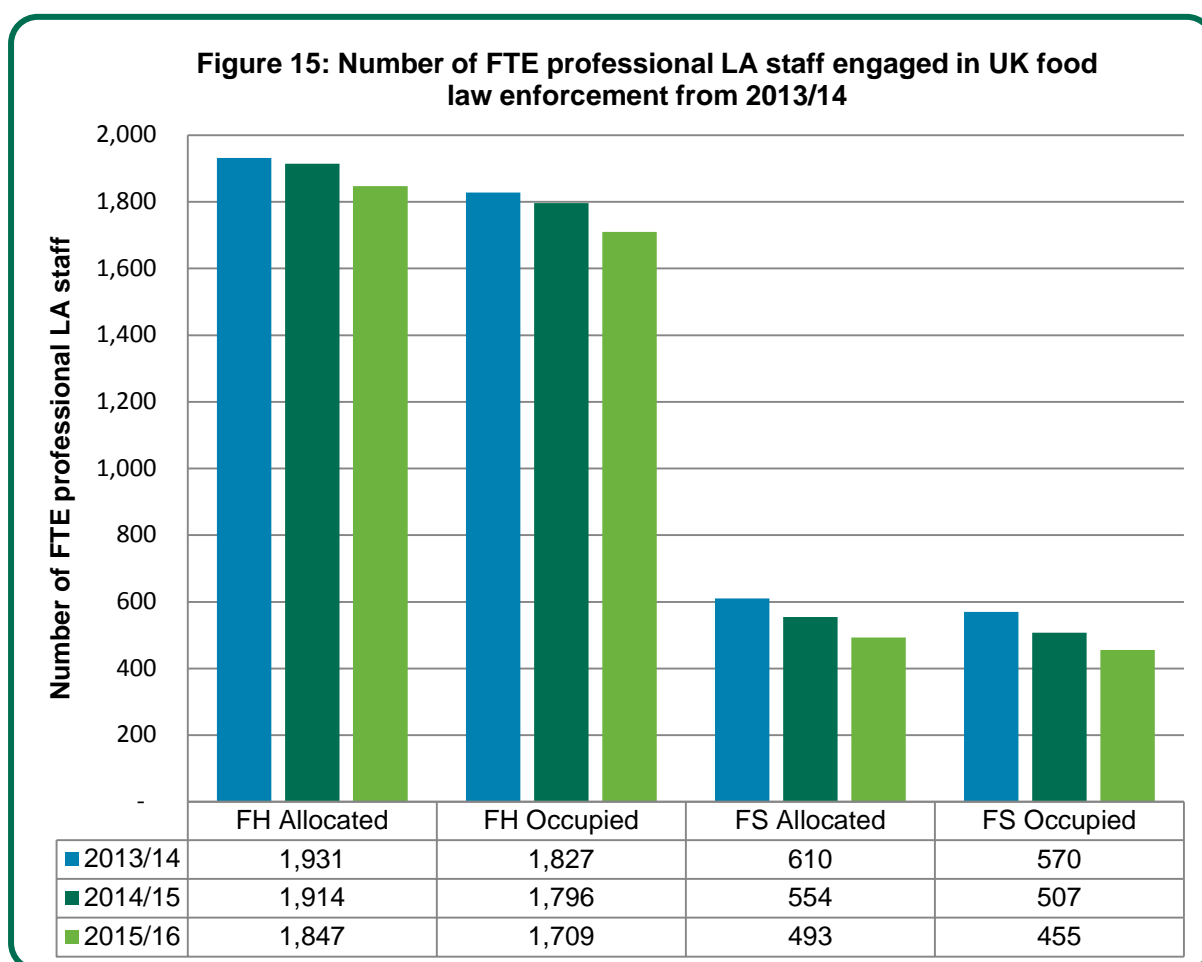
- England – 5.6% decrease (from 62,169 to 58,717)
- Wales – 8.2% decrease (from 3,607 to 3,312)
- Northern Ireland<sup>31</sup> – 11.3% increase (from 1,365 to 1,519)
- Scotland –1.2% increase (from 5,417 to 5,483)

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<sup>31</sup> Based on nine months data for Northern Ireland for 2014/15.

## 9. Full time equivalent (FTE) professional staff

- 9.1 LAs are advised that the numbers provided for FTE staff should reflect the actual proportion of time spent by professional staff on food hygiene and/or food standard issues. There is, however, no prescriptive guidance given on exactly how that time should be determined and the FSA recognises that figures supplied will often be 'educated estimates'. For this reason the data can only be considered in a generic way to compare year on year figures to look at overall trends in the number of FTE staff in LA food law enforcement services across the UK or in individual countries.
- 9.2 A total of 2,164 FTE professional LA staff were reported as being in post at 31 March 2016, a 6 % reduction (from 2,303) in 2014/15. The reduction, which was greater for food standards (FS) than food hygiene (FH), continues the trend in recent years (see Figure 15).



- 9.3 The number of vacant FTE posts reported at 31 March 2016 was 176, an increase of 6.7% (from 165 in 2014/15), again continuing the trend in recent years.
- 9.4 Table 12 indicates the variation of FTE professional staff in post per 1000 food establishments across the individual countries over the past three years. The UK figure reflects the lower pro-rata number from LAs in England.



**Table 12: Number of professional FTE staff in post per 1000 food establishments**

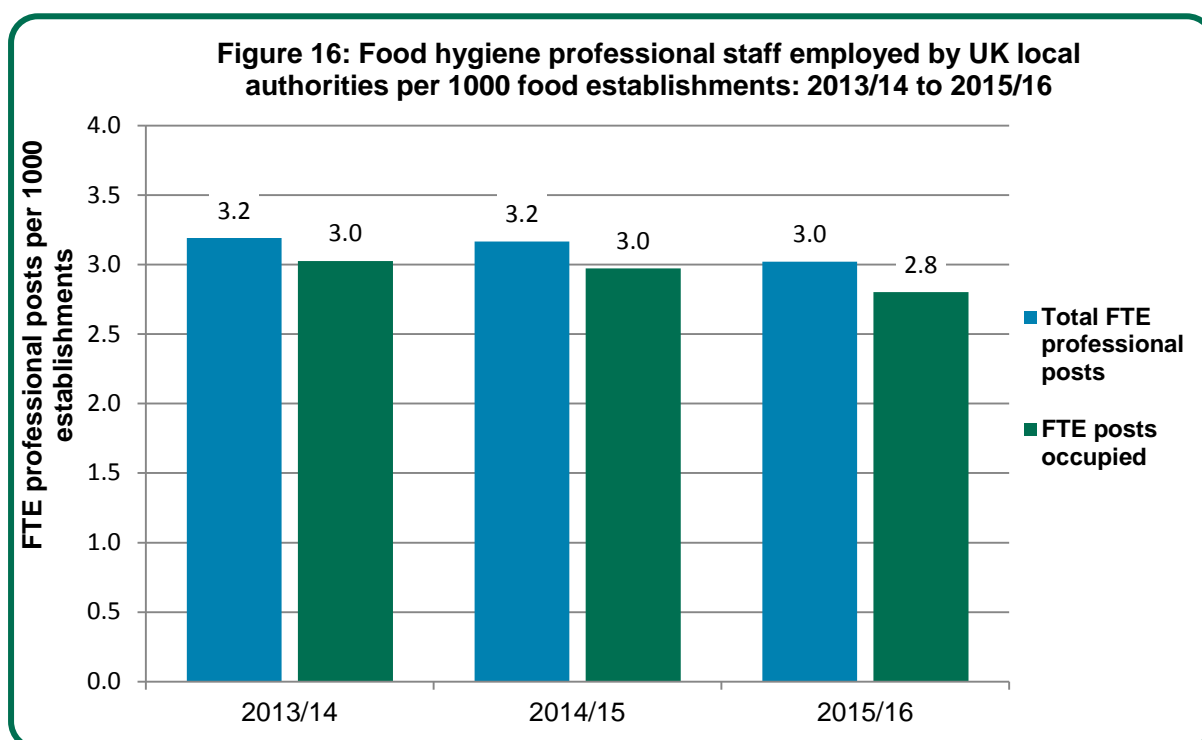
Number of FTEs in post per 1000 establishments	2013/14	2014/15	2015/16
England	3.4	3.2	3.0
Northern Ireland	5.8	5.7	4.5
Scotland	6.0	5.7	5.2
Wales	6.4	5.7	5.5
<b>UK Totals</b>	<b>3.9</b>	<b>3.7</b>	<b>3.4</b>

### Food hygiene professional staff

9.5 Based on LAs for which we are able to make comparisons over this period (359 out of 387) (see Figure 16), it is evident that:

- there were 2.8 FTE staff reported to be employed for every 1,000 food establishments in 2015/16, down by 8% from 2013/14

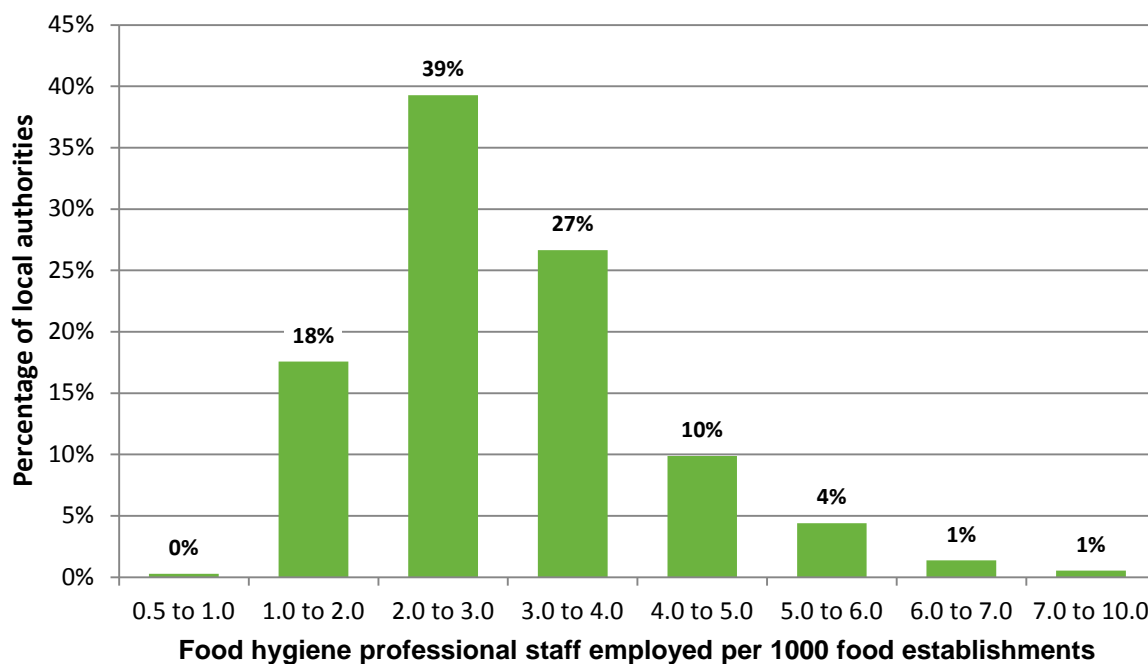
9.6 The proportion of vacant food hygiene professional posts for these LAs increased over the period rising from 5.1% to 7.4% between 2013/14 and 2015/16, and the proportion of LAs with unfilled posts remained at 33%.



Basis: 359 out of 387 local authorities

9.7 In 2015/16 the majority of LAs (82%) employed more than 2.0 FTE food hygiene professional staff for every 1,000 food premises (see figure 17), a decrease over the three year period from 85% in 2013/14.

**Figure 17: Food hygiene professionals employed per 1000 food premises, the distribution across UK local authorities: 2015/16**



Basis: 359 out of 387 local authorities

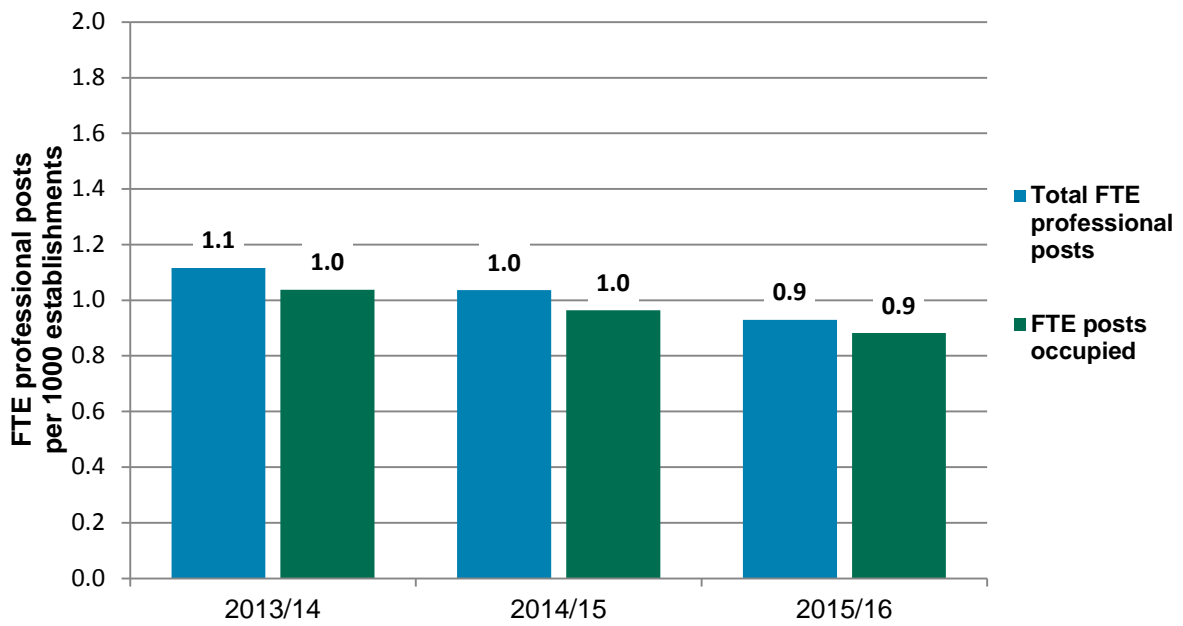
### Food standards professional staff

9.8 Based on LAs for which we are able to make comparisons over the past three years (155 out of 209) (see Figure 18 – numbers rounded to 1 decimal place) it is evident that:

- there were 0.9 FTE professional food standards staff reported to be employed by LAs for every 1,000 food premises in 2015/16, a decrease of 18% from 2013/14
- there was a similar reduction (17%) over this period in the number of FTE professional food standards posts at LAs (including vacancies) to 0.9 per 1,000 food premises in 2015/16

9.9 5.2% of professional FTE posts in these LAs were vacant in 2015/16, down from 7.1% in 2013/14.

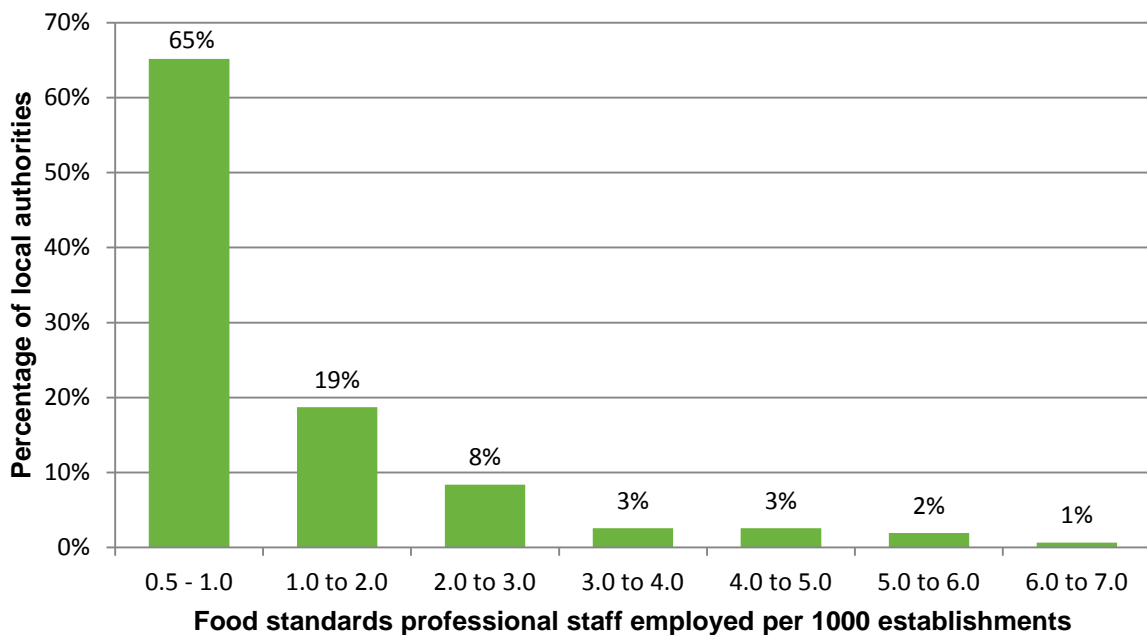
**Figure 18: Food standards professionals employed by UK local authorities per 1000 food establishments: 2013/14 to 2015/16**



Basis: 155 out of the 209 local authorities

9.10 In 2015/16, more than half of LAs (65%) were employing the equivalent of 1.0 or less food standards professional FTE for every 1,000 food establishments and the majority (84%) employed at most 2.0 (see Figure 19).

**Figure 19: Food standards professional staff employed per 1000 food establishments, the distribution across UK local authorities: 2015/16**



Basis: 155 out of the 209 local authorities

## 10. Food hygiene compliance

- 10.1 LAs assess food hygiene compliance in accordance with statutory guidance set out in the Food Law Codes of Practice.<sup>32</sup> Scores are given for three compliance criteria: hygiene; structure; and confidence in management. Businesses that score not more than 10 under each of these three criteria are defined as 'broadly compliant'. This is equivalent to food hygiene ratings of 3 to 5 under the Food Hygiene Rating Scheme operating in England, Wales and Northern Ireland.<sup>33</sup>
- 10.2 There was little change in the level of 'broad compliance' reported across the UK at 31 March 2016 of 93.5% of rated establishments, compared with 93.0% in 2014/15.<sup>34</sup>
- 10.3 There were slight variations in the four countries (see Table 13).

**Table 13: UK food establishment food hygiene compliance levels 2015/16 (excluding NYR)**

	% of establishments which are 'broadly compliant' or better		% of establishments which are below 'broadly compliant'	
	2015/16	2014/15	2015/16	2014/15
England	93.9	93.3	6.1	6.7
Northern Ireland	96.6	96.0	3.4	4.0
Scotland	88.2	88.1	11.8	11.9
Wales	95.1	94.3	4.9	5.7
<b>UK</b>	<b>93.5</b>	<b>93.0</b>	<b>6.5</b>	<b>7.0</b>

- 10.4 When all food establishments are considered, including establishments not yet rated (NYR), the level of 'broad compliance' reported across the UK at 31 March 2016 was reduced to 88.7%, see Table 14.

<sup>32</sup> Food Law Code of Practice section 5.6 for England, Wales and Northern Ireland at [www.food.gov.uk/enforcement/codes-of-practice/food-law-code-of-practice-2015](http://www.food.gov.uk/enforcement/codes-of-practice/food-law-code-of-practice-2015).

<sup>33</sup> A different scheme – the Food Hygiene Information Scheme – operates in Scotland.

<sup>34</sup> One English LA's broad compliance data was excluded from the analysis as their data are not comparable.

**Table 14: UK food establishment food hygiene compliance levels 2015/16 (including NYR)**

	% of establishments which are 'broadly compliant' or better		% of establishments which are below 'broadly compliant'		% of establishments which are not yet risk rated	
	2015/16	2014/15	2015/16	2014/15	2015/16	2014/15
England	89.2	88.7	5.8	6.4	5.0	4.9
Northern Ireland	93.0	91.5	3.3	3.8	3.7	4.7
Scotland	80.8	81.3	10.8	11.0	8.5	7.7
Wales	92.6	92.1	4.7	5.5	2.6	2.3
<b>UK</b>	<b>88.7</b>	<b>88.3</b>	<b>6.2</b>	<b>6.7</b>	<b>5.2</b>	<b>5.1</b>

10.5 A comparison with 2014/15 data shows that the percentage of LAs with broad compliance levels of  $\geq 90\%$  for rated establishments has increased to 87% (of those LAs providing broad compliance data) from 84% last year.

**Table 15: Proportion of 'broadly compliant' establishments (excluding NYR) by LA type 2015/16**

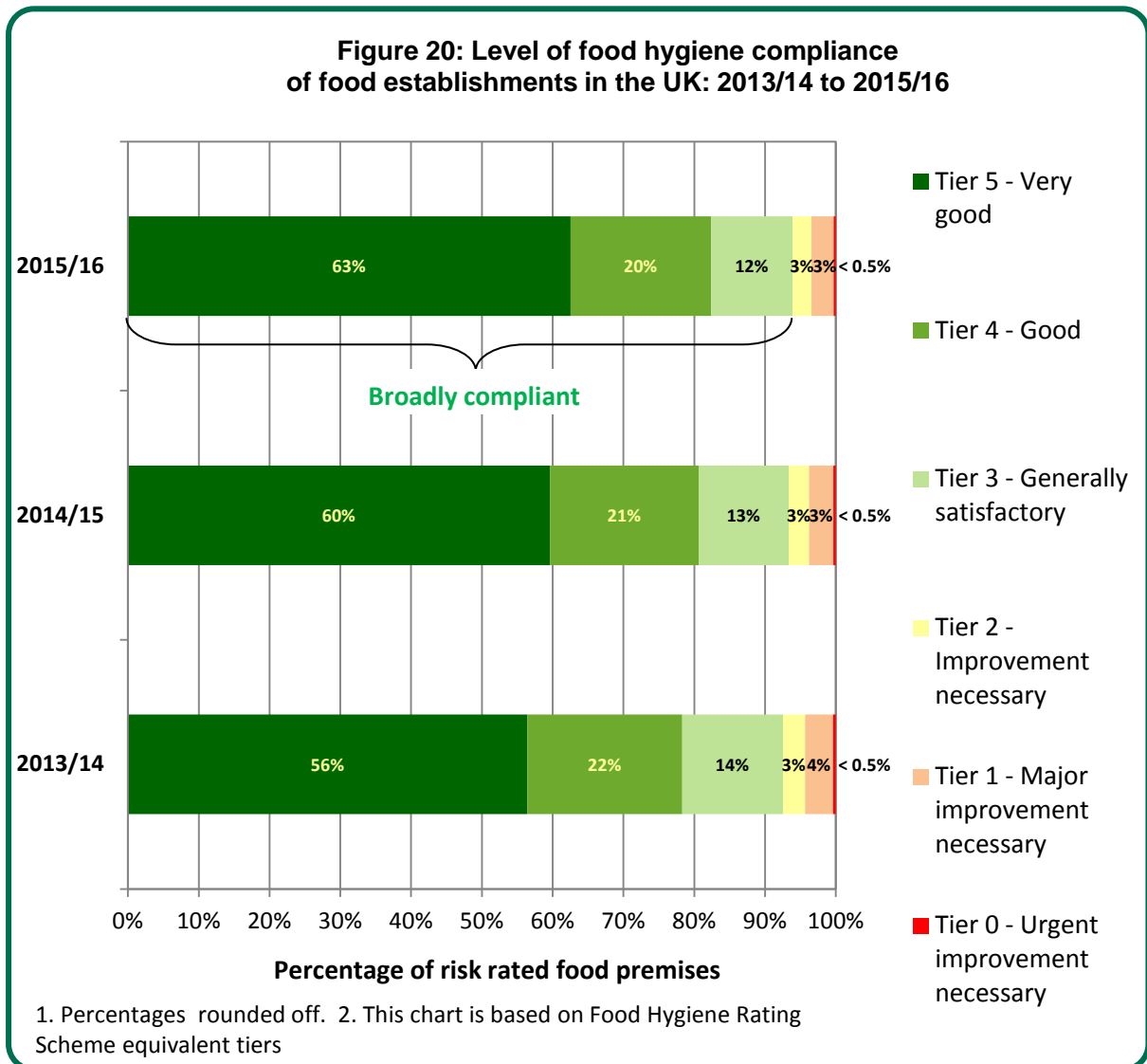
Broad compliance levels:	Number of LAs showing establishments 'broadly compliant' or better							
	English District	English London Borough	English Metro Borough	English Unitary	Northern Ireland*	Scotland	Wales	UK
Up to 69.99%	0	0	0	0	0	0	0	0
70 - 79.99%	1	2	0	0	0	2	0	5
80 - 89.99%	3	15	6	7	0	15	0	46
90 - 100%	192	16	30	49	12	15	22	336
Unable to provide necessary data	1	0	0	0	0	0	0	1
<b>TOTAL</b>	<b>197</b>	<b>33</b>	<b>36</b>	<b>56</b>	<b>12</b>	<b>32</b>	<b>22</b>	<b>388</b>
<b>Highest % reported</b>	99.7%	96.9%	99.6%	99.2%	98.4%	98.4%	99.0%	99.7%
<b>Lowest % reported</b>	79.4%	76.5%	83.8%	84.3%	94.5%	75.7%	90.1%	75.7%

\* One of the reorganised LAs in Northern Ireland submitted two separate returns in 2015/16

10.6 The reported LAEMS data indicates an improvement in compliance with food hygiene legislation from 2013/14 to 2015/16 (see Figure 20). Based on LAs for which we are able to compare results over the past three years (310 out of 387 LAs):

- the proportion of food establishments achieving 'broad compliance' (this is equivalent to food hygiene ratings of 3, 4 or 5 under the Food Hygiene Rating Scheme), increased over the three years from 92.5% in 2013/14 to 93.9% in 2015/16

- the proportion of food establishments that were considered either 'good' or 'very good' (this is equivalent to food hygiene ratings of 4 or 5 under the Food Hygiene Rating Scheme), increased from 78.3% to 82.4% over this period
- at the lower end of the food hygiene compliance scale, the proportion of food establishments which required 'urgent' or 'major improvement' (equivalent to food hygiene ratings of 0 or 1 under the Food Hygiene Rating Scheme) decreased from 4% to 3% over this period



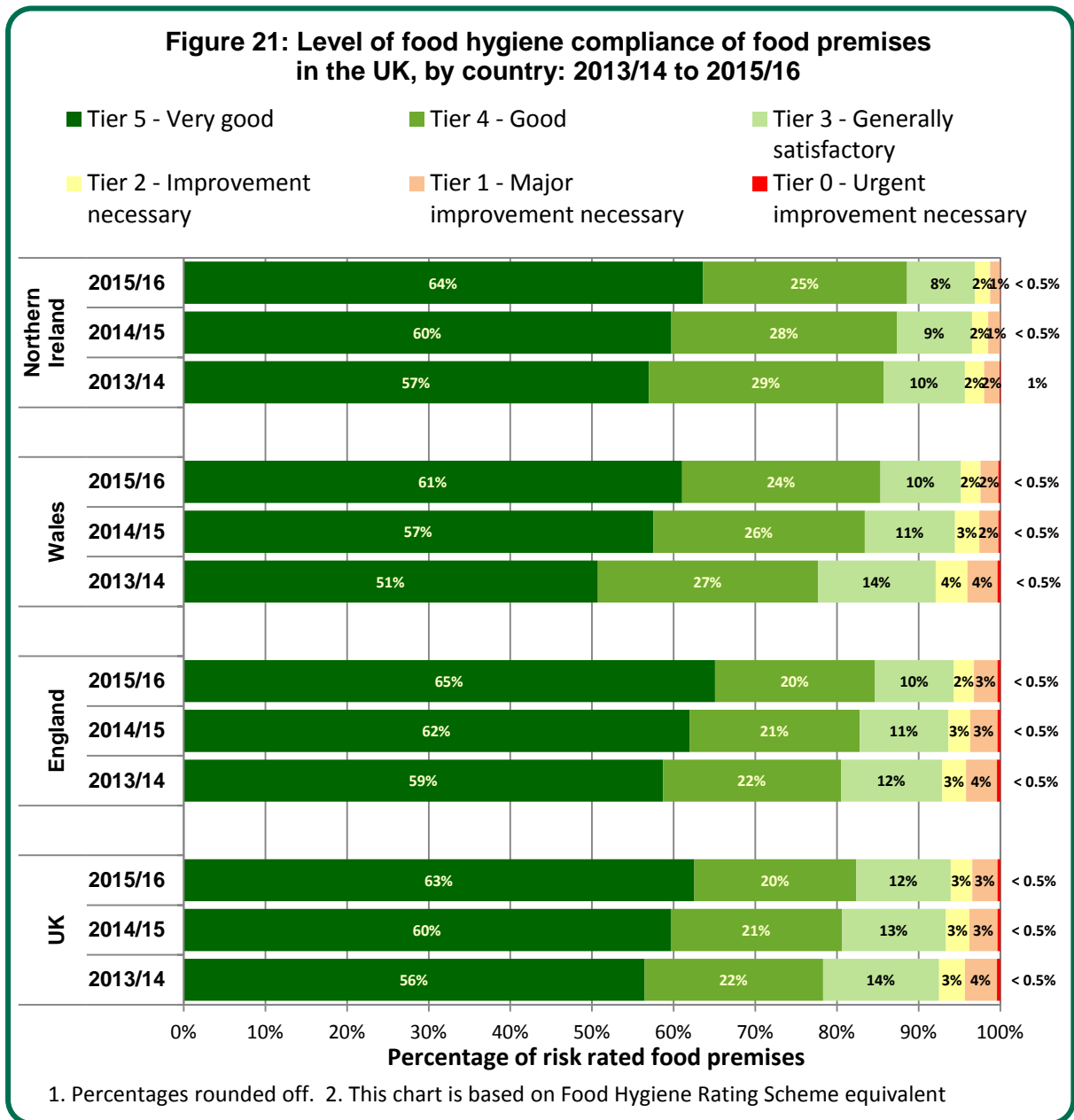
Basis: 310 out of 387 LAs

Note: Figure 20 shows compliance levels as equivalent food hygiene ratings. The UK data includes Scotland and in considering this data it should be noted that the FHRS does not apply there. The outcomes used for the Food Hygiene Information Scheme operating in Scotland are assessed on a basis that does not map directly to the Code of Practice compliance scores used for FHRS.

10.7 Looking at food hygiene compliance levels by country (see Figure 21), it is evident that over the three year period:

- the improvement in levels of compliance was seen in England, Wales and Northern Ireland

- the 'broad compliance' level in Wales increased from 92% in 2013/14 to 95% in 2015/16 (it is of note that display of food hygiene ratings at food business establishments became mandatory in Wales in November 2013)

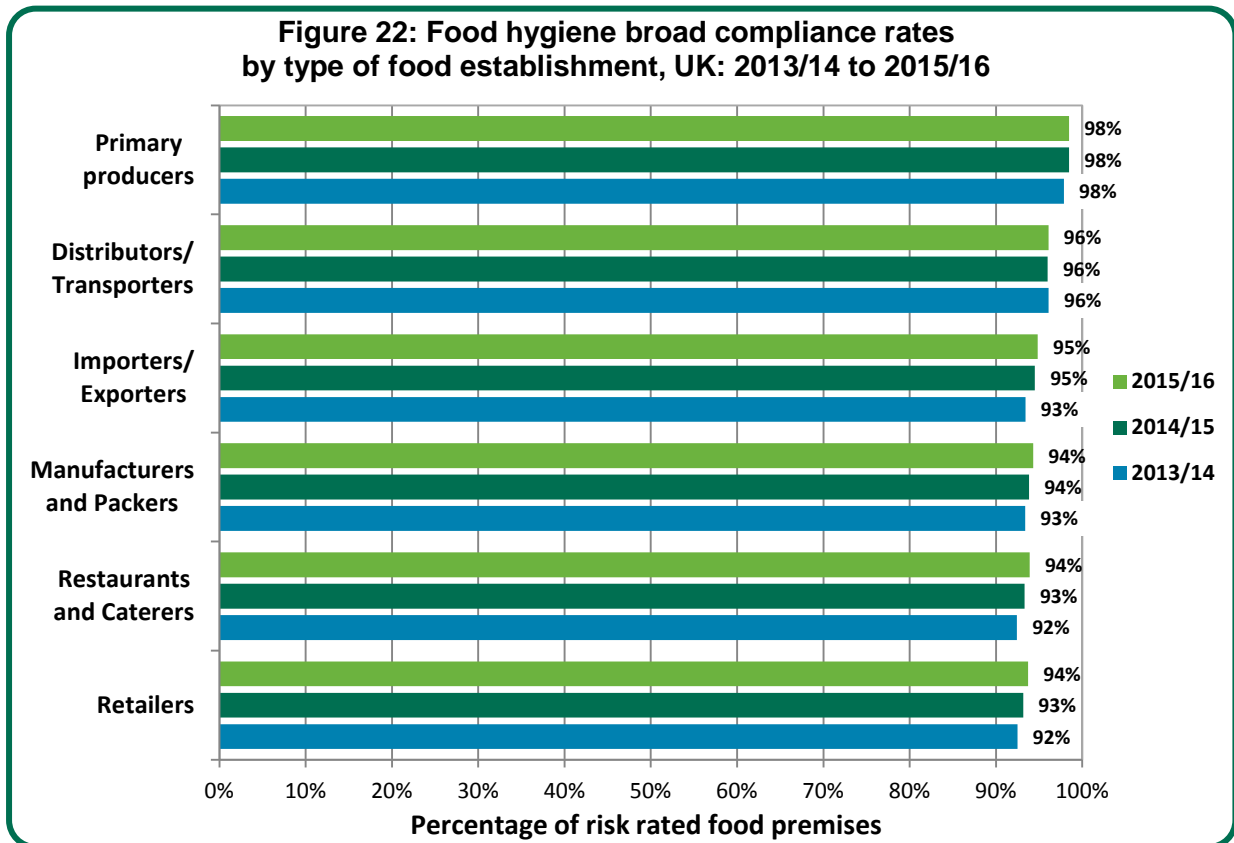


Basis: England - 260 out of 322 LAs; Scotland – 26 out of 32 LAs; Wales - 16 out of 22 LAs; Northern Ireland - 8 out of 11 LAs

10.8 Looking at changes in 'broad compliance' levels for different types of food establishment (see Figure 22 and Figure 23), where comparable data are available (303 out of 387 LAs) over the past three years, it is evident that:

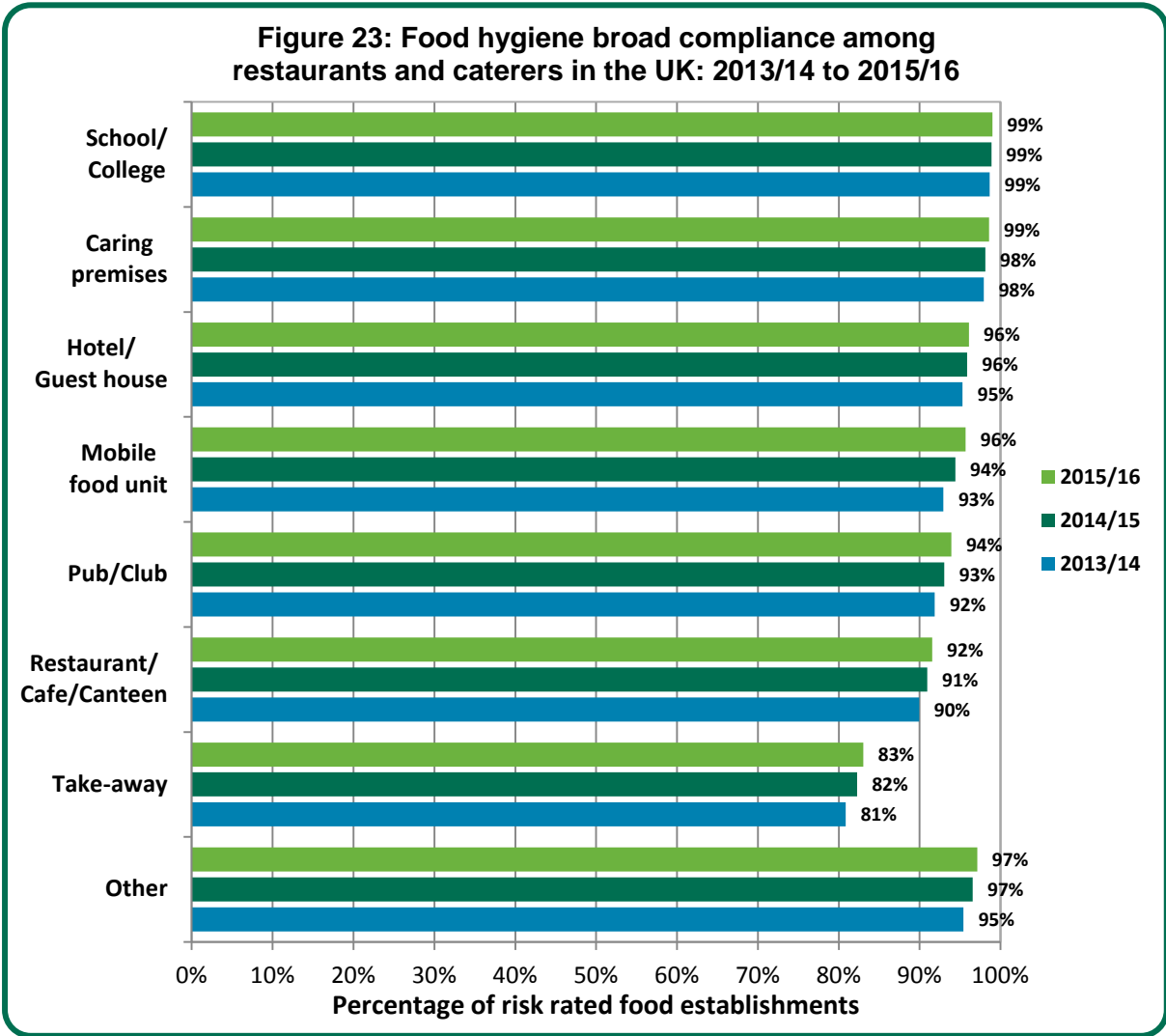
- 'primary producers' and 'transporters/distributors' continued to have the highest levels of broad compliance in 2015/16 (98% and 96% respectively)

- ‘restaurants and caterers’ and retailers, which tend to have the lowest levels of ‘broad compliance’, both showed an improvement over the three years from 92% to 94% between 2013/14 and 2015/16
- ‘take-away’ establishments continue to have the lowest levels of broad compliance among ‘restaurants and caterers’, but this has improved from 81% in 2013/14 to 83% in 2015/16



Basis: 303 out of 387 LAs



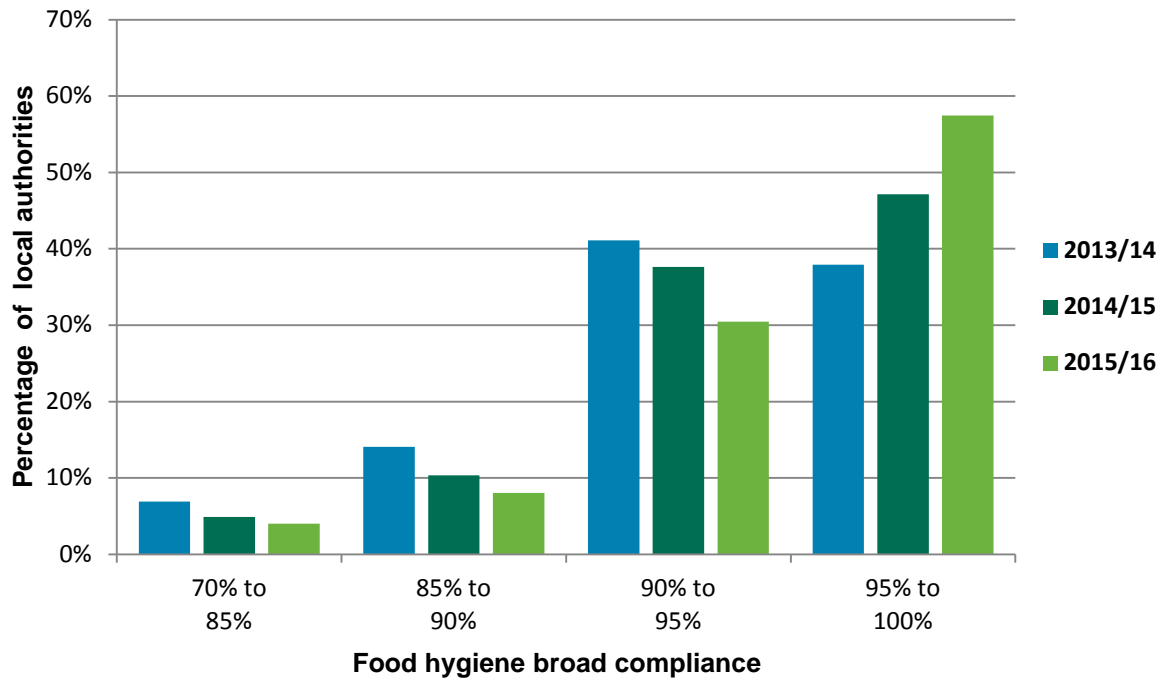


Basis: 303 out of 387 LAs

10.9 Figure 24 compares 'broad compliance' levels for individual LAs over the past three years (based on 348 out of 387 LAs). It is evident that:

- in 2015/16, most LAs (88%) had a 'broad compliance' level greater than 90%
- the proportion of LAs with a 'broad compliance' level greater than 95% increased from 38% to 57%, between 2013/14 and 2015/16

**Figure 24: Food hygiene broad compliance levels, the distribution across UK local authorities: 2013/14 to 2015/16**



Basis: 348 out of 387 LAs

## 11. Imported food controls at ports

- 11.1 The top six ports, in terms of the number of consignments received (both products of animal origin and food not of animal origin), account for 96% of imported food third country consignments (those arriving from outside the European Union) that were reported for 2015/16 (see Table 16).
- 11.2 A total of 431,840 consignments<sup>35</sup> of imported food were received at ports during 2015/16. Tables 17, 18 and 19 detail the checks made.
- 11.3 Due to the differing control requirements and foods subject to enhanced consignment checks changing annually, meaningful comparisons cannot be made about imported food activity at ports from one year to another. However all imported food coming into the UK under EU restrictive measures is recorded through the EU web based data collection system TRACES<sup>36</sup>, which does allow analysis in depth on specific products imported from individual countries and establishments. The figures reported here reflect the figures on LAEMS, which may differ slightly to the actual figures recorded on TRACES.

**Table 16: Percentage of Third Country imported food consignments by port of entry in 2015/16**

Port (with Local or Port Health Authority)	Animal Origin	Non Animal Origin	All
Felixstowe (Suffolk Coastal PHA)	38%	51%	49%
Port of London (City of London PHA) <sup>1</sup>	17%	33%	31%
Liverpool (Mersey PHA)	5%	6%	6%
Portsmouth (Portsmouth PHA)	0%	5%	4%
Heathrow (London Borough of Hillingdon)	16%	2%	4%
Southampton (Southampton PHA)	18%	0%	3%
All other UK ports of entry	6%	3%	4%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

<sup>35</sup> This figure does not represent all food consignments imported into the UK as low risk foods of non-animal origin are not required to be pre-notified for risk based checks at designated points of entry. All consignments of products of animal origin and higher-risk foods of non-animal origin are required to pre-notify their arrival and are subject to official controls at ports of entry to the UK.

<sup>36</sup> TRACES [ec.europa.eu/food/animals/traces\\_en](http://ec.europa.eu/food/animals/traces_en)

**Table 17: Checks in ports receiving Third Country imported food consignments: 2014/15 and 2015/16**

	2014/15	2015/16		
	All	Animal Origin	Non Animal Origin	All
<b>Total consignments</b>	<b>445,420</b>	<b>59,331</b>	<b>372,509</b>	<b>431,840</b>
Consignments undergoing:				
Documentary checks	167,198	59,331	91,769	151,100
Identity checks	58,052	51,733	6,349	58,082
Physical checks	23,734	19,042	5,130	24,172

**Table 18: Sampling in Ports receiving Third Country imported food consignments 2014/15 and 2015/16**

	2014/15	2015/16		
	All	Animal Origin	Non Animal Origin	All
Microbiological samples	579	277	617	894
Chemical / compositional samples	4,038	841	2,649	3,490
Other samples	281	60	144	204
<b>Total<sup>37</sup></b>	<b>4,898</b>	<b>1,178</b>	<b>3,410</b>	<b>4,588</b>
of which, were unsatisfactory	253	39	341	380
(as % of total samples)	5%	3%	10%	8%

<sup>37</sup> Samples collected at port and are additional to the samples reported in Section 7. However, some LAs report their imports samples taken inland (included in Section 7) together with their samples taken at port of entry. This is why the numbers of samples reported in Table 18 may be an over-estimate. This over counting accounts at most 9% of the total number of the 4,588 samples reported for 2015/16 in Table 18.

**Table 19: Rejections and enforcements in Ports receiving consignments from Third Countries: 2014/15 and 2015/16**

	2014/15	2015/16		
	All	Animal Origin	Non Animal Origin	All
Rejected consignments	1,087	674	451	1,125
(as % of total consignments)	0.2%	1.1%	0.1%	0.3%
Notices and other enforcement actions <sup>38</sup>	1,907	969	696	1,665

<sup>38</sup> Enforcement actions relate to consignments at port and are additional to the enforcement actions reported in Section 6. However, some LAs report their inland enforcement actions related to imported food together with their enforcement activity at port of entry. This is why the numbers of enforcement actions reported in Table 19 will be an over-estimate. Therefore up to 14% of the total number of the (1,665) enforcement actions reported for 2015/16 in Table 19 may be double counted with those in section 6.

## Annex A: Explanatory notes for users of LAEMS statistics

### Background

1. There are more than 600,000 food establishments operating in the UK. These are monitored by local authorities (LAs) to make sure they comply with food law in place to protect consumers from unsafe or fraudulent food practices. LAs report the results of their activity to the Food Standards Agency (FSA) via the Local Authority Enforcement Monitoring System (LAEMS). LAEMS is a web-based application, introduced in 2008, that allows LAs to upload data directly from their own local systems.<sup>39</sup>
2. LAEMS comprises data on the enforcement of food hygiene and food standards legislation by LAs, as well as on controls applied to food imports from outside the EU. The data are used by the FSA to evaluate LA performance and it also provides useful bench-marking data for LAs.
3. The purpose of this Annex is to help make LAEMS statistics more accessible to a wider user base. A glossary describes some of the key terms and concepts used in the main report. There is also a note on some aspects of statistical methodology and assumptions that will enable users to gauge the integrity of the statistics.

### Statistical methodology and quality control issues

#### Primary analysis

4. LAs download the required data from the local system(s) on which they record food law enforcement activity data and then upload the generated file to the web-based LAEMS system. The data are then aggregated to pre-defined categories and LAs are invited to view, on-screen, the results of the aggregation and assess whether amendments to the data are needed. Amendments may then be made to the aggregate level data. When content, LAs are required to confirm the accuracy of the data, before it is submitted for evaluation and publication by the FSA. It is a fundamental feature of the primary analysis of LAEMS statistics that they are based on the full data, as reported to the FSA by LAs, and as signed off by LA Heads of Service.
5. The statistical methods used are straightforward and should be transparent from the tables/figures and commentary provided. As an example, the % of food establishments (FEs) which are 'broadly compliant' is calculated as:

$$100 \times (\text{number of 'broadly compliant' FEs in UK}) / \text{Total number of FEs in UK.}$$

The denominator includes all FEs, even those for which the most recent inspection was prior to 1 April 2015.<sup>40</sup> Thus % Broad Compliance is a status variable, reflecting the situation at 31 March 2016, using the most recent inspection (whenever conducted) on each FE.

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<sup>39</sup> Information on LAEMS is available at [www.food.gov.uk/enforcement/monitoring/laems/](http://www.food.gov.uk/enforcement/monitoring/laems/).

<sup>40</sup> Category C and D premises need only be inspected every 18 or 24 months respectively.

6. Users should be mindful of the limited possibility of double-counting, which can manifest itself in different ways. Examples include:
  - mobile food vans may be registered in more than one LA
  - the same establishment may receive multiple enforcement actions within the reporting period

### Secondary analysis

7. For secondary analysis there is some variation from the rules in paragraph 4. Secondary analysis makes use of both the aggregated figures, signed off by LA Heads of Service, and the underlying xml data.<sup>41</sup>
8. The following checks were taken into account in the secondary analysis to confirm metrics and comparisons were reliable.

- LAs were excluded from an analysis where missing values, data entry errors and inconsistent adjustment issues would invalidate findings on each metric.
- Reliable time comparisons are obtained by restricting analysis to a cohort of LAs that submitted valid data for each metric across all relevant years.
- Xml data for an LA was excluded if aggregated figures signed off by Heads of Service had been adjusted by more than  $\pm 2\%$  from the original xml, to provide comparability with aggregated analysis.
- Tables include base numbers to enable users to judge how much data, if any, has been excluded as a result of this selectivity.

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<sup>41</sup> The xml data provides results at the level of individual establishments, including a breakdown of the elements comprising the overall establishment compliance score, the risk rating, and any interventions and enforcement actions undertaken in the reporting year.

## Glossary

### Note

This covers the main terms used in the report only. More detail can be found on the FSA website, including within the Food Law Code of Practice (FLCoP).<sup>42</sup>

**Broad compliance:** A food establishment with a food hygiene intervention rating score of not more than 10 under each of the following three criteria: Level of (Current) Compliance – Hygiene; Level of (Current) Compliance – Structure; and Confidence in Management.

**Enforcement action:** The steps, measures and sanctions an LA can take in response to non-compliance with food law at food establishments. Enforcement actions range from informal steps, such as giving a written warning, to formal measures such as: serving notices; prohibiting food operations; closure of a food establishment and prosecution. The action taken is determined by the relevant circumstances of each case and in accordance with the LA's enforcement policy.

**Food establishment:** Has the same meaning as 'Establishment' in the FLCoP. It does not simply mean 'premises', but is directly linked to the business occupying the establishment.

**Food Hygiene Information Scheme:** This scheme operates in Scotland. It provides consumers with information on the hygiene standards in food establishments at the time of LA inspection. The inspection results are presented to the public as a 'Pass' or as 'Improvement required'.

**Food Hygiene Intervention Rating:** A score given to each establishment to determine the frequency of intervention by LAs. The intervention rating for food hygiene is based on assessment of a number of elements: type of food and processing; number and type of consumers potentially at risk; current compliance of the establishment; risk of contamination; and confidence in management. The intervention rating is on a scale from 0 to 197. The higher the overall score given to the business, the greater the frequency of intervention by the LA.

Risk Category	Score*	Intervention frequency
A	≥ 92	At least every 6 months
B	72 to 91	At least every 12 months
C	52 to 71	At least every 18 months
D	31 to 51	At least every 24 months
E	0 to 30	A programme of alternative enforcement strategies or interventions every three years

\* In Wales the score for Risk Category C is 42 to 71 and for Risk Category D is 31 to 41

<sup>42</sup> Food Law Codes of Practice for England, Wales and Northern Ireland at [www.food.gov.uk/enforcement/codes-of-practice/food-law-code-of-practice-2015](http://www.food.gov.uk/enforcement/codes-of-practice/food-law-code-of-practice-2015) and for Scotland at [www.foodstandards.gov.scot/food-law-code-practice-2015](http://www.foodstandards.gov.scot/food-law-code-practice-2015).



**Food Hygiene Rating Scheme (FHRS):** This scheme operates in England, Northern Ireland and Wales. (This is a statutory scheme in Wales and became mandatory in Northern Ireland in October 2016). It provides transparency to consumers about hygiene standards in individual food businesses at the time of LA inspection. Levels are presented on a simple numerical scale from '0' at the bottom to '5' at the top. Ratings are derived using three of the elements that are assessed to determine the Food Hygiene Intervention Rating. This is illustrated in the table below. All businesses that supply directly to consumers are included in the scheme with the exception of low risk establishments not generally recognised as being food businesses and certain establishments that operate from private addresses.

How the six FHRS food hygiene ratings are derived from FLSCoP food hygiene scoring system						
Total FLSCoP scores*	0 - 15	20	25 - 30	35 - 40	45 - 50	> 50
Additional scoring factor	No individual score greater than 5	No individual score greater than 10	No individual score greater than 10	No individual score greater than 15	No individual score greater than 20	-
Food hygiene rating	0 1 2 3 4 5	0 1 2 3 4 5	0 1 2 3 4 5	0 1 2 3 4 5	0 1 2 3 4 5	0 1 2 3 4 5
Descriptor	Very good	Good	Generally satisfactory	Improvement necessary	Major improvement necessary	Urgent improvement necessary
Broadly compliant ?	Yes	Yes	Yes	No	No	No

\*The sum of the three relevant FLSCoP food hygiene intervention rating scores which are: compliance in (1) food hygiene and safety procedures, (2) structure, and (3) confidence in management.

**Food Standards Intervention Rating:** A score given to each establishment to determine the frequency of intervention by LAs. The intervention rating for food standards is based on an assessment of a number of elements: risk to consumers and other businesses; type of activity; complexity of the law applying; number of consumers potentially at risk; current compliance; and confidence in management. The rating is on a scale from 0 to 180. The higher the overall score given to the business, the greater the frequency of intervention by the LA.

Risk Category	Score	Intervention frequency
A	101 to 180	At least every 12 months
B	46 to 100	At least every 24 months
C	0 to 45	Alternative enforcement strategy or intervention every five years

Establishments rated as low-risk (45 or less) need not be included in the planned inspection programme but must be subject to an alternative enforcement strategy at least once in every 5 years.

**Interventions:** These are visits to food establishments for inspection, monitoring, surveillance, verification, audit and sampling, as well as for education and information gathering purposes. Interventions ensure that food and food establishments meet the requirements of both food hygiene and food standards law. More than one type of intervention may be carried out during a single visit to a food establishment.

**Interventions achieved:** When calculating ‘% of due interventions achieved’, the interventions due (denominator) is based on the risk rating of the establishment, which may equate to 0, 1 or 2 due interventions for each food establishment during the year.

**Local Authority (LA):** The food authority in its area or district. Food authorities include both district and county councils where responsibility for food safety and hygiene, and food standards are allocated respectively between them. It also includes unitary authorities, including London, metropolitan and county borough and city councils which are responsible for food safety and hygiene, and food standards.

**Not yet rated:** Establishments such as new businesses yet to be assessed and rated for risk for either food hygiene and food standards.

**Official sample:** A sample of food or any other substance relevant to the production, processing and distribution of food, to verify, through analysis, compliance with food law. Analysis is carried out by an official control laboratory.

**Outside the intervention programme:** LAs may assess some establishments as being outside the intervention programme, because any food provision is incidental to the main activity and is very low risk, for example, betting shops and hairdressers serving coffee.

**Port Health Authority (PHA):** The UK LA where a port or airport is located. They have responsibility to protect the public, environmental and animal health of the UK. Some are specially created LAs for seaports where the port area is covered by more than one LA.

**Primary producer:** A food business operator engaged in the production, rearing or growing of primary products (livestock, crops, etc.) including harvesting, milking and farmed animal production prior to slaughter.

**UK Food Surveillance System (UKFSS):** A national database for central storage of analytical results from feed and food samples taken by LAs and PHAs as part of their official controls.

**Written warning:** This is an informal enforcement action. It includes any relevant communication with the proprietor/owner/manager of a food establishment stating that infringements of legislation have been found. It includes written warnings to a trader drawing attention to possible non-compliance with legislation but not correspondence of a purely advisory or good practice nature. This may include written warnings left at the time of inspection/visit.