

**Report on the Audit of Local Authority Food Law  
Service Assessment of Food Businesses'  
Food Safety Management System (FSMS)**

Maidstone Borough Council  
2-3 March 2010



## Foreword

Audits of local authorities' food law enforcement services are part of the Food Standards Agency's arrangements to improve consumer protection and confidence in relation to food. These arrangements recognise that the enforcement of UK food law relating to food safety, hygiene, composition, labelling, imported food and feeding stuffs is largely the responsibility of local authorities. These local authority regulatory functions are principally delivered through Environmental Health and Trading Standards Services. The Agency's website contains enforcement activity data for all UK local authorities and can be found at: [www.food.gov.uk/enforcement/auditandmonitoring](http://www.food.gov.uk/enforcement/auditandmonitoring).

The attached audit report examines the Local Authority's Food Law Enforcement Service. The assessment includes the local arrangements in place for officer authorisation and training, inspections of food businesses and internal monitoring. The audit scope was developed specifically to address Recommendations 9 and 15 of the Public Inquiry Report<sup>1</sup> into the 2005 E. coli outbreak at Bridgend, Wales. The programme focused on the local authority's training provision to ensure that all officers who check Hazard Analysis and Critical Control Point (HACCP) and HACCP based plans, including those responsible for overseeing the work of those officers, have the necessary knowledge and skills. The audit also focused on existing inspection arrangements and processes to assess and enforce HACCP related food safety requirements in food businesses are adequate, risk based, and able to effect any changes necessary to secure improvements.

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 Local Authority Food Law Enforcement and is available on the Agency's website at:

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

The main aim of the audit scheme is to maintain and improve consumer protection and confidence by ensuring that local authorities are providing an effective food law enforcement service. The scheme also provides the opportunity to identify and disseminate good practice and provide information to inform Agency policy on food safety, standards and feeding stuffs. Parallel local authority audit schemes are implemented by the Agency's offices in all the devolved countries comprising the UK.

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

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<sup>1</sup> <http://wales.gov.uk/ecolidocs/3008707/reporten.pdf?skip=1&lang=en>

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## **1. Introduction**

- 1.1 This report records the results of an audit at Maidstone 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 food premises inspections, enforcement activities and internal monitoring. The report has been made available on the Agency's website at: [www.food.gov.uk/enforcement/auditandmonitoring/auditreports](http://www.food.gov.uk/enforcement/auditandmonitoring/auditreports). Hard copies are available from the Food Standards Agency's Local Authority Audit and Liaison Division at Aviation House, 125 Kingsway, London WC2B 6NH, Tel: 020 7276 8428.

### **Reason for the Audit**

- 1.2 The power to set standards, monitor and audit local authority food law enforcement services was conferred on the Food Standards Agency by the Food Standards Act 1999 and the Official Feed and Food Controls (England) Regulations 2009. This audit of Maidstone Borough Council was undertaken under section 12(4) of the Act as part of the Food Standards Agency's annual audit programme.
- 1.3 The Authority was included 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 by the Agency and was representative of a geographical mix of 25 Councils selected across England.

### **Scope of the Audit**

- 1.4 The audit examined Maidstone Borough Council's arrangements for food premises inspections and internal monitoring with regard to food hygiene law enforcement, with particular emphasis on officer competencies in assessing food safety management systems based on HACCP principles. 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 other related food hygiene law enforcement activities.
- 1.5 Assurance was sought that key 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 office at Maidstone House, King Street, Maidstone on 2 – 3 March 2010.

## Background

- 1.6 The Borough of Maidstone is situated in the county of Kent between London and the channel ports, bordering Swale, Ashford, Tunbridge Wells and Tonbridge and Malling Borough Councils as well as Medway Unitary Authority. The Borough has a population in the region of 145,000, which equates to ten per cent of the Kent population and is the second largest district council in the county. The Borough is a mixture of both urban and rural areas and the economy is primarily based on the service industry. Distribution, hotels and restaurant work account for approximately 25 per cent of the employment within the Borough.
- 1.7 There are approximately 1,430 food premises in the district. The majority of food businesses are situated in the town of Maidstone and comprise small to medium catering and retail enterprises, in addition some national food producers operate in the Borough, manufacturing bakery products, frozen fruit and vegetables, fruit fillings and purees and meat products. There were four establishments in the Authority's area which require approval under Regulation (EC) No. 853/2004.
- 1.8 The Food and Safety Team was responsible for enforcing food hygiene legislation in the Borough. The team also maintained responsibility for health and safety enforcement and infectious diseases. Officers from the Food and Safety Team undertook some nuisance work to support the Council's out of hours service.
- 1.9 The profile of Maidstone Borough Council's food businesses as of 31 March 2009 was as follows:

Type of food premises	Number
Producers	54
Distributors/Transporters	34
Manufacturers/Packers	34
Retailers	268
Restaurant/Caterers	1,039
<b>Total number of food premises</b>	<b>1,429</b>

## 2. Executive Summary

- 2.1 The Authority had developed a Food Safety Service Plan for 2010/2011 in line with the Service Planning Guidance in the Framework Agreement. The plan linked to the Environmental Health Service Plan 2009-2012 and was in the process of being approved.
- 2.2 In response to the recommendations raised by the Public Inquiry into the 2005 Wales E. coli outbreak the Authority had notified butchers within their area of the key findings from the Inquiry, had suggested effective practices to raw and cooked food segregation and offered a training course relating to the requirements in maintaining an effective Food Safety Management Systems (FSMS).
- 2.3 The Authority had recently reviewed existing policies and procedures which were detailed, comprehensive and provided sufficient guidance to officers to carry out food law enforcement activities. In addition the document control system was under evaluation to ensure there was a structured system in place for the review of all policies and procedures.
- 2.4 There was an effective system in place to authorise officers in accordance with their individual qualifications, experience and competency, individual training needs were identified during twice yearly appraisals. Although it was not possible for the Authority to demonstrate all officers that had previously undertaken inspection work had received the recommended minimum 10 hours relevant training, all officers currently involved with inspection work had received sufficient training, including specific training relating to HACCP.
- 2.5 Inspection procedures and checklists were in operation to assist officers in forming their decisions in the confidence in management scoring at each food business. However, the format did not prompt officers to record in sufficient detail their assessment of the adequacy of the food businesses' Food Safety Management Systems completed by the officer. The Authority had identified the omission from their inspection documentation and was in the process of revising and expanding their aides-memoire to allow a more detailed assessment.
- 2.6 Although the aides-memoire in use to record detailed findings following approved establishment inspections were not relevant to the business, the premises files were structured and in general contained sufficient information as listed within Annexe 12 of the Food Law Code of Practice Guidance. The Authority was in the process of introducing an official approved establishments aide-memoire to ensure all relevant information could be captured during future inspections.

- 2.7 Record checks confirmed that officers were taking a graduated approach to enforcement in accordance with the Authority's own enforcement policy. To aid with consistency the Authority had developed a Notice checklist; all hygiene improvement notices reviewed had been served correctly in line with procedural guidance.
- 2.8 The Authority maintained a comprehensive complaint procedure and audit checks of five complaint records confirmed that in every case complaints had been investigated effectively and appropriate follow-up action taken.
- 2.9 The Service maintained a regional sampling programme and a detailed food sampling procedure. Records relating to sampling results indicated that on every occasion officers had taken appropriate actions in conjunction with the Authority's own procedures.
- 2.10 Although the Service had developed a process for monitoring officers' work and there was evidence that qualitative internal monitoring had been undertaken, there was little detail of the findings or a formal method to feedback results to officers. The procedure for internal monitoring was undergoing review and there were plans to introduce a more structured method of internal monitoring.
- 2.11 A "reality check" visit at a food business was undertaken during the audit. The main objective was to evaluate the effectiveness of the Authority's assessment of food business compliance with food law requirements. The visit confirmed that the checks completed by the officer were thorough, appropriate and included an assessment of the businesses' food safety management system.
- 2.12 The findings from an earlier internal audit of the food safety team had identified a significant number of issues with the Authority's premises database, including inspection documentation which could not be retrieved and duplicated premises records. The ongoing database issues had resulted in a number of food premises which appeared to be either new unrated premises or overdue an intervention.
- 2.13 Due to the anomalies with the system it was not possible to quantify the exact number of premises requiring a food safety inspection. Although there were historical inconsistencies with the Authority's food premises database, auditors were advised that all non-programmed inspections had been allocated to individual officers and the Authority were on target to achieve their intervention target.
- 2.14 The Authority had, in conjunction with Kent and Medway Local Authorities developed a framework for joint working. The agreement enabled authorities to share their specific knowledge and expertise of food establishments which required approval under Regulation (EC) No. 853/2004.

### 3. Audit Findings

#### 3.1 Organisation and Management

##### *Strategic Framework, Policy and Service Planning*

- 3.1.1 The Authority had developed a Food Safety Service Plan for 2010/2011 which had been drawn up in line with the Service Planning Guidance in the Framework Agreement. The Plan had recently been submitted to the Cabinet Member for Environment and was awaiting approval. The Plan clearly linked to the Environmental Health Service Plan for 2009-2012 which included key food safety objectives. The Food Safety Service Plan incorporated approximations of the staff resources required to deliver the food law enforcement service against the staff resources available to the Authority.
- 3.1.2 The strategic aim of the Service was to *'make sure that the food supplied within Maidstone is wholesome, fit and safe to eat and that food businesses comply with the law and are helped to adopt good practice.'*
- 3.1.3 The Environmental Health Service Plan set out key objectives, which included an aim to carry out 95% of all food safety interventions within 28 days of the due date. In addition, the Food Safety Service Plan acknowledged continued support for the Food Standards Agency's *'Safer food, better business'* (SFBB) initiative by providing all versions of the SFBB pack and diary update inserts for distribution to local businesses.
- 3.1.4 The Environmental Health Manager had also produced a separate document for the Cabinet Member for Environment which supported the Food Safety Plan and detailed Service objectives for the forthcoming year that included recommendations:
- *To continue supporting food businesses and in particular develop services that assist new and prospective business proprietors*
  - *To complete food safety inspection programme and increase the number of food businesses that are broadly compliant with food safety law*
  - *To examine the Service in light of the Pennington E.coli Inquiry.*
- 3.1.5 The Authority had completed a performance review against the previous year's Service Plan and maintained a process for monthly review of performance indicators relating to premises inspections. During the one occasion where monitoring identified that inspection targets had not been achieved, causes had been determined, reported and corrective actions taken as appropriate.



- 3.1.6 The returns made to the Food Standards Agency under the Local Authority Enforcement Monitoring System (LAEMS) for 2008/2009 declared that there were, including administrative support, 5.5 full time equivalent posts (FTE) allocated to food law enforcement.

#### **Good Practice – Service Planning**

In response to the recommendations and issues raised by the Public Inquiry Report into the 2005 Wales E. coli outbreak (published March 2009), and following the subsequent guidance issued by the Food Standards Agency, the Authority had written to butchers within the Borough detailing the key findings from the Inquiry and reminded them of the requirement to maintain effective food safety management systems and practices to properly segregate raw and cooked foods. In addition, butchers had been offered a one day training course on the requirements relating to maintaining a food safety management system based on the principles of HACCP provided by the Kent Local Authorities.

#### **Documented Policies and Procedures**

- 3.1.7 The Authority had recently reviewed a number of their existing procedures covering a range of food law enforcement issues. Auditors were advised that this was ongoing and that the Enforcement Procedure was in the process of review. Generally the policies and procedures were detailed, comprehensive and provided sufficient guidance to officers carrying out food law enforcement activities. The Authority had previously set up and maintained a document control system based on the ISO 9000 quality management principles which had included a formal process for document review. Although at the time of the audit the document control system was not active, auditors were advised of the Authority's intention to revive the structured system to ensure that procedure documentation would be appropriately controlled and reviewed.

#### ***Recommendation***

3.1.8 The Authority should:

Fully implement and maintain a document control system for all documentation relating to its food service enforcement activities. [The Standard – 4.2]

### *Officer Authorisations*

- 3.1.9 The Authority maintained a procedure for the authorisation of officers based on their competencies and was in accordance with the Food Law Code of Practice. The procedure required the Food Safety Lead Officer to maintain responsibility for assessing the qualifications and officer competencies in relation to set criteria detailed within an authorisation matrix. The Environmental Health Manager had been given delegated powers under the Council's Constitution to authorise suitably qualified officers. Once satisfied with the recommended authorisation level, the Environmental Health Manager endorsed the officer authorisation allowing issue of the necessary documentation.
- 3.1.10 Auditors were advised that a performance review system for officers was in place where training needs were discussed. The system of twice yearly appraisal reviews included an evaluation of officers' knowledge and skills in relation to their competencies at which time any training requirements would be identified.
- 3.1.11 The Authority maintained evidence of all relevant training completed by officers responsible for undertaking food law duties, including temporary staff employed to carry out food law enforcement duties.
- 3.1.12 It was clear that the Authority was proactive in providing training opportunities for officers; however it was not always evident that all authorised officers had achieved the required minimum 10 hours relevant training, based on the principles of continuing professional development. Of the five officer records reviewed during the audit there was insufficient evidence to demonstrate that two officers had completed the minimum number of hours training during the previous year. One of these officers did not routinely complete food law enforcement duties and had undertaken some inspections at low risk food premises. Auditors were advised that the officer had already been taken off the inspection programme and instructed of the requirement to complete sufficient training before undertaking any further food law enforcement work.

#### ***Recommendation***

3.1.13 The Authority should:

Ensure the training of all authorised officers in the technical and administrative aspects of the work in which they will be involved and when training is provided that sufficient details are maintained on file.  
[The Standard – 5.4]

- 3.1.14 In terms of specific training in HACCP principles and/or the auditing of HACCP based food safety management systems, it was noted that the Authority was able to demonstrate that all officers currently involved with inspection work had undertaken related training. Officers had completed various associated training courses including the effective evaluation of food safety management systems and coaching in 'Safer food, better business'. Officers had also undertaken training in specialised subject areas such as vacuum packing and the requirements of establishments needing approval under Regulation (EC) No. 853/2004.
- 3.1.15 Audit checks confirmed that evidence of all officers' qualifications was available and that copies of relevant qualification certificates had been retained by the Authority.

## 3.2 Food Premises Inspections

- 3.2.1 The Authority maintained an interventions programme based on premises risk category rating and had set a target to complete 95% of all food safety interventions within 28 days of the due date. Initial audit checks revealed a considerable number of food premises which either appeared to be overdue a scheduled inspection or registered on the Authority's database as a new premises awaiting an initial inspection.
- 3.2.2 Further audit checks and discussions had established the basis for the database issues. Concerns with the effectiveness of the database had previously been highlighted during an internal audit of the food safety team activities during 2007, at which time a number of issues had been identified relating to the records held and more specifically that the Service's database required attention.
- 3.2.3 The grounds for the database issues were documented as due to there being no dedicated systems administrator available to complete general housekeeping and maintenance of the database. At the time of the internal audit the administrative shortfall had been identified as a contributory factor to the duplicate premises and the failure to match environmental health premises to the corporate property database.
- 3.2.4 Checks of five food premises inspection records identified that two of the businesses had not been inspected within the required frequency over the last three inspections. A known fault with the system whereby the presence of a revisit date restricts the next scheduled inspection may have caused the delay in the interventions taking place. However due to the ongoing issues relating to the Authority's database it was not possible to clearly determine the cause for these inspection delays.

### ***Recommendation***

3.2.5 The Authority should:

Ensure that the food premises database is operated in such a way so as to be able to provide required information to the Agency. [The Standard – 6.4]

- 3.2.6 Although initial audit checks appeared to identify a significant number of premises requiring intervention, in some circumstances further checks established duplicate premises records. The anomalies noted with the database could affect the accuracy of the monitoring returns made to the Agency on the achievement of due interventions, particularly in relation to the calculation of the number of premises deemed to be broadly compliant within the Authority's district.

- 3.2.7 Auditors were advised that although the Authority were aware of the issues with the database, premises which appeared to have an overdue intervention had all been allocated to officers and the Authority were on target to achieve their full inspection programme for 2009/2010.

***Recommendation***

- 3.2.8 The Authority should:

Ensure that food hygiene inspections of premises in their area are undertaken at a frequency which is not less than that determined under the inspection risk rating system set out in the Food Law Code of Practice or other centrally issued guidance. [The Standard – 7.1]

- 3.2.9 The Authority maintained a procedure to assist officers completing routine food premises inspections and an additional procedure regarding the specific requirements for approved establishments or those likely to require approval under Regulation (EC) No. 853/2004.
- 3.2.10 The general food hygiene inspection procedure included specific checklists for catering, retail and butchery premises and guidance had been incorporated into the documentation to assist officers in forming their decisions in the confidence in management scoring at each food business. However the format of the inspection forms did not prompt officers to record, in sufficient detail, their assessments of the adequacy of the food businesses' Food Safety Management Systems (FSMS) making it difficult to ascertain the basis for their decisions or how business compliance had been assessed.
- 3.2.11 Although historical inspection records examined during the audit had not captured the detail of the FSMS assessment completed by officers, at the time of the audit the Authority were in the process of expanding their food inspection forms to allow officers a greater opportunity to record their detailed findings in relation to HACCP assessment.
- 3.2.12 Files for three approved establishments in the Authority's area were examined during the audit. Prescribed aides-memoire specific to this type of establishment had not been used to record findings during routine inspections; therefore it was not possible to establish from the file records whether an appropriate detailed evaluation had been carried out. However in general there was some evidence that an assessment of the business' FSMS based on HACCP had been completed.

- 3.2.13 Although inspections records had not been retained on relevant forms for the business, the Authority were in the process of introducing an official aide-memoire for approved establishments.

***Recommendation***

3.2.14 The Authority should:

Ensure that records, observations and data obtained during the course of inspections, particularly in relation to the verification of HACCP based food safety management systems, include sufficient detail to demonstrate whether the compliance of premises and systems has been comprehensively assessed to legally prescribed standards. [The Standard – 16.1]

- 3.2.15 The Authority operated an electronic system for retaining inspection documentation and premises records for future retrieval. However, audit checks identified that the system was not always working in an effective manner. Although auditors were generally able to retrieve information significant to premises inspections, it was not possible in all circumstances to locate all relevant documentation relating to food premises inspections. For example, in some cases information obtained during revisits to premises where contraventions had previously been identified could not be located. Due to the occasional absence of information obtained during follow-up visits it was difficult for auditors to ascertain in all cases, the extent of premises compliance following revisit inspections.

***Recommendation***

3.2.16 The Authority should:

Ensure that officers' contemporaneous records of inspections are legible and stored in such a way that they are readily retrievable. [The Standard – 7.5]

*Verification Visit to a Food Premises*

- 3.2.17 During the audit, a verification visit was undertaken to a local butcher with the Officer who had carried out the last food hygiene inspection of the premises. The main objective of the visit was to evaluate 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.

- 3.2.18 Due to the absence of an appropriate aide-memoire, the premises compliance history and details of the food safety management system assessment could not be fully ascertained by the auditor prior to the visit. During the visit however the officer carried out thorough and appropriate checks and was clearly able to assess the businesses HACCP compliance. The visit identified that the FBO needed to complete further work on the cooling methods employed for one product to ensure they reflected those documented and the process flow for the preparation of a product needed review. The Officer intended to complete the necessary follow-up actions at the next visit to the premises.

### **3.3 Enforcement**

- 3.3.1 The Authority had developed and approved an enforcement policy which was in accordance with centrally issued guidance. The Policy was comprehensive, made appropriate reference to the Regulators' Compliance Code and covered all food law enforcement activities.
- 3.3.2 The Service had developed procedural guidance to assist officers with formal food law enforcement actions, which included Police and Criminal Evidence Act and Evidence Control procedures. The Authority maintained a detailed enforcement procedure which was under review. Audit checks confirmed that the Authority had instigated formal enforcement action where contraventions in the adequacy of food safety management systems had been identified.
- 3.3.3 File reviews of three hygiene improvement notices confirmed that in all cases the use of the notice had been the appropriate course of action and that the notices had been drafted in accordance with the Food Law Code of Practice and centrally issued guidance. There was also clear evidence that notices had been properly served and timely revisits had taken place to monitor compliance. In all cases there was evidence of written notification sent to the FBO confirming compliance with the notice.

#### ***Good Practice – Enforcement***

The Authority had produced guidance for officers to ensure that notices were served correctly and were consistent. The detailed guidance included a checklist to follow during notice preparation which was then checked and countersigned by an appropriately qualified officer.



### 3.4 Internal Monitoring and Third Party or Peer Review

#### *Internal Monitoring*

- 3.4.1 The Service had recently developed a check sheet for the monitoring of food interventions completed by authorised officers. The document included criteria against which the monitoring would be carried out and guidance instructing the actions to be taken, in the event of non-compliances being identified.
- 3.4.2 Audit checks established that internal monitoring had previously been undertaken, inspection records had been annotated and system records coded accordingly, indicating the date monitoring had taken place. Although there was evidence that a significant amount of internal monitoring had taken place the Authority had not retained comprehensive records of monitoring findings or maintained a formal process of feeding back observations to officers.

#### **Recommendation**

3.4.3 The Authority should:

Fully implement its internal monitoring procedure to include the qualitative monitoring of all areas of food law enforcement activity to reflect the quantitative internal monitoring activity that is being undertaken in practice and ensure that appropriate records are retained.

[The Standard – 19.1 and 19.2]

- 3.4.4 The Authority was in the process of implementing a revised internal monitoring procedure which included documenting monitoring findings and a method of feeding back to officers. The Service had amended paperwork and incorporated a section for annotation which included comments from the monitoring officer and a section for confirmation of the findings by the officer whose work was being reviewed.

#### *Food Complaints*

- 3.4.5 The Authority had developed and implemented a detailed procedure for the investigation of food and food premises complaints. The records for 5 complaint investigations relating to FSMS issues were examined. Checks confirmed that in all cases, complaints were thoroughly investigated and appropriate and timely follow-up actions had been taken as necessary. In all cases complaint records were found to be complete and accurate.

### *Food Sampling*

- 3.4.6 The Authority was participating in local and national food sampling programmes and reference to the Authority's policy on sampling was made in the Food Service Plan. The Authority maintained a detailed sampling procedure which included guidelines on the microbiological criteria of various ready-to-eat foods and included actions to be taken following the receipt of sampling results. The Authority followed a food sampling programme for 2010/2011 which had been agreed with the Kent Sampling Group.
- 3.4.7 Audit checks of five sampling results were carried out, three of which related to food samples collected following complaints and two were part of the sampling programme. In all cases food business operators had been informed of the analysis results and appropriate actions had been taken in accordance with the Authority's own sampling procedure where unsatisfactory samples had been identified.

### *Third Party or Peer Review*

- 3.4.8 Auditors were informed that an internal audit of the food service had taken place during 2007 and although the audit had identified a number of recommendations relating to record keeping and the Authority's database, the results concluded that the Food Safety Team, overall, provided a substantial level of assurance in relation to their operation according to prescribed legislation.

#### ***Good Practice – Liaison with other Organisations***

Maidstone Borough Council in conjunction with other Kent and Medway Local Authorities had developed a *Memorandum of Understanding* which provided a framework for joint working between Local Authorities. The purpose was to enable food officers within the group to provide support and share knowledge in specific areas of competency, namely the requirements relating to the approval of food establishments in relation to the provisions of Regulation (EC) No. 853/2004.

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**ANNEXE A**

**Action Plan for Maidstone Borough Council**

Audit date: 2-3 March 2010

<b>TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)</b>	<b>BY (DATE)</b>	<b>PLANNED IMPROVEMENTS</b>	<b>ACTION TAKEN TO DATE</b>
3.1.8 Fully implement and maintain a document control system for all documentation relating to its food service enforcement activities. [The Standard – 4.2]	31/09/10	Agree document control framework and ensure all food service procedures are brought in line with new arrangements.	Timetable for introducing document control framework agreed.
3.1.13 Ensure the training of all authorised officers in the technical and administrative aspects of the work in which they will be involved and when training is provided that sufficient details are maintained on file. [The Standard – 5.4]	Completed	No outstanding corrective action.	This recommendation concerned CPD arrangements rather than training generally. Auditors already aware that the officer who had undertaken no CPD is no longer undertaking food law enforcement duties. Appropriate training records are maintained.
3.2.5 Ensure that the food premises database is operated in such a way so as to be able to provide required information to the Agency. [The Standard – 6.4]	31/09/10	Ensure that there is a dedicated systems administrator to undertake general housekeeping and maintenance of the database. Key improvements around preventing duplicate property records, ensuring that revisit dates to not mask scheduled inspections dates and ensuring that the FSA information requirements are met.	Initial meeting between Assistant Director of Environmental Health and Head of IT to ensure the planned improvements are implemented. Further auditing being undertaken. Procedures being developed to ensure that required database administration takes place.

<b>TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)</b>	<b>BY (DATE)</b>	<b>PLANNED IMPROVEMENTS</b>	<b>ACTION TAKEN TO DATE</b>
3.2.8 Ensure that food hygiene inspections of premises in their area are undertaken at a frequency which is not less than that determined under the inspection risk rating system set out in the Food Law Code of Practice or other centrally issued guidance. [The Standard – 7.1]	Completed	While it is an aim to ensure that food hygiene inspections are undertaken at a frequency which is not less than that determined by the Code of Practice, it is not always possible to achieve. Resourcing decisions across a range of EH services are made on the basis of risk and on occasions this means that the minimum inspection frequencies will not be achieved. High risk inspections will however always be given priority over lower risk inspections.	Additional monitoring to check that inspections are undertaken by officer during the month of allocation.
3.2.14 Ensure that records, observations and data obtained during the course of inspections, particularly in relation to the verification of HACCP based food safety management systems, include sufficient detail to demonstrate whether the compliance of premises and systems has been comprehensively assessed to legally prescribed standards. [The Standard – 16.1]	Completed		Check sheets amended to capture additional HACCP information.
3.2.16 Ensure that officers' contemporaneous records of inspections are legible and stored in such a way that they are readily retrievable. [The Standard – 7.5]	Completed		Additional auditing being undertaken to ensure that inspection records are stored in such a way that they are readily retrievable.
3.4.3 Fully implement its internal monitoring procedure to include the qualitative monitoring of all areas of food law enforcement activity to reflect the quantitative internal monitoring activity that is being undertaken in practice and ensure that appropriate records are retained. [The Standard – 19.1 and 19.2]	Completed		Revised internal monitoring procedure fully implemented. Includes arrangements to record any feedback provided to officers.

## **Audit Approach/Methodology**

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

*(1) Examination of LA policies and procedures.*

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

- Environmental Health Service Plan 2009-12
- Food Safety Service Plan 2010/2011
- Training and Competency Procedure
- Environmental Health Enforcement Policy
- Enforcement Procedure
- Police and Criminal Evidence Act Procedure
- Evidence Control Procedure
- Food Premises Inspection aide-memoire (original and revised)
- Food Complaints Procedure
- Food Sampling Procedure
- Internal Audit Report and Action Plan (2007)

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

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

*(3) Officer interviews – the following officers were interviewed:*

- Audit Liaison Officer
- Technical Officer

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

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

## 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.
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 geographic area and situated within a County Council whose responsibilities include food hygiene enforcement.
E. coli	<i>Escherichia coli</i> microorganism, the presence of which is used as an indicator of faecal contamination of food or water. <i>E. coli</i> 0157:H7 is a serious food borne pathogen.
Environmental Health Officer (EHO)	Officer employed by the local authority to enforce food safety legislation.
Feeding stuffs	Term used in legislation on feed mixes for farm animals and pet food.
Food hygiene	The legal requirements covering the safety and wholesomeness of food.
Food standards	The legal requirements covering the quality, composition, labelling, presentation and advertising of food, and materials in contact with food.
Framework Agreement	<p>The Framework Agreement consists of:</p> <ul style="list-style-type: none"> <li>• Food Law Enforcement Standard</li> <li>• Service Planning Guidance</li> <li>• Monitoring Scheme</li> <li>• Audit Scheme</li> </ul> <p>The <b>Standard</b> and the <b>Service Planning Guidance</b> set out the Agency's expectations on the planning and delivery of food law enforcement.</p> <p>The <b>Monitoring Scheme</b> requires local authorities to submit quarterly returns to the Agency on their food enforcement activities i.e. numbers of inspections, samples and prosecutions.</p> <p>Under the <b>Audit Scheme</b> the Food Standards Agency will be conducting audits of the food law enforcement services of local authorities against the criteria set out in the Standard.</p>
Full Time Equivalents (FTE)	A figure which represents that part of an individual officer's time available to a particular role or set of duties. It reflects the fact that individuals may work part-time, or may have

		other responsibilities within the organisation not related to food enforcement.
HACCP		Hazard Analysis 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.
OCD returns		Returns on local food law enforcement activities required to be made to the European Union under the Official Control of Foodstuffs Directive.
Regulators' Compliance Code		Statutory Code to promote efficient and effective approaches to regulatory inspection and enforcement which improve regulatory outcomes without imposing unnecessary burdens on businesses.
Risk rating		A system that rates food premises according to risk and determines how frequently those premises should be inspected. For example, high risk premises should be inspected at least every 6 months.
Service Plan		A document produced by a local authority setting out their plans on providing and delivering a food service to the local community.
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	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.