

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

Tamworth Borough Council  
16-17 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. Also, that 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 Tamworth 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 Tamworth 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 Tamworth 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 the Marmion House, Lichfield Street, Tamworth, Staffordshire on 16 – 17 March 2010.

### **Background**

- 1.6 The Borough of Tamworth is located in Staffordshire and has a population of approximately 75,000. It is an urban district with most of the population inhabiting the town of Tamworth, which is situated on the confluence of the rivers Tame and Anker.
- 1.7 The major part of the economy is the logistics and engineering industries, along with clothing, brick, tile and paper manufacturing.
- 1.8 There are approximately 460 food premises in the Borough (including those without current food hygiene risk ratings). There was one establishment in the Authority's area which required approval under Regulation (EC) No. 853/2004.
- 1.9 The Public Health Team (PHT) of Environment, Health & Regulatory Services (EHRS) was responsible for enforcing food hygiene legislation in the Borough. The team was also responsible for health and safety enforcement, health promotion, licensing inspections and enforcement of smoke free legislation.
- 1.10 The premises profiles of Tamworth Borough Council's food businesses as submitted to the Agency for 2008/2009 was as follows:

<b>Type of food premises</b>	<b>Number</b>
Primary Producers	0
Manufacturers and Packers	3
Importers/Exporters	0
Distributors/Transporters	12
Retailers	112
Restaurant/Caterers	283
<b>Total number of food premises</b>	<b>410</b>

## 2. Executive Summary

- 2.1 The Authority had developed a Food Service Plan for 2009/2010 that had been structured broadly in line with the Service Planning Guidance in the Framework Agreement. The Plan required further development to include more detailed information specified by the Service Planning Guidance, in particular a detailed breakdown of all the statutory demands placed upon the Service and a reasoned estimate of the resources required to deliver these duties effectively, against those available. The Plan had been approved at the appropriate Council Member forum.
- 2.2 The Authority had recently updated the procedure for the review and updating of documented policies and procedures. A number of policies, procedures and documents had recently been updated. However, the Authority acknowledged that some of the policies and procedures had not been updated recently.
- 2.3 The Authority had a documented procedure for the authorisation of officers based on their individual qualifications, experience and competency. However, at the time of the audit, officer authorisations had not been reviewed to take account of legislative changes and it was not clear that officers had been appropriately authorised to undertake the full range of duties required of them. Auditors noted that the Authority took immediate steps to ensure that their officers were properly authorised.
- 2.4 Although officer training needs were identified on an annual basis through the staff appraisal process, the Authority would benefit from developing a more systematic method of identifying and prioritising staff training needs based on their level of authorisation and required competencies, in accordance with the Food Law Code of Practice. Record checks showed that, generally, officers had undertaken the required number of hours of Continuing Professional Development (CPD) and recent HACCP training. However, the Lead Officer for food would benefit from further core HACCP training to enable him to fulfil competency requirements for the monitoring of officers. Generally, records of officer qualifications and training were incomplete.
- 2.5 Record checks showed that the Authority had a substantial backlog of overdue inspections. Auditors were informed that the backlog was due to staff absences and the reallocation of resources. Auditors were concerned that the Authority was unable to demonstrate that it had allocated sufficient resources to deal with the current backlog of inspections and to cover the full range of food law enforcement activities.

- 2.6 The Authority had developed a food premises inspection procedure. The procedure provided useful guidance to officers carrying out food law interventions. File checks showed that officers were generally carrying out their activities in line with the procedure.
- 2.7 The Authority had developed a useful and appropriate general food premises inspection aide-memoire that enabled officers to fully record their detailed findings in relation to assessments of food safety management systems.
- 2.8 Product specific aides-memoire had not been used to record detailed findings following approved establishment inspections. Therefore it was not possible to determine from the records whether the approved establishments complied with legislative requirements, and if appropriate inspections had always been carried out or to establish the basis for officers' decisions regarding business compliance. Generally, approved establishment files were disorganised and the information listed in Annexe 12 of the Food Law Code of Practice Guidance was difficult to retrieve or missing.
- 2.9 The Service had developed an Enforcement Policy which was generally in line with centrally issued guidance. The policy contained useful food specific guidance on the graduated use of enforcement actions. The Authority had developed several documents for officers related to enforcement actions, but needed to further develop these enforcement procedures to cover the full range of enforcement activities, including the use of simple cautions and prosecution.
- 2.10 Although there was clear evidence that the Authority was willing to take appropriate and effective enforcement action when required, including the use of hygiene improvement and emergency prohibition notices, there was evidence that the Authority had on occasion struggled to bring about timely business compliance with regard to HACCP related issues.
- 2.11 Records confirmed that complaints about food and food premises were investigated effectively with appropriate follow-up action being taken. Complaint records were found to be complete and accurate.
- 2.12 Records relating to unsatisfactory food sample results showed that the Authority had notified food business operators (FBOs) of the results and had taken appropriate follow-up action in all cases.
- 2.13 The Authority had developed a procedure for internal monitoring, and there was some limited evidence that documented quantitative and qualitative monitoring was being carried out. However, the monitoring needed to be extended to cover the full range of food law enforcement activities.

2.14 A reality check visit at a food business was undertaken during the audit. The main objective was to assess the effectiveness of the Authority's assessment of food business compliance with food law requirements. The visit confirmed that the checks carried out by the officer in relation to HACCP and food safety management systems (FSMS) requirements were generally thorough and covered the majority of food law requirements.



### 3. Audit Findings

#### 3.1 Organisation and Management

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

- 3.1.1 The Authority had developed a Food Safety Management Service Plan 2009/2010 which was structured broadly in line with the Service Planning Guidance in the Framework Agreement. The Plan had been agreed by Cabinet on 27 August 2009. The Service Plan contained useful statistical data in regard to the previous year's activities and trends however it did not use this information effectively to estimate the demands on the Service in terms of Full Time Equivalents (FTEs) required to implement the Authority's statutory obligations under the Food Law Code of Practice. The Plan would have benefitted from further development to include more detailed information specified by the Service Planning Guidance. For example, a comparison of FTEs available against those needed to deliver the Service, a more detailed review of the previous year's annual business plan, and the identification of outstanding issues such as overdue inspections, along with planned corrective actions.

#### **Recommendation**

- 3.1.2 The Authority should:

Further develop the Service Plan to include all the information specified in the Service Planning Guidance in the Framework Agreement. [The Standard - 3.1]

- 3.1.3 The Service Plan stated that the aim of the PHT was *'to protect the health of the public in Tamworth'* and a key objective to achieve this was *'to ensure that food available in Tamworth is safe and healthy to eat and free from foreign bodies.'* These statements linked to one of the Council's key priorities *'Working with others, we will improve health and education standards for the people of Tamworth.'*
- 3.1.4 The Service Plan set out key objectives for the forthcoming year, which included an aim to carry out 197 food safety inspections due in the year. In addition the Plan acknowledged the Authority's support for the Food Standards Agency's *'Safer food, better business'* (SFBB) and *'Scores on the Doors'* initiatives and had carried out over 80 coaching sessions.

- 3.1.5 The Authority's Service Plan also made reference to national indicator 184 (food businesses 'broadly compliant'). The Plan indicated that 80% of businesses in the Borough were 'broadly compliant'.
- 3.1.6 There was a discrepancy between the annual returns made to the Food Standards Agency under the Local Authority Enforcement Monitoring System (LAEMS) for 2008/2009 and the Authority's Service Plan in regard to the number of FTE posts allocated to food law enforcement. Based on file and database checks, an identified backlog of inspections and the lack of information regarding staff resources in comparison to the resources needed to carry out the full range of food law enforcement activities, auditors were unable to gain assurance that the Authority had distributed or allocated sufficient resources to fulfil their statutory duties for the enforcement of food legislation.

***Recommendation***

3.1.7 The Authority should:

Review the staff resources available to the Authority and ensure that a sufficient number of authorised officers are appointed to undertake the full range of food law enforcement activities. [The Standard - 5.3]

- 3.1.8 In response to the findings of the Pennington Inquiry into the outbreak of E.coli 0157 in South Wales in 2005, a report had been drafted by the Authority which detailed the main findings and recommendations of the Inquiry. However, although the report was a useful and detailed summary of the Pennington Report it did not attempt to analyse how the findings might impact on the provision of the Authority's food law enforcement activities.

***Documented Policies and Procedures***

- 3.1.9 The Authority had developed and implemented the 'Food Safety Procedures 3 – Review' procedure for ensuring that relevant policies and procedures are reviewed on an annual basis. However, this procedure had only recently been updated and the Authority acknowledged that many of their other policies and procedures had not been updated for some time, and those that had been were in the early stages of implementation. Auditors discussed the need to ensure that policies, procedures and documents are reviewed and revised promptly, in line with changes in legislation, Codes of Practice and centrally issued guidance.

- 3.1.10 Official documents were stored on the Authority's database and were controlled by a system of restricted access. In practice, when a document required updating the Public Health Manager carried out the amendments which were then discussed with the rest of the staff and a final draft agreed. The document was then added onto the database as a 'read only' file and the superseded document removed.

**Recommendation**

3.1.11 The Authority should:

Continue to implement the procedure for the review of internal policies and procedures at regular intervals and whenever there are changes to legislation or centrally issued guidance. [The Standard – 4.1]

*Officer Authorisations*

- 3.1.12 The Authority had developed and implemented an 'Authorisation of Officers and Training' procedure for the authorisation of officers based on their qualifications, experience and competency. However checks on documentation showed that the authorisations of current officers had not been reviewed to take account of legislative changes. Auditors discussed the need for officer authorisation documents to be urgently reviewed and updated to ensure that all officers were suitably authorised to carry out food law enforcement activities under current relevant legislation. It was noted that the Authority responded by taking immediate action to ensure that their officers were appropriately authorised.

**Recommendation**

3.1.13 The Authority should:

Review officer authorisations on a regular basis to ensure that they are kept up to date with current legislation. [The Standard - 5.1]

- 3.1.14 Auditors discussed the benefit of further improving the Authority's 'Authorisation of Officers and Training' procedure by the development and inclusion of a suitable method of assessing officer competency levels and training requirements, and the identification and programming of any subsequent officer and team training needs within a documented training plan. This process should be linked to the individual officer's authorisation level.

***Recommendation***

3.1.15 The Authority should:

Further develop the documented procedure on the authorisation of officers to detail the competency assessment process by which authorisations are linked to the officer's individual training requirements.  
[The Standard – 5.1]

3.1.16 Officer training needs were discussed at annual Performance Development Reviews. Generally officers had received the required 10 hours Continuing Professional Development (CPD) training required by the Food Law Code of Practice, and had recently received update training in inspecting HACCP based FSMS. However file checks showed that some enforcement officers had not received any recent training on the implementation of SFBB packs, approved establishment assessment and inspection and appropriate training related to complex processes. In addition it was identified that the Lead Officer would have benefitted from further core training in HACCP assessment to enable him to fulfil Food Law Code of Practice competency requirements for the monitoring of officers.

***Recommendation***

3.1.17 The Authority should:

Ensure that all officers, including the Lead Officer, receive suitable training consistent with their authorisation and duties in accordance with the Food Law Code of Practice.  
[The Standard – 5.3]

3.1.18 Audit checks showed that generally records of officer qualifications and training were incomplete and not held centrally by the Authority.

***Recommendation***

3.1.19 The Authority should:

Ensure that complete and sufficiently detailed officer training records are maintained in accordance with the Food Law Code of Practice [The Standard - 5.4 and 5.5]

## 3.2 Food Premises Inspections

- 3.2.1 Database record checks showed that the Authority had a substantial backlog of overdue inspections. These included a significant number of higher risk establishments. Auditors were informed that the backlog was due to staff absences and the reallocation of resources to other projects, including database development. The Authority was unable to demonstrate an effective plan to address the backlog of inspections and cover the full range of statutory enforcement activities.

### ***Recommendation***

- 3.2.2 The Authority should:

Ensure that all food premises are inspected in accordance with the frequencies specified by the Food Law Code of Practice. [The Standard – 7.1]

- 3.2.3 The Authority had developed and implemented the 'Food Safety Procedures 6 – Inspection' procedure. The procedure provided useful guidance to officers carrying out food law interventions. File checks showed that officers were generally carrying out their activities in line with the procedure, including an appropriate assessment of HACCP based FSMS.
- 3.2.4 In general records of visit had been left with the Food Business Operator (FBO) and where follow-up letters had been sent, in most cases there had been a clear differentiation between legal requirements and advice. However, it was noted that some letters to businesses contained incorrect legislative references in respect of improvements to be carried out and there was a general inconsistency of officer approach to the reporting of inspection findings to the food business operator.
- 3.2.5 There was evidence that in some cases findings on inspection should have prompted the consideration of the escalation of enforcement action, in accordance with the Authority's enforcement policy, other than matters being followed up by revisits alone. Auditors noted that on several occasions, the Authority had struggled to bring about timely business compliance with regard to HACCP related issues.

### **Recommendation**

#### 3.2.6 The Authority should:

Ensure that appropriate action is taken on any non-compliance found during inspections, including any contraventions linked to HACCP requirements, in accordance with the Authority's Enforcement Policy, the Food Law Code of Practice and any other centrally issued guidance. [The Standard – 7.3]

- 3.2.7 The Authority had developed a useful and appropriate general food premises inspection aide-memoire that enabled officers to fully record their detailed findings in relation to HACCP assessment. Records of visits should be further developed to ensure that they make reference to the legislation under which the inspection visit was conducted.
- 3.2.8 There was no documented procedure for the approval of product specific establishments. The Authority had two approved establishments at the time of the audit. Whilst one of the establishments had been correctly re-approved under relevant European legislation, the other establishment, based on information held on file records, appeared to have retained its approval status for dairy products, contrary to centrally issued guidance. The Authority agreed to review this approval as soon as practicable.
- 3.2.9 File checks showed that approved establishment files were generally disorganised and incomplete. It was not possible to find some inspection records and much of the information required by Annexe 12 of the Food Law Code of Practice Guidance was missing from the files. In addition inspection records that were available had not been recorded on an appropriate aide-memoire for the business and consequently the Authority was not able to demonstrate that approved establishments had been fully assessed against legal requirements, including those related to HACCP based FSMS.

#### *Verification Visit to a Food Premises*

- 3.2.10 During the audit, a verification visit was undertaken to a local caterer with an officer from the Authority, who had carried out the last food hygiene inspection of the premises. The main objective of the visit was to assess the effectiveness of the Authority's assessment of food business compliance with food law requirements. The specific assessments included the conduct of the preliminary interview of the FBO by the officer, the general hygiene checks to verify compliance with the structure and hygiene practice requirements and checks carried out by the officer to verify compliance with HACCP based procedures.

3.2.11 The visit confirmed that the checks carried out in relation to HACCP and FSMS by the officer were generally thorough and covered the majority of food law requirements.

### **3.3 Enforcement**

- 3.3.1 The Authority had developed, as part of their procedures, two documents detailing their enforcement policy. These were the 'Enforcement Strategy' and the 'Food Safety Policy', which were generally in accordance with centrally issued guidance. In particular, the 'Food Safety Policy' contained useful food specific guidance on the graduated use of enforcement actions. The Authority needed to ensure that the policy was reviewed and revised on a regular basis to reflect current legislative requirements.
- 3.3.2 The Authority had developed and implemented a number of enforcement procedures, including the use of hygiene improvement notices (HINs), emergency prohibition, voluntary closure, and the seizure and detention of unsafe food. The procedures needed to be further developed to include the use of simple cautions and prosecution.

#### ***Recommendation***

3.3.3 The Authority should:

Expand the enforcement procedures to ensure they cover the full range of enforcement activities.

[The Standard – 15.3]

- 3.3.4 There was recent and historical evidence that the Authority was taking a range of enforcement actions when required and this included the use of hygiene improvement notices and emergency prohibition notices. However, frequently there was no evidence on file to support officers' decisions in regard to enforcement issues, including issues concerning HACCP related contraventions. Therefore it was not possible, in all cases, for auditors to accurately assess whether officers had taken the most appropriate course of action.

#### ***Recommendation***

3.3.5 The Authority should:

Ensure all decisions on enforcement action are made following consideration of the Authority's enforcement policy. The reasons for any departure from the criteria set out in the enforcement policy should be documented.

[The Standard - 15.4]



3.3.6 Three HINs were examined. The format and wording of the notices were in line with centrally issued guidance and in all cases it was clear that it had been the appropriate course of action. Timely visits had been carried out to confirm compliance. However, whilst it was apparent that the Authority was prepared to use a range of enforcement options frequently there was insufficient evidence on file to demonstrate that HINs, had in all cases, been fully complied with.

***Recommendation***

3.3.7 The Authority should:

Ensure that hygiene improvement notices have been fully complied with and that all the necessary procedures and documentation specified by the Food Law Code of Practice have been completed. [The Standard – 15.2]

3.3.8 One hygiene emergency prohibition notice was examined. File checks showed that this had been an appropriate course of action. The format of the notice was also generally in line with centrally issued guidance, followed the relevant due process and a timely check on compliance had been carried out.

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

#### *Internal Monitoring*

- 3.4.1 The Service had developed the 'Food Safety Procedures 6 – Internal Monitoring' procedure. Although it had not been fully implemented, there was evidence that a limited amount of documented quantitative and qualitative monitoring had been carried out. This included the use of database reports, accompanied inspections and the checking of inspection reports. There was no evidence that monitoring of other aspects of the service, including officer authorisation, complaints and sampling, was being undertaken. Auditors were informed that complaint and sampling monitoring was carried out on an ad hoc basis and routinely discussed at team meetings, although this was not always documented.

#### **Recommendation**

- 3.4.2 The Authority should:

Set up, maintain and implement documented internal monitoring procedures for the full range of food law enforcement activities in accordance with the Food Law Code of Practice. [The Standard – 19.1 and 19.2]

#### *Food Complaints*

- 3.4.3 The Authority had developed and implemented the 'Food Safety Procedures 7 – Complaints' procedure for the investigation of food and food premises complaints. The records for three complaint investigations relating to FSMS issues were examined. These confirmed that in all cases, complaints were appropriately investigated and follow-up action taken as necessary. Complaint records were found to be complete and accurate. There was no evidence of internal monitoring for the files examined.

#### *Food Sampling*

- 3.4.4 The Authority had developed and implemented the 'Food Safety Procedures 10 – Inspection and Sampling' procedure. The Authority was participating in local and national food sampling programmes. The Authority's annual sampling plan was organised at Food Liaison Group level, and reference to the Authority's policy on sampling was made in the Food Safety Management Service Plan.
- 3.4.5 Audit checks showed that in the case of unsatisfactory sample results FBOs had been given timely notification of the results and appropriate

follow-up action had been taken by the Authority. There was no evidence of internal monitoring of the files examined.

*Third Party or Peer Review*

- 3.4.6 The Authority was an active member of the Staffordshire Food Liaison Group (SFLG) and regularly attended meetings to discuss food related issues and develop the annual joint sampling programme.
- 3.4.7 In 2006 the Authority, on behalf of SFLG, had developed and managed a county wide consistency exercise for the enforcement of HACCP in butcher's shops.
- 3.4.8 The Authority had also taken part in a number of consistency exercises organised by SFLG for Staffordshire's 'Rate My Place' Scores on the Doors scheme.

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Local Authority Audit and Liaison Division

**ANNEXE A**

**Action Plan for Tamworth Borough Council**

Audit date: 16-17 March 2010

<b>TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)</b>	<b>BY (DATE)</b>	<b>PLANNED IMPROVEMENTS</b>	<b>ACTION TAKEN TO DATE</b>
3.1.2 Further develop the Service Plan to include all the information specified in the Service Planning Guidance in the Framework Agreement. [The Standard - 3.1]	31/07/10	Service Plan for 2010/2011 to incorporate lessons learnt from 2009/2010 plan. Quarterly monitoring on performance to take place as part of over-arching performance monitoring framework.	Quarterly monitoring on performance to take place as part of over-arching performance monitoring framework and reported to management.
3.1.7 Review the staff resources available to the Authority and ensure that a sufficient number of authorised officers are appointed to undertake the full range of food law enforcement activities. [The Standard - 5.3]	31/07/10	Staff resources reviewed, bid for additional resources to ensure all statutory interventions are undertaken.	Contract prepared to manage backlog arising from 2009/2010, contractor engaged to complete overdue interventions.
3.1.11 Continue to implement the procedure for the review of internal policies and procedures at regular intervals and whenever there are changes to legislation or centrally issued guidance. [The Standard – 4.1]	31/03/11	Officers have ownership of policies, action to update them to be included as part of personal development plan.	Individual officers tasked to review policies.
3.1.13 Review officer authorisations on a regular basis to ensure that they are kept up to date with current legislation. [The Standard - 5.1]	31/03/11	A 6 monthly review will be introduced.	Officer authorisations reviewed and additional schedule now placed on personal file.
3.1.15 Further develop the documented procedure on the authorisation of officers to detail the competency assessment process by which authorisations are linked to the officer's individual training requirements. [The Standard – 5.1]	31/07/10	Authorisations to be rewritten in accordance with guidance.	Delegations obtained from Council Solicitor, changes in management structure mean that authorisations need to be re-written.

<b>TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)</b>	<b>BY (DATE)</b>	<b>PLANNED IMPROVEMENTS</b>	<b>ACTION TAKEN TO DATE</b>
3.1.17 Ensure that all officers, including the Lead Officer, receive suitable training consistent with their authorisation and duties in accordance with the Food Law Code of Practice. [The Standard – 5.3]	31/12/10	Training needs analysis to be conducted and inserted into PDR training matrix	Courses sought from an external course provider, other food groups. On line CPD to be considered.
3.1.19 Ensure that complete and sufficiently detailed officer training records are maintained in accordance with the Food Law Code of Practice. [The Standard - 5.4 and 5.5]	31/05/10	Training records to be kept, copy of initial qualifications to be obtained from Human Resources.	Qualification certificates obtained from Human Resources and officers requested to resubmit. Subject to Food Standards Agency (FSA) verification.
3.2.2 Ensure that all food premises are inspected in accordance with the frequencies specified by the Food Law Code of Practice. [The Standard – 7.1]	31/03/11	Service Plan to identify lessons learnt and be used as planning tool to demonstrate need for additional resources. Plan to increase capacity by broadening skills of officers.	Training needs analysis conducted, officers to be booked on courses according to training need.
3.2.6 Ensure that appropriate action is taken on any non-compliance found during inspections, including any contraventions linked to HACCP requirements, in accordance with the Authority's Enforcement Policy, the Food Law Code of Practice and any other centrally issued guidance. [The Standard – 7.3]	31/05/10	Implement monitoring plan to ensure that actions are followed through, can either be dealt with on one of three occasions; as the work arises; at officers monthly one-to-one meeting or as a standing agenda at team meetings.	Officers to diarise next action date on Proactive. Subject to verification by FSA.
3.3.3 Expand the enforcement procedures to ensure they cover the full range of enforcement activities. [The Standard – 15.3]	30/08/10	Simple caution and prosecution procedure to be reviewed.	Senior Management restructure ongoing, procedure will need to be amended to take account of new team.
3.3.5 Ensure all decisions on enforcement action are made following consideration of the Authority's enforcement policy. The reasons for any departure from the criteria set out in the enforcement policy should be documented. [The Standard - 15.4]	31/07/10	Significant decisions record log now adopted. A book where we can record the significant decisions has been devised.	Verbal update provided to Senior Management on reasons for change of approach and outcomes. Additional report to be provided to Cabinet as part of annual report 2009/2010 for Jul 2010, subject to verification by FSA.

<b>TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)</b>	<b>BY (DATE)</b>	<b>PLANNED IMPROVEMENTS</b>	<b>ACTION TAKEN TO DATE</b>
3.3.7 Ensure that hygiene improvement notices have been fully complied with and that all the necessary procedures and documentation specified by the Food Law Code of Practice have been completed. [The Standard – 15.2]	31/05/10	Hygiene improvement notice now complied with. Tamworth summary of Findings Draft report discussed on 29 Mar 2010 and again at Apr 2010 Team meeting.	Task complete, subject to verification by FSA.
3.4.2 Set up, maintain and implement documented internal monitoring procedures for the full range of food law enforcement activities in accordance with the Food Law Code of Practice. [The Standard – 19.1 and 19.2]	31/03/11	Performance monitoring framework set up and forwarded to FSA during Apr 2010.	To be further enhanced when new IT system goes live from Jul 2010.

## **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:

- Food Safety Management Service Plan 2009/2010
- Authorisation of Officers and Training Procedure
- Food Safety Enforcement Strategy, Food Safety Policy and associated enforcement Procedures
- Food Safety Procedures 6 - Inspection and aide-memoire
- Food Safety Procedures 7 - Complaints
- Food Safety Procedures 16 - Internal Monitoring
- Food Safety Procedures 10 - Sampling.

*(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
- Environmental Health 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 and Critical Control Point – a food safety management system used within food businesses to identify points in the production process where it is critical for food safety that the control measure is carried out correctly, thereby eliminating or reducing the hazard to a safe level.
LAEMS		Local Authority Enforcement Monitoring System is an electronic system used by local authorities to report their food law enforcement activities to the Food Standards Agency.
Member forum		A local authority forum at which Council Members discuss and make decisions on food law enforcement services.
Metropolitan Authority		A local authority normally associated with a large urban conurbation in which the County and District Council functions are combined.
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' Code	Compliance	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 (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.