

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

Test Valley Borough Council
5-6 May 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.

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 Report¹ 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. 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.

¹ <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 Test Valley 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.
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 Test Valley 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 Test Valley 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 Beech Hurst Offices, Weyhill Road, Andover, Hampshire SP10 3AJ on 5 – 6 May 2010.

Background

- 1.6 Test Valley Borough Council is located in Hampshire and has a population of approximately 112,000 and covers some 650km². It is a predominantly rural district with the principal towns being Andover in the north and Romsey in the south.
- 1.7 There are approximately 921 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.
- 1.8 The Commercial Team, Housing and Health (CTHH) of Housing Health and Communities Service (HHCS) was responsible for enforcing food hygiene legislation in the Borough. The team was also responsible for health and safety enforcement, health promotion and smoke free legislation.
- 1.9 At the time of the audit consideration was being given to the introduction of a Shared Regulatory Service between Test Valley Borough Council, East Hampshire District Council, Havant Borough Council and Winchester City Council for introduction in April 2011.
- 1.10 The premises profiles of Test Valley Borough Council's food businesses as submitted to the Agency for 2008/2009 was as follows:

Type of food premises	Number
Primary Producers	4
Manufacturers and Packers	38
Importers/Exporters	2
Distributors/Transporters	14
Retailers	182
Restaurant/Caterers	621
Total number of food premises	861

2. Executive Summary

- 2.1 The Authority had developed a Food Service Plan for 2009/2010 that was 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 reasoned estimate of the resources required to deliver these duties effectively, against those available and the identification of any risks to the delivery of the food law enforcement activities e.g. database administration. The Plan had been approved at the appropriate Council Member forum.
- 2.2 In response to the Pennington Report into the E.coli O157 outbreak in South Wales the Authority had developed a fact sheet which provided useful advice to food business operators in regard to the food safety risks, the routes of contamination and how the risks can be minimised. This had been distributed to all the butchers' shops in the area.
- 2.3 The Authority did not have a documented procedure for the regular review and updating of policies and procedures. Although policies and procedures were generally up to date the Authority acknowledged that on occasion it had not always been able to keep up to date with revisions.
- 2.4 The Authority had a documented procedure for the authorisation of officers based on their individual qualifications, experience and competency. Record checks showed that all officers had been appropriately authorised and authorisation documents covered the full range of food law enforcement legislation. Auditors discussed the need to link officer training to the Authority's 'Authorisation Matrix'.
- 2.5 Officer training needs were identified on an annual basis through the staff appraisal process and at monthly one to one monitoring meetings. Record checks showed that, generally, officers had undertaken the required number of hours of Continuing Professional Development (CPD) and recent HACCP training. However, some records of officer CPD training were incomplete.
- 2.6 The Authority had developed a food premises inspection procedure, which provided useful guidance to officers carrying out food law interventions. File checks showed that officers were generally carrying out thorough food hygiene inspections, including the assessment of food safety management systems (FSMS), in line with the procedure.
- 2.7 The Authority had developed, in conjunction with the local food liaison group, a useful and appropriate general food premises inspection aide-memoire. In response to the Pennington Report the aide-memoire had been further developed to enable officers to fully record their detailed findings in relation to assessments of FSMS.

- 2.8 There was no evidence on file that the Authority's single approved establishment had been re-approved under current legislation as required. Product specific aides-memoire had not been used recently to record detailed findings following approved establishment inspections. In addition, the most recent inspection at the premises had been carried out by an officer who had not achieved the required level of authorisation. Generally, the approved establishment file was well organised and contained most of the information listed in Annexe 12 of the Food Law Code of Practice Guidance.
- 2.9 The Service had developed an Enforcement Policy which was generally in line with centrally issued guidance. The policy contained useful food law related guidance on the graduated use of enforcement actions. The Authority had developed and implemented a procedure to cover the full range of enforcement activities, including the use of simple cautions and prosecution.
- 2.10 There was clear evidence that the Authority was willing to take appropriate and effective enforcement action when required, including the use of hygiene improvement notices (HINs) and prosecution. File checks showed that the use of HINs had been appropriate in all cases. In all cases examined the use of prosecution had been the appropriate course of action. However, there was no documented evidence on file that the enforcement policy had been considered in the decision to take legal proceedings. Auditors also discussed the need for officers to fully record the reasons for any departure from the Authority's enforcement policy.
- 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 and implemented a procedure for internal monitoring, and there was clear evidence that documented quantitative and qualitative monitoring was being carried out. This included monthly one to one meetings to assess inspection targets and ongoing reactive work, documented accompanied inspections and inspection record checks.
- 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 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 'Commercial Team Service Plan 2009 – 2010' which was broadly in line with the Service Planning Guidance in the Framework Agreement. The Plan had been agreed by Cabinet on 25 November 2009. The Service Plan contained useful performance and statistical data in regard to the previous year's activities and trends. However, the Plan did not include enough information to effectively estimate the demands on the Service in terms of Full Time Equivalents (FTEs) required for undertaking the Authority's statutory obligations under the Food Law Enforcement Code of Practice. The Plan would have benefited 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 and the identification of ongoing issues, such as the support and expertise needed to effectively operate the Authority's food premises database (see paragraph 3.1.4).

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 CTHH in relation to food law enforcement was *'To ensure that food businesses in Test Valley control risks to health that may be associated with any food sold, prepared, handled or stored'*. This statement linked to the Council's key priorities *'Creating stronger and safer communities'* and *'Promoting health and well-being'* stated in the 'Corporate Plan 2007 – 2011 Maximising Impacts'.
- 3.1.4 A draft 'Commercial Team Service Plan 2010–2011' was also examined which stated that in 2009-2010, the Authority had completed 100% of the inspections due at A and B rated premises and 96% of due C rated premises inspections. The Authority's draft Service Plan also made reference to national indicator 184 (the percentage of food businesses which are 'broadly compliant'). The Plan provisionally indicated that 89% of businesses in the Borough were 'broadly compliant'.

- 3.1.5 The Authority reported to auditors that Local Authority Enforcement Monitoring System (LAEMS) data submitted to the Agency was compiled on an annual basis by the food premises database software company. The data submitted to the Agency was not subject to validation by the Authority. In addition the Authority was unable to produce some standard reports requested by auditors in the required format. The Authority informed auditors that database management was the separate responsibility of the IT department and that CTHH did not have the expertise 'in house' to ensure that the database was accurate, up to date and effectively managed. Auditors discussed the advantages of a database administrator with sufficient expertise to manage the system and enable the validation of the information held by the database on a regular basis.

Recommendation

- 3.1.6 The Authority should:

Ensure that the food premises database is operated and managed to ensure that it is able to provide reliable information to support the work of the Service and provide accurate monitoring returns to the Agency.
[The Standard – 6.4]

- 3.1.7 The findings of the Pennington Inquiry into the outbreak of E.coli O157 in South Wales in 2005 had been considered by the Authority and discussed with colleagues from neighbouring authorities at the Hampshire and Isle of Wight Branch Food Advisory Committee (HIWFAC). In response to the recommendations of the Pennington Inquiry the Authority had developed a '*Reducing the risk of E.coli O157*' fact sheet which had been distributed to all the butchers shops in the Borough. The fact sheet provided useful advice to food business operators in regard to E.coli O157, including the food safety risks, the routes of contamination and how the risks can be minimised.

Documented Policies and Procedures

- 3.1.8 The Authority had not developed and implemented a documented procedure for the regular review and updating of policies and procedures. In practice policies and procedures were reviewed and updated on an annual basis. Authorised officers were given the responsibility for reviewing and updating policies and procedures and these were signed off by the Principal Environmental Officer (PEHO). Each officer was issued with a procedures folder which contained the 'Health Protection Team Procedure Table'. This table contained a list

of the most up to date procedures along with a version number and issue date.

- 3.1.9 Auditors observed some minor inaccuracies during document checks. However, generally policies and procedures used by officers were up to date with current legislation and guidance. Auditors were informed that the Authority had not always been able to keep up to date with revisions and discussed the need to develop and implement a documented procedure for document control.

Recommendation

3.1.10 The Authority should:

Develop and implement a 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

- 3.1.11 The Authority had developed and implemented a ‘Competency of Food Officers and Authorisations’ procedure for the authorisation of officers based on their qualifications, experience and competency. Authorisation documents contained the full range of food law enforcement legislation and the Authority was able to demonstrate that the powers contained in the legislation had been effectively delegated.
- 3.1.12 The authorisation procedure contained an ‘Authorisation Matrix’ which specified the level of the officer’s authorisation in regard to the exercising of legislative powers. Auditors discussed the benefit of further improving the Authority’s ‘Competency of Food Officers and Authorisations’ procedure by the development and inclusion of a suitable method to ensure that officer’s qualifications, training and competency levels are linked to the officer ‘Authorisation Matrix’.

Recommendation

3.1.13 The Authority should:

Further develop the documented procedure on the authorisation of officers to ensure that an officer’s authorisation level is linked to their qualifications and level of competency. [The Standard – 5.1]

3.1.14 Officer training needs were discussed and identified at annual appraisal meetings and monthly one to one meetings with the PEHO. Officers kept their own annual training plans and once completed this was entered in the 'Training and Development Matrix'. 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. File checks showed that officers had generally received training in all aspects of food law enforcement commensurate with their authorisation level. However, file checks also showed that some CPD certificates had not been maintained by the Authority in accordance with the Food Law Code of Practice.

Recommendation

3.1.15 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 The Authority had developed and implemented the 'Food Hygiene Inspections' 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 food safety management systems.
- 3.2.2 File checks demonstrated that officers were carrying out thorough detailed inspections and being effective in the identification of non-compliance. Officer observations were recorded in detail on the aide-memoire, including those in relation to the assessment of food safety management systems. Records of visit had been left with the food business operator (FBO) in all cases examined and where follow-up letters had been sent, there had been a clear differentiation between legal requirements and advice. However, it was observed that some letters to FBOs contained dates that were inconsistent with the date that the inspection had actually taken place. Occasionally this made the premises enforcement history difficult to navigate.
- 3.2.3 In some cases findings recorded on the inspection aide-memoire appeared to prompt the consideration of the escalation of enforcement action which had not been taken in accordance with the Authority's Enforcement Policy. The Authority was able to justify individual cases where enforcement action had not been taken and auditors discussed the benefit of officers recording the reasons for departures from the Enforcement Policy in accordance with the Food Law Code of Practice.
- 3.2.4 The Authority had, in conjunction with HIWFAC, developed a useful and appropriate general food premises inspection aide-memoire that enabled officers to fully record their detailed findings in relation to FSMS assessment. As part of the response to the Pennington Report an extra page had been added to the aide-memoire to enable officers to record their observations in regard to FSMS in more detail.
- 3.2.5 The Authority had one approved establishment for dairy products under Regulation (EC) No. 853/2004 at the time of the audit. The most recent inspection of this establishment had been carried out by an officer who had not been authorised to the level needed to carry out such an inspection. The Authority informed auditors that this circumstance had arisen because the officer had been due to undertake an accompanied visit as part of their training. However, the supervising officer had become ill on the day of the visit but the inspection had been allowed to go ahead in the interests of the officer's development. The Authority should ensure that the premises is inspected by a fully qualified officer in line with the Food Law Code of Practice.

- 3.2.6 File checks demonstrated that historically the premises had been subject to thorough detailed inspections, including an assessment of the FSMS. However, in recent inspections officers had used the general premises inspection form instead of the specialised dairy products aide-memoire.
- 3.2.7 In addition, there was no evidence on file that the premises had been re-approved under current legislation. There was an application for approval on file but no approval document. The Authority was unable to confirm if the approval had been carried out.

Recommendation

3.2.8 The Authority should:

Approve and inspect approved establishments in accordance with current relevant legislation and the Food Law Code of Practice and ensure inspection findings are recorded on an appropriate aide-memoire.

[The Standard – 7.2 and 7.5]

- 3.2.9 Generally, the approved establishments file was well organised and contained most of the information required by Annexe 12 of the Food Law Code of Practice.

Verification Visit to a Food Premises

- 3.2.10 During the audit, a verification visit was undertaken to local butchers 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 a 'Food Safety Enforcement Policy Statement' which was in accordance with centrally issued guidance. The policy contained useful food law specific guidance on the proportionate and graduated use of enforcement actions.
- 3.3.2 The Authority had also developed and implemented the 'Service of Food Hygiene and Health & Safety Enforcement Notices' procedure which gave officers detailed guidance for the drafting, service and enforcement of statutory food safety notices. The Authority made use of a 'Hygiene Improvement Notice Checklist' to ensure notices were appropriate, accurately drafted and properly served in accordance with the Food Law Code of Practice.
- 3.3.3 Three hygiene improvement notices (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. In the case of one HIN there was no evidence on file that a timely visit had been carried out to confirm compliance.

Recommendation

3.3.4 The Authority should:

Ensure that hygiene improvement notices receive timely checks on compliance in accordance with the Food Law Code of Practice have been completed.

[The Standard – 15.2]

- 3.3.5 Two prosecution files were examined. It was clear from the files that prosecution had been the appropriate course of action. The prosecutions had been carried out in a timely manner and evidence had been effectively collected and presented. However, the prosecution files examined did not include any evidence that the Authority's Enforcement Policy had been considered in the decision to formally proceed with prosecution.

Recommendation

3.3.6 The Authority should:

Ensure that all decisions on enforcement action are made following consideration of the Authority's enforcement policy and the reasons for any departure from the criteria set out are documented. [The Standard - 15.4]

3.4 Internal Monitoring and Third Party or Peer Review

Internal Monitoring

- 3.4.1 The Service had developed the 'Monitoring Food and Health & Safety Inspections' procedure. There was clear evidence that documented quantitative and qualitative monitoring had been carried out regularly. In practice, monitoring was carried out by the PEHO at monthly one to one meetings with officers. The Authority had developed a 'Record of Individual Monthly Performance Review Meeting' form, which contained the officer's annual objectives, and a column where 'progress made' was recorded. In addition, the PEHO selected on a risk basis a sample of the officer's ongoing reactive work for discussion and also reviewed progress against inspection targets. Documented accompanied inspection visits were carried out for each officer approximately every six months. Any problems and corrective actions necessary identified during monitoring procedures were recorded and signed by the PEHO and the respective officer.
- 3.4.2 A selection of inspection forms were audited by the PEHO on a regular basis and any problems identified discussed at monthly one to one meetings or team meetings as appropriate. In addition, officers were required to file all completed reactive work with the PEHO to ensure that complaints and service requests were dealt with appropriately. Auditors were informed that premises files were not audited on a regular basis but those with HINs attached were examined.

Food and Food Premises Complaints

- 3.4.3 The Authority had developed and implemented the 'Food Complaints Policy & Procedures' document 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 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 documented in the annual 'Sampling Group Programme'. It was noted that part of the 'Sampling Group Programme 2010/11' had been developed in response to the Pennington Report.

- 3.4.5 Audit checks showed that in the case of unsatisfactory sample results examined, 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 HIWFAC and regularly attended meetings to discuss food related issues and develop the annual sampling programme.
- 3.4.7 The HIWFAC inter-authority audit scheme had been discontinued in 2003 and the Authority had not taken part in any recent third party or peer review schemes. Auditors were informed that HIWFAC had developed plans to set up a new inter-authority audit scheme.

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Local Authority Audit and Liaison Division

ANNEXE A

Action Plan for Test Valley Borough Council

Audit date: 5-6 May 2010

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
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]	31/05/11	Ensure more details on actual resources, and the calculated resources required, are detailed in next year's Service Plan. Food Standards Agency to be asked for best practice example.	Discussion between Environmental Health Manager, Principal Environmental Health Officer (PEHO) and Head of Service. Next Service Plan to include more detailed information on resources.
3.1.6 Ensure that the food premises database is operated and managed to ensure that it is able to provide reliable information to support the work of the Service and provide accurate monitoring returns to the Agency. [The Standard – 6.4]	TBC	Head of Service to raise this issue with Head of IT Service, and raise at corporate level. Recognised that current situation not ideal.	Discussion between Environmental Health Manager, PEHO and Head of Service.
3.1.10 Develop and implement a 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]	31/12/10	PEHO to focus on updating procedures due for review, and add any other necessary procedures identified as necessary.	Discussion between Environmental Health Manager, PEHO and Head of Service. Also, discussed at Commercial Team monthly meeting.
3.1.13 Further develop the documented procedure on the authorisation of officers to ensure that an officer's authorisation level is linked to their qualifications and level of competency. [The Standard – 5.1]	31/08/10	PEHO to update the training matrix and make suggestions for the next update of the Commercial Team Authorisations procedure.	Preliminary review of procedures and training matrix carried out.

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.1.15 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]	31/08/10	All CPD/ training records were on site for staff, but two training certificates for an officer were on an individual training file, but copies had not been passed to PEHO, and not on master file. Tighter control of training courses and recording of training and development work.	Commercial Team staff who carry out food safety interventions reminded of need to keep PEHO updated on all training and development undertaken.
3.2.8 Approve and inspect approved establishments in accordance with current relevant legislation and the Food Law Code of Practice and ensure inspection findings are recorded on an appropriate aide-memoire. [The Standard – 7.2 and 7.5]	31/07/10	All future primary inspections of approved establishments to be carried out by an Officer with suitable authorisation, and meeting the requirements of the Food Law Code of Practice. Future primary inspections to have an appropriate aide-memoire used, e.g. LACORS Dairy Inspection form. Two Environmental Health Officers currently have the correct authorisation, experience and training on inspecting dairies.	Staff reminded of the need to use appropriate form. Review of approved establishments file.
3.3.4 Ensure that hygiene improvement notices receive timely checks on compliance in accordance with the Food Law Code of Practice have been completed. [The Standard – 15.2]	31/07/10	All Food Safety Officers to be made aware that a closing letter is to be written to all businesses (which have had a formal notice served on them) confirming the outcome of the check carried out to determine compliance. To be made more explicit in the next update of the service of Notices procedure.	All Food Safety Officers made aware that a closing letter is to be written to all businesses (which have had a formal notice served on them) confirming the outcome of the check carried out to determine compliance, and what actions are to be taken by the Food Authority.

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
<p>3.3.6 Ensure that all decisions on enforcement action are made following consideration of the Authority's enforcement policy and the reasons for any departure from the criteria set out are documented. [The Standard - 15.4]</p>	<p>31/08/10</p>	<p>Production of a new <i>Prosecution Investigation Case Summary</i> form, to be completed at the end of an investigation, and prior to meeting formally with Legal Services. Use of this form will allow Enforcement Policy to be considered formally, as well as any possible deviations to be recorded. Procedures to be updated on next review.</p>	<p>Draft of <i>Prosecution Investigation Case Summary</i> form circulated to Team, and Legal Service contact for comments prior to completion in August.</p>

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 Commercial Team Service Plan 2009/2010
- Draft Environmental Health Commercial Team Service Plan 2010/2011
- Competency of Food Officers and Authorisations Procedure
- Officer Authorisation documents
- Health Protection Team Procedure Table 2010
- Food Hygiene Inspections Procedure
- Food Complaints Policy and Procedure
- Food Sampling Procedure
- Sampling Group Programme 2010/11
- Food safety Enforcement Policy Statement
- Service of Food Safety and Health & Safety Enforcement Notices
- Monitoring Food and Health & Safety Inspections

(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"> • Food Law Enforcement Standard • Service Planning Guidance • Monitoring Scheme • Audit Scheme <p>The Standard and the Service Planning Guidance set out the Agency's expectations on the planning and delivery of food law enforcement.</p> <p>The Monitoring Scheme 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 Audit Scheme the Food Standards Agency will be conducting audits of the food law enforcement services of local authorities against the criteria set out in the Standard.</p>
Full Time 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' 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.