

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

West Oxfordshire District Council
5-7 March 2013



Foreword

Audits of local authorities' feed and food law enforcement services are part of the Food Standards Agency's arrangements to improve consumer protection and confidence in relation to food and feed. These arrangements recognise that the enforcement of UK food and feed law relating to food safety, hygiene, composition, labelling, imported food and feeding stuffs is largely the responsibility of local authorities. These local authority regulatory functions are principally delivered through Environmental Health and Trading Standards Services.

The attached audit report examines the Authority's Food Law Enforcement Service. The assessment includes the local arrangements in place for database management, inspections of food businesses and internal monitoring. It should be acknowledged that there will be considerable diversity in the way and manner in which local authorities may provide their food enforcement services reflecting local needs and priorities.

Agency audits assess local authorities' conformance against the Food Law Enforcement Standard "The Standard", which was published by the Agency as part of the Framework Agreement on Official Feed and Food Controls by Local Authorities and is available on the Agency's website at: www.food.gov.uk/enforcement/auditandmonitoring.

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

The report contains some statistical data, for example on the number of food premises inspections carried out annually. The Agency's website contains enforcement activity data for all UK local authorities and can be found at: www.food.gov.uk/enforcement/auditandmonitoring.

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

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1.0 Introduction

- 1.1 This report records the results of an audit at West Oxfordshire District Council with regard to food hygiene enforcement, under relevant headings of the Food Standards Agency Food Law Enforcement Standard. The audit focused on the Authority's arrangements for the management of the food premises database, food premises interventions, and internal monitoring. The report has been made available on the Agency's website at: www.food.gov.uk/enforcement/auditandmonitoring/auditreports. Hard copies are available from the Food Standards Agency's Local Authority Audit 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 West Oxfordshire District Council was undertaken under section 12(4) of the Act as part of the Food Standards Agency's annual audit programme.
- 1.3 Regulation (EC) No. 882/2004 on official controls performed to ensure the verification of compliance with feed and food law includes a requirement for competent authorities to carry out internal audits or to have external audits carried out. The purpose of these audits is to verify whether official controls relating to feed and food law are effectively implemented. To fulfil this requirement, the Food Standards Agency, as the central competent authority for feed and food law in the UK has established external audit arrangements. In developing these, the Agency has taken account of the European Commission guidance on how such audits should be conducted.¹
- 1.4 The Authority was selected for inclusion in the Food Standards Agency's programme of audits of local authority food law enforcement services because it had not been audited in the past by the Agency in the past five years, and was representative of a geographical mix of four local authorities selected across England.

¹ Commission Decision of 29 September 2006 setting out the guidelines laying down criteria for the conduct of audits under Regulation (EC) No. 882/2004 of the European Parliament and of the Council on official controls to verify compliance with feed and food law, animal health and animal welfare rules (2006/677/EC).

Scope of the Audit

- 1.5 The audit examined West Oxfordshire District Council's arrangements for food premises database management, food premises interventions and internal monitoring, with regard to food hygiene law enforcement. This included a reality check at a food business to assess the effectiveness of official controls implemented by the Authority at the food business premises and, more specifically, the checks carried out by the Authority's officers, to verify food business operator (FBO) compliance with legislative requirements. The scope of the audit also included an assessment of the Authority's overall organisation and management, and the internal monitoring of food hygiene law enforcement activities.
- 1.6 Assurance was sought that key Authority food hygiene law enforcement systems and arrangements were effective in supporting business compliance, and that local enforcement was managed and delivered effectively. The on-site element of the audit took place at the Authority's offices at Elmfield, New Yatt Road, Witney, Oxon on 5-7 March 2013.

Background

- 1.7 West Oxfordshire is situated in the south east of England and has an area covering 714.4 km² with a population of approximately 105,400. The District is mainly rural, consisting of farmland and forest. A third of the District is in the Cotswolds, considered an area of outstanding natural beauty. The District is one of the most sparsely populated in south east England and centres of population are concentrated in the towns of Woodstock, Burford, Chipping Norton, Charlbury, Carterton and Witney, where the Authority is situated.
- 1.8 The area has a buoyant economy with relatively low unemployment and good rail and road links to the rest of the country. There is a mixed economic profile with large areas of predominantly agricultural activity, a diverse range of manufacturing industries and a growing tourism sector.
- 1.9 The Environmental Food Health and Safety Team are part of the wider Environmental Health Department situated within Community Services. The Team did not have responsibility for the enforcement of food standards, which was the remit of Oxfordshire County Council.
- 1.10 The Authority reported the profile of West Oxfordshire District Council's food businesses as of 31 March 2012 as follows:

| Type of Food Premises | Number |
|--------------------------------------|---------------|
| Primary Producers | 4 |
| Manufacturers/Packers | 37 |
| Importers/Exporters | 0 |
| Distributors/Transporters | 24 |
| Retailers | 195 |
| Restaurant/Caterers | 955 |
| Total Number of Food Premises | 1,215 |

2.0 Executive Summary

- 2.1 The Authority had developed a Food Safety Service Plan 2012/13, which had been approved by the relevant Portfolio Holder and senior delegated officer. The Plan was generally in line with the Service Planning Guidance in the Framework Agreement. The Authority had compiled a breakdown of the resources required to provide the Food Service. However, some of the information did not relate to food safety matters and estimations for the allocation of full time equivalent (FTE) officers were not always consistent with the time allocated for the official control activities. The FTE resource allocation required to carry out the full range of food law enforcement activities should be reviewed and included in future Service Plans with a comparison with the FTE available to the Service. In addition the Service Plan should include a review of the previous year's enforcement activities.
- 2.2 An overarching procedure for the review of policies, procedures and documentation had also been developed but this procedure had not been implemented recently. The Authority had developed a number of documented procedures for food law enforcement activities that provided useful guidance for officers. However, these had not been subject to recent review and updating where appropriate. Auditors discussed the benefit of reviewing, updating and, where required, developing procedures to ensure they are up to date with current legislation and centrally issued guidance.
- 2.3 The Authority had developed a procedure on the authorisation of officers which detailed the process and criteria for assigning authorisations based on officers' individual qualifications, competency and experience. The review of the legislation in the officer authorisations and scheme of delegation procedures was discussed to ensure that the Official Feed and Food Control (England) Regulations 2009 and Food Hygiene (England) Regulations 2006 were appropriately referenced.
- 2.4 Generally, training records indicated that officers had received the minimum 10 hours continuing professional development (CPD) training. Some of the officers would benefit from update training related to enforcement in approved establishments under Regulation (EC) No. 853/2004 and the assessment of food safety management systems (FSMS) based on HACCP.
- 2.5 The Authority operated a database which was capable of providing monitoring returns to the Agency and had developed a documented procedure to ensure the accuracy of the returns. Other procedures contained database entry instructions to ensure that data entry was both accurate and consistent. Auditors discussed the benefit of developing a system for formally opening and closing food

establishments.

- 2.6 Procedures on general food establishment inspections had been developed but no procedures had been implemented for approved establishment inspections. The Service Plan set out the priorities for the inspection programme as part of a risk-based approach. In addition, the Authority had recently implemented the Food Standards Agency's national Food Hygiene Rating Scheme (FHRS).
- 2.7 File checks and database reports showed that generally the Authority was visiting premises within the required frequency required by the Food Law Code of Practice (FLCoP) and at the time of the audit there was no significant backlog of overdue or unrated premises.
- 2.8 File checks showed there was some inconsistency in the level of detail recorded by some officers on their inspection findings and in some cases it was not always possible to ascertain if a full and effective inspection had been carried out, particularly in regard to the assessment of the FSMS and the implementation of the Agency's E.coli O157 guidance on cross-contamination. Auditors discussed further developing the general food premises aide-memoire to give officers greater opportunity to record their detailed observations on inspection to provide a more detailed record of food business operator compliance.
- 2.9 Record checks on approved establishment files showed that thorough and effective inspections had been carried out with detailed information recorded. Files were well ordered and records were easily retrievable and included the information required by Annexe 10 of the Food Law Practice Guidance.
- 2.10 The Authority's policy on food and food premises complaints was set out in the Service Plan. A procedure on the investigation of food complaints and service requests had been developed and implemented. Record checks showed that generally complaint investigations had been carried out by officers effectively, although there was some variation between officers in regard to the level of detail recorded.
- 2.11 The Service had developed a food sampling policy, procedure and programme. All the records checked confirmed that effective and appropriate follow-up actions had been taken in cases of unsatisfactory and borderline sample results, and records had been maintained.
- 2.12 The Service had an Enforcement Policy that had been approved by the relevant Member forum. A number of food law enforcement procedures had been developed and implemented, which provided useful guidance to officers. Further procedures should be developed to cover the full range of food law enforcement activities. Checks on records, including

voluntary closures, hygiene improvement notices and a prosecution were carried out. In all cases enforcement action had been appropriate and effectively implemented.

2.13 In general, records across the range of food law enforcement activities were easily retrievable and up to date. Updating the inspection aide-memoire and the implementation of an effective risk-based monitoring regime should further improve the detail recorded by officers in inspection report and complaint records.

2.14 It was evident that quantitative monitoring was being routinely undertaken and reported to senior management and the appropriate Member forum. Historically the monitoring of intervention and enforcement activities had been sporadic and not always recorded. Implementation of qualitative internal monitoring procedures should assist in ensuring consistency in approach from all officers. Appropriate records of internal monitoring activities should be maintained.

3.0 Audit Findings

3.1 Organisations and Management

Strategic Framework, Policy and Service Planning

3.1.1 The Authority's Food Safety Service Plan 2012/13 had been drafted, and had received approval by the appropriate Portfolio Holder and Head of Services.

3.1.2 The Service Plan gave the following commitment:

'The Council is committed to improving food safety outcomes and to using available capacity and resources to deliver its priorities and interventions in support of this plan.'

The Service Plan had appropriately linked the work of the Service to the Authority's corporate objectives in the Council Plan.

3.1.3 Generally, the Service Plan had been drafted in accordance with the Service Planning Guidance in the Framework Agreement.

3.1.4 The Authority had set out the calculated resources required to provide the Food Service and had detailed the full time equivalents (FTE) available to carry out the range of food hygiene activities. However, the figures provided appeared inconsistent in regard to the estimation of FTE required to carry out some areas of food law official controls, and health and safety work had also been included in the calculation. Auditors discussed carrying out the review process again to ensure that it only included food safety activities, and better reflected the actual demands on the food safety service across all enforcement disciplines. This information should be included in future Service Plans.

Recommendation

3.1.5 The Authority should:

Ensure that future Service Plans include a clear comparison of the resources required to carry out the full range of statutory food law enforcement activities against the resources available to the Service.
[The Standard – 3.1]

Documented Policies and Procedures

- 3.1.6 The Authority had developed and implemented a number of documented procedures for food law enforcement activities. However, the procedures were dated 2010 and would benefit from a review and updated where appropriate.
- 3.1.7 An overarching procedure had been developed for the review of documented policies and procedures. However, it was clear that this procedure had not been used since 2010. This procedure should be reviewed, updated and implemented to ensure that there is a system for checking and revising procedures and documentation on a regular basis and whenever there are changes to legislation or centrally issued guidance.

Recommendation

3.1.8 The Authority should:

Review, maintain and implement the control system for all documentation and ensure that all documented policies and procedures are reviewed and updated on a regular basis. [The Standard - 4.1 and 4.2]

Officer Authorisations

- 3.1.9 Officer authorisations were controlled by the Officer Delegation Rules and the Community Services Delegations Environmental Health document, which confirmed officers' authorisations by name and was signed by the appropriately delegated officer. The documents specifically set out the delegated responsibilities in relation to the authorisation of officers and detailed the legislation under which officers were required to be authorised. Some of the legislation contained in the Officer Delegation Rules appeared to be out of date and auditors discussed the benefits of reviewing the documents to ensure that the Official Feed and Food Control (England) Regulations 2009 and Food Hygiene (England) Regulations 2006 were appropriately referenced.
- 3.1.10 The Authority had in place a system of annual performance reviews. This was supported by six month interim reviews. The process included a discussion of officers' training needs and any team training requirements. Officers were also able to identify training on an ad hoc basis when they became aware of relevant training and managers

monitored incoming emails for any further appropriate training opportunities.

- 3.1.11 New officers underwent documentary qualification and competency assessment checks and auditors discussed the benefit of extending this arrangement, along with the introduction of a competency matrix, to the more experienced officers. This would ensure that their Continuing Professional Development (CPD) was also regularly assessed to identify gaps in competency or where update training was required.
- 3.1.12 Training records for permanent enforcement staff had been effectively maintained and record checks confirmed that generally all officers had achieved the minimum 10 hours of relevant training, reflecting their roles and responsibilities, in accordance with the levels of CPD and specialist training requirements specified in the Food Law Code of Practice. Officers also had recent training on the implementation of the Agency's E.coli O157 Guidance. However, it was identified that some of the team would also benefit from update training related to enforcement in approved establishments, and the assessment of food safety management systems (FSMS) based on HACCP.

Recommendations

3.1.13 The Authority should:

- (i) Review and update current officer authorisations as necessary to ensure that all officers are appropriately authorised under relevant current legislation in accordance with their individual level of qualification, experience and competency.
[The Standard – 5.1 and 5.3]
- (ii) Ensure that all officers receive appropriate specialist training to deliver all aspects of work they undertake in accordance with the Food Law Code of Practice.
[The Standard – 5.4]

3.2 Food Premises Database

- 3.2.1 The Service operated a computer database system that was capable of providing the returns required for the Local Authority Enforcement Monitoring System (LAEMS). The operation of the system was overseen by Project and Systems Support, who were responsible for producing LAEMS monitoring returns. The Authority had developed a procedure for monitoring the accuracy of the database which was implemented every six months.
- 3.2.2 The Authority had developed and implemented a number of work instructions for officers which set out the means by which the accuracy and completeness of the database should be maintained. In practice, this included formal mechanisms for updating records following interventions, service requests, and complaints. A reference card for database entry codes had also been developed. No restricted permissions for opening and closing food establishment records had been set up, and although so far this had not presented itself as a problem, auditors discussed the benefits of setting up a formal system for opening and closing premises on the database.
- 3.2.3 The Food Hygiene Rating Scheme (FHRS) had been effectively implemented and the risk rating scores had been accurately reflected on the FHRS national database. The Authority had previously operated their own 'Scores on the Doors' system and this had been migrated to FHRS on 1 April 2012.
- 3.2.4 LAEMS data to be reported to the Agency was checked against a master list of reports run by Projects and Systems Support to ensure that they were up to date and accurate. On-site checks carried out during the audit confirmed that the database was generally accurate and reflected the Service's activities. There were a small number of premises identified with incorrect 'next inspection' dates and auditors discussed the benefit of developing a report to monitor these.
- 3.2.5 Auditors were informed that the Service planned to migrate the database information into a corporate system using a different software provider.

3.3 Food Premises Interventions

3.3.1 The Authority's Food Safety Service Plan 2012/13 set out the food premises profile by risk category and the interventions programme for the year. In addition, the Service Plan specified that implementation of the Agency's FHRS had been a priority for the Authority.

3.3.2 The Service Plan confirmed the following breakdown of premises requiring inspection:

| Premises Risk Category | Number of Premises |
|------------------------|--------------------|
| A | 1 |
| B | 29 |
| C | 269 |
| D | 203 |
| E | 668 |
| Unrated | 15 |
| Outside programme | 30 |
| TOTAL | 1,215 |

3.3.3 The Service Plan set out the priorities for the annual inspection programme based on risk and in consideration of current staffing resources and other service demands. Interventions were to be carried out in accordance with date due and with the following priority:

| Premises Rating Category | Minimum Interventions Frequency | No. of Premises due an Intervention | Intervention Priority |
|--------------------------|---------------------------------|-------------------------------------|-----------------------|
| A | 6 months | 1 | 100% |
| B | 12 months | 24 | 100% |
| C | 18 months | 157 | See paragraph 3.3.4 |
| D | 24 months | 78 | See paragraph 3.3.4 |
| E | 36 months | 161 | AES* |
| Unrated | N/A | 14 | To be rated |

*Alternative Enforcement Strategy (AES)

3.3.4 The Service Plan stated that the Authority had, due to a recent reduction in staff levels, reassessed its intervention priorities. A and B risk rated premises would continue to be inspected at the frequencies specified by the Food Law Code of Practice (FLCoP), whilst in the case of C rated premises, interventions would be carried out until the business was broadly compliant and then further interventions would alternate between inspection, partial inspection or audit and other official controls e.g. sampling. D rated premises would alternate

between official controls and activities that were not official controls and E rated premises were to be subject to an alternative enforcement strategy (AES), comprising alternate interventions and the use of questionnaires. In all cases activities would be in accordance with the flexibilities contained in the FLCoP. Database reports produced during the audit confirmed that the Authority was focusing their resources at higher risk premises interventions.

- 3.3.5 The Authority stated that it found it difficult to fulfil interventions within 28 days of the premises' due date as required by the FLCoP but generally completed the inspection programme within the financial year. However, database reports and inspection records showed that inspections were generally being carried out within 28 days of the due date and the Authority had relatively low levels of overdue and unrated premises.
- 3.3.6 The Authority had developed and implemented a Routine Food Hygiene Inspection procedure for the inspection of general food premises. Generally the procedure had been drafted in accordance with the Food Law Code of Practice and provided useful guidance to officers in carrying out their intervention duties. However, the procedure had not been recently updated and required review to ensure that it contained appropriate references and reflected actual working practices. In addition no procedure had been developed for the inspection of approved establishments under Regulation (EC) No. 853/2004.
- 3.3.7 Auditors were advised that following the publication of guidance from the Food Standards Agency on E.coli O157 and Control of Cross-Contamination, the Authority had identified relevant premises and a mail shot had been sent out to all butchers shops in the area which included a copy of the guidance. In addition, officers had been briefed in regard to the enforcement of single use of either raw or ready to eat foods for complex equipment and advice had been placed on the Authority's website.
- 3.3.8 The Authority had developed an inspection aide-memoire entitled 'Food Hygiene Inspection'. Auditors discussed further developing the general food aide-memoire to give officers greater opportunity and sufficient prompts to record their detailed observations, particularly in regard to FSMS and E.coli O157 Control of Cross-Contamination guidance.
- 3.3.9 File checks showed that there was some variance in the level of detail of recorded findings by officers on inspection. Whereas some records were very detailed, in others it was not always possible to establish that adequate information of the officers' evaluation and validation of FSMS or assessment of E.coli cross-contamination risks, and

therefore it was not always possible to ascertain if officer interventions had been appropriate and effective.

- 3.3.10 Inspection report forms and/or letters had been consistently provided to the food business operator (FBO) following each intervention, which confirmed the key points found on inspection and any proposed follow-up action to be taken by the Authority.
- 3.3.11 The Authority had a number of establishments approved under Regulation (EC) No. 853/2004. File checks showed that thorough, effective inspections had been carried out with detailed information recorded on the appropriate aide-memoire. The Annexe 10 Food Law Practice Guidance information required to be retained on approved establishments files was generally available, and the files were well organised with easily retrievable information.

Recommendations

3.3.12 The Authority should:

- (i) Review, and where appropriate, setup, maintain and implement documented procedures, including those related to product specific establishments and the range of interventions/inspections carried out, in accordance with the Food Law Code of Practice and centrally issued guidance. [The Standard - 7.4]
- (ii) Assess the compliance of food premises to legally prescribed standards to confirm compliance with current legislation, the Food Law Code of Practice and centrally issued guidance. Ensure that observations made in the course of an inspection are effectively recorded. [The Standard - 7.3 and 7.5]

Verification Visit to a Food Premises

- 3.3.13 During the audit, a verification visit was undertaken to a local butchers' shop with an authorised officer of 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.
- 3.3.14 The officer was able to demonstrate familiarity with the premises and had a good working relationship with the FBO; however the issues highlighted earlier regarding record keeping were reflected in the visit,

which could have been more detailed, especially having regard to the evaluation of the FSMS and cross-contamination risks.

- 3.3.15 Another officer was interviewed as part of the audit and was able to demonstrate a high level of understanding of the Authority's working practices and a detailed knowledge in regard to food safety law.

3.4 Enforcement

- 3.4.1 The Authority had developed an Enforcement Policy 2013 which set out available enforcement options and had been approved at the relevant Council forum. The Policy made appropriate reference to the Enforcement Concordat and the Regulators' Compliance Code incorporating the principles of consistency and proportionality.
- 3.4.2 The Service had developed and implemented a number of documented procedures and associated template notices to cover a range of food safety enforcement activities. These procedures should be reviewed and updated. Other procedures, including those for voluntary closures, simple cautions and prosecutions should be developed and implemented.
- 3.4.3 Records of two hygiene improvement notices, two voluntary closures and a prosecution were examined. The notices had been served by officers who were all correctly authorised and had witnessed the contravention. Service of the notices and implementation of the prosecution had been the appropriate course of action and in all cases had been carried out in accordance with the FLCoP and the Authority's Enforcement Policy.

Recommendation

3.4.4 The Authority should:

Set up, maintain and implement documented procedures for follow-up and enforcement actions in accordance with the Food Law Code of Practice and official guidance.
[The Standard – 15.2]

3.5 Internal Monitoring, Third Party or Peer Review

Internal Monitoring

- 3.5.1 The Authority had developed documented procedures to set out the process for quantitative and qualitative monitoring across the food law enforcement service. However, auditors were informed that in practice the procedures had not been recently followed except on an ad hoc basis.
- 3.5.2 It was evident that routine and effective quantitative monitoring checks were being carried out particularly in relation to adherence to the inspection programme and to response targets. These were being monitored on a regular basis and reported to and considered by senior managers and the relevant Member forum.
- 3.5.3 Qualitative monitoring checks had not been routinely carried out. There was evidence of some ad hoc monitoring including progress monitoring on ongoing enforcement issues, team meetings, and officers working together when enforcement options were being considered. However, where this had been undertaken, it had not been routinely recorded.
- 3.5.4 The Authority acknowledged that an effectively implemented risk-based monitoring regime across all areas of food law enforcement work would assist in improving the variance in the quality of records maintained by different officers on food law enforcement activities and the consistency of approach to enforcement.
- 3.5.5 An internal audit had been carried out on the Environmental Health Food Safety team by the West Oxfordshire Internal Audit Team in 2010. The audit covered a wide number of areas relating to organisational and operational activities, including inspections and food sampling. An action plan had been compiled and implemented.

Recommendations

3.5.6 The Authority should:

- (i) Ensure that risk-based internal monitoring procedures are reviewed, maintained and implemented in accordance with Article 8 of Regulation (EC) No. 882/2004 (Official Feed and Food Controls), the Food Law Code of Practice and centrally issued guidance. [The Standard – 19.1]
- (ii) Verify its conformance with the Standard, relevant legislation, the Food Law Code of Practice, centrally issued guidance and the Authority's own documented policies and procedure across all the Authority's food law enforcement activities. [The Standard – 19.2]
- (iii) Ensure that records of monitoring activities are maintained. [The Standard – 19.3]

Food and Food Premises Complaints

- 3.5.7 The Food Safety Service Plan included reference to the Authority's policy to investigate all complaints. The Service had developed and implemented an Investigation of Food Complaints procedure and a General Service Requests procedure.
- 3.5.8 In practice, officers investigated complaints using the Food Complaint Investigation Form which provided useful prompts to help guide them through investigations.
- 3.5.9 Checks made on records for four food and food premises complaints showed that in general officers had carried out appropriate investigations. However, there was evidence of a variation in approach between officers in regard to record keeping and in some cases detailed records of the investigation had not been maintained. Auditors discussed the benefits of carrying out routine monitoring of complaint investigations to improve consistency between officers.

Food Inspection and Sampling

- 3.5.10 The Authority had developed a Food Sampling Policy and a Food Sampling - Microbiological Sampling Quality Procedure which set out the Authority's aim to participate in local, national and EU sampling programmes, and to use food sampling activities to support

interventions at food premises and in response to complaints as necessary.

- 3.5.11 An annual sampling programme had been developed and implemented. The sampling plan focused on participation in national and regional sampling initiatives and had been developed in liaison with local authority partners in the region.
- 3.5.12 Checks were made on three records where unsatisfactory samples results had been obtained. In accordance with the Authority's sampling policy and part of the sampling programme, the samples had been taken by a trained, authorised officer. In all cases appropriate follow-up actions had been carried out and records maintained. Although there was some evidence of the monitoring of the sampling programme generally there had been no routine monitoring undertaken of the sampling process.

Records

- 3.5.13 Records of food law enforcement activities were maintained in paper files and electronically on the food premises database system. In general, records were easily retrievable and up to date. As previously mentioned, there was some variability in the level of detail recorded by officers and therefore in some cases it was not always possible to establish whether all areas of inspection had been thoroughly covered or that key issues to be monitored at future interventions had been fully identified. Development of the general food premises inspection aide-memoire and improvements to the internal monitoring regime should improve the detail of record keeping in relation to inspection, enforcement and complaints investigation.

Recommendation

3.5.14 The Authority should:

Maintain up to date, accurate records of relevant checks for all food establishments and related food law enforcement activities, in accordance with the Food Law Code of Practice and centrally issued guidance.
[The Standard – 16.1]

Third Party or Peer Review

- 3.5.15 The Authority advised that there had not been any inter-authority audit or peer review undertaken in the past two years. The Authority had carried out consistency training with neighbouring authorities which had been backed up with further in-house training.

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Food Standards Agency

Local Authority Audit and Liaison Division

ANNEXE A Action Plan for West Oxfordshire District Council

Audit date: 5-7 March 2013

| TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH) | BY (DATE) | PLANNED IMPROVEMENTS | ACTION TAKEN TO DATE |
|---|-----------|--|--|
| 3.1.5 Ensure that future Service Plans include a clear comparison of the resources required to carry out the full range of statutory food law enforcement activities against the resources available to the Service. [The Standard – 3.1] | 31/07/13 | Establish the resources required to carry out the full range of statutory food law enforcement activities. Compare this with existing resources. Include a comparison of the resource required and available in the 2013/14 Service Plan. Make recommendations to Corporate Management Team about future resourcing. | |
| 3.1.8 Review, maintain and implement the control system for all documentation and ensure that all documented policies and procedures are reviewed and updated on a regular basis. [The Standard - 4.1 and 4.2] | 31/08/13 | Review the control system for all documented policies and procedures. Implement and maintain this system with a programmed review of all documented policies and procedures. | |
| 3.1.13(i) Review and update current officer authorisations as necessary to ensure that all officers are appropriately authorised under relevant current legislation in accordance with their individual level of qualification, experience and competency. [The Standard – 5.1 and 5.3] | 31/07/13 | Review and update all officer authorisations. | Review carried out and report drafted for 27/06/13 General Purposes Committee. |

| TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH) | BY (DATE) | PLANNED IMPROVEMENTS | ACTION TAKEN TO DATE |
|--|------------------|---|-----------------------------|
| 3.1.13(ii) Ensure that all officers receive appropriate specialist training to deliver all aspects of work they undertake in accordance with the Food Law Code of Practice. [The Standard – 5.4] | 30/09/13 | Implement a system to ensure appropriate specialist training of all officers is sufficient and up to date. Plan necessary training for officers. Incorporate this within individual's performance and development review. | |
| 3.3.12(i) Review, and where appropriate, setup, maintain and implement documented procedures, including those related to product specific establishments and the range of interventions/inspections carried out, in accordance with the Food Law Code of Practice and centrally issued guidance. [The Standard - 7.4] | 31/03/14 | Review existing documented procedures. Set up new procedures to cover the full range of interventions/inspections. Implement and maintain documented procedures in accordance with 3.1.8. | |
| 3.3.12(ii) Assess the compliance of food premises to legally prescribed standards to confirm compliance with current legislation, the Food Law Code of Practice and centrally issued guidance. Ensure that observations made in the course of an inspection are effectively recorded. [The Standard - 7.3 and 7.5] | 30/11/13 | Review inspection record form. Provide staff training on record keeping. Monitor staff inspection records and follow up action as part of 3.5.6(i). | |

| TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH) | BY (DATE) | PLANNED IMPROVEMENTS | ACTION TAKEN TO DATE |
|--|------------------|---|-----------------------------|
| 3.4.4 Set up, maintain and implement documented procedures for follow-up and enforcement actions in accordance with the Food Law Code of Practice and official guidance. [The Standard – 15.2] | 31/01/14 | Set up and implement documented procedures for follow-up action, including revisits and enforcement of non-compliances, found during interventions. Incorporate internal monitoring to ensure the quality and consistency of enforcement decisions. | |
| 3.5.6(i) Ensure that risk-based internal monitoring procedures are reviewed, maintained and implemented in accordance with Article 8 of Regulation (EC) No. 882/2004 (Official Feed and Food Controls), the Food Law Code of Practice and centrally issued guidance. [The Standard – 19.1] | 31/08/13 | Review, maintain and implement internal monitoring to include regular one to ones with staff. Keep records of the monitoring undertaken. | |
| 3.5.6(ii) Verify its conformance with the Standard, relevant legislation, the Food Law Code of Practice, centrally issued guidance and the Authority's own documented policies and procedure across all the Authority's food law enforcement activities. [The Standard – 19.2] | 31/08/13 | Verify its conformance. | |
| 3.5.6(iii) Ensure that records of monitoring activities are maintained. [The Standard – 19.3] | 31/08/13 | Keep records for three years. | |

| TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH) | BY (DATE) | PLANNED IMPROVEMENTS | ACTION TAKEN TO DATE |
|--|------------------|--|-----------------------------|
| 3.5.14 Maintain up to date, accurate records of relevant checks for all food establishments and related food law enforcement activities, in accordance with the Food Law Code of Practice and centrally issued guidance. [The Standard – 16.1] | 31/12/13 | Review the food complaints and sampling procedures. Provide staff training on new procedures, and record keeping. Incorporate within the internal monitoring procedures. | |

ANNEXE B Audit Approach/Methodology

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

(1) Examination of LA policies and procedures.

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

- West Oxfordshire District Council Food Safety Service Plan 2012/13
- Officer Delegation Rules
- Community Service Delegations Environmental Health
- Authorisation and Training of Officers Quality procedure
- Database Quality and Accuracy procedure
- Data Entry Procedures
- Food Hygiene Inspections Reference Card
- QP Formatting Instructions
- Routine Food Hygiene Inspection procedure
- Investigation of Food Complaints procedure
- General Service Requests procedure
- Food Sampling Policy
- Food Sampling – Microbiological Sampling Quality procedure
- Corporate Enforcement Policy January 2013
- Emergency Prohibition Notices (EPN) and Orders (EPO) procedure
- IMQPA – Hygiene Improvement Notice procedure
- Remedial Action/Detention Notices procedure (draft)
- Detention and Seizure of Food procedure
- Internal Quality Controls and Audits procedure
- Various Council Committee reports

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

- General food premises inspection records
- Approved establishment records
- Food and food premises complaint records
- Records of food sampling
- Internal monitoring records
- Formal enforcement records.

(3) Review of Database records:

- To review and assess the completeness of database records of food hygiene inspections, food and food premises complaint investigations, samples taken by the authority, formal enforcement and other activities and to verify consistency with file records
- To assess the completeness and accuracy of the food premises database

- To assess the capability of the system to generate food law enforcement activity reports and the monitoring information required by the Food Standards Agency.

(4) Officer interviews – the following officers were interviewed:

- Environmental Health Manager
- Interim Principal Environmental Health Officer
- Principal Environmental Health Officer
- Environmental Health Officer
- Project and Systems Support Officer

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

(5) On site verification check:

A verification visit was made with the Authority's officers to a local food business. The purpose of the visit was to verify the outcome of the last inspection carried out by the Local Authority and to assess the extent to which enforcement activities and decisions met the requirements of relevant legislation, the Food Law Code of Practice and official guidance, having particular regard to LA checks on FBO compliance with HACCP based food management systems.

ANNEXE C Glossary

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| Authorised officer | A suitably qualified officer who is authorised by the local authority to act on its behalf in, for example, the enforcement of legislation. |
| Broadly Compliant | An outcome measure which the Food Standard Agency has developed with local authorities to monitor the effectiveness of the regulatory service relating to food law. It is based on the risk rating scheme in the Food Law Code of Practice which is currently used by food law enforcement officers to assess premises which pose the greatest risk to consumers failing to comply with food law. |
| Codes of Practice | Government Codes of Practice issued under Section 40 of the Food Safety Act 1990 as guidance to local authorities on the enforcement of food legislation. |
| County Council | A local authority whose geographical area corresponds to the county and whose responsibilities include food standards and feeding stuffs enforcement. |
| District Council | A local authority of a smaller geographical area and situated within a County Council whose responsibilities include food hygiene enforcement. |
| E.coli O157 | E.coli O157 belongs to the group of verotoxigenic E.coli (VTEC) bacteria which are a toxin-producing strain of Escherichia coli that occur naturally in the gastrointestinal tract of animals such as cattle and sheep, and are pathogenic to humans. E.coli O157 is the VTEC strain that has been most commonly implicated in human infection in the UK. |
| Enhanced Remote Transit Shed | A warehouse designated by HM Revenue and Customs (HMRC), where goods are temporarily stored pending clearance by HMRC, and prior to release into free circulation. |
| Environmental Health Officer (EHO) | Officer employed by the local authority to enforce food safety legislation. |
| Feeding stuffs | Term used in legislation on feed mixes for farm animals and pet food. |
| Food hygiene | The legal requirements covering the safety and |

wholesomeness of food.

Food Hygiene Rating Scheme (FHRS)

The Food Hygiene Rating Scheme provides information to the public about hygiene standards in catering and retail food establishments. It is run by local authorities in partnership with the Food Standards Agency. Businesses that fall within the scope of the scheme are given a 'hygiene rating' which shows how closely the business was meeting the requirements of food hygiene law at the time of inspection. The scheme also encourages businesses to improve hygiene standards.

Food Safety Management System

A written permanent procedure, or procedures, based on HACCP principles. It is structured so that this requirement can be applied flexibly and proportionately according to the size and nature of the food business.

Food standards

The legal requirements covering the quality, composition, labelling, presentation and advertising of food, and materials in contact with food.

Framework Agreement

The Framework Agreement consists of:

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

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

The **Monitoring Scheme** requires local authorities to submit yearly returns via LAEMS to the Agency on their food enforcement activities i.e. numbers of inspections, samples and prosecutions.

Under the **Audit Scheme** the Food Standards Agency will be conducting audits of the food and feed law enforcement services of local authorities against the criteria set out in the Standard.

Full Time Equivalent (FTE)

A figure which represents that part of an individual officer's time available to a particular role or set of duties. It reflects the fact that individuals may work part-time, or may have other responsibilities within the organisation not related to food and feed enforcement.

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| HACCP | Hazard Analysis and Critical Control Point – a food safety management system used within food businesses to identify points in the production process where it is critical for food safety that the control measure is carried out correctly, thereby eliminating or reducing the hazard to a safe level. |
| LAEMS | Local Authority Enforcement Monitoring System is an electronic system used by local authorities to report their food law enforcement activities to the Food Standards Agency. |
| Member forum | A local authority forum at which Council Members discuss and make decisions on food law enforcement services. |
| Metropolitan Authority | A local authority normally associated with a large urban conurbation in which the County and District Council functions are combined. |
| Risk rating | A system that rates food premises according to risk and determines how frequently those premises should be inspected. For example, high risk premises should be inspected at least every 6 months. |
| Safer food, better business (SFBB) | A food safety management system, developed by the Food Standards Agency to help small catering and retail businesses put in place food safety management procedures and comply with food hygiene regulations. |
| Service Plan | A document produced by a local authority setting out their plans on providing and delivering a food service to the local community. |
| Trading Standards | The Department within a local authority which carries out, amongst other responsibilities, the enforcement of food standards and feeding stuffs legislation. |
| Trading Standards Officer (TSO) | Officer employed by the local authority who, amongst other responsibilities, may enforce food standards and feeding stuffs legislation. |
| Unitary Authority | A local authority in which the County and District Council functions are combined, examples being Metropolitan District/Borough Councils, and London Boroughs. A Unitary Authority's responsibilities will |

include food hygiene, food standards and feeding stuffs enforcement.