

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

Wiltshire Council
22-24 October 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 their Environmental Health and Trading Standards Services.

The attached audit report examines the Local 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/enforcementwork/.

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 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/monitoring.

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

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1.0 Introduction

- 1.1 This report records the results of an audit at Wiltshire 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 publicly available on the Agency's website at www.food.gov.uk/enforcement/auditandmonitoring/auditreports. Hard copies are available from the Food Standards Agency's Operations Assurance 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 Wiltshire 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 before by the Agency and was representative of a geographical mix of 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 Wiltshire 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 other related 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 Bythesea Rd, Trowbridge and Bourne Hill, Salisbury, Wiltshire on 22-24 October 2013.

Background

- 1.7 Wiltshire Council is a new unitary council formed in April 2009 from four district local authorities - North Wiltshire, West Wiltshire, Kennet, Salisbury and Wiltshire County Council.
- 1.8 The 2011 mid-year population estimate for Wiltshire was 474,300. The population of consumers in Wiltshire was significantly raised by attendance at world heritage visitor attractions, leisure outlets, events and festivals.
- 1.9 The Authority had carried out a council wide restructuring and realignment of services with public health staff from the Primary Care Trust that had joined the Authority on 1 April 2013. Food hygiene law enforcement was the responsibility of the Public Protection Team, which formed part of the Public Health and Public Protection Service. The Service reported to a Public Health Consultant and the Authority was in the process of appointing a Head of Public Protection to manage the Service.
- 1.10 The Service operated from four offices across the county and officers carried out a wide range of commercial environmental health functions, including food hygiene, food sampling, food complaints, infectious disease investigations, health and safety and some duties relating to trading standards and consumer protection.

1.11 The profile of Wiltshire Council's food businesses as at 31 March 2013 was as follows:

Type of Food Premises	Number
Primary Producers	13
Manufacturers/Packers	103
Importers/Exporters	0
Distributors/Transporters	81
Retailers	589
Restaurant/Caterers	2,728
Total Number of Food Premises	3,514

2.0 Executive Summary

- 2.1 Wiltshire Council was selected for audit as the Authority had not previously been audited by the Agency. The unitary authority was formed in 2009 and a particular challenge had been the integration of different database management systems and the Council's project to complete this task was still underway at the time of the audit.
- 2.2 The Council had carried out a restructuring of the organisation and realignment of services with former Primary Care Trust public health staff. As part of this restructure the Service now reported to a Public Health Consultant. Auditors were informed that due to financial constraints the Service was in the process of reducing the number of officers experienced in food law enforcement. Auditors discussed with officers the potential impact this loss of resources may have on the Service's delivery of food law enforcement activities and emphasised the need to maintain intervention frequencies at the highest risk food businesses in line with the compliance and enforcement strategy.
- 2.3 **Strength:**
Food inspection records: File records examined of general food establishment interventions were comprehensive and detailed and together with photographic evidence confirmed effective assessments of food business compliance. This allowed effective monitoring to promote consistency and enabled effective follow-up action at future interventions.

3.0 Audit Findings

3.1 Organisations and Management

Strategic Framework, Policy and Service Planning

- 3.1.1 The Service had developed a Food Service Delivery Plan 2013/14 which auditors were advised had been discussed at leadership team meetings with the Service's Portfolio Member. The Plan was still under review due to the restructuring taking place and therefore had not been formally approved by Members.
- 3.1.2 Whilst the Service Delivery Plan provided Service priorities with references to public health outcomes, it required some expansion to ensure that all areas of the Service Planning Guidance in the Framework Agreement were addressed. Auditors advised the Service Planning Guidance is used as the basis for the format of future plans, including a clear comparison of the resources required to deliver the food law enforcement service fully in accordance with the Food Law Code of Practice (FLCoP) against the resources available. The absence of such information makes it difficult to quantify any resource shortfalls to senior managers and Members.
- 3.1.3 Future Plans would benefit from further clarification of the proposed interventions programme for the year, to reflect the actual number of interventions due at each risk category including those overdue an inspection. The Plan should also include the Authority's approach to alternative enforcement strategies for lower risk premises and the Authority's policy on enforcement, to confirm a graduated and proportionate approach.
- 3.1.4 Auditors discussed the need to include information on the previous year's performance against the Plan and to identify any variances and where appropriate the reasons for that variance.
- 3.1.5 Auditors were provided with evidence of briefings supplied to Members and Community Area Health Well Being Boards of food safety related activities carried out by the Service. These included, references to the food safety interventions carried out and specific initiatives such as the launch of the Food Hygiene Rating Scheme (FHRS) and improving compliance in poor performing food businesses.

Recommendations

3.1.6 The Authority should:

- (i) Ensure that future Food Service Plans are in full accordance with the Service Planning Guidance in the Framework Agreement, and include an establishment profile, interventions due, an accurate estimate of the staffing resources required to deliver the Service and a full review of the delivery of the Plan.
[The Standard – 3.1 and 3.2]
- (ii) Any variance in meeting the Plan should be addressed in the following year's Plan. [The Standard - 3.3]

Documented Policies and Procedures

3.1.7 The Authority had a number of documented policies and procedures that provided useful guidance for officers across all the food law enforcement activities.

3.1.8 The Authority would benefit from the development and implementation of a document control system to ensure that any changes to procedures and policies are carried out without undue delay, as some out of date references were noted.

Recommendation

3.1.9 The Authority should:

- Set up, maintain and implement a control system for all documentation relating to its enforcement activities.
[The Standard - 4.2]

Officer Authorisations

3.1.10 Auditors were provided with a scheme of delegation which gave the Service Director of Public Protection delegated powers from the Council to authorise suitably qualified officers to enforce various public health statutes. Evidence of individual officer instruments of appointment confirming authorisation was provided. Auditors were informed that the Authority was in the process of reviewing its scheme

of delegation to take into account the recent restructure of the organisation and the new management structure.

- 3.1.11 The Authority had developed a procedure for the authorisation of officers within the Service which included an officer competency framework. The procedure confirmed that officers were to be authorised in accordance with their duties and competencies and the Service had a system in place to assess officer competency prior to authorisation. Auditors were advised that officers requiring authorisation to undertake inspections were initially monitored through a process of peer review, with accompanied inspections and monitoring of paperwork by experienced authorised officers. An accompanied assessment was undertaken by management to confirm the officer was competent before recommending authorisation by the Director.
- 3.1.12 Officers were generically authorised under a range of different legislation listed within a separate schedule. The schedule required updating as authorisations omitted some specific legislative references as required by the FLCoP and centrally issued guidance. These included the Food Hygiene (England) Regulations 2006, the Official Feed and Food Controls (England) Regulations 2009 and the Trade in Animals and Related Products Regulations 2011. Auditors discussed the need to review individual authorisations, including those issued to contractors, to ensure that they could not be subject to successful legal challenge. The current schedule of officers to be authorised under the Food and Environment Protection Act 1985 also needed to be reviewed and notified to the Agency.
- 3.1.13 Training records for officers were examined and it was evident that officers were receiving a minimum of 10 hours relevant training per annum based on continuing professional development as required by the FLCoP. Officers received a wide range of relevant training although auditors discussed the need for refresher training on approved establishments. Auditors were advised that the Authority was using the Regulators Development Needs Analysis (RDNA) tool as part of their competency skills matrix to assist with identifying officer training needs.

Recommendation

3.1.14 The Authority should:

Review current officer authorisations to ensure they include reference to all relevant and up to date legislation in accordance with the Food Law Code of Practice.
[The Standard – 5.1]

3.2 Food Premises Database

- 3.2.1 Auditors discussed the need to ensure an accurate and up to date food premises database is maintained in order to develop an effective intervention programme. The Authority recognised the importance of database accuracy to aid the delivery of their food law enforcement activities, to provide consistency and transparency for their FHRS implementation, and to provide accurate monitoring returns to the Agency. Auditors were advised that following the formation of the new unitary authority in 2009, the Service had inherited four different electronic database management systems and were in the process of completing a project to migrate information into one single database by December 2013. Auditors were informed this process had caused significant issues which were still being addressed such as the presence of duplicate premises, coding issues and difficulties extracting reports. Auditors were provided with evidence of reports run to check accuracy of food premises data entry as part of the project.
- 3.2.2 The Service had developed a documented procedure for maintaining the database and work instructions for officers to ensure accuracy and consistency of data input. Officers had responsibility for entering records of enforcement activity, including inspection details with all relevant documentation being scanned electronically onto the system. Responsibility for closing premises on the database was restricted to technical support and key officers with administration rights.
- 3.2.3 The Service provided examples of initiatives carried out to ensure the database was accurate, which included cross checks on food premises in the area by pest control operatives and a health and safety officer visiting food premises as part of a gas safety project. Auditor checks on food premises identified by internet searches confirmed these were present on the database and included within the intervention programme.
- 3.2.4 The Authority was able to demonstrate an innovative online 'one-stop-shop' food business registration system with useful prompts for the applicant and the information captured was automatically distributed between eight different departments. As part of the registration process applicants could ask further specific questions which were sent direct to the relevant department for a reply. Applicants also received a list of specific links and documents based on the answers provided.

Good Practice – Online Food Registration System

The Authority had developed a useful online food premises registration system which provided useful prompts to enable the applicant to complete the form and linked to other relevant services for further advice and guidance.

Recommendation

3.2.5 The Authority should:

Maintain an up to date and accurate database system which is capable of providing the information required for the effective delivery of the food law enforcement service.
[The Standard – 11.1]

3.3 Food Premises Interventions

3.3.1 The Authority's draft Food Service Plan 2013/14 did not provide details of the food premises hygiene risk ratings, nor did it include details of the actual number of interventions due. The risk rating profile of the Authority's food businesses provided to the Agency through the Local Authority Enforcement Monitoring System (LAEMS) as of 31 March 2013 was as follows:

Premises Risk Category	Number of Premises
A	9
B	124
C	997
D	703
E	1,237
Unrated	149
Outside Programme	295
Total	3,514

3.3.2 The Service Plan set out the priorities for its intervention programme as part of a risk-based approach in accordance with the FLCoP and the Service had produced a food safety intervention work plan 2013/14. This stated Category A, B and non-compliant C rated premises received a full food hygiene inspection whilst compliant C, D and E rated premises were subject to a mix of focus topic based inspections and alternative enforcement interventions in accordance with the FLCoP and centrally issued guidance. The Service was also participating in an FSA funded project providing coaching to poorer performing businesses to try and improve compliance with food law requirements.

3.3.3 Checks on the database premises records highlighted that there were a number of establishments overdue an inspection. These included one higher risk rated Category A and 13 risk rated Category B premises, including some approved establishments and a large number of lower risk interventions. The Service advised that the inspections allocated were regularly monitored by managers to ensure resources were targeted at high risk A, B and non-compliant C rated establishments as a priority and reallocated inspections across the team when necessary. Auditors were advised that due to resource issues the Service had also experienced difficulty in maintaining the required inspection frequency at some broadly compliant C rated premises. Auditors discussed the need to maintain interventions at appropriate frequencies particularly at the highest risk food businesses.

- 3.3.4 New food business registration forms were assessed by the Service Manager and allocated to officers for inspection, with priority given to the potentially highest risk businesses. Auditors found that a number of possible higher risk businesses allocated to officers exceeded the 28 days required by the FLCoP for an initial inspection after registering with the Authority. Auditors discussed the need for routine monitoring of these allocated unrated premises to ensure the potentially higher risk business were prioritised by officers for an intervention.
- 3.3.5 The Service had developed procedures for general and approved establishment inspections and aides-memoire for the inspection of higher risk premises to prompt officers to record inspection findings. A range of self-assessment questionnaires for different categories of lower risk establishments had also been produced for use as part of their alternative enforcement strategy.
- 3.3.6 File checks of five premises, covering a range of high risk businesses provided evidence that comprehensive inspections were being carried out using an appropriate aide-memoire. Auditors noted detailed findings with a clear distinction between contraventions and recommendations being documented and good use of photographic evidence was also evident.
- 3.3.7 Auditors reviewed files relating to three approved establishments. These were found to generally contain well-structured and detailed records of the business' activities and of the officers' assessments of business compliance of relevant food hygiene legislation. Auditors discussed the need to also include details of the company's emergency withdrawal plan and traceability system on file in accordance with the FLCoP. The consistent use of an appropriate approved establishment's aide-memoire was discussed, as well as the need for officers to record details concerning all elements of the activities assessed.

Verification Visit to a Food Premises

- 3.3.8 During the audit, a verification visit was undertaken to a local butchers shop 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. Auditors were able to confirm the officer had a good understanding with the operations at the business, had carried out a detailed methodical inspection, and had appropriately assessed business compliance with legal requirements.

Recommendations

3.3.9 The Authority should:

- (i) Carry out interventions/inspections at all food hygiene establishments at a frequency specified by the Food Law Code of Practice and continue to prioritise the highest risk premises. [The Standard - 7.1]
- (ii) Inspect approved establishments in accordance with the Food Law Code of Practice, including the use of an appropriate inspection form for the business. [The Standard – 7.2]
- (iii) Ensure comprehensive records are maintained for all approved establishments, including details of the food businesses emergency withdrawal plan and traceability systems in accordance with Food Law Code of Practice Guidance. [The Standard – 16.1]

3.4 Enforcement

- 3.4.1 The Public Protection Enforcement Policy had been approved by the Council in 2011. The Policy included a summary, general principles, types of enforcement available and took account of the Enforcement Concordat. A range of enforcement procedures for formal enforcement were available providing useful guidance for officers. Auditors discussed the need to amend the hygiene improvement notice (HIN) procedure to reflect the FLCoP requirement for a new HIN to be served by the Authority if the food business operator's (FBOs) request to extend the time limit was agreed.
- 3.4.2 The Authority reported that there had been no food seizures or detentions, emergency prohibition notices or simple cautions in the two years preceding the audit.
- 3.4.3 Audit checks on file records for formal enforcement activities were carried out including five food hygiene improvement notices, three voluntary closures, and two prosecutions. Auditors noted the wide range of food hygiene offences being addressed and noted that detailed and comprehensive prosecution files had been created and maintained. It was clear the Authority were willing and able to use a range of appropriate enforcement actions to achieve business compliance with food law legislation.
- 3.4.4 The Authority was however unable to demonstrate in all cases that it had taken a graduated approach to enforcement in accordance with its enforcement policy and centrally issued guidance. Auditors noted examples of ongoing contraventions being identified by officers where further formal actions could have been considered to ensure timely business compliance. In addition auditors advised the Authority to record more details about its enforcement decisions after each inspection.

Recommendation

3.4.5 The Authority should:

Ensure that all enforcement decisions 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]

3.5 Internal Monitoring, Third Party or Peer Review

Internal Monitoring

3.5.1 The Authority had a documented internal monitoring procedure which detailed how the Service monitored the interventions carried out. Examples included:

- Food safety consistency training exercises
- Peer review accompanied inspections
- A hygiene improvement notice checklist
- Management reviews of the Food Hygiene Rating Scheme (FHRS)
- Management investigations of FHRS appeals
- A qualitative file audit checklist awaiting implementation had been developed for monthly monitoring of a cross section of officer files
- Management monitoring of enforcement notices to be served.

3.5.2 It was evident that quantitative monitoring was routinely being undertaken by the Service to monitor progress with the interventions programme. Annual reports were run each April to plan the years' interventions programme. Interventions due were allocated quarterly to officers with prioritisation of Category A, B and non-compliant C rated premises, and the intervention programme was monitored monthly by managers.

3.5.3 Auditors were informed that other monitoring activities had been taking place of officers' work, for example file checks. The Service was in the process of introducing a coding on the database to record this monitoring, but due to database migration problems it had not been possible to implement this system. Auditors discussed the need to ensure complete records of internal monitoring activities were maintained.

Recommendation

3.5.4 The Authority should:

Ensure appropriate records of all internal monitoring activities, undertaken are maintained. [The Standard - 19.3]

Food and Food Premises Complaints

3.5.5 The Authority had a documented policy and procedure for the investigation of food premises and food hygiene complaints.

- 3.5.6 Audit checks on five records of food and food premises complaint investigations confirmed that appropriate investigations had been undertaken, comprehensive records had been maintained and relevant parties were informed of the outcome of the investigation. There was no record of internal monitoring on the files examined.

Food Inspection and Sampling

- 3.5.7 The Service had developed a documented food sampling policy, procedure and programme which included national, regional and local sampling initiatives. The Authority was able to demonstrate participation in nationally coordinated risk-based sampling programmes and sampling training for staff was regularly carried out. Auditors were advised due to reduction in staff resources, routine intervention sampling had reduced but the Service was still participating in national and regional studies for 2013/14 as part of the South West Regional Trading Standards Partnership and West of England Food Liaison Group.
- 3.5.8 Auditors examined five unsatisfactory sampling records which had all been taken in accordance with the FLCoP. These records demonstrated the Service's ability to use sampling as part of its suite of official controls. Samples were taken following complaints about businesses and after routine inspections. In all cases appropriate records were kept on file and businesses were contacted appropriately concerning sampling results. FBO's were provided with useful additional information to help them interpret the results and take any further actions if required. There was no record of internal monitoring on the files examined.

Records

- 3.5.9 Records of food law enforcement activities were maintained electronically. Audit checks confirmed that overall records across food law enforcement activities were retrievable, legible and comprehensive. Auditors discussed some improvements to approved establishment records.

Third Party or Peer Review

- 3.5.10 Auditors were advised that the Authority had not recently participated in any inter-authority audit or peer review initiative and none was planned for the forthcoming year.
- 3.5.11 The Authority was however, an active participant in the West of England Food Liaison Group and contributor to the Wessex Food Liaison Group Business Plan 2013/14 which aimed to develop a close

working partnership between regulators across the region. Evidence was provided of joint working on the adoption of food law enforcement procedures and a review of the FSA E.coli O157 Control of Cross-Contamination Guidance document to ensure consistency of approach across the region.

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ANNEX A Action Plan for Wiltshire Council

Audit date: 22-24 October 2013

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.1.6(i) Ensure that future Food Service Plans are in full accordance with the Service Planning Guidance in the Framework Agreement, and include an establishment profile, interventions due, an accurate estimate of the staffing resources required to deliver the Service and a full review of the delivery of the Plan. [The Standard – 3.1 and 3.2]	31/05/14	To produce a Food Service Plan for 2014/15 which addresses the Service Planning Guidance in the Framework Agreement. The plan will include the proposed interventions programme for the year including those overdue, the alternative enforcement strategy for lower risk premises and staffing resources required to deliver the Service.	All high risk inspections allocated to officers to be completed by the end of the financial year.
3.1.6(ii) Any variance in meeting the Plan should be addressed in the following year's Plan. [The Standard - 3.3]	31/05/14	Performance to be reviewed against the Service Plan and reasons for the variance documented. Report to be submitted to senior management and portfolio holder for acknowledgement.	Two contractors appointed to reduce the number of overdue broadly compliant C rated inspections.
3.1.9 Set up, maintain and implement a control system for all documentation relating to its enforcement activities. [The Standard - 4.2]	30/06/14	To review and improve the current document control system to ensure changes to procedures and policies are carried out in a timely manner.	

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
<p>3.1.14 Review current officer authorisations to ensure they include reference to all relevant and up to date legislation in accordance with the Food Law Code of Practice. [The Standard – 5.1]</p>	<p>30/04/14</p>	<p>Review the scheme of delegation for all officers to ensure all specific legislative requirements required by the FLCoP are included.</p> <p>Review the officers to be authorised under FEPA 1985.</p>	<p>Contractors appointed and authorised by the Corporate Director following the recent restructure of the organisation.</p> <p>Officers authorisation updated to cover the Food Safety and Hygiene (England) Regulations 2013.</p>
<p>3.2.5 Maintain an up to date and accurate database system which is capable of providing the information required for the effective delivery of the food law enforcement service. [The Standard – 11.1]</p>	<p>30/09/14</p>	<p>Continue with the project to integrate the electronic database management systems.</p> <p>Ensure up to date and accurate data is stored and retrievable by further data cleansing, running reports to check accuracy and provision of staff training on data input.</p>	<p>The database management systems have been migrated across into one system.</p> <p>Further data cleansing ongoing.</p>

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.3.9(i) Carry out interventions/inspections at all food hygiene establishments at a frequency specified by the Food Law Code of Practice and continue to prioritise the highest risk premises. [The Standard - 7.1]	30/09/14	<p>Inspections and interventions will continue to be prioritised based on highest risk.</p> <p>Review the allocation of inspections and report to Senior Management where there is a shortfall.</p> <p>Managers to review the priority of inspection for new food businesses.</p>	<p>All high risk inspections allocated to officers to be completed by the end of the financial year.</p> <p>Two contractors appointed to reduce the number of overdue broadly compliant C rated inspections.</p> <p>Head of Service and Team Manager appointed in new structure.</p> <p>One SEHO post and two EHO vacant posts currently being advertised.</p>
3.3.9(ii) Inspect approved premises in accordance with the Food Law Code of Practice, including the use of an appropriate inspection form for the business. [The Standard – 7.2]	31/05/14	Produce and implement the use of one aide-memoire to provide a consistent approach for inspection of approved establishments.	
3.3.9(iii) Ensure comprehensive records are maintained for all approved establishments including details of the food businesses emergency withdrawal plan and traceability systems in accordance with Food Law Code of Practice Guidance. [The Standard – 16.1]	31/05/14	Review approved establishments files to identify where further details are required on emergency withdrawal plans and traceability systems.	Officers currently reviewing the files.

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.4.5 Ensure that all enforcement decisions 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]	30/06/14	Review the Food Hygiene Inspection Form to record any reasons for departure from the enforcement policy. Investigate whether enforcement decisions could be recorded on the database management system.	Working group are updating the South West Region Enforcement Manual for Environmental Health.
3.5.4 Ensure appropriate records of all internal monitoring activities, undertaken are maintained. [The Standard - 19.3]	30/06/14	Record internal monitoring activities which would include, 1-2-1 discussions, input a database code when auditing inspection files and reviewing of a sample of food/premises complaints.	

ANNEX 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:

- Wiltshire Council draft Service Delivery Plan 2013/14
- Officer Authorisation and Competency Procedure
- Food and Safety Intervention Work Plan 2013/14
- Food Safety Intervention, Revisits and Approved Premises Procedures
- Database Management Procedure
- Food Premises and Complaints Procedure
- Public Protection Enforcement Policy
- Preparing a Prosecution File Procedure
- Food Hygiene Improvement Notice Procedure
- Food Hygiene Emergency Prohibition Procedure
- Simple Cautions Procedure
- Detention and Seizure of Food Procedure
- Food Sampling Policy and Programme 2013/14
- Internal Monitoring Procedure
- Minutes of meetings of West of England Food Liaison Group (various dates 2013)
- Wessex Food Liaison Group Business and Work Plan 2013/14
- Minutes of meetings of Food and Safety Team (various dates 2013)
- Officer authorisation, training and qualification records

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

- General food premises inspection records
- Approved establishment files
- Food and food premises complaint 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

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

- Food and Safety Team Managers
- 3 Environmental Health Practitioners

Opinions and views raised during officer 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.

ANNEX C 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.
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.
External Temporary Storage Facility (ETSF)	A warehouse (formerly known as an enhanced remote transit shed or ERTS) 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	<p>The Framework Agreement consists of:</p> <ul style="list-style-type: none"> • Food and Feed 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 and feed law enforcement.</p> <p>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.</p> <p>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.</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 and feed

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.
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.