

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

Wycombe District Council  
10-11 December 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](http://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](http://www.food.gov.uk/enforcement/auditandmonitoring).

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

# Contents

<b>1.0</b>	<b>Introduction</b>	4
	Reason for the Audit	4
	Scope of the Audit	5
	Background	5
<b>2.0</b>	<b>Executive Summary</b>	7
<b>3.0</b>	<b>Audit Findings</b>	9
3.1	Organisations and Management	9
	Strategic Framework, Policy and Service Planning	9
	Documented Policies and Procedures	10
	Officer Authorisations	10
3.2	Food Premises Database	12
3.3	Food Premises Interventions	13
	Verification Visit to a Food Premises	15
3.4	Enforcement	17
3.5	Internal Monitoring, Third Party or Peer Review	19
	Internal Monitoring	19
	Food and Food Premises Complaints	20
	Food Inspection and Sampling	20
	Records	21
	Third Party or Peer Review	21
<b>ANNEX A</b>	<b>Action Plan for Wycombe District Council</b>	23
<b>ANNEX B</b>	<b>Audit Approach/Methodology</b>	29
<b>ANNEX C</b>	<b>Glossary</b>	31

## 1.0 Introduction

- 1.1 This report records the results of an audit at Wycombe 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](http://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 Wycombe 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.<sup>1</sup>
- 1.4 The Authority was selected for inclusion in the Food Standards Agency's programme of audits of local authority food law enforcement services following a visit to the Authority relating to Local Authority Enforcement Monitoring Systems data submitted which indicated that an audit would be beneficial.

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<sup>1</sup> 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 Wycombe 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 Queen Victoria Road, High Wycombe, Wycombe, Buckinghamshire on 10-11 December 2013.

## **Background**

- 1.7 The District of Wycombe is situated in south west Buckinghamshire, midway between London and Oxford and has an area covering 324.6 km<sup>2</sup>, with a population of approximately 172,000. The district is a mixture of urban towns and small rural communities. Over two thirds of the district is located in the Chilterns, considered to be an area of outstanding natural beauty. The main centres of population are concentrated in the towns of High Wycombe, Princes Risborough and Marlow.
- 1.8 The area is generally prosperous with pockets of urban and rural deprivation and has good rail and road links to the rest of the country. There is a mixed economic profile with large areas of predominantly agricultural activity, and a diverse range of manufacturing and tourism industries.
- 1.9 Food law enforcement was provided by the Commercial Team within the Environmental Health Division. The Commercial Team did not have responsibility for the enforcement of food standards, which was the remit of Buckinghamshire County Council.

- 1.10 The Authority reported the profile of Wycombe District Council's food businesses as of 31 March 2013 as follows:

<b>Type of Food Premises</b>	<b>Number</b>
Primary Producers	3
Manufacturers/Packers	46
Importers/Exporters	6
Distributors/Transporters	10
Retailers	267
Restaurant/Caterers	1,110
<b>Total Number of Food Premises</b>	<b>1,442</b>

## 2.0 Executive Summary

2.1 The Authority was selected for audit following the findings from a previous one day audit visit in June 2012, arranged to discuss issues arising from the Authority's submission of enforcement data to the Food Standards Agency (FSA) for 2011/12 via the Local Authority Enforcement Monitoring System (LAEMS). Despite taking measures to address these issues the Authority's 2012/13 LAEMS submission indicated that there were continuing issues with the enforcement data submitted which required further assessment by auditors. Based upon additional information received prior to the audit and discussions with senior managers it was clear however that the Authority had already made some progress in addressing the issues identified in the LAEMS data.

### 2.2 Key areas for improvement:

**Authorisation and training:** The Authority needs to ensure that officers receive suitable training for all the types of premises they inspect, in particular the inspection of any establishments subject to approval under Regulation (EC) No 853/2004.

**Database:** The Authority needs to continue the process of reviewing its food premises database, and develop and implement associated procedures, to improve its accuracy and to ensure that its data submissions to the FSA via LAEMS accurately reflect all the official controls carried out by the Service.

**Interventions and inspections:** The Authority needs to ensure that any official controls carried out at establishments subject to approval under Regulation (EC) No 853/2004 are only undertaken by suitably qualified and experienced officers in accordance with the Food Law Code of Practice (FLCoP). As a priority, the three approved establishments in the area should be further reviewed to ensure that they had been inspected against all the requirements of relevant food hygiene legislation. The Authority should ensure that both general premises and approved establishments are accurately risk rated and appropriate follow-up actions carried out in accordance with the latest inspection findings. An appropriate general premises aide-memoire should be developed to ensure officers cover all relevant areas for food hygiene and premises specific aides memoire should be utilised for approved establishments inspections.

**Records:** The lack of detailed and cohesive records made it difficult to ascertain the extent of officers' interventions at businesses, including approved establishments. There was a need to ensure that comprehensive, retrievable records were maintained of all food law enforcement activities. Reliable records are essential to inform future officer interventions and a graduated approach to enforcement, and to enable effective internal monitoring.

**Internal monitoring:** Although there was clear evidence that some qualitative and quantitative internal monitoring had been carried out, this needed to be extended further to include risk-based and targeted monitoring of all aspects of the Service including officer training, approved establishment records, risk ratings and ensuring that appropriate follow-up actions are taken where appropriate.

## 3.0 Audit Findings

### 3.1 Organisations and Management

Strategic Framework, Policy and Service Planning

3.1.1 The Wycombe District Council Food Safety Service Plan 2013/14 had been drafted and had been approved by the appropriate senior delegated officer.

3.1.2 The Service Plan gave the following commitment:

'It is the aim of Wycombe District Council to ensure that all food (including water and drink) that is produced, handled, processed, stored, distributed and offered to consumers, whether by sale or given for free, is safe for human consumption and does not pose a risk to human health'

The Plan had appropriately linked the work of the Service to the Authority's corporate objectives in the Council's Corporate Plan issued in 2011, which sets priorities up to 2015.

3.1.3 Generally, the Plan had been drafted in accordance with the Service Planning Guidance in the Framework Agreement. However, future Service Plans would benefit from the addition of 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. In addition, whilst the Service Plan included unrated and some overdue establishments inspections, not all the historic overdue inspections had been included in the calculation of due interventions. None of these were in the higher risk categories but should be included in future Service Plans.

#### **Recommendation**

3.1.4 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 and that all overdue inspections are included in the calculation for due interventions. [The Standard – 3.1]

## Documented Policies and Procedures

- 3.1.5 An overarching system was not in place for the review of documented policies and procedures. The Authority had previously been ISO9001 accredited but this had been discontinued. Auditors were informed that it was the aim of the Authority to review policies and procedures annually but auditors were informed that this had not been carried out this year. In practice policies and procedures had been reviewed and updated whenever there had been a change in legislation, centrally issued guidance or working practices. Auditors discussed the benefit of implementing an overarching system to ensure that procedures and documentation are reviewed on a regular basis.
- 3.1.6 The Authority had developed and implemented some of the documented procedures for food law enforcement activities required by the Framework Agreement. However, auditors were informed that the Authority had made the decision not to replicate procedures where it was felt there was adequate coverage by the Food Law Code of Practice or other centrally issued guidance. Given the audit findings auditors discussed the benefit of the development of appropriate work instructions to provide officers with suitable guidance on key aspects of the Service including interventions, risk scoring and follow-up actions. Development of these procedures should improve consistency of delivery of official controls.

### **Recommendation**

3.1.7 The Authority should:

Set-up, maintain and implement a 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

- 3.1.8 Officer authorisations were controlled by the “Scheme of Delegation to Officers” document, which was due to be reviewed as it had been identified that some of the legislation contained within it was out of date and some of the more recently introduced legislation had not been added. In anticipation of the review the Authority had compiled a list of current legislation for inclusion in the revised scheme.
- 3.1.9 The Authority had a system of annual performance reviews in place supported by six monthly 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

also identified further appropriate training opportunities. Newly appointed officers were subject to a qualifications and competency assessment which was included in an authorisation matrix that detailed the powers for which officers were authorised under the Food Hygiene (England) Regulations 2006. Auditors discussed the benefit of extending this to include powers available to officers under the Official Feed and Food (England) Regulations 2009. Auditors also discussed utilising the matrix to ensure that officers' Continuing Professional Development (CPD) was regularly assessed to identify gaps in competency or where update training was required.

- 3.1.10 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 specified in the Food Law Code of Practice. Officers also had recent training on the implementation of the Agency's E.coli O157 guidance.
- 3.1.11 However, auditors raised concerns due to the lack of any specific training for officers on official controls in relation to approved establishments which was important due to the three approved establishments situated in the area which included two dairies and one egg packing plant. The Authority was therefore unable to fully demonstrate the competency of officers carrying out interventions at these establishments.

### **Recommendations**

3.1.12 The Authority should:

- (i) Continue to 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, including approved establishments interventions 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). Auditors were advised that there had been historic difficulties in providing returns to the Agency as data modules had not been effectively configured and the compensating manual adjustments carried out had not always been effective. Auditors were informed that these problems were caused during the migration of the Service's food premises database to another system and the loss of the systems administrator due to reductions in resources. The Authority had recently carried out a data cleansing exercise and the database configuration had been improved, along with the development of database validation reports to check the accuracy of the data submitted. Auditors discussed the benefits of continuing these checks and developing a database validation procedure to further improve the accuracy of the returns.
- 3.2.2 Auditors also discussed the benefit of the development and implementation of work instructions for officers entering enforcement data which should aid the accuracy and completeness of the database. The Authority had set up a system of restricted permissions and password protection to ensure security of the database and back up was performed daily.
- 3.2.3 Checks carried out on-site and prior to the audit confirmed that the database was generally accurate and reflected the Service's activities and generally anomalies had been reduced since the LAEMS visit in June 2012. However, the Authority should review the configuration of the risk scoring element of the system as it appeared to be allocating incorrect inspection intervals for low risk category E inspections.

### **Recommendation**

3.2.4 The Authority should:

Set up, maintain and implement documented procedures to ensure that the food premises database is accurate and up to date. [The Standard - 11.2]

### 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 Food Hygiene Rating Scheme (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	4
B	60
C	309
D	101
E	24
Unrated	369
Outside programme	89
<b>TOTAL</b>	<b>956</b>

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. The Service Plan stated that due to the current economic climate the Service continued to receive a high demand for new business registrations. Despite a concerted effort to address the backlog a significant number still required an initial assessment to comply with the FLCoP. Since the last Agency LAEMS visit the Authority had implemented a targeted approach to reducing the number of unrated establishments. The latest figure provided showed that this approach had successfully reduced unrated premises to less than 300. However, auditors recommended that this process continues as the number of unrated establishments still represents nearly 20% of the Authority's food business premises profile.

3.3.3 The Authority had made use of the flexibilities contained in the FLCoP to deliver a range of interventions, including an Alternative Enforcement Strategy (AES) for lower risk establishments and the implementation of a protocol specifically to deal with childminders. Database reports produced during the audit confirmed that the Authority was focusing their resources at higher risk premises interventions.

3.3.4 Generally, interventions had been carried out within 28 days of the premises' due date as required by the FLCoP. However, database reports showed that some premises, although largely compliant, had remained overdue for a considerable period of time. This situation had

occurred because the current method of monitoring the intervention programme had been unable to identify them as overdue.

- 3.3.5 The Authority had not developed and implemented a food hygiene inspection procedure for the inspection of general food premises.
- 3.3.6 Auditors were advised that following the publication of guidance from the FSA 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 and the FSA's DVD. In addition, officers had attended the FSA's E.coli O157 training courses.
- 3.3.7 File record checks for five general food premises were carried out. The Authority had developed an inspection aide-memoire entitled 'Food Hygiene Inspection'. There were some inconsistencies noted in the level of detail recorded by officers and in some cases auditors were unable to gain assurance that an effective assessment of food business operator (FBO) activities had been carried out, especially in regard to food safety management systems (FSMS), traceability and the implementation of the FSA's E.coli guidance. Auditor's discussed further developing the general food aide-memoire to give officers more effective prompts to record their detailed observations, particularly in these areas.
- 3.3.8 Several examples were noted where there was insufficient evidence on file to support officer risk ratings following inspections including some examples where serious food hygiene contraventions were identified and recorded by officers but were not necessarily reflected in the final risk score for the business. In some of these cases auditors also noted that appropriate follow-up actions had not always been taken to secure timely business compliance with food hygiene legislation.
- 3.3.9 Inspection report forms and/or letters had been consistently provided to the food business operator (FBO) following each intervention, which provided useful advice to businesses as well as confirming the key points found on inspection and any proposed follow-up action to be taken by the Authority.
- 3.3.10 File checks were carried out on the intervention and enforcement records in relation to three approved establishment files, which included two dairies and an egg packaging unit. Files for all approved establishments required review to ensure they contained key business information required by Annex 10 of the FLCoP Practice Guidance in an easily retrievable form. In all cases businesses had been approved under the appropriate European regulations although auditors did raise concerns regarding the length of time taken by the Authority to approve one of the establishments. There was clear evidence that the Authority had been proactive in providing these businesses with detailed guidance and support as required.

3.3.11 File checks on approved establishments showed that past inspections had been carried out by officers using a range of aides-memoire, mostly non-specific to the premises being inspected. Officers were therefore frequently unable to demonstrate that businesses had been appropriately inspected against all relevant food hygiene legislation. Although officers were able to identify a wide range of hazards and contraventions during inspections, auditors did have serious concerns about lack of consideration of formal enforcement action in some cases where serious breaches of hygiene legislation had been recorded. The Authority should ensure that appropriate follow-up action is taken in such cases in accordance with centrally issued guidance and the Authority's own Enforcement Policy. The reasons for any departure from this policy should be documented.

### **Recommendations**

3.3.12 The Authority should:

- (i) Carry out interventions/inspections, and approve establishments, in accordance with the relevant legislation, Food Law Code of Practice centrally issued guidance and the Authority's own policies and procedures. [The Standard - 7.2]
- (ii) Review, and where appropriate, set up, 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]
- (iii) Assess the compliance of establishments and systems to legally prescribed standards as required by Article 10(2) of Regulation (EC) No. 882/2004, having regard to any relevant centrally issued guidance and take appropriate action on any non-compliance found in accordance with the Authority's own Enforcement Policy. 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. Records of the officer's findings required more detail, especially having regard to the evaluation of the FSMS and cross-contamination risks.

### **3.4 Enforcement**

- 3.4.1 The Authority had not developed a corporate Enforcement Policy. A departmental Food Safety Regulatory and Enforcement Protocol had been developed which gave some rudimentary guidance to officers for carrying out enforcement activities and referenced some, but not all of the available enforcement options. The Protocol had not been formally approved at the relevant Council forum or by a senior delegated officer. In addition, the Protocol did not contain an appropriate reference to the Regulators' Compliance Code incorporating the principles of consistency and proportionality.
- 3.4.2 The Service had not developed and implemented documented enforcement procedures. However, template notices to cover a range of food safety enforcement activities had been developed. Auditors discussed the benefit of developing and implementing key work instructions to provide guidance to officers carrying out enforcement activities.
- 3.4.3 A range of formal enforcement activities had been carried out by the Authority in the past. Records of three hygiene improvement notices, three voluntary closures, three prosecutions and one seizure and detention were examined. Service of the notices and implementation of the prosecutions had been the appropriate course of action and in all cases had been carried out in accordance with the FLCoP. However, in the case of the prosecutions, although clearly the appropriate course of action, it was noted that the justification for proceeding with the prosecutions had not been effectively documented.

## **Recommendations**

### 3.4.4 The Authority should:

- (i) Set up, implement and maintain a documented enforcement policy in accordance with the Food Law Code of Practice and official guidance. The enforcement policy should be approved by the relevant Member forum or senior delegated officer. [The Standard - 15.1]
- (ii) 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]
- (iii) Ensure that all decisions on enforcement action are made following consideration of the Authority's enforcement policy and any departure from this 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 not developed a documented internal monitoring procedure however the Food Safety Regulatory and Enforcement Protocol contained a statement that internal monitoring would be carried out, but this gave no indication of how such monitoring would be implemented. Despite this it was evident that routine and effective quantitative monitoring checks were being carried out in respect of the key performance indicator for inspection targets and these had been reported to senior management on a quarterly basis.
- 3.5.2 There was evidence that some qualitative monitoring checks had been routinely carried out, such as documented checks on data entry, aides-memoire and progress on enforcement actions. There was also evidence of other types of monitoring and review including team meetings and emails regarding ongoing enforcement activity. However, there was no evidence that follow-up on complaints and sampling were being effectively monitored, although auditors were informed that the District Environmental Health Officer (DEHO) was always aware of ongoing complaints and unsatisfactory samples as they were routinely discussed within the team.
- 3.5.3 However, given the audit findings in regard to interventions, particularly in relation to approved establishment, auditors discussed the benefits of extending its internal monitoring activities to provide risk-based internal monitoring across all areas of food law enforcement carried out by the Service. The development and implementation of documented risk-based internal monitoring procedures would assist in improving the consistency and quality of records maintained by different officers as well as promoting a consistent approach to the implementation and escalation of enforcement activities where appropriate.

#### **Recommendation**

3.5.4 The Authority should:

Set up, maintain and implement risk based documented internal monitoring procedures 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]

## Food and Food Premises Complaints

- 3.5.5 The Food Safety Service Plan included reference to the Authority's policy to investigate all complaints and the policy was further developed within the Food Safety Regulatory and Enforcement Protocol. The Service was required to respond to complaints within three working days which was a corporate target. However, the Authority had not fully developed a food and food premises complaints procedure in accordance with the FLCoP.
- 3.5.6 In practice, officers investigated complaints using the Food Complaint Investigation Form which provided useful prompts to help guide them through investigations.
- 3.5.7 Checks made on records for five food and food premises complaints showed that in general officers had carried out appropriate investigations, with appropriate contact with FBOs and primary or home authorities where required.

### **Recommendation**

3.5.8 The Authority should:

Further develop the documented procedure in relation to food and food premises complaints. [The Standard – 8.1]

## Food Inspection and Sampling

- 3.5.9 The Food Safety Service Plan included reference to the Authority's policy in regard to sampling. The policy was further developed within the Food Safety Regulatory and Enforcement Protocol. There was a clear indication of 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.
- 3.5.10 The Authority had not fully developed a documented food sampling procedure in accordance with the FLCoP. In practice officers used centrally issued guidance stored on the database, sample forms and their training to ensure sampling was carried out effectively.
- 3.5.11 An annual food 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 five records where unsatisfactory and borderline sample results had been obtained. In accordance with the Authority's sampling policy, the samples had been taken by a trained, authorised officer. In all cases appropriate follow-up actions had been carried out and records maintained.

**Recommendation**

3.5.13 The Authority should:

Further develop the documented sampling procedure in relation to the procurement or purchase of samples, continuity of evidence and the prevention of deterioration or damage to samples whilst under its control in accordance with the Food Law Code of Practice and centrally issued guidance. [The Standard – 12.5]

Records

3.5.14 Records of food law enforcement activities were maintained in paper files and electronically on the food premises database system. In general, recent records were easily retrievable and up to date. Historically, there was some variability in the quality and completeness of records. In some cases, it was therefore 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. Improvements to the internal monitoring regime should improve the detail of record keeping in relation to inspection and enforcement.

Third Party or Peer Review

3.5.15 The Authority advised that there had not been any inter-authority audit however an internal audit had been carried out on the Service by the Internal Audit and Risk Management Division of the Authority between December 2011 and January 2012. The audit covered a number of areas including inspection procedures, frequency of inspection and follow-up action in regard to hygiene improvement notices. An action plan had been compiled and implemented. The Authority had carried out consistency training with neighbouring authorities which had been backed up with further in-house training.

**Auditors:** **Robert Hutchinson**  
Andrew Gangakhedkar

Food Standards Agency

Operations Assurance Division

## ANNEX A Action Plan for Wycombe District Council

Audit date: 10-11 December 2013

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.1.4 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 and that all overdue inspections are included in the calculation for due interventions. [The Standard – 3.1]	31/05/14	Agreed. This will be incorporated into the next Food Service Plan.	Reports to identify all overdue interventions run to cover greater time period.
3.1.7 Set-up, maintain and implement a 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]	30/09/14	All documented protocols, policies and procedures will be reviewed and a documented system introduced to record this. Reviews will be conducted at least annually.	All documented protocols, policies and procedures are already controlled documents with version control marking and held securely on our network.
3.1.12(i) Continue to 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]	30/09/14	Facilitate the adoption of the amended scheme of delegation and ensure that the changes implemented are reflected in the warrant cards issued to officers. Ensure that any future changes in legislation are incorporated using our internal corporate processes.	The scheme of delegation is currently being reviewed and it has been ensured that it contains all relevant food law. The officer authorisation matrix has been amended accordingly in anticipation.

<b>TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)</b>	<b>BY (DATE)</b>	<b>PLANNED IMPROVEMENTS</b>	<b>ACTION TAKEN TO DATE</b>
3.1.12(ii) Ensure that all officers receive appropriate specialist training to deliver all aspects of work they undertake, including approved establishments interventions in accordance with the Food Law Code of Practice. [The Standard – 5.4]	30/04/13	Purchase approved establishments training and ensure all officers complete this.	Reviewed officer competencies and analysed their training needs. Identified a training provider to access training on approved establishments and other specialist food law training.
3.2.4 Set up, maintain and implement documented procedures to ensure that the food premises database is accurate and up to date. [The Standard - 11.2]	31/07/14	Develop a documented procedure detailing data entry and confirming the management checks undertaken to ensure accuracy of database.	Regular (weekly) checks are already undertaken to ensure accuracy of data entry and records held on database.
3.3.12(i) Carry out interventions/inspections, and approve establishments, in accordance with the relevant legislation, Food Law Code of Practice centrally issued guidance and the Authority's own policies and procedures. [The Standard - 7.2]	31/07/14	The existing protocol will be reviewed and officers monitored to ensure compliance. Backlog of unrated premises should largely be eradicated by use of contractor backfilling.	Officers have been reminded of the need to comply with the relevant legislation, Food Law Code of Practice and our protocols and to accurately document their decision-making.

<b>TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)</b>	<b>BY (DATE)</b>	<b>PLANNED IMPROVEMENTS</b>	<b>ACTION TAKEN TO DATE</b>
3.3.12(ii) Review, and where appropriate, set up, 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]	31/07/14	The existing protocol will be reviewed to incorporate further instruction and guidance.	The aide-memoire for Regulation (EC) No. 852/2004 inspections has been reviewed and a new version introduced. A library of aide-memoires for use in product specific establishments has been created and officers instructed on the need to use these at all inspections of these.

<b>TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)</b>	<b>BY (DATE)</b>	<b>PLANNED IMPROVEMENTS</b>	<b>ACTION TAKEN TO DATE</b>
<p>3.3.12(iii) Assess the compliance of establishments and systems to legally prescribed standards as required by Article 10(2) of Regulation (EC) No. 882/2004, having regard to any relevant centrally issued guidance and take appropriate action on any non-compliance found in accordance with the Authority's own Enforcement Policy. Ensure that observations made in the course of an inspection are effectively recorded. [The Standard - 7.3 and 7.5]</p>	<p>31/07/14</p>	<p>The existing protocol will be reviewed and amended to include a requirement for officers to record the reasons for their decision making in respect of enforcement action in particular any deviation from the food safety regulatory enforcement policy which should be discussed and agreement sought from the Divisional Environmental Health Officer.</p>	<p>Officers have been reminded of the need to ensure inspections are conducted to relevant standards having regard to all issued guidance. They have also been reminded of the need to adhere to the food safety regulatory enforcement policy and to take the appropriate enforcement action to ensure compliance by businesses. The aide-memoire for Regulation (EC) No. 852/2004 inspections has been replaced with a new version to ensure greater detail is recorded along with the reasons for future action/inaction.</p>
<p>3.4.4(i) Set up, implement and maintain a documented enforcement policy in accordance with the Food Law Code of Practice and official guidance. The enforcement policy should be approved by the relevant Member forum or senior delegated officer. [The Standard - 15.1]</p>	<p>30/09/14</p>	<p>The enforcement protocol/policy will be reviewed and appropriate approval sought and recorded.</p>	<p>An enforcement protocol is already contained within the Food Safety Regulatory and Enforcement Protocol.</p>

<b>TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)</b>	<b>BY (DATE)</b>	<b>PLANNED IMPROVEMENTS</b>	<b>ACTION TAKEN TO DATE</b>
3.4.4(ii) 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]	31/07/14	The enforcement protocol/policy will be fully reviewed to ensure it covers all actions available, including follow-ups.	A graduated enforcement approach is already detailed in the Food Safety Regulatory and Enforcement Protocol.
3.4.4(iii) Ensure that all decisions on enforcement action are made following consideration of the Authority's enforcement policy and any departure from this policy should be documented. [The Standard – 15.4]	31/07/14	The way enforcement decisions are recorded, particularly prosecution decisions, will be reviewed and amended.	The aide-memoire for Regulation (EC) No. 852/2004 inspections has been replaced with a new version to ensure greater detail is recorded along with the reasons for future action/inaction.
3.5.4 Set up, maintain and implement risk based documented internal monitoring procedures 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]	31/07/14	A system will be introduced to record the internal monitoring of all aspects of the food service which will be introduced.	Regular monitoring of critical aspects of the service already takes place but is not always formally documented.
3.5.8 Further develop the documented procedure in relation to food and food premises complaints. [The Standard – 8.1]	31/07/14	The Food Safety Regulatory and Enforcement Protocol will be amended to include the procedure for dealing with such complaints.	Officers follow the guidance within the Food Law Code of practice and the relevant investigation forms to record their investigations.

<b>TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)</b>	<b>BY (DATE)</b>	<b>PLANNED IMPROVEMENTS</b>	<b>ACTION TAKEN TO DATE</b>
3.5.13 Further develop the documented sampling procedure in relation to the procurement or purchase of samples, continuity of evidence and the prevention of deterioration or damage to samples whilst under its control in accordance with the Food Law Code of Practice and centrally issued guidance. [The Standard – 12.5]	31/07/14	The procedure to be followed when sampling will be included in the Food Safety Regulatory and Enforcement Protocol.	Officers use the practical training they have received from PHE and know the equipment, forms and procedures to follow.

## **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:

- Wycombe District Council Food Safety Service Plan 2013/14
- Scheme of Delegation – Commercial Team
- Delegated powers of officers matrix
- Food Safety Interventions Protocol
- Low Risk Food Premises Questionnaire
- Childminders Questionnaire
- Complaints Investigation Form
- Food Sampling Programme 2012/13 and 2013/14
- Food Safety Regulatory Enforcement Protocol
- Internal Audit Report
- Minutes of liaison group meetings
- Minutes of team meetings.

(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
- Divisional Environmental Health Officer

- Environmental Health Officers (x2)

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"> <li>• Food and Feed Law Enforcement Standard</li> <li>• Service Planning Guidance</li> <li>• Monitoring Scheme</li> <li>• Audit Scheme</li> </ul> <p>The <b>Standard</b> and the <b>Service Planning Guidance</b> set out the Agency’s expectations on the planning and delivery of food and feed law enforcement.</p> <p>The <b>Monitoring Scheme</b> 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 <b>Audit Scheme</b> 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.