

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

Spelthorne Borough Council
7-9 October 2014



Foreword

Audits of local authorities' feed and food law enforcement services are part of the Food Standards Agency's (FSA) 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/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 devolved countries comprising the UK.

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

www.food.gov.uk/enforcement/auditandmonitoring.

For assistance, a glossary of technical terms used within 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 Spelthorne Borough Council with regard to food hygiene enforcement, under relevant headings of the Food Standards Agency Food Law Enforcement Standard. The audit focused on the Authority's arrangements for the management of the food premises database, food premises interventions, and internal monitoring. The report has been made available on the Agency's website at: www.food.gov.uk/enforcement/auditandmonitoring/auditreports. Hard copies are available from the Food Standards Agency's 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 Spelthorne Borough 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 by the Agency in the previous five years.

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 Spelthorne Borough 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 the Council Offices, Knowle Green, Staines-upon-Thames on 7-9 October 2014.

Background

- 1.7 Spelthorne Borough Council is situated 15 miles to the south west of London. The borough is a mix of urban and Green Belt land and contains the towns and villages of Staines-upon-Thames which is the largest town in the borough, Ashford, Laleham, Shepperton, Stanwell and Sunbury. Kempton Park Racecourse and Shepperton Studios are both located in the area. The borough also has large areas of parks and open spaces, including several miles of riverside walks, and five reservoirs contributing to the region's fresh water supply.
- 1.8 The local economy includes manufacturing and service industries, and a number of large commercial organisations have their main UK offices in the Borough. Part of Heathrow Airport falls within the Borough boundary, although imported food checks were carried out on the Authority's behalf by the London Borough of Hillingdon, as part of an established arrangement formalised by a Memorandum of Understanding.
- 1.9 Food hygiene law enforcement was the responsibility of the Commercial Team, within Environmental Health and Building Control. The Service also had a wide range of other responsibilities, which included health and safety enforcement, infectious disease control, and animal welfare and licensing. Some members of the team had also begun to carry out some private sector housing work as part of a re-organisation of the Service.
- 1.10 The Authority reported the profile of Spelthorne Borough Council's food businesses as of 31 March 2013 as follows:

Type of Food Premises	Number
Primary Producers	0
Manufacturers/Packers	5
Importers/Exporters	2
Distributors/Transporters	10
Retailers	187
Restaurant/Caterers	559
Total Number of Food Premises	763

2.0 Executive Summary

2.1 It was evident that the Service had recognised there were a number of areas of food law enforcement service delivery that required some improvement prior to the audit and had already taken the opportunity to implement measures to address many of these issues. Although some areas were identified during the audit that still require improvement to meet the requirements of the Standard in the Framework Agreement, in most cases work on these was already in progress, and during the audit no significant areas of concern were identified regarding delivery of the food service.

2.2 Strengths:

Service planning and review: A comprehensive Food Service Plan had been produced for 2014/15 which was in accordance with the Service Planning Guidance in the Standard and provided helpful detail on the Service's planned work for the year and factors that may affect performance such as resourcing. It was evident that achievement against the Plan was being regularly reviewed throughout the year and comprehensive reports were being produced for senior management on a quarterly and annual basis. The Plan had identified some variances and areas for improvement which were being actively pursued as part of an agreed internal action plan.

Management of the food premises database: It was clear that significant measures had been implemented to ensure that the database was accurate. Checks carried out during the audit confirmed the database was reliable and provided an accurate basis for planning the interventions programme and monitoring its progress.

3.0 Audit Findings

3.1 Organisation and Management

Strategic Framework, Policy and Service Planning

- 3.1.1 The Authority had developed a comprehensive Food Service Plan for 2014/15 which followed the Service Planning Guidance in the Framework Agreement. The Plan would benefit from more clearly setting out the Authority's food premises risk rating profile and making a more direct comparison of the resources required and available to deliver the service.
- 3.1.2 The Service had undergone a re-organisation in 2011 which had reduced the number of senior managers and widened the remit of the Environmental Health Team. This resulted in officers beginning to take some responsibility for private sector housing matters in addition to their existing commercial remit.
- 3.1.3 The Plan set out a number of aims and objectives for the Service. These included:
- To achieve 98% of all food hygiene inspections in accordance with the frequencies set out in the Food Law Code of Practice (FLCoP).
 - Continue to promote the Food Hygiene Rating Scheme (FHRS).
 - Update the operational food safety procedures.
 - To ensure that the service provided is that desired by the local community and other customers.
- 3.1.4 The Plan also drew links with the Council's mission statement of "Delivering quality, best value for money services that matter most to our residents". The Authority had also adopted five values, all of which were followed by the Commercial Team in their work. These were:
- Community – develop strong, thriving cohesive communities.
 - Opportunity – creating equal opportunities for all residents.
 - Self-reliance – supporting ourselves and focus our limited resources on those most disadvantaged and in need.
 - Accountability – We will develop our economy, keep our borough clean and safe and help people in need.
 - Tradition – Committed to providing modern efficient services, but ensure people can continue to access our services in traditional ways should they wish.
- 3.1.5 The Plan had been approved and adopted by the Cabinet in March 2014. The accompanying report provided useful background for Members on the team's achievements and highlights from the previous year, and included an appendix which set out the shift in ratings of food businesses under FHRS, which was one of the Service's key performance indicators.
- 3.1.6 The Service Plan also carried out a review of the previous year, although as the Plan had been prepared and approved before the end of the

financial year, the information did not completely reflect the full year's achievements. There was however a comprehensive system of reviews to provide up to date information on performance which could be read in conjunction with the Service Plan.

- 3.1.7 The review used four principal performance measures. These were:
- Performance against the food safety inspection programme targets. The target was to achieve 98% of inspections for all food premises.
 - Percentage ratio of businesses scoring a food hygiene rating of between 3-5 compared to 0-2.
 - Performance against local response targets for food safety service requests (90% of service requests responded to within 7 working days).
 - Number of reports sent out within target time (at least 80% of letters sent to food business within seven working days of an intervention).
- 3.1.8 Some areas for improvement had also been identified, including:
- Improving the service provided to local businesses
 - Ensure that the service is inclusive and can be provided to hard to reach groups.
 - To ensure that 100% of food safety services remain e-enabled
 - Updating of operational procedures.
- 3.1.9 Service planning arrangements included appropriate provision for out-of-hours contacts in case of a food related emergency.
- 3.1.10 The Authority was undergoing a "towards a sustainable council" business transformation programme at the time of the audit, and the auditors were advised this would result in 30% cuts to the funding of the service over the next three years. Options for service delivery were being considered and it was acknowledged that the intended cuts would inevitably have an impact on the ability of the Commercial Team to deliver the food law enforcement service in the future. The transformation programme would also bring about changes in the way that services would be delivered, and it was proposed that there would be a move towards more mobile and remote working using portable technology to record and report upon food law enforcement activities, including inspection findings.

Documented Policies and Procedures

- 3.1.11 The Service had identified in the Food Service Plan the need to update its suite of procedural guidance. A number of procedures had been either reviewed or drafted at the time of the audit which provided helpful guidance to officers. All of the officers in the team had contributed to the

development of the procedures and the documents were available with read only access on a shared drive.

- 3.1.12 It was acknowledged that the process of updating procedures was ongoing and others still required development. A document control system also required development to ensure that documented policies and procedures were reviewed routinely and on an ad hoc basis to reflect changes in legislation or centrally issued guidance. A system to clearly identify the revision status of each document should also be introduced.

Recommendations

3.1.13 The Authority should:

- (i) Ensure that all documented policies and procedures for each of the enforcement activities covered by the Standard are reviewed at regular intervals, and whenever there are changes to legislation or centrally issued guidance. [The Standard – 4.1]
- (ii) Develop and implement a control system for all documentation relating to its enforcement activities to ensure that:
 - a) up to date copies of the appropriate documentation including legislation and guidance are available to all relevant staff;
 - b) all changes to documents or amendments to documents are covered by the correct authorisation and are carried out without undue delay to ensure timely availability; and
 - c) superseded documents are removed from use throughout the Authority.[The Standard – 4.2]

Officer Authorisations

- 3.1.14 The Authority had recently reviewed their procedures for authorising and training officers and had developed a comprehensive documented procedure and authorisation matrix. This clearly set out the required qualifications, knowledge, experience and competencies required for authorisation under specific food law enforcement powers. Individual authorisations had been reviewed to ensure that current officers were appropriately authorised.

- 3.1.15 Records of officer qualifications were made available for audit. The scheme of delegation had been reviewed and amendments to the scheme were due to go to Committee later in the month. It was recognised that further work was required to update officers' warrant cards to reflect the changes being made to the scheme of delegation and to ensure that all officers were appropriately authorised under all relevant current food hygiene legislation. References to legislation on the warrant cards were outdated and relevant imported food legislation was missing. The Authority also needed to clarify those officers authorised under the Food and Environmental Protection Act 1985 with the FSA.
- 3.1.16 Well maintained and comprehensive records of training undertaken were maintained by individual officers and in a central file. Annual officer appraisals and regular one to one meetings between the officers in the team and the Environmental Health Manager helped to identify specific training needs. The Authority had gained Investors in People status and there was a commitment to ensuring that officers gained appropriate and sufficient training. The Department had organised cascade training days which officers attended to ensure they received updates on a range of environmental health issues.
- 3.1.17 Checks on the records confirmed that in all but one case, officers were meeting the Food Law Code of Practice (FLCoP) minimum 10 hours relevant training per annum based on the principles of continuing professional development. The remit of the team covered a wide range of environmental health issues for which training was being provided. Whilst in general it was evident that officers were receiving training in food law enforcement matters, auditors discussed areas where specific update training would be useful, including the areas of formal enforcement, and in relation to approved establishments, where it was noted that it would be of benefit to build some resilience within the team.
- 3.1.18 The Authority had appointed a Lead Officer for food, who could demonstrate that they had the necessary experience and qualifications for that role.

Recommendation

3.1.19 The Authority should:

Review the authorisation documents to ensure that officers are appropriately authorised under relevant current legislation. [The Standard – 5.3]

3.2 Food Premises Database

3.2.1 The Service operated a food premises database system that was capable of providing Local Authority Enforcement Monitoring System (LAEMS) returns. A documented 'Food Premises Database Administration' procedure had been developed detailing measures that were undertaken to ensure the database was accurate. The procedure referred to the routine production of a suite of validation reports which were run quarterly, annually and when otherwise required.

3.2.2 The database was managed by an experienced systems administrator, and inspection activities were input by trained and experienced support staff. In practice, routine checks on the accuracy of the database were carried out by the systems administrator and measures were implemented to ensure that the database was complete, accurate and information was held securely. These included:

- updating the database on receipt of food business registration forms
- regular liaison with the Authority's planning and licensing teams
- the use of intelligence gathered from officers on the district
- checks on adverts in local newspapers
- restricted access for entering and deleting premises details
- mandatory fields for entering inspection information
- routine back up of information and offsite storage of data.

Audit checks on the database spreadsheet and reports provided by the Authority `confirmed its accuracy and provided assurance that the Authority was able to submit accurate annual returns to the Agency.

3.3 Food Premises Interventions

3.3.1 Figures submitted as part of the Authority's LAEMS return for 2013/14 indicated the following premises profile as of 31 March 2014:

Premises Risk Category	Number of Premises
A	3
B	17
C	264
D	141
E	234
Unrated	37
Not in programme	0
Total	696

3.3.2 The proposed inspection programme in the Service Plan set out the number of inspections due for 2013/14 as follows:

Premises Risk Category	Number of Inspections
A	2
B	27
C	150
D	71
E	0

3.3.3 The plan stated that category E premises would be included in an alternative enforcement strategy (AES) to be introduced within the year, which at the time the plan was drafted amounted to around 107 premises. A report produced for the audit indicated there were 177 category E premises requiring an AES intervention. Auditors were advised that a strategy had been developed to address these, which involved prioritisation of those that were potentially the highest risk for an earlier intervention. However due to resource issues it had not been possible to implement an AES strategy to date. The Service had also identified establishments that persistently attracted low Food Hygiene Rating Scheme ratings and were targeting these as a means of meeting their Key Performance Indicator to improve the percentage ratio of compliant businesses under the food hygiene rating scheme compared to those businesses scoring 0-2.

- 3.3.4 The Service Plan also stated that the Authority recognised that some food businesses present a higher risk to consumers than others and that they planned to visit all categories of food premises within their due date.
- 3.3.5 It was clear that the Authority appropriately prioritised its interventions programme to ensure that the highest risk businesses were inspected in accordance with the frequencies in the Food Law Code of Practice (FLCoP). LAEMs returns for the past three years indicated that there were no overdue category A or B premises and checks carried out during the audit confirmed that there were no overdue inspections of premises under these categories, and around 48 category C and D premises were overdue.
- 3.3.6 The Authority had recently changed its approach to ensure that businesses awaiting a risk rating did not miss an inspection. This involved details of the premises being entered onto the database and also into a 'New Business Inspection' book, whereupon they were allocated to officers for inspection on a rotational basis, with the aim of them being inspected within the 28 days required by the FLCoP.
- 3.3.7 A Food Hygiene Intervention Policy had been developed and recently revised. This contained useful guidance for officers on the conduct of inspections and the arrangements for internal monitoring. A specific documented procedure on the inspection of approved establishments had also been developed and had been recently reviewed.
- 3.3.8 Records of a sample of inspections carried out at five food businesses were examined during the audit. In general these had been inspected at the correct minimum intervals prescribed in the FLCoP.
- 3.3.9 An inspection aide-memoire had been developed to provide prompts for officers. Improvements were suggested to ensure that sufficient prompts were included to record details of the premises, workflow, details of the pest control system and a more detailed record of the food safety management system in place. Records were however variable in the level of detail recorded. There was evidence of 'reporting by exception' evident on two files, which meant that a record of the officers' assessment of the compliance of the business was incomplete. Some records also were not clearly legible.
- 3.3.10 Without exception the report of inspection forms left with the food business operator (FBO) contained the standard information required by the FLCoP, highlighted issues that needed to be addressed by the FBO, and made a clear distinction between legal requirements and recommendations of good practice. The forms also detailed the follow-up action to be taken by the Authority and provided reasonable timescales for compliance. Letters were also very thorough and detailed, providing

clear guidance to the FBO about areas requiring improvement, along with helpful advice.

- 3.3.11 Record checks indicated there were some inaccuracies in the risk rating scores allocated following inspections as these did not always reflect the recorded inspection findings, and audit file checks indicated a tendency towards underscoring. Recent and proposed risk rating consistency exercises undertaken by officers should assist in ensuring that accurate ratings are given following interventions.
- 3.3.12 From the issues noted on inspection records it was evident that in some cases follow-up action was required by the Service to ensure that significant contraventions had been satisfactorily addressed by the FBO. These included failures to implement a satisfactory food safety management system (FSMS), poor cleaning and cross-contamination issues. In two records it was not evident that timely and effective revisits had been taken. It was at the officer's discretion whether a revisit took place and there appeared to be some inconsistency in approach between officers. Auditors suggested that a clear revisit policy should be formalised and included in documented procedures to ensure that follow-up action is consistently taken on a risk basis.
- 3.3.13 The Authority had three establishments subject to approval under the requirements of Regulation (EC) No. 853/2004 and these had been appropriately notified to the FSA. It was noted that there had been historical issues in identifying and approving relevant establishments but this had now been resolved and a system was in place to ensure that businesses were identified. The records for the conditional approval for one establishment could not be found, although the file indicated that the document had been issued to the FBO.
- 3.3.14 Audit checks were carried out on the files which were found in general to be well structured and contained most of the necessary information required by Annex 10 of the Food Law Practice Guidance. A new approved establishment procedure had been developed that included a comprehensive inspection aide-memoire. Once fully adopted this will prompt officers to record all relevant assessments of the businesses compliance with the requirements of EC Regulations 852 and 853/2004.
- 3.3.15 Auditors discussed the delay in following up on some concerns regarding one of the approved establishments. Such operations by their nature are considered to be of significance and should be prioritised for action where necessary.

Recommendations

3.3.16 The Authority should:

- (i) Ensure that food premises inspections are carried out at a frequency specified by the Food Law Code of Practice and centrally issued guidance. In particular an alternative enforcement strategy or other appropriate interventions should be carried out at lower risk premises to confirm there are no changes to their risk profile. [The Standard – 7.1]
- (ii) Assess the compliance of establishments and systems including those in approved establishments to the legally prescribed standards and take appropriate and timely action on any non-compliance found in accordance with the Authority's enforcement policy. [The Standard – 7.3]

Verification Visit to a Food Premises

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

3.3.18 The findings from the visit were in accordance with the officer's recorded assessment from the last inspection. It was evident that the officer was familiar with the premises, had carried out a thorough assessment of the business' compliance with legal requirements, and was providing helpful advice and guidance to the FBO.

3.4 Enforcement

3.4.1 The Authority had developed an Environmental Health and Building Control Enforcement Policy which had been reviewed and was in the process of being updated at the time of the audit. There was also a set of enforcement procedures contained in a 'Food Hygiene Enforcement Policy' which had become outdated. The Service had acknowledged that these required substantial review and updating.

3.4.2 Officers had used a range of enforcement powers to secure improvements as part of a graduated approach to enforcement. Auditors checked the records for a selection of enforcement actions that had taken place in the last two years. These included:

- Hygiene improvement notices (HIN)
- Voluntary surrenders
- Food detention procedures
- A prosecution
- Simple cautions.

3.4.3 All the formal procedures were found to be appropriate in the circumstances and had been administered by a suitably authorised officer. It was not however clear on the prosecution file records checked that the action had been authorised by an officer with appropriate delegated powers. It is possible that this confirmation had been retained on the files held by the Authority's legal team and a copy had not been provided for retention by the food service. Formal notices had been drafted in accordance with the Food Law Code of Practice and with relevant centrally issued guidance and appropriate follow-up made.

Recommendation

3.4.4 The Authority should:

Update the documented procedures for follow-up and formal enforcement actions to ensure they reflect current legislation and the requirements of the Food Law Code of Practice and official guidance. [The Standard – 15.2]

3.5 Internal Monitoring, Third Party or Peer Review

Internal Monitoring

- 3.5.1 The Authority had not developed a separate documented procedure on internal monitoring, however there were references to internal monitoring activities in the reviewed interventions policy document and authorisation procedure. Auditors discussed the need to ensure that procedures are documented across the full range of food law enforcement activities, including food and food premises complaint investigations and food sampling activities.
- 3.5.2 The audit had identified some inconsistencies in approach by officers, and routine internal monitoring across the full range of food law enforcement activities would be of benefit in improving consistency. In practice there was evidence of some quantitative and qualitative internal monitoring activities being undertaken. These included:
- A system of recorded 'buddy visits', where officers were accompanied and assessed by another officer in the team, however these had not been carried out regularly.
 - Checks on formal enforcement activities and associated paperwork.
 - Quantitative reports of achievement against the inspection programme.
 - Assessment of achievement of service request response targets.
 - Occasional inspections accompanied by the Environmental Health Manager, although these had lapsed.
 - Checks on database accuracy.
 - Checks prior to the downgrading of risk scores following inspections of high risk establishments.
 - Checks against the KPI on the percentage ratio of FHRS scores.
 - Checks on information being uploaded onto the FHRS website.
 - Monthly full service team meetings and in addition specific Commercial Team meetings had been reintroduced as routine.
 - Assessment of customer satisfaction questionnaires sent to FBOs following interventions.

Recommendation

3.5.3 The Authority should:

Expand on the current internal monitoring activities carried out to verify the conformance of the Service across the whole of the Standard in the Framework Agreement, the Food Law Code of Practice, relevant centrally issued guidance and the Authority's own documented policies and procedures.
[The Standard – 19.2]

Food and Food Premises Complaints

- 3.5.4 The Authority had developed a food and food premises complaints policy within the Service Plan and had developed a food complaints procedure. This could usefully be expanded to include complaints received about food premises and reference to primary authority responsibilities. The Service Plan set out a target of responding to 90% of service requests within six working days.
- 3.5.5 Checks were made on records for five food and food premises complaints received by the Authority in the last six months. Complete information was provided on the complaint and there was evidence that appropriate contact had been made with interested parties. The files indicated that in general these had been appropriately investigated although in one case the records would benefit from providing more detail on the follow-up actions to clearly confirm that an appropriate investigation had been carried out.

Recommendation

3.5.6 The Authority should:

Expand the documented procedure on food complaints to include reference to the investigation of complaints against food premises. [The Standard – 8.1]

Food Inspection and Sampling

- 3.5.7 The Authority had devised an appropriate sampling policy and procedure. An officer was allocated specific time to arrange a quarterly sampling programme based on nationally agreed sampling priorities

and any local needs. It was acknowledged that the level of sampling had declined due to other priorities for the Service, however it was intended to draw up a documented sampling programme which would be discussed as a standing item at future Commercial Team meetings.

- 3.5.8 There had been no unsatisfactory food sample results received in the six months preceding the audit, however checks on a number of sampling files demonstrated that FBO's were routinely advised of satisfactory or borderline results.

Recommendation

3.5.9 The Authority should:

Implement a documented sampling programme to include reference in approach to any relevant national sampling programme centrally co-ordinated by the Food Standards Agency. The programme should include consideration of the nature of the Authority's food establishments, including imported foods. [The Standard – 12.4]

Records

- 3.5.10 Records of food law enforcement activities were maintained on paper files with some inspection details maintained electronically on the food premises database. At the time of the audit the Authority was considering the use of alternative means of capturing enforcement activities such as recording interventions on hand held tablets as part of the Business Transformation Programme.
- 3.5.11 Whilst there was some variability in the level of detail recorded by officers, records were easily retrievable, although not all were clearly legible. With proposals for increased electronic storage of information it is important to ensure that any proposed system ensures that records are consistently legible.

Recommendation

3.5.12 The Authority should:

Ensure that records maintained on food law enforcement activities are sufficiently legible and fully detail the determination of compliance with legal requirements made by the authorised officer. [The Standard – 7.5 and 16.1]

Third Party or Peer Review

3.5.13 There had not been any relevant regional food liaison group inter-authority audit initiatives in the past two years, however the Service had participated in a liaison group initiative to compare FHRS data ratings between authorities. This had highlighted some variation which was being further considered by the group.

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Operations Assurance Division

ANNEX A Action Plan for Spelthorne Borough Council

Audit date: 7-8 October 2014

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
<p>3.1.13(i) Ensure that all documented policies and procedures for each of the enforcement activities covered by the Standard are reviewed at regular intervals, and whenever there are changes to legislation or centrally issued guidance. [The Standard – 4.1]</p>	<p>31/01/15</p>	<p>One of the standing items on all future quarterly Commercial team meetings will be to discuss/highlight any necessary updates required to existing food safety/hygiene policies and procedures.</p>	
<p>3.1.13(ii) Develop and implement a control system for all documentation relating to its enforcement activities to ensure that:</p> <ul style="list-style-type: none"> a) up to date copies of the appropriate documentation including legislation and guidance are available to all relevant staff; b) all changes to documents or amendments to documents are covered by the correct authorisation and are carried out without undue delay to ensure timely availability; and c) superseded documents are removed from use throughout the Authority. [The Standard – 4.2] 	<p>30/04/15</p>	<p>Some policies and procedures are in the process of being updated and master copies will be made and password protected.</p>	<p>Outdated policies and procedures have been removed from our system.</p> <p>Only working copies of current policies and procedures are on our system.</p> <p>Master copies of all current and recently reviewed documented policies and procedures have been created and password protected.</p>

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
<p>3.1.19 Review the authorisation documents to ensure that officers are appropriately authorised under relevant current legislation. [The Standard – 5.3]</p>	<p>31/01/15</p> <p>31/01/15</p> <p>31/05/15</p>	<p>Complete the process of updating the existing officer warrant cards and re-issue to each member of staff with delegated powers.</p> <p>Clarify those officers authorised, on behalf of Spelthorne, under the Food and Environment Protection Act 1985.</p> <p>Provide in-house/external training in relation to approved establishments to those officers in need of refresher training.</p>	<p>The existing templates for officer warrant cards have been updated in draft format to take account of changes to legislation enforced by Environmental Health staff.</p>
<p>3.3.16(i) Ensure that food premises inspections are carried out at a frequency specified by the Food Law Code of Practice and centrally issued guidance. In particular an alternative enforcement strategy or other appropriate interventions should be carried out at lower risk premises to confirm there are no changes to their risk profile. [The Standard – 7.1]</p>	<p>31/05/15</p>	<p>Ensure that the existing procedure that covers Spelthorne’s alternative enforcement strategy (AES) for lower risk premises (those with a risk rating of “E”) is fully implemented</p>	<p>Identified lower risk premises overdue the next intervention (AES). A contractor has been employed for a six week period to visit a specified number of lower risk food premises.</p>

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
<p>3.3.16 (ii) Assess the compliance of establishments and systems including those in approved establishments to the legally prescribed standards and take appropriate and timely action on any non-compliance found in accordance with the Authority's enforcement policy. [The Standard – 7.3]</p>	<p>31/05/15</p> <p>20/01/15</p> <p>31/05/15</p>	<p>Review and update the existing aide memoire used by authorised officers during intervention visits. Sufficient prompts need to include details of business, workflow, and details of the pest control system and more detailed record of the food safety management system in place.</p> <p>Carry out further risk rating scoring exercises to promote consistency in scoring between authorised officers and compliance with the FSA's Food Law Code of Practice (FLCoP).</p> <p>Devise and implement a food safety/hygiene revisit policy.</p>	<p>Team risk rating scoring exercise was conducted on 4 November 2014. A further exercise is planned for 20 January 2015.</p>
<p>3.4.4 Update the documented procedures for follow-up and formal enforcement actions to ensure they reflect current legislation and the requirements of the Food Law Code of Practice and official guidance. [The Standard – 15.2]</p>	<p>31/05/15</p>	<p>Review and update the existing Food Hygiene Enforcement procedure to reflect current legislation and the requirements of the FLCoP.</p>	

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.5.3 Expand on the current internal monitoring activities carried out to verify the conformance of the Service across the whole of the Standard in the Framework Agreement, the Food Law Code of Practice, relevant centrally issued guidance and the Authority's own documented policies and procedures. [The Standard – 19.2]	30/04/15	Introduce internal monitoring activities across all aspects of the food safety/hygiene service to include not only inspections, but also food sampling, complaints, revisits, etc.	
3.5.6 Expand the documented procedure on food complaints to include reference to the investigation of complaints against food premises. [The Standard – 8.1]	31/05/15	Review and update the existing food complaints procedure.	
3.5.9 Implement a documented sampling programme to include reference in approach to any relevant national sampling programme centrally co-ordinated by the Food Standards Agency. The programme should include consideration of the nature of the Authority's food establishments, including imported foods. [The Standard – 12.4]	31/05/15	Introduce a documented food sampling programme that sets out our annual commitment in this area of work, i.e. to take part in national sampling programmes and specific high priority local sampling initiatives.	

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
<p>3.5.12 Ensure that records maintained on food law enforcement activities are sufficiently legible and fully detail the determination of compliance with legal requirements made by the authorised officer. [The Standard – 7.5 and 16.1]</p>	<p>31/05/15</p>	<p>Set up a monitoring system whereby a specific random selection of all authorised officers' work is reviewed every quarter to check on legibility (hand written notes) and details are recorded comprehensively in accordance with the FLCoP.</p>	

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:

- Food Safety Service Plan 2014/15 including accompanying relevant committee items.
- Performance Report on Commercial Team EHOs 2013/14.
- Environmental Health and Building Control Service Annual performance Review for 2013/14.
- Procedure for the Authorisation of Food Officers.
- Report on proposed amendments to the Scheme of Delegation.
- Food Hygiene Intervention Policy.
- Approval of Product Specific Establishments procedure.
- Food Complaints Procedure Notes and Enforcement Policy.
- Food Premises Database Administration Procedure.
- Food Sampling Procedure.
- Environmental Health and Building Control Enforcement Policy and associated committee item.
- Food Hygiene Enforcement Policy.
- Draft revised Environmental Health and Building Control Enforcement Policy.
- Examples of minutes from recent Environmental Health Service and Commercial Team meetings.
- Notes from FLG consistency exercise.
- Recent examples of Food Liaison Group minutes and consistency exercise results

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

- General food premises inspections
- Approved establishments
- Food and food premises complaints
- Food sampling
- Formal enforcement activities

(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) Discussions with Officers

- Environmental Health Manager
- Support Officer
- Senior EHO
- EHO's
- Senior Support Officer and Systems Administrator.

(5) On-site verification check:

A verification visit was made with the Authority's officer 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.
Environmental Health Officer (EHO)	Officer employed by the local authority to enforce food safety legislation.
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.
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	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 six months.
Safer food, better business	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.