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**Food Standards Agency Audit of
Local Authority Official Controls
and Food Business Operator
Controls in Approved
Establishments**

Carmarthenshire County Council

9-11 February 2010

Foreword

Audits of local authority food law enforcement services are part of the Food Standards Agency Wales arrangements to improve consumer protection and confidence in relation to food. These arrangements recognise that the enforcement of UK food law relating to food safety, hygiene, composition, labelling, imported food and feedingstuffs 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 official controls implemented in approved establishments by the Local Authority's Food Law Enforcement Service. The audit assessments included the Authority's policies, organisation and management and local arrangements for implementation of official controls in approved dairy, meat products and fish and shellfish establishments.

Agency audits assess local authorities' conformance against the Food Law Enforcement Standard ("The Standard"), which was published by the Agency as part of the Framework Agreement on Local Authority Food Law Enforcement. The Framework Agreement and the audit protocols are available on the Agency's website at: www.food.gov.uk/enforcement/auditandmonitoring

The main aim of the audit scheme is to improve and maintain 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 information to inform Agency policy on food safety.

The report contains some statistical data on food law enforcement activities undertaken by the Authority. The Agency's website contains enforcement activity data for all UK local authorities and can be found at: www.food.gov.uk/enforcement/auditandmonitoring

The report also contains an action plan, prepared by the Authority, to address the audit findings.

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 Background and Scope of the Audit

- 1.1.1 This report records the results of an audit of Carmarthenshire County Council. The Authority was one of the authorities selected for the audit programme of local authority official controls and food business operator controls in approved establishments being undertaken between September 2009 and March 2010. The Authority was selected for audit on the basis that it had a large number of approved establishments varying in size and products made.
- 1.1.2 The audit was carried out under relevant headings of the Food Standards Agency Food Law Enforcement Standard and the report has been made publicly available on the Agency's website at:

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

Hard copies are available from Food Standards Agency Wales, 11th Floor, Southgate House, Wood Street, Cardiff, CF10 1EW.
- 1.1.3 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 (Wales) Regulations 2007. This audit of official food controls implemented by Carmarthenshire County Council's food Service was undertaken under section 12(4) of the Act and Regulation 7 of the Regulations.
- 1.1.4 The audit examined the local authority's arrangements for implementing official controls at approved establishments, with a focus on approved dairy, meat products and fish and shellfish establishments. In considering the effectiveness of these controls, the audit evaluated the appropriateness of approvals; compliance of the approvals process with legal requirements, the Food Law Code of Practice (Wales) and official guidance, delivery of routine official controls in approved establishments, the reactive elements of the Authority's approved establishments' responsibilities and related aspects of the Service.
- 1.1.5 Carmarthenshire County Council is the third largest unitary authority in Wales in geographical terms, covering 2 371 square kilometres. There is a resident population of some 180 000. Carmarthen as the County Town has a strong agricultural base and is surrounded by a number of smaller market towns. It is the hub of local government administration in Carmarthenshire. The M4 / A48 is the main strategic highway linking West Wales with East Wales whilst the A40 links the County to mid Wales.

1.1.6 The on-site element of the audit took place at the Authority's offices in Spilman Street, Carmarthenshire between 9-11 February 2010 and also included reality checks at two approved establishments.

2.0 Executive Summary

- 2.1 The Authority had produced a Food Law Enforcement Service Plan for 2009/10 broadly in accordance with the service planning guidance. The Authority had achieved 100% food hygiene delivery in 2008/09 and there was no variance to address in the 2009/10 plan.
- 2.2 The Authority had a documented procedure for the authorisation of officers. It had delegated power to authorise enforcement officers to the Service Director responsible for the food law enforcement service. However, the documented procedure for authorisation of officers contained references to legislation which had been superseded although the reference on the individual officer authorisations was correct.
- 2.3 The Authority had a training programme for its authorised officers, based on the individual officer's annual review. Auditors found evidence that officers carrying out enforcement at approved establishments had completed the required 10 hours of appropriate food related training.
- 2.4 The Authority had developed and implemented a comprehensive aide memoire for inspections at approved establishments. It captured all the information required for an assessment of compliance at the premises to be undertaken. The Authority had developed a series of procedures for the approval of dairy product, fishery product, meat products, purification centres and egg product establishments.
- 2.5 The Authority had a documented enforcement policy. However, the policy contained a reference to a superseded Code of Practice and was in need of minor amendment. The Policy had been reported to the Corporate Management Team and had been approved by the relevant member forum and the Executive Board member for Housing and Public Protection.
- 2.6 The Authority had a sampling programme for 2009/10 which included sampling from approved premises.
- 2.7 During visits to the 2 approved establishments auditors confirmed that officers were discussing documented food safety management procedures in detail with the food business operator.

3.0 Audit Findings

3.1 Organisation and Management

3.1.1 Food Law Enforcement was undertaken by the Food Safety Team which is part of the Commercial Services Section in the Public Protection Division within the Social care, Health and Housing Department. Officers in the Food Safety Team are also responsible Health and Safety and for the investigation of communicable disease.

3.1.2 The Commercial Services Manager was the nominated lead officer with responsibility for food safety including approved establishments.

3.1.3 The Authority had produced a Food Law Enforcement Service Plan for 2009/10 in accordance with the Service Planning Guidance in the Framework Agreement which had been appropriately approved by the Executive Board member for Housing and Public Protection. The plan was subject to an annual review.

3.1.4 The aim of the service, as stated in the Food Law Enforcement Service Plan for 2009/10 was to:

“ensure effective and consistent enforcement in food and feeding stuffs safety and standards to protect the businesses, residents and visitors to the county.”

3.1.5 The Plan indicated that there were a large number of approved establishments in the Authority’s area (37) and recognised the difference in enforcement approach necessary in these establishments.

3.2 Review and updating of Documented Policies and Procedures

3.2.1 The Authority undertook a review of its documented policies and procedures on an annual basis as indicated in its documented procedure. A number of policies, dated January 2009 were under review at the time of the audit. One of the documents which required updating was the documented procedure on the authorisation of officers. The current document (dated June 2009) had references to legislation that had been superseded in 2006.

3.2.2 All documentation and legislation in use was current and no superseded legislation was identified by auditors. It was also confirmed that enforcement action was taken in accordance with appropriate legislation.

3.2.3 The Authority had an electronic document control system in place.. The documents were accessible to all staff in “read only” format on a shared computer system drive. The Commercial Services Manager held overall responsibility for the control of the Authority’s policies and procedures and authorised all necessary amendments. These were made consultation with senior officers.

3.2.4

Recommendation:

The Authority shall:

- (i) amend the authorisation procedure and enforcement policy to reflect current legislation and the Food Law Code of Practice ((Wales) and ensure that documented policies and procedures are kept up to date, particularly when there are changes to legislation or centrally issued guidance.

[The Standard 4.1]

3.3 **Authorised Officers**

3.3.1 The Authority delegated the power to authorise officers to the Head of Public Protection.

3.3.2 The Authority had set up, maintained and implemented a documented procedure for the authorisation of officers based on their qualifications and competence and in accordance with the Food Law Code of Practice (Wales) and centrally issued guidance.

3.3.3 The Authority had appointed an appropriately qualified and experienced officer to have lead responsibility in food hygiene and who also had the requisite specialist knowledge.

3.3.4 A review of qualifications, experience and training of 3 of the officers involved in undertaking enforcement in approved establishments confirmed that they were authorised in accordance with the Authority's procedure to undertake the work.

3.3.5 The Authority had a training programme for officers, which was drawn up following annual personal review. Officers undertaking enforcement in approved establishments had received at least 10 hours of appropriate food related training. The Authority kept appropriate records of all relevant academic and other qualifications, training and experience of those officers.

3.3.6 The service delivery plan for 2009/10 set out the officer resource that was needed to deliver the service. There was one vacancy within the food team at the time of the audit.

3.3.7 The Service Delivery Plan for 2009/10 indicated a nil expenditure on training and conferences for 2008/09 and a nil budget allocated for 2009/10.

3.4 Food Premises Database

- 3.4.1 The Authority had set up, maintained and implemented an electronic database of the food premises in its area.
- 3.4.2 The Authority had developed a procedure for ensuring that the premises database was up to date.
- 3.4.3 A review of records of 6 approved establishments was conducted using the Authority's database. The information was consistent with that in the paper files. No other database checks were carried out.

3.5 Approved Establishment Inspections

- 3.5.1 The Authority had set up, maintained and implemented a documented procedure for the inspection of food premises, including approved premises. The Authority had also produced a comprehensive aide-memoire which enabled enforcement officers to undertake and record a full assessment of compliance at approved establishments during inspections/interventions.
- 3.5.2 The Authority's Food Law Enforcement Service Plan for 2009/10 included the registered premises profile and reference to the approved establishments. Approval information supplied on the pre-visit questionnaire was consistent with the information held by the Agency.
- 3.5.3 From the evidence in the 6 files and the on-site visits to the 2 approved establishments it was noted that officers involved in enforcement at these establishments undertook assessment of the food safety management procedures based on HACCP principles. There was also information held on file relating to the food hygiene training that food handlers working in the approved establishments had undergone. The records demonstrated that officers had undertaken an assessment of compliance at each intervention. However, it was not possible to determine whether the interventions had been carried out at the appropriate frequency.
- 3.5.4 At the first premises visited the Authority had previously drawn to the attention of the food business operator a number of issues including the business's documented food safety management procedures. The food business operator had obtained a generic HACCP document that was not appropriate for the nature and size of the business. However, at the insistence of the local authority officer the food business operator made good progress in developing a bespoke procedure. During the course of the visit the food business operator demonstrated to the Authority's officer an awareness of the steps in the process which needed to be controlled and monitored to ensure the safety of the end food product.
- 3.5.5 There was also a clear focus on documented food safety management procedures at the second establishment visited with the Authority's officer

establishing the nature and extent of any relevant changes to the businesses operations at the opening of the visit. There was an examination of the records in relation to the monitoring of critical control points, Structural and hygiene standard / procedures were excellent and one minor issue previously brought to the attention of the food business operator had been attended to.

3.5.6 There was evidence of effective working relations between the Authority's officers and the food business operators at both establishments.

3.5.7

Recommendation

The Authority shall:

Ensure that inspections are carried out in accordance with the minimum frequency set out in the Food Law Code of Practice (Wales)

[The Standard 7.1]

3.6 Food and Food Premises Complaints

3.6.1 The Authority had developed and implemented a documented policy for the investigation of complaints relating to both food and food premises. This set out the actions necessary on receipt of a complaint.

3.6.2 In the 6 approved establishment files reviewed Auditors found one complaint regarding food from an approved establishments. This had been dealt with appropriately and in accordance with the Food Law Code of Practice (Wales), centrally issued guidance and the Authority's policies and procedures.

3.7 Food Safety Incidents

3.7.1 The Authority had implemented a documented procedure for initiating and responding to food incidents and alerts. It also had a computer system capable of receiving food alerts from the Agency. Food alerts are received by Commercial Services Manager and forwarded to staff.

3.7.2 Any action undertaken as a result of a food alert is recorded and responses kept in a hard copy file.

3.7.3 A review of the of the six establishment files did not identify any food incidents that required notification to the Agency.

3.8 Enforcement

- 3.8.1 The Authority had set up, maintained and implemented a documented Food Safety Enforcement Policy which was broadly in accordance with the Food Law Code of Practice (Wales). There was a reference to a Code of Practice that was superseded in 2005 and had been subsequently revised. However, it was evident that officers were following the current Food Law Code of Practice (Wales)
- 3.8.2 The Food Safety Enforcement Policy had received approval by the relevant member forum.
- 3.8.3 The Authority provided a web link to its enforcement policy on all inspection report letters sent to food business operators.
- 3.8.4 A review of 6 of the approved premises files indicated that the Authority had used a range of enforcement options in accordance with its policy. These included formal warning letters, Remedial Action Notices and voluntary closure. Records indicated that these approaches had secured the necessary improvements in compliance.

3.9 Food Sampling

- 3.9.1 The Authority had implemented a documented sampling policy which was in accordance with the Food Law Code of Practice (Wales) and centrally issued guidance. The Authority also had a sampling procedure although it was in need of review and updating.
- 3.9.2 The Sampling Policy included reference to the Welsh Food Microbiological Forum Programme, to shellfish sampling and to sampling of vacuum packed meats. There was also reference to co-ordinating sample surveys with other local authorities.
- 3.9.2 The Authority had a sampling programme for 2009/10 which set out its sampling priorities, including sampling from approved premises.
- 3.9.3 The Authority had carried out its sampling programme in accordance with its sampling policy and had taken samples from a number of its approved establishments.
- 3.9.4 The six establishment files examined contained results of samples taken by the Authority. Although it was not clear from the files whether the results had been notified to the food business operator the auditors were informed that it was common practice to inform them verbally by telephone. The Authority's procedure indicated that results would be sent with an accompanying letter and follow up action taken where necessary.

3.10 Records and Inspection Reports

- 3.10.1 Six approved establishment files were examined. Each of these appeared on the Agency's list of approved establishments
- 3.10.2 The 6 file records considered by the Auditors did not contain a synopsis in accordance with annex 12 of the Food Law Code of Practice though most of the information referred to in this Annex could be found within the files.
- 3.10.3 It was not possible to determine whether establishments had been inspected at the correct frequency as the risk ratings were not within the hard copy files that were examined. Information in one of the files indicated that it had not been inspected at the appropriate frequency. Even though the premises, for a period of time, did not need to be risk rated, it was still a requirement for it to be inspected in accordance with the former Food Law Code of Practice (Wales).
- 3.10.4 From the records it was not possible to establish whether all of the 6 establishments whose files were examined and which were approved before 01 January 2006 had been appropriately re-approved after the first programmed inspection post January 2006.
- 3.10.5 Correspondence in the files examined was in chronological order. Auditors found evidence in the files of enforcement action, in the form Remedial Action Notices being served as well as the use of voluntary closure procedure.
- 3.10.6 Inspections were recorded utilising comprehensive aides-memoire and details of assessments of food safety management systems within the establishments were also recorded. The aides-memoire were specific to approved establishments and to the type of operation, e.g. dairy, fishery etc. Auditors found evidence in the files that joint inspections had been carried out where it was considered necessary.
- 3.10.7 In each of the files examined a report had been left at the establishment and a follow up letter sent to the food business operator confirming the officers' findings. In the letters there was a clear distinction between legal requirements and recommendations. The letters generally contained all of the information required by annex 6 to the Food Law Code of Practice with the exception of a timescale by which work should be completed.

3.10.8

Recommendation:

The Authority shall:

- (i) Draft and maintain within records a synopsis of each approved establishment in accordance with the Food Law Code of Practice

- (ii) Ensure that inspection report letters are fully in accordance with the Food Law Code of Practice

[The Standard 16.1]

3.11 Internal Monitoring

3.11.1 The Authority had set up, maintained and implemented a documented internal monitoring procedure in accordance with the Food Law Code of Practice (Wales) and centrally issued guidance. This required a senior officer to accompany each officer on an inspection, assess the pre-inspection arrangements, observe the inspection and follow up action including electronic and hard copy records

3.11.2 In practice, accompanied visits were carried out twice yearly with documentation, correspondence and premises records being checked against the Food Law Code of Practice (Wales), centrally issued guidance and the Authority's own policies and procedures. One to one interviews are conducted on a regular basis.

3.11.3 After each monitoring check a peer review form is completed and Auditors found evidence that records of internal monitoring had been kept for at least two years.

3.11.4 Team meetings are held on a monthly basis and Auditors were provided with minutes from the last 5 monthly meetings. These included discussions on sampling at approved establishments, "shadowing" to provide other officers with appropriate experience and procedures where formal enforcement action was to be taken. There was also reference to internal consistency training that had been undertaken in relation to food hygiene enforcement.

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Annex A

ACTION PLAN FOR: CARMARTHENSHIRE COUNTY COUNCIL

Audit Date: 26 – 28 January 2010

IMPROVEMENTS PLANNED	BY DATE	TO ADDRESS (RECOMMENDATIONS INCLUDING STANDARD PARAGRAPH)	COMMENTS
<p>The Council’s Scheme of Delegation will be amended at the earliest opportunity to reflect the changes in legislation that have occurred since it was adopted</p> <p>The Enforcement Policy to be reviewed and amended to reflect the current Food Law Code of Practice (Wales) and be ratified by the Executive Board Member for Housing and Public Protection</p>	<p>December 2010</p> <p>May 2010</p>	<p>The Authority shall:</p> <p>amend the authorisation procedure and enforcement policy to reflect current legislation and the Food law Code of Practice ((Wales) and ensure that documented policies and procedures are kept up to date, particularly when there are changes to legislation or centrally issued guidance.</p> <p>[The Standard – 4.1].</p>	<p>Confirmation required regarding the validity of formal cautions nationally. This was raised during the audit.</p>

IMPROVEMENTS PLANNED	BY DATE	TO ADDRESS (RECOMMENDATIONS INCLUDING STANDARD PARAGRAPH)	COMMENTS
All approved premises are risk rated and are incorporated into programmed inspections.	Completed	The Authority shall: ensure that inspections are carried out in accordance with the minimum frequency set out in the Food Law Code of Practice (Wales) [The Standard 7.1]	
<p>A synopsis of activity and actions taken will be attached to each food business file.</p> <p>An amended procedure was discussed in a Food Safety Team meeting and staff were reminded that all letters must be fully compliant with the Food Law Code of Practice</p>	<p>June 2010</p> <p>Completed</p>	<p>The Authority shall:</p> <p>(i) Draft and maintain within records a synopsis of each approved establishment in accordance with the Food Law Code of Practice</p> <p>(ii) Ensure that inspection report letters are fully in accordance with the Food Law Code of Practice</p> <p>[The Standard 16.1]</p>	Minutes of Executive Board Meeting forwarded

ANNEX B

Audit Approach/Methodology

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

(1) Examination of LA policies, procedures and linked documents were examined before and during the audit:

- Food Service Delivery Plan 2009/10;
- Authorisation of Officers procedure;
- Food Hygiene Inspections procedure;
- Approved Premises procedure;
- Food Incidents and Hazards procedure;
- The Authority's Enforcement policy;
- Food Complaints Investigation procedure;
- Internal Monitoring procedure;
- Food Sampling policy and plan.

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

- Approved establishment files;
- Establishment inspection records;
- Officer training records;
- Food complaint records;
- Food sampling records.

(3) Database records

- Food premises database records relating to approved establishments and records of complaints relating to approved establishments.

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

- Audit Liaison Officer (ALO);
- 1 Officer authorised to inspect approved establishments.

(5) On site verification check:

Site visits with the Authority's officers to two approved establishments.

ANNEX C

Glossary

Agricultural Analyst	A person holding the prescribed qualifications, who is formally appointed by a local authority to analyse feedingstuffs samples.
Approved premises	Food manufacturing premises that has been approved by the local authority, within the context of specific legislation, and issued a unique identification code relevant in national and/or international trade.
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.
Best Value	<p>A Government policy which seeks to improve local government performance in the delivery of services to local communities – from education and care for the elderly through to environmental health and road maintenance. Best Value aims to ensure that the cost and quality of these services are of a level acceptable to local people by:</p> <ul style="list-style-type: none">• increasing the role of local people in deciding the priorities for local government services• improving the way authorities manage and review their business• building on the experience and expertise of staff. <p>* In Wales this has recently been replaced by the Wales Programme for Improvement</p>
Border Inspection Post	Point of entry into the UK from non-EU countries for products of animal origin.
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.
Enforcement Concordat	Government guidance setting out principles and procedures of good enforcement which local authorities may adopt. Developed in consultation with businesses, local and central government,

	consumer groups and other interested parties. It sets out what businesses and others being regulated can expect from enforcement officers.
Environmental Health Officer (EHO)	Officer employed by the local authority to enforce food safety legislation.
Feedingstuffs	Term used in legislation to describe feed mixes for farm animals and pet food.
Food Examiner	A person holding the prescribed qualifications who undertakes microbiological analysis on behalf of the local authority.
Food Hazard Warnings	This is a system operated by the Food Standards Agency to alert the public and local authorities to national or regional problems concerning the safety of food.
Food hygiene	The legal requirements covering the safety and wholesomeness of food.
Food standards	The legal requirements covering the quality, composition, labelling, presentation and advertising of food, and materials in contact with food.
Framework Agreement	<p>The Framework Agreement consists of:</p> <ul style="list-style-type: none"> • Food Law Enforcement Standard • Service Planning Guidance • Monitoring Scheme • Audit Scheme <p>The Standard and the Service Planning Guidance set out the Agency's expectations on the planning and delivery of food law enforcement.</p> <p>The Monitoring Scheme requires local authorities to submit quarterly returns to the Agency on their food enforcement activities i.e. numbers of inspections, samples and prosecutions.</p> <p>Under the Audit Scheme the Food Standards Agency will be conducting audits of the food law enforcement services of local authorities against the criteria set out in the Standard.</p>
Full Time Equivalents (FTE)	A figure which represents that part of an individual officer's time available to a particular role or set of duties. It reflects the fact that individuals may work part-time, or may have other responsibilities within the organisation not related to food enforcement.

HACCP	Hazard Analysis Critical Control Point – a food safety management system used within food businesses to identify points in the production process where it is critical for food safety that the control measure is carried out correctly, thereby eliminating or reducing the hazard to a safe level.
Home Authority	An authority where the relevant decision making base of an enterprise is located and which has taken on the responsibility of advising that business on food safety/food standards issues. Acts as the central contact point for other enforcing authorities' enquiries with regard to that company's food related policies and procedures.
Improvement Notice	A notice served by an Authorised Officer of the local authority under Section 10 of the Food Safety Act 1990, requiring the proprietor of a food business to carry out suitable works to ensure that the business complies with the requirements of food hygiene or food processing legislation.
Inter Authority Auditing	A system whereby local authorities might audit each others' food law enforcement services against an agreed quality standard.
Member forum	A local authority forum at which Council Members discuss and make decisions on food law enforcement services.
OCD returns	Returns on local food law enforcement activities required to be made to the European Union under the Official Control of Foodstuffs Directive.
Originating Authority	An authority in whose area a business produces or packages goods or services and for which the Authority acts as a central contact point for other enforcing authorities' enquiries in relation to the those products
Port Health Authority	A local authority within whose boundaries there is a point of entry into the UK for imported foods.
Public Analyst	An officer, holding the prescribed qualifications, who is formally appointed by the local authority to carry out chemical analysis of food samples.
Risk rating	A system that rates food premises according to risk and determines how frequently those premises should be inspected. For example, high risk hygiene premises should be inspected at least

every 6 months.

Service Plan	A document produced by a local authority setting out their plans on providing and delivering a food service to the local community.
Trading Standards	The Department within a local authority which carries out, amongst other responsibilities, the enforcement of food standards and feeding stuffs legislation.
Trading Standards 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 all the functions are combined, examples being Welsh Authorities and London Boroughs. A Unitary Authority's responsibilities will include food hygiene, food standards and feeding stuffs enforcement.