

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

East Hertfordshire District Council
26 – 28 June 2013



Foreword

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

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

Agency audits assess local authorities' conformance against the Food Law Enforcement Standard ("The Standard"), which was published by the Agency as part of the Framework Agreement on Official Feed and Food Controls by Local Authorities and is available on the Agency's website at: www.food.gov.uk/enforcement/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 East Hertfordshire 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 publicly available on the Agency's website at www.food.gov.uk/enforcement/auditandmonitoring/auditreports. Hard copies are available from the Food Standards Agency's Local Authority Audit and Liaison Division at Aviation House, 125 Kingsway, London WC2B 6NH, Tel: 020 7276 8428.

Reason for the Audit

- 1.2 The power to set standards, monitor and audit local authority food law enforcement services was conferred on the Food Standards Agency by the Food Standards Act 1999 and the Official Feed and Food Controls (England) Regulations 2009. This audit of East Hertfordshire District Council was undertaken under section 12(4) of the Act as part of the Food Standards Agency's annual audit programme.
- 1.3 Regulation (EC) No. 882/2004 on official controls performed to ensure the verification of compliance with feed and food law, includes a requirement for competent authorities to carry out internal audits or to have external audits carried out. The purpose of these audits is to verify whether official controls relating to feed and food law are effectively implemented. To fulfil this requirement, the Food Standards Agency, as the central competent authority for feed and food law in the UK has established external audit arrangements. In developing these, the Agency has taken account of the European Commission guidance on how such audits should be conducted.¹
- 1.4 The Authority was selected for inclusion in the Food Standards Agency's programme of audits of local authority food law enforcement services, following discussions with the Authority relating to LAEMS data submitted which indicated an audit with a wider scope would be beneficial. The Authority had also not been previously audited and was representative of a geographical mix of five local authorities selected across England.

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

Scope of the Audit

- 1.5 The audit examined East Hertfordshire 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 other related food hygiene law enforcement activities.
- 1.6 Assurance was sought that key authority food hygiene law enforcement systems and arrangements were effective in supporting business compliance, and that local enforcement was managed and delivered effectively. The on-site element of the audit took place at the Authority's offices at Wallfields, Pegs Lane, Hertford, Hertfordshire on 26-28 June 2013.

Background

- 1.7 East Hertfordshire District Council was formed following local government reorganisation in 1974. It is the largest of the ten districts in Hertfordshire, covering 184 square miles. The population of the district is currently around 137,687 (census 2011), half of which live in the five main towns of Bishop Stortford, Buntingford, Hertford, Sawbridgeworth and Ware. The remainder live in over 100 villages and hamlets with large parts of the district designated as Green Belt.
- 1.8 Food hygiene law enforcement was the responsibility of the Commercial Team, which formed part of the Community Safety and Health Services Team operated under the direction of the Environmental Health Manager (Commercial). The Community Safety and Health Services Team were situated in the Neighbourhood Services Directorate and fell within the portfolio of the Executive Member for Community Safety and Environment.
- 1.9 Officers carried out a wide range of commercial environmental health functions, including food hygiene, food sampling, food complaints, infectious disease investigations, occupational health and safety, housing and environmental pollution work.

- 1.10 The profile of East Hertfordshire District Council's food businesses as at 31 March 2013 was as follows:

| Type of Food Premises | Number |
|--------------------------------------|---------------|
| Primary Producers | 8 |
| Manufacturers/Packers | 24 |
| Importers/Exporters | 7 |
| Distributors/Transporters | 17 |
| Retailers | 212 |
| Restaurant/Caterers | 1,062 |
| Total Number of Food Premises | 1,330 |

2.0 Executive Summary

2.1 East Hertfordshire was selected for audit as the Authority had not previously been audited by the Agency, and because of the relatively low level of enforcement action taken in relation to the number of interventions carried out, as reported in the LAEMS return for 2012/13. The Authority was however able to demonstrate a targeted risk-based approach to its intervention programme, with appropriate follow-up action.

2.2 **Strength:**

Management of the intervention programme: The Service had prioritised high risk Category A, B and non-compliant C risk rated premises for inspection. Unrated premises had been assessed and high risk premises programmed for inspection. The Service ran regular internal reports to monitor progress and to ensure overdue inspections were allocated to officers. Regular updates were provided to senior managers and Members concerning progress against key performance indicators. The Service had implemented an effective monitoring system to ensure that known high risk premises and potentially high risk unrated businesses were prioritised for inspection and that timely revisits were carried out where appropriate.

2.3 **Key areas for improvement:**

Officer authorisations: The Authority's authorisation procedure needed to be updated to reflect the current process for authorising officers and to include current legislation. Officers must be appropriately authorised in accordance with the Food Law Code of Practice. Appropriate records need to be maintained to demonstrate competency assessment.

Internal monitoring: Documented internal monitoring procedures needed to be reviewed and further developed to include both the qualitative and quantitative monitoring checks to be undertaken. Complete records of internal monitoring activities should be maintained.

3.0 Audit Findings

3.1 Organisations and Management

Strategic Framework, Policy and Service Planning

- 3.1.1 The Authority had developed a detailed Food Law Enforcement Service Plan for 2013/14 which was in the process of being approved by the Service Portfolio Holder.
- 3.1.2 The Plan included the work of the Commercial Team and provided a summary of the Service's aims and objectives relating to food hygiene, and demonstrated links to corporate objectives and national priorities. The Plan identified three key corporate priorities the Service contributed to:
- People - enhancing the quality of life, health and wellbeing of the community.
 - Place - focus on sustainability and ensuring the towns and villages are safe and clean.
 - Prosperity - safeguarding and enhancing the community, promoting sustainable economic and social opportunities and delivering cost effective services.
- 3.1.3 The Plan included details of key performance indicators which were relevant to the Commercial Team. The indicators were monitored on a monthly basis by the Commercial Environmental Health Manager and the Head of Community Safety and Health Services, and progress reports were made available to Members. These included:
- The percentage of food establishments which were broadly compliant with food hygiene law. The target for 2012/13 was 85% and 88% was reported as being achieved.
 - The percentage of high risk food premises inspections carried out. The target for 2012/13 was 95% and 96% was reported as achieved.
 - The percentage of lower risk food premises inspections carried out. The target for 2012/13 was 80% and 83% was reported as achieved.
- 3.1.4 Whilst the structure of the Plan was generally in line with the format of the Service Planning Guidance in the Framework Agreement, it omitted some key information about the food service. The Plan did not include a sufficiently detailed comparison of the staff resources required to deliver the food law enforcement service and all the

demands placed upon it against the resources available. The Plan did not fully set out what the demands were in respect of the premises profile and the breakdown of the interventions due by risk rating, including all the overdue and unrated premises. The absence of such information made it difficult to identify and quantify any resource shortfalls to senior managers and Members.

- 3.1.5 The Plan would also benefit from being further developed to include a more detailed review of the previous year's Plan as well as any variances with reasons and actions to be taken in future to address them.
- 3.1.6 The Plan stated the Authority was delivering the Food Hygiene Rating Scheme (FHRS) which had been launched in April 2012.
- 3.1.7 The Plan provided details of the East Hertfordshire Business Customer Consultation Panel which had been formed to help improve the service and relationships between the Commercial Team and local businesses. Annual meetings were held to discuss issues raised by the panel.

Recommendations

3.1.8 The Authority should:

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

Documented Policies and Procedures

- 3.1.9 The Authority had a number of documented policies and procedures that covered some of the food law enforcement activities. The Service acknowledged these were out of date and a commitment was made to review, develop and implement procedures to provide consistency and guidance for officers. Those requiring development and implementation included procedures on enforcement in approved establishments.
- 3.1.10 Auditors discussed the need to ensure all documented policies and procedures were reviewed at regular intervals and whenever there

were any changes in legislation or guidance. A control system for all documentation relating to its enforcement activities needed to be set up, maintained and implemented to ensure all changes were carried out without undue delay and were covered by the correct authorisation.

- 3.1.11 Working documents were held on a shared drive on the database and were readily available to authorised officers.

Recommendations

3.1.12 The Authority should:

- (i) Ensure that documented policies and procedures for all enforcement activities are reviewed at regular intervals and whenever there are changes to legislation or centrally issued guidance. [The Standard - 4.1]
- (ii) Set up, maintain and implement a control system for all documentation relating to its enforcement activities. [The Standard - 4.2]

Officer Authorisations

- 3.1.13 The Authority had a scheme of delegation which confirmed that the Director of Neighbourhood Services had delegated powers to authorise suitably qualified officers to exercise powers and duties under specified legislation. Auditors were advised that officers requiring authorisation to undertake inspections were initially monitored through a process of peer review, with accompanied inspections by experienced authorised officers and monitoring of paperwork by management. An accompanied assessment was undertaken by management to confirm the officer was competent before recommending authorisation by the Director. Auditors were provided with documented evidence of the inspection monitoring checklist.
- 3.1.14 Officer authorisations omitted some specific legislative references as required by the Food Law Code of Practice (FLCoP) and centrally issued guidance. These included the Food Hygiene (England) Regulations 2006, the Official Feed and Food Controls (England) Regulations 2009 and the Trade in Animals and Related Products Regulations 2011. The documented procedure for authorisation was dated June 2003 and did not reflect the Council's current Constitution for delegated powers and the legislative references were not up to date. Auditors discussed the need to review and update the authorisation procedure to ensure all officers are appropriately

authorised under current legislation, in accordance with the FLCoP. Appropriate records were also required to demonstrate assessment of competence against the range of food law enforcement activities undertaken. The current schedule of officers authorised under the Food and Environment Protection Act 1985 also needed to be reviewed and notified to the Agency.

- 3.1.15 Training records for officers were examined and it was evident that officers were receiving a minimum of 10 hours relevant training per annum based on continuing professional development. Auditors discussed the need for update refresher training in relation to HACCP and approved establishments. Auditors also advised that records held centrally for training should be better organised to assist with retrieval of information.

Recommendations

3.1.16 The Authority should:

- (i) Review, maintain and implement its documented procedure for the authorisation of officers based on their competence and in accordance with the Food Law Code of Practice and centrally issued guidance. [The Standard – 5.1]
- (ii) Review and update individual officer authorisations including any contractors, to ensure that all officers are appropriately authorised under current relevant legislation in accordance with the Food Law Code of Practice. [The Standard - 5.1]

3.2 Food Premises Database

- 3.2.1 The Service operated a computer database system capable of providing the returns required for the Local Authority Enforcement Monitoring System (LAEMS). Submission of the returns was the responsibility of the Commercial Environmental Health Manager. The Service had a documented procedure for maintaining the database and had developed work instructions for officers to ensure accuracy and consistency of data input.
- 3.2.2 Officers had responsibility for entering records of enforcement activity, including inspection details. Responsibility for closing premises was restricted to the Service Manager and Business Support Administrator. Auditors were provided with evidence of reports run to check accuracy of data entry. The Authority recognised the importance of database accuracy to carry out their food law enforcement activities, to provide consistency and transparency for their FHRs implementation, and to provide accurate monitoring returns to the Agency. Auditors were advised that the Authority no longer maintained paper premises file records and all relevant documentation was now scanned onto the system.
- 3.2.3 Checks on food premises in the area identified by internet searches confirmed these were present on the database and included within the intervention programme.
- 3.2.4 Auditors discussed minor discrepancies in the accuracy of LAEMS returns. It was noted that the numbers of written warnings issued appeared low in comparison with the number of interventions which had been carried out. Written warnings include any relevant communication with the business which refers to any breach of legal requirements, including a letter, report of inspection, or email. Auditors were advised that warnings issued following revisits were not currently being reported and would be included in future returns.
- 3.2.5 Discrepancies were also noted in respect of the numbers of hygiene improvement notices (HIN) served, with none being recorded on the LAEMS return for 2012, which was contrary to the information provided during the audit for the same period. Following an investigation, auditors were advised that the relevant HIN code had not been selected when data was extracted for the LAEMS return and consequently was not reported. The Service planned further investigation with the software provider to resolve this. The need to ensure appropriate validation checks of the data submitted was discussed.

Recommendation

3.2.6 The Authority should:

Review, maintain and implement procedures to ensure that the food premises database reflects the number of written warnings and HINs issued by the Authority, to ensure that accurate and comprehensive information on food law enforcement activity is reported in official returns to the Agency. [The Standard – 6.3 and 11.2]

3.3 Food Premises Interventions

3.3.1 The Authority's draft Food Service Plan 2012/13 provided breakdown details of the food premises hygiene risk ratings, but did not include details of the actual number of interventions due.

| Premises Risk Category | Number of Premises |
|------------------------|--------------------|
| A | 2 |
| B | 54 |
| C | 483 |
| D | 153 |
| E | 594 |
| Unrated | 66 |
| Outside Programme | 0 |
| Total | 1,352 |

3.3.2 The Plan set out the priorities for the inspection programme as part of a risk-based approach, and the Service advised resources were targeted at high risk A, B and non-compliant C rated establishments as a priority. Any reduction in category A or B rated premises was reviewed by the Service Manager. Auditors were advised premises rated A-D were still subject to a full inspection. The Authority was in the process of developing an intelligence led targeted approach for category E rated premises, which was based on local and national data. Auditors were informed the Service had experienced a low return of completed self-assessment questionnaires as part of their alternative enforcement strategy. Auditors discussed the importance of assessing changes to business activities that may affect the risk profile of the business in the intervening period between interventions.

3.3.3 A report run during the audit of the number of inspections due provided evidence that the Authority had implemented a risk-based approach to its intervention programme, with only one overdue Category B rated premises which had been due in April. There were a number of overdue Category C and D rated premises but the Service demonstrated all the Category B-D rated premises had been allocated to an officer for an inspection.

3.3.4 New food business registration forms were assessed by the Service Manager and allocated to officers for an inspection, with priority given to the potentially highest risk businesses.

3.3.5 It was evident from reports provided that close internal monitoring had been implemented to verify the highest risk Category A-B rated premises were inspected as a priority and that scheduled revisits were undertaken.

- 3.3.6 Auditors reviewed the current list of unrated premises, which consisted mainly of childminders and were advised these are to be targeted as part of the intelligence led strategy for lower risk premises. The Service was able to demonstrate that unrated premises which were potentially high risk had been allocated to officers for inclusion in the intervention programme.
- 3.3.7 Auditors checked file records for general food premises and noted in general that detailed effective inspections were being carried out. Letters sent following the inspections were comprehensive and confirmed that the officers had carried out assessments of the food business operator (FBO) compliance with relevant legislation. It was evident that timely revisits were being carried out.
- 3.3.8 Auditors identified there was some variation noted in the level of detail recorded on aides-memoire by officers of their inspection findings and on subsequent revisits carried out. There was also evidence of obsolete aides-memoire still being used to record information by officers, which the Service agreed needed to be reviewed.
- 3.3.9 It was evident the Authority had taken into consideration the requirements of the E.coli 0157 guidance and had taken steps to communicate this to businesses. A pre and post food inspection checklist had been provided for officers to ensure the details recorded on the database following the inspection were correct. Further amendments to the inspection aide-memoire would be of benefit to prompt officers to record their findings with regard to FBO compliance with the guidance.
- 3.3.10 Two approved establishment files were examined, which confirmed that the relevant establishments had been approved under current legislation. Both establishments had been inspected at the required frequency and the file records were well organised and easily retrievable. We discussed the benefit of completing an appropriate aide-memoire for the type of business approved to assist in maintaining adequate records of the assessment undertaken. The establishment files did not contain all the information set out in annexe 10 of the FLCoP, for example company emergency withdrawal plans and product recall procedures.

Verification Visit to a Food Premises

- 3.3.11 During the audit, a verification visit was undertaken to a butchers' shop with an officer from the Authority, who had carried out the last food hygiene inspection of the premises. The main objective of the visit was to assess the effectiveness of the Authority's assessment of food business compliance with food law requirements. Auditors were able to confirm the officer was familiar with the operations at the business, had carried out a methodical inspection, and had assessed business compliance with legal requirements.

Recommendations

3.3.12 The Authority should:

- (i) Carry out interventions/inspections at all food hygiene establishments at a frequency specified by the Food Law Code of Practice. [The Standard - 7.1]
- (ii) Set up, maintain and implement documented procedures for the range of interventions carried out. [The Standard - 7.4]

3.4 Enforcement

- 3.4.1 The Service had an Enforcement Policy dated from 2005 and auditors discussed the need to update this to reflect current guidance. The Authority acknowledged that documented procedures needed to be developed and updated to provide consistent guidance to officers on all enforcement options.
- 3.4.2 The Authority reported that there had been no food seizures or detentions, emergency prohibition notices or simple cautions in the two years preceding the audit.
- 3.4.3 Records on enforcement activities that had taken place over the past two years were checked. In respect of five hygiene improvement notices (HINs) examined, they were all found to be appropriate in the circumstances and signed by a correctly authorised officer who had witnessed the contravention. These had been appropriately served and revisited on expiry to check on compliance. Letters had been sent to the FBO confirming compliance where appropriate. Evidence was provided of management checks carried out prior to the service of the HIN to verify it was an appropriate course of action.
- 3.4.4 Records of three voluntary surrenders were checked and in all cases they were found to be appropriate and receipt records had been signed by the officer and the person surrendering the food. However these did not state the time, place and method of destruction, and there was no record retained on file confirming destruction such as a waste transfer note, as required by the FLCoP.

Recommendations

3.4.5 The Authority should:

- (i) Review, maintain and implement a documented enforcement policy and procedures for follow up and enforcement actions in accordance with the Food Law Code of Practice and other official guidance. [The Standard – 15.1 and 15.2]
- (ii) Carry out food law enforcement in accordance with the Food Law Code of Practice and centrally issued guidance. [The Standard – 15.3]

3.5 Internal Monitoring, Third Party or Peer Review

Internal Monitoring

- 3.5.1 The Authority had a documented quality monitoring system for food hygiene inspections drafted in 1996 and a revised monthly inspection procedure drafted in 2012 to ensure officers' inspections are entered correctly onto the database.
- 3.5.2 Evidence was provided of regular reports being run to monitor performance and to check data accuracy. Examples included:
- Weekly reports to check completed inspections against officers' level of authorisation.
 - Monthly officer workload reports to check inspections due and completed, revised ratings and FHRS status.
 - Monthly inspections completed to monitor days overdue from scheduled date, and any enforcement actions taken.
 - Monthly reports to monitor the number of complaints received.
 - Monthly report to check the FHRS status before uploading the data to the website.
 - Monthly reports for senior management to report progress against any key performance indicators.
- 3.5.3 It was evident that quantitative monitoring was routinely being undertaken by the Service to monitor progress with the intervention programme and to ensure outstanding category A-D rated premises inspections were allocated to officers.
- 3.5.4 Discussions indicated that whilst some ad hoc qualitative monitoring checks were being carried out, the Service recognised there was a need to further develop these across the full range of food related activities undertaken and to maintain records of internal monitoring carried out.
- 3.5.5 Auditors advised documented internal monitoring procedures needed to be reviewed and further developed to include both the qualitative and quantitative monitoring checks carried out and to be undertaken.

Recommendations

3.5.6 The Authority should:

- (i) Set up, maintain and implement documented quantitative and qualitative internal monitoring procedures for all areas of the food law enforcement service in accordance with the Food Law Code of Practice. [The Standard - 19.1 and 19.2]
- (ii) Ensure records of internal monitoring activities are maintained. [The Standard - 19.3]

Food and Food Premises Complaints

- 3.5.7 The Authority had a documented policy for dealing with food complaints dated December 2003, which needed to be updated and expanded to incorporate food premises complaints.
- 3.5.8 Audit checks on records of food and food premises complaint investigations confirmed that in general appropriate investigations were being undertaken and relevant parties were informed of the outcome of the investigation.

Food Inspection and Sampling

- 3.5.9 The Service did not have an up to date documented sampling policy, procedure and programme to confirm the Authority's stated approach to participating in centrally or regionally coordinated sampling programme. Auditors discussed the need to also consider where applicable the nature of imported foods within the district when determining the sample programme. Auditors were advised that the numbers of food samples taken had declined due to the officer who had responsibility for this area of work being allocated responsibility for sampling of private water supplies.
- 3.5.10 All records checked related to satisfactory results, and it was evident that appropriate communication with the FBO had taken place informing them of the results. There was no record of internal monitoring on the six records examined.

Recommendations

3.5.11 The Authority should:

- (i) Set up, maintain and implement a documented sampling policy and programme in accordance with the Food Law Code of Practice and centrally issued guidance, to include reference to its approach to any relevant national sampling programme co-ordinated by the Agency. The programme should take in to account the nature of food establishments in the area. [The Standard – 12.4]
- (ii) Develop and implement documented procedures for the inspection and sampling of food. [The Standard – 12.3]

Records

3.5.12 Records of food law enforcement activities were maintained electronically. Audit checks confirmed that in general records across all food law enforcement activities were retrievable, legible and comprehensive. Auditors discussed the benefit of ensuring detailed records on all inspections and revisits undertaken.

Recommendation

3.5.13 The Authority should:

Ensure that records of interventions provide details of the determination of compliance with legal requirements. [The Standard - 16.1]

Third Party or Peer Review

3.5.14 Auditors were advised that the Authority had not recently participated in any inter-authority audit or peer review initiative and none was planned for the forthcoming year. The Authority was however, an active participant in the Hertfordshire and Bedfordshire Food Liaison Group.

Auditors: Christopher Green
Robert Hutchinson

Food Standards Agency

Operations Assurance Division

ANNEX A Action Plan for East Hertfordshire District Council

Audit date: 26 – 28 June 2013

| TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH) | BY (DATE) | PLANNED IMPROVEMENTS | ACTION TAKEN TO DATE |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|
| <p>3.1.8(i) Ensure that future Food Service Plans are in full accordance with the Service Planning Guidance in the Framework Agreement, to include a full review of the delivery of the Plan and an accurate estimate of the staffing resources required to deliver the food law enforcement service. [The Standard – 3.1 and 3.2]</p> | <p>31/03/14</p> | <p>Reviews together with the estimated staffing resources needed to deliver it have been included in previous service plans. This information can therefore be easily included in the 2014/15 Service Plan.</p> <p>The Service Plan will be taken to members for approval in March 2014 as part of our non-key decision process.</p> | |
| <p>3.1.8(ii) Any variance in meeting the Plan should be addressed in the following year's Plan. [The Standard - 3.3]</p> | <p>30/04/14</p> | <p>Due to the lead-in times for reports to Members it is necessary to do this as a two-stage approach.</p> <p>Any variance identified before taking next years' Service Plan to members (January 2014) will be included in the 2014/15 Service Plan.</p> <p>Any variance identified after this time will be taken as a separate report in April 2014.</p> | |

| TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH) | BY (DATE) | PLANNED IMPROVEMENTS | ACTION TAKEN TO DATE |
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| 3.1.12(i) Ensure that documented policies and procedures for all enforcement activities are reviewed at regular intervals and whenever there are changes to legislation or centrally issued guidance. [The Standard - 4.1] | 31/03/14 | <p>All procedures will be updated to ensure they reflect our current working practices. The procedures will be based on the current legislation/guidance and will reflect best practice.</p> <p>The procedures will be prioritised based on their importance and likely impact on local businesses.</p> | <p>Procedures listed and prioritised for updating.</p> <p>Some procedures have been updated already.</p> |
| 3.1.12(ii) Set up, maintain and implement a control system for all documentation relating to its enforcement activities. [The Standard - 4.2] | 31/03/14 | <p>Our current procedures manual contains details of when procedures need updating.</p> <p>This will be reviewed to see how it can be improved to reflect the findings of the FSA audit team.</p> | |
| 3.1.16(i) Review, maintain and implement its documented procedure for the authorisation of officers based on their competence and in accordance with the Food Law Code of Practice and centrally issued guidance. [The Standard – 5.1] | 30/11/13 | Our current procedure to authorise officers based on competency needs to be updated to reflect our current practices and is one of the priority ones mentioned above as part of 3.1.12(i). | |

| TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH) | BY (DATE) | PLANNED IMPROVEMENTS | ACTION TAKEN TO DATE |
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| <p>3.1.16(ii) Review and update individual officer authorisations including any contractors, to ensure that all officers are appropriately authorised under current relevant legislation in accordance with the Food Law Code of Practice. [The Standard - 5.1]</p> | <p>30/11/13</p> | <p>We will review the legislation on our authorisations to better reflect the requirements of the Food Law Code of Practice.</p> <p>Approved premises update training will be undertaken as soon as a suitable course is identified.</p> | <p>Refresher HACCP training for all officers has been undertaken.</p> |
| <p>3.2.6 Review, maintain and implement procedures to ensure that the food premises database reflects the number of written warnings and HINs issued by the Authority, to ensure that accurate and comprehensive information on food law enforcement activity is reported in official returns to the Agency. [The Standard – 6.3 and 11.2]</p> | <p>Completed</p> | | <p>Written warning codes are now recorded on appropriate revisits worksheets to ensure we do not under-report our activities for 2013/14 LAEMS report. Audit checks are in place to ensure this is being done.</p> <p>Our database provider has informed us why the HINs did not show up on our LAEMS report. Audit checks are now in place to ensure we do not under-report for 2013/14 LAEMS report.</p> |

| TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH) | BY (DATE) | PLANNED IMPROVEMENTS | ACTION TAKEN TO DATE |
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| <p>3.3.12(i) Carry out interventions/inspections at all food hygiene establishments at a frequency specified by the Food Law Code of Practice. [The Standard - 7.1]</p> | <p>31/03/14</p> | <p>None</p> | <p>Our current practice is to prioritise work with those businesses which present the greatest risk to the public, namely our higher-risk A and B rated premises and those which are not deemed to be broadly compliant. After these, we will then focus resources on our broadly compliant C and D premises in this order.</p> <p>Where we can identify suitable projects and subject to sufficient resources, we will run these to ensure our E rated premises do not get over-looked.</p> <p>Staffing levels and resources needed to deliver an inspection rate of 100% will be included in future Service Plans to allow members to make an informed decision as detailed in 3.1.8(i) above.</p> |

| TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH) | BY (DATE) | PLANNED IMPROVEMENTS | ACTION TAKEN TO DATE |
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| 3.3.12(ii) Set up, maintain and implement documented procedures for the range of interventions carried out. [The Standard - 7.4] | 31/03/14 | See 3.1.12(i) above. | See 3.1.12(i) above. |
| 3.4.5(i) Review, maintain and implement a documented enforcement policy and procedures for follow up and enforcement actions in accordance with the Food Law Code of Practice and other official guidance. [The Standard – 15.1 and 15.2] | 31/03/14 | See 3.1.12(i) above. | See 3.1.12(i) above. |
| 3.4.5(ii) Carry out food law enforcement in accordance with the Food Law Code of Practice and centrally issued guidance. [The Standard – 15.3] | 31/03/14 | See 3.1.12(i) above. As part of this review, we will ensure that the voluntary surrender of food procedure details the need to state the time, place and method of destruction together with the need to keep a copy of the waste transfer note. | See 3.1.12(i) above. |
| 3.5.6(i) Set up, maintain and implement documented quantitative and qualitative internal monitoring procedures for all areas of the food law enforcement service in accordance with the Food Law Code of Practice. [The Standard - 19.1and 19.2] | 30/11/13 | New recording scheme to be put in place to capture the checks which are being carried out. | Discussed with our database provider about how best to record information on quantitative and qualitative checks. |

| TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH) | BY (DATE) | PLANNED IMPROVEMENTS | ACTION TAKEN TO DATE |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|--------------------------------------|-------------------------------------------------------------------------|
| 3.5.6(ii) Ensure records of internal monitoring activities are maintained. [The Standard - 19.3] | 30/11/13 | See 3.5.6(i) above. | See 3.5.6(i) above. |
| 3.5.11(i) Set up, maintain and implement a documented sampling policy and programme in accordance with the Food Law Code of Practice and centrally issued guidance, to include reference to its approach to any relevant national sampling programme co-ordinated by the Agency. The programme should take in to account the nature of food establishments in the area. [The Standard – 12.4] | 31/03/14 | See 3.1.12(i) above. | See 3.1.12(i) above. |
| 3.5.11(ii) Develop and implement documented procedures for the inspection and sampling of food. [The Standard – 12.3] | 31/03/14 | See 3.1.12(i) above. | See 3.1.12(i) above. |
| 3.5.13 Ensure that records of interventions provide details of the determination of compliance with legal requirements. [The Standard - 16.1] | 31/12/13 | Inspection forms are to be reviewed. | Detailed records of revisits are now included on the revisit worksheet. |

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:

- East Hertfordshire District Council draft Food Plan 2013/14
- Officer Authorisation Procedure
- Training and Competency of Food Officers
- Food Hygiene Inspection Procedure
- Domestic Food Businesses Procedure
- Food Premises Database Procedure
- Food and Complaints Procedure
- Food Poisoning and Infectious Disease Investigation
- Food Hygiene Improvement Notice Procedure
- Food Hygiene Emergency Prohibition Procedure
- Regulatory Services Enforcement Policy
- Seizure and Detention of Food Procedure
- Food Sampling Policy and Programme
- Internal Quality Monitoring System
- Minutes of meetings of Herts and Beds Food Group (various dates 2012/13)
- Minutes of meetings of Commercial Team (various dates 2012)
- Officer authorisation, training and qualification records

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

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

(3) Review of database records:

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

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

- Commercial Team Manager
- 3 Environmental Health Practitioners

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

(5) On-site verification check:

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

ANNEX C Glossary

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

wholesomeness of food.

Food Hygiene Rating Scheme (FHRS)

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

Food Safety Management System

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

Food standards

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

Framework Agreement

The Framework Agreement consists of:

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

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

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

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

Full Time Equivalent (FTE)

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

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

include food hygiene, food standards and feeding stuffs enforcement.