

UK LOCAL AUTHORITY FOOD LAW ENFORCEMENT: 1 APRIL 2011 TO 31 MARCH 2012

Report by Andrew Rhodes, Director of Operations

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1. SUMMARY

- 1.1 This paper reports to the Board on the 2011/12 enforcement of food law by UK local authorities (LAs), based on the Local Authority Enforcement Monitoring System (LAEMS)¹ food hygiene, food standards and imported food returns by LAs, and on the FSA's LA audit activity
- 1.2 The Board is asked to:

Consider the 2011/12 LA enforcement monitoring data and the details and key findings of the 2011/12 FSA audit of UK LAs.

Note that:

- LAs are continuing to focus their interventions on higher risk establishments and high levels of interventions were carried out at these establishments, in line with the FSA's Enforcement and Compliance Strategy;
- Food hygiene compliance levels in businesses are increasing and the data shows a reduction in the variation between LA business compliance levels from 2010/11;
- There has been a slight increase in the levels of unrated food businesses and interventions at lower category food businesses are falling;
- Staffing levels have continued to reduce although the data and feedback suggests many LAs are looking at ways to protect and target front line services;
- The summary data for individual LAs will be made available on the FSA website.

2. INTRODUCTION

- 2.1 The FSA's monitoring and audit arrangements are set out in the [Framework Agreement on the Delivery of Official Feed and Food Controls by Local Authorities](#). The legal bases for monitoring and audit of competent food authorities (LAs) are:

¹ LAEMS is a web-based system that enables local authorities to provide their food law enforcement monitoring returns to the FSA electronically.

- Sections 12-16 of the [Food Standards Act](#) and Regulations 7-11 of the [Official Feed and Food Control \(England\) Regulations 2009](#) (and their equivalents for [Northern Ireland](#), [Scotland](#) and [Wales](#)); and
- Title II of and Annex II to the [European Union \(EU\) Official Feed and Food Controls Regulation 882/2004](#) which requires all Member States to report relevant food law data and ensure the audit of competent authorities delivering Official Controls. This includes LA performance and enforcement data to underpin and verify implementation of the [National Control Plan](#).

2.2 The Board has received annual papers on LA monitoring data since 2001, and in combined reports with the FSA's audit programme since 2009: most recently paper [FSA 11/11/08](#) considered at the November 2011 Board meeting.

3. STRATEGIC AIMS

3.1 FSA monitoring and audit of LA food law enforcement contributes to the following strategic outcomes:

- Regulation is effective, risk-based and proportionate, is clear about the responsibilities of food business operators, and protects consumers and their interest from fraud and other risks; and
- Enforcement is effective, consistent, risk-based and proportionate and focused on improving public health;
- Imported food is safe to eat

3.2 The data and secondary analyses also contribute to FSA research on what interventions work to improve compliance in food establishments; helping track delivery of the Enforcement and Compliance, and Imported Food strategies; and informing the Review of Delivery of Official Controls.

4. DISCUSSION

Data return levels from LAs

4.1 There were 434 UK LAs during the 2011/12 reporting period, from which a total of 633 separate returns (407 food hygiene² and 226 food standards) were due. Although there remain issues with some LA's IT and reporting arrangements, all returns were completed by early August 2012, a month earlier than last year. There was a slight increase (from 7 to 8) of partial returns³, although six of these provided the majority of the required data. The

² This figure is higher than the 406 LAs that enforce food hygiene due to one of the new Unitary Authorities needing to make two separate returns as their single management system was not fully in place for 2011/12. These two returns have been combined for reporting purposes.

³ Partial returns were accepted where it was determined that the individual LA could not extract the full data set from their management systems. Data from partial returns only feature in the official statistics where the inclusion of this data would not compromise the validity of the overall figures.

number of LAs using the fall-back option of manual entry has continued to reduce (from 17 to 10) compared with 2010/11. This is a positive development because LA returns through LAEMS, via xml upload⁴, ensures greater accuracy and better secondary analysis. A breakdown of LA return levels is given at Annexe 1.

- 4.2 Imported food returns were received from all major Port Health Authorities. An initiative to raise awareness of the requirement for all LAs to report on imported food activity has resulted in a significant increase in the number of imported food returns from inland authorities, from 139 (32%) in 2010/11 to 265 (61%) this year.

2011/12 national totals and key trends for LA food law enforcement

- 4.3 Key data from the 2011/12 returns, with comparative data from 2009/10 and 2010/11, are provided in Annexes 2 to 8. Further secondary analyses of the LA enforcement data, looking at key trends and variation, is provided at Annexe 10.

- 4.4 In summary, the 2011/12 LAEMS data show:

- 599,880 food establishments were registered with LAs in the UK (as of 31st March 2012) – an increase of 2.0% on 2010/11 (587,890). A profile of UK food establishments is provided in Figure 1 below. Annexe 2 provides a breakdown by country and comparison with previous years^{5 6}

UK 2011/12 food establishments profile by FH risk and premises type

Risk Category	Primary producers	Manufacturers and Packers	Importers/ Exporters	Distributors/ Transporters	Retailers	Restaurants and Caterers	Total
A	17	612	2	25	431	2,362	3,449
B	83	2,701	13	105	3,018	28,232	34,152
C	378	5,292	107	1,107	30,882	192,341	230,107
D	657	2,585	165	1,829	27,693	66,242	99,171
E	2,448	4,750	490	5,039	63,031	105,990	181,748
Not Yet Rated (NYR) [5]	783	1,357	159	779	7,498	26,745	37,321
Outside [6]	1,199	288	124	617	2,507	9,197	13,932
Total	5,565	17,585	1,060	9,501	135,060	431,109	599,880

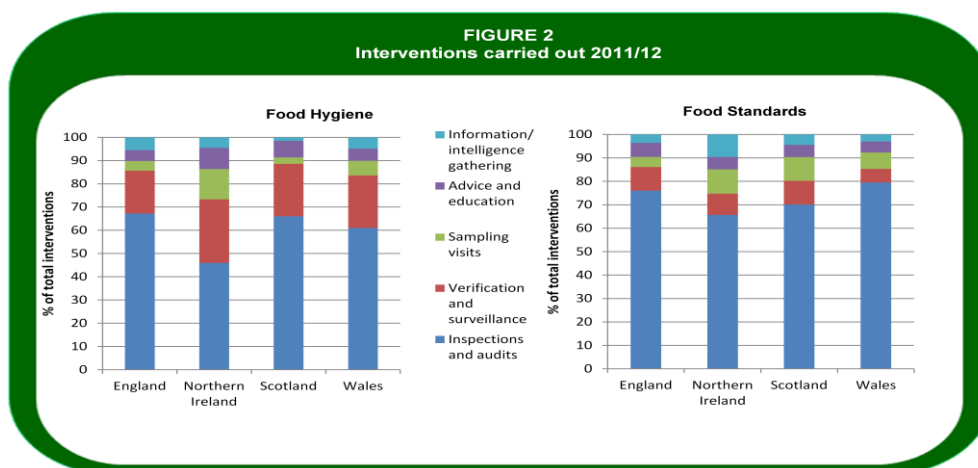
- LA returns show a total of 555,350 interventions were carried out in 2011/12 (422,806 food hygiene and 132,544 food standards) – a decrease of 0.3% on the reported number carried out in 2010/11 (557,262). Figure 2 shows the intervention approach for both food

⁴ 'xml' is the format that LAs use to generate the required data, from the local system(s) on which they record food law enforcement activity data, and to upload to LAEMS.

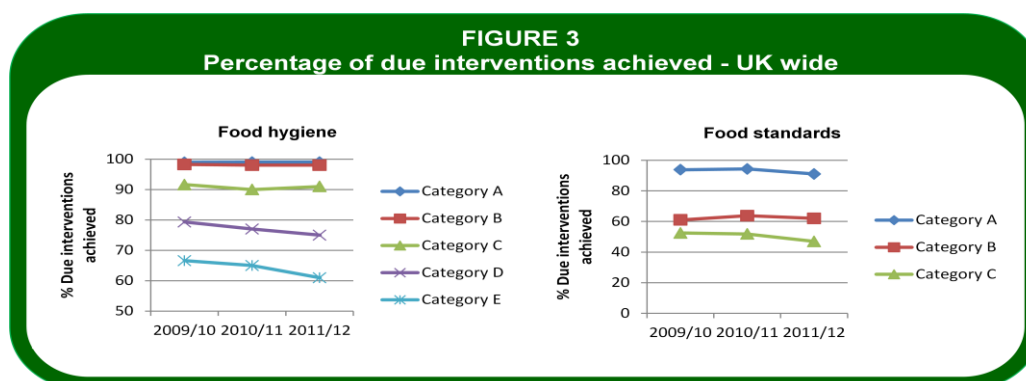
⁵ Not yet rated – those establishments yet to be assessed for a risk rating.

⁶ Outside – those establishments assessed by LAs to be of such low risk as to not be included in the intervention programme e.g. coffee/refreshments in betting shops and hairdressers

hygiene and food standards activity. Inspections and audit remain the most frequent intervention type (67.8% food hygiene and 74.9% food standards), a similar percentage to 2010/11, although there is notable variation in approach across countries (see also Annexe 3, Figures 1 & 4).



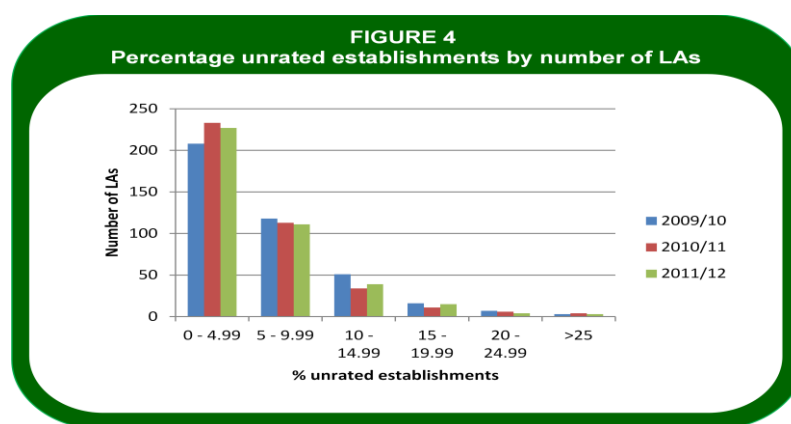
- The returns show a continuing trend of LAs targeting higher risk category establishments. This has been at the expense of interventions carried out at lower risk category establishments (see Figure 3 below). 99.1% of Category A (14,653 of 14,784), 98.5% of Category B (66,652 of 67,680) and 90.5% of Category C (200,449 of 221,495) due food hygiene interventions were carried out, all representing an increase over 2010/11 data. 90.8% (6,935 of 7,640) Category A due food standards interventions were carried out during the reporting period but the percentage of due food standards interventions achieved fell across all risk categories in 2011/12. Further details are in Annexe 3, Figures 3 and 6.



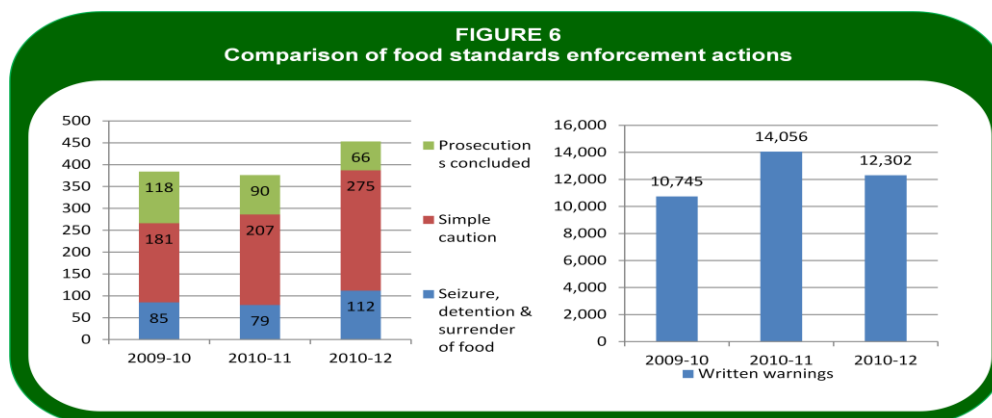
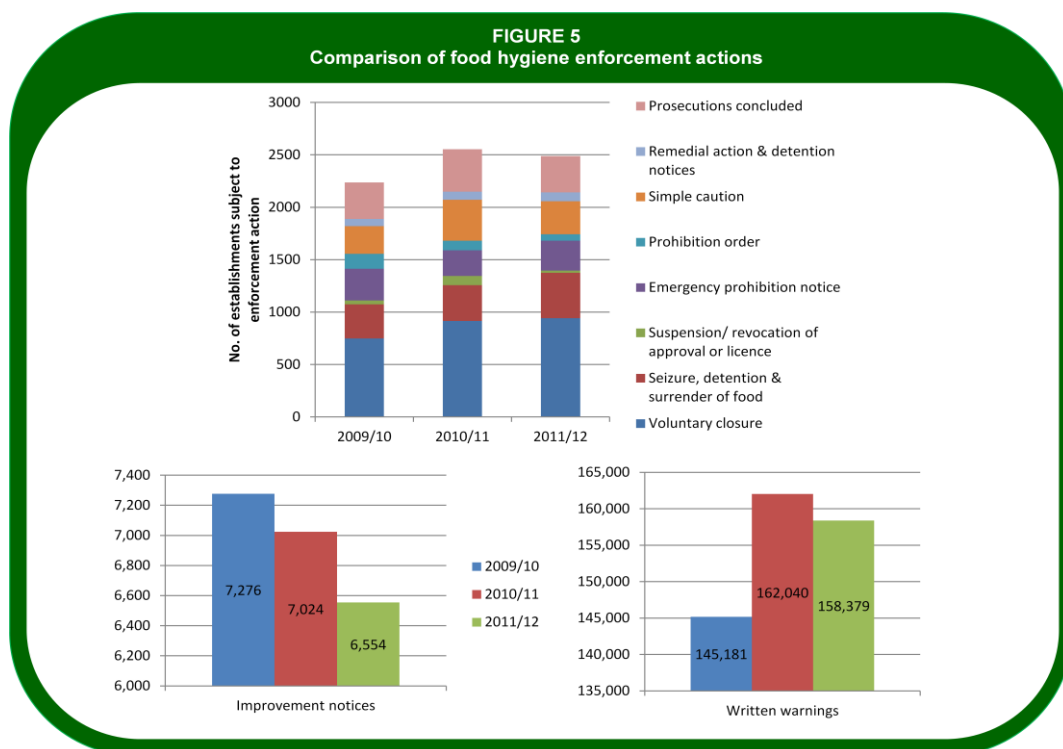
- Food business compliance levels reported by LAs for 2011/12 show continuing improvement. The UK level of Broad Compliance and above (equivalent to Food Hygiene Rating Scheme (FHRS) rating 3 to 5) was 90.2% of rated establishments, compared with 88.9% in 2010/11. As in previous years, the data shows a variation in Broad Compliance and above rates across the four countries (Annexe 4, Figure 1). In addition, the secondary analysis shows notable improvements from 2010/11 data in

the percentage of businesses equivalent to FHRs rating 5, from 47.7% to 51.0% and a reduction in the percentage of UK food businesses FHRs rated 0 to 1 from 6.7% to 5.8%.

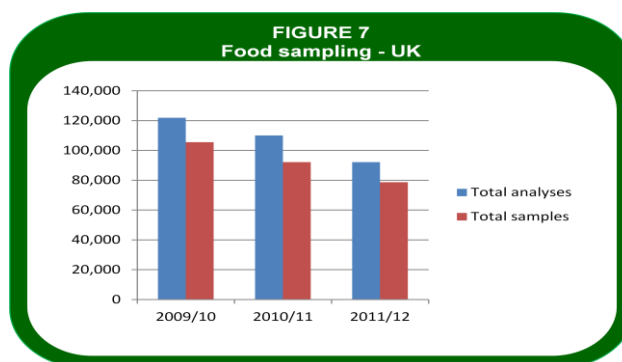
- 37,321 (6.2%) of registered UK food establishments were not yet food hygiene risk rated, which was an increase from 5.8% in 2010/11 (Annexe 4, Figure 3). The number of LAs with returned data indicating that over 20% of registered food establishments were not yet risk rated has reduced to 7 (from 10 in 2010/11). However, the number of LAs with levels between 10% and 20% has risen from 45 to 54 which have contributed to the worsening overall unrated figure, see Figure 4. See Annexe 4, Figure 4 for NYR levels by country.



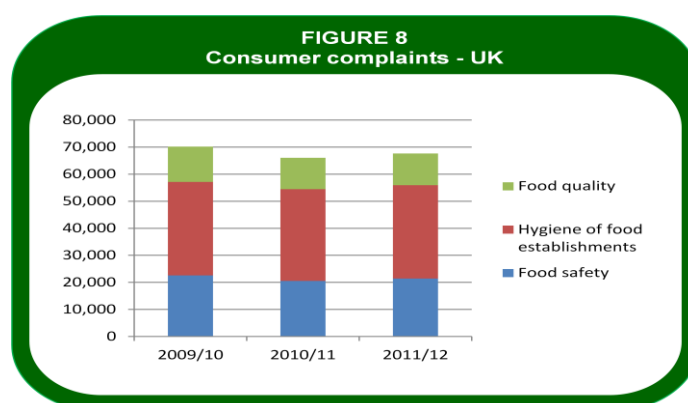
- 180,177 formal enforcement actions were carried out in 2011/12, an overall reduction of 3.2% from 2010/11 (186,050). Within these figures some types of enforcement action saw notable rises from the previous year. See Figures 5 and 6 below and Annexe 5. Compared to 2010/11 returns, the data shows:
 - Emergency Prohibition Notices increased by 15.9% (from 246 to 285)
 - Prohibition Orders decreased by 31.9% (from 91 to 62)
 - Seizure, detention and surrender of food increased by 29.8% (from 420 to 545)
 - Simple Cautions decreased by 1.3% (from 598 to 590)
 - Improvement Notices decreased by 6.7% (from 7,024 to 6,554)
 - Prosecutions decreased by 16.6% (from 495 to 413)
 - Suspension/revocation of approval or licence decreased 76.1% (from 88 to 21)



- 78,653 'Official samples' of food were taken by LAs in 2011/12 a reduction of 14.6% (from 92,122) in reporting from 2010/11, see Figure 7. For 2011/12 the data for Northern Ireland, for 29 LAs in Scotland, 20 LAs in England and 4 LAs in Wales have been extracted from the UK Food Surveillance System (FSS). The reduction in the numbers of official samples by LAs has been a continuing trend in recent years (see also Annex 6).



- LAs dealt with a total of 67,650 consumer complaints about the safety and quality of food (33,156) and the hygiene standards of food establishments (34,494) in 2011/12 – an increase of 2.4% (from 66,042) reported in 2010/11, see Figure 8.



- LA returns show a total of 2,709 Full Time Equivalent (FTE) professional LA staff (1,869 FH and 840 FS) were engaged in UK food law enforcement (as at 31st March 2012), a 2.3% reduction on numbers reported in 2010/11 (2,774), with a 4.6% vacancy level (Annexe 7). The reported number of allocated FTE posts has reduced by 9.5% (from 3,138 to 2,840) since 2009/10.
- 395,651 consignments of imported food were received at ports during 2011/12. A total of 173,554 documentary checks, 72,389 identity checks and 24,647 physical checks were reported. Further details of imported food checks at designated ports of entry during 2011/12 can be found at Annexe 8, Figures 1 to 4. A summary of the imported food activity carried out by inland LAs is given at Annexe 8, Figures 5 and 6. It should be noted that this activity will have also been reported by LAs in the relevant food hygiene or food standards return.

Secondary analysis and trends

- 4.5 Receiving LA data via LAEMS has provided greater opportunity for more robust secondary analyses to be carried out to look at key trends and

variations in LA delivery. Secondary analysis⁷ of available food hygiene LAEMS data from 2009/10 to 2011/12 is summarised below with further details provided in Annexe 10. To allow for reliable trend comparisons, only LAs submitting valid data for the relevant metric across the last three years (2009/10 to 2011/12) have been included. Annexe 11 (para 2.5) describes the data checks that were undertaken to ensure metrics and comparisons were reliable.

- 4.6 **Compliance levels** - The 2011/12 returns indicate a general rise in food establishment's compliance levels from 2010/11. The data also shows a reduction in the degree of variation of business compliance levels between LAs compared with previous years. In addition to a UK increase in Broad Compliance, the secondary analysis also shows the percentage of food establishments with a compliance level equivalent to the upper band 5 FHRS increased from 44.2% to 51.0% between 2009/10 and 2011/12. Similarly, there has been a notable reduction in the percentage of establishments with compliance levels equivalent to band 0 and 1 FHRS decreasing from 7.2% to 5.8% over the same period (Annexe 10, Figure 7). Feedback from LAs suggests that FHRS is having a positive effect on business compliance levels and has focussed LAs on this issue and they are targeting support or enforcement actions on businesses with persistent or serious food hygiene non-compliances.
- 4.7 **Not yet rated (unrated) establishments** - The number of registered UK food establishments not yet food hygiene risk rated (NYR) has increased to 6.3%, from 5.9% in 2010/11. There has been a reduction in the number of LAs reporting that fewer than 4% of their registered establishments were NYR over the last year, as well as a slight increase in the number of LAs reporting over 15% NYR. This reverses the downward trend seen in previous years, although the level is still an improvement upon the 2009/10 figures. Almost half of LAs which had previously shown an improvement in this area reported a worsening for the current year (86 out of 184 LAs). Anecdotal feedback from LAs suggests that their focus on improving compliance levels might have had an effect on their ability to inspect new businesses and business churn is increasing. (Annexe 10, Figure 9).
- 4.8 **FTE levels** – Although the data does not indicate the dramatic reduction in FTE levels which was flagged in last year's Board paper, staffing levels have continued to fall. There has been a decline in both occupied and allocated professional FTEs per registered establishments; across LAs the average number of occupied professional FTEs per 1,000 establishments reduced by 5.7% over the last year, and the average number of allocated professional FTEs per 1,000 premises reduced by 7.1% over the last year. There has been a narrowing of the gap between occupied and allocated FTEs (the vacancy rate). This may be due to the removal of vacant posts from the allocated budget. Looking at changes at an individual LA level of the same

⁷ Based on subset of LAs that have submitted complete information on relevant metrics.

period shows that the number of LAs with no professional vacancies has increased over the last 3 years (Annexe 10, Figure 10).

- 4.9 **Focus of interventions** – For food hygiene controls, the focus on the highest risk establishments (risk rated A, B and C) has been maintained this year but with a corresponding decrease in the proportion of due interventions carried out at D and E rated establishments across most of the UK. Increases in compliance levels has also led to a reduction in the number of Category A and B establishments given many were in this category because of poor compliance. As such overall the proportion of due interventions carried out across all UK businesses has decreased over the last 3 years (see Annexe 10, Figure 12). Whilst lower risk establishments are likely to be generally compliant, the data shows interventions by LAs at these establishments are getting less frequent. This could suggest a problem in the longer term as circumstances or conditions at these establishments could change particularly given business churn rates. LAs in Northern Ireland reported higher percentages of due interventions achieved at D and E rated establishments, and a broader use of the different types of intervention, than elsewhere in the UK. This could reflect the sampling targets that have been agreed in Northern Ireland increasing the number of sampling visits and other follow-up interventions.
- 4.10 **Enforcement actions** – Although the overall level of enforcement activity (including written warnings) has reduced over the last year by 3.2%, the level of enforcement actions (excluding written warnings and hygiene improvement notices) has increased slightly. Looking at changes at an individual LA level over the same period, the data shows the number of LAs reporting no official enforcement action has further reduced in 2011/12 the latest year (from 18 to 10) see Annexe 10, Figure 14. This suggests most LAs are prepared to use the full range of enforcement tools where necessary to tackle non-compliance.

Audit programmes

- 4.11 FSA audit programmes in 2011/12 included:
- LAs where the 2009/10 and 2010/11 LAEMS returns identified concerns about their data management or performance
 - inland LA feed controls
 - and the implementation of FSA Guidance on cross-contamination. The programmes also included follow-up audits to monitor LA implementation of agreed Audit Action Plans
- 4.12 A total of 90 UK LA food and feed law enforcement services were visited during 2011/12, including 57 'reality checks' at relevant local businesses and facilities. A table of the FSA audit programmes for UK LAs for 2011/12 is provided at Annexe 9, Figure 1, together with details on their scope and weblinks to published reports.

Key findings from the 2011/12 audit programmes

- 4.13 FSA audits confirmed that a number of LAs audited were considering or implementing various models of shared services or reviewing delivery approaches to generate efficiency savings whilst prioritising front line services.
- 4.14 **Inland LA feed controls** – This was an area where systemic failings in LA delivery were found and audits identified overall a poor standard of animal feed controls at the inland authorities audited. These findings were consistent with Food and Veterinary Office audits carried out in 2009 and 2011. At the time of the FSA audits, targeted FSA grant funding to LAs had been initiated following the adverse 2009 FVO audit report. This had achieved improvements at some authorities. However, overall failings were still evident in relation to frequency of LA interventions, the effectiveness of inspections, feed HACCP inspections and the quality of record keeping. The audit programme also highlighted concerns about the local priority given to this work and its resourcing by authorities. The findings of the feed audits in Wales contributed to the recommendation in The Review of Food Law Enforcement in Wales that a national feed inspection and enforcement service is formed as part of the FSA. This has been accepted by the Welsh Government Minister for Health and Social Services. Further work is to be done to examine how this might be best achieved.
- 4.15 **LAEMS data** – To help with the prioritisation process for audits in England, increasing use is being made of LAEMS data to identify LAs for audit. During 2011/12 there was a focused audit programme on LAEMS and LAs where the 2009/10 and 2010/11 LAEMS hygiene information raised concerns over LA data management and general performance issues. The programme also targeted LAs where manual returns had been submitted by the authority. The programmes are part of the FSA work to validate the accuracy of LA returns, as well as assisting the further targeting of audit programmes. Overall, the data returns made by LAs were accurate. However, in some cases technical faults with data management and record keeping were seen, most of which the LAs were able to quickly resolve. Some LAEMS based audits – which are carried out over one day - highlighted more significant performance failings at the authority and these resulted in a more comprehensive audit being scheduled.
- 4.16 **Cross Contamination** – an audit programme was carried out on LA implementation of the FSA Guidance on cross-contamination, part of the FSA response to the Pennington Inquiry recommendations. The programme, which included reality checks at businesses, confirmed that the Guidance had helped to focus officer interventions. It also confirmed that the increased emphasis on cross-contamination controls was assisting in improving business compliance. The audits did, however, identify some inconsistencies in LA implementation and issues with the guidance. Variations included the speed of roll out of guidance to businesses; interpretation of some aspects of

the Guidance; and variation in LA record keeping and enforcement actions where problems were found. A key aim of the audit programme was to get views from LA officers and FBOs on the impact and practicality of the guidance, including good practice, and information on its implementation. The results of the audit have been fed into relevant FSA policy officials together with information on further Q&A advice needed.

- 4.17 Following the 2010/11 imported food audit programme, a short good practice guide - Making Every Inspection Count: Effective LA Imported Food Control⁸ was published November 2011. The guidance was specifically aimed at smaller ports and inland LAs to highlight good practice identified from the audit programme. Good practice guidance on LA internal monitoring and record keeping was also published following the LAEMS audit programme⁹. Audit teams work closely together across all FSA offices to help ensure a consistent approach to audits across the UK and to maximise efficiencies developing relevant audit protocols. This was particularly important for the feed audits to ensure relevant schedule deadlines were met. Audit teams also work closely across Devolved countries, and in England with the Regional Presence Teams, to help disseminate key audit findings and good practice.
- 4.18 All audited LAs are subject to follow-up review and, where appropriate, further on-site assessment to ensure audit action plans are implemented effectively and priority issues dealt with. For the 2011/12 audit programmes, LAs have either completed their individual action plans or are making progress in achieving the necessary improvements in service delivery. All audit reports and updated action plans are available on the FSA website¹⁰. Increasingly LAs are needing more time to implement Action Plans, particularly where increased resources might be required or where there are a large number of recommendations for remedial action. To date escalation to senior FSA and LA officials has resulted in serious deficiencies being addressed appropriately by authorities, but overall it is taking longer for audits to be completely closed off. Feedback from LAs on the outcomes of audits remains positive and although fewer evaluation reports were received for the 2011\12 audit programmes than in previous year, LAs are still reporting that audits had led to improvements in quality of enforcement and consistency (see Annexe 9, Figure 2). Audits also resulted in additional resources being allocated to some authorities audited.

5. IMPACT

- 5.1 In line with action in previous years, the FSA openness policy and the Coalition Government's transparency agenda, relevant compliance and enforcement data for individual LAs will be published on the FSA website.

⁸ Making Every Inspection Count – Effective Imported Food Control
<http://www.food.gov.uk/multimedia/pdfs/effective-food-control.pdf>

⁹ Making Every Inspection Count – Guidance for LA Food Law Enforcement Service Managers' (Revised August 2011): <http://www.food.gov.uk/multimedia/pdfs/inspection-tips.pdf>

¹⁰ <http://www.food.gov.uk/enforcement/auditandmonitoring/auditreports/>

- 5.2 The publication of this data highlights the important work done by LAs in delivering food safety controls, enables LAs to benchmark their own service against others of similar type and size; as well as providing information on the performance of local services to consumers, businesses, and other interested stakeholders.

6. CONSULTATION

- 6.1 Officials work with LA members of the LAEMS Joint Working Group (JWG) to discuss operational issues and to consider any enhancements to LAEMS. The JWG assists in interpretation of the data and in developing the most useful mechanisms to disseminate relevant enforcement and outcome data to support LA delivery. The JWG has had the opportunity to see and comment on the key trends identified in this paper.

- 6.2 In line with the Government policy to reduce administrative burdens on LAs from data collection, officials are sharing data with the Chartered Institute of Public Finance and Accountancy (CIPFA). CIPFA collects annual data on all LA Regulatory Services by questionnaire and, for the first time, the 2011/12 questionnaire advised LAs that the data on food law enforcement would be sourced directly from the FSA (LAEMS). This data includes:

- The total number of food establishments
- The number of food hygiene enforcement actions by type

Individual LA data will be released to CIPFA upon publication on the FSA website.

7. LEGAL IMPLICATIONS

- 7.1 There are no legal implications associated with this paper. All LAs have met their reporting requirements under the Act as set out in para 2.1 of this paper. This will allow the FSA to fulfil its Official Feed and Food Control obligations with regard to reporting relevant food law data and auditing the local delivery of Official Controls.

8. RESOURCE IMPLICATIONS

- 8.1 There are no additional resource implications for either the FSA or LAs. There will be routine updating of guidance and the LAEMS system but the need for additional resources are not anticipated.

9. RISK IMPLICATIONS AND SUSTAINABILITY ISSUES

- 9.1 These monitoring and audit arrangements are necessary to meet our responsibilities as the Central Competent Authority. Data on LA enforcement and compliance levels in food establishments, and targeted FSA audit

programmes, also reduce the risk of non-delivery of key FSA enforcement and compliance outcomes.

- 9.2 The Spending Review is having an effect on LA food law enforcement with the number of FTEs continuing to decline and interventions at lower risk category food businesses falling. The decline in FTEs does not appear as dramatic as flagged in last year's enforcement paper, and many authorities are looking at ways to prioritise front line services. However, this data only shows the position up to end March 2012. The Review of the Delivery of Official Controls will help provide a more qualitative assessment of the current and future resource position at local authorities.

10. CONCLUSION AND RECOMMENDATIONS

- 10.1 The Board is asked to:

Consider the 2011/12 LA enforcement monitoring data and the details and key findings of the 2011/12 FSA audit of UK LAs.

Note that:

- LAs are continuing to focus their interventions on higher risk establishments and high levels of interventions were carried out at these establishments, in line with the FSA's Enforcement and Compliance Strategy;
- Food hygiene compliance levels in businesses are increasing and the data shows a reduction in the variation between LA business compliance levels from 2010/11;
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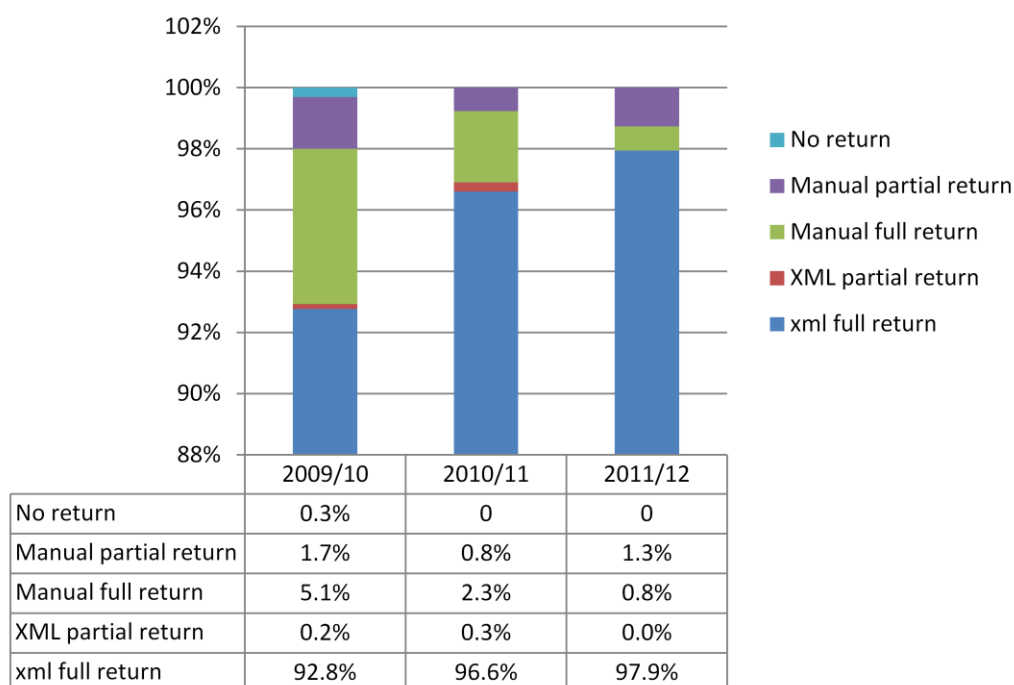
ANNEXE 1

DATA RETURN LEVELS FROM LAs

FIGURE 1
Improvements by return type from 2009/10

UK	No of returns	xml full return	XML partial return	Manual full return	Manual partial return	No return
2009/10	650	603	1	33	11	2
2010/11	647	625	2	15	5	0
2011/12	633	620	0	5	8	0

FIGURE 2
Comparison by return type from 2009/10



ANNEXE 2

ESTABLISHMENT PROFILES

FIGURE 1
2011/12 Food establishments profile by FH risk and establishment type

England	Primary producers	Manufacturers and Packers	Importers/ Exporters	Distributors/ Transporters	Retailers	Restaurants and Caterers	Total
Premise Rating - A	14	355	2	18	332	1,842	2,563
Premise Rating - B	62	1,841	12	77	2,206	20,810	25,008
Premise Rating - C	189	3,954	103	868	23,737	157,307	186,158
Premise Rating - D	230	1,834	153	1,461	23,146	56,651	83,475
Premise Rating - E	1,251	3,842	452	4,227	53,552	89,656	152,980
Not yet rated	332	950	142	598	6,068	21,307	29,397
Outside programme	1,076	192	121	573	1,886	6,879	10,727
Total	3,154	12,968	985	7,822	110,927	354,452	490,308
NI Unitary Authority	Primary producers	Manufacturers and Packers	Importers/ Exporters	Distributors/ Transporters	Retailers	Restaurants and Caterers	Total
Premise Rating - A	0	29	0	1	7	26	63
Premise Rating - B	3	130	0	4	116	735	988
Premise Rating - C	9	333	1	49	1,227	5,186	6,805
Premise Rating - D	15	158	2	80	688	1,633	2,576
Premise Rating - E	20	152	5	186	1,880	3,515	5,758
Not yet rated	5	54	4	44	273	1,035	1,415
Outside programme	9	56	3	27	161	1,753	2,009
Total	61	912	15	391	4,352	13,883	19,614
Scottish Unitary Authority	Primary producers	Manufacturers and Packers	Importers/ Exporters	Distributors/ Transporters	Retailers	Restaurants and Caterers	Total
Premise Rating - A	3	189	0	2	55	269	518
Premise Rating - B	10	545	1	17	424	4,574	5,571
Premise Rating - C	143	648	2	141	4,014	18,349	23,297
Premise Rating - D	365	428	7	172	2,373	4,432	7,777
Premise Rating - E	986	489	26	386	4,145	7,439	13,471
Not yet rated	419	307	12	125	815	3,541	5,219
Outside programme	53	9	0	10	77	213	362
Total	1,979	2,615	48	853	11,903	38,817	56,215
Welsh Unitary Authority	Primary producers	Manufacturers and Packers	Importers/ Exporters	Distributors/ Transporters	Retailers	Restaurants and Caterers	Total
Premise Rating - A	0	39	0	4	37	225	305
Premise Rating - B	8	185	0	7	272	2,113	2,585
Premise Rating - C	37	357	1	49	1,904	11,499	13,847
Premise Rating - D	47	165	3	116	1,486	3,526	5,343
Premise Rating - E	191	267	7	240	3,454	5,380	9,539
Not yet rated	27	46	1	12	342	862	1,290
Outside programme	61	31	0	7	383	352	834
Total	371	1,090	12	435	7,878	23,957	33,743

FIGURE 2
Comparison of food establishments profile by risk rating from 2009/10

	2009/10	2010/11	2011/12
A	4,737	3,795	3,449
B	42,929	38,356	34,152
C	239,855	234,236	230,107
D	89,217	94,614	99,171
E	155,351	168,942	181,748
Not yet rated	38,545	33,883	37,321
Outside programme	12,130	14,064	13,932
Total	582,764	587,890	599,880

ANNEXE 3

INTERVENTIONS ^{11 12}

FIGURE 1
Food hygiene interventions 2011/12

Food Hygiene	Inspections and audits	Verification and surveillance	Sampling visits	Advice and education	Information/intelligence gathering	Total
England	220,128	60,432	13,534	15,668	17,915	327,677
Northern Ireland	9,188	5,472	2,603	1,823	903	19,989
Scotland	29,703	10,175	1,230	3,205	688	45,001
Wales	18,384	6,805	1,899	1,580	1,471	30,139
UK	277,403	82,884	19,266	22,276	20,977	422,806

Interventions types as a % of total interventions – 2011/12						
Food Hygiene	Inspections and audits	Verification and surveillance	Sampling visits	Advice and education	Information/intelligence gathering	Total
England	67.18	18.44	4.13	4.78	5.47	100.00
Northern Ireland	45.97	27.38	13.02	9.12	4.52	100.00
Scotland	66.01	22.61	2.73	7.12	1.53	100.00
Wales	61.00	22.58	6.30	5.24	4.88	100.00
UK	65.61	19.60	4.56	5.27	4.96	100.00

FIGURE 2
UK comparison of split between types of intervention (food hygiene) from 2009/10

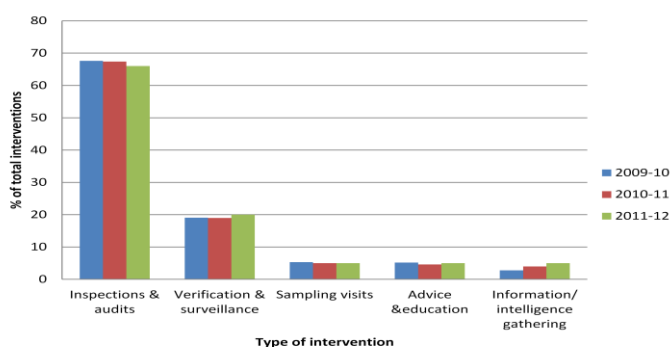


FIGURE 3
Percentage of food hygiene due interventions achieved 2011/12

Food Hygiene	A	B	C	D	E	Unrated	Total
England	98.9	98.2	88.9	73.0	58.3	85.0	83.2
Northern Ireland	100.0	98.6	97.7	94.3	94.7	90.9	96.7
Scotland	99.4	99.1	94.1	84.7	80.4	98.6	93.9
Wales	99.9	100.0	99.4	73.6	60.6	93.2	91.5
UK	99.1	98.5	90.5	74.6	61.0	86.6	85.4

¹¹ These figures include interventions at establishments that have subsequently ceased trading

¹² There is evidence that some LAs may still not be adhering to the guidance to record their Alternative Enforcement Strategy (AES) interventions under 'information/intelligence gathering'. It is therefore probable that there is under-reporting of AES interventions carried out.

FIGURE 4
Food standards interventions 2011/12

Food Standards	Inspections and audits	Verification and surveillance	Sampling visits	Advice and education	Information/intelligence gathering	Total
England	72,938	9,635	4,128	5,730	3,478	95,909
Northern Ireland	4,549	630	719	365	667	6,930
Scotland	13,462	1,944	1,949	1,006	849	19,210
Wales	8,345	608	730	493	319	10,495
UK	99,294	12,817	7,526	7,594	5,313	132,544

Interventions types as a % of total interventions – 2011/12

Food Standards	Inspections and audits	Verification and surveillance	Sampling visits	Advice and education	Information/intelligence gathering	Total
England	76.05	10.05	4.30	5.97	3.63	100.00
Northern Ireland	65.64	9.09	10.38	5.27	9.62	100.00
Scotland	70.08	10.12	10.15	5.24	4.42	100.00
Wales	79.51	5.79	6.96	4.70	3.04	100.00
UK	74.91	9.67	5.68	5.73	4.01	100.00

FIGURE 5
UK comparison of split between types of intervention (food standards) from 2009/10

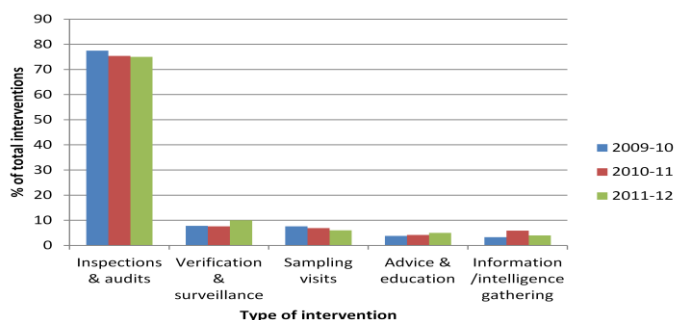


FIGURE 6
Percentage of food standards due interventions achieved 2011/12

Food Standards	A	B	C	Unrated	Total
England	89.6	57.1	39.5	52.2	50.2
Northern Ireland	95.4	93.0	93.9	80.5	91.9
Scotland	94.5	90.6	74.6	96.3	83.5
Wales	98.0	72.5	51.6	66.6	64.9
UK	90.8	61.6	46.4	58.9	55.6

ANNEXE 4

FOOD HYGIENE COMPLIANCE

FIGURE 1
UK food business compliance levels 2011/12
(2010/11 figures in brackets)

	% of establishments which are 'broadly compliant' or better	% of establishments which are below 'broadly compliant'	% of establishments which are not yet risk rated	Total
England	85.3 (84.8)	8.6 (9.7)	6.1 (5.6)	100.0
Northern Ireland	84.8 (82.9)	7.2 (8.3)	8.0 (8.8)	100.0
Scotland	78.8 (76.9)	12.1 (13.9)	9.1 (9.1)	100.0
Wales	82.8 (78.7)	13.3 (17.4)	3.9 (3.9)	100.0
UK	84.5 (83.7)	9.1 (10.4)	6.3 (5.9)	99.9 (100.0)
Excluding the establishments which are not yet risk rated and outside programme:				
England	90.8 (89.8)	9.2 (10.2)		100.0
Northern Ireland	92.2 (90.9)	7.8 (9.1)		100.0
Scotland	86.6 (84.7)	13.4 (15.3)		100.0
Wales	86.2 (81.9)	13.8 (18.1)		100.0
UK	90.2 (88.9)	9.8 (11.1)		100.0

FIGURE 2
Proportion of 'broadly compliant' establishments by LA type 2011/12

Food Hygiene	English DC	English LB	English MBC	English UN	Northern Ireland DC	Scottish UN	Welsh UN	UK
No of LAs showing <60% of establishments 'broadly compliant' or better	0	0	0	0	0	0	0	0
No of LAs showing 60 - 69.99% of establishments 'broadly compliant' or better	1 (0.5%)	0	0	0	0	0	0	1 (0.3%)
No of LAs showing 70 - 79.99% of establishments 'broadly compliant' or better	1 (0.5%)	7 (21.2%)	1 (2.8%)	0	2 (7.7%)	4 (12.5%)	2 (9.1)	17 (4.2%)
No of LAs showing 80 - 89.99% of establishments 'broadly compliant' or better	40 (19.9%)	19 (57.6%)	16 (44.4%)	15 (26.8%)	5 (19.2%)	15 (46.9%)	13 (59.1%)	123 (30.3%)
No of LAs showing 90 - 100% of establishments 'broadly compliant' or better	156 (77.6%)	6 (18.2%)	19 (52.8%)	41 (73.2%)	19 (73.1%)	12 (37.5%)	7 (31.8%)	260 (64%)
LA did not provide necessary data for analysis of 'broadly compliant' establishments	3 (1.5%)	1 (3.0%)	0	0	0	1 (3.1%)	0	5 (1.2%)
Total	201 (100%)	33 (100%)	36 (100%)	56 (100%)	26 (100%)	32 (100%)	22 (100%)	406 (100%)
Highest % reported	98.9	91.9	96.0	99.1	97.7	97.0	95.3	99.1
Lowest % reported	68.4	70.6	77.7	80.2	76.9	74.6	77.3	68.4

FIGURE 3
Comparison of percentage Not Yet Rated (NYR) from 2009/10

	2009/10	2010/11	2011/12
Total Number of Establishments	582,764	587,890	599,880
No. of NYR establishments	38,545	33,883	37,321
% NYR	6.6%	5.8%	6.2%

**No. of LAs by level of unrated food hygiene registered establishments
(2010/11 figures in brackets)**

	0 - 4.99%	5 - 9.99%	10 - 14.99%	15 - 19.99%	20 - 24.99%	25%+
England	185 (192)	94 (90)	26 (25)	11 (8)	1 (4)	3 (1)
NI	10 (11)	5 (5)	8 (7)	2 (1)	1 (1)	0 (2)
Scotland	16 (14)	8 (11)	3 (1)	2 (2)	2 (1)	0 (1)
Wales	16 (15)	4 (7)	2 (0)	0 (0)	0 (0)	0 (0)
UK	227 (233)	111 (113)	39 (34)	15 (11)	4 (6)	3 (4)

ANNEXE 5

ENFORCEMENT ACTIONS

FIGURE 1
Enforcement Actions 2011/12 - Food Hygiene

	Voluntary closure	Seizure, detention & surrender of food	Suspension/ revocation of approval or licence	Emergency prohibition notice	Prohibition order	Simple caution	Improvement notices	Remedial action & detention notices	Written warnings	Prosecutions concluded	TOTALS
DC	141	74	6	32	17	94	1,620	16	52,349	66	54,415
LB	182	106	3	118	14	61	1,540	21	19,174	95	21,314
MBC	183	66	1	53	18	56	696	12	23,366	55	24,506
UN	118	87	9	42	8	66	1,032	13	27,938	83	29,396
England	624	333	19	245	57	277	4,888	62	122,827	299	129,631
Northern Ireland	84	45	2	0	0	11	84	3	5,816	9	6,054
Scotland	134	29	0	29	1	0	1,004	19	16,549	11	17,778
Wales	99	26	0	11	4	27	578	1	13,187	28	13,961
UK	941	433	21	285	62	315	6,554	85	158,379	347	167,422

FIGURE 2
Comparison of enforcement actions from 2009/10 - Food Hygiene

	Voluntary closure	Seizure, detention & surrender of food	Suspension/ revocation of approval or licence	Emergency prohibition notice	Prohibition order	Simple caution	Improvement notices	Remedial action & detention notices	Written warnings	Prosecutions concluded
2009/10	749	325	36	304	142	264	7,276	68	145,181	349
2010/11	915	341	88	246	91	391	7,024	77	162,040	405
2011/12	941	433	21	285	62	315	6,554	85	158,379	347

FIGURE 3
Enforcement actions 2011/12- Food Standards

	Seizure, detention & surrender of food	Simple caution	Written warnings	Prosecutions concluded	TOTALS
CC	10	17	1,304	18	1,349
LB	61	0	3,688	8	3,757
MBC	5	134	1,414	10	1,563
UN	2	10	1,499	12	1,523
England	78	161	7,905	48	8,192
Northern Ireland	16	3	1,220	6	1,245
Scotland	11	0	2,328	3	2,342
Wales	7	111	849	9	976
UK	112	275	12,302	66	12,755

FIGURE 4
Comparison of enforcement actions from 2009/10 - Food Standards

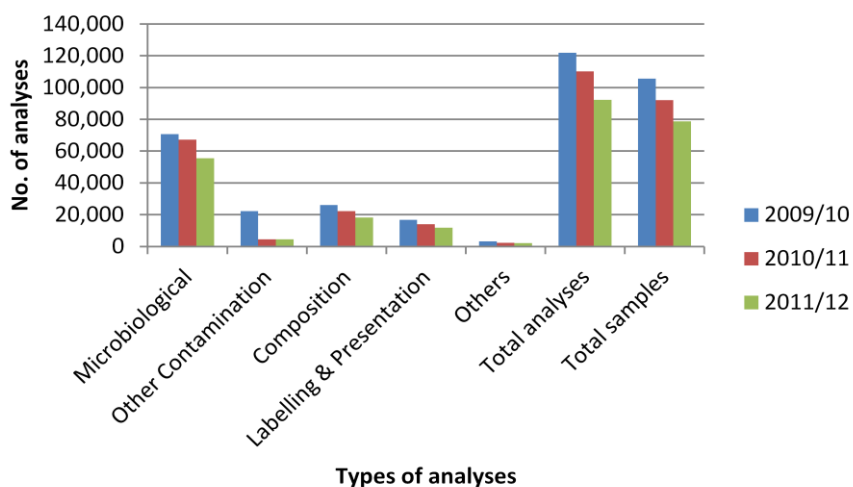
	Seizure, detention & surrender of food	Simple caution	Written warnings	Prosecutions concluded
2009/10	85	181	10,745	118
2010/11	79	207	14,056	90
2011/12	112	275	12,302	66

SAMPLING

FIGURE 1
Sampling 2011/12

	England	Northern Ireland	Scotland	Wales	UK
Microbiological	37,463	6,020	5,928	6,135	55,546
Other Contamination	2,869	56	1,037	470	4,432
Composition	10,567	1,892	1,359	1,401	18,219
Labelling & Presentation	8,291	1,597	1,236	755	11,879
Others	759	2	1,306	38	2,105
TOTAL ANALYSES	59,949	9,567	13,866	8,799	92,181
TOTAL SAMPLES	52,186	8,006	10,365	8,096	78,653

FIGURE 2
Comparison of UK sampling from 2009/10



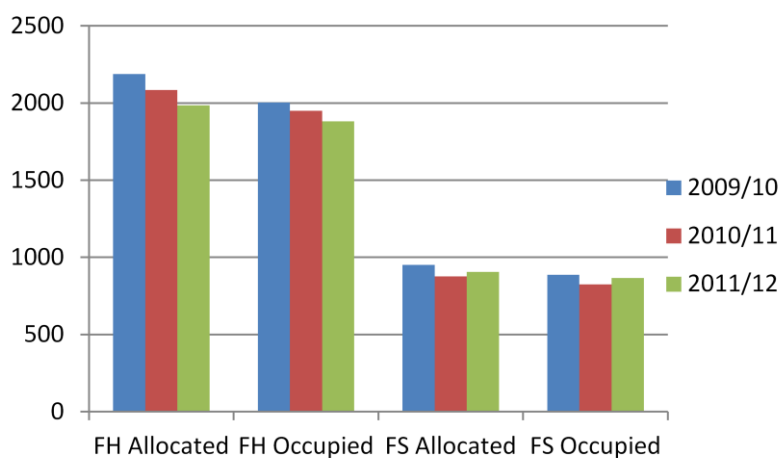
Comparison of sampling from 2009/10			
UK	2009/10	2010/11	2011/12
Microbiological	70,737	67,184	55,546
Other Contamination	22,255	4,424	4,432
Composition	26,113	22,255	18,219
Labelling & Presentation	16,739	13,942	11,879
Others	3,254	2,303	2,105
Total analyses	121,964	110,108	92,181
Total samples	105,556	92,122	78,653

FULL TIME EQUIVALENT (FTE)

FIGURE 1
Number of FTE professional LA staff engaged in UK food law enforcement from 2009/10

UK	FH Allocated	FH Occupied	FS Allocated	FS Occupied
2009/10	2,187	2,003	951	886
2010/11	2,083	1,949	876	825
2011/12	1,972	1,870	867	840

FIGURE 2
Comparison of FTE allocated / occupied from 2009/10



ANNEXE 8

IMPORTED FOOD

The top six ports, in terms of the number of imported food consignments received (both products of animal origin and food not of animal origin), account for 96% of imported food Third Country consignments that were reported for 2011/12.

FIGURE 1
Percentage of Third Country imported food consignments by Port - 2011/12

Port (with Local or Port Health Authority)	Animal Origin	Non-Animal Origin	All
Felixstowe (Suffolk Coastal PHA)	36.0%	51.0%	48.9%
Port of London (City of London PHA*)	19.8%	29.1%	27.8%
Heathrow (London Borough of Hillingdon)	19.1%	3.7%	5.9%
Liverpool (Mersey PHA)	4.5%	6.2%	5.9%
Southampton (Southampton PHA)	11.9%	2.4%	3.8%
Portsmouth (Portsmouth PHA)	0.0%	4.2%	3.6%
All other UK ports	8.7%	3.3%	4.1%
Total	100.0%	100.0%	100.0%

* Includes Thamesport, Tilbury and Sheerness

FIGURE 2
Checks in ports receiving Third Country imported food consignments* 2010/11 and 2011/12

	2010/11	2011/12		
	All	Animal Origin	Non-Animal Origin	All
Total Consignments	445,333	56,337	339,314	395,651
Consignments undergoing:				
Documentary checks	165,490	55,190	118,364	173,554
Identify checks	58,403	50,520	21,869	72,389
Physical checks	25,068	18,130	6,517	24,647

* Note that some smaller ports did not receive third-country consignments in both years.

FIGURE 3
Sampling* in Ports receiving Third Country imported food consignments**
2010/11 and 2011/12

	2010/11	2011/12		
	All	Animal Origin	Non-Animal Origin	All
Microbiological samples	449	258	371	629
Chemical / Compositional samples	5343	1382	4672	6054
Other samples	570	119	1592	1711
Total	6362	1759	6635	8394
of which, were unsatisfactory	404	69	533	602
(as % of total samples)	6.4%	3.9%	8.0%	7.2%
* a. Most samples were collected at port and so will be additional to the samples reported in Annex 6. However, some local authorities reported inland and port sampling together. Therefore, up to 8% of samples in this table may be double-counted.				
** Note that some smaller ports did not receive third-country consignments in both years.				

FIGURE 4
Rejections and enforcements in Ports receiving consignments from Third Countries* 2010/11 and 2011/12

	2010/11	2011/12		
	All	Animal Origin	Non-Animal Origin	All
Rejected consignments	997	636	604	1,240
(as % of total consignments)	0.2%	1.0%	0.2%	0.3%
Enforcement Notices **	1,149	1,092	1,014	2,106
* Note that some smaller ports did not receive Third Country consignments in both years.				
** Most enforcement notices relate to consignments entering the port and so will be additional to those reported elsewhere. However, some local authorities have reported inland and port enforcement together. Therefore, up to 5% of the enforcement notices in this table may be double-counted.				

Figures 5 and 6 contain data from the 265 imported food returns from inland authorities. It should be noted that this activity would have also been reported in the relevant food hygiene or food standards return.

FIGURE 5
Imported Food Samples 2011/12 - Inland LAs

	Animal Origin	Non-Animal Origin	All
Microbiological samples	729	1,199	1,928
Chemical samples	573	2,019	2,592
Other samples	94	296	390
TOTAL	1,396	3,514	4,910
of which, were unsatisfactory	135	647	782
(as % of samples)	9.7%	18.4%	15.9%

FIGURE 6
Imported food control enforcement actions 2011/12 - inland LAs

No. of notices	Animal Origin	Non Animal Origin
Enforcement notices	62	101
Others	Animal Origin	Non Animal Origin
No. of prosecutions	3	0
No. of seizures	32	14
No. of simple cautions	0	0
No. of voluntary surrenders	26	131
Total	61	145

ANNEXE 9

AUDIT OF UK COMPETENT AUTHORITIES 2011/12

FIGURE 1

Audit Programme	Dates	No. of authorities	No. of related 'reality checks'	Final report(s) issued/published/due
ENGLAND				
Audit follow-up on (UK) LAEMS Food Hygiene returns (on apparent performance issues; data management; late returns)	Apr- Jul 2011	26	N/A	A mix of LA site visits (10) and desktop assessments (16) and outcome letters including recommendations issued.
Local Authority Delivery of Official Controls on LA Inland Feed Controls	July - Oct 2011	10	8	Individual LA reports and updated LA audit action plans published at: http://www.food.gov.uk/enforcement/auditandmonitoring/auditreports/ Programme summary report published at: http://www.food.gov.uk/multimedia/pdfs/inland-feed-summ-2012.pdf
Audit follow-up on (UK) LAEMS returns	Oct 2011 – Jan 2012	9	N/A	9 LA site visits and outcome letter including recommendations issued.
Service Delivery and Business Compliance	Nov 2011	1	1	Individual LA reports published at: http://www.food.gov.uk/enforcement/auditandmonitoring/auditreports/
Implementation of FSA Guidance on control of Cross-Contamination	Jan – Mar 2012	12	12	Summary report provided to policy team to inform Board paper on implementation of the Guidance thereafter report to be published
Desktop audit assessment on approvals of Food Establishments	Jan – March 2012	2	0	Summary report provided to Approvals Project Board (September 2012)
Follow-up audits (to assess LA implementation of existing audit action	When due April 2011/ March 2012	27	-	Updated LA audit action plans have been published at: http://www.food.gov.uk/enforcement/

FIGURE 1

Audit Programme	Dates	No. of authorities	No. of related 'reality checks'	Final report(s) issued/published/due
plans)				t/auditandmonitoring/auditreports/
NORTHERN IRELAND				
Focused audit programme on LA Delivery of Official Controls in approved live bivalve mollusc & fishery product establishments	March - May 2011	4	7	Final reports and updated LA audit action plans published at: http://www.food.gov.uk/enforcement/auditandmonitoring/auditreports/auditnireland/2011/ Summary report issued June 2012
Joint Internal Audit / FSA in NI Audit Team - Post Mortem Inspection Verification across the UK (FSA OC 11/02)	October 2011	1	3	Final report issued June 2012
Audit of Food Law Enforcement Controls of Imported Food Not of Animal Origin at Belfast Port	January 2012	1	1	Final report published at: http://www.food.gov.uk/enforcement/auditandmonitoring/auditreports/auditnireland/2012/auditbelfastport2012/
Summary report - Joint traceability audit with the Food Safety Authority of Ireland (FSAI)	-	-	-	Summary report issued March 2012
SCOTLAND				
Assessment of Regulation (EC) No. 852/2004 on the Hygiene of Foodstuffs in Food Business Establishments.	April 2011 – March 2012	8	16	Final reports published: http://www.food.gov.uk/enforcement/auditandmonitoring/auditreports/
Focussed Audit of Establishments Approved under Regulation (EC) No. 853/2004 Laying Down Specific Hygiene Rules for Food of Animal Origin	August-September 2011	3	6	Final reports published: http://www.food.gov.uk/enforcement/auditandmonitoring/auditreports/

FIGURE 1

Audit Programme	Dates	No. of authorities	No. of related 'reality checks'	Final report(s) issued/published/due
Assessment of Delivery of Official Controls on Imported Feed Not of Animal Origin	February-March 2012	2	2	Final reports published: http://www.food.gov.uk/enforcement/auditandmonitoring/auditreports/
WALES				
Official Controls on Feed of Non Animal Origin (FNAO) and Feed Establishments, including Primary Producers	September 2011	1	1	February 2012
Official Controls on Feed of Non Animal Origin (FNAO) and Feed Establishments, including Primary Producers	October 2011	1	0	February 2012

Post-audit LA feedback (England)¹³

Statistics from England LA audit feedback 2011/12 are set out below with corresponding figures from the previous three years for comparison. These figures show there has been a drop in the number of LAs providing feedback to the FSA. Nil responses to audits in 2012/13 are now being followed up to encourage LAs to provide feedback. However, of those providing feedback all LAs reported that the audits have helped them make improvements in quality of enforcement and consistency. For 2011/12 no LAs reported in their evaluation return that the audits had resulted in increased resources to the service, although in some authorities not submitting returns additional funding was allocated. But, increasingly additional funding to address failings is more difficult to obtain locally.

FIGURE 2
Post Audit Feedback - England 2011/12

Proportion of audited LAs providing feedback		2009/10	2010/11	2011/12
		47%	43%	36%
Satisfied with conduct of audit?		100%	92%	100%
Agree with audit findings?	Totally or mostly agree	100%	92%	100%
	Partially	0	8%	0
	Not at all	0	0	0
How useful was the audit?	Very or fairly useful	100%	92%	100%
	Not very	0	8%	0
	Not at all	0	0	0
<i>(Relating to General audits)</i>	Level of enforcement	67%	77%	50%
Has the audit helped your LA to make improvements in:	Quality of enforcement	90%	69%	100%
	Consistency	95%	69%	100%
	Overall	90%	69%	100%
Has the audit resulted in additional allocation of resources?		7%	8%	0
<i>(Relating to Cross-Contamination audit visits)</i>	Very or fairly	-	-	86%
Made/make changes to implementation of cross-contamination guidance?	Not very	-	-	0
	Not at all	-	-	14%

¹³ Audited LAs are invited to complete an FSA Audit Feedback Questionnaire following completion of the on-site audit.

NB: Additional resource allocation and/or the full extent of service improvements and outcomes resulting from FSA audit may not always be known fully by the reporting LA at the time the feedback is provided.

ANNEXE 10

KEY TRENDS IN FOOD HYGIENE DATA 2009/10 TO 2011/12

Report by: Analysis and Research Division

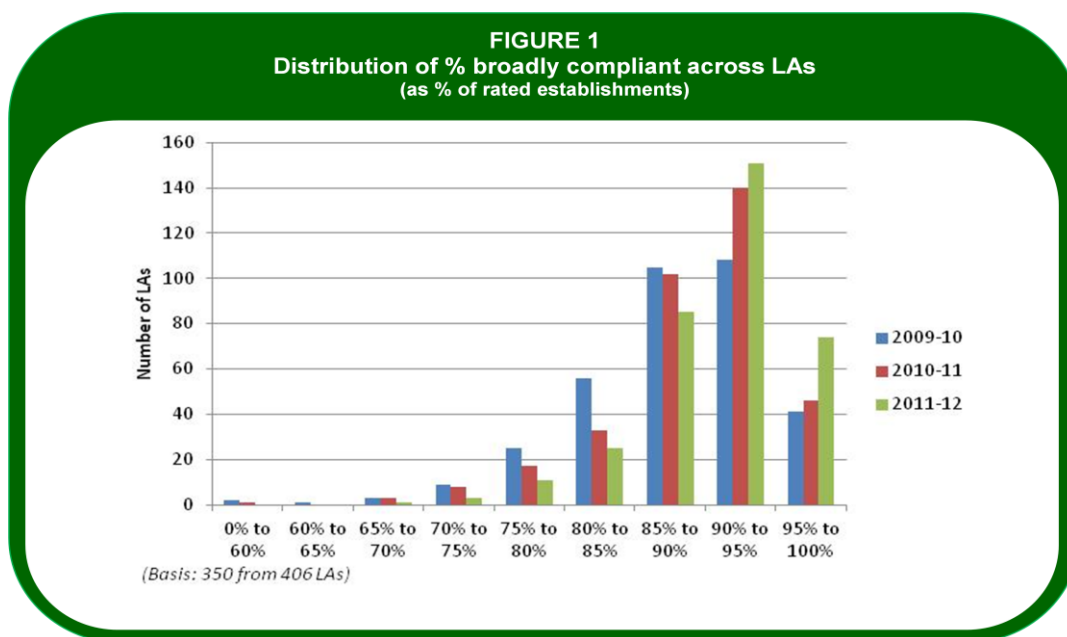
1. INTRODUCTION

- 1.1 This annexe summarises findings to date from secondary analysis of available food hygiene LAEMS data from 2009/10 to 2011/12. This provides additional insights on changes in individual authorities and a more detailed analysis of compliance and risk rating of establishments.
- 1.2 The analysis in this annexe makes use of both the aggregated figures that have been signed off by LA Heads of Service and the underlying xml data where submitted.
- 1.3 To allow for reliable comparisons through time, cohorts of LAs have been used which have submitted valid data for each metric across the last three years of the LAEMS system. Therefore the number of LAs included varies between metrics from 348 to 392 of the 406 food hygiene LAs in the UK. Annexe 12, para 2.5 describes the data checks that were undertaken to ensure metrics and comparisons were reliable.

2 COMPLIANCE RATES

- 2.1 Where we are able to compare results for LAs across the last three years (*Basis: 350 from 406 LAs*):
 - In 2011-12 there has been a rise in the number of LAs reporting Broad Compliance rates over 90% compared to previous years, with a sharp increase in the number of LAs reporting rates over 95% (Figure 1).
 - A corresponding reduction in the number of LAs reporting Broad Compliance rates below 90% compared to previous years.
 - A reduction in the degree of variation between LAs¹⁴

¹⁴ In terms of the inter-quartile range and relative standard deviation (RDS).



2.2 Looking at changes between years for individual LAs over the same period analysis shows:

- In the last year, just over half of LAs (182 out of 350) reported increased compliance rates of at least one percentage point. 42 LAs reported a decline of a similar scale.
- Individual year changes show more LAs reported an increase in the proportion of broadly compliant establishments between 2010/11 and 2011/12, compared to the previous year (182 LAs reported increases of at least 1% in 2011/12, compared to 175 in 2010/11).
- 102 LAs reported an increase of 1% in both 2010/11 and 2011/12, only 2 LAs reported a fall in compliance across both time periods.

FIGURE 2
Year-on-Year changes in individual LAs - % broad compliance

		No. LAs Changing from 10/11 to 11/12			Total Change 09/10 to 10/11
		↓ over 1%	↔ within +/- 1%	↑ over 1%	
No. LAs Changing from 09/10 to 10/11	↓ over 1%	2	16	32	50
	↔ within +/- 1%	22	55	48	125
	↑ over 1%	18	55	102	175
Total change 10/11 to 11/12		42	126	182	350

(Basis: 350 from 406 LAs)

- The majority of LAs reporting a reduction of more than 1% in their proportion of broadly compliant establishments from 2010/11 to 2011/12 have a Broad Compliance rate between 85 and 95%. The majority of LAs with Broad Compliance levels below 85% reported either an increase in their percentage of establishments which are broadly compliant, or remained relatively stable.
- The increase in Broad Compliance across the years has occurred across the Broad Compliance spectrum, with the most improvement reported in the 5% of LAs with the lowest reported proportion of broadly compliant establishments.
- Based on 372,155 establishments in 290 LAs (out of 406 LAs), Figures 3 to 6 indicate the percentage of premises by FHRS equivalent tiers for 2011/12, with a comparison from 2009/10 at Figure 7.

FIGURE 3
UK percentage of premises by FHS equivalent tiers and by establishment type

ENGLAND	Primary producers	Manufacturers and packers	Importers / Exporters	Distributors / Transporters	Retailers Total	Restaurants Total
5	67.6	67.9	66.6	66.7	62.6	62.6
4	16.1	20.7	19.1	17.6	21.3	21.9
3	13.6	14.1	[8.7]	11.4	17.6	16.7
2	[1.9]	3.2	[1.0]	1.1	2.7	3.4
1	[1.4]	3.6	[4.6]	2.9	6.4	6
0	[0.4]	[0.6]	[1.0]	[0.3]	0.4	0.6
NORTHERN IRELAND	Primary producers	Manufacturers and packers	Importers / Exporters	Distributors / Transporters	Retailers Total	Restaurants Total
5	[37.8]	37.4	[71.4]	61.3	46.4	36.7
4	[37.8]	29.7	[0.0]	23.9	31.6	19.6
3	[18.9]	17.8	[28.6]	[10.0]	13.6	32.6
2	[0.0]	[6.9]	[0.0]	[1.7]	4	6.2
1	[6.4]	[8.2]	[0.0]	[3.0]	4.1	6.6
0	[0.0]	[0.9]	[0.0]	[0.0]	[0.1]	0.4
SCOTLAND	Primary producers	Manufacturers and packers	Importers / Exporters	Distributors / Transporters	Retailers Total	Restaurants Total
5	46.9	44.2	[82.8]	66.3	42.2	36.7
4	19.1	17.7	[10.3]	14.9	18.9	19.6
3	32.3	29.6	[6.9]	14.9	28.6	32.6
2	[1.4]	4.8	[0.0]	[1.8]	4.9	6.2
1	[0.3]	3.6	[0.0]	[2.2]	6.3	6.6
0	[0.1]	[0.2]	[0.0]	[0.0]	[0.2]	0.4
WALES	Primary producers	Manufacturers and packers	Importers / Exporters	Distributors / Transporters	Retailers Total	Restaurants Total
5	59.1	46.6	[66.7]	64	39.4	36.7
4	[26.6]	26.4	[0.0]	26.1	27	29
3	[9.1]	17.7	[33.3]	[12.0]	21.1	20.6
2	[3.8]	[6.6]	[0.0]	[3.3]	4	6.3
1	[1.6]	[4.6]	[0.0]	[4.3]	7.9	7.7
0	[0.0]	[0.2]	[0.0]	[0.4]	[0.6]	0.6
UK	Primary producers	Manufacturers and packers	Importers / Exporters	Distributors / Transporters	Retailers Total	Restaurants Total
5	66.4	64.1	66.6	66.7	60.9	60.3
4	18	21	18.3	18.1	21.8	22.4
3	22.7	16.9	9	11.7	18.6	18
2	[1.7]	3.7	[0.9]	1.3	3	3.6
1	[0.9]	3.8	[4.3]	2.9	6.6	6.2
0	[0.2]	0.6	[0.9]	[0.2]	0.4	0.6

Note: the symbols '[]' have been used to denote low numbers of establishments, where the number of establishments is less than 50. Caution is advised when interpreting these figures.

FIGURE 4
UK Percentage of premises by FHRs equivalent tiers and by sub-category of Restaurants and Caterers

ENGLAND	Restaurant / Cafe / Canteen	Hotel / Guest house	Pub / Club	Take- away	Caring premises	School / College	Mobile food unit	Caterers - other
5	48.5	55	40.8	29	71.9	74.5	47.8	58.6
4	20.7	24.6	25.9	20.4	19.8	17.7	23.8	23.9
3	19.3	14.6	23.5	28.6	6.6	5.8	19.5	12.3
2	4.3	2.4	4.5	7.2	0.7	1.4	2.5	2
1	6.5	3.2	4.9	13.1	1	0.6	6.1	2.8
0	0.7	[0.1]	0.5	1.8	[0.0]	[0.0]	[0.3]	0.3
NORTHERN IRELAND	Restaurant / Cafe / Canteen	Hotel / Guest house	Pub / Club	Take- away	Caring premises	School / College	Mobile food unit	Caterers - other
5	43.7	59.8	52.6	26.8	52.6	77	41.2	62.6
4	28.7	32.5	32.3	27.3	43.6	19.1	30.6	23.4
3	16.5	[4.8]	11.3	26.2	[2.4]	[2.7]	19.6	8.2
2	5.2	[1.9]	[1.5]	8.6	[0.6]	[1.0]	[2.7]	[1.8]
1	5.6	[1.0]	[2.4]	10.1	[0.9]	[0.2]	[5.8]	[3.9]
0	[0.2]	[0.0]	[0.0]	[1.0]	[0.0]	[0.0]	[0.0]	[0.1]
SCOTLAND	Restaurant / Cafe / Canteen	Hotel / Guest house	Pub / Club	Take- away	Caring premises	School / College	Mobile food unit	Caterers - other
5	30.5	36	26.1	16.8	58	54.7	28.1	42.1
4	18.5	20.4	22.5	12.4	17.4	21.4	16.8	23.7
3	35.2	31.7	40.2	41.3	20.8	20.6	42.4	27.7
2	6.3	6.7	5.7	9.1	2.5	2.9	[4.9]	2.6
1	8.9	4.7	5	19	[1.3]	[0.4]	7.3	3.8
0	[0.6]	[0.4]	[0.4]	[1.3]	[0.0]	[0.1]	[0.5]	[0.1]
WALES	Restaurant / Cafe / Canteen	Hotel / Guest house	Pub / Club	Take- away	Caring premises	School / College	Mobile food unit	Caterers - other
5	33.9	35.1	22.5	15.9	51.5	60.7	36.8	44.2
4	28.4	32.5	28.2	20.9	29.9	29	29.9	33.2
3	21.7	23.3	31.4	31.3	12.7	7.1	21.2	13.4
2	6.7	[2.4]	7.2	13.5	[2.3]	[1.6]	[3.0]	2.9
1	8.5	6.4	9.9	16.2	3.6	[1.5]	[8.6]	5.9
0	[0.8]	[0.4]	[0.7]	[2.2]	[0.1]	[0.1]	[0.5]	[0.4]
UK	Restaurant / Cafe / Canteen	Hotel / Guest house	Pub / Club	Take- away	Caring premises	School / College	Mobile food unit	Caterers - other
5	46.4	51.4	38.8	27.3	69.2	72	45.1	56.5
4	21.1	24.8	25.9	20	21.1	18.7	23.7	24.3
3	20.5	17.1	25.1	29.7	7.6	7	21.8	13.7
2	4.6	3	4.7	7.7	0.9	1.5	2.8	2.1
1	6.7	3.5	5.1	13.6	1.1	0.6	6.3	3.1
0	0.7	[0.2]	0.5	1.7	[0.0]	[0.0]	[0.3]	0.3

Note: the symbols '[]' have been used to denote low numbers of establishments, where the number of establishments is less than 50. Caution is advised when interpreting these figures.

FIGURE 5
UK percentage of premises by FHRs equivalent tiers and by establishment type

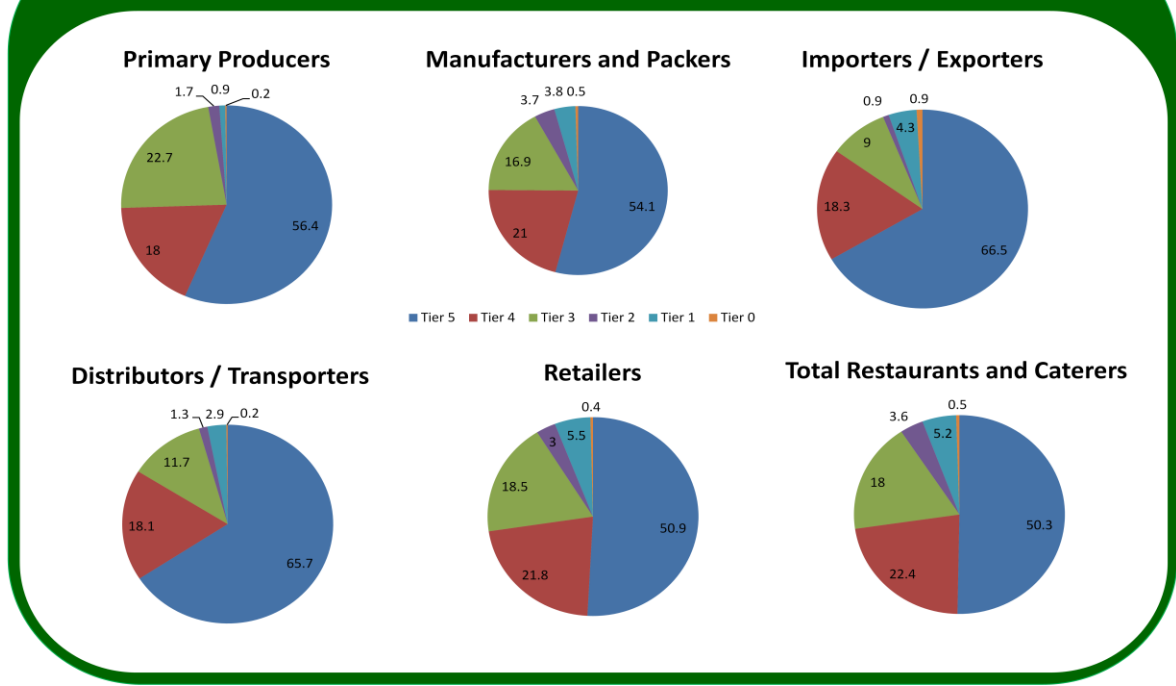
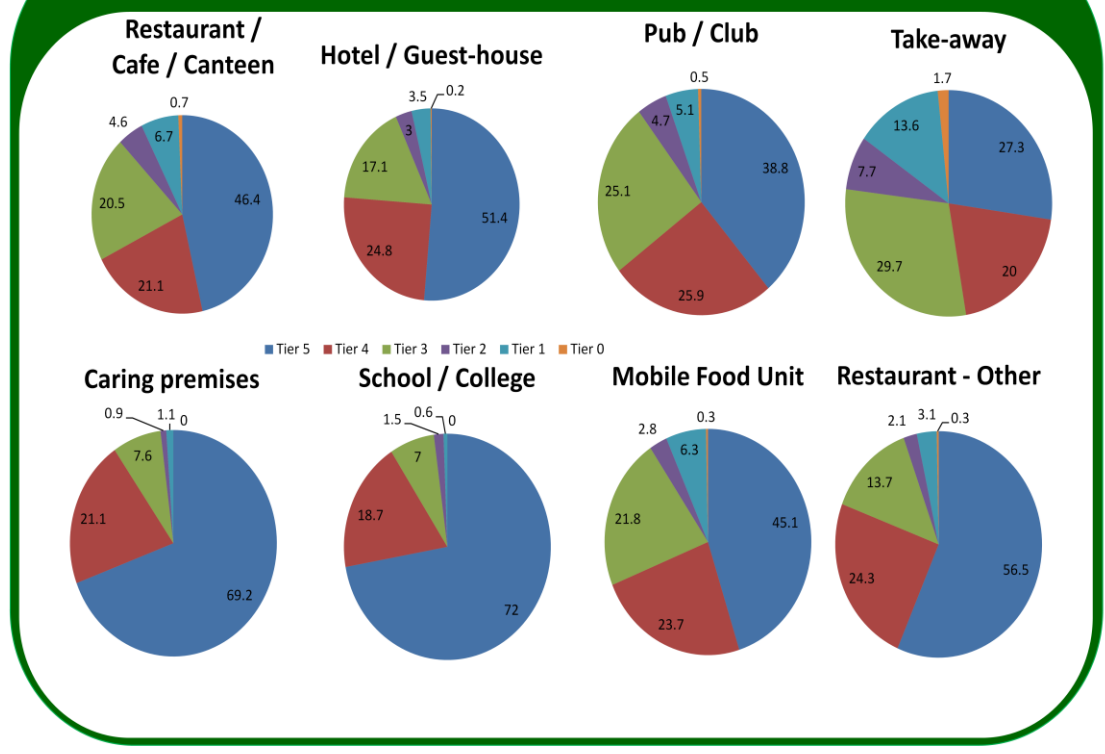
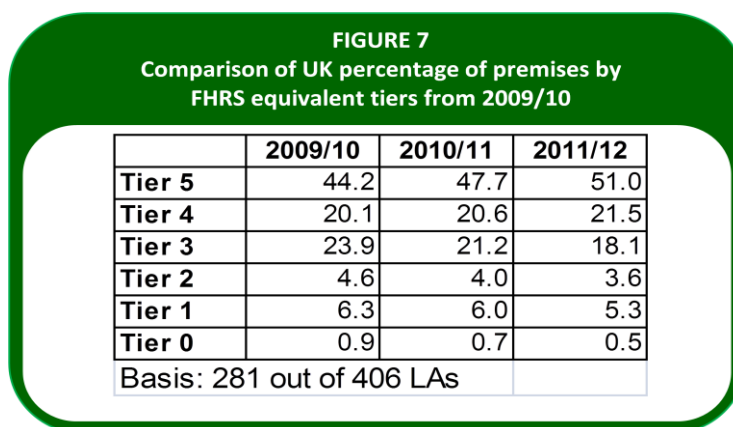


FIGURE 6
UK Percentage of premises by FHRs equivalent tiers and by sub-category of Restaurants and Caterers

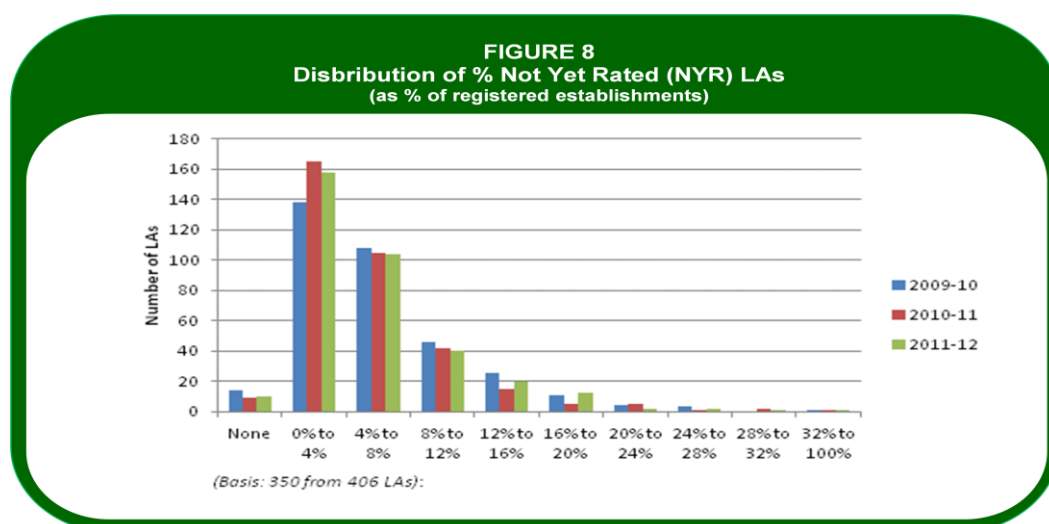




3 NOT YET RATED (NYR)

3.1 Where we are able to compare results for LAs across all three years (*Basis: 350 from 406 LAs*):

- There has been a reduction in the number of LAs reporting that fewer than 4% of their registered establishments were NYR over the last year, which is in contrast with the previous year.
- There has been a slight increase in the number of LAs reporting over 15% NYR, thus reversing the trend downwards demonstrated in previous years.



3.2 Looking at changes at an individual LA level over the same period shows

- Fewer LAs (116 out of 350) have reported an improvement (i.e. a reduction) of more than 0.5% in the percentage NYR from 2010/11 to 2011/12 than have reported an increase (147 out of 350).

FIGURE 9
Year-on-Year changes in individual LAs - % Not Yet Rated (NYR)

		No. LAs Changing from 10/11 to 11/12			Total Change 09/10 to 10/11
		↓ over 0.5%	↔ within +/- 0.5%	↑ over 0.5%	
No. LAs Changing from 09/10 to 10/11	↓ over 0.5%	46	52	86	184
	↔ within +/- 0.5%	2	5	3	10
	↑ over 0.5%	68	30	58	156
Total change 10/11 to 11/12		116	87	147	350

(Basis: 350 from 406 LAs)

3.3 In general the data suggest that the improvement in percentage of NYR establishments seen in previous years has not continued into 2011/12, although the current level is still an improvement upon 2009/10 levels. Almost half of LAs which had previously shown an improvement reported a worsening for the current year (86 out of 184 LAs). A potential explanation might be that the focus on continuing to improve the percentage Broad Compliance has been at the expense of focus on NYR in some LAs.

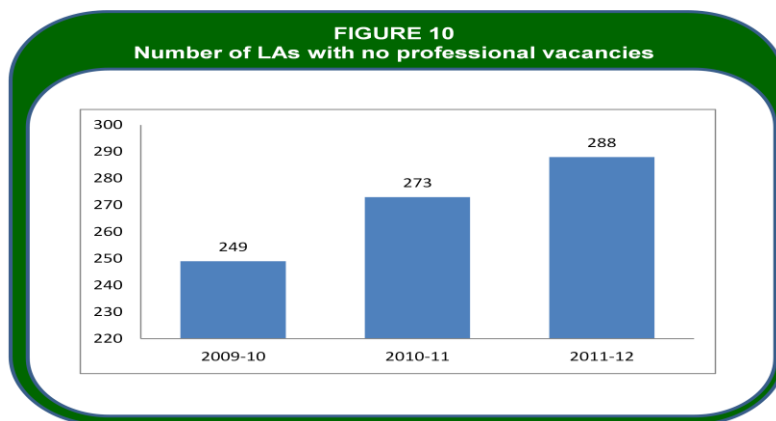
4 FULL TIME EQUIVALENTS (FTEs)

4.1 Where we are able to compare results for LAs across all three years (Basis: 389 from 406 LAs):

- There has been a decline in both occupied and allocated professional FTEs per registered establishments; the average number of occupied professional FTEs per 1,000 premises in each LA reduced by 5.7% over the last year, and the average number of allocated professional FTEs per 1,000 premises in each LA reduced by 7.1% over the last year.
- There has also been narrowing of the gap between the occupied and allocated FTEs (the vacancy rate). This may be due to the removal of any vacant posts from the allocated budget.

4.2 Looking at changes at an individual LA level over the same period shows:

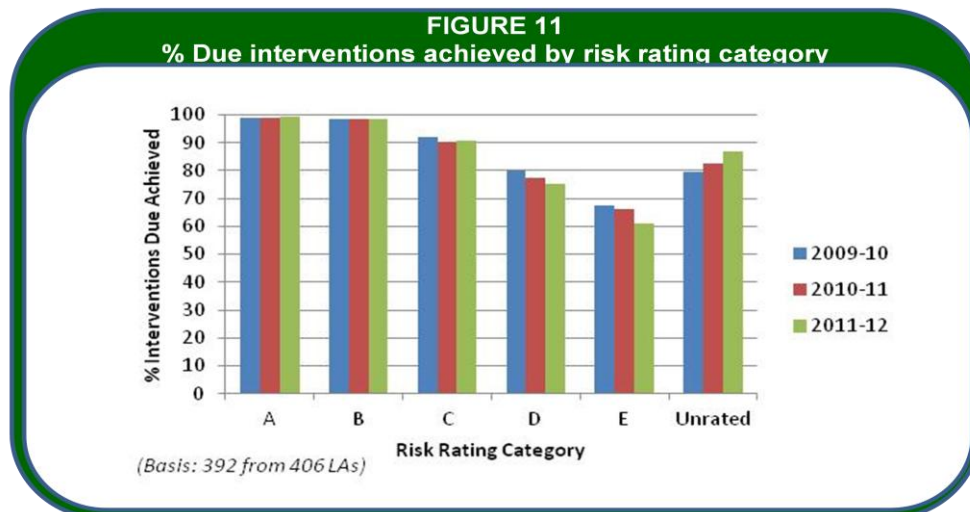
- The number of LAs with no professional vacancies has increased over the last 3 years.

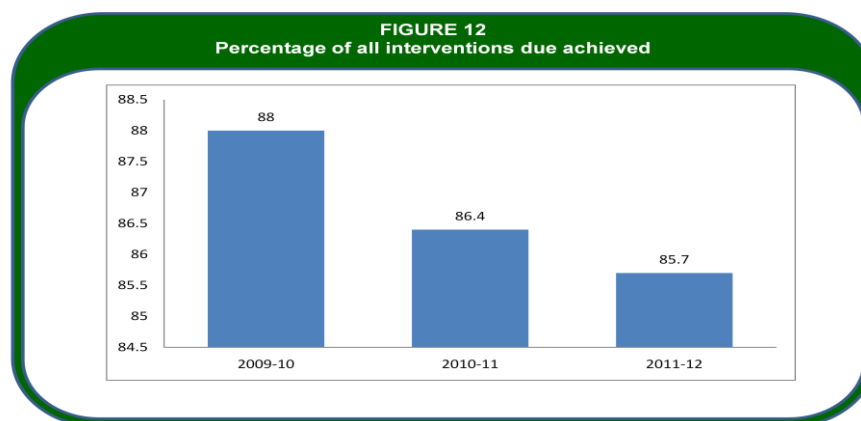


5 INTERVENTIONS

5.1 Where we are able to compare results for LAs across all three years (*Basis: 392 from 406 LAs*):

- The focus on achieving interventions due at the higher risk A and B rated establishments appears to have been maintained this year, with a corresponding decrease in the proportion of inspections due achieved at D and E rated establishments.
- In addition, the proportion of interventions due which are achieved for Not Yet Rated establishments has increased over the three years.





- However, the proportion of all interventions due that are achieved has decreased over the last 3 years, since there are far fewer establishments rated either A or B than there are establishments rated D or E.
- This decline cannot be explained by an increase in the number of establishments, as the number of interventions necessary actually decreased over the last year. In addition, whilst the number of interventions achieved remained approximately the same from 2009/10 to 2010/11, the number achieved dropped by 1.8% this year.
- On average, fewer interventions overall have been reported per establishment this year, a reduction of 4.4% since last year. This is split between a reduction in Inspections and Audits, Sampling Visits, and Verification and Surveillance interventions, whilst Advice and Education, and Information Intelligence Gathering interventions have increased over the year

5.2 Looking at changes at an individual LA level over the same period shows:

- In contrast to previous years, more LAs (232 out of 392) reported a reduction in the number of interventions conducted per registered establishment between 2010/11 and 2011/12 than reported an increase (160 out of 392 LAs).
- In addition, more LAs are reporting the use of Advice and Education, and Information Intelligence Gathering (informal) interventions than in previous years (see Figure 13).

FIGURE 13
Year-on-Year changes in individual LAs - proportion of 'Advice and Education' and 'Information / Intelligence Gathering' interventions conducted

		No. LAs Changing from 10/11 to 11/12			Total Change 09/10 to 10/11
		↓	↔	↑	
		over 0.5%	within +/- 0.5%	over 0.5%	
No. LAs Changing from 09/10 to 10/11	↓ over 0.5%	41	30	62	133
	↔ within +/- 0.5%	17	39	40	96
	↑ over 0.5%	82	23	58	163
Total change 10/11 to 11/12		140	92	160	392

(Basis: 392 from 406 LAs)

6 ENFORCEMENT

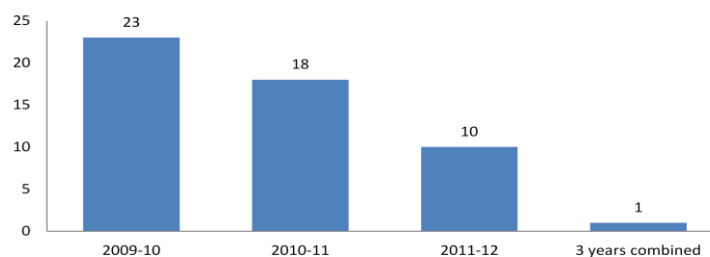
6.1 Where we are able to compare results for LAs across all three years (*Basis: 348 from 406 LAs*):

- The rate of enforcement (including written warnings) has reduced over the last year – though the rate of official enforcements has increased slightly.
- The number of enforcements per premise has increased for almost all of the official enforcement types since last year.

6.2 Looking at changes at an individual LA level over the same period shows:

- The number of LAs reporting no official enforcement action has further reduced over the latest year.

FIGURE 14
Number of LAs reporting no Official enforcement action



(Basis: 348 from 406 LAs) warnings)

Note: Official enforcement action does not include written warnings

ANNEXE 11

Explanatory notes for users of LAEMS Statistics

1 BACKGROUND

- 1.1 There are more than half a million food establishments operating in the UK. They are monitored by Local authorities (LAs) to ensure they operate within legal criteria designed to protect consumers from unsafe or fraudulent food practices. LAs report the results of their activity to the Food Standards FSA (FSA) via the Local Authority Enforcement Monitoring System (LAEMS). LAEMS is a web-based application, introduced in 2008, that allows LAs to upload data directly from their own local systems.¹⁵ A small amount of variation in local software and IT management systems remains. However, things have evolved to the point where 98% of LA uploads were complete and fully automated in 2011/12.
- 1.2 LAEMS comprises data on the enforcement of food hygiene and food standards legislation by LAs, as well as on controls applied to food imports from outside the EU. It is a valuable resource for evaluating and refining the performance of food enforcement activity in the UK. It is much used by the FSA and provides useful bench-marking data for LAs. The purpose of this annexe is to help make LAEMS statistics more accessible to a wider user base. A glossary describes some of the key terms and concepts used in the main report. There is also a note on some aspects of statistical methodology and assumptions that will enable users to gauge the integrity of the statistics.

2 STATISTICAL METHODOLOGY & QUALITY CONTROL ISSUES

Primary analysis

- 2.1 Automated xml data feeds are uploaded to LAEMS from each LA, then aggregated to pre-defined categories required by the FSA. LAs are invited to view, on-screen, the results of the aggregation and assess whether amendments to the data are needed. Amendments may then be made to the aggregate level data. When content, LAs are required to confirm the accuracy of the data, before it is submitted for evaluation and publication by the FSA. It is a fundamental feature of the primary analysis of LAEMS statistics (reported in Annexes 1 to 8) that they are based on the full data, as reported to us by LAs, and as signed off by LA Heads of Service.
- 2.2 The statistical methods used are straightforward and should be transparent from the tables and commentary provided. As an example, the % of food establishments (FE's) which are broadly compliant is calculated as

¹⁵ Information on LAEMS is available at
<http://www.food.gov.uk/enforcement/auditandmonitoring/laems/>

$100 \times (\text{No. of Broadly Compliant FE's in UK}) / (\text{Total No. of FE's in UK})$

It is worth pointing out that the denominator includes all FE's, even those whose most recent inspection was prior to April 1st 2011¹⁶. Thus % Broad Compliance is a status variable, reflecting the situation at 31st March 2012, using the most recent inspection (whenever conducted) on each FE.

- 2.3 Users should be mindful of the limited possibility of double-counting, which can manifest itself in different ways: e.g. mobile food vans may be registered in more than one LA; the same establishment may receive multiple enforcement actions within the reporting period. A third example occurs in Annexe 8, where it is possible to put an upper bound on the potential for double-counting.

Secondary analysis

- 2.4 For secondary analysis (Annexe 10) there is some variation from the rules in 2.1. The analysis in Annexe 10 makes use of both the aggregated figures, signed off by LA Heads of Service, and the underlying xml data.¹⁷
- 2.5 The following checks were taken into account in the analysis included in this annexe to ensure metrics and comparisons were reliable:
- LA's were excluded from an analysis where missing values, data entry errors and inconsistent adjustments issues would invalidate findings on each metric.
 - xml data for an LA was excluded if aggregated figures signed off by Heads of Service had been adjusted by more than $\pm 2\%$ from the original xml, to ensure comparability with aggregated analysis.
 - Reliable time comparisons are obtained by restricting analysis to a cohort of LAs that submitted valid data for each metric across all relevant years.
 - Tables include base numbers to enable users to judge how much data, if any, has been excluded as a result of this selectivity.

¹⁶ Category D, E premises need only be inspected every 18, 24 months respectively (see "Risk Rating" below).

¹⁷ The xml data provides results at the level of individual establishments, including a breakdown of the elements comprising the overall establishment compliance score, the risk rating, and any interventions and enforcement actions undertaken in the reporting year.

3 GLOSSARY

Compliance

Compliance of food establishments (FE's) with food hygiene law is measured on a 0-5 scale. The term "**broadly compliant**" refers to any FE attaining one of the top three FHRS ratings (3-5). For more detail see "FHRS" (below).

Enforcement Action

Includes measures, such as suspension of approval and prosecution, which constitute an escalation from intervention measures (see below).

Food Establishment

A broad definition is adopted, but some establishments, posing sufficiently low risk, may be excluded from a programme of routine inspection (see below).

Food Hygiene Rating Scheme (FHRS)

The FHRS represents the compliance of food establishments with food hygiene law on a 0-5 scale. The criteria for the FHRS tiers are:

FIGURE 1
Criteria for the Food Hygiene Rating Scheme (FHRS) tiers

Numerical scores (sum of the three components)	0-15	20	25-30	35-40	45-50	>50
Additional factor	No individual score >5	No individual score >10	No individual score ?10	No individual score >15	No individual score >20	-
Tier	Top	Second	Third	Fourth	Fifth	Bottom
	5	4	3	2	1	0
FHRS Rating/Descriptor	<i>Very Good</i>	Good	Generally satisfactory	Improvement necessary	Major Improvement necessary	Urgent improvement necessary
Broadly Compliant?	Yes	Yes	Yes	No	No	No

Intervention

Activities designed to monitor, support and increase food law compliance within a food establishment. They include surveillance, verification, audit, inspection, intelligence gathering, advice, education, sampling and analysis. More than one type of intervention may be carried out during a single visit to a food establishment. When calculating "**% of due interventions achieved**" the denominator may include 0, 1 or 2 interventions for each food establishment, depending upon the risk rating of the establishment (see Risk Rating below).

Local Authority

The local authorities with delegated responsibility for food law enforcement come in various types and sizes, for example county councils, unitary authorities, London boroughs and port health authorities.

Official Sample

Taking food or any other substance relevant to the production, processing and distribution of food, in order to verify, through analysis, compliance with food law. Sample analysis is carried out by an official laboratory.

Risk Rating

A score attributed to each establishment to help prioritise enforcement activity by LA's. The risk rating for food hygiene is based on an explicit formula that includes the following elements: type of food and processing; number and type of consumers potentially at risk; current compliance of the establishment; risk of contamination; and confidence in management. The rating is on a scale from 0-197 and is used to prioritise intervention frequency as follows:-

- **A** (rating of 92 or higher) - at least every 6 months
- **B** (rating of 72 to 91) - at least every 12 months
- **C** (rating of 42 to 71) - at least every 18 months
- **D** (rating of 31 to 41) - at least every 24 months
- **E** (rating of 0 to 30) - a programme of alternative enforcement

LA's may assess some establishments as outside the normal programme, because they pose very low risk: e.g. coffee provided in betting shops. Other establishments may be 'not yet risk rated' i.e. new businesses that have yet to be assessed. The risk rating system for food standards has similar features to that used for food hygiene. LA's must ensure that all establishments (irrespective of risk rating) continue to be subject to official controls.

This is a brief guide. More detail can be found on the FSA website, including within the code of practice, located at

<http://www.food.gov.uk/enforcement/enforcework/foodlawcop/>