

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

Horsham District Council
18-20 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 Environmental Health and Trading Standards Services.

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

Agency audits assess local authorities' conformance against the Food Law Enforcement Standard "The Standard", which was published by the Agency as part of the Framework Agreement on Official Feed and Food Controls by Local Authorities and is available on the Agency's website at: www.food.gov.uk/enforcement/auditandmonitoring.

The main aim of the audit scheme is to maintain and improve consumer protection and confidence by ensuring that local authorities are providing an effective food law enforcement service. The scheme also provides the opportunity to identify and disseminate good practice and provide information to inform Agency policy on food safety, standards and feeding stuffs. Parallel local authority audit schemes are implemented by the Agency's offices in all the devolved countries comprising the UK.

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

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

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1.0 Introduction

- 1.1 This report records the results of an audit at Horsham District Council with regard to food hygiene enforcement, under relevant headings of the Food Standards Agency Food Law Enforcement Standard. The audit focused on the Authority's arrangements for the management of the food premises database, food premises interventions, and internal monitoring. The report has been made available on the Agency's website at:
www.food.gov.uk/enforcement/auditandmonitoring/auditreports.
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 Horsham 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 because it had not been audited in the past by the Agency 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 Horsham District Council's arrangements for food premises database management, food premises interventions and internal monitoring, with regard to food hygiene law enforcement. This included a reality check at a food business to assess the effectiveness of official controls implemented by the Authority at the food business premises and, more specifically, the checks carried out by the Authority's officers, to verify food business operator (FBO) compliance with legislative requirements. The scope of the audit also included an assessment of the Authority's overall organisation and management, and the internal monitoring of food hygiene law enforcement activities.
- 1.6 Assurance was sought that key Authority food hygiene law enforcement systems and arrangements were effective in supporting business compliance, and that local enforcement was managed and delivered effectively. The on-site element of the audit took place at the Authority's offices at Park House, North Street, Horsham, West Sussex on 18-20 June 2013.

Background

- 1.7 Horsham District Council is situated in the county of West Sussex, covering an area of 205 square miles with a population of approximately 130,800. The area is predominantly rural consisting of small towns and villages, with the town of Horsham being the main commercial and administrative centre.
- 1.8 The Authority has many small to medium food retail and catering businesses, including a high number of home businesses as well as a small range of specialist food manufacturing businesses involved with eggs, meat and fishery products, requiring approval under Regulation (EC) No. 853/2004.
- 1.9 Food hygiene law enforcement was the responsibility of the Commercial Team in the Environmental Health and Licensing Department. The Team deliver a number of other regulatory functions besides food safety, including health and safety at work, enforcement of smoke-free legislation and infectious disease control.
- 1.10 The Authority reported the profile of Horsham District Council's food businesses at 1 April 2013 as follows:

Type of Food Premises	Number
Primary Producers	10
Manufacturers/Packers	38
Importers/Exporters	0
Distributors/Transporters	14
Retailers	202
Restaurant/Caterers	832
Total Number of Food Premises	1,096

2.0 Executive Summary

2.1 Horsham District Council was selected for audit as it had not been previously audited in the last five years, and past performance data submitted to the Agency via the Local Authority Enforcement Monitoring System indicated a relatively high number of businesses on the Authority's food business database yet to receive an initial intervention (unrated) and relatively low levels of formal enforcement actions taken. The Authority was able to demonstrate however that it had developed a risk-based intervention strategy which included the assessment of unrated businesses.

2.2 Strengths:

Interventions: It was clear from inspection records that inspections were consistently focused on potential risks and the Authority was able to demonstrate a well established emphasis on supporting and assisting local food businesses to meet legal standards.

Third Party and Peer Review: The Authority had participated in a detailed Inter-Authority Audit (IAA) in June 2010 and had been subject to a detailed internal audit on compliance with the requirements of the Standard in the Framework Agreement in 2012. Both audits identified non-conformances and detailed recommendations and action plans had been developed, most of which the Authority had now addressed.

2.3 Key areas for improvement:

Enforcement and follow-up actions: There was little evidence on files of a graduated approach to enforcement in certain higher risk cases. Officers needed to provide further details of their decisions in relation to follow-up actions, including reference to the Authority's Enforcement Policy, as timely business compliance had not always been achieved.

Internal Monitoring: The Authority needed to develop and implement a risk-based internal monitoring regime, to check the quality of inspection records and follow-up actions, including food hygiene risk scores allocated to businesses by officers. Monitoring activities should cover all aspects of the Service including food complaints, sampling and records associated with approved establishments.

Reviewing and updating documented policies and procedures: As identified by past IAA and internal audit, the Authority had not reviewed its documented procedures for many years. Given the findings of this audit, the Service would benefit from the review and further development of documented procedures covering all aspects of food law enforcement activity, to aid consistency of delivery.

3.0 Audit Findings

3.1 Organisations and Management

Strategic Framework, Policy and Service Planning

3.1.1 The Authority had developed a combined Food Safety and Health and Safety at Work Service Plan for 2013/14 which had been approved by the relevant Cabinet Member in April 2013. The Plan provided useful information on the demands on the Service including details of its risk-based intervention strategy for food safety enforcement. The Plan provided an overview of the wider aims and objectives of the Service, and highlighted six main aims regarding food safety including:

- To protect and improve the safety of all food and drink produced, imported, prepared or sold within the Horsham district.
- Provide consumers and businesses with trusted sources of advice, information and training.
- Continue to secure continuous improvements in the food establishments within the district to protect public health and support a vibrant economy.
- To enforce food safety legislation in accordance with the Council's Enforcement Policy.
- To prevent and control the spread of food poisoning and foodborne diseases
- To contribute towards health improvement targets in relation to diet, obesity and coronary heart disease.

3.1.2 The Plan highlighted a historically high number of unrated food establishments awaiting assessment, and included the Authority's proposals to investigate and address these issues which were largely due to the rising number of home caterers.

3.1.3 Although the Plan was generally in line with the Service Planning Guidance in the Framework Agreement, it would benefit from the addition of further key information about the food service, including a more detailed breakdown of the resources required to deliver the service in full accordance with statutory requirements compared to the resources currently available, to identify any potential shortfall. The absence of such information made it difficult for the Authority to demonstrate to Members and senior management that the Service had sufficient resources to deliver all its statutory functions in line with the Food Law Code of Practice (FLCoP).

3.1.4 In addition the Plan would benefit from the inclusion of more detail regarding the use of any alternative intervention strategies or different intervention types used as prescribed within the FLCoP.

Recommendations

3.1.5 The Authority should:

- (i) Ensure that future Food Service Plans are in full accordance with the Service Planning Guidance in the Framework Agreement and provide an accurate and reasoned estimate of the staffing resources required to deliver the food law enforcement service compared with the staffing resources available to the Authority.
[The Standard – 3.1]
- (ii) Carry out a performance review at least once a year based on the service delivery plan, documented and submitted to either the relevant Member forum or, where approval and management of plans has been delegated to senior officers, to the relevant senior officer.
[The Standard – 3.2]

Documented Policies and Procedures

3.1.6 Although the Authority provided evidence of a range of procedures covering most aspects of the Service's food law enforcement activities, many dated back to 1995 and therefore included out of date and superseded legislative references which did not necessarily reflect current practices. The Authority therefore needed to introduce a system to review and update all its policies and procedures at regular intervals ensuring that they include reference to recent food safety issues and developments such as the Agency's E.coli O157 cross-contamination guidance, Safer food, better business (SFBB), the Food Hygiene Rating Scheme or relevant issues that emerged from the Pennington Inquiry. The Authority did provide a set of detailed administrative work flow charts covering many aspects of the Service's activities that would form a useful basis for developing any new procedures required.

Recommendation

3.1.7 The Authority should:

Ensure that all documented policies and procedures for each of the enforcement activities are reviewed at regular intervals and whenever there are changes to legislation and centrally issued guidance. [The Standard – 4.1]

Officer Authorisations

- 3.1.8 Officer authorisation documents confirmed that officers had been appropriately authorised under relevant food hygiene legislation. However to ensure future consistency, the Authority would benefit from the development of a documented system for the authorisation of officers, based upon their level of qualification and competency linking this to the identification of officer training requirements.
- 3.1.9 Auditors were provided with a scheme of delegation which indicated that the Head of Planning and Environmental Services and line managers in his/her absence had delegated powers from the Council to authorise suitably qualified officers to enforce various public health statutes.
- 3.1.10 Checks of officer training records held by the Authority, including the lead officer, confirmed that officers had received the required 10 hours training based upon Continuing Professional Development (CPD), including useful training on the Agency's E.coli guidance, HACCP and some specialist processes such as sous vide and vacuum packing. However, only limited training on approved establishments and associated legislation had been undertaken by a small number of officers in the team. Auditors therefore recommended as a priority that all officers involved with the approval, re-approval and inspection of approved establishments receive appropriate and relevant training for these types of businesses in the area.
- 3.1.11 Auditors were advised that individual officer training needs were discussed during the annual appraisal process between officers and managers. It was not clear though how training needs were assessed and prioritised based on individual duties and responsibilities.

Recommendations

3.1.12 The Authority should:

- (i) Develop and implement an authorisation procedure including a suitable method of assessing and reviewing officer competencies and associated training requirements commensurate with their responsibilities and duties. [The Standard – 5.1]
- (ii) Ensure that officers receive appropriate update training to maintain the competencies necessary to deliver the technical aspects of the work in which they are involved. [The Standard – 5.4]

3.2 Food Premises Database

- 3.2.1 The Service operated a computer database system that was capable of providing the returns required for the Local Authority Enforcement Monitoring System (LAEMS). Auditors did recommend though that the Authority checked the figures submitted for full time equivalent officers available solely for food hygiene enforcement, rather than the figure recently submitted which included other enforcement duties beyond the scope of food hygiene.
- 3.2.2 In general, officers had responsibility for entering data on to the system including records of enforcement activity, inspection details and risk ratings. Various database checks carried out as part of the audit including internet searches confirmed that the data was generally accurate and contained only a small number of minor anomalies in terms of risk scoring. The Service was able to demonstrate its ability to provide useful data reports from its database, required for the effective management of its intervention programme.
- 3.2.3 Auditors discussed the benefits of developing a documented procedure to promote consistent data entry and to ensure that the food premises database was accurate.

3.3 Food Premises Interventions

3.3.1 The Authority's Community Service Area Plan 2012/13 provided details of targets for the food premises intervention programme, but not specifically the full risk profile. LAEMS data provided by the Authority however indicated the following breakdown of premises by risk category:

Premises Risk Category	Number of Premises
A	4
B	36
C	394
D	180
E	366
Unrated	116
Outside programme	0
TOTAL	1,096

3.3.2 Auditors were advised that the inspection programme was organised and allocated quarterly.

3.3.3 Database checks confirmed a small number of food businesses were overdue some form of intervention. These were generally lower risk or compliant establishments with no higher risk businesses overdue an inspection. The interventions overdue included three risk category B, 10 category C and seven category D businesses. Auditors discussed the use of the full range of possible interventions and flexibilities described in the FLCoP if needed to help address any backlog of interventions.

3.3.4 In addition to the small backlog of overdue interventions there were 81 unrated newly registered businesses that still required an initial inspection. The Authority acknowledged these figures and assured auditors that these overdue and unrated establishments would be prioritised on a risk basis and integrated into the coming year's intervention programme.

3.3.5 After assessing the Authority's database, auditors were able to confirm that the Authority had generally adopted a risk-based approach to its intervention programme, targeting resources at the higher risk and non-compliant businesses.

Recommendation

3.3.6 The Authority should:

Ensure that food hygiene interventions at food premises in their area are carried out at a frequency which is not less than that determined under the intervention rating scheme set out in the Food Law Code of Practice.

[The Standard – 7.1]

- 3.3.7 At the time of the audit the Authority had a policy of conducting full inspections for all of its food businesses. The Authority's procedures relating to food hygiene interventions required review and expansion to ensure they were current, comprehensive and included guidance for officers on the inspection of approved establishments. In addition the inspection procedure could usefully contain clearer guidance for officers on the application of Agency guidance on avoiding cross-contamination risks from E.coli O157.
- 3.3.8 The Authority had developed and implemented an appropriate inspection aide-memoire for higher and lower risk inspections which officers were expected to complete at the time of the intervention, along with a report of inspection form. Key findings and risk rating details were subsequently entered onto the electronic database. The aide-memoire included a detailed assessment of businesses food safety management systems based on HACCP and the implementation and operation of SFBB allowing officers to demonstrate that businesses had been inspected in accordance with current legislation and centrally issued guidance.
- 3.3.9 Audit checks on aides-memoire indicated that generally detailed inspection notes were being recorded on file. Officers provided details of businesses activities and clearly identified any breaches of relevant legislation. There was some variation however in the level of detail recorded by officers, making it difficult in several cases to justify the risk scores allocated based on the officers inspection records. Several examples were seen of businesses receiving risk scores that were lower than records of inspection findings indicated. These sometimes included serious repeated breaches of hygiene legislation according to officer notes. Auditors therefore recommended that officers recorded additional details where needed to support and explain risk scoring based upon inspection findings.
- 3.3.10 Where letters to businesses had been sent following inspections they were comprehensive and provided businesses with useful advice and detailed findings clearly differentiating between legal contraventions and recommendations.

- 3.3.11 The Authority had six establishments that required approval under Regulation (EC) No. 853/2004. Files were examined relating to three of these businesses involved in meat products, fishery products and egg production. Checks confirmed that two of the three businesses had been appropriately approved under the relevant EU legislation, with files containing evidence of an appropriate application and pre-approval inspection. However one business producing meat and fishery products was still operating under an approval originating from now superseded legislation. Auditors therefore recommended as a priority that the business was re-assessed and approved if appropriate under Regulation (EC) No. 853/2004.
- 3.3.12 Approved establishment files were generally well organised and contained information required by the FLCoP, including a useful synopsis concerning the nature and scale of business operations. The Authority had also developed a detailed checklist to ensure that files contained all the relevant information required, including businesses food safety management and HACCP documentation.
- 3.3.13 In most cases detailed and comprehensive inspections had been undertaken and findings recorded on file using an appropriate aide-memoire for the type of business. However in one case a recent inspection had been carried out using a non-specific inspection aide-memoire making it difficult in this case for the officer to clearly demonstrate that the business had been assessed against all relevant areas of legislation.
- 3.3.14 Based upon the audit findings in relation to general and approved establishments the Authority would benefit from reviewing and further developing its intervention procedures to provide officers with suitable operational guidance covering all intervention types, follow-up actions, approval and re-approval, risk scoring, and the Food Hygiene Rating Scheme.

Recommendations

3.3.15 The Authority should:

- (i) Carry out interventions and inspections and approve establishments in accordance with appropriate legislation and centrally issued guidance. [The Standard – 7.2 and 7.3]
- (ii) Assess the compliance of establishments and systems in their area to the legally prescribed standards. In addition the Authority shall take appropriate and timely action on any non-compliance found in accordance with the Authority's enforcement policy, the Food Law Code of Practice and centrally issued guidance. The reasons for any departure from its enforcement policy should be documented. [The Standard - 7.3 and 15.4]
- (iii) Further develop and implement its documented procedures for the inspection of general food premises and approved establishments to provide operational guidance to officers that is in line with the Food Law Code of Practice and centrally issued guidance. [The Standard – 7.4]

Verification Visit to a Food Premises

- 3.3.16 During the audit, a verification visit was undertaken to a local care home with an experienced 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. The specific assessments included the conduct of the preliminary interview with the FBO by the officer, general hygiene checks to verify compliance with structure and hygiene practice requirements and checks carried out by the officer to verify compliance with HACCP based procedures.
- 3.3.17 The officer was able to demonstrate general familiarity with the premises and the key operations carried out at the business including the adequacy of the operator's food safety management system.

3.4 Enforcement

- 3.4.1 The Authority had developed an enforcement policy which set out the Authority's commitment to a graduated and proportionate approach to enforcement and contained general guidance on enforcement actions in accordance with the FLCoP. The Authority had also developed a set of procedures relating to specific enforcement actions. These included procedures for taking prosecutions and the seizure of unfit foods that needed review and updating to ensure that they contained up to date references to relevant regulations and centrally issued guidance.
- 3.4.2 Although file checks showed that in most cases business compliance had eventually been achieved, it had not always been timely and there was little evidence on file that a graduated approach to enforcement had been taken, despite serious and sometimes repeated breaches in hygiene legislation being recorded on file at consecutive inspections. Auditors recommended that officers record reasoned explanations for their choice of follow-up actions particularly for higher risk establishments and particularly in cases that would appear contrary to the Authority's enforcement policy.
- 3.4.3 Records of three Hygiene Improvement Notices (HIN) were assessed. These were all found to be appropriate in the circumstances and were signed by a correctly authorised officer who had witnessed the contravention. In general the notices were appropriately drafted in accordance with centrally issued guidance. There was evidence available that the notices had been properly served and a timely check on compliance had in most cases been made following expiry of the notices. Auditors did advise that business compliance with formal notices should be acknowledged in writing to the FBO.
- 3.4.4 Similarly records relating to three voluntary closures were assessed and found in each case to have been appropriate given the circumstances. Although the voluntary closures had been successfully carried out by officers, auditors noted a lack of formal documentation in relation to their use and the re-opening of premises following closure. To aid consistency between officers auditors therefore recommended the development of suitable work instructions and standard forms in relation to all possible follow-up actions including HINs and voluntary closures.

Recommendation

3.4.5 The Authority should:

- (i) Set up maintain and implement documented procedures for follow up and enforcement actions in accordance with the relevant Codes of Practice and official guidance. [The Standard - 15.2]
- (ii) Carry out food law enforcement in accordance with the relevant Codes 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 procedure for monitoring the quality of food hygiene inspections, covering inspection records and follow-up actions. However this procedure required review to ensure it reflected current or intended internal monitoring practice and to detail the frequency of checks across all areas of food law enforcement activity.
- 3.5.2 File checks and discussions during the audit confirmed that whilst there was evidence of effective quantitative monitoring, there was only limited documentary evidence of any qualitative monitoring relating to officer inspection records and follow-up actions.
- 3.5.3 Given the audit findings, particularly the issues related to achieving timely business compliance and the issues involving the allocation of appropriate risk scores after inspection, auditors recommended the introduction of regular documented risk-based qualitative internal monitoring across all areas of food law enforcement work.

Recommendations

3.5.4 The Authority should:

- (i) Develop, maintain and implement documented internal monitoring procedures in accordance with Article 8 of Regulation (EC) No. 882/2004 (Official Feed and Food Controls), the Food Law Code of Practice and centrally issued guidance. This should include all aspects of the Service, including the work of contractors where appropriate. [The Standard – 19.1]
- (ii) Verify its conformance with the Standard, relevant legislation, the Food Law Code of Practice, centrally issued guidance and the Authority's own documented policies and procedure across all the Authority's food law enforcement activities. [The Standard – 19.2]
- (iii) Ensure that records of monitoring activities are maintained. [The Standard – 19.3]

Food and Food Premises Complaints

- 3.5.5 The Authority had not developed a documented procedure for dealing with food and food premises complaints. Brief details of the Authority's policy on food complaints were set out in its Service Plan.
- 3.5.6 Checks made on records for five recent complaints indicated that complaints were generally subject to adequate investigation and follow-up, and that all relevant parties were informed of the results of complaint investigations. Auditors did note that in one case however involving an isolated allegation of unfit food being sold by a local business, a range of possible alternative follow-up actions were possible and perhaps appropriate given the complaint investigation notes. Officer records contained insufficient evidence on file to justify the choice of follow-up action taken in this case.

Recommendation

3.5.7 The Authority should:

Take appropriate action on all complaints received in accordance with its Enforcement Policy and relevant centrally issued guidance. The reasons for any departure from its Enforcement Policy should be documented.
[The Standard - 8.3 and 15.4]

Food Inspection and Sampling

- 3.5.8 The Authority had provided comprehensive details of its sampling activity and outcomes in 2012/13 in its Service Plan. The Authority had participated in Sussex Food Liaison Group sampling studies involving ready to eat foods and in-house produced liver pate. The Plan also outlined its commitment to a risk-based sampling regime and provided details of the proposed sampling programme for 2013/14, involving water used in mobile premises and the effectiveness of cleaning in higher risk food establishments. In 2012/13 the Authority undertook and followed up 19 food hygiene microbiological samples.
- 3.5.9 Although the Authority had not developed an up to date sampling procedure, a number of sampling records assessed were generally found to contain all the relevant sample details in accordance with the FLCoP. However in one case involving several unsatisfactory samples due to the presence of an undesirable micro-organism taken from a new fermented meat products business it was not clear that all possible follow-up actions, including monitoring of the business, had

been considered and records did not contain sufficient detail to necessarily support the choice of follow-up actions taken. The Authority provided details of the case in question in its Service Plan and assured auditors that the products in question had been trial products and had not been offered for sale to the public. In light of this case auditors recommended that a documented sampling procedure be developed and implemented to provide suitable operational guidance for officers including follow-up actions and timescales.

Recommendations

3.5.10 The Authority should:

- (i) Develop, maintain and implement an appropriate documented sampling procedure, providing operational guidance for officers including reference to all possible follow-up actions and the Authority's enforcement procedure. [The Standard - 12.3]
- (ii) Take appropriate action in accordance with its Enforcement Policy where sample results are not considered satisfactory. [The Standard - 12.7]

Records

3.5.11 Records of food law enforcement activities were maintained both electronically and on hard copy paper records. Audit checks confirmed that in general, records across all food law enforcement activities were legible and easily retrievable. Auditors did note some difficulty in retrieving evidence such as photographs and enforcement notices linked to some higher risk cases. In the opinion of the auditors retrievability may have been improved by the more effective use and development of the Authority's database system, linking and attaching documentary evidence to relevant electronic files.

Third Party or Peer Review

3.5.12 The Authority had taken part in an inter-authority audit on certain elements of the Standard in June 2010 and had been subject to an internal audit on Food Standards Agency service requirements in December 2012. Both reports identified a number of recommendations and areas for improvement. This audit confirmed that many of these recommendations had been addressed by the Service although it was clear that recommendations relating to the

review and development of documented procedures across the Service had not yet been actioned. Auditors discussed the benefits to the Service of continuing to undertake such activities in the future and ensuring that all recommendations are considered and acted upon.

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ANNEXE A Action Plan Horsham District Council

Audit date: 18-20 June 2013

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.1.5(i) Ensure that future Food Service Plans are in full accordance with the Service Planning Guidance in the Framework Agreement and provide an accurate and reasoned estimate of the staffing resources required to deliver the food law enforcement service compared with the staffing resources available to the Authority. [The Standard – 3.1]	30/04/14	The Service Plan for 2014/15 will include a breakdown resources required to deliver the food service. A detailed comparison will be made of the resources required to deliver the service in full in accordance with statutory requirements against the resources currently available to identify any potential shortfall.	Interrogation of data to highlight the range of statutory functions performed by the team and a breakdown of time spent on each one. Analyses of what additional resource would be required to undertake a range of non-statutory functions, (i.e. initiatives, promotions, educational events, food safety events).
3.1.5(ii) Carry out a performance review at least once a year based on the service delivery plan, documented and submitted to either the relevant Member forum or, where approval and management of plans has been delegated to senior officers, to the relevant senior officer. [The Standard –3.2]	30/04/14	The Service Plan for 2014/15 will include a performance review using performance indicators, results of any audits and outcomes of the routine food hygiene inspection monitoring. Revisions to the Service Plan will be incorporated into the Plan for 2014/15 subject to elected member approval.	Interrogation of data. Revision of Service Planning due to result of Food Standards Agency audit. Review of internal monitoring procedures to capture statistics and highlight issues, trends, etc.

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.1.7 Ensure that all documented policies and procedures for each of the enforcement activities are reviewed at regular intervals and whenever there are changes to legislation and centrally issued guidance. [The Standard – 4.1]	31/12/13	A full review and revision of documented food service policies and procedures. Item to be added to Commercial Team Agenda to review changes in legislation or centrally issued guidance. Revision of documented procedures as required following review process.	Item added to Commercial Team Agenda. Staff nominated to undertake review of documented policies and procedures. Resource set aside to complete task.
3.1.12(i) Develop and implement an authorisation procedure including a suitable method of assessing and reviewing officer competencies and associated training requirements commensurate with their responsibilities and duties. [The Standard – 5.1]	31/12/13	Combined with 3.1.7 to develop a documented authorisation procedure. The procedure will include methods for assessing competencies with a training needs analysis commensurate with responsibilities. To develop a competency framework for newly qualified officers with professional development to work towards authorisation of full statutory powers/duties set out in the Food Law COP.	Staff nominated to undertake review of procedure. Resource set aside to complete task.

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.1.12(ii) Ensure that officers receive appropriate update training to maintain the competencies necessary to deliver the technical aspects of the work in which they are involved. [The Standard – 5.4]	31/12/13	Combined with 3.1.12(ii) above. Procedure to periodically evaluate competencies with training needs analysis. Annual employee appraisals to assess continuous professional development in accordance with Food Law COP.	Staff nominated to undertake review of procedure. Resource set aside to complete task. Ensure that sufficient resources are available for training. Identification of appropriate training offered at low cost or provided free of charge.
3.3.6 Ensure that food hygiene interventions at food premises in their area are carried out at a frequency which is not less than that determined under the intervention rating scheme set out in the Food Law Code of Practice. [The Standard – 7.1]	31/12/13	Implementation of internal monitoring procedures to include allocation of programmed inspections to Officers well ahead of 'inspection due' date. Make full use of intervention options made available in accordance with Food Law COP. Regular review of premises data base to check progress of inspections due.	Staff nominated to undertake review of procedure. Resource set aside to complete task.

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.3.15(i) Carry out interventions and inspections and approve establishments in accordance with appropriate legislation and centrally issued guidance. [The Standard – 7.2 and 7.3]	31/12/13	A full review and revision of documented food service policies and procedures. Implementation of internal monitoring procedures. Procedures to ensure that Officers are competent & qualified to inspected premises commensurate with responsibilities. Ensure that correct inspection forms are used & inspections are undertaken in accordance with relevant legislation FLCOP, etc.	Staff nominated to undertake review of procedure. Resource set aside to complete task.
3.3.15(ii) Assess the compliance of establishments and systems in their area to the legally prescribed standards. In addition the Authority shall take appropriate and timely action on any non-compliance found in accordance with the Authority's enforcement policy, the Food Law Code of Practice and centrally issued guidance. The reasons for any departure from its enforcement policy should be documented. [The Standard - 7.3 and 15.4]	31/12/13	A full review and revision of documented Enforcement Policy to include the most appropriate course of action. To include circumstances where it may be appropriate to depart from Enforcement Policy & to ensure that the information is recorded should such circumstances occur.	Staff nominated to undertake review of procedure. Resource set aside to complete task.

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.3.15(iii) Further develop and implement its documented procedures for the inspection of general food premises and approved establishments to provide operational guidance to officers that is in line with the Food Law Code of Practice and centrally issued guidance. [The Standard – 7.4]	31/12/13	A full review and revision of documented procedures for inspections of the full range of premises under 852 and 853 in accordance with Food Law COP and centrally issued guidance. The procedures are to include operational guidance with regards to current guidance, specific inspection forms, gathering of information, evidence, etc.	Staff nominated to undertake review of procedure. Resource set aside to complete task.
3.4.5(i) Set up maintain and implement documented procedures for follow up and enforcement actions in accordance with the relevant Codes of Practice and official guidance. [The Standard - 15.2]	31/12/13	A full review and revision of documented procedures for follow up enforcement actions. The process to include graduated approach to seeking compliance in accordance with Food Law COP and centrally issued guidance.	Staff nominated to undertake review of procedure. Resource set aside to complete task.
3.4.5(ii) Carry out food law enforcement in accordance with the relevant Codes of Practice and centrally issued guidance. [The Standard – 15.3]	31/12/13	A full review and revision of documented Enforcement Policy to include the most appropriate course of action, full range of enforcement actions, procedures for voluntary closures, etc in accordance with Food Law COP and centrally issued guidance.	Staff nominated to undertake review of procedure. Resource set aside to complete task.

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.5.4(i) Develop, maintain and implement documented internal monitoring procedures in accordance with Article 8 of Regulation (EC) No. 882/2004 (Official Feed and Food Controls), the Food Law Code of Practice and centrally issued guidance. This should include all aspects of the Service, including the work of contractors where appropriate. [The Standard – 19.1]	31/12/13	A full review and revision of documented procedures for internal monitoring of inspections, complaints, sampling, etc. The procedure will cover internal monitoring of full time officers and contractors.	Staff nominated to undertake review of procedure. Resource set aside to complete task.
3.5.4(ii) Verify its conformance with the Standard, relevant legislation, the Food Law Code of Practice, centrally issued guidance and the Authority’s own documented policies and procedure across all the Authority’s food law enforcement activities. [The Standard – 19.2]	31/12/13	Undertake a performance review using performance indicators, results of any food service audits and outcomes of internal monitoring across all food law enforcement activities. Act upon any non-conformances.	Staff nominated to undertake review of procedure. Resource set aside to complete task.
3.5.4(iii) Ensure that records of monitoring activities are maintained. [The Standard – 19.3]	31/12/13	A full review and revision of documented procedures for internal monitoring of inspections, complaints, sampling, etc.	Staff nominated to undertake review of procedure. Resource set aside to complete task.

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.5.7 Take appropriate action on all complaints received in accordance with its Enforcement Policy and relevant centrally issued guidance. The reasons for any departure from its Enforcement Policy should be documented. [The Standard - 8.3 and 15.4]	31/12/13	A full review and revision of documented Enforcement Policy and complaint procedures. To include circumstances where it may be appropriate to depart from Enforcement Policy and to ensure that the information is recorded should such circumstances occur.	Staff nominated to undertake review of procedure. Resource set aside to complete task.
3.5.10(i) Develop, maintain and implement an appropriate documented sampling procedure, providing operational guidance for officers including reference to all possible follow-up actions and the Authority's enforcement procedure. [The Standard - 12.3]	31/12/13	A full review and revision of documented food sampling procedures. The procedures are to include operational guidance with regards to obtaining samples, interpretation of results, follow-up actions etc.	Staff nominated to undertake review of procedure. Resource set aside to complete task.
3.5.10(ii) Take appropriate action in accordance with its Enforcement Policy where sample results are not considered satisfactory. [The Standard - 12.7]	31/12/13	A full review and revision of documented Enforcement Policy and food sampling procedures. To give clear and concise instructions for follow up actions and enforcement options for unsatisfactory results.	Staff nominated to undertake review of procedure. Resource set aside to complete task.

ANNEXE 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 LA policies, procedures and linked documents were examined before and during the audit:

- Food Safety and Health and Safety at Work Service Plan for 2013/14
- Relevant Cabinet meeting minutes
- Service policies and procedures
- Food premises inspection procedure and aide memoire
- Officer authorisation, training and qualification records
- Sussex Chief Officers' Group Food Safety Inter-Authority Audit 23 June 2010 - Final Report
- Horsham District Council Internal Control Questionnaire

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

- General food premises inspection records
- Approved establishment records
- Food complaint records
- Food sampling records
- Formal enforcement records

(3) Review of database records:

- To review and assess the completeness of database records of food hygiene inspections, food and food premises complaint investigations, samples taken by the authority, formal enforcement and other activities and to verify consistency with file records.
- To assess the completeness and accuracy of the food premises database.
- To assess the capability of the system to generate food law enforcement activity reports and the monitoring information required by the Food Standards Agency.

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

- Commercial Team Manager
- 1 Environmental Health Officer

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

(5) On-site verification check:

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

ANNEXE C Glossary

Authorised officer	A suitably qualified officer who is authorised by the local authority to act on its behalf in, for example, the enforcement of legislation.
Broadly Compliant	An outcome measure which the Food Standard Agency has developed with local authorities to monitor the effectiveness of the regulatory service relating to food law. It is based on the risk rating scheme in the Food Law Code of Practice which is currently used by food law enforcement officers to assess premises which pose the greatest risk to consumers failing to comply with food law.
Codes of Practice	Government Codes of Practice issued under Section 40 of the Food Safety Act 1990 as guidance to local authorities on the enforcement of food legislation.
County Council	A local authority whose geographical area corresponds to the county and whose responsibilities include food standards and feeding stuffs enforcement.
District Council	A local authority of a smaller geographical area and situated within a County Council whose responsibilities include food hygiene enforcement.
E.coli O157	E.coli O157 belongs to the group of verotoxigenic E.coli (VTEC) bacteria which are a toxin-producing strain of Escherichia coli that occur naturally in the gastrointestinal tract of animals such as cattle and sheep, and are pathogenic to humans. E.coli O157 is the VTEC strain that has been most commonly implicated in human infection in the UK.
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.

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.