

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

Council of the Isles of Scilly  
23-24 September 2013



## Foreword

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

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

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

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

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

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

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## **1.0 Introduction**

- 1.1 This report records the results of an audit at the Council of the Isles of Scilly 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](http://www.food.gov.uk/enforcement/auditandmonitoring/auditreports).  
Hard copies are available from the Food Standards Agency's Operations Assurance Division at Aviation House, 125 Kingsway, London WC2B 6NH, Tel: 020 7276 8428.

### **Reason for the Audit**

- 1.2 The power to set standards, monitor and audit local authority food law enforcement services was conferred on the Food Standards Agency by the Food Standards Act 1999 and the Official Feed and Food Controls (England) Regulations 2009. This audit of The Council of the Isles of Scilly 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.<sup>1</sup>
- 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 previously audited by the Agency.

### **Scope of the Audit**

- 1.5 The audit examined the Council of the Isles of Scilly's arrangements for food premises database management, food premises interventions and internal monitoring, with regard to food hygiene law enforcement. This

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<sup>1</sup> 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).

included a reality check at a food business to assess the effectiveness of official controls implemented by the Authority at the food business premises and, more specifically, the checks carried out by the Authority's officers to verify food business operator (FBO) compliance with legislative requirements. The scope of the audit also included an assessment of the Authority's overall organisation and management, and the internal monitoring of food hygiene law enforcement activities.

- 1.6 Assurance was sought that key Authority food hygiene law enforcement systems and arrangements were effective in supporting business compliance, and that local enforcement was managed and delivered effectively. The on-site element of the audit took place at the Authority's offices at the Town Hall, St Mary's, Isles of Scilly on 23-24 September 2013.

## **Background**

- 1.7 The Isles of Scilly form an archipelago of five inhabited islands and numerous other small rocky islets (around 140 in total) lying 45 km (28 miles) off Land's End, Cornwall. With a total population of around 2,200, it is by far the smallest English unitary council. Over 75% of residents live on the main island of St Mary's with an increasing elderly population. The Duchy of Cornwall owns the vast majority of land on the islands apart from a small area of the town of St Mary's.
- 1.8 The islands have been designated an Area of Outstanding Natural Beauty, a Conservation Area and Heritage Coast. The islands also contain a Special Area of Conservation (EU Habitats Directive) and a Special Protection Area (EU Birds Directive). Tourism plays a major part in the local economy attracting an estimated 100,000 visitors a year to the islands, a significant proportion of which are elderly; and an influx of seasonal migrant workers. Farming and fishing are also important island activities.
- 1.9 The unique geographical location of the islands and their limited accessibility present particular challenges and complexities in delivering Council services. Food hygiene law enforcement was the responsibility of Technical Services, overseen by the Chief Technical Officer. The Service was also responsible for enforcing the Environmental Protection Act 1990 and licensing issues. Food standards enforcement also fell under the remit of the Service and auditors were advised that this was carried out under a contractual agreement with another local authority.

1.10 The Authority reported the profile of the Council of the Isles of Scilly's food businesses as of 31 March 2013 as follows:

<b>Type of Food Premises</b>	<b>Number</b>
Primary Producers	2
Manufacturers/Packers	8
Importers/Exporters	0
Distributors/Transporters	0
Retailers	12
Restaurant/Caterers	107
<b>Total Number of Food Premises</b>	<b>129</b>

## 2.0 Executive Summary

2.1 The Authority was selected for audit as it had not been previously audited by the Agency. The Service had particular challenges in delivering a comprehensive food law enforcement service due to its geographical location and limited accessibility of the inhabited islands. The Council has for a number of years made arrangements for delivering the Service by contracting work on a seasonal basis to an officer carrying out food hygiene law enforcement and some other environmental health enforcement duties for 32 days per year. Whilst this has provided valuable continuity of service, it has also resulted in some difficulties in providing a sufficiently responsive service and has limited the capability of the Authority to comply with a number of areas of the Standard in the Framework Agreement.

### 2.2 Key areas for improvement:

**Service planning and delivery:** There were significant shortfalls in the arrangements for the delivery of the food service across a number of fundamental areas. The Authority was undergoing a restructuring exercise at the time of the audit and the recommendations in this report should be taken into account in the planning and implementation of future effective and comprehensive service delivery arrangements.

**Authorisation and training:** There were a number of serious concerns raised during the audit:

There was no evidence provided to confirm that the officer carrying out food law enforcement duties was appropriately qualified, authorised or trained to carry out the food law enforcement activities undertaken. It is important to ensure that there is a sufficient resource of competent, qualified and suitably trained officers to carry out the full range of food law enforcement activities, including the inspection of specialist processes and any associated formal enforcement actions, in accordance with Food Law Code of Practice requirements.

The Authority did not employ any permanent food competent officers and the contractor carrying out food law enforcement work was only on the islands for a few days per month during the summer and weather permitting, leaving the majority of the year effectively without service provision by a qualified and experienced officer. The arrangements also did not properly take into account emergency or out of hours service provision by a competent officer, for example in the case of a food poisoning incident or serious food alert, or in the case of circumstances at a food business where there was imminent risk to public health.

The nominated lead officer for food and the person carrying out the management of the contracted officer did not have sufficient knowledge or experience of food law enforcement activities to effectively oversee the work undertaken.

The officer whom the Authority advised was the only officer authorised to take any formal enforcement action was not appropriately qualified, trained or competent to do so.

**Documented policies and procedures:** The absence of up to date documented policies and procedures across all food law enforcement activities did not provide adequate guidance to inform the approach to enforcement to be taken or provide the basis for effective internal monitoring.

**Interventions and inspections:** There was evidence that significant contraventions identified on inspections had not been confirmed in writing to the food business operator (FBO) or satisfactorily followed up. This included the failure to implement a satisfactory food safety management system (FSMS) and the dual use of complex equipment for both raw and ready to eat foods.

**Food inspection and sampling:** There had been no food sampling activity since 2010, and there was no documented sampling policy, programme or procedures in place. These need to be developed and a risk based sampling programme implemented, taking into account local priorities and national sampling programmes.

**Enforcement:** There had been no formal enforcement action taken by the Service since 2009. There was evidence that repeated significant contraventions were being identified on subsequent inspections. There is a need to consider and effectively implement an appropriate graduated approach to enforcement where there are persistent breaches of legislation.

**Records:** The lack of detailed and cohesive records made it difficult to ascertain the extent of the officer's interventions at businesses. There was a need to ensure that comprehensive, retrievable records were maintained of all food law enforcement activities, both on paper files and on the food premises database. Reliable records are essential to inform future officer interventions and a graduated approach to enforcement, and to enable effective internal monitoring.

**Internal monitoring:** There was no evidence of any qualitative or quantitative internal monitoring across all areas of food law enforcement activities. The management structure at the time of the audit could not ensure that any internal monitoring activities that should be undertaken were carried out by appropriately knowledgeable officers with sufficient experience of food law enforcement activities.

## **3.0 Audit Findings**

### **3.1 Organisations and Management**

Strategic Framework, Policy and Service Planning

- 3.1.1 The Authority had developed a Food Service Delivery Plan for 2013/14, which had been approved by Members at a meeting of the General Purposes Committee in June 2013.
- 3.1.2 The Plan emphasised the unique nature of the Authority and its delivery of the widest range of services of any council in the country. In addition to the usual statutory services, the Authority was responsible for tourism, water supply and sewerage and the operation of the local airport.
- 3.1.3 The Plan required some expansion to ensure that all areas of the Service Planning Guidance in the Framework Agreement were addressed. In particular further detail was required on:
- The organisational structure of the Service, identifying officers with specialist and managerial responsibilities for food hygiene.
  - The resources required to deliver the food law service and the full time equivalent (FTE) resources available, to enable a clear comparison to be made and any shortfalls identified.
  - The proposed food hygiene interventions programme for the year including any inspections overdue from previous years. The Plan should also include the Authority's approach to alternative enforcement strategies for lower risk premises.
  - The Authority's policy on enforcement, to confirm a graduated and proportionate approach, with an emphasis on higher risk activities.
- 3.1.4 The Plan set out the purpose of the Service as being 'To ensure that food and drink intended for human consumption is produced, sold, handled, stored or served on the Isles of Scilly in such a way that the risks to the consumer are kept to the minimum that is reasonably practicable'. The Plan also provided links to corporate objectives and Community Strategy priorities and stated that the Service was able to make a strong contribution to the achievement of the objectives of 'Promoting Healthy Communities' and 'Promoting Economic Vitality'.
- 3.1.5 It was stated that reviews on progress in achieving the Plan would be reported to regular meetings of the General Purposes Committee and an annual review of the whole Plan would also be carried out. However rather than documenting achievements and any variances from the Plan, the outcome was presented as refreshed targets in the next year's plan. In practice this made it difficult to clearly determine the outcome of the annual review and any variances, particularly as the Plan lacked specific targets in most areas.

- 3.1.6 The auditors were advised that the Service was undergoing a restructure with changes at senior management level. It was unclear at the time of the audit how this might impact on future resourcing of the Service or arrangements for service delivery.

### **Recommendations**

3.1.7 The Authority should:

- (i) Ensure that future Food Service Plans are drafted in full accordance with the Service Planning Guidance in the Framework Agreement. The Plan should include an accurate and clear comparison of the resources required to carry out the full range of statutory food law enforcement activities against a reasoned estimate of the resources available to the Service. The Plan should also clearly set out the proposed interventions programme for the year. [The Standard – 3.1]
- (ii) Ensure that a performance review is carried out by the Authority and that any variance in meeting the Service Delivery Plan is clearly addressed in the subsequent year's Plan. [The Standard – 3.2 and 3.3]

### **Documented Policies and Procedures**

- 3.1.8 Up to date documented policies and procedures were absent across all areas of food law enforcement activities. Whilst the food law enforcement service was delivered by a very small team, the absence of up to date documented guidance made the approach to enforcement unclear and did not provide the basis to facilitate effective internal monitoring activities.

### **Recommendation**

3.1.9 The Authority should:

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

## Liaison with other Organisations

- 3.1.10 The Authority did not participate in any regional food liaison group activities, but had recently begun to receive copies of the minutes from the Devon and Cornwall Liaison Group. Auditors were advised that the practical difficulties in attending meetings had prevented more active participation in the group. It was however evident throughout the audit that the Authority would benefit in establishing liaison arrangements with neighbouring authorities to share best practice and procedures and ensure that the Service was kept up to date with changes in legislation and guidance.

### **Recommendation**

- 3.1.11 The Authority should:

Set up liaison arrangements with neighbouring authorities and any other appropriate body, to facilitate efficient, effective and consistent enforcement in accordance with the Food Law Code of Practice and centrally issued guidance.  
[The Standard – 18.1]

## Officer Authorisations

- 3.1.12 The Service was delivered by a small team, with all inspections and other food hygiene enforcement activities being carried out by an officer contracted for 32 days per year as part of a longstanding local arrangement, leaving the majority of the year effectively without service provision by a qualified and experienced officer. There were also no contingency arrangements in place in the event that the contracted officer was unable to deliver the Service as arranged. In addition, there were only informal contingencies in the event of an emergency such as a suspected food poisoning outbreak, a significant food alert or in the case of circumstances at a food business where there was imminent risk to public health. Whilst a manager was available in the case of emergency out of hours contact they did not have the appropriate qualifications and therefore did not have relevant experience or competence to enforce food law. In practice the Authority contacted the contracted environmental health officer for advice and guidance and if a visit was required this would be made as soon as they were available.
- 3.1.13 There was no documented procedure to set out the process for the authorisation of officers based on their competence and to ensure consistency with individual qualifications, training and experience. There was no evidence provided during the audit of officer

qualifications. It was also not possible during the audit for the Authority to provide confirmation or details of the contracted officer's authorisation.

3.1.14 There was no formal mechanism in place for identifying officer training needs. It was not possible to confirm that the officer carrying out food law enforcement activities had received adequate training or was meeting the minimum 10 hours relevant food training per annum required by the Food Law Code of Practice (FLCoP) based on the principles of continuing professional development. Auditors were advised that the officer had recently attended risk rating consistency training as part of the Authority's preparations for the launch of the Food Hygiene Rating Scheme on the islands, however documentary evidence of this or any other food law related training could not be provided during the audit. It was of particular importance that the officer received sufficient and wide ranging update training on food law enforcement issues as they had sole responsibility for carrying out inspections at all types of premises within the Authority's area.

3.1.15 The Authority had appointed a Lead Officer for food, however their experience and knowledge were not adequate for the role. The arrangements in place at the Authority at the time of the audit would make any such appointment problematic as there was no identifiable officer employed by the Authority who would be suitable to take on those duties.

3.1.16 The auditors were advised that the Head of Service was the only officer authorised to take any formal enforcement actions on behalf of the Authority including the service of hygiene emergency prohibition notices (HEPNs), remedial action notices (RANs) and seizures of food. However, they were not a qualified environmental health officer and had no practical experience of enforcing food legislation.

## **Recommendations**

3.1.17 The Authority should:

- (i) Develop and implement a documented procedure for the authorisation of officers based on their competence and in accordance with the Food Law Code of Practice and any centrally issued guidance. [The Standard – 5.1]
- (ii) Ensure that the officer appointed to have lead responsibility for food hygiene has the necessary specialist knowledge in relevant legislation. [The Standard – 5.2]
- (iii) Ensure that a sufficient number of authorised officers are appointed to carry out the work set out in the Food Service Delivery Plan including out of hours and emergency situations. The level of authorisation and duties of the officers should be consistent with their individual qualifications, training and experience and in accordance with the requirements of the Food Law Code of Practice. [The Standard – 5.3]
- (iv) Ensure that all authorised officers and support staff involved in food hygiene law enforcement activities receive the training needed to be competent to deliver the technical and administrative aspects of their duties, in accordance with the Food Law Code of Practice. [The Standard – 5.4]
- (v) Maintain records of relevant qualifications, training and experience of each authorised officer and relevant support staff in accordance with the Food Law Code of Practice. [The Standard – 5.5]

## **3.2 Food Premises Database**

- 3.2.1 The Service operated a food premises database system that was capable of providing the returns required for the Local Authority Enforcement Monitoring System (LAEMS). There were no documented procedures maintained on the maintenance of the database or on the registration of food premises. There was limited expertise within the Service on the maintenance and administration of the computer database, and it was not possible for the Service to produce reports on inspection activities requested by the auditors unless they were standard reports provided by the software suppliers.
- 3.2.2 The Authority had recently changed the operation of the database to a system hosted by the software suppliers. Auditors were advised that there had been some initial problems in the transition to the new system which had now largely been resolved.
- 3.2.3 The Service advised that in such a small community with a small food premises profile it was not difficult to keep informed of new businesses or any changes in ownership or activities. Measures in place to ensure that the database was kept up-to-date included:
- restricted access for entering and deleting premises
  - general weekly housekeeping checks on the database
  - checks on the annual Tourist Information Guide for new businesses
  - ad hoc updating of information from other intelligence sources, such as the officer's observations on the district, food business registration forms, licensing applications, business rates and complaints about premises.
- 3.2.4 It was not possible during the audit to confirm the accuracy of the food premises database. A report provided prior to the audit indicated that there were some anomalies in the inspection intervals assigned which should be automatically calculated by the system following an inspection in line with the minimum frequencies set out in the Food Law Code of Practice. It was suggested that these could be attributed to the difficulties encountered in the recent transition of the system.
- 3.2.5 Some anomalies on recent LAEMS returns were discussed during the audit including the need to accurately report the full time equivalent (FTE) officers and administrative staff in post, and to ensure that written warnings sent following food hygiene interventions were recorded.
- 3.2.6 Random checks on six food businesses in the area identified by internet searches were cross checked against a report of food premises provided to the auditors. Three were not found on the report and it was subsequently confirmed that these were missing from the food premises database and had not been included in the inspection programme.

## **Recommendations**

3.2.7 The Authority should:

- (i) Set up maintain and implement a documented procedure to ensure that its food premises database is accurate, reliable and up to date.  
[The Standard – 11.2]
- (ii) Ensure that its electronic food premises database is managed and operated in such a way as to enable the uploading of accurate information to the Local Authority Enforcement Monitoring System (LAEMS). This should include a robust means of verification of the accuracy and completeness of the returns by a senior officer before submission to the Agency.  
[The Standard – 6.3]

### 3.3 Food Premises Interventions

- 3.3.1 The Authority's Food Service Delivery Plan did not set out the food premises profile by risk category or provide the interventions programme for the year, however information submitted as part of the Authority's LAEMS return for 2012/13 indicated the following premises profile as of 31 March 2013:

Premises Risk Category	Number of Premises
A	0
B	3
C	24
D	38
E	64
Unrated	0
Not in programme	0
<b>Total</b>	<b>129</b>

- 3.3.2 The Authority had not developed any documented procedures on the inspection of general food businesses or establishments approved under Regulation (EC) No. 853/2004.
- 3.3.3 The inspection programme was organised on an annual basis and a report of inspections due on 1 April was produced annually which included any premises overdue an inspection from the previous year. The officer would attempt to carry out the inspection as near as possible to the date due, however practical issues could require some flexibility in inspection dates, for example travel to islands other than St Mary's may result in inspections being brought forward or delayed to make best use of the officer's time on that island. A database report produced for the audit confirmed that there were no category B food premises overdue an inspection and only one category C establishment, which was overdue since April 2013.
- 3.3.4 Records of a sample of inspections carried out at food businesses were examined during the audit. These had not necessarily been inspected at the correct minimum intervals prescribed in the Food Law Code of Practice to accommodate the practical issues presented by the seasonal nature of businesses on the islands, their geographic location and the availability of the inspecting officer. Paper records and database entries were not always consistent and it was difficult in two of the six files examined to confirm the full inspection history of the premises.
- 3.3.5 An inspection aide-memoire had not been developed to prompt the detailed recording of inspection findings. The only record available was a copy of the Report of Inspection form left with the food business operator (FBO). Whilst this form aimed to highlight key areas requiring

attention by the FBO, it did not satisfactorily detail all of the officer's findings on food premises interventions.

- 3.3.6 On all files examined there was insufficient information on the establishment or the inspection findings, including details of the size and scale of the business and the type of food activities carried out at the premises, the officer's findings with regard to training of food handlers or their assessment of the food safety management system (FSMS) at the business. Full business compliance histories are essential to inform subsequent interventions and a graduated approach to enforcement, and to enable effective internal monitoring.
- 3.3.7 Whilst in general the Report of Inspection forms left with the FBO contained most of the standard information required by the Food Law Code of Practice, they omitted to clearly distinguish between legal requirements and recommendations of good practice; detail the action to be taken by the Authority or provide timescales for compliance.
- 3.3.8 With the lack of information on the officer's assessments, it was not possible to fully evaluate the rationale behind the allocation of the risk scores given following inspections. However it was apparent from some records that inappropriate scores had been given indicating that a satisfactory FSMS was in place although significant failings had been noted on the Report of Inspection form.
- 3.3.9 From the issues noted on the Report of Inspection forms, it was evident that follow-up action was required by the Service to ensure that significant contraventions had been satisfactorily addressed by the FBO. These included failures to implement a satisfactory FSMS, poor cleaning and cross-contamination issues. In some cases these had been previously highlighted in Reports of Inspection from earlier interventions. There was no evidence on any records that such follow-up had been taken. Auditors were advised that in one case a revisit had taken place, however there were no available records to confirm this.
- 3.3.10 The Authority had launched the Food Hygiene Rating Scheme in July 2013 and the Authority had begun to publish ratings on the Agency's website.
- 3.3.11 The Authority had no establishments approved under the requirements of Regulation (EC) No. 853/2004 at the time of the audit however records were provided for four establishments which were undergoing the approval process.
- 3.3.12 Checks were made on the four files relating to the approval applications. These were found to be well ordered, and included a useful synopsis of the operations at the establishment. There was evidence available to confirm that approval was required for the activities carried out. There was however a variable level of detail on the files and the Authority should refer to annex 10 of the Food Law

Practice Guidance which sets out the information that should be available on approved establishment files.

3.3.13 Whilst the applications for approval had been made some months before and auditors were advised that the establishments had all received pre-approval inspections, there was only evidence that one establishment had been visited. The records of this assessment had not been made on the appropriate inspection aide-memoire for the type of business. None of the approvals had been determined at the time of the audit and auditors were advised that further work was planned as part of the contractor's next scheduled visit to the islands.

### **Recommendations**

3.3.14 The Authority should:

- (i) Carry out food hygiene interventions/inspections at a frequency which is not less than that determined by the Food Law Code of Practice. [The Standard – 7.1]
- (ii) Ensure that inspections of general and approved establishments are carried out in accordance with the relevant legislation, the Food Law Code of Practice and centrally issued guidance. [The Standard – 7.2]
- (iii) Assess the compliance of establishments and systems to the legally prescribed standards and take appropriate and timely action on any non-compliance found in accordance with the Authority's enforcement policy. [The Standard – 7.3]
- (iv) Develop and implement documented procedures for the range of interventions and inspections carried out, including the inspection of general and approved establishments. [The Standard – 7.4]
- (v) Ensure that observations made and data obtained during interventions are recorded in a timely manner and stored in such a way that they are retrievable. [The Standard – 7.5]

## Verification Visit to a Food Premises

- 3.3.15 During the audit, a verification visit was undertaken to a local restaurant with the officer who had carried out the last food hygiene inspection of the premises. The main objective of the visit was to assess the effectiveness of the Authority's assessment of food business compliance with food law requirements. The specific assessments included the conduct of the preliminary interview of the FBO by the officer, the general hygiene checks to verify compliance with the structure and hygiene practice requirements, and checks carried out by the officer to verify compliance with HACCP based procedures.
- 3.3.16 It was evident that the officer was familiar with the premises, however the available record of the inspection provided on the Report of Inspection form left with the FBO omitted significant contraventions. The officer advised that they had identified issues at the previous inspection that had not been recorded on the form as they had been discussed with the FBO and they were confident that the works would be carried out. There were however a number of issues identified during the visit that had not been satisfactorily addressed, including failure to produce and implement a FSMS, longstanding poor levels of hygiene and evidence of a rodent infestation in a preparation room. These issues required timely follow-up and consideration of an appropriate graduated approach to enforcement.

### **3.4 Enforcement**

- 3.4.1 The Authority had developed a Food Safety Enforcement Policy 2007/08 which the auditors were advised was still applicable. Whilst the basic principles were still relevant, the policy needed to be updated to take account of changes such as the Regulators' Compliance Code, and to include references to the Authority's obligations under the Regulatory Enforcement and Sanctions Act 2008 in respect of Primary Authority Partnerships. Procedural and legal references also required to be updated.
- 3.4.2 There were no documented procedures available and these needed to be developed across the range of food law enforcement options available to the Service.
- 3.4.3 The Authority advised that there had been no formal enforcement actions taken since 2009, however file records indicated that there were circumstances where repeated failures to comply with statutory requirements should have been considered for formal action as part of a graduated approach to enforcement.

#### **Recommendations**

3.4.4 The Authority should:

- (i) Review the Food Safety Enforcement Policy in accordance with the Food Law Code of Practice and centrally issued guidance. [The Standard – 15.1]
- (ii) Set up, maintain and implement documented procedures for the full range of follow up and enforcement actions in accordance with the Food Law Code of Practice and centrally issued guidance. [The Standard – 15.2]

### 3.5 Internal Monitoring, Third Party or Peer Review

#### Internal Monitoring

- 3.5.1 There were no documented procedures developed on internal monitoring and there was no evidence of any qualitative or quantitative internal monitoring across all areas of food law enforcement activities. At the time of the audit the only food law enforcement activity was being undertaken by one contracted officer, with no other officer with the appropriate knowledge and experience being employed by the Authority to effectively carry out internal monitoring activities.

#### **Recommendations**

3.5.2 The Authority should:

- (i) Set up, maintain and implement documented internal monitoring procedures in accordance with Article 8 of Regulation (EC) No. 882/2004, the Food Law Code of Practice and centrally issued guidance. [The Standard – 19.1]
- (ii) Verify the conformance of the Service with the Standard in the Framework Agreement, the Food Law Code of practice, relevant centrally issued guidance and the Authority's own documented policies and procedures. [The Standard – 19.2]
- (iii) Ensure records of internal monitoring activities are maintained. [The Standard – 19.3]

#### Food and Food Premises Complaints

- 3.5.3 The Food Service Delivery Plan estimated that around 10 food complaints would be received by the Service each year and that there was a target of three working days to respond. All food complaints of public health significance were to be investigated. The Service had established links with the Tourist Information Centre as in practice the majority of complaints were made to them. Once the complaint was received by the Service it was entered onto the database system and the details were emailed to the officer who made an assessment on the need for any further action.

3.5.4 Checks were made on records for the two food and food premises complaints received by the Authority in the last six months. Records of the complaints were incomplete on both the file and database and it was suggested that the development of a standard form to record all necessary information on the complaint, the complainant and action taken would be of benefit. One of the complaints had been appropriately investigated and an inspection carried out at the premises, with advice given to the FBO to prevent a recurrence of the problem. The other had not been investigated despite being received a month before, due to practical difficulties in accessing the premises.

### **Recommendations**

3.5.5 The Authority should:

- (i) Develop, maintain and implement a documented policy and procedure in relation to complaints received about food and food premises. [The Standard – 8.1]
- (ii) Ensure that timely investigations are made on receipt of food and food premises complaints in accordance with the Authority's own service standards and policies. [The Standard – 8.2]

### Food Inspection and Sampling

3.5.6 The Authority had not produced a sampling policy or programme and the auditors were advised that there had been no food sampling activities since 2010. Practical issues were discussed which impacted on the Authority's ability to take and submit microbiological samples with the existing arrangements and transport considerations. The Service stated that sampling would take place if it was considered necessary, and that it was intended to carry out an annual sampling regime with the establishments currently undergoing the approval process once completed.

3.5.7 There were no documented procedures on the inspection of food or on food sampling.

## Recommendations

### 3.5.8 The Authority should:

- (i) Develop, maintain and implement a documented sampling policy and programme in accordance with any centrally issued guidance and the Food Law Code of Practice, including reference to any relevant national centrally co-ordinated sampling programme and taking into account the nature of food establishments in the area.  
[The Standard – 12.4]
- (ii) Develop, maintain and implement documented procedures on the inspection of food, and for the procurement or purchase of samples, continuity of evidence and the prevention of deterioration or damage to samples whilst under its control in accordance with the Food Law Code of Practice and centrally issued guidance.  
[The Standard – 12.3 and 12.5]
- (iii) Carry out sampling in accordance with its documented sampling policy, procedures and programme.  
[The Standard – 12.6]

## Records

- 3.5.9 Records of food law enforcement activities were maintained in paper files and electronically on the food premises database system. Records were in general inadequate in detail, or could not be retrieved. Auditors discussed the need to ensure that comprehensive, retrievable records are maintained of all food law enforcement activities both on paper files and on the food premises database. The lack of detailed and cohesive records made it difficult to ascertain the extent of the officer's interventions at businesses and would therefore hinder effective internal monitoring. Reliable and sufficiently detailed records are also essential to inform future officer interventions, to provide the justification for FHRS ratings and provide the basis of a graduated approach to enforcement.

**Recommendation**

3.5.10 The Authority should:

Maintain up to date and accurate records in retrievable form on all food law enforcement activity in accordance with the Food Law Code of Practice and centrally issued guidance.  
[The Standard – 16.1]

Third Party or Peer Review

3.5.11 The Authority had not participated in any inter-authority audit activity in in the last two years.

**Auditors: Yvonne Robinson**  
Christina Walder

Food Standards Agency

Operations Assurance Division

## ANNEX A Action Plan for Council of the Isles of Scilly

Audit date: 23-24 September 2013

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.1.7(i) Ensure that future Food Service Plans are drafted in full accordance with the Service Planning Guidance in the Framework Agreement. The Plan should include an accurate and clear comparison of the resources required to carry out the full range of statutory food law enforcement activities against a reasoned estimate of the resources available to the Service. The Plan should also clearly set out the proposed interventions programme for the year. [The Standard – 3.1]	Completed	To include an accurate and clear comparison of the resources required to carry out the full range of statutory food law enforcement activities against a reasoned estimate of the resources available to the Service. The Plan will also clearly set out the proposed interventions programme for the year. The food Service Plan will be taken to the General Purposes Committee meeting in February 2014 for endorsement.	Service Plan adopted February 2014.
3.1.7(ii) Ensure that a performance review is carried out by the Authority and that any variance in meeting the Service Delivery Plan is clearly addressed in the subsequent year's Plan. [The Standard – 3.2 and 3.3]	28/02/15	A performance review will be carried out and any variance in meeting the Service Delivery Plan will be clearly addressed in the subsequent year's Plan. This will be carried out annually from February 2014.	Service Plan adopted February 2014 and will be reviewed annually at the first committee meeting of the calendar year.

<b>TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)</b>	<b>BY (DATE)</b>	<b>PLANNED IMPROVEMENTS</b>	<b>ACTION TAKEN TO DATE</b>
3.1.9 Ensure that following the development of all required documented policies and procedures for each of the enforcement activities covered by the Standard, that they are reviewed at regular intervals and whenever there are changes to legislation or centrally issued guidance. [The Standard – 4.1]	31/12/14	Ensure that all developed documented policies and procedures are reviewed at regular intervals and that whenever there are changes to legislation or centrally issued guidance that they are reviewed accordingly.	To be undertaken on a regular basis following the procurement of a robust environmental health service level agreement.

<b>TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)</b>	<b>BY (DATE)</b>	<b>PLANNED IMPROVEMENTS</b>	<b>ACTION TAKEN TO DATE</b>
<p>3.1.11 Set up liaison arrangements with neighbouring authorities and any other appropriate body, to facilitate efficient, effective and consistent enforcement in accordance with the Food Law Code of Practice and centrally issued guidance. [The Standard – 18.1]</p>	<p>30/06/14</p>	<p>To set up a service level agreement (SLA) with another local authority or consultancy to facilitate efficient, effective and consistent enforcement in accordance with the Food Law Code of Practice and centrally issued guidance. This will encompass liaison arrangements with neighbouring local authorities and any other appropriate body, including representation at meeting of the regional liaison group. As an interim measure prior to an SLA, the Council will engage a consultant(s) on an informal basis to ensure that there is sufficient continuity and cover to undertake environmental health services on the islands as and when required, including the provision of a food enforcement service, which will include provision for emergencies such as an imminent risk to public health, alleged food poisoning outbreak or food incident.</p>	<p>Committee approval in February 2014 to establish a robust SLA with another local authority or organisation to address this issue following a tender process. Scoping report of the SLA and the ITT documents currently being prepared with a view commencing the SLA in June 2014. Informal appointment of an environmental health consultant(s) prior to the SLA.</p>

<b>TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)</b>	<b>BY (DATE)</b>	<b>PLANNED IMPROVEMENTS</b>	<b>ACTION TAKEN TO DATE</b>
3.1.17(i) Develop and implement a documented procedure for the authorisation of officers based on their competence and in accordance with the Food Law Code of Practice and any centrally issued guidance. [The Standard – 5.1]	30/06/14	Produce and implement a documented procedure for the authorisation of officers based on their competence and in accordance with the Food Law Code of Practice and any centrally issued guidance as part of a SLA. As an interim measure prior to an SLA, the Council will engage appropriately authorised consultants on an informal basis.	As above.
3.1.17(ii) Ensure that the officer appointed to have lead responsibility for food hygiene has the necessary specialist knowledge in relevant legislation. [The Standard – 5.2]	30/06/14	To ensure that the officer appointed to have lead responsibility for food hygiene through the SLA has the necessary specialist knowledge in relevant legislation. Also ensure adequate cover on an informal basis as an interim measure until the SLA commences.	Any officers providing the function as part of the SLA would need to have the specialist knowledge relevant to the legislation.

<b>TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)</b>	<b>BY (DATE)</b>	<b>PLANNED IMPROVEMENTS</b>	<b>ACTION TAKEN TO DATE</b>
3.1.17(iii) Ensure that a sufficient number of authorised officers are appointed to carry out the work set out in the Food Service Delivery Plan including out of hours and emergency situations. The level of authorisation and duties of the officers should be consistent with their individual qualifications, training and experience and in accordance with the requirements of the Food Law Code of Practice. [The Standard – 5.3]	30/06/14	To ensure that a sufficient number of authorised officers are appointed to carry out the work set out in the Food Service Delivery Plan through the SLA, including out of hours and emergency situations, and enforcement of the full range of formal food law enforcement options. The level of authorisation and duties of the officers will be consistent with their individual qualifications, training and experience and in accordance with the requirements of the Food Law Code of Practice.	The provision of environmental health functions with a robust service level agreement with another local authority or consultancy would address this point. In the interim a suitably authorised temporary consultant will be engaged to provide an appropriate level of service including provision for emergency situations.
3.1.17(iv) Ensure that all authorised officers and support staff involved in food hygiene law enforcement activities receive the training needed to be competent to deliver the technical and administrative aspects of their duties, in accordance with the Food Law Code of Practice. [The Standard – 5.4]	30/06/14	To ensure that all authorised officers and support staff involved in food hygiene law enforcement activities receive the training needed to be competent to deliver the technical and administrative aspects of their duties.	The provision of environmental health functions with a robust service level agreement with another local authority or consultancy would address this point. Officers will undertake appropriate and up to date training.

<b>TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)</b>	<b>BY (DATE)</b>	<b>PLANNED IMPROVEMENTS</b>	<b>ACTION TAKEN TO DATE</b>
3.1.7(v) Maintain records of relevant qualifications, training and experience of each authorised officer and relevant support staff in accordance with the Food Law Code of Practice. [The Standard – 5.5]	30/06/14	Maintain records of relevant qualifications, training and experience of each authorised officer and relevant support staff.	The provision of environmental health functions with a robust service level agreement with another local authority or consultancy would address this point. Officers will maintain records of all relevant training and qualifications which will be subject to internal monitoring.
3.2.7(i) Set up maintain and implement a documented procedure to ensure that its food premises database is accurate, reliable and up to date. [The Standard – 11.2]	30/06/14	Set up a procedure to ensure that the food premises database is accurate, reliable and up to date and implemented this documented process.	The provision of environmental health functions with a robust service level agreement with another local authority or consultancy would address this point as the database would be maintained as part of the service level agreement arrangement by the host authority. A documented database procedure will be required as part of this agreement.

<b>TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)</b>	<b>BY (DATE)</b>	<b>PLANNED IMPROVEMENTS</b>	<b>ACTION TAKEN TO DATE</b>
<p>3.2.7(ii) Ensure that its electronic food premises database is managed and operated in such a way as to enable the uploading of accurate information to the Local Authority Enforcement Monitoring System (LAEMS). This should include a robust means of verification of the accuracy and completeness of the returns by a senior officer before submission to the Agency. [The Standard – 6.3]</p>	<p>30/06/14</p>	<p>The LAEMS return will be verified in terms of accuracy and completeness by a senior officer before submission to the Agency. This will ensure that its electronic food premises database is managed and operated in such a way as to enable the uploading of accurate information.</p>	<p>The provision of environmental health functions with a robust service level agreement with another local authority or consultancy would address this point as any data would be produced from the database managed by the host authority and would be subject to ongoing internal monitoring checks.</p>
<p>3.3.14(i) Carry out food hygiene interventions/inspections at a frequency which is not less than that determined by the Food Law Code of Practice. [The Standard – 7.1]</p>	<p>30/06/14 and then ongoing</p>	<p>Continue to carry out food hygiene interventions/inspections at a frequency which is not less than that determined by the Food Law Code of Practice. Any deviations to the programme will be noted and recorded on the annual Service Plan.</p>	<p>The provision of environmental health functions with a robust service level agreement with another local authority or consultancy would address this point. In the interim due inspections will be carried out by the temporary consultant.</p>

<b>TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)</b>	<b>BY (DATE)</b>	<b>PLANNED IMPROVEMENTS</b>	<b>ACTION TAKEN TO DATE</b>
3.3.14(ii) Ensure that inspections of general and approved establishments are carried out in accordance with the relevant legislation, the Food Law Code of Practice and centrally issued guidance. [The Standard – 7.2]	30/06/14 and then ongoing	Continue to ensure that inspections of general and approved establishments are carried out in accordance with the relevant legislation, the Food Law Code of Practice and centrally issued guidance.	The provision of environmental health functions with a robust service level agreement (SLA) with another local authority or consultancy would address this point. Once established, the SLA will be subject to routine internal monitoring and the implementation of any necessary corrective actions. In the interim inspections will be carried out by the temporary consultant in accordance with the requirements of the Food Law Code of Practice.

<b>TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)</b>	<b>BY (DATE)</b>	<b>PLANNED IMPROVEMENTS</b>	<b>ACTION TAKEN TO DATE</b>
3.3.14(iii) Assess the compliance of establishments and systems to the legally prescribed standards and take appropriate and timely action on any non-compliance found in accordance with the Authority's enforcement policy. [The Standard – 7.3]	30/06/14 and then ongoing	Continue to assess the compliance of establishments and systems to the legally prescribed standards and take appropriate and timely action on any non-compliance found in accordance with the Authority's enforcement policy following the development of the appropriate documented policy.	The provision of environmental health functions with a robust service level agreement with another local authority or consultancy would address this point. Once established, the SLA will be subject to routine internal monitoring and the implementation of any necessary corrective actions. In the interim inspections will be carried out by the temporary consultant in accordance with the requirements of the Food Law Code of Practice.
3.3.14(iv) Develop and implement documented procedures for the range of interventions and inspections carried out, including the inspection of general and approved establishments. [The Standard – 7.4]	30/06/14	Ensure that all procedures carried out are documented for the range of interventions and inspections carried out, including the inspection of general and approved establishments.	The provision of environmental health functions with a robust service level agreement with another local authority or consultancy would address this point. The service level agreement will require that appropriate documented procedures are developed and implemented.

<b>TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)</b>	<b>BY (DATE)</b>	<b>PLANNED IMPROVEMENTS</b>	<b>ACTION TAKEN TO DATE</b>
3.3.14(v) Ensure that observations made and data obtained during interventions are recorded in a timely manner and stored in such a way that they are retrievable. [The Standard – 7.5]	31/03/14	For the inspecting officer to rigorously document all observations made and data obtained during interventions and to ensure they are recorded in a timely manner and stored in such a way that they are retrievable in a prescribed format.	A standardised document that records all data in more detail has been discussed with the relevant inspecting officer and will be implemented for the next series of inspections and carried forward as part of the SLA. Inspection paperwork will be subject to routine internal monitoring and corrective actions implemented where necessary.
3.4.4(i) Review the Food Safety Enforcement Policy in accordance with the Food Law Code of Practice and centrally issued guidance. [The Standard – 15.1]	31/10/14	Review the Food Safety Enforcement Policy in accordance with the Food Law Code of Practice and centrally issued guidance and take it to committee for approval.	The provision of environmental health functions with a robust service level agreement with another local authority or consultancy would address this point.
3.4.4(ii) Set up, maintain and implement documented procedures for the full range of follow up and enforcement actions in accordance with the Food Law Code of Practice and centrally issued guidance. [The Standard – 15.2]	30/06/14	To set up, maintain and implement documented procedures for the full range of follow up and enforcement actions in accordance with the Food Law Code of Practice and centrally issued guidance.	The provision of environmental health functions with a robust service level agreement with another local authority or consultancy would address this point. The SLA will require appropriate enforcement procedures to be developed and implemented.

<b>TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)</b>	<b>BY (DATE)</b>	<b>PLANNED IMPROVEMENTS</b>	<b>ACTION TAKEN TO DATE</b>
3.5.2(i) Set up, maintain and implement documented internal monitoring procedures in accordance with Article 8 of Regulation (EC) No. 882/2004, the Food Law Code of Practice and centrally issued guidance. [The Standard – 19.1]	30/06/14	To set up, maintain and implement documented internal monitoring procedures in accordance with Article 8 of Regulation (EC) No. 882/2004, the Food Law Code of Practice and centrally issued guidance.	The provision of environmental health functions with a robust service level agreement with another local authority or consultancy would address this point in the future as internal monitoring across the full range of food law enforcement activities would need to be carried out by an appropriately qualified and experienced officer.
3.5.2(ii) Verify the conformance of the Service with the Standard in the Framework Agreement, the Food Law Code of practice, relevant centrally issued guidance and the Authority’s own documented policies and procedures. [The Standard – 19.2]	30/06/14	To verify the conformance of the Service with the Standard in the Framework Agreement, the Food Law Code of practice, relevant centrally issued guidance and the Authority’s own documented policies and procedures.	The provision of environmental health functions with a robust service level agreement with another local authority or consultancy would address this point in the future as any conformance verification would need to be carried out by an appropriately qualified officer, with any corrective actions identified and implemented.

<b>TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)</b>	<b>BY (DATE)</b>	<b>PLANNED IMPROVEMENTS</b>	<b>ACTION TAKEN TO DATE</b>
3.5.2(iii) Ensure records of internal monitoring activities are maintained. [The Standard – 19.3]	30/06/14	Any internal monitoring that takes place must be documented.	The provision of environmental health functions with a robust service level agreement with another local authority or consultancy would address this point in the future, as any internal monitoring would need to be carried out and documented by an appropriately qualified officer.

<b>TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)</b>	<b>BY (DATE)</b>	<b>PLANNED IMPROVEMENTS</b>	<b>ACTION TAKEN TO DATE</b>
3.5.5(i) Develop, maintain and implement a documented policy and procedure in relation to complaints received about food and food premises. [The Standard – 8.1]	30/06/14	To continue to act on any food and food premises related complaints that are received and to develop, maintain and implement a documented policy and procedure in relation to complaints received about food and food premises.	The provision of environmental health functions with a robust service level agreement with another local authority or consultancy would address this point in the future as any complaints would be referred directly to the host authority for an appropriately qualified officer to investigate. A documented procedure will be developed and implemented as part of the SLA.
3.5.5(ii) Ensure that timely investigations are made on receipt of food and food premises complaints in accordance with the Authority's own service standards and policies. [The Standard – 8.2]	ongoing	To ensure that timely investigations are made on receipt of food and food premises complaints in accordance with the Authority's own service standards and policies.	The provision of environmental health functions with a robust service level agreement with another local authority or consultancy would address this point in the future. The SLA will require appropriate and timely investigations of food and food premises to be carried out and subject to internal monitoring. In the interim food and food premises complaints will be investigated by the temporary consultant as necessary in accordance with the requirements of the Food Law Code of Practice.

<b>TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)</b>	<b>BY (DATE)</b>	<b>PLANNED IMPROVEMENTS</b>	<b>ACTION TAKEN TO DATE</b>
3.5.8(i) Develop, maintain and implement a documented sampling policy and programme in accordance with any centrally issued guidance and the Food Law Code of Practice, including reference to any relevant national centrally co-ordinated sampling programme and taking into account the nature of food establishments in the area. [The Standard – 12.4]	30/06/14	To develop, maintain and implement a documented sampling policy and programme in accordance with any centrally issued guidance and the Food Law Code of Practice, including reference to any relevant national centrally co-ordinated sampling programme and taking into account the nature of food establishments in the area and the logistics of sending samples for testing.	The provision of environmental health functions with a robust service level agreement with another local authority or consultancy would address this point in the future. The SLA will require the development and implementation of an appropriate food sampling policy and programme which will be subject to internal monitoring.
3.5.8 (ii) Develop, maintain and implement documented procedures on the inspection of food, and for the procurement or purchase of samples, continuity of evidence and the prevention of deterioration or damage to samples whilst under its control in accordance with the Food Law Code of Practice and centrally issued guidance. [The Standard – 12.3 and 12.5]	30/06/14	To develop, maintain and implement documented procedures on the inspection of food, and for the procurement or purchase of samples, continuity of evidence and the prevention of deterioration or damage to samples whilst under its control in accordance with the Food Law Code of Practice and centrally issued guidance taking into account the logistics of sending samples for testing.	The provision of environmental health functions with a robust service level agreement with another local authority or consultancy would address this point in the future. The SLA will require the development and implementation of an appropriate food sampling procedure which will be subject to internal monitoring.
3.5.8(iii) Carry out sampling in accordance with its documented sampling policy, procedures and programme. [The Standard – 12.6]	30/06/14	To carry out sampling in accordance with its documented sampling policy, procedures and programme	The provision of environmental health functions with a robust service level agreement with another local authority or consultancy would address this point in the future.

<b>TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)</b>	<b>BY (DATE)</b>	<b>PLANNED IMPROVEMENTS</b>	<b>ACTION TAKEN TO DATE</b>
3.5.10 Maintain up to date and accurate records in retrievable form on all food law enforcement activity in accordance with the Food Law Code of Practice and centrally issued guidance. [The Standard – 16.1]	31/03/14 and then ongoing	To maintain up to date and accurate records in retrievable form on all food law enforcement activity in accordance with the Food Law Code of Practice and centrally issued guidance.	The provision of environmental health functions with a robust service level agreement with another local authority or consultancy would address this point in the future. In the interim appropriate and retrievable records will be maintained by the temporary consultant in accordance with the requirements of the Food Law Code of Practice.

## **ANNEX B Audit Approach/Methodology**

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

(1) Examination of LA policies and procedures.

The following relevant LA policies, procedures and linked documents were examined before and during the audit:

- Food Service Delivery Plan 2013/14 including accompanying relevant committee items
- Template report of inspection form and self-assessment form for bed and breakfast establishments
- Food Safety Enforcement Policy 2007/08.

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

- General food premises inspection records
- Approved establishment application records
- Food complaint 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) Discussions with Officer:

- Chief Technical Officer
- Technical Services Senior Administrator
- Environmental Health Officer.

(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.

## **ANNEX C Glossary**

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

wholesomeness of food.

Food Hygiene Rating Scheme (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.