



# Annual report on UK local authority food law enforcement

1 April 2012 to 31 March 2013



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## INTRODUCTION

**Andrew Rhodes**

**Chief Operating Officer**

I am pleased to present the Annual Report on UK Local Authority Food Law Enforcement, covering the period 1 April 2012 to 31 March 2013.

This provides details, including official statistics, on local authority food law enforcement activity within food businesses in the UK and on the checks carried out by port health authorities on food imports from countries outside the European Union; together with details of the FSA's audit of local authorities during the year.

The report is dependent on local authorities and ports completing their monitoring returns and I am grateful for their co-operation in providing the information and meeting the set deadlines.

The report represents a great deal of hard work and determination on the part of the FSA and especially local authority Environmental Health, Port Health and Trading Standards Officers. It is reassuring that the overall level of compliance has risen slightly again this year, and that the number of local authorities reporting a high percentage of unrated establishments has fallen.

However, in the last year there has been a further fall in the number of food safety officers and in sampling activity, albeit the percentage drop is lower than the previous two years. The targeting of local authority resources on higher risk category establishments has led to lengthening timescales between interventions at lower risk premises and we should be concerned about the sustainability and impact of this in the long-term.

There have been some variations in activity compared with previous years, particularly in the types of intervention carried out. The report provides possible reasons for these variations in activity and I am grateful for the comments and contributions by the LA members of the LAEMS Joint Working Group on this issue.

We have continued to work with local authorities to provide support, guidance and material assistance wherever possible. As the Government department responsible for food safety, we implemented a programme of work and investment to safeguard an incident-free Olympic and Paralympic Games together with a lasting legacy for the future. This included funding to support local authorities during their preparations and the provision of coaching for non-compliant food businesses. There are case studies within the report on these initiatives, which describe the activity undertaken and results to date.

This is the first time we have included case studies in the annual report, their purpose being to highlight the collaborative work being undertaken by the FSA, local authorities and port health authorities. The other case studies refer to the sampling grants, that the FSA provide annually to target sampling in priority areas; and on the collaboration between the FSA, port health authorities and local authorities to address the issue of increased food incidents related to *Salmonella* in Paan leaves imported from Bangladesh.

Although there is a great deal of information in this report, it does not cover all of the hard work and professionalism of our local authority and port health authority delivery partners in ensuring food law compliance and helping us meet the FSA's strategic objective of safer food for the nation.

A handwritten signature in black ink, appearing to read 'A Rhodes'.

Andrew Rhodes  
**Chief Operating Officer**  
**Food Standards Agency**

## 1. SUMMARY

- 1.1 This report provides details, including official statistics, of the 2012/13 enforcement of food law by UK local authorities (LAs), based on the Local Authority Enforcement Monitoring System (LAEMS)<sup>1</sup> food hygiene, food standards and imported food returns by LAs, and on the FSA's audits of LAs carried out during the same period. The FSA's arrangements for the monitoring and audit of local authority food law enforcement activity are set out in the Framework Agreement on the Delivery of Official Feed and Food Controls by Local Authorities<sup>2</sup>.
- 1.2 Key data from the 2012/13 LAEMS returns, with comparative data from 2010/11 and 2011/12 and the analysis of key trends and variations, are provided in Sections 3 to 10. Section 11 provides details of the 2012/13 audit programme.
- 1.3 In summary, the 2012/13 LAEMS data show:
- **608,143 food establishments** were registered with LAs in the UK as at 31 March 2013, an **increase of 1.4%** on 2011/12 (599,880). Of these, 35,743 (**5.9%**) of registered UK food establishments were **not yet rated** (NYR<sup>3</sup>) for food hygiene risk, a **decrease from 6.2%** in 2011/12.
  - LAs reported that a total of **525,588 interventions** were carried out in 2012/13 (415,299 food hygiene and 110,289 food standards) a **decrease of 5.4%** on the reported number carried out in 2011/12 (**555,350**).
  - 183,566 **formal enforcement actions**<sup>4</sup> were carried out in 2012/13, an **overall increase of 1.9%** from 2011/12 (180,177). Compared to 2011/12 returns, the data shows that the number of establishments subject to:
    - ▲ *remedial action and detention notices* increased by 150.6% (from 85 to 213)
    - ▲ *prohibition orders* increased by 101.6% (from 62 to 125)
    - ▲ *emergency prohibition orders* increased by 11.6% (from 285 to 318)
    - ▲ *voluntary closure* increased by 8.8% (from 941 to 1,024)
    - ▲ *suspension / revocation of approval or licence* increased by 4.8% (from 21 to 22)
    - ▲ *written warnings* increased by 2.7% (from 170,681 to 175,230)

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<sup>1</sup> LAEMS is a web-based system that enables LAs to provide their monitoring returns to the FSA electronically.

<sup>2</sup> <http://www.food.gov.uk/multimedia/pdfs/enforcement/frameworkagreementno5.pdf>

<sup>3</sup> Not yet rated (NYR) – those establishments yet to be inspected by LA and assessed for a risk rating.

<sup>4</sup> LAEMS records the number of establishments subjected to the individual types of enforcement action. The total number of individual enforcement actions taken by LAs is likely to be higher.

- ▼ *seizure, detention and surrender of food* decreased by 0.4% (from 545 to 543)
  - ▼ *prosecutions* decreased by 3.6% (from 413 to 398)
  - ▼ *improvement notices* decreased by 19.5% (from 6,554 to 5,274)
  - ▼ *simple cautions* decreased by 29% (from 590 to 419)
- **73,321 Official samples<sup>5</sup>** of food were taken by LAs in 2012/13, a **reduction of 6.8%** (from 78,653) on 2011/12 and continuing the downward trend in LA sampling activity in recent years.
  - LAs dealt with a total **68,639 consumer complaints** about the safety and quality of food and the hygiene standards of food establishments in 2012/13, an **increase of 1.5%** (from 67,650) on complaints reported in 2011/12.
  - LA returns show a total of **2,531 Full Time Equivalent (FTE)** professional LA staff (1,835 food hygiene and 696 food standards) were engaged in UK food law enforcement as at 31<sup>st</sup> March 2013, a **6.6% reduction** on numbers reported in 2011/12 (2,709).
  - **398,198 consignments of imported food<sup>6</sup>** were received at Ports during 2012/13. A total of **179,077 documentary checks, 86,079 identity checks and 23,386 physical checks** were reported.
  - The UK level of **Broad Compliance** and above (equivalent to Food Hygiene Rating Scheme (FHRS) rating 3 to 5)<sup>7</sup> was **91.2%** of rated establishments, a **slight increase** on the 2011/12 level (**90.2%**).
  - The trend for LAs to target higher risk category establishments, at the expense of interventions carried out at lower risk establishments, has continued. For **food hygiene, 98.9% Category A** (15,349 of 15,516), **98.5% Category B** (64,225 of 65,217) and **89.7% Category C** (191,877 of 213,914) due interventions were achieved, with **88.6%** (6,381 of 7,201) of due **Category A food standards** interventions achieved.

1.4 A total of **165 new audits** of UK LA food and feed law enforcement services were carried out during 2012/13. In addition, a further **26 follow-ups on existing audits** were completed.

<sup>5</sup> Official samples are those analysed / tested by Official Control Laboratories

<sup>6</sup> This figure does not represent all food consignments imported into the UK, as low risk foods of non-animal origin are not required to be pre-notified for risk based checks at designated points of entry in the UK. All consignments of products of animal origin and 'higher-risk foods of non-animal origin are required to pre-notify their arrival and are subject to official controls at points of entry to the UK.

<sup>7</sup> A food establishment defined as 'broadly compliant' for food hygiene, has an intervention rating score of not more than 10 points under each of the following three criteria: Level of (Current) Compliance – Hygiene; Level of (Current) Compliance – Structure; and Confidence in Management.

## 2. DATA RETURN LEVELS FROM LOCAL AUTHORITIES

- 2.1 There were 434 UK LAs<sup>8</sup> during the 2012/13 reporting period, from which a total of 632 separate LAEMS returns (406 food hygiene and 226 food standards) were due. All expected returns were received, although there were issues with some LAs IT and reporting arrangements.
- 2.2 The number of LAs using the fall-back option of manual entry on LAEMS has increased (from 10 to 15) compared with 2011/12. Seven of these LAs provided all of the required data.
- 2.3 Imported food returns were received from all major Port Health Authorities and LAs with Ports receiving food from Third Countries<sup>9</sup>.
- 2.4 A continuing initiative to raise awareness of the requirement for all LAs to report on imported food activity has resulted in a further significant increase in the number of imported food returns from inland authorities<sup>10</sup>, from 265 (61%) in 2011/12 to 392 (94%) this year. This initiative, to obtain a better understanding of the LA enforcement activity on imports, will continue over the coming year.

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<sup>8</sup> This figure includes West Yorkshire Joint Services, which undertakes food standards enforcement on behalf of Bradford, Calderdale, Kirklees, Leeds and Wakefield Metropolitan Borough Councils.

<sup>9</sup> Imported food returns collate information specifically on enforcement action related to food imported from Third Countries (countries outside the European Union).

<sup>10</sup> 'Inland authority' is the term used (for imported food monitoring purposes) to describe local authorities that do not have a port in their area. All LAs can sample imported food sold in their authority and take relevant follow-up action on imported food.

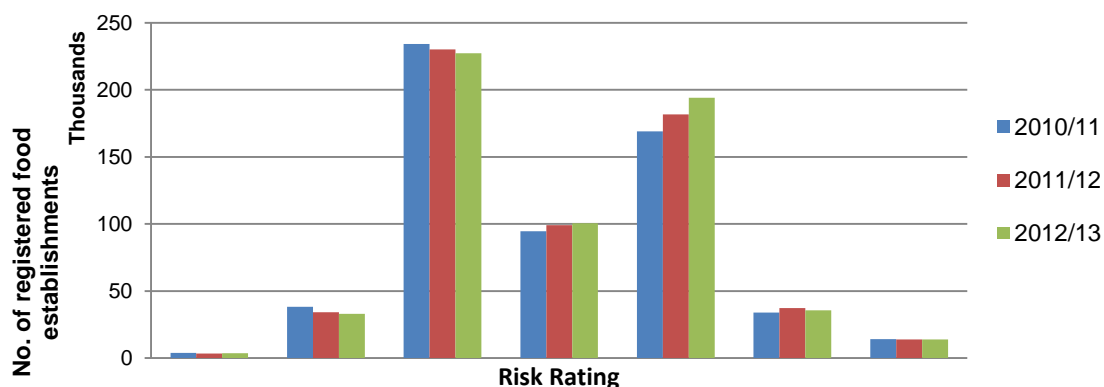
### 3. ESTABLISHMENT PROFILES

3.1 A total of 608,143 food establishments were registered with LAs in the UK<sup>11</sup> as at 31 March 2013, an increase of 1.4% on 2011/12 (599,880).

**Figure 3.1: UK 2012/13 registered food establishments profile by food hygiene risk and premises type**

| Risk category               | Primary producers | Manufacturers and Packers | Importers/ Exporters | Distributors/ Transporters | Retailers      | Restaurants and Caterers | Total          |
|-----------------------------|-------------------|---------------------------|----------------------|----------------------------|----------------|--------------------------|----------------|
| A                           | 15                | 605                       | 3                    | 14                         | 396            | 2,569                    | <b>3,602</b>   |
| B                           | 92                | 2,592                     | 12                   | 84                         | 2,771          | 27,358                   | <b>32,909</b>  |
| C                           | 285               | 5,181                     | 131                  | 953                        | 29,805         | 190,922                  | <b>227,277</b> |
| D                           | 675               | 2,596                     | 162                  | 1,728                      | 27,170         | 68,245                   | <b>100,576</b> |
| E                           | 2,489             | 5,506                     | 507                  | 5,344                      | 66,498         | 113,654                  | <b>193,998</b> |
| Not Yet Rated (NYR)         | 1,183             | 1,418                     | 127                  | 756                        | 6,462          | 25,797                   | <b>35,743</b>  |
| Outside <sup>12</sup>       | 1,157             | 387                       | 163                  | 685                        | 2,610          | 9,036                    | <b>14,038</b>  |
| <b>Total</b>                | <b>5,896</b>      | <b>18,285</b>             | <b>1,105</b>         | <b>9,564</b>               | <b>135,712</b> | <b>437,581</b>           | <b>608,143</b> |
| <b>Breakdown by country</b> |                   |                           |                      |                            |                |                          |                |
| England                     | 3,589             | 13,448                    | 995                  | 7,838                      | 111,687        | 359,533                  | 497,090        |
| Northern Ireland            | 59                | 994                       | 41                   | 415                        | 4,330          | 13,946                   | 19,785         |
| Scotland                    | 1,873             | 2,777                     | 55                   | 876                        | 12,010         | 39,760                   | 57,351         |
| Wales                       | 375               | 1,066                     | 14                   | 435                        | 7,685          | 24,342                   | 33,917         |

**Figure 3.2: Comparison of food establishments profiles by food hygiene risk rating from 2010/11**



|         | A     | B      | C       | D       | E       | NYR    | Outside | Totals         |
|---------|-------|--------|---------|---------|---------|--------|---------|----------------|
| 2010/11 | 3,795 | 38,356 | 234,236 | 94,614  | 168,942 | 33,883 | 14,064  | <b>587,890</b> |
| 2011/12 | 3,449 | 34,152 | 230,107 | 99,171  | 181,748 | 37,321 | 13,932  | <b>599,880</b> |
| 2012/13 | 3,602 | 32,909 | 227,277 | 100,576 | 293,998 | 35,743 | 14,038  | <b>608,143</b> |

<sup>11</sup> This figure does not include the food establishments at 6 LAs that were in the process of installing a new joint management system, arising from a shared service arrangement, and provided a reduced dataset.

<sup>12</sup> Outside – those establishments assessed by LAs to be of such low risk as to not be included in the intervention programme e.g. coffee/refreshments served in betting shops / hairdressers



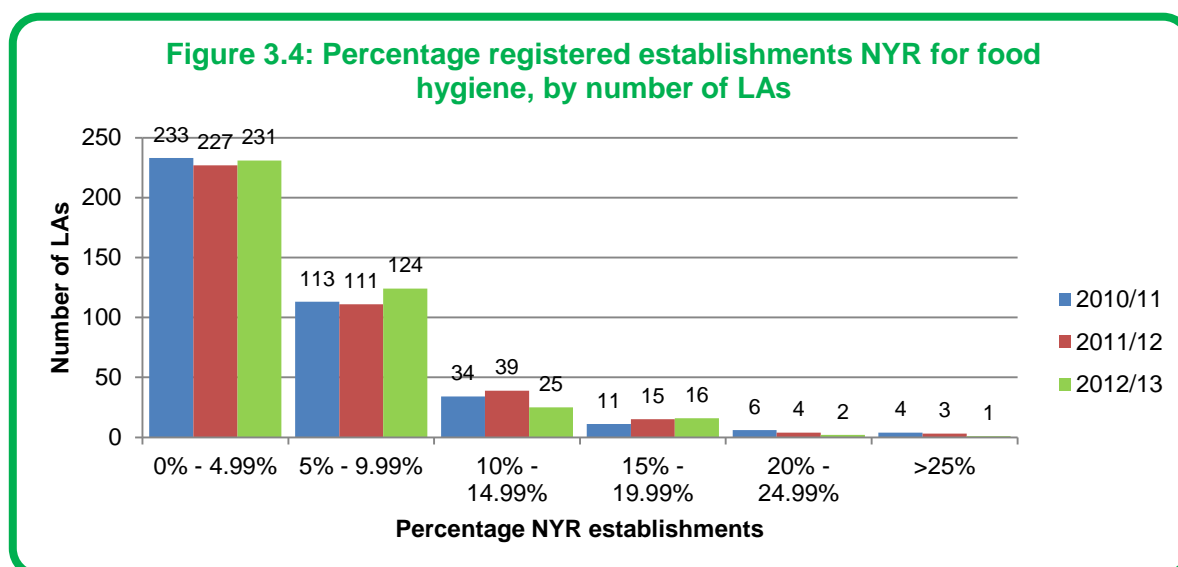
3.2 A comparison of the split of risk ratings in food establishments<sup>13</sup> indicates a reduction of 1.5% in premises rated A to C (from 267,708 in 2011/12 to 263,788) and an increase of 4.9% in premises rated D and E (from 280,929 in 2011/12 to 294,574). This is likely to reflect the increasing compliance levels discussed further in section 10.

### Establishments Not Yet Rated<sup>14 15</sup>

3.3 UK wide 5.9% of registered food establishments were not yet rated (NYR) for food hygiene risk as at 31 March 2013 (35,743 out of 608,143). This is an improvement on the 2011/12 figure (of 6.2%).

| <b>Figure 3.3: Comparison of percentage of registered establishments NYR for food hygiene from 2010/11</b> |                |                |                |
|--|----------------|----------------|----------------|
|  | <b>2010/11</b> | <b>2011/12</b> | <b>2012/13</b> |
| <b>Total number of establishments</b>  | 587,890        | 599,880        | 608,143        |
| <b>No. of NYR establishments</b>   | 33,883         | 37,321         | 35,743         |
| <b>Percentage NYR</b>  | <b>5.8%</b>    | <b>6.2%</b>    | <b>5.9%</b>    |

3.4 Of the LAs that provided data on NYR food establishments in 2012/13, there has been a slight increase in reported levels below 5% (57.9% of LAs compared with 56.9% in 2011/12). There has been a corresponding decrease (from 5.5% to 4.8%) in the proportion of LAs with levels of NYR above 15%. The data is consistent with LAs increasing focus on this activity.



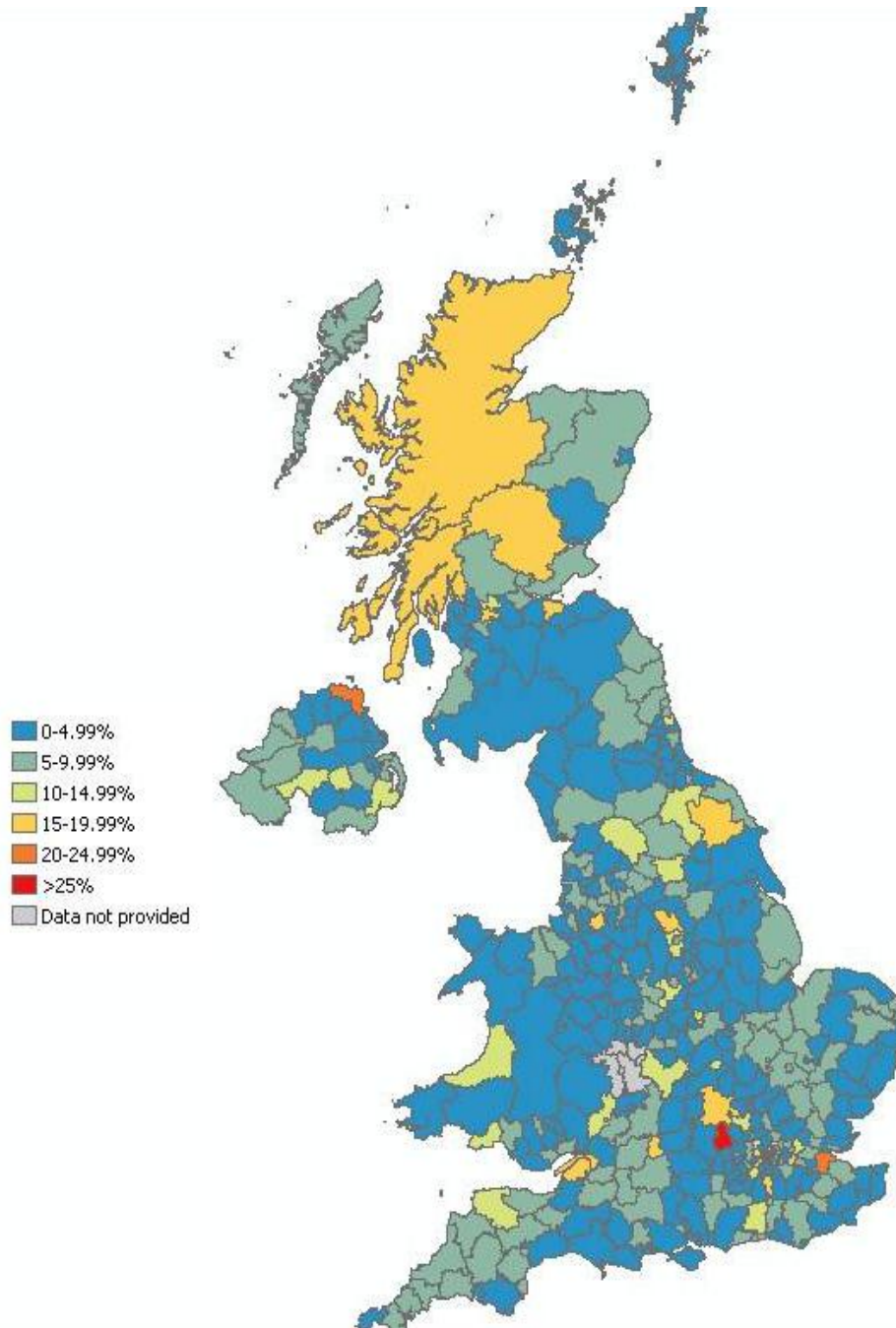
<sup>13</sup> Annex A, pages 3.8 and 3.9 summarises how LAs risk rate food establishments. Further details are available in Annex 5 of the Food Law Code of Practice (FLCoP). Separate FLCoPs for England, Northern Ireland, Scotland and Wales are available at: <http://www.food.gov.uk/enforcement/enforcement/foodlawcop/>

<sup>14</sup> Not yet rated (NYR) – those establishments yet to be assessed for a risk rating i.e. not inspected by LA.

<sup>15</sup> NYR data does not include the food establishments at 6 LAs that were in the process of installing a new joint management system, arising from a shared service arrangement, and provided a reduced dataset.

3.5 The following map shows the levels of NYR establishments across the UK.

**Figure 3.5: NYR by Local Authority**



## 4. LOCAL AUTHORITY INTERVENTIONS<sup>16</sup>

### Food hygiene

4.1 A total of 415,299 food hygiene interventions were carried out in 2012/13, a decrease of 1.8% on the reported number carried out in 2011/12 (422,806).

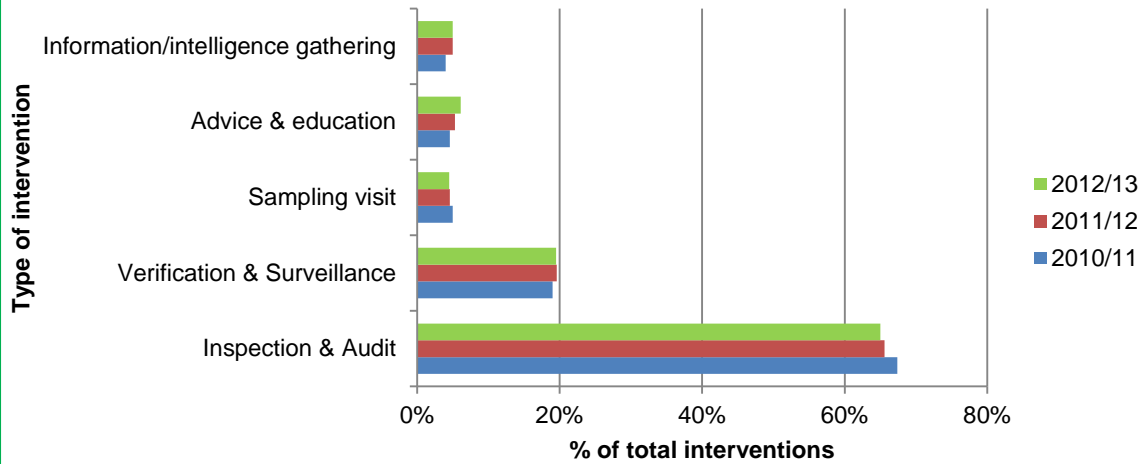
| Figure 4.1: Food hygiene interventions carried out in 2012/13 |                        |                               |                 |                      |                                    |                |
|---|------------------------|-------------------------------|-----------------|----------------------|------------------------------------|----------------|
|   | Inspections and audits | Verification and surveillance | Sampling visits | Advice and education | Information/intelligence gathering | Total          |
| England   | 216,359                | 57,485                        | 13,072          | 19,231               | 18,247                             | 324,394        |
| NI  | 9,210                  | 4,346                         | 2,545           | 1,594                | 509                                | 18,204         |
| Scotland  | 26,931                 | 12,473                        | 1,379           | 2,280                | 816                                | 43,879         |
| Wales   | 17,462                 | 6,607                         | 1,741           | 2,024                | 988                                | 28,822         |
| <b>UK</b>   | <b>269,962</b>         | <b>80,911</b>                 | <b>18,737</b>   | <b>25,129</b>        | <b>20,560</b>                      | <b>415,299</b> |
| Intervention types as a % of total food hygiene interventions |                        |                               |                 |                      |                                    |                |
| England   | 66.7%                  | 17.7%                         | 4.0%            | 5.9%                 | 5.6%                               | 100.0%         |
| NI  | 50.6%                  | 23.9%                         | 14.0%           | 8.8%                 | 2.8%                               | 100.0%         |
| Scotland  | 61.4%                  | 28.4%                         | 3.1%            | 5.2%                 | 1.9%                               | 100.0%         |
| Wales   | 60.6%                  | 22.9%                         | 6.0%            | 7.0%                 | 3.4%                               | 100.0%         |
| <b>UK</b>   | <b>65.0%</b>           | <b>19.5%</b>                  | <b>4.5%</b>     | <b>6.1%</b>          | <b>5.0%</b>                        | <b>100.0%</b>  |

4.2 Inspections and audit remain the most frequent food hygiene intervention type (65.0%, compared with 65.6% in 2011/12), although there is a variation across the four countries. There was an increase in food hygiene advice and education interventions to 6.1% (from 5.3% in 2011/12). Two reasons for this, given by LAs, are that they increased the number of advice and education visits to local businesses as part of:

- preparations for the Olympics (see Case Study 2) and/or
- the LAs engagement policy on improving economic growth in their locality

<sup>16</sup> The figures in this section include interventions at establishments that have subsequently ceased trading

**Figure 4.2: UK comparison of split between types of food hygiene intervention from 2010/11**

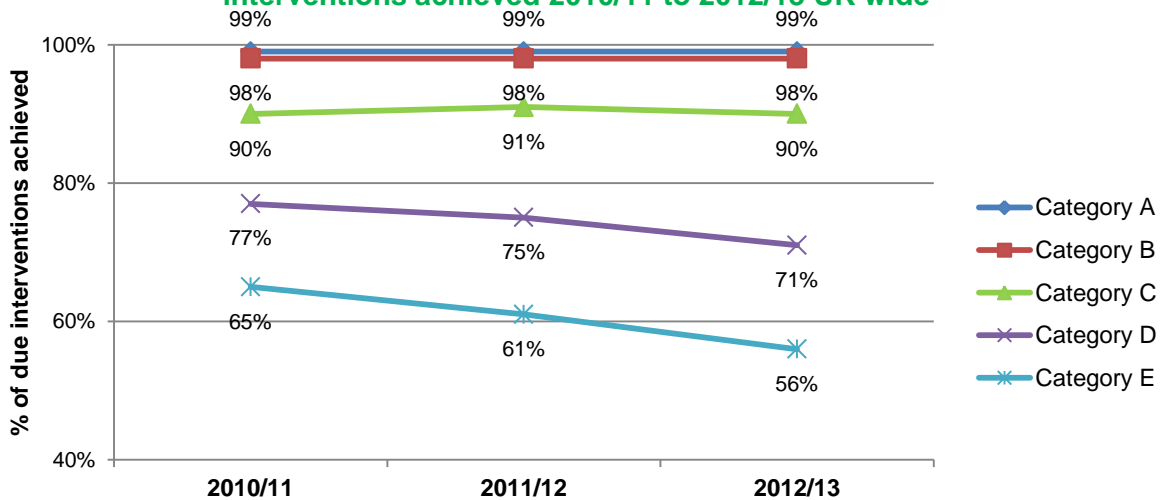


4.3 The trend for LAs to target higher risk establishments (Category A to C) for food hygiene intervention, at the expense of due interventions at lower risk establishments has continued across much of the UK, although Northern Ireland has maintained levels greater than 90% across all risk categories.

**Figure 4.3: Percentage of food hygiene due interventions achieved 2012/13**

|                 | A            | B            | C            | D            | E            | NYR          | Total        |
|-----------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|
| <b>England</b>  | 98.7%        | 98.3%        | 88.6%        | 69.9%        | 54.5%        | 88.2%        | <b>82.2%</b> |
| <b>NI</b>       | 99.4%        | 99.2%        | 97.3%        | 92.3%        | 90.8%        | 91.0%        | <b>95.7%</b> |
| <b>Scotland</b> | 99.2%        | 98.5%        | 88.3%        | 73.5%        | 56.4%        | 91.7%        | <b>88.1%</b> |
| <b>Wales</b>    | 99.8%        | 99.8%        | 99.6%        | 66.1%        | 51.9%        | 86.0%        | <b>88.8%</b> |
| <b>UK</b>       | <b>98.9%</b> | <b>98.5%</b> | <b>89.7%</b> | <b>70.6%</b> | <b>55.5%</b> | <b>88.4%</b> | <b>83.7%</b> |

**Figure 4.4: Comparison of percentage of due food hygiene interventions achieved 2010/11 to 2012/13 UK wide**



Note: to achieve adequate resolution, the scale does not begin at zero.

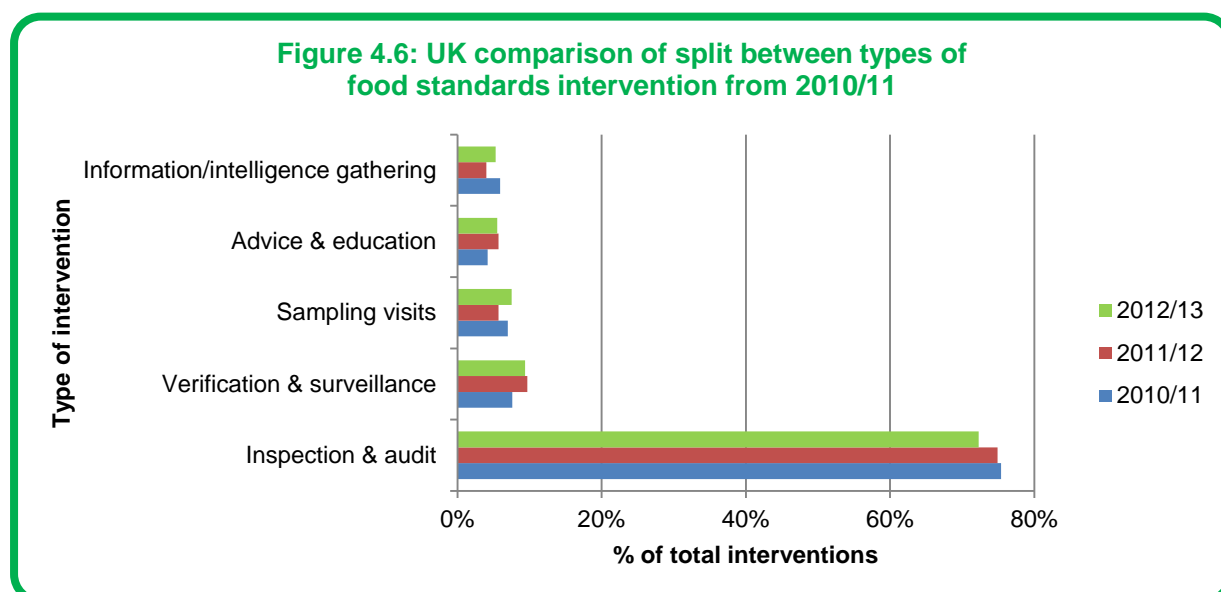
## Food standards

- 4.4 A total of 110,289 food standards interventions were carried out in 2012/13, a decrease of 16.8% on the reported number carried out in 2011/12 (132,544). The data, alongside evidence from the Review of the Delivery of Official Controls, suggests LAs are generally giving a lower priority to food standards activity than food hygiene.

**Figure 4.5: Food standards interventions carried out in 2012/13**

|  | Inspections and audits | Verification and surveillance | Sampling visits | Advice and education | Information/intelligence gathering | Total          |
|--|------------------------|-------------------------------|-----------------|----------------------|------------------------------------|----------------|
| England  | 55,943                 | 6,889                         | 4,552           | 4,511                | 4,125                              | 76,020         |
| NI   | 4,174                  | 410                           | 765             | 266                  | 369                                | 5,984          |
| Scotland   | 12,609                 | 2,397                         | 2,297           | 807                  | 1,235                              | 19,345         |
| Wales  | 6,999                  | 667                           | 675             | 472                  | 127                                | 8,940          |
| <b>UK</b>  | <b>79,725</b>          | <b>10,363</b>                 | <b>8,289</b>    | <b>6,056</b>         | <b>5,856</b>                       | <b>110,289</b> |
| <b>Intervention types as a % of total food standards interventions</b> |                        |                               |                 |                      |                                    |                |
| England  | 73.6%                  | 9.1%                          | 6.0%            | 5.9%                 | 5.4%                               | 100.0%         |
| NI   | 69.8%                  | 6.9%                          | 12.8%           | 4.4%                 | 6.2%                               | 100.0%         |
| Scotland   | 65.2%                  | 12.4%                         | 11.9%           | 4.2%                 | 6.4%                               | 100.0%         |
| Wales  | 78.3%                  | 7.5%                          | 7.6%            | 5.3%                 | 1.4%                               | 100.0%         |
| <b>UK</b>  | <b>72.3%</b>           | <b>9.4%</b>                   | <b>7.5%</b>     | <b>5.5%</b>          | <b>5.3%</b>                        | <b>100.0%</b>  |

- 4.5 There was an increase in food standards sampling visits to 7.5% (from 5.7% in 2011/12) and information/intelligence gathering to 5.3% (from 4.0% in 2011/12). This could reflect LA activity during the horsemeat incident covering the fourth quarter of this reporting period.

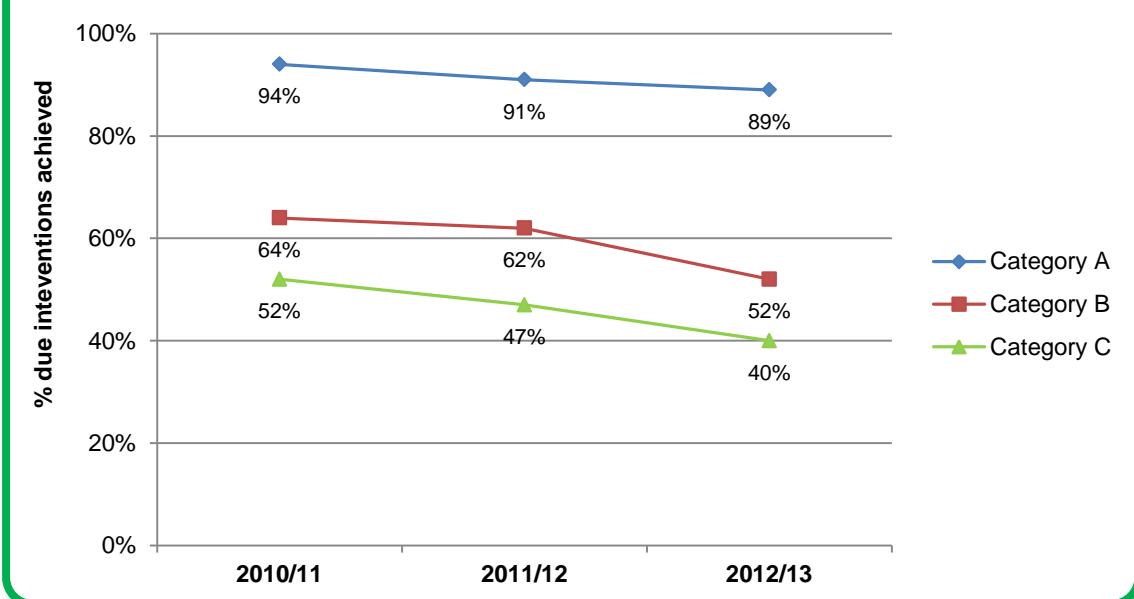


- 4.6 LAs have continued to target higher risk establishments (Category A) for food standards interventions across much of the UK, although levels of interventions achieved has decreased across all risk categories.
- 4.7 Intelligence from audit and other engagement with local authorities shows that a number of LAs are increasingly using intelligence led and systems thinking approaches, particularly on food standards enforcement. When using these approaches, interventions may be targeted on particular premises or focused on specific issues or processes. This may result in them not being carried out at the frequencies currently laid down in the Food Law Code of Practice (FLCoP) and due interventions may therefore be recorded as outstanding in the LAEMS returns. The FSA has been evaluating and considering these approaches to inform future revisions of the FLCoP and how this activity might be best captured on LAEMS returns.

**Figure 4.7: Percentage of food standards due interventions achieved 2012/13**

|          | A     | B     | C     | NYR   | TOTAL |
|----------|-------|-------|-------|-------|-------|
| England  | 87.0% | 45.0% | 31.6% | 57.1% | 42.5% |
| NI       | 96.8% | 90.1% | 88.0% | 80.0% | 87.5% |
| Scotland | 91.1% | 91.2% | 85.8% | 92.5% | 88.9% |
| Wales    | 97.7% | 64.4% | 42.4% | 73.5% | 58.9% |
| UK       | 88.6% | 51.8% | 39.8% | 62.6% | 49.5% |

**Figure 4.8: Comparison of percentage of due food standards interventions achieved 2010/11 to 2012/13 UK wide**

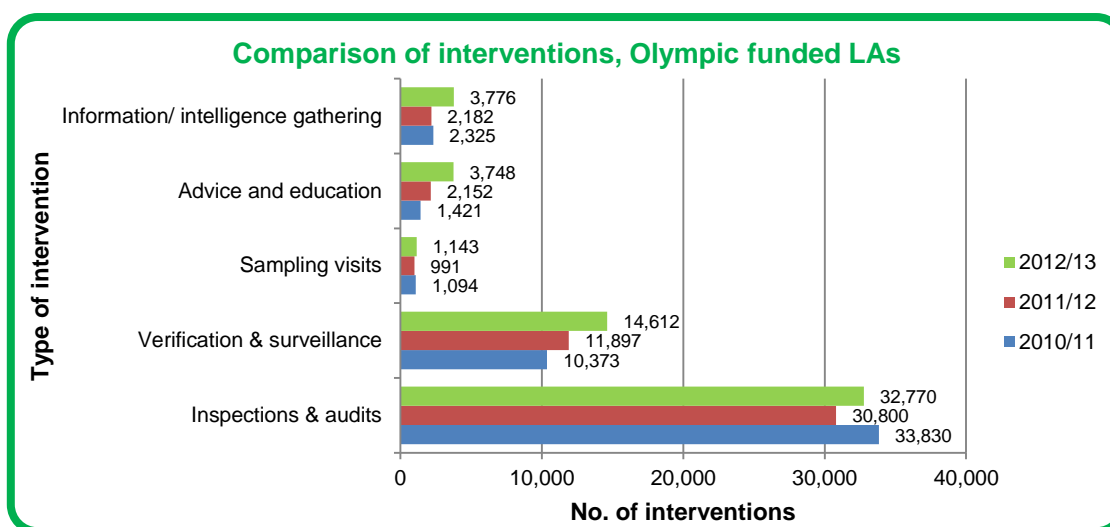


### Case Study 1 – Preparations for London 2012 Olympic and Paralympic games

The FSA Board considered a paper on *the evaluation of FSA-funding initiatives to support food safety during the London 2012 Olympic and Paralympic games* at its meeting on 22 January 2013.<sup>17</sup> The additional funding to certain LAs enabled them to:

- conduct more inspections at establishments outside of the venues leading up to the Games
- conduct more detailed interventions at high risk FBOs to help improve compliance

A comparison of the interventions data for the 34 funded LAs, in England and Wales, over the 3 year period from 2010/11 to 2012/13 showed improved levels for all types of interventions in 2012/13 from the previous year, with large increases in information and advisory visits.



Feedback from the funded LAs indicates that the funding has been of more widespread benefit, as demonstrated in the following quote:

***“As a result of FSA grant funding to prepare London for the Olympics, Wandsworth food team took a very different approach during 2012/13. Officers offered enhanced support to the poorest performing and persistent non-compliant businesses, choosing interventions that they felt would be most effective in achieving and maintaining compliance. All high risk businesses were also visited to provide guidance and support. As a result, compliance increased significantly and our internal monitoring shows business satisfaction has increased by 4% in 2012/13. The project helped us to identify businesses which require statutory action and those that are at risk of failure enabling us to set up a more effective intervention regime for 2013/14, which is particularly important given the financial pressures being placed on LAs.”***

*Janine Avery, Food Team Manager, Wandsworth*

<sup>17</sup> <http://www.food.gov.uk/multimedia/pdfs/board/fsa130109.pdf>

## 5. ENFORCEMENT ACTIONS<sup>18 19</sup>

### Food hygiene

5.1 A total of 169,306 hygiene enforcement actions were reported in 2012/13 – 161,327 written warnings and 7,979 other ‘official’ enforcement actions. This is a total increase of 1.1% on 2011/12 (167,402), although some types of enforcement action have shown decreases (see Figure 5.2).

**Figure 5.1: Number of establishments subject to food hygiene enforcement actions 2012/13**

|                  | Voluntary closure | Seizure, detention & surrender of food | Suspension / revocation of approval or licence | Emergency Prohibition Notice | Prohibition Order | Simple caution <sup>20</sup> | Improvement notice | Remedial action and detention notices | Written warnings | Prosecutions concluded | Totals         |
|------------------|-------------------|--|--|------------------------------|-------------------|------------------------------|--------------------|---------------------------------------|------------------|------------------------|----------------|
| England          | 784               | 277                                    | 16   | 285                          | 113               | 237                          | 4,184              | 57                                    | 128,223          | 271                    | 134,447        |
| Northern Ireland | 21                | 51                                     | 0  | 2                            | 2                 | 11                           | 70                 | 14                                    | 5,536            | 5                      | 5,712          |
| Scotland         | 133               | 24                                     | 3  | 22                           | 4                 | N/A                          | 600                | 94                                    | 14,898           | 11                     | 15,789         |
| Wales            | 86                | 55                                     | 3  | 9                            | 6                 | 28                           | 420                | 48                                    | 12,670           | 33                     | 13,358         |
| <b>UK Totals</b> | <b>1,024</b>      | <b>407</b>                             | <b>22</b>                                      | <b>318</b>                   | <b>125</b>        | <b>276</b>                   | <b>5,274</b>       | <b>213</b>                            | <b>161,327</b>   | <b>320</b>             | <b>169,306</b> |

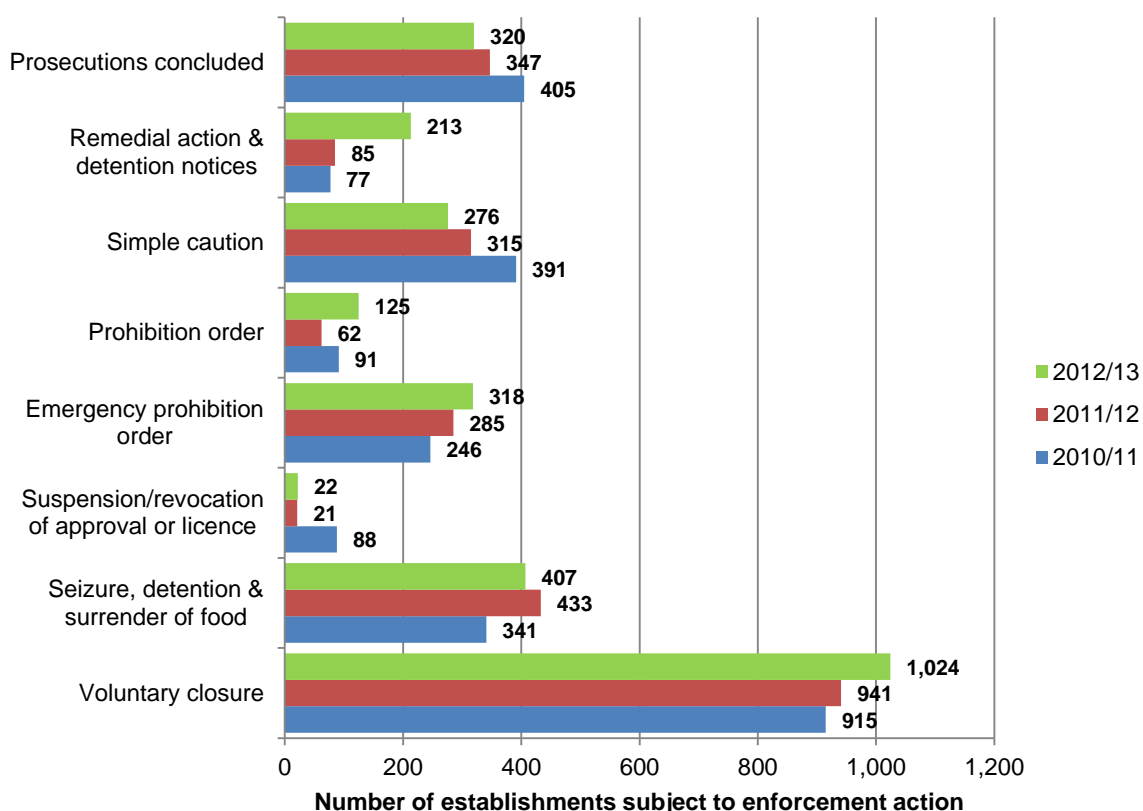
<sup>18</sup> LAEMS records the number of establishments subject to the individual types of enforcement action. The total number of individual enforcement actions taken by LAs is likely to be higher.

<sup>19</sup> The figures in this section may include enforcement actions at premises that have subsequently closed.

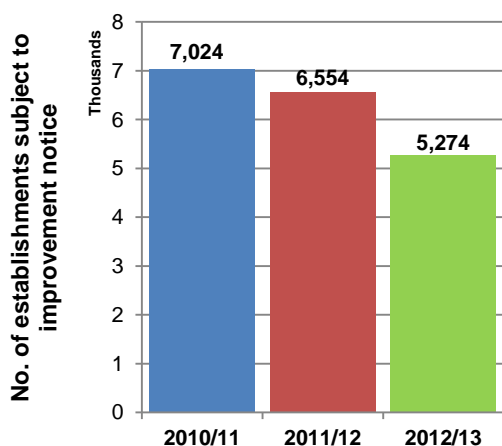
<sup>20</sup> Simple cautions do not apply in Scotland.



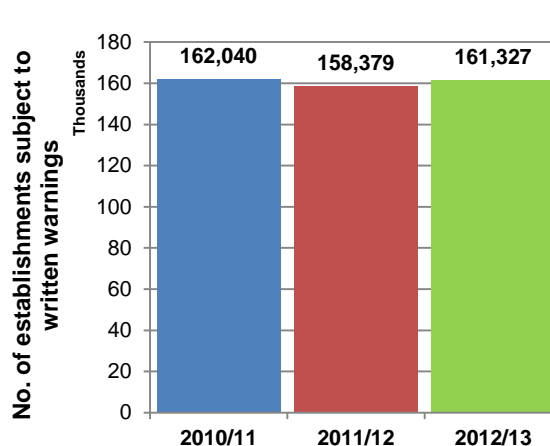
**Figure 5.2: Comparison of food hygiene enforcement actions from 2010/11**



**FH Improvement notices**



**FH Written warnings**



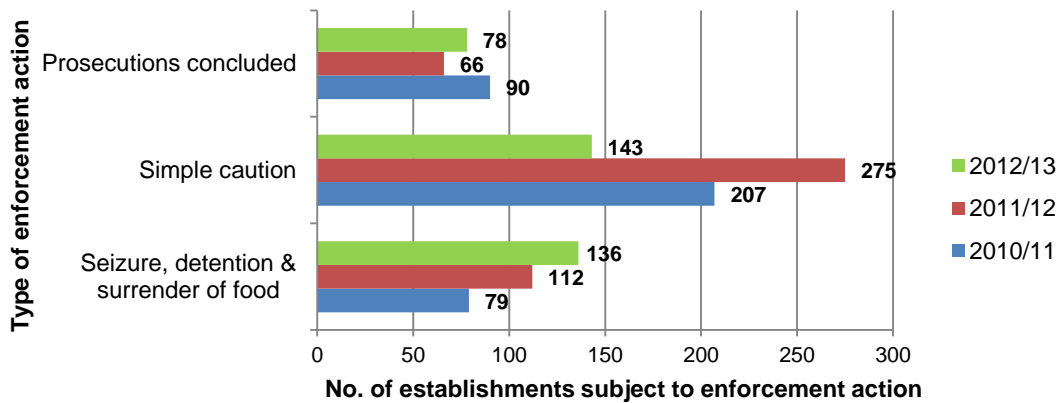
## Food standards

5.2 A total of 14,260 food standards enforcement actions were reported in 2012/13, an increase compared with 2011/12 (12,757). This is caused by an increase in written warnings, which could reflect a response to a programme of audits on food standards LAEMS returns which highlighted the under-reporting of food standards written warnings. However, the number of other 'official' enforcement actions decreased from 455 in 2011/12 to 357.

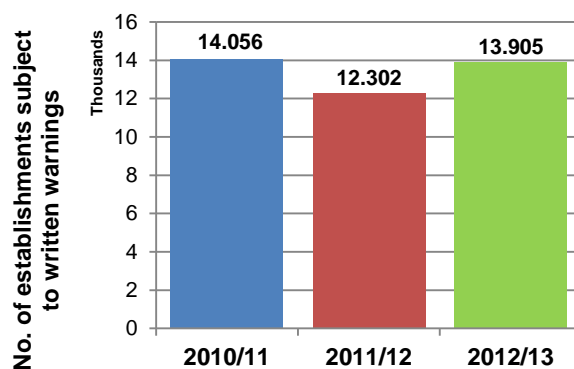
**Figure 5.3: Number of establishments subject to food standards enforcement actions 2012/13**

|                  | Seizure, detention & surrender of food | Simple caution <sup>21</sup> | Written warnings | Prosecutions concluded | Totals        |
|------------------|--|------------------------------|------------------|------------------------|---------------|
| England          | 78                                     | 74                           | 8,932            | 63                     | 9,147         |
| Northern Ireland | 8                                      | 5                            | 1,081            | 8                      | 1,102         |
| Scotland         | 20                                     | 0                            | 3,038            | 3                      | 3,061         |
| Wales            | 30                                     | 64                           | 852              | 4                      | 950           |
| <b>UK totals</b> | <b>136</b>                             | <b>143</b>                   | <b>13,903</b>    | <b>78</b>              | <b>14,260</b> |

**Figure 5.4: Comparison of food standards enforcement actions from 2010/11**



**FS Written warnings**



<sup>21</sup> Simple cautions do not apply in Scotland

## 6. OFFICIAL FOOD SAMPLES<sup>22</sup>

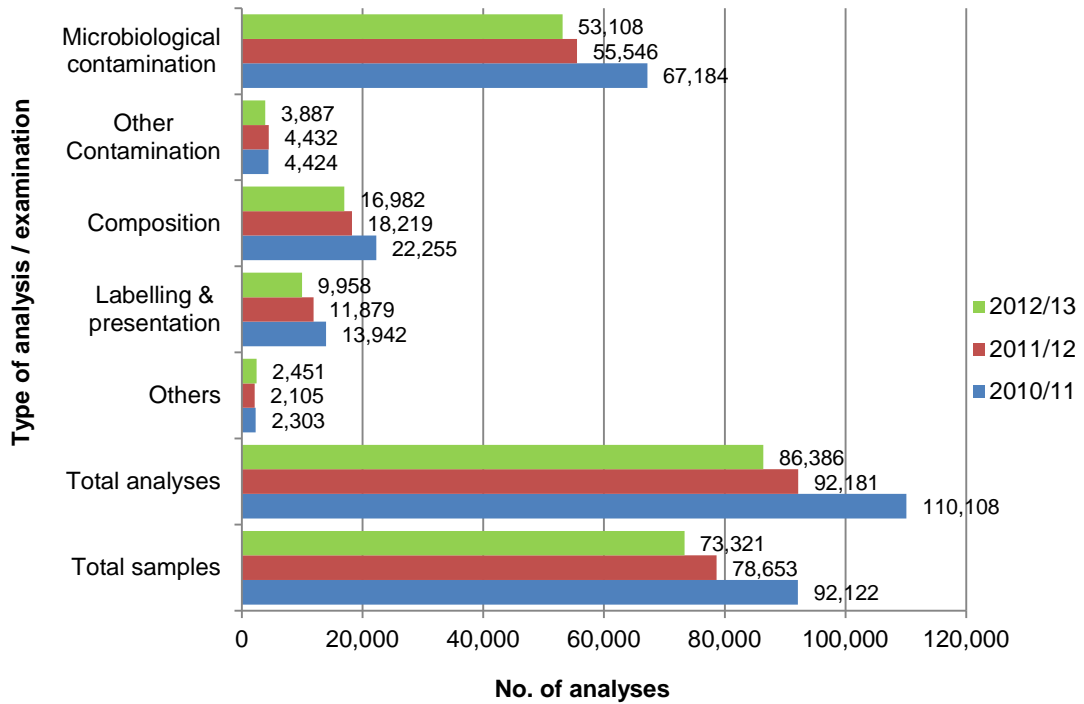
- 6.1 A total of 73,321 official food samples were taken in 2012/13, a decrease of 6.8% from 2011/12 (78,653). The trend is one of a continuing decline, although the percentage drop is lower than in previous years (14.6% between 2010/11 and 2011/12). Although many LAs would have increased sampling activity as a part of the response to the horsemeat incident, not all of this activity will have been picked up in the 2012/13 returns as it includes only those samples where results were received by the LA during the reporting period (1 April to 31 March). This increased sampling activity will roll-over into the 2013/14 LAEMS returns.
- 6.2 For 2012/13, a total of 95 LAs opted to provide their sampling data via the UK Food Surveillance System (FSS). There were issues extracting data from FSS and some LAs advised that the generated reports were not a complete reflection of their sampling activity. Most of these LAs have now agreed their sampling data but, at the time of publication of this report, two LAs had issues outstanding. The figures provided below may therefore be slightly under-reported.

**Figure 6.1: Official samples 2012/13**

|                                      | England       | Northern Ireland | Scotland      | Wales        | UK            |
|--------------------------------------|---------------|------------------|---------------|--------------|---------------|
| <b>Microbiological contamination</b> | 35,939        | 6,388            | 5,523         | 5,258        | 53,108        |
| <b>Other Contamination</b>           | 2,151         | 63               | 1,127         | 546          | 3,887         |
| <b>Composition</b>                   | 9,931         | 1,819            | 3,471         | 1,761        | 16,982        |
| <b>Labelling &amp; presentation</b>  | 6,129         | 1,403            | 1,427         | 999          | 9,958         |
| <b>Other</b>                         | 1,219         | 1                | 1,210         | 21           | 2,451         |
| <b>TOTAL ANALYSES / EXAMINATIONS</b> | <b>55,369</b> | <b>9,674</b>     | <b>12,758</b> | <b>8,585</b> | <b>86,386</b> |
| <b>TOTAL SAMPLES</b>                 | <b>48,002</b> | <b>8,364</b>     | <b>9,661</b>  | <b>7,294</b> | <b>73,321</b> |

<sup>22</sup> Official samples are those analysed / tested by Official Control Laboratories. The FSA monitoring returns only collect data on official samples.

**Figure 6.2: Comparison of UK sampling from 2010/11**



6.3 Given the importance of LA sampling and the continuing decline in LA activity, particularly on food standards, the FSA has provided additional grant funding to LAs to support sampling in priority areas (see Case Study 2). This FSA funded activity is a small proportion (6.4%) of the total samples taken by LAs (4,716 of 73,321).

## Case study 2 – LA Sampling grants

In 2012/13, the FSA made £1.6 million funding available to UK Enforcement Authorities<sup>23</sup> for food sampling and surveillance of food to enable risk-based targeted checks at Ports and LA monitoring throughout the food chain.

A total of 41 grants were made, comprising bids from both individual LAs and Ports and LA food groups with a total of 224 Authorities accessing this funding. The priorities for the 2012/13 programme were based on information and intelligence from relevant FSA policy teams and liaison with Defra and the Department of Health.

### 2012/13 Programme objectives

- to improve overall enforcement authority sampling, surveillance and controls for food and feed
- to determine compliance around areas of concern within the UK food and feed chain
- to help increase controls in areas of higher risk
- to enhance our understanding of the level of chemicals present in food and feed, which will be used to develop our policies and to inform UK negotiating positions in Brussels
- to protect the food chain in the run up to the Olympics

### 2012/13 Priority areas

- Concerns from local knowledge and expertise
- Mycotoxins
- Contact materials
- Biotoxins in shellfish
- Food adulteration
- Inorganic contaminants
- Microbiological contaminants
- Organic contaminants
- Allergens
- Imported food issues – general
- Irradiated foods
- ‘Residual’ meat testing
- Mis-description and adulteration

Further details about the programme, including the background on the priority areas, can be found at <http://www.food.gov.uk/multimedia/pdfs/enforcement/enfe12006a.pdf>

As part of this programme a total of 4,716 samples were submitted for either microbiological or chemical testing. The percentage of compliance can be seen in the table below and is consistent with previous years. The lower number of microbiological samples reflects that LAs have a free Allocation<sup>24</sup> for microbiological sampling activity.

| Examination /analysis undertaken | No. of samples taken | Overall satisfactory results |              |
|----------------------------------|----------------------|------------------------------|--------------|
|                                  |                      | No. of samples               | % of samples |
| Microbiological                  | 765                  | 736                          | 96%          |
| Chemical                         | 3,951                | 3,631                        | 92%          |

FSA officials are currently analysing the 2012/13 data received and a full report will be published later this year.

<sup>23</sup> Including Port Health Authorities, Local Authorities, food liaison groups and regional groups

<sup>24</sup> Free allocations provided by Public Health England and equivalents in NI and Wales. LAs in Scotland do not receive a free allocation from Health Protection Scotland

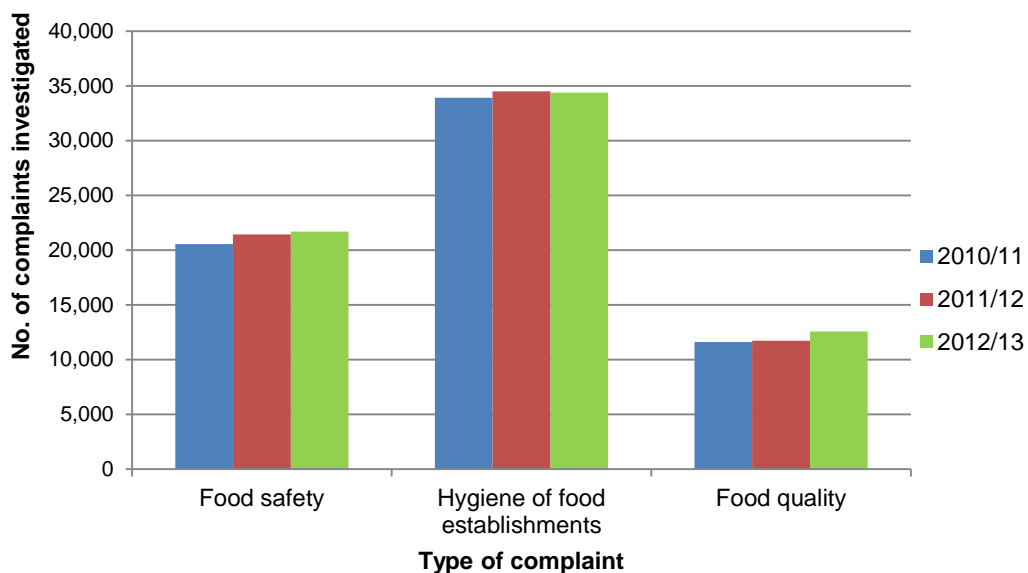
## 7. CONSUMER COMPLAINTS ABOUT FOOD AND FOOD ESTABLISHMENTS

7.1 LAs dealt with a total of 68,639 consumer complaints about food and food establishments during 2012/13, an increase of 1.5% (from 67,650) on 2011/12. These levels have remained fairly static over the last 3 years but nevertheless indicate a considerable demand on LAs in terms of follow-up.

**Figure 7.1: Consumer complaints investigated 2012/13**

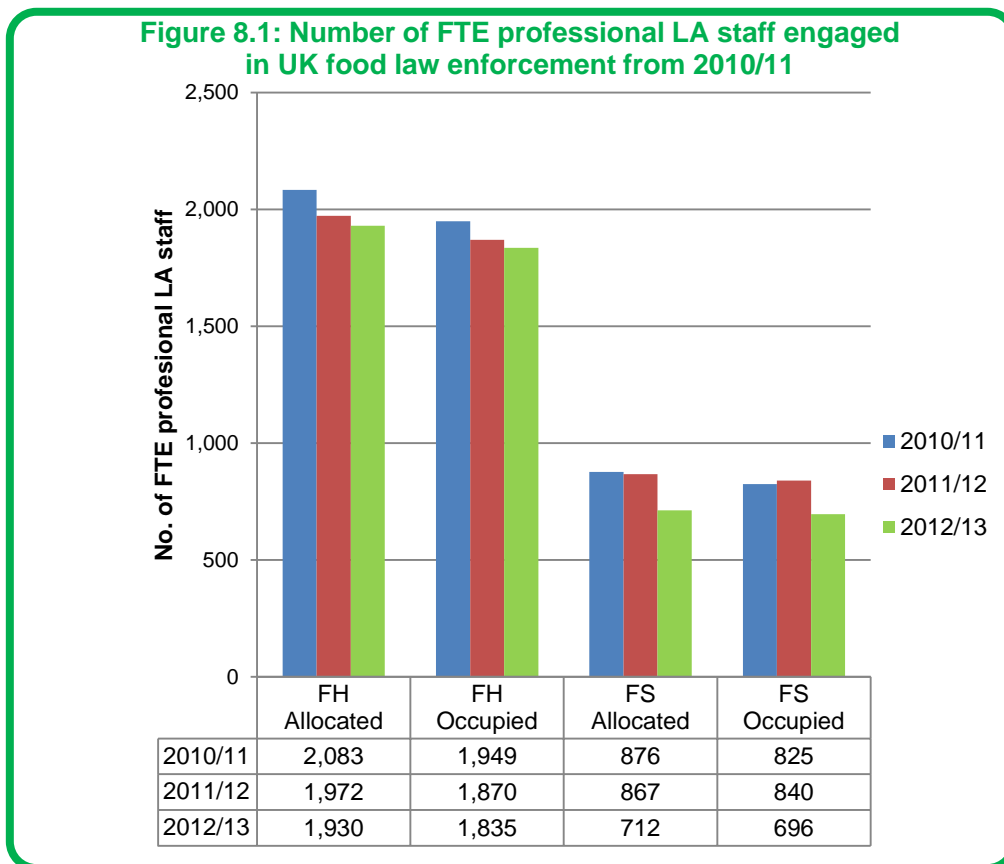
|                         | Food (FH)     | Hygiene of premises (FH) | Food (FS)     | TOTAL         |
|-------------------------|---------------|--------------------------|---------------|---------------|
| <b>England</b>          | 18,394        | 29,500                   | 10,275        | <b>58,169</b> |
| <b>Northern Ireland</b> | 355           | 691                      | 546           | <b>1,592</b>  |
| <b>Scotland</b>         | 1,808         | 2,547                    | 901           | <b>5,256</b>  |
| <b>Wales</b>            | 1,137         | 1,641                    | 844           | <b>3,622</b>  |
| <b>UK Totals</b>        | <b>21,694</b> | <b>34,379</b>            | <b>12,566</b> | <b>68,639</b> |

**Figure 7.2: Comparison of consumer complaints investigated from 2010/11**



## 8. FULL TIME EQUIVALENT (FTE) PROFESSIONAL LA STAFF

- 8.1 A total of 2,531 FTE professional LA staff was reported as being in post at 31 March 2013. Although this would indicate a 6.6% reduction on 2011/12 figures (2,709), this reduction is due in part to a number of LAs addressing errors in the way they have reported FTEs in previous years (following an initiative by the FSA Audit and Monitoring teams to address inaccurate reporting by some LAs). Adjusting for this, using data from a cohort of 403 LAs (out of 433) for which year-on-year comparisons are possible, shows a 5.5% reduction.



## 9. FOOD HYGIENE COMPLIANCE<sup>25</sup>

- 9.1 The UK level of Broad Compliance<sup>26</sup> as at 31 March 2013 was 91.2% of rated establishments, a slight increase from 2011/12 (90.2%). There were variations in the percentage of Broadly Compliant premises in the four countries but all saw improvements on the previous year.

| <b>Figure 9.1: UK food business compliance levels 2012/13<br/>(2011/12 figures in brackets)</b> |  |  |   |              |
|---|--|--|---|--------------|
| <b>FOOD HYGIENE</b>   | <b>% of establishments which are Broadly Compliant or better</b> | <b>% of establishments which are below Broadly Compliant</b> | <b>% of establishments which are not yet risk rated</b> | <b>Total</b> |
| England   | 86.4 (85.3)  | 7.8 (8.6)  | 5.8 (6.1)   | 100.0        |
| Northern Ireland  | 88.0 (84.8)  | 5.3 (7.2)  | 6.8 (8.0)   | 100.1        |
| Scotland  | 79.8 (78.8)  | 11.6 (12.1)  | 8.6 (9.1)   | 100.0        |
| Wales   | 84.4 (82.8)  | 11.5 (13.3)  | 4.1 (3.9)   | 100.0        |
| <b>UK</b>   | <b>85.7 (84.5)</b>   | <b>8.3 (9.1)</b>   | <b>6.0 (6.3)</b>  | <b>100.0</b> |
| <b>Excluding the establishments which are not yet risk rated:</b>                               |  |  |   |              |
| England   | 91.7 (90.8)  | 8.3 (9.2)  |   | 100.0        |
| Northern Ireland  | 94.4 (92.2)  | 5.6 (7.8)  |   | 100.0        |
| Scotland  | 87.3 (86.6)  | 12.7 (13.4)  |   | 100.0        |
| Wales   | 88.0 (86.2)  | 12.0 (13.8)  |   | 100.0        |
| <b>UK</b>   | <b>91.2 (90.2)</b>   | <b>8.8 (9.8)</b>   |   | <b>100.0</b> |

- 9.2 A comparison with 2011/12 data shows that the percentage of LAs with broad compliance levels of  $\geq 90\%$  for rated establishments have increased to 71.9% (of those LAs providing Broad Compliance data) from 64.2% last year. At the other end of the scale, the number of LAs with levels  $< 80\%$  had reduced to 3.1%, from 4.5% in 2011/12. The improvement in Broad Compliance levels may be due in part to LA uptake of the Food Hygiene Rating Scheme (FHRS) in England, Northern Ireland and Wales and Food Hygiene Information Scheme (FHIS) in Scotland and the corresponding incentive on both businesses and LAs to improve compliance.

<sup>25</sup> Calculations in this section exclude establishments outside programme.

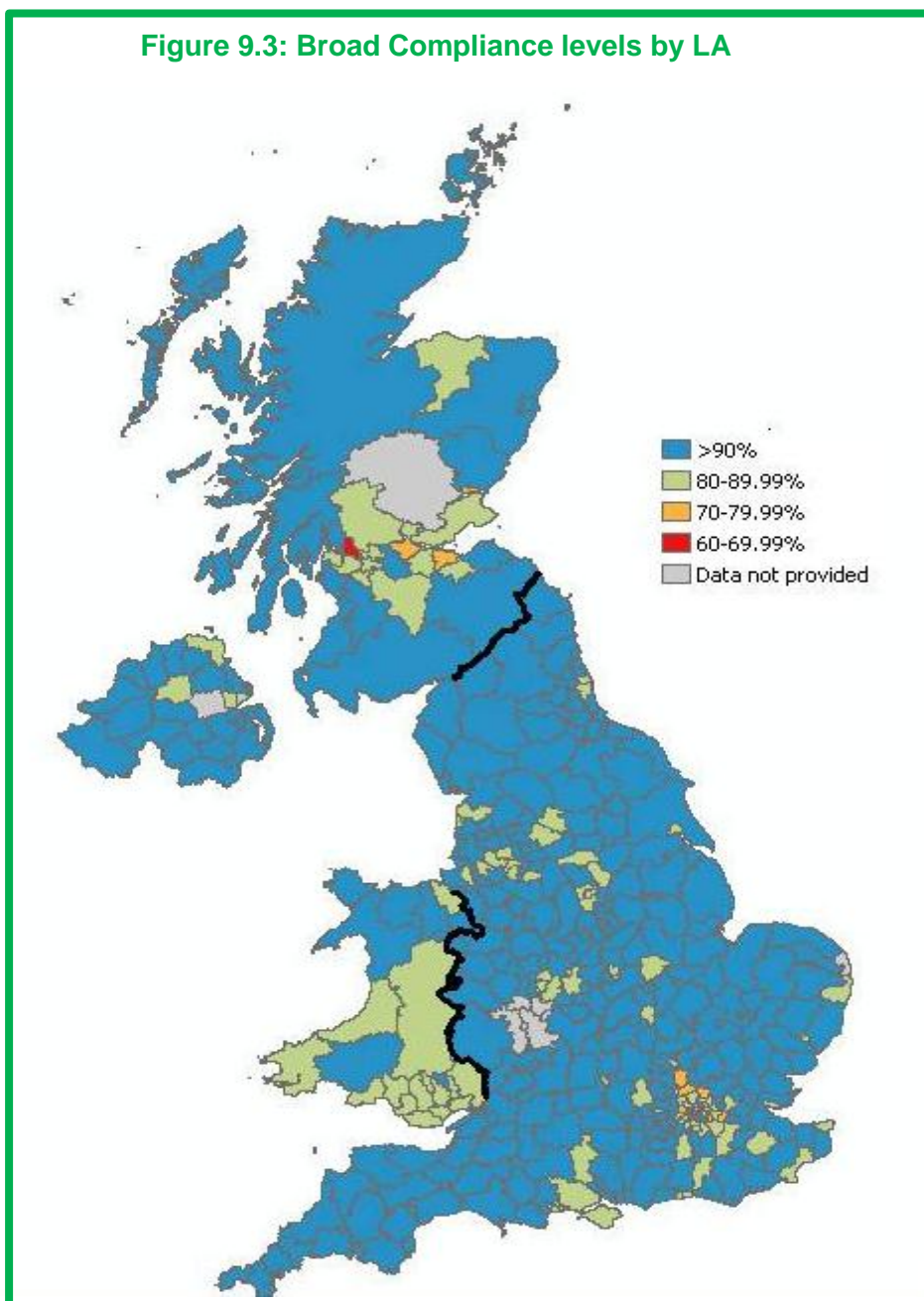
<sup>26</sup> A food establishment defined as 'broadly compliant' for food hygiene, has an intervention rating score of not more than 10 points under each of the following three criteria: Level of (Current) Compliance – Hygiene; Level of (Current) Compliance – Structure; and Confidence in Management.



**Figure 9.2: Proportion of 'broadly compliant' establishments (excluding NYR) by LA type 2012/13**

| Broad compliance levels:         | No. of LAs showing establishments 'broadly compliant' or better |                        |                              |                 |                  |           |           |            |
|----------------------------------|---|------------------------|------------------------------|-----------------|------------------|-----------|-----------|------------|
|                                  | English District  | English London Borough | English Metropolitan Borough | English Unitary | Northern Ireland | Scotland  | Wales     | UK         |
| 60 - 69.99%                      | 0   | 0                      | 0                            | 0               | 0                | 1         | 0         | 1          |
| 70 - 79.99%                      | 2   | 6                      | 0                            | 0               | 0                | 3         | 0         | 11         |
| 80 - 89.99%                      | 23  | 21                     | 16                           | 9               | 4                | 12        | 15        | 100        |
| 90 - 100%                        | 168   | 6                      | 20                           | 47              | 21               | 15        | 7         | 284        |
| Unable to provide necessary data | 7   | 0                      | 0                            | 0               | 1                | 1         | 0         | 10         |
| <b>TOTAL</b>                     | <b>200</b>  | <b>33</b>              | <b>36</b>                    | <b>56</b>       | <b>26</b>        | <b>32</b> | <b>22</b> | <b>405</b> |
| Highest % reported               | 99.30   | 97.77                  | 97.76                        | 99.18           | 98.54            | 95.69     | 96.43     | 99.30      |
| Lowest % reported                | 78.41   | 74.94                  | 81.03                        | 80.01           | 84.75            | 64.82     | 81.56     | 64.82      |

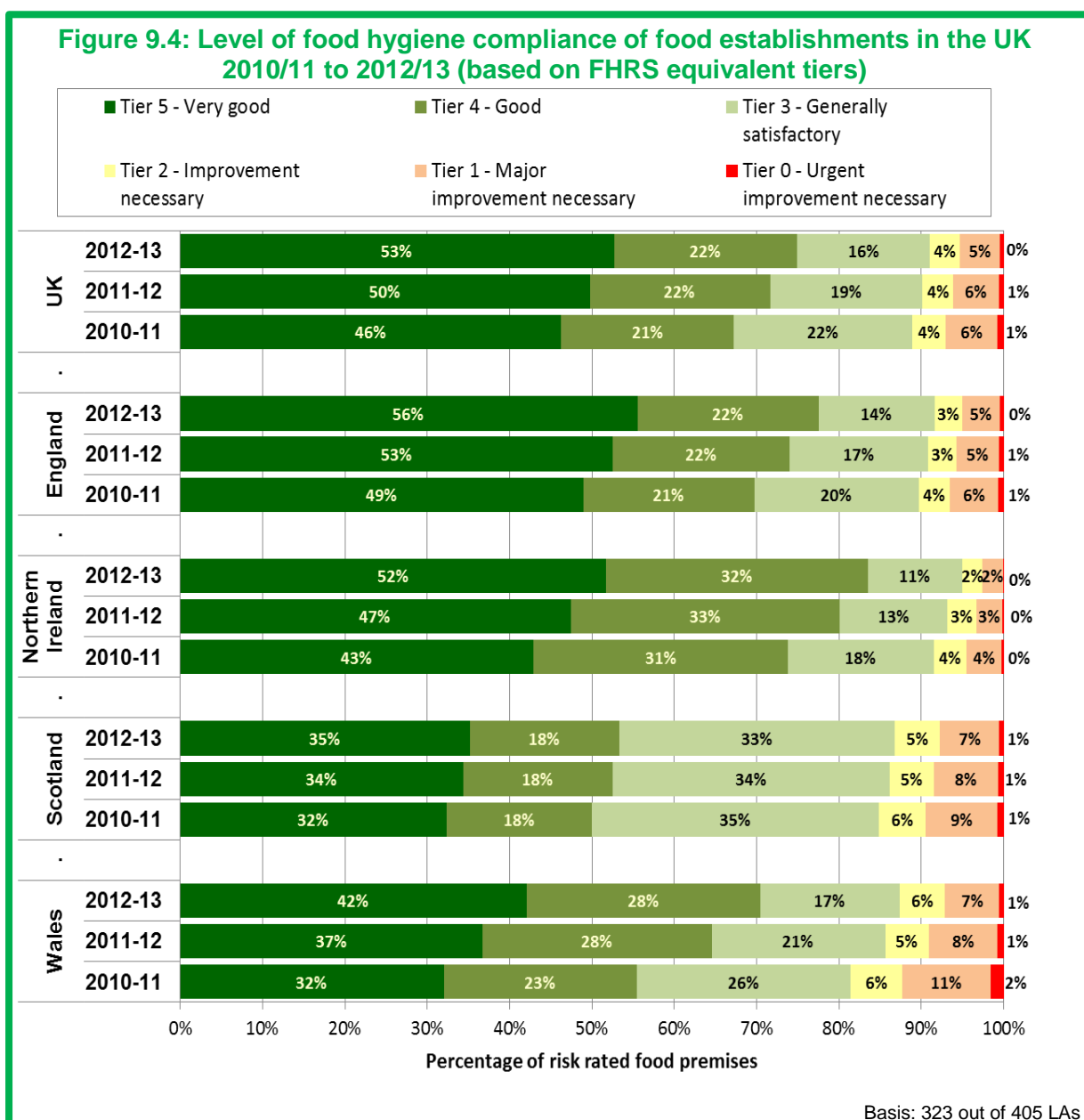
**Figure 9.3: Broad Compliance levels by LA**



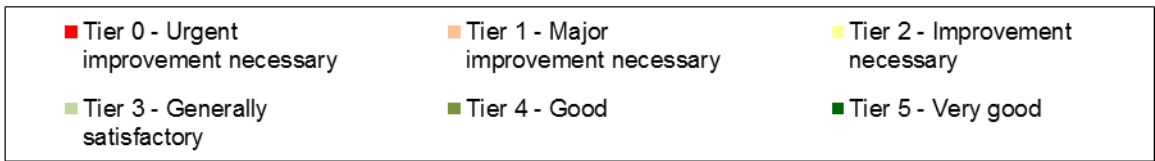
## Compliance trends and variations – from secondary ARD analysis of the data

9.3 Based on LAs for which we can robustly compare LAEMS data over the past three years (323 out of 405 LAs):

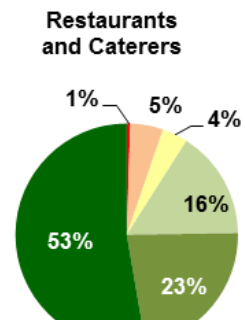
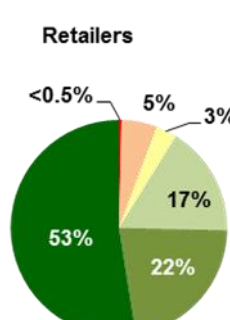
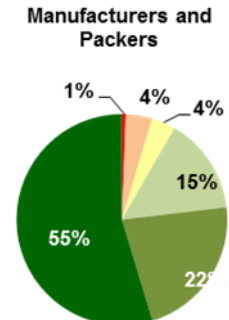
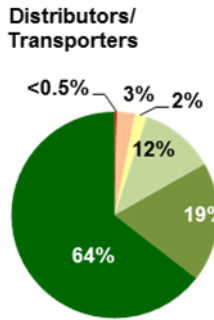
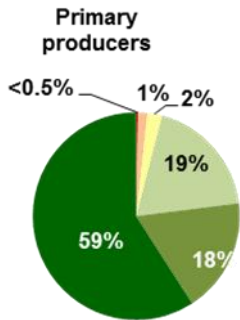
- The proportion of food establishments which were Broadly Compliant or above (equivalent to Food Hygiene Rating Scheme (FHRS) rating 3 to 5) increased slightly from 89% in 2010/11 to 91% in 2012/13.
- The proportion of food establishments which were considered either 'good' or 'very good' (equivalent to FHRS rating 4 and 5), increased from 67% to 75% over this period.
- The proportion of food establishments for which 'major' or 'urgent' improvement was necessary (equivalent to FHRS rating 0 and 1), decreased from 7% to 5% over this period.



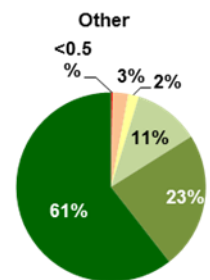
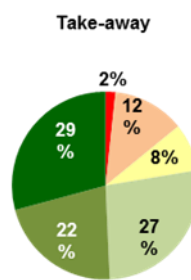
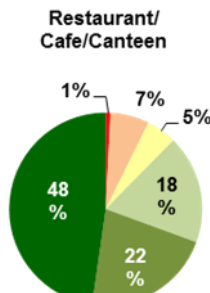
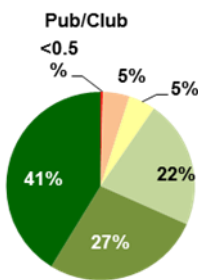
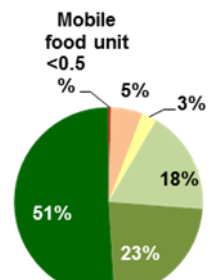
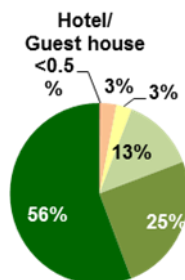
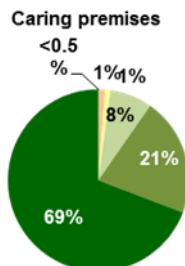
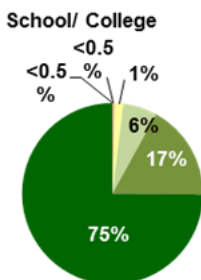
**Figure 9.5: Level of food hygiene compliance of food premises in the UK in 2012/13, by type of premises (based on FHRs equivalent tiers)**



**Types of food premises**



**Sub-categories of restaurants and caterers**

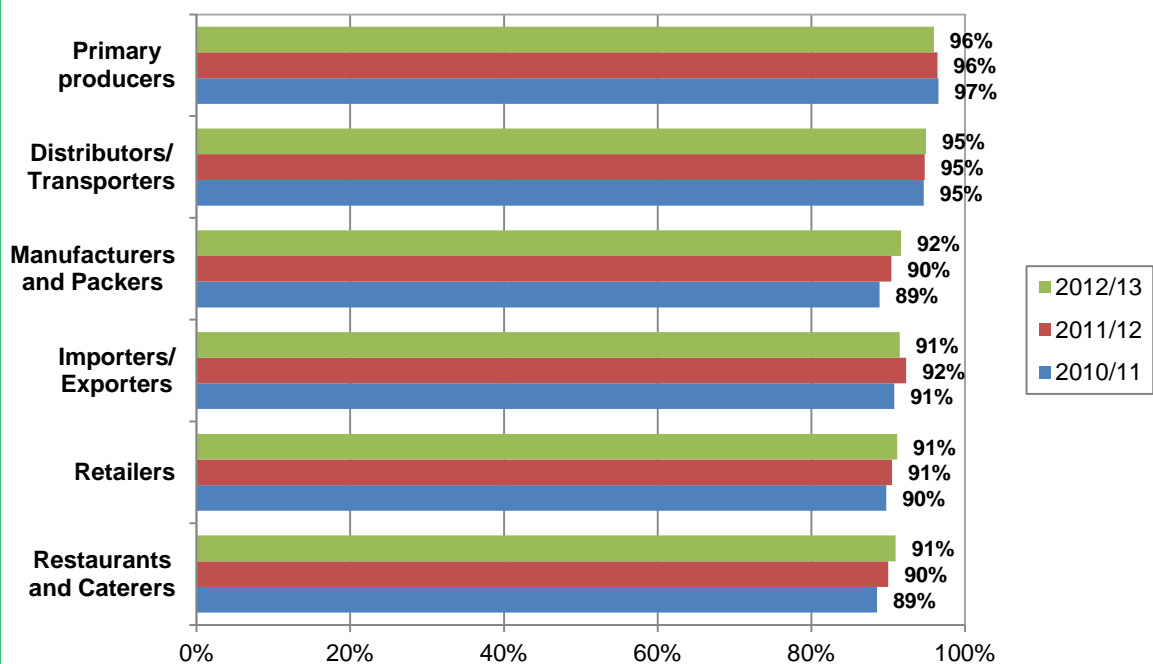


Basis: 318 out of 405 LAs

9.4 A comparison of changes in Broad Compliance rates for different types of premises over the past three years (based on 318 out of 405 local authorities) indicates:

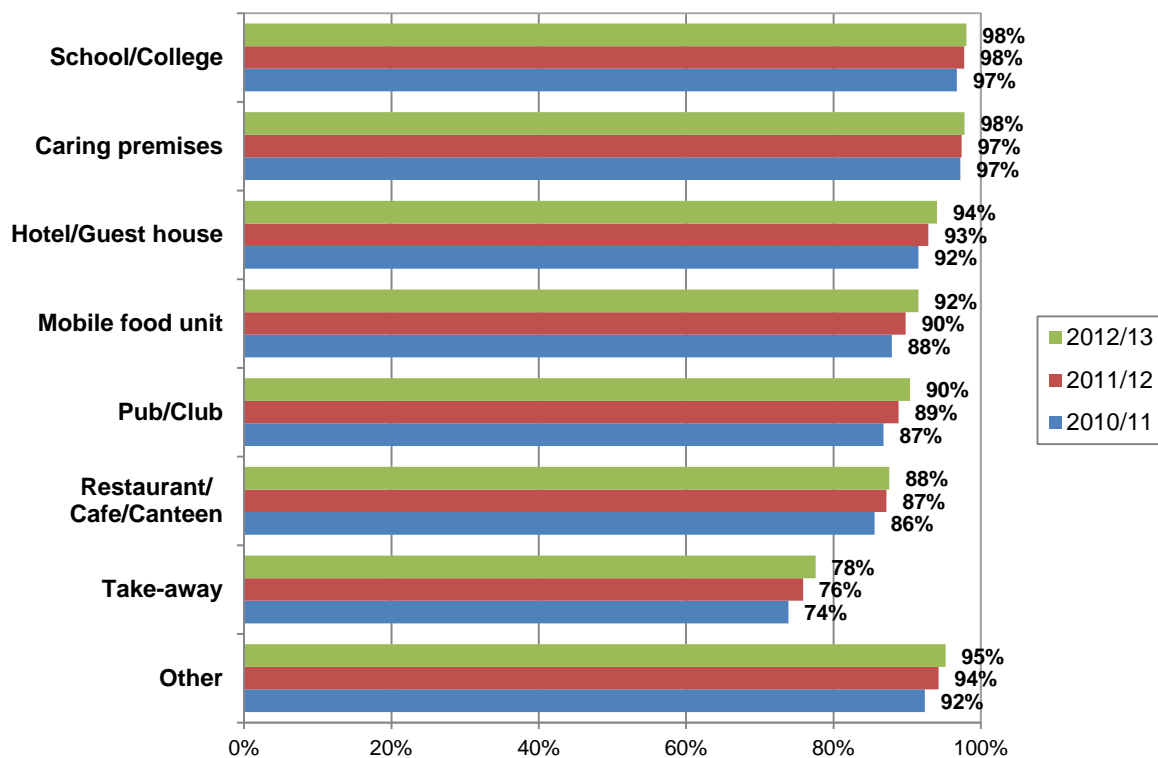
- **Primary producers** and **Distributors/Transporters** tended to have the highest rates of Broad Compliance (96% and 95% respectively in 2012/13).
- **Restaurants and Caterers**, which as a group have the lowest rates of Broad Compliance, showed an improvement from 89% to 91% between 2010/11 and 2012/13.
- **Take-away** premises, which have consistently had the lowest rates of Broad Compliance among **Restaurants and Caterers**, show year on year improving levels with 78% Broadly Compliant in 2012/13, up from 74% in 2010/11.

**Figure 9.6: Level of Broad Compliance by type of food establishment in the UK 2010/11 to 2012/13**



Basis: 318 out of 405 LAs

**Figure 9.7: Level of Broad Compliance among restaurants and caterers in the UK 2010/11 to 2012/13**



Basis: 318 out of 405 LAs

9.5 While it is encouraging to see an increase in levels of compliance in all sub-categories of restaurants and caterers, levels at take-away establishments continue to be of concern. LAs have been focussing on take-aways in recent years, to drive up compliance levels. To support this improvement the FSA is funding food business operator coaching for low compliance take-away businesses. This initiative, originally part of our preparations for the 2012 Olympics and Paralympics, is discussed in “Case study 3 – Food business operator coaching”.

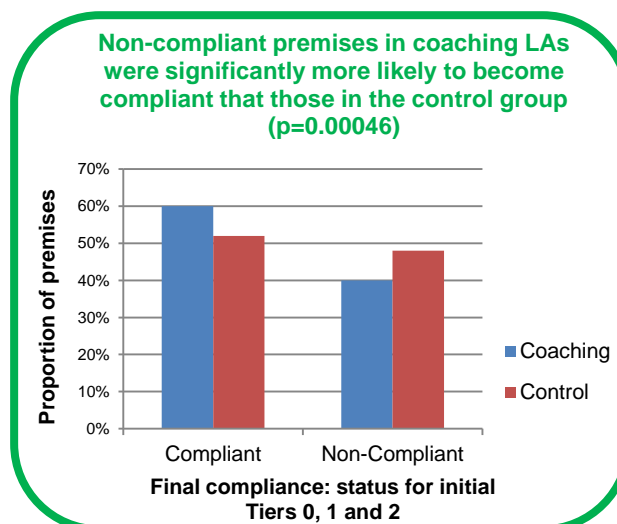
### Case study 3 – Food business operator coaching

In 2012, the FSA provided funding for NSF International to deliver a practical food safety coaching programme to help raise standards in small food businesses as part of preparations for the 2012 Olympics and Paralympics.

The aim was to provide free business coaching support to 32 LAs involved in hosting events or associated activity, for up to 2,000 FHS rated 0, 1 and 2 businesses.

Coaching sessions were 2.5 hours long at the food businesses' premises and based on the 4Cs: Cross-contamination, Cleaning, Chilling and Cooking. They included a hand washing and cleaning demonstration. A DVD of short video clips was produced to support and enhance the coaching sessions, including an introduction and 10 instructional videos covering food safety messages, each targeting a specific issue relating to the 4Cs and no more than 90 seconds long. All local authorities were sent a copy of the DVD and the videos were made available on the FSA website at [www.food.gov.uk/business-industry/caterers/training/hygiene-videos](http://www.food.gov.uk/business-industry/caterers/training/hygiene-videos)

An initial evaluation of this first phase of the coaching programme showed that proportionally more FBOs became Broadly Compliant in LAs that participated in coaching than in the nearest neighbour control group<sup>27</sup>.



This analysis only considered the short term legacy of coaching on compliance, further work will be completed to ascertain whether improvements were sustained. Based on the initial evaluation of this Olympic initiative, further funding was made available this year for a second phase to target low compliance Take-away food businesses, using data from FHS and targeting FBOs that are 0, 1 and 2 rated. This phase was taken forward on a regional basis, working with 6 regional food liaison groups (52 LAs).

<sup>27</sup> A control group of LAs who were not part of the Coaching Programme was developed using the Chartered Institute of Public Finance & Accountancy (CIPFA) nearest neighbour model ([www.cipfastats.net/resources/nearestneighbours/](http://www.cipfastats.net/resources/nearestneighbours/)) to ensure the control group was similar as possible to the Coaching LAs.

## 10. IMPORTED FOOD CONTROLS

- 10.1 The top six ports, in terms of the number of imported food consignments received (both products of animal origin and food not of animal origin), account for 96% of imported food third country consignments (consignments arriving from outside the European Union) that were reported for 2012/13.

**Figure 10.1: Percentage of Third Country imported food consignments by port of entry 2012/13**

| Port<br>(with Local or Port Health Authority)     | Animal<br>Origin | Non<br>Animal<br>Origin | All         |
|---|------------------|-------------------------|-------------|
| Felixstowe (Suffolk Coastal PHA)                  | 36%              | 45%                     | 44%         |
| Port of London (City of London PHA) <sup>28</sup> | 18%              | 35%                     | 33%         |
| Liverpool (Mersey PHA)                            | 4%               | 7%                      | 6%          |
| Heathrow (London Borough of Hillingdon)           | 19%              | 3%                      | 6%          |
| Southampton (Southampton PHA)                     | 14%              | 2%                      | 4%          |
| Portsmouth (Portsmouth PHA)                       | 0%               | 4%                      | 3%          |
| All other UK ports of entry                       | 8%               | 4%                      | 5%          |
| <b>Total</b>                                      | <b>100%</b>      | <b>100%</b>             | <b>100%</b> |

- 10.2 A total of 398,198 consignments<sup>29</sup> of imported food were received at Ports during 2012/13. Figure 10.2 details the number of type of checks made on these consignments.

**Figure 10.2: Checks in ports receiving Third Country imported food consignments<sup>30</sup> 2011/12 and 2012/13**

|  | 2011/12        | 2012/13          |                         |                |
|--|----------------|------------------|-------------------------|----------------|
|  | All            | Animal<br>Origin | Non<br>Animal<br>Origin | All            |
| <b>Total Consignments<sup>29</sup></b> | <b>395,651</b> | <b>56,086</b>    | <b>342,112</b>          | <b>398,198</b> |
| Consignments undergoing:               |                |                  |                         |                |
| Documentary checks                     | 173,554        | 55,936           | 123,141                 | 179,077        |
| Identity checks <sup>31</sup>          | 72,389         | 50,485           | 12,846                  | 63,331         |
| Physical checks                        | 24,647         | 17,257           | 6,129                   | 23,386         |

<sup>28</sup> Includes Thamesport, Tilbury and Sheerness.

<sup>29</sup> This figure does not represent all food consignments imported into the UK, as low risk foods of non-animal origin are not required to be pre-notified for risk based checks at designated points of entry in the UK. All consignments of products of animal origin and 'higher-risk foods of non-animal origin are required to pre-notify their arrival and are subject to official controls at points of entry to the UK.

<sup>30</sup> Note that some smaller ports did not receive third-country consignments in both years.

<sup>31</sup> The figures for the number of Identity check differs from the figure first reported in 2013 owing to a correction provided by a Port Health Authority





**Figure 10.3: Sampling<sup>32</sup> in Ports receiving Third Country imported food consignments<sup>33</sup> 2011/12 and 2012/13**

|                                  | 2011/12      | 2012/13       |                   |              |
|----------------------------------|--------------|---------------|-------------------|--------------|
|                                  | All          | Animal Origin | Non Animal Origin | All          |
| Microbiological samples          | 629          | 300           | 442               | 742          |
| Chemical / compositional samples | 6,054        | 1,191         | 3,951             | 5,142        |
| Other samples                    | 1,711        | 158           | 362               | 520          |
| <b>Total</b>                     | <b>8,394</b> | <b>1,649</b>  | <b>4,755</b>      | <b>6,404</b> |
| of which, were unsatisfactory    | 602          | 31            | 519               | 550          |
| (as % of total samples)          | 7%           | 2%            | 11%               | 9%           |

**Figure 10.4: Rejections and enforcements in Ports receiving consignments from Third Countries<sup>32</sup>**

|   | 2011/12 | 2012/13       |                   |       |
|---|---------|---------------|-------------------|-------|
|   | All     | Animal Origin | Non Animal Origin | All   |
| Rejected consignments                               | 1,240   | 543           | 516               | 1,059 |
| (as % of total consignments)                        | 0.3%    | 1.0%          | 0.2%              | 0.3%  |
| Notices and other enforcement actions <sup>34</sup> | 2,106   | 830           | 736               | 1,566 |

- 10.3 Due to the differing control requirements, with safeguards and foods subject to enhanced consignment checks changing yearly, meaningful comparisons cannot be made about imported food activity at Ports from one year to another.
- 10.4 Figures 10.5 and 10.6 contain data from the 392 imported food returns from inland authorities. These figures include LA activity at External Temporary Storage Facilities (ETSFs). It should be noted, this activity would have also been reported in the relevant food hygiene or food standards return. However, this additional information helps show the level of sampling and enforcement of imported foods and the priority given to this work, reflecting that not all food imports will be sampled at Ports.

<sup>32</sup> Most samples were collected at port and so will be additional to the samples reported in Section 6. However, some local authorities reported inland and port sampling together. Therefore, up to 6% of samples in this table may be double-counted with those reported in Section 6.

<sup>33</sup> Note that some smaller ports did not receive third-country consignments in both years.

<sup>34</sup> Most enforcement notices relate to consignments entering the port and so will be additional to those reported elsewhere. However, some local authorities have reported inland and port enforcement together. Therefore, up to 12% of the enforcement notices in this table may be double-counted with those in Section 5.

| <b>Figure 10.5: Imported food samples 2012/13<br/>– Inland local authorities</b> |                      |                          |              |
|--|----------------------|--------------------------|--------------|
|  | <b>Animal Origin</b> | <b>Non Animal Origin</b> | <b>All</b>   |
| Microbiological samples  | 333                  | 1,059                    | 1,392        |
| Chemical / compositional samples   | 348                  | 1,483                    | 1,831        |
| Other samples  | 77                   | 127                      | 204          |
| <b>Total</b>   | <b>758</b>           | <b>2,669</b>             | <b>3,427</b> |
| of which, were unsatisfactory  | 132                  | 552                      | 684          |
| (as % of total samples)  | 17%                  | 21%                      | 20%          |

| <b>Figure 10.6: Imported food control 2012/13<br/>- Inland local authorities</b> |                      |                          |            |
|--|----------------------|--------------------------|------------|
|  | <b>Animal Origin</b> | <b>Non Animal Origin</b> | <b>All</b> |
| <b>Enforcement notices</b>   | <b>40</b>            | <b>68</b>                | <b>108</b> |
| <b>Other enforcement actions:</b>  | <b>Animal Origin</b> | <b>Non Animal Origin</b> | <b>All</b> |
| Prosecutions   | 0                    | 0                        | 0          |
| Seizures   | 30                   | 9                        | 39         |
| Simple cautions  | 1                    | 2                        | 3          |
| Voluntary surrenders   | 21                   | 68                       | 89         |
| <b>Total</b>   | <b>52</b>            | <b>79</b>                | <b>131</b> |

10.5 A specific initiative to tackle imported Paan leaves involving action of both Ports and inland LAs is given in Case Study 4.

## Case study 4 - Paan leaves imported from Bangladesh

The FSA's Annual Report of Incidents 2012<sup>35</sup> showed incidents involving strains of *Salmonella* more than doubled (from an average of 45 a year from 2006 to 2009) to 118 incidents in 2011 and 98 in 2012. This increase was largely caused by Paan (betel) leaves originating from Bangladesh, with 79 incidents in 2011 and 61 in 2012.

The FSA has been working closely with Port Health Authorities (PHAs) and inland LAs to address this problem. The action includes:

- A programme of testing since early 2012. During 2012/13 PHAs at UK ports and airports sampled and tested all consignments of Paan leaves, presented for import from Bangladesh, for *Salmonella* contamination. A number of positive results have been identified and action taken.
- Using the data and information collected from PHAs and LAs, the FSA were able to focus attention and work very closely with the Bangladesh Authorities and the European Commission (DG SANCO) to help deal with the problem.
- An action plan was put together by the Bangladesh Authorities and discussed with the EU Commission's Food and Veterinary Office (FVO). The action plan included a ban on the export of Paan leaves until a system of pre-export testing and a suitable certification programme could be introduced.

While initially encouraged by the steps that had been proposed by the Bangladesh Authorities, PHAs continued to receive consignments of Paan leaves despite the self-imposed export ban introduced in Bangladesh and UK product testing continued to confirm the presence of *Salmonella*. Further investigations showed delays with introducing the pre-export testing and certification system in Bangladesh.

Looking forward, a meeting has been arranged between the FSA, the European Commission and representatives from Bangladesh to discuss the possible introduction of EU-wide safeguard measures. The UK data and information reported by PHAs and LAs is, and will continue to be, an important part of the case which will be presented to justify that these safety measures should be applied to protect UK consumers.

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<sup>35</sup> Available at <http://food.gov.uk/multimedia/pdfs/incidents-report-2012.pdf>

## 11. AUDIT OF UK COMPETENT AUTHORITIES

- 11.1 Local Authority audits were carried out against an audit programme to address priority LA food and feed law enforcement activities. The audit arrangements were led by LA audit teams in each of the FSA's devolved national offices, with some sharing of resource between offices where appropriate. This helps achieve consistency in approach and outcomes. There are also regular UK wide auditor meetings, now attended by the Head of Internal Audit to support effective liaison and sharing of audit protocols and documentation.
- 11.2 LAs in the devolved nations are being audited within a 3 to 5 year cycle. In England, LA audit selection is informed by an assessment of the performance of local authorities using LAEMS data to prioritise follow up audit actions which range from full on site audits, focused audits and 1 day LAEMS-based audit visits to desktop assessments. Audits aim to both identify and address areas of non-compliance and identify examples of good practice which can be promoted regionally and nationally.
- 11.3 The LA audit programme is developed with FSA policy teams and submitted to the FSA's Audit Committee.
- 11.4 LA audits also inform FSA policy and delivery and relevant issues fed back to Agency policy teams. Audits also provide the opportunity for LAs to raise issues to be taken back to the Agency. Good practice is shared with LAs through development of 'top tips' guidance, summary reports and information disseminated through regional teams in England and other mechanisms in the devolved countries including the Scottish Food Enforcement Liaison Committee and the four Scottish Food Liaison Groups. During 2012/13 a guidance document for LAs on effective feed enforcement was published on the Agency's website alongside other 'top tips' documents<sup>36</sup>.
- 11.5 A total of 165 new audits UK LA food and feed law enforcement services were carried out during 2012/13 (55 on-site audits and 110 desktop assessments). In addition, a further 26 follow-ups on existing audits were carried out. On-site audits included 'reality checks' at relevant local businesses and facilities. A table of all UK LA audit programmes for 2012/13 is set out in Figure 11.1, with further details of their scope together with web links to the published reports.

### England

- 11.6 In England, audit programmes during this reporting period focused on:
- A desktop assessment on LA approval arrangements for food establishments
  - LAs with data management and/or performance issues identified from 2010/11 and 2011/12 LAEMS data

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<sup>36</sup> <http://food.gov.uk/enforcement/enforcework/inspection-tips/>

- 'Core' service delivery and business compliance audits  
The audit programme for the second and third quarters of 2012 took account of LA planning and delivery of food safety for the Olympics and was generally lighter in duration and content.
- 11.7 The desktop audit programme focussing on approvals of food establishments followed the FSA enforcement letter of August 2011 advising LAs of changes required to make sure LA approval processes were in line with a High Court judgement and subsequent judicial review. The audit was designed to check whether LAs had made the necessary changes. Key findings indicated that:
- LAs were in the process of re-assessing approved establishments that had changed food business since January 2006 in line with the Agency letter and suggested timescales.
  - The process for approval and re-approval was generally allocated to specialist officers or those officers already familiar with the food establishments.
  - In some LAs it was noted that officers had built up high levels of competency in certain specialist areas of approved establishments.
  - There was a serious on-going administrative issue at the FSA relating to communication with and handling of approved establishments' responses from LAs. A review and rationalisation of the FSA's LA approvals databases was recommended and is now underway to facilitate timely updates, and that an accurate and consistent list of approved establishments is maintained.
- 11.8 To help with the prioritisation process for audits in England, LAEMS data is used to identify LAs for audit. During 2012/13 there were focused audit programmes on LAEMS and LAs where the 2010/11 and 2011/12 LAEMS hygiene and food standards information raised concerns over LA data management and general performance issues or required further investigation. The programmes were part of the FSA work to validate the accuracy of LA returns, as well as assisting the further targeting of audit programmes and to inform policy and strategy development. The findings confirmed that:
- Overall, the data returns made by LAs were an accurate reflection of activity.
  - In some cases technical problems with data collection/management and record keeping were seen, most of which the LAs were able to quickly resolve.

- Food standards LAEMS audit follow-ups identified some issues with over reporting of numbers of full time equivalents, and under reporting of some enforcement actions, levels of overdue interventions and unrated premises, and variations in sampling levels. Views on food fraud and food standards issues were also specifically sought and referred to Agency colleagues to inform development of the Agency's food fraud strategy and revision of the Food Law Code of Practice.
  - One LAEMS food hygiene audit highlighted potentially more significant performance issues at the Authority and a more comprehensive audit was scheduled.
- 11.9 The 'Core' service delivery and business compliance programme comprised 16 audits of food hygiene law enforcement services and a total of 246 recommendations were raised against the Standard in the Framework Agreement. The majority of these recommendations related to food establishments interventions including inspections not being carried out at the required frequency (61), problems with the authorisation of officers (49) internal monitoring (37), enforcement actions (25) and organisation and management issues (24).
- 11.10 Other audit activity carried out over the period included participation in an EU Food Safety Agencies Benchmarking exercise to assess official controls, accompanied visits with LA officers to premises intending to export dairy and fishery products to Russia, and an FSA dairy hygiene audit programme with Internal Audit.
- 11.11 It is clear from audit and from the feedback from the FSA Regional Team that LAs are reviewing their approaches and some are considering or implementing various models of shared services or approaches to generate efficiency savings and improvements. This has included greater use of intelligence and Systems Thinking or Lean Management to target resources. Some authorities were reporting resourcing difficulties which would have an impact on delivery of food and feed law enforcement services although evidence from audit and the Review of the Delivery of Official Controls is that authorities are prioritising front line food services and higher risk premises for interventions.
- 11.12 Changes to the Food Law Code of Practice, currently out for consultation, will also support greater targeting of LA resources to non-Broadly Compliant premises.
- 11.13 All audited LAs are subject to follow-up review and, where appropriate, further on-site assessment to make sure audit action plans are implemented

effectively and priority issues dealt with. For the 2012/13 audit programmes, LAs have either completed their individual action plans or are making progress in achieving the necessary improvements in service delivery. However auditors are finding that LAs often need more time to complete actions particularly where additional resources are required, restructuring is being undertaken or where there are a large number of recommendations. All audit reports and updated action plans are available on the FSA website<sup>37</sup>.

- 11.14 To date escalation to senior FSA and LA officials has resulted in serious deficiencies being addressed appropriately by authorities. In one Authority, which had previously been subjected to escalation to FSA senior managers, Agency intervention was subsequently necessary to support the Authority in delivery of imported food official controls at a local airport interim of the LA being able to recruit suitable staff. The Agency is continuing to work with the LA at a senior level to confirm effective delivery of official controls to resolve matters and to protect public health.
- 11.15 Post-audit feedback from LAs in England on the outcomes of audits remains positive. Statistics are set out in Figure 11.2 with corresponding figures from the previous two years for comparison. Audited LAs are invited to complete an FSA audit feedback questionnaire following completion of the on-site audit. Nil responses to audits in 2012/13 were followed up to encourage LAs to provide feedback and this has resulted in a 22% rise in response rate on the previous year. Of those LAs providing feedback in 2012/13, all reported that the audits have helped them make improvements in the level of enforcement and consistency. For 2012/13 14% of LAs reported that the audits had resulted in increased resources to the service, a significant rise on previous years. Feedback on the audits has also informed reviews of our audit processes and documentation.

## Northern Ireland

- 11.16 In Northern Ireland, two focused audit programmes were carried out during this reporting period:
- **Imported food audit at Inland Authority** – part of the imported food audit programme which included an audit at a port in Northern Ireland. In general imported food controls including interventions such as inspections and sampling were carried out appropriately.
  - **Audit of Food Standards Activities** – This is the first time the Agency has specifically carried out a focussed audit on LAs' Food Standards activities. The Food Standards Agency in Northern Ireland has provided support and

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<sup>37</sup> <http://www.food.gov.uk/enforcement/auditandmonitoring/auditreports/>

resources specifically targeting the food standards activities carried out by councils in Northern Ireland.

This programme of focused audits was developed to assess the impact of providing this additional support and resource to LAs in Northern Ireland. Four LAs were selected for inclusion in the audit programme and each onsite visit included a reality check specifically focusing on food standards activities.

Some of the issues identified included:

- Standards expertise - reality check visits indicated there is either a lack of expertise, a reluctance to seek out expertise or an over reliance on FBOs' technical experts.
- Interventions - officers were covering multiple council functions during the same visit. In some cases officers were doing health and safety, hygiene and standards inspections. Almost inevitably this led to standards activities not being assessed appropriately.
- Sampling - the majority of sample programmes did not vary from one year to the next and focused on a small number of standards activities.

## Scotland

11.17 A programme of six feed audits was carried out in Scotland in 2012/13. Audit findings were generally similar across the six audits. Generally, the audit of feed authorities has been welcomed by LAs. A letter summarising the outcomes was issued to LAs in Scotland in June 2013<sup>38</sup> encouraging LAs to work together to develop systems in line with the Framework Agreement and Code of Practice requirements. Common themes included:

- Service Planning where some of the LAs either did not have a service plan or it was not in full accordance with the Service Planning Guidance.
- Training and Authorisation where none of the authorities had set up procedures for the authorisations of officers based on their competences and most had not made sure that the officers had received the training required to be competent to deliver technical and administrative aspects of their work.
- Feed inspections where half of the LAs had failed to carry out inspections at the required frequency.
- Internal monitoring where most of the LAs did not have internal monitoring procedures in place that adequately reflected the feed official control delivery

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<sup>38</sup> <http://www.food.gov.uk/multimedia/pdfs/enforcement/enf-sts-13-003.pdf>



service. Where internal monitoring had taken place insufficient records were maintained.

11.18 Annual LAEMS returns for Scotland have identified a number of inconsistencies over the priority that food standards work is given compared to food hygiene. Local authority budget cuts and consequential reprioritisation of workload has meant that the majority of LAs have had to reprioritise food standards work. Twelve LAs were subject to a desktop audit, where systems and data summaries were reviewed. A minority of LAs audited were able to achieve the inspection frequencies required under the Food Law Code of Practice. All LAs had appropriately qualified officers in place to deliver this work, although there was an acknowledgement in some cases that there were insufficient resources to make sure that official controls could be delivered in accordance with the Food Law Code of Practice. There was, however, a general increase in the number of food standards samples submitted for analysis.

## Wales

11.19 In Wales, full audits of all 22 LA food hygiene, standards and feed services are being carried out as part of a 3-year rolling programme. This programme commenced in February 2013 and will run until 2016. A programme of focused audits is also carried out which is agreed annually.

11.20 Two full audits were carried out in this reporting period and the findings of these are being used to pilot a local authority audit rating scheme. Feed was not included within the scope of these audits as the local authorities involved were progressing plans to deliver their feed enforcement services on a regional basis.

11.21 Auditors followed up a number of focused audits which had taken place in previous years including four audits of Official Controls on Feed of Non-Animal Origin and Feed Establishments, including Primary Producers. On-site assessments at three local authorities found that slow progress was being made in progressing action plans. The fourth Authority had made no progress in delivering their action plan. Follow up with a senior manager of the Authority was planned to take place early in 2013/14.

11.22 Following completion of action plans, two local authority focused audits were closed during the year. Auditors will continue to monitor action plans in respect of a further three focused audits which are still to be completed.

**Figure 11.1: Audit programmes 2012/13**

| Audit programme   | Dates                        | No. of LAs | No. of related 'reality checks' | Final report(s) issued / published / due   |
|---|------------------------------|------------|---------------------------------|--|
| <b>England</b>  |                              |            |                                 |  |
| Desktop audit assessment on LA approvals of Food Establishments   | Apr-May 2012                 | 21         | N/A                             | Summary report provided to Approvals Project Board (September 2012)  |
| Audit follow-up on LAEMS Food Hygiene returns   | May - Jun 2012               | 10         | N/A                             | Outcome letters on findings from LA site visits issued to LAs.   |
| Audit follow-up on LAEMS Food Standards returns   | Aug - Oct 2012               | 15         | N/A                             | Outcome letters on findings from LA site visits issued to LAs.   |
| Service Delivery and Business Compliance  | Oct 2012 - Mar 2013          | 16         | 16                              | Individual LA reports published at:<br><a href="http://www.food.gov.uk/enforcement/auditandmonitoring/auditreports/">http://www.food.gov.uk/enforcement/auditandmonitoring/auditreports/</a>                                       |
| Follow-up audits to assess LA implementation of existing audit action plans (19), LAEMS desktop assessments of food hygiene (27) and food standards (50).   | When due Apr 2012 / Mar 2013 | 96         | -                               | Updated LA audit action plans have been published at:<br><a href="http://www.food.gov.uk/enforcement/auditandmonitoring/auditreports/">http://www.food.gov.uk/enforcement/auditandmonitoring/auditreports/</a>                     |
| <b>Northern Ireland</b>   |                              |            |                                 |  |
| LA – Focused Audit of Food Law Enforcement Controls of Imported Food at an inland authority   | Sep 2012                     | 1          | 1                               | Final reports published at:<br><a href="http://www.food.gov.uk/enforcement/auditandmonitoring/auditreports/">http://www.food.gov.uk/enforcement/auditandmonitoring/auditreports/</a>   |
| LA - Audit of Food Standards Food Law Enforcement Controls Delivered by Local Authorities in Northern Ireland   | Nov 2012 – Mar 2013          | 4          | 4                               | Final reports published at:<br><a href="http://www.food.gov.uk/enforcement/auditandmonitoring/auditreports/">http://www.food.gov.uk/enforcement/auditandmonitoring/auditreports/</a>   |
| <b>Scotland</b>   |                              |            |                                 |  |
| Focussed Audit Programme on Official Controls on Feed on Non Animal Origin (FNAO) and Feed Establishments including Primary Production of Food and Feed   | May 2012 – Jan 2013          | 4          | 4                               | (with one exception, still under negotiation)<br>Final reports published:<br><a href="http://www.food.gov.uk/enforcement/auditandmonitoring/auditreports/">http://www.food.gov.uk/enforcement/auditandmonitoring/auditreports/</a> |
| Focussed Audit of the Delivery of Official Controls in Dairy Farms subject to the requirements of Regulation (EC) No 852/2004 on the Hygiene of Foodstuffs and Regulation (EC) No 853/2004 laying down Specific Hygiene Rules for Food of Animal Origin | May – June 2012              | 2          | 4                               | Issued Jul – Aug 2012<br>Final reports published :<br><a href="http://www.food.gov.uk/enforcement/auditandmonitoring/auditreports/">http://www.food.gov.uk/enforcement/auditandmonitoring/auditreports/</a>                        |

| Audit programme  | Dates                 | No. of LAs | No. of related 'reality checks' | Final report(s) issued / published / due   |
|--|-----------------------|------------|---------------------------------|--|
| Report on the Core Audit of Glasgow City Council (Food Service) in accordance with the Framework Agreement on Official Feed and Food Controls by Local Authorities | Feb 2013              | 1          | 2                               | In draft stage.  |
| Food Standards Desktop Audit   | Feb/ March 2013       | 12         | N/A                             | Individual reports submitted to LAs. Summary report in draft stage.  |
| <b>Wales</b>   |                       |            |                                 |  |
| Full Audits - Report on the Delivery of Food and Feed Law Enforcement Services   | Feb-Mar 2013          | 2          | 5                               | Final reports to be published by end October 2013.   |
| Follow-up audits (to assess LA implementation of existing audit action)  | Nov 2012 – March 2013 | 7          | -                               | Updated LA audit action plans have been published at:<br><a href="http://www.food.gov.uk/enforcement/auditandmonitoring/auditreports/">http://www.food.gov.uk/enforcement/auditandmonitoring/auditreports/</a> |

**Figure 11.2: Post Audit Feedback – England from 2010/11**

|   |                         | 2010/11 | 2011/12 | 2012/13 |
|---|-------------------------|---------|---------|---------|
| Proportion of audited LAs providing feedback  |                         | 43%     | 36%     | 58%     |
| Satisfied with conduct of audit?  |                         | 92%     | 100%    | 95%     |
| Agree with audit findings?  | Totally or mostly agree | 92%     | 100%    | 100%    |
|   | Partially               | 8%      | 0       | 0       |
| How useful was the audit?   | Very or fairly useful   | 92%     | 100%    | 100%    |
|   | Not very                | 8%      | 0       | 0       |
| (Relating to General audits)<br>Has the audit helped your LA to make improvements in: | Level of enforcement?   | 77%     | 50%     | 100%    |
|   | Quality of enforcement? | 69%     | 100%    | 86%     |
|   | Consistency?            | 69%     | 100%    | 100%    |
|   | Overall?                | 69%     | 100%    | 100%    |
| Has the audit resulted in additional allocation of resources?                         |                         | 8%      | 0       | 14%     |

## ANNEX A: EXPLANATORY NOTES FOR USERS OF LAEMS STATISTICS

### Background

- 1.1 There are more than half a million food establishments operating in the UK. They are monitored by Local authorities (LAs) to make sure they operate within legal criteria designed to protect consumers from unsafe or fraudulent food practices. LAs report the results of their activity to the Food Standards Agency (FSA) via the Local Authority Enforcement Monitoring System (LAEMS). LAEMS is a web-based application, introduced in 2008, that allows LAs to upload data directly from their own local systems.<sup>39</sup> A small amount of variation in local software and IT management systems remains. However, things have evolved to the point where 98% of LA uploads were complete and fully automated in 2012/13.
- 1.2 LAEMS comprises data on the enforcement of food hygiene and food standards legislation by LAs, as well as on controls applied to food imports from outside the EU. It is a valuable resource for evaluating and refining the performance of food enforcement activity in the UK. It is much used by the FSA and provides useful bench-marking data for LAs. The purpose of this annexe is to help make LAEMS statistics more accessible to a wider user base. A glossary describes some of the key terms and concepts used in the main report. There is also a note on some aspects of statistical methodology and assumptions that will enable users to gauge the integrity of the statistics.

### Statistical methodology and quality control issues

#### Primary analysis

- 2.1 LAs download the required data from the local system(s) on which they record food law enforcement activity data and then upload the generated file to the web-based LAEMS system. The data is then aggregated to pre-defined categories and LAs are invited to view, on-screen, the results of the aggregation and assess whether amendments to the data are needed. Amendments may then be made to the aggregate level data. When content, LAs are required to confirm the accuracy of the data, before it is submitted for evaluation and publication by the FSA. It is a fundamental feature of the primary analysis of LAEMS statistics that they are based on the full data, as reported to us by LAs, and as signed off by LA Heads of Service.
- 2.2 The statistical methods used are straightforward and should be transparent from the tables and commentary provided. As an example, the % of food establishments (FE's) which are Broadly Compliant is calculated as:  
$$100 \times (\text{No. of Broadly Compliant FE's in UK}) / (\text{Total No. of FE's in UK})$$

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<sup>39</sup> Information on LAEMS is available at <http://www.food.gov.uk/enforcement/auditandmonitoring/laems/>

It is worth pointing out that the denominator includes all FE's, even those whose most recent inspection was prior to 1 April 2012<sup>40</sup>. Thus % Broad Compliance is a status variable, reflecting the situation at 31 March 2013, using the most recent inspection (whenever conducted) on each FE.

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

### Secondary analysis

- 2.4 For secondary analysis there is some variation from the rules in 2.1. Secondary analysis makes use of both the aggregated figures, signed off by LA Heads of Service, and the underlying xml data.<sup>41</sup>
- 2.5 The following checks were taken into account in the secondary analysis to confirm metrics and comparisons were reliable:
- LAs were excluded from an analysis where missing values, data entry errors and inconsistent adjustments issues would invalidate findings on each metric.
  - Xml data for an LA was excluded if aggregated figures signed off by Heads of Service had been adjusted by more than  $\pm 2\%$  from the original xml, to provide comparability with aggregated analysis.
  - Reliable time comparisons are obtained by restricting analysis to a cohort of LAs that submitted valid data for each metric across all relevant years.
  - Tables include base numbers to enable users to judge how much data, if any, has been excluded as a result of this selectivity.

## **Glossary**

### Compliance

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

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<sup>40</sup> Category C and D premises need only be inspected every 18 or 24 months respectively (see "Risk Rating" below).

<sup>41</sup> The xml data provides results at the level of individual establishments, including a breakdown of the elements comprising the overall establishment compliance score, the risk rating, and any interventions and enforcement actions undertaken in the reporting year.

### Enforcement Action

3.2 Includes measures, such as suspension of approval and prosecution, which constitute an escalation from intervention measures (see paragraph 3.5).

### Food Establishment

3.3 A broad definition is adopted, but some establishments, posing sufficiently low risk, may be excluded from a programme of routine inspection (see paragraph 3.9).

### Food Hygiene Rating Scheme (FHRS)

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

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

### Intervention

3.5 Activities designed to monitor, support and increase food law compliance within a food establishment. They include surveillance, verification, audit, inspection, intelligence gathering, advice, education, sampling and analysis. More than one type of intervention may be carried out during a single visit to a food establishment. When calculating “% of due interventions achieved” the denominator may include 0, 1 or 2 interventions for each food establishment, depending upon the risk rating of the establishment (see paragraph 3.8).

### Local Authority

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

### Official Sample

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

### Risk Rating

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

| <b>Figure E2: Intervention frequencies by food hygiene risk score</b> |                   |  |
|---|-------------------|--|
| <b>Risk category</b>  | <b>Risk score</b> | <b>Intervention frequency</b>          |
| <b>A</b>  | ≥ 92              | At least every 6 months                |
| <b>B</b>  | 72 to 91          | At least every 12 months               |
| <b>C</b>  | 42 to 71          | At least every 18 months               |
| <b>D</b>  | 31 to 41          | At least every 24 months               |
| <b>E</b>  | 0 to 30           | A programme of alternative enforcement |

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

3.10 This is a brief guide. More detail can be found on the FSA website, including within the Food Law Code of Practice, located at:  
<http://www.food.gov.uk/enforcement/enforcework/foodlawcop/>