

**Report on the Audit of Local Authority Food Law
Service Assessment of Food Businesses'
Food Safety Management System (FSMS)**

Liverpool City Council
25 -26 May 2010



Foreword

Audits of local authorities' food law enforcement services are part of the Food Standards Agency's arrangements to improve consumer protection and confidence in relation to food. These arrangements recognise that the enforcement of UK food law relating to food safety, hygiene, composition, labelling, imported food and feeding stuffs is largely the responsibility of local authorities. These local authority regulatory functions are principally delivered through Environmental Health and Trading Standards Services. The Agency's website contains enforcement activity data for all UK local authorities and can be found at: www.food.gov.uk/enforcement/auditandmonitoring.

The attached audit report examines the Local Authority's Food Law Enforcement Service. The assessment includes the local arrangements in place for officer authorisation and training, inspections of food businesses and internal monitoring. The audit scope was developed specifically to address Recommendations 9 and 15 of the Public Inquiry Report¹ into the 2005 E. coli outbreak at Bridgend, Wales. The programme focused on the local authority's training provision to ensure that all officers who check Hazard Analysis and Critical Control Point (HACCP) and HACCP based plans, including those responsible for overseeing the work of those officers, have the necessary knowledge and skills. The audit also focused on existing inspection arrangements and processes to assess and enforce HACCP related food safety requirements in food businesses are adequate, risk based, and able to effect any changes necessary to secure improvements.

Agency audits assess local authorities' conformance against the Food Law Enforcement Standard ("The Standard"), which was published by the Agency as part of the Framework Agreement on Local Authority Food Law Enforcement and is available on the Agency's website at: www.food.gov.uk/enforcement/auditandmonitoring. It should be acknowledged that there will be considerable diversity in the way and manner in which local authorities may provide their food enforcement services reflecting local needs and priorities.

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

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

¹ <http://wales.gov.uk/ecolidocs/3008707/reporten.pdf?skip=1&lang=en>

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1. Introduction

- 1.1 This report records the results of an audit at Liverpool City Council with regard to food hygiene enforcement, under relevant headings of the Food Standards Agency Food Law Enforcement Standard. The audit focused on the Authority's arrangements for the management of food premises inspections, enforcement activities and internal monitoring. The report has been made available on the Agency's website at: www.food.gov.uk/enforcement/auditandmonitoring/auditreports. Hard copies are available from the Food Standards Agency's Local Authority Audit and Liaison Division at Aviation House, 125 Kingsway, London WC2B 6NH, Tel: 020 7276 8428.

Reason for the Audit

- 1.2 The power to set standards, monitor and audit local authority food law enforcement services was conferred on the Food Standards Agency by the Food Standards Act 1999 and the Official Feed and Food Controls (England) Regulations 2009. This audit of Liverpool City Council was undertaken under section 12(4) of the Act as part of the Food Standards Agency's annual audit programme.
- 1.3 The Authority was included in the Food Standards Agency's programme of audits of local authority food law enforcement services, and was one of a geographical mix of 25 Councils selected across England.

Scope of the Audit

- 1.4 The audit examined Liverpool City Council's arrangements for food premises inspections and internal monitoring with regard to food hygiene law enforcement, with particular emphasis on officer competencies in assessing food safety management systems based on HACCP principles. This included a "reality check" at a food business to assess the effectiveness of official controls implemented by the Authority at the food business premises and more specifically, the checks carried out by the Authority's officers to verify food business operator (FBO) compliance with legislative requirements. The scope of the audit also included an assessment of the Authority's overall organisation and management and the internal monitoring of other related food hygiene law enforcement activities.
- 1.5 Assurance was sought that key food hygiene law enforcement systems and arrangements were effective in supporting business compliance and that local enforcement was managed and delivered effectively. The on-site element of the audit took place at the Authority's office at Brougham Terrace, West Derby Road, Liverpool, on 25 – 26 May 2010.

Background

- 1.6 Liverpool is a Metropolitan District Council comprising of 30 area wards situated in the North West of England and has a geographical area of 113 square kilometres. With an approximate population of 450,000, Liverpool is the sixth largest city in the United Kingdom. Although there has been a significant decline in the overall populace from the time when Liverpool was a major global port, recent regeneration projects and business investment has seen the population stabilise and the economy of the area improve. In 2008 Liverpool was the European Capital of Culture, hosting 7,000 events, generating £800m worth of economic benefit to the city.
- 1.7 On 31 March 2010 there were approximately 4,197 registered food premises situated within the district. The majority of food businesses comprised of small to medium catering and retail enterprises, which accounted for approximately 97% of the food businesses operating within the City. There were 16 food establishments in the Authority's area which require approval under Regulation (EC) No. 853/2004.
- 1.8 The Food Safety and Commercial Team were responsible for enforcing all legislation relating to food hygiene and safety, including the investigation and control of food related illness. In addition, the Team also dealt with health and safety inspections and public health issues in food premises, such as waste complaints and commercial drainage investigations, animal welfare issues and the enforcement of Smoke Free legislation.
- 1.9 The Food Safety Team Business Manager also managed a separate Health and Safety team, who were charged with improving the standards of health and safety in the work place. The responsibilities of this team included inspecting places of work to ensure conformance to Health and Safety standards, investigating accidents and fatalities, infectious disease control and related enforcement. In addition, due to the long term absence of the lead food officer, the Business Manager's role also encompassed all the lead officer's duties.
- 1.10 The profile of Liverpool Borough Council's food businesses as of 31 March 2010 was as follows:

Type of food premises	Number
Producers	4
Distributors/Transporters	68
Importers/Exporters	4
Manufacturers/Packers	41
Retailers	1,051
Restaurant/Caterers	3,029
Total number of food premises	4,197

2. Executive Summary

- 2.1 The Authority had developed a Food Safety Service Plan for 2010/2011 that was broadly in line with the Service Planning Guidance in the Framework Agreement. Future Service Plans however would benefit from the inclusion of a comparison of the staff resources required to deliver the food law enforcement service against the resources available to the Authority. There were concerns over the Authority's ability to undertake all its statutory functions, including planned food premises interventions, given the unfilled officer vacancies, the number and nature of the food establishments and the impending long term absence of the lead food officer.
- 2.2 The Authority had completed a detailed review of the previous year's Service Plan and had identified variances. Although some inspections which had been planned for the year had not all been achieved, the Service had targeted food premises previously considered as high risk, and each of these had received an inspection. Increased service demands and continuing staff shortages had been identified as the basis for the variances; however the Service had not detailed within the Service Plan the measures which would be taken to address the variances.
- 2.3 The Authority maintained a number of policies and procedures covering their food law enforcement activities, but did not have a formal structured document control system to facilitate regular document review or authorisation.
- 2.4 There was an effective system in place to authorise officers in accordance with their individual qualifications, experience and competency. Training needs were identified during yearly appraisals, and in general, the Authority was able to demonstrate that authorised officers had undertaken the recommended minimum 10 hours relevant training, based on the principles of continuing professional development, including recent HACCP training.
- 2.5 Inspection forms in use at the time of the audit were inadequate to prompt officers to record comprehensive findings during food safety inspections. In particular they failed to capture the level of assessment of Food Safety Management Systems (FSMS) completed by the officer.
- 2.6 Specific aides-memoire were not routinely used to record detailed findings following approved establishment inspections. Due to the lack of records, it was not always possible to determine whether the approved establishments fully complied with legislative requirements, or to establish the basis for officers' decisions regarding business compliance. Some concern was also raised by auditors regarding an apparent failure to follow official guidance when granting conditional approval to one establishment.

- 2.7 At the time of the audit the Authority had identified a significant number of food businesses premises which were either unrated or overdue an intervention. Although due to their limited resources the Service was targeting the most high risk premises, there were a large number of premises where the levels of food safety management compliance was presently unknown.
- 2.8 Record checks confirmed that officers were taking a graduated approach to enforcement in accordance with the Authority's enforcement policy. Although hygiene improvement notices were appropriately detailed, it was not always evident that a timely check on compliance had been undertaken or that letters had been issued to the FBOs confirming compliance with the notice.
- 2.9 The Authority maintained comprehensive complaint investigation details, however investigations were not always completed within the timescales specified within the Authority's own complaint procedure.
- 2.10 The Service had undertaken sampling in accordance with their sampling programme and had taken appropriate actions where unsatisfactory results had been obtained.
- 2.11 Although the Service had developed a process for monitoring officers' work and there was evidence of significant quantitative internal monitoring, qualitative monitoring did not presently include all aspects of the Authority's food law enforcement activities.
- 2.12 A "reality check" visit at a food business was undertaken during the audit. The main objective was to evaluate the effectiveness of the Authority's assessment of food business compliance with food law requirements. Although some structural issues were identified during the visit, the checks completed by the officer were appropriate, with the officer demonstrating an understanding of the businesses' food safety management system.

3. Audit Findings

3.1 Organisation and Management

Strategic Framework, Policy and Service Planning

- 3.1.1 The Authority had developed a Food Service Plan for 2010/2011 which had been drawn up broadly in line with the Service Planning Guidance in the Framework Agreement and was awaiting Member approval. The Plan directly linked to Liverpool City Council's corporate objectives. The Service had commented in the Plan that "*Within the Food Safety Team there is a continued shortage of professional staff due to unfilled posts in the need to save money on behalf of the Division.*" In order to demonstrate and quantify the full extent of the suggested shortfall, the Food Service Plan would benefit from the inclusion of a clear comparison of the staff resources required to deliver the food law enforcement service against the staff resources presently available to the Authority.

Recommendation

- 3.1.2 The Authority should:

Ensure that future Food Service Plans are fully in line with the Service Planning Guidance in the Framework Agreement, including details of the inspection programme and an estimation of the staffing resources required to deliver the food law enforcement service compared with the staffing resources available to the Authority.

[The Standard – 3.1]

- 3.1.3 Strategic aims of the Service included:

- *Ensuring that clean and hygienic conditions are maintained in all food premises within the City*
- *Reducing to a minimum the levels of food borne illness across the City*
- *Raising the awareness and understanding of food standards and safety issues amongst the citizens of Liverpool*
- *Supporting honest traders through advice and guidance and, wherever possible, easing the legislative burden on the business community.*

- 3.1.4 The Food Service Plan for 2010/2011 set out key objectives for the forthcoming year, including an aim to inspect or audit all A and B risk rated premises. In addition, partial inspections were to be carried out at all broadly compliant C risk rated premises and full inspections of those not broadly compliant.

- 3.1.5 A new database implemented by the Authority during 2008 had identified a considerable number of unrated food premises within the City. The Authority had significantly reduced the number of unrated premises through desktop review, which had eliminated duplicate premises records and premises that had subsequently closed. Due to the limited resource available it was unlikely that all of the remaining unrated food premises would be subjected to a relevant intervention in the forthcoming year. The large number of unrated premises also continued to impact considerably on the Service's broadly compliant figures.
- 3.1.6 Monitoring returns made to the Agency under the Local Authority Enforcement Monitoring System (LAEMS) for 2009/2010, indicated that there were 12.5 full time equivalent posts (FTE) allocated to the Service, of which just 5.8 were presently occupied.
- 3.1.7 Although the Authority had provided some detail on the approximate demands on the Service during 2010/2011, the actual resources required to deliver these services had not been estimated. The Authority had plans to visit 300 newly registered food premises in the forthcoming year, however a significant number of food premises still required an initial visit to assess compliance.
- 3.1.8 The large number of unrated food premises was impacting on the calculation of the Authority's percentage of food establishments which were deemed to be 'broadly compliant' in relation to National Indicator 184. Although there was evidence that the Authority were targeting resource to food businesses which were known to be high risk, auditors were concerned at the number of premises where food safety compliance was still awaiting determination.
- 3.1.9 The Authority had assessed their performance during 2009/2010, a total of 925 of the planned 1,992 inspections were achieved with 5.8 FTE instead of the allocated 12.5 FTE, giving a performance figure of 46%. Although the Service had failed to achieve a large number of planned inspections they had completed 100% interventions at their known high and higher risk premises.
- 3.1.10 The Business Manager contributed figures of the food team's activities into a quarterly briefing note for the Member of the Environment. Although, within the Food Service Plan, the unfilled staff vacancies and other service demands had been recognised as a contributory factor to the reduced performance figures, there had been no agreement to increase the number of FTE posts or address the variances which had been identified during the performance review.

Recommendation

3.1.11 The Authority should:

Ensure that where variances in meeting the service delivery plan are identified, that appropriate measures are taken to address these variances in subsequent Service Plans. [The Standard – 3.3]

Documented Policies and Procedures

3.1.12 The Service maintained a number of policies and procedures which covered the range of food law enforcement activities. Auditors were advised that all procedural documents and guidance were available to officers in electronic format in a shared folder. The procedures evaluated during the audit generally contained references to legislation and official guidance with the inclusion of hyperlinks to related documents.

3.1.13 Auditors were advised that the lead food officer was responsible for updating all procedural guidance. The Authority did not maintain a structured document control system and several of the procedures evaluated during the audit were found to be undated and lacking formal authorisation.

Recommendation

3.1.14 The Authority should:

Fully implement and maintain a document control system for all its food service policies and procedures to ensure that all documents are reviewed at regular intervals and whenever there are changes to legislation and centrally issued guidance, ensuring changes to documents are appropriately authorised. [The Standard – 4.1 and 4.2]

Officer Authorisations

3.1.15 The Authority maintained a detailed operating procedure for the authorisation of officers based on their qualifications and competencies, which was generally in accordance with the Food Law Code of Practice. The procedure required the Food Safety Team Leader to ensure that all officers proposed for authorisation, held

relevant qualifications consistent with the duties they would normally be expected to perform.

- 3.1.16 Individual authorisation was granted by the Environmental Health Manager following consideration of the qualifications and details of experience provided to support the authorisation request. Auditors were advised that an annual performance review system for officers was in place where training needs were discussed and any training requirements would be identified.
- 3.1.17 Audit checks confirmed that in general all authorised officers had achieved the required minimum 10 hours relevant training, based on the principles of continuing professional development. With regard to the officer training files reviewed during the audit there was no evidence that officers had been trained on specialist or complex processes or that those officers responsible for approving establishments in accordance with Regulation (EC) No. 853/2004 had undertaken specific training.

Recommendation

3.1.18 The Authority should:

Ensure that where it has specific responsibilities, such as establishment approval in accordance with Regulation (EC) No. 853/2004, that officers have the necessary specialist knowledge. [The Standard – 5.2]

- 3.1.19 In terms of training in HACCP principles and/or the auditing of HACCP based food safety management systems, it was noted that officers currently involved with food premises interventions had all recently undertaken relevant training and the Authority was in the process of organising a three day HACCP course for the Merseyside and Cheshire Food Sub-Group.
- 3.1.20 Officers were authorised under the European Communities Act 1972, and were also separately authorised under the Food Hygiene (England) Regulations 2006 in relation to specific Regulations. The operating procedure which had been fully implemented by the Authority detailed powers and duties in relation to specific legislation under which authorisation had been conferred to individual officers.
- 3.1.21 In addition, officers were not authorised to enforce the Official Feed and Food Control Regulations 2009, contrary to centrally issued guidance. This matter was discussed during the audit with the Environmental Health Manager, and the auditors advised that the

Authority's legal department should be consulted to ensure that all officers were appropriately authorised under all relevant legislation.

- 3.1.22 At the time of the audit there were vacancies for two Food Safety Officers within the Food Safety and Commercial Team, which had been vacant for over two years, and a vacancy for an Environmental Health Officer which had remained unfilled for over three years. Auditors were also advised that there were no plans to resource the lead food officer's long term absence over the forthcoming year. This was of concern given the high number of unrated premises and food premises interventions which were overdue.

Recommendation

3.1.23 The Authority should:

Review its staffing resources to ensure that it has appointed a sufficient number of authorised officers to carry out the work set out in the Food Service Plan.

[The Standard – 5.3]

3.2 Food Premises Inspections

- 3.2.1 The Authority set out an interventions programme based on premises risk category rating within the Service Plan for 2010/2011. A target had been set to complete 100% of all due food safety interventions for Category A and B risk rated premises. Partial inspections were planned at Category C risk premises which had previously been assessed as broadly compliant, focussing on hygiene standards and methods of food safety management control, whilst those not broadly compliant would receive a full inspection.
- 3.2.2 Visits were to be conducted at lower risk category D premises to review any changes with the operations being carried out, and category E premises were to be subject to alternative enforcement strategy in the form of a questionnaire and a percentage of follow-up visits.
- 3.2.3 Although the Authority had set out the interventions that they intended to complete during the next financial year, the actual number of interventions due had not been calculated. At the time of the audit, checks confirmed there were approximately 1,100 food premises overdue an intervention within risk categories B to E.
- 3.2.4 A further review of food premises interventions carried out by the Service revealed a significant number of interventions, including some at high risk premises, which had not been completed at a frequency determined within the inspection risk rating system. Checks of five food premises inspection records identified that three of the businesses had not been inspected within the required frequency over the last three inspections.

Recommendation

3.2.5 The Authority should:

Ensure that food hygiene inspections of premises in their area are undertaken at a frequency which is not less than that determined under the inspection risk rating system set out in the Food Law Code of Practice or other centrally issued guidance. [The Standard – 7.1]

- 3.2.6 The Service had developed and implemented a documented procedure for general food premises inspections and an additional procedure for the approval and inspection of establishments subject to the requirements of Regulation (EC) No. 853/2004. Although the procedural guidance provided references to related documentation, both procedures would benefit from review to include further guidance to officers, particularly in relation to the assessment of food safety management systems based on the principles of HACCP.

Recommendation

3.2.7 The Authority should:

Review and further develop its documented procedures for the full range of intervention activities undertaken, particularly in relation to inspections and officers' assessment of HACCP based food safety management systems. [The Standard – 7.4]

- 3.2.8 Inspection aides-memoire were not in use at the time of the audit. Premises inspection forms which were left with the food businesses did not facilitate the recording of inspection findings in sufficient detail, this included areas where non-compliance had been identified. Auditors were not always able to determine from file and database record checks of general food hygiene premises the basis for officers decisions from the information retained. This was particularly evident in the relation to officers' assessment of food safety management systems.
- 3.2.9 Letters sent to food business operators contained all the information required by the Food Law Code of Practice. Letters were detailed and clearly worded with the measures to be taken to secure compliance and appropriate timescales clearly identified. Letters also consistently differentiated between legal requirements and recommendations of good practice.
- 3.2.10 The Authority was operating two electronic systems for the retention of inspection documentation and related premises information. The older system contained historical information, with more recent information maintained on a separate newer system. In general, auditors were able to obtain information relevant to inspections from the systems, however significant variability was noted between officers and the extent of the information recorded following completed interventions.
- 3.2.11 The Authority maintained files for 16 approved establishments in the area, three files were examined during the audit. Prescribed aides-memoire specific to this type of establishment were not routinely used to capture and record findings during routine inspections; therefore it was not always possible to establish from the file records whether an appropriate detailed evaluation had been carried out. In general, there was some evidence that an assessment of the businesses' FSMS based on HACCP had been completed, although the information held varied significantly between establishment records.

Recommendation

3.2.12 The Authority should:

Ensure that observations made and/or data obtained in the course of an inspection/intervention is recorded in such a way the records are retrievable. Determination of legal compliance or any non-compliance or deviation from set procedures should be recorded. [The Standard – 7.5 and 16.1]

3.2.13 It was noted from documentary evidence on file that one of the establishments had been granted conditional approval without fully meeting the infrastructure requirements as specified in Regulation (EC) No. 882/2004. Although issues with the food safety management had been noted, conditional approval had been granted and was still in place over six months after the initial date of the granting of the conditional approval.

Recommendation

3.2.14 The Authority should:

Carry out and interventions/inspections and approve establishments in accordance with the relevant legislation, the Food Law Code of Practice and centrally issued guidance and take appropriate action on any non-compliance found. [The Standard – 7.2 and 7.3]

Good Practice – Food Safety

In response to the recommendations and issues raised by the Public Inquiry Report into the 2005 Wales E. coli outbreak (published March 2009), and following the subsequent guidance issued by the Food Standards Agency, the Authority had visited butchers within the City known to have dual use vacuum packers. Officers had discussed with the food business operators the food safety risks associated with dual use equipment and the measures of control expected to demonstrate the safety. These discussions had resulted in the practice of dual use vacuum packing ceasing at all of the food businesses where advisory visits were carried out.

In addition, the Authority had reviewed the level of food safety compliance of food business operators which were providing meat to council owned premises.

Verification Visit to a Food Premises

- 3.2.15 During the audit, a verification visit was undertaken to a local butcher with the officer who had carried out the last food hygiene inspection of the premises. The main objective of the visit was to evaluate the effectiveness of the Authority's assessment of food business compliance with food law requirements. The specific assessments included the conduct of the preliminary interview of the FBO by the officer, the general hygiene checks to verify compliance with the structure and hygiene practice requirements and checks carried out by the officer to verify compliance with HACCP based procedures.
- 3.2.16 Due to the absence of appropriate records, the premises compliance history and details of the food safety management system assessment could not be fully ascertained by the auditor prior to the visit. However, during the visit the officer was able to demonstrate an appropriate understanding of the food safety risks associated with the activities at the premises and assessing the businesses compliance to HACCP requirements. The visit identified that the FBO needed to complete some further works on structural issues to assure full compliance with food safety requirements. These were discussed with the food business operator and appropriate follow-up actions agreed with the Authority.

3.3 Enforcement

- 3.3.1 The Authority had developed an enforcement policy for the Public Protection Division which was in accordance with centrally issued guidance and had been approved. The policy was comprehensive and was further supported by a prosecution policy which made reference to the Regulators' Compliance Code. In addition, the Service had developed documented procedures and supporting paperwork to provide officers with guidance on the range of formal enforcement options.
- 3.3.2 It was clear that in most cases the Service were taking graduated formal enforcement aimed at the highest risk premises and persistent offenders, where serious contraventions had been identified. There was evidence that the Authority were using a variety of enforcement options in order to achieve compliance at premises which were known to be problematic.
- 3.3.3 A sample of three hygiene improvement notices (HINs), which had been served against businesses for failing to comply with Regulation (EC) No. 852/2004 Article 5, were reviewed during the audit. In each case, the notice had been the appropriate course of action. Notices had been served following a continued failure by the FBO to implement an effective food safety management system, despite previous requests by the inspecting officer. All notices reviewed were appropriately detailed and the measures and time limits to achieve compliance were clearly specified.
- 3.3.4 It could not be determined in all cases however, whether timely checks were made to the businesses to determine compliance on the expiry of the notices and letters were not routinely issued to the FBOs to confirm compliance with the notices. Failure to undertake a timely check on compliance may compromise an authority's ability to enforce the notice and subsequent enforcement actions.

Recommendation

3.3.5 The Authority should:

Ensure that food law enforcement, in relation to the service of hygiene improvement notices, is carried out in accordance with the Food Law Code of Practice, centrally issued guidance and the Authority's own enforcement policy.

[The Standard – 15.3 and 15.4]

3.3.6 Records were also reviewed in relation to a sample of other enforcement actions which had been taken in order to achieve business compliance at food premises. In each case, the actions taken by the Authority were appropriate for the contraventions that had been identified, and followed due legal process. There was evidence that the Authority's own enforcement policy had been considered and decisions were taken in line with the enforcement policy and the Food Law Code of Practice.

3.4 Internal Monitoring and Third Party or Peer Review

Internal Monitoring

- 3.4.1 The Service had developed a service control procedure which related to the qualitative monitoring of programmed inspections and food complaint investigations. The document included the frequency of monitoring to be undertaken by the Team Leader and the method for providing feedback to officers.
- 3.4.2 Monitoring had previously been undertaken by the Food Team Leader, whose activities included accompanying officers during food premises inspections. Auditors were advised that due to a planned long term absence of the Team Leader, all monitoring activities were now being carried out by the Food and Commercial Business Manager.
- 3.4.3 In practice, there was evidence that internal monitoring was being implemented and details of accompanied inspections and interventions were being maintained. In addition, the Business Manager had completed a significant amount of quantitative monitoring, including a review of the numbers of interventions completed against those planned and sampling activities, and was working methodically to reduce the number of premises which were presently unrated.
- 3.4.4 The procedure did not include detail on the qualitative monitoring of all activities which were carried out by the Service. There was no reference to any formal enforcement monitoring or any evidence that formal monitoring of enforcement activities was presently being undertaken.

Recommendation

3.4.5 The Authority should:

Expand and implement its internal monitoring procedures to include the qualitative monitoring of all areas of food law enforcement activity and ensure that appropriate records are retained to verify conformance with the Standard, the Food Law Code of Practice and centrally issued guidance.
[The Standard – 19.1 and 19.2]

Food and Food Premises Complaints

- 3.4.6 The Authority had developed and implemented a detailed procedure for the investigation of food and food premises complaints. The procedure included timescales for responding to the complainant,

provided guidance to officers when investigating complaints and a checklist of points to consider.

- 3.4.7 Audit checks were completed in relation to four separate food and food hygiene complaint records. In all cases examined, complaints had been thoroughly investigated, including examination of the businesses food safety management system records where appropriate. All records maintained were comprehensive and complainants had been notified of the investigation findings.
- 3.4.8 Three of the four complaint investigations had not been completed within the timeframe specified within the Authority's own complaints procedure. Delays in complaint investigation related to staff absences and general resource issues. Where delays had occurred officers had clearly annotated records acknowledging the reason for the delay.

Recommendation

3.4.9 The Authority should:

Investigate food and food premises complaints received in accordance with the timescales noted within the Authority's own procedures. [The Standard – 8.2]

Food Sampling

- 3.4.10 The Authority was actively participating in local, regional and national food sampling programmes and reference to the Authority's policy on sampling was made within the Food Service Plan. The Authority maintained a simple sampling policy and procedure which was supported by official sampling guidance, including guidelines on the microbiological criteria of various ready-to-eat foods.
- 3.4.11 Audit checks of unsatisfactory sampling results were carried out. In all cases food business operators had been informed of the analysis results and appropriate actions taken in accordance with official guidance. Where unsatisfactory sampling results had been identified, investigations had included a review of businesses food safety management systems and in one case this had resulted in a hygiene improvement notice being served.

Third Party or Peer Review

- 3.4.12 Auditors were informed that a peer challenge of the Authority was carried out during in June 2008. The review included a self-assessment of 12 criteria specified in an Environmental Health

framework of excellence and a follow-up peer challenge of the assessment examining its robustness and accuracy.

- 3.4.13 The peer review found the Service had a strong commitment to the training and the development of its staff. Performance management had been an area identified within the Service which required improvement and more rigorous service planning, effective monitoring and feedback based upon outcomes had been suggested following the peer challenge.

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Local Authority Audit and Liaison Division

ANNEXE A

Action Plan for Liverpool City Council

Audit date: 25-26 May 2010

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.1.2 Ensure that future Food Service Plans are fully in line with the Service Planning Guidance in the Framework Agreement, including details of the inspection programme and an estimation of the staffing resources required to deliver the food law enforcement service compared with the staffing resources available to the Authority. [The Standard – 3.1]	Completed	Review Food Safety Service Plan to include inspection programme and identification of appropriate staffing resource required to deliver the food law enforcement service, compared to the staffing resource available.	Food Safety Plan reviewed and submitted to Cabinet Member.
3.1.11 Ensure that where variances in meeting the service delivery plan are identified, that appropriate measures are taken to address these variances in subsequent Service Plans. [The Standard – 3.3]	Dependent on sufficient staff resources	Identify variances and appropriate measures necessary to address them. Implement those identified measures.	Food Safety Plan reviewed and submitted to Cabinet Member.
3.1.14 Fully implement and maintain a document control system for all its food service policies and procedures to ensure that all documents are reviewed at regular intervals and whenever there are changes to legislation and centrally issued guidance, ensuring changes to documents are appropriately authorised. [The Standard – 4.1 and 4.2]	Completed	Produce a document control system for all policies and procedures. All procedures to be dated and authorised.	Existing procedures dated and authorised. Implemented a rolling programme of procedure reviews. Identified a lead officer for all procedures.
3.1.18 Ensure that where it has specific responsibilities, such as establishment approval in accordance with Regulation No. 853/2004, that officers have the necessary specialist knowledge. [The Standard – 5.2]	31/12/10	Provide specific specialist training for all Environmental Health Officers within the Food Team.	Identified Training.

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.1.23 Review its staffing resources to ensure that it has appointed a sufficient number of authorised officers to carry out the work set out in the Food Service Plan. [The Standard – 5.3]	Dependent on increased budget	Identify staff resource necessary and increase establishment within the Food Team to ensure sufficient number of authorised officers to carry out the work set out within the Food Service Plan.	Identified Staff resource required and submitted to Cabinet Member within the Food Service Plan. Moratorium on recruitment prevents appointment of additional officers and budget restriction prevents appointment of agency officers. The staffing position has actually deteriorated since the audit.
3.2.5 Ensure that food hygiene inspections of premises in their area are undertaken at a frequency which is not less than that determined under the inspection risk rating system set out in the Food Law Code of Practice or other centrally issued guidance. [The Standard – 7.1]	Dependent on increased staff resource	Identify staff resource necessary and increase establishment within the Food Team to ensure sufficient number of authorised officers to inspect premises at a frequency not less than that determined by the risk rating.	Inspection programme generated by M3 Database. Prioritisation of high risk premises. Alternative enforcement strategy for low risk premises. Monthly monitoring of inspections due and inspections carried out.
3.2.7 Review and further develop its documented procedures for the full range of intervention activities undertaken, particularly in relation to inspections and officers' assessment of HACCP based food safety management systems. [The Standard – 7.4]	31/10/10	Review documented procedures to include further guidance to officers, particularly in relation to the assessment of food safety management systems based on the principles of HACCP.	Sharing of procedures within the Cheshire and Merseyside Authorities. Procedures. Implemented a rolling programme of procedure reviews. Identified a lead officer for all procedures.
3.2.12 Ensure that observations made and/or data obtained in the course of an inspection/intervention is recorded in such a way the records are retrievable. Determination of legal compliance or any non-compliance or deviation from set procedures should be recorded. [The Standard – 7.5 and 16.1]	31/10/10	Develop inspection recording form / aide memoir, that records relevant information and record this on the premises database.	Shared inspection forms within the Cheshire and Merseyside Authorities. Piloting of Inspection forms. Completed forms scanned and stored in database.

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.2.14 Carry out and interventions/inspections and approve establishments in accordance with the relevant legislation, Codes of Practice and centrally issued guidance and take appropriate action on any non-compliance found. [The Standard – 7.2 and 7.3]	31/12/10	Provide specific specialist training for all Environmental Health Officers within the Food Team. Develop procedure for monitoring quality of interventions/inspections and approvals.	Identified specialist training. Premises with conditional approval now approved.
3.3.5 Ensure that food law enforcement, in relation to the service of hygiene improvement notices, is carried out in accordance with the Food Law Code of Practice, centrally issued guidance and the Authority's own enforcement policy. [The Standard – 15.3 and 15.4]	Completed	Set up a procedure to ensure that follow up action takes place at the time determined by the notice and confirm compliance by FBOs.	Hygiene Improvement Notice Checklist used for all hygiene improvement notices.
3.4.5 Expand and implement its internal monitoring procedures to include the qualitative monitoring of all areas of food law enforcement activity and ensure that appropriate records are retained to verify conformance with the Standard and relevant Codes of Practice and centrally issued guidance. [The Standard – 19.1 and 19.2]	Completed	Expand the Service Control procedure to include monitoring of enforcement activity.	All prosecution files checked by Manager prior to submission. Checklist used for all HINs.
3.4.9 Investigate food and food premises complaints received in accordance with the timescales noted within the Authority's own procedures. [The Standard – 8.2]	Dependent on increased staff resource	Identify staff resource necessary and increase establishment within the Food Team to ensure sufficient number of authorised officers to investigate food and food premises complaints within timescale.	The staffing position has actually deteriorated since the audit.

Audit Approach/Methodology

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

(1) Examination of LA policies and procedures.

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

- Food Service Plan 2010/2011
- Authorisation Procedure
- Inspection Procedure
- Prosecution Policy
- Enforcement Policy
- Prosecution Procedure
- Food Complaints Procedure
- Food Sampling Procedure

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

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

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

- Audit Liaison Officer
- Technical Officer

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

(4) On-site verification check:

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

Glossary

Authorised officer	A suitably qualified officer who is authorised by the local authority to act on its behalf in, for example, the enforcement of legislation.
Codes of Practice	Government Codes of Practice issued under Section 40 of the Food Safety Act 1990 as guidance to local authorities on the enforcement of food legislation.
County Council	A local authority whose geographical area corresponds to the county and whose responsibilities include food standards and feeding stuffs enforcement.
District Council	A local authority of a smaller geographic area and situated within a County Council whose responsibilities include food hygiene enforcement.
E. coli	<i>Escherichia coli</i> microorganism, the presence of which is used as an indicator of faecal contamination of food or water. <i>E. coli</i> 0157:H7 is a serious food borne pathogen.
Environmental Health Officer (EHO)	Officer employed by the local authority to enforce food safety legislation.
Feeding stuffs	Term used in legislation on feed mixes for farm animals and pet food.
Food hygiene	The legal requirements covering the safety and wholesomeness of food.
Food standards	The legal requirements covering the quality, composition, labelling, presentation and advertising of food, and materials in contact with food.
Framework Agreement	<p>The Framework Agreement consists of:</p> <ul style="list-style-type: none"> • Food Law Enforcement Standard • Service Planning Guidance • Monitoring Scheme • Audit Scheme <p>The Standard and the Service Planning Guidance set out the Agency's expectations on the planning and delivery of food law enforcement.</p> <p>The Monitoring Scheme requires local authorities to submit quarterly returns to the Agency on their food enforcement activities i.e. numbers of inspections, samples and prosecutions.</p> <p>Under the Audit Scheme the Food Standards Agency will be conducting audits of the food law enforcement services of local authorities against the criteria set out in the Standard.</p>
Full Time Equivalents (FTE)	A figure which represents that part of an individual officer's time available to a particular role or set of duties. It reflects the fact that individuals may work part-time, or may have

		other responsibilities within the organisation not related to food enforcement.
HACCP		Hazard Analysis Critical Control Point – a food safety management system used within food businesses to identify points in the production process where it is critical for food safety that the control measure is carried out correctly, thereby eliminating or reducing the hazard to a safe level.
LAEMS		Local Authority Enforcement Monitoring System is an electronic system used by local authorities to report their food law enforcement activities to the Food Standards Agency.
Member forum		A local authority forum at which Council Members discuss and make decisions on food law enforcement services.
Metropolitan Authority		A local authority normally associated with a large urban conurbation in which the County and District Council functions are combined.
OCD returns		Returns on local food law enforcement activities required to be made to the European Union under the Official Control of Foodstuffs Directive.
Regulators' Compliance Code		Statutory Code to promote efficient and effective approaches to regulatory inspection and enforcement which improve regulatory outcomes without imposing unnecessary burdens on businesses.
Risk rating		A system that rates food premises according to risk and determines how frequently those premises should be inspected. For example, high risk premises should be inspected at least every 6 months.
Service Plan		A document produced by a local authority setting out their plans on providing and delivering a food service to the local community.
Trading Standards		The Department within a local authority which carries out, amongst other responsibilities, the enforcement of food standards and feeding stuffs legislation.
Trading Standards Officer (TSO)	Officer	Officer employed by the local authority who, amongst other responsibilities, may enforce food standards and feeding stuffs legislation.
Unitary Authority		A local authority in which the County and District Council functions are combined, examples being Metropolitan District/Borough Councils, and London Boroughs. A Unitary Authority's responsibilities will include food hygiene, food standards and feeding stuffs enforcement.