

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

Milton Keynes Council
8-10 December 2015



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1.0 Introduction

- 1.1 This report records the results of an audit at Milton Keynes Council with regard to food hygiene enforcement, under relevant headings of the Food Standards Agency Food Law Enforcement Standard. The audit focused on the Authority's arrangements for the management of the food premises database, food premises interventions, and internal monitoring. The report has been made available on the Agency's website at:

www.food.gov.uk/enforcement/auditandmonitoring/auditreports

Hard copies are available from the Food Standards Agency's Local Delivery Audit Team at Foss House, Kings Pool, 1-2 Peasholme Green, York, YO1 7PR. Tel: 01904 232116.

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 Milton Keynes Council was undertaken under section 12(4) of the Act as part of the Food Standards Agency's annual audit programme.
- 1.3 Regulation (EC) No. 882/2004 on official controls performed to ensure the verification of compliance with feed and food law includes a requirement for competent authorities to carry out internal audits or to have external audits carried out. The purpose of these audits is to verify whether official controls relating to feed and food law are effectively implemented. To fulfil this requirement, the Food Standards Agency, as the central competent authority for feed and food law in the UK has established external audit arrangements. In developing these, the Agency has taken account of the European Commission guidance on how such audits should be conducted.¹
- 1.4 For the purpose of this audit 'The Authority' refers to Milton Keynes Council. The Authority was selected for inclusion in the Food Standards Agency's programme of audits of local authority food law enforcement services because of concerns regarding the performance data for food hygiene submitted by the council via LAEMS.

¹ Commission Decision of 29 September 2006 setting out the guidelines laying down criteria for the conduct of audits under Regulation (EC) No. 882/2004 of the European Parliament and of the Council on official controls to verify compliance with feed and food law, animal health and animal welfare rules (2006/677/EC).

Scope of the Audit

- 1.5 The audit examined Milton Keynes Council's arrangements for food premises database management, food premises interventions and internal monitoring, with regard to food hygiene law enforcement. This included a reality check at a food business to assess the effectiveness of official controls implemented by the Authority at the food business premises and, more specifically, the checks carried out by the Authority's officers, to verify food business operator (FBO) compliance with legislative requirements. The scope of the audit also included an assessment of the Authority's overall organisation and management and the internal monitoring of food hygiene law enforcement activities.
- 1.6 Assurance was sought that key food hygiene law enforcement systems and arrangements were effective in supporting business compliance, and that local enforcement was managed and delivered effectively. The on-site element of the audit took place at the Authority's offices at Civic Offices 1 Saxon Gate East Central Milton Keynes MK9 3EJ on 8-10 December 2015.

Background

- 1.7 Milton Keynes was the last New Town built in the UK, designated in 1967 and is situated in North Buckinghamshire. During the last 35 years the town has experienced the fastest rate of growth in the UK; both in population and economic development, attracting major new employers, inward investments and facilities. The population has quadrupled from 1967 to 2010 from 60,000 to 236,700. Development plans indicate an overall population in 2026 of almost 300,000. The population is becoming more ethnically diverse through inward migration and the growth of established black and minority ethnic communities. This growth has brought its own set of issues including the need for new roads, housing and schools. In turn this has had to be matched by growth in employment opportunities and by the development of the local economy. In April 1997 the new Unitary Authority of Milton Keynes Council took responsibility for all principal local government services in the Milton Keynes Borough area, including education, traffic and transport, social services and libraries.
- 1.8 The Authority has a varied range of establishments and approximately 77% of the 2504 food businesses on its food premises database in 2014 were classified as restaurants and caterers including takeaways. The Authority also has eleven specialist food manufacturing businesses involved with products requiring approval under Regulation (EC) No. 853/2004. In addition the Authority acts as Primary Authority for 11 large national food manufacturers and there are 12 major food manufacturers in the area.

- 1.9 The Authority functions were split into four Corporate Directorates and the food service function sat in Public Realm within the Place Directorate. Auditors were advised the Directorate had recently carried out a restructure which had resulted in the deletion of tiers of management. The food service function reported to the newly created Head of Regulatory Services post. The function was split between North and South teams and managed by Team Leaders, one of whom was the appointed Lead Food Officer. The Food Safety Service consisted of 3.65 full time equivalent officers (FTE) who delivered a number of other regulatory functions besides food safety, including health and safety at work in commercial businesses, food standards enforcement, infectious disease control and public health nuisance.
- 1.10 The Authority reported the profile of Milton Keynes Council's food businesses at 1 April 2014 as follows:

Type of Food Premises	Number
Primary Producers	7
Manufacturers/Packers	39
Importers/Exporters	8
Distributors/Transporters	32
Retailers	498
Restaurant/Caterers	1920
Total Number of Food Premises	2504

2.0 Executive Summary

- 2.1 The Authority was selected for audit due to issues arising from the Authority's submission of key food hygiene enforcement data to the Agency via the Local Authority Enforcement Monitoring System (LAEMS). The audit was carried out due to concerns regarding the Authority's ability to deliver its intervention programme in accordance with the Food Law Code of Practice (FLCoP). Performance data for 2014/15, submitted via LAEMS highlighted in particular the relatively low percentage of premises receiving food hygiene interventions (34% of the total due). It also raised queries regarding staffing levels declared by the Authority compared to the number of food businesses in the area.
- 2.2 The Authority had recently carried out a reorganisation of the management structure resulting in the removal of tiers of management and realignment of the regulatory services under a newly created post of Head of Regulatory Services. The Lead Food Officer was also due to leave the Authority shortly after completion of the audit. Auditors discussed with the Corporate Director Place the importance of ensuring there was appropriate succession planning and future management oversight of the food law enforcement service.
- 2.3 Auditors confirmed the Service was delivered using 3.65 FTE officers. Officers also carried out other disciplines including commercial health and safety, a limited range of food standards enforcement in appropriate businesses and public health nuisance work. Officers were also responsible for providing assured food safety advice and guidance at a national level for major food businesses through its primary authority arrangements and had responsibility for food manufacturers and specialist approved premises. Auditors were advised there was pressure on the Service to maximise income and some officer time had been allocated to carrying out primary authority partnership work. It was evident that the wider reactive environmental health responsibilities placed on officers posed significant challenges to planning and delivering an effective inspection programme in accordance with the FLCoP.
- 2.4 Whilst auditors were able to gain assurance that some comprehensive and essential food law enforcement activity was being carried out, they were unable to gain sufficient assurance that the Service was delivering official controls effectively in relation to food safety and hygiene at all relevant establishments in the area. Auditors were concerned that this could pose a significant risk to consumer protection and the reputation of the Authority and therefore requested that the Authority provided an immediate interim plan to address the following key issues:

- Confirmation of the arrangements to ensure continued operational management and governance of the food law enforcement service in accordance with the FLCoP.
- Details of the proposed strategy to deal with the large number of overdue interventions, with timescales.
- Assurances regarding the provision of adequate resources to enable the Service to deliver the planned intervention programme of food premises and delivery of official controls in accordance with the FLCoP.

The Authority fully cooperated with the Agency and initiated an immediate interim action plan to urgently commence action for the key issues identified. The actions proposed are summarised in Annex A.

2.5 Strengths:

Experienced Officers: It was clear from discussion during the audit and the reality visit to a local care home that officers were experienced and knowledgeable about the wide range of food business activities in their area and the official controls associated with these businesses. There was significant evidence that officers had used this experience and local knowledge to ensure timely business compliance as well as providing support and guidance to local food businesses.

Enforcement and follow-up actions: Officers were able to demonstrate their ability to consider and effectively use the full range of follow up options available to them including advice and guidance as well as more formal enforcement to ensure timely business compliance and to protect the public.

Sampling and Complaints: Whilst the resources available to the Service limited the amount of sampling undertaken, all the examples of samples and complaint investigations assessed during the audit demonstrated that thorough and comprehensive actions had been carried out in each case.

2.6 Key areas for improvement:

Service Planning: The Authority needs to review and amend its current intervention strategy to ensure that it includes appropriate interventions for all relevant food businesses in the area, including previously compliant lower risk businesses to ensure that it meets the requirement of the FLCoP.

The Authority needs to provide sufficient staffing resources to fulfil its statutory duties in accordance with the FLCoP and any centrally issued guidance. It is therefore essential that future service plans include a realistic and reasoned estimate of the staff resources needed to deliver

the full range of statutory duties, including all unrated and overdue interventions, compared to the resources available. The Plan should include details of actions proposed to address any shortfall, and the associated risks to public protection.

Interventions: The Authority needs to carry out food hygiene interventions at the frequency set out in the FLCoP, using the full range of flexibilities as required.

Internal Monitoring: The Authority should ensure that effective risk based and proportionate internal monitoring of all food service activities can take place. Internal monitoring should include qualitative checks on the range of food law enforcement activities undertaken. The time taken to carry out these checks should be considered and included in any service planning calculations.

3.0 Audit Findings

3.1 Organisations and Management

Strategic Framework, Policy and Service Planning

- 3.1.1 The Service had developed a Food Service Plan for 2015/16, which was generally in line with the Service Planning Guidance in the Framework Agreement. The Plan provided useful information on the Service's aims and objectives and included details of the range of duties placed upon the Service.
- 3.1.2 The Plan provided details of the Authority's risk-based intervention strategy for food safety enforcement. The Authority had been subject to financial constraints that had impacted on the level of resources available to deliver food safety interventions with a reduction from 7.0 FTE in 2010/11 to the current 3.65 FTE. This had affected the Services ability to fully meet all the statutory demands placed upon it and led to the development and implementation of a risk based intervention strategy. The strategy prioritised risk category A, B and non-compliant C establishments, then unrated premises based on an assessment of risk, (e.g. low risk sweet and cake makers were desk top rated) and finally broadly compliant C establishments. The decision had been taken not to routinely carry out an intervention at risk rated category D-E premises unless a complaint or other intelligence had been received, contrary to the FLCoP.
- 3.1.3 The Service had not calculated or provided sufficient resources to carry out routine assessment of the remaining previously compliant businesses, many of which may have changed business activities and ownership in the intervening period. Whilst the Plan included details

by risk category on the interventions due for the year it was not clear as to the numbers of historic overdue interventions carried forward.

- 3.1.4 In general the current Service Plan lacked sufficient detail comparing the service delivery demands against the resources available. The absence of such information made it difficult to quantify any resource shortfalls to senior managers and to Members. Future service plans would benefit from a more accurate and realistic estimate of the resources required to deliver the Service in accordance with its statutory duties and to propose more effective actions to address any backlog of interventions in a risk based and timely manner.
- 3.1.5 The review section of the Plan made some reference to inadequate resourcing for food hygiene interventions; however this could have been strengthened by including more details of the impact and implications of any shortfall, including potential impacts on consumer protection and reputational risk to the Authority.
- 3.1.6 Auditors discussed the need to ensure that all future service plans are approved at the appropriate level designated within the Authority. Auditors also discussed the need to ensure there is appropriate management oversight to ensure the delivery of an effective intervention programme in accordance with the FLCoP.

Recommendations

3.1.7 The Authority should:

- (i) Carry out an urgent review of its food safety service and intervention strategy to ensure that it meets all the principles of the Food Law Code of Practice and the Standard in the Framework Agreement. [The Standard -3.1 and 19.2]
- (ii) Ensure that future service plans include a clear comparison of the resources required to carry out the full range of statutory food law enforcement activities at all relevant food businesses in the area against the resources available to the Service. Details of how any shortfall identified will be addressed should also be provided. [The Standard -3.1]
- (iii) Ensure that future service plans are submitted for approval to either the relevant member forum or if delegated to the relevant senior officer. [The Standard -3.2]
- (iv) Ensure any variance in meeting the service plan is addressed in its subsequent service plan. [The Standard -3.3]

Documented Policies and Procedures

- 3.1.8 The Service had developed a range of generally up to date and comprehensive policies and work procedures to provide useful guidance for officers across the range of their enforcement duties. There was an effective control system in place which ensured the procedures were regularly reviewed and updated.

Officer Authorisations

- 3.1.9 The Authority had developed a procedure for the authorisation of its officers based on their qualifications, experience and an assessment of competency criteria by the Lead Food Officer. A matrix was maintained by the Authority which confirmed the extent of each officer's authorisation and detailed evidence was noted of past competency assessments for all officers documented on a pro forma developed by the Authority. Checks on authorisation documents and on inspection activities confirmed that officers were appropriately

authorised and acting within the limits of their authorisation. The authorisation procedure was currently being reviewed and updated to include an assessment of the competency criteria in accordance with the FLCoP.

- 3.1.10 Officers were appropriately authorised under all relevant sections of EU and UK food hygiene legislation with the exception of the Trade in Animals and Related Products Regulations 2011 and Regulation 29 of the Food Safety and Hygiene (England) Regulations 2013. Auditors therefore recommended that the Authority review its schedule of authorisation to ensure that it contains reference to all appropriate legislation.
- 3.1.11 Auditors were advised that the Team Leader for the Food Service Team (South) who was the Authority's appointed Lead Food Officer was due to leave the Authority soon after the audit. Auditors discussed the need to appoint a Lead Food Officer to take over responsibility for operational management of food law matters. The need to maintain a sufficient number of competent authorised officers to deliver the food law service in accordance with the FLCoP was also discussed.
- 3.1.12 Auditors were advised that individual officer training needs were discussed during the annual appraisal process between officers and the manager which was prioritised based on their individual duties and responsibilities. The Authority was able to provide evidence of officer qualifications and training records. These demonstrated that officers held all the appropriate qualifications relevant to their posts and all officers had received a wide range of appropriate training on food hygiene topics including the delivery of official controls at approved establishments. Auditors did however recommend that the training records are further reviewed to ensure that suitable update training is provided for officers on subjects such as HACCP and imported food, where training was last received several years ago.

Recommendations

3.1.13 The Authority should:

- (i) Appoint a suitably competent and experienced Lead Food Officer to take responsibility for operational management of food law matters. [The Standard -5.2]
- (ii) Following the full service review the Authority should appoint a sufficient number of authorised officers to carry out the work set out in its Service Plan. The level of authorisation and duties of officers should be consistent with their qualifications, training, experience and the relevant Code of Practice. [The Standard -5.3]
- (iii) Review current schedules of officer authorisations to ensure that officers are appropriately authorised under all relevant legislation in accordance with their levels of qualifications, competency and experience. [the Standard - 5.3]

3.2 Food Premises Database

- 3.2.1 The Service operated a computer database system that was capable of providing an accurate return for the FSA's Local Authority Enforcement Monitoring System (LAEMS). With the benefit of IT support from within the Authority, the Service carried out a range of data consistency checks before submitting performance data to LAEMS. This was carried out by the Lead Food Officer and auditors discussed the need to ensure there was appropriate succession planning to enable this to continue. Database assessments prior to the audit conformed that the system was correctly configured and well organised.
- 3.2.2 In general, officers had responsibility for entering data on to the system including checking template records of enforcement activity, inspection details and risk ratings.
- 3.2.3 It is essential that the Authority is aware of all the food establishments and food activities being carried out in its area in order to deliver relevant official controls effectively and to protect consumers. This was carried out by officers checking licencing, planning and building control applications and officer's knowledge of the district. Reports were provided which showed details of potential new food businesses identified on the database. Pre-audit database checks by auditors on

six local businesses premises found that all were appropriately listed on the database and included in the inspection programme.

- 3.2.4 Auditors were advised that a data cleansing exercise was planned to verify if lower risk rated premises not subject to recent interventions were still operating to allow them to be removed from the database if they had ceased trading.

3.3 Food Premises Interventions

- 3.3.1 The Authority's Food Safety Service Plan 2014/15 provided details of targets for the food premises intervention programme and information on the full premises risk profiles. LAEMS data provided by the Authority indicated the following breakdown of premises by risk category:

Premises Risk Category	Number of Premises
A	3
B	48
C	396
D	707
E	1158
Unrated	101
Outside the programme	91
TOTAL	2504

- 3.3.2 Auditors were advised that the inspection programme for risk rated category A-C premises was drawn up and allocated quarterly to officers. Progress against the programme was monitored on a quarterly basis by Team Leaders.
- 3.3.3 Although the Authority had targeted resources at the higher risk and non-compliant businesses an assessment of the Authority's food premises database during the audit identified 1081 outstanding interventions. This consisted of 0 category A, 3 category B, 33 category C, 311 category D, 684 category E and 50 unrated premises. Of the category D rated premises almost 80% had a higher weighting for type of food handled and approximately 20% of category rated E premises had never been inspected. Both risk categories included a mix of catering type categories of food businesses such as restaurants; take aways, manufacturers and some premises serving vulnerable groups such as care establishments and schools. The oldest last intervention undertaken dated back to 2009 for category D rated premises and 2006 for category E rated premises.

- 3.3.4 Auditors were advised there was also pressure on the Service to maximise income and some officer time was allocated to carry out Primary Authority partnership work. It was evident the wider reactive environmental health responsibilities placed on officers posed significant challenges to planning and delivering an effective inspection programme which monitored the levels of business compliance in those premises previously rated lower risk. Auditors discussed the use of the full range of possible interventions and flexibilities described in the FLCoP if needed to help address any backlog of interventions.
- 3.3.5 Auditors raised some concerns about the Authority's policy on newly registered and unrated food businesses as well as its policy regarding childminders. The Authority carried out desk top assessments at some newly registered food businesses deemed to be very low risk following an initial assessment of the information provided by businesses. In addition the Authority had removed childminders from the food premises database and were no longer part of the inspection programme. Instead the Service relied upon intelligence and complaints received through other teams in the Authority such as the Early Years Team. Such policies are contrary to the FLCoP and auditors therefore recommended a review of these policies following further contact with relevant policy teams at the FSA.

Recommendation

3.3.6 The Authority should:

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

[The Standard – 7.1]

- 3.3.7 In order to generate income the Service had prepared a business case and recently implemented a paid for consultancy service whereby premises risk rated category A-C were contacted to offer an advisory visit in advance of the next scheduled inspection. Whilst auditors acknowledged the benefits of the scheme, they advised the Authority to liaise further with the FSA to ensure that it meets all the requirements of the FLCoP.

- 3.3.8 A sample of routine food establishment files were assessed as part of the audit. Inspection findings had been recorded by officers using an appropriate inspection aide memoire. The aide memoire would have benefitted from the addition of further prompts for officers to record specific details of any assessments of the implementation of the FSA's E coli O157 guidance, where appropriate. Evidence was noted however that in most cases cross contamination issues were being highlighted and dealt with by officers when found. In most cases detailed evidence was recorded by officers demonstrating that businesses had been assessed against all appropriate food hygiene legislation. There was evidence however of some variability in the amount and quality of the information being recorded by some officers following the most recent interventions, which was discussed during the audit.
- 3.3.9 Files contained evidence of timely and appropriate follow up actions being taken by officers, including a range of formal actions and comprehensive letters to businesses to help and support businesses in complying with food hygiene legislation.
- 3.3.10 In accordance with the FLCoP, officers had allocated businesses with risk scores based on the inspection findings. Whilst in the majority of records assessed the risk scores seemed appropriate, auditors did query a small number of historic risk scores based on the inspection notes made by officers. Auditors therefore recommended further internal monitoring of risk scoring, particularly following any higher risk inspections.
- 3.3.11 In addition to routine food establishment files records relating to a number of establishments in the area specifically approved under Regulation (EU) No 853/2004 were assessed. Approved establishment files generally contained all the relevant information required by the FLCoP and associated guidance. In each case businesses had been approved or were in the process of being approved in accordance with the FLCoP and associated guidance.
- 3.3.12 Inspections had generally been carried out at the appropriate frequency, with findings being recorded by officers using an appropriate approved establishment aide memoire. There was detailed evidence of comprehensive advice provided for businesses and timely and appropriate follow up action by officers when needed.

Verification Visit to a Food Premises

- 3.3.13 During the audit, a verification visit was undertaken to a local care home with an experienced officer from the Authority. The main objective of the visit was to assess the effectiveness of the Authority's assessment of food business compliance with food law requirements. The specific assessments included the conduct of the preliminary

interview with the FBO by the officer, general hygiene checks to verify compliance with structure and hygiene practice requirements and checks carried out by the officer to verify compliance with HACCP based procedures.

- 3.3.14 The officer was able to demonstrate a good working knowledge of relevant food hygiene legislation and the key operations carried out at the business including the adequacy of the operator's food safety management system. The officer provided a range of useful practical advice and guidance during the visit to help support the business in complying with relevant food hygiene legislation. The auditor was able to confirm and verify the findings from the last inspection and that the range of business operations being carried out.

3.4 Enforcement

- 3.4.1 The Authority had a corporate enforcement policy which had received Member approval. The Policy contained broad guidance for officers on the different types of enforcement actions possible which was supported by more specific procedures which outlined the situations when they might be appropriate.

- 3.4.2. A range of formal enforcement actions taken by officers was reviewed during the audit. These included hygiene improvement notices (HIN's), emergency and voluntary closures and some cases where the voluntary surrender of foods was carried out. Files generally contained detailed and comprehensive evidence of the actions taken, and in all cases the actions taken seemed appropriate given the circumstances described. Formal notices had been drafted and served in accordance with the FLCoP and had been effective in addressing serious issues of non-compliance with food hygiene legislation by some businesses in the area. Auditors did note a couple of examples however where follow up monitoring visits had not been recorded on the food premises database. These cases were discussed during the audit, with improved internal monitoring being recommended by auditors.

3.5 Internal Monitoring, Third Party or Peer Review

Internal Monitoring

- 3.5.1 The Authority had recently developed a procedure for internal monitoring which, if fully implemented, would provide a useful basis for ensuring consistency amongst officers. There was evidence of regular running of quantitative reports to monitor progress against the delivery of the food law enforcement service. Due to the pressure on time and resources there was only limited evidence that the procedure had been fully implemented in respect of qualitative

monitoring of the Service and the Authority acknowledged this needed to be actioned given the audit findings.

Recommendations

3.5.2 The Authority should:

- (i) Fully implement and maintain documented internal monitoring procedures in accordance with Article 8 of Regulation (EC) No. 882/2004 (Official Feed and Food Controls), the Food Law Code of Practice and centrally issued guidance. This should include all aspects of the Service, including inspection records and risk scoring as well as the officer schedule of authorisation and the work of contractors where appropriate. [The Standard – 19.1]
- (ii) Ensure that records of monitoring activities are maintained. [The Standard – 19.3]

Food and Food Premises Complaints

- 3.5.3 The Authority had developed a documented procedure for dealing with food and food premises complaints. Brief details of the Authority's policy on food complaints were set out in its service plan.
- 3.5.4 A range of complaints were assessed as part of the audit. Appropriate records were held including details of any actions taken and any communications with businesses to address any concerns. In all cases timely and appropriate follow up actions had been taken to protect consumers.

Food Inspection and Sampling

- 3.5.5 The Service undertook sampling as part of its intervention strategy but advised this was currently restricted to national sampling programmes.
- 3.5.6 The Authority had developed and implemented a suitable sampling procedure. A number of sample records involving a range of food products were assessed. In each case appropriate records had been maintained and suitable follow up actions had been taken in all cases based upon the results.

Records

- 3.5.7 The Authority maintained a mixture of paper and electronic records across the Service. During the audit all records were made available and information stored was easily retrievable and up to date.

Third Party or Peer Review

- 3.5.8 Auditors noted that the Authority had not participated in any inter authority peer review process during the last two years and were advised none were planned. However the Service had taken part in the National Food Hygiene Risk Rating consistency exercise which had been discussed at the regional food liaison group. Auditors discussed the benefits of participating in any available peer review schemes such as IAA in the region.

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ANNEX A - Action Plan(s) for Milton Keynes Council

Audit date: 8-10 December 2015

Commentary on development and acceptance of action plan

Action plans are normally agreed with a local authority in a number of weeks following the audit. In this case Milton Keynes Council fully cooperated with the Agency and initiated an immediate interim action plan to urgently deal with the key issues identified and the actions taken are detailed here:

Immediate actions taken by the local authority following the audit	Date
<p>Issue</p> <ul style="list-style-type: none">Confirmation of the arrangements to ensure continued operational management and governance of the food law enforcement service in accordance with the FLCoP. <p>LA Response.</p> <ul style="list-style-type: none">Appointing an interim Lead Food Officer who meets the FLCoP requirements. Recruiting to vacant Team Leader post.	<p>December 2015 and ongoing.</p>
<p>Issue</p> <ul style="list-style-type: none">Details of the strategy to deal with the risks posed by the large number of overdue interventions with timescales <p>LA Response</p> <ul style="list-style-type: none">Funding of 60k has been identified corporately to engage a contractor and deploy 6 FTE	

<p>qualified, competent food safety consultants for the period January to March 2016.</p> <ul style="list-style-type: none"> • Developing a work programme to ensure completion of the existing backlog of inspections and to make substantial inroads into the intervention backlog before the end of the financial year. • Reviewing food officer's workload to enable more time to be devoted to food safety. • Business support team workload reprioritised to allow internal staff to begin the process of updating the database. 	<p>January 2016</p> <p>Review end March 2016</p>
<p>Issue</p> <ul style="list-style-type: none"> • Assurances regarding the provision of adequate resources to enable the Service to deliver the planned intervention programme of food premises and delivery of official controls in accordance with the FLCoP. <p>LA Response</p> <ul style="list-style-type: none"> • Future staffing requirements will be reviewed following completion of the intervention backlog and the Service Plan will be updated to reflect the resources needed to deliver the food law enforcement service. The Plan will be approved at a corporate level. 	<p>End March 2016.</p>

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
<p>3.1.7 (i) Carry out an urgent review of its food safety service and intervention strategy to ensure that it meets all the principles of the FLCoP and the Standard in the Framework Agreement. [The Standard -3.1 and 19.2]</p>		<p>To review current intervention strategy to include appropriate interventions for all relevant food businesses in accordance with FLCoP</p>	<p>All outstanding interventions have been identified. Management arrangements have been put in place to address the backlog. Internally officers have had work reassigned to allow them to concentrate on food interventions External contractors have been engaged, assessed and authorised to undertake lower risk interventions.</p>
	31/03/16	<p>All A-CU risk categories and unrated premises to be completed as previously planned</p>	<p>In-house staff have been allocated risk categories A-C and unrated premises inspections to complete – on track to complete.</p>
	31/05/16	<p>Risk categories D – E backlog to be completed (70% minimum in year 15/16 – balance by 16/17)</p>	<p>Risk categories D-E backlog reviewed and ceased trading premises removed. 1100 premises passed to contractors to complete by 31/03/16</p>
	30/09/16	<p>To review how the authority deals with all registered food businesses including childminders.</p>	

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.1.7 (ii) Ensure that future service plans include a clear comparison of the resources required to against the resources available to the Service. Details of how any shortfall identified will be addressed should also be provided. [The Standard -3.1]	30/06/16	Undertake a review of the activities and interventions required to carry out the full range of statutory food law enforcement activities at all relevant food businesses in the area. Identify the resources required and the options available	Reviewed the helpful comments in the food audit and collected data. Reorganisation of Environmental Health to remove food qualified officers from reactive public health activity.
3.1.7 (iii) Ensure that future service plans are submitted for approval to either the relevant member forum or if delegated to the relevant senior officer. [The Standard -3.2]	30/06/16	Option paper to be submitted to relevant senior decision maker for decision on resources, service planning and relevant approval route.	Cabinet member kept apprised of audit and implications.
3.1.7 (iv) Ensure any variance in meeting the service plan is addressed in its subsequent service plan. [The Standard -3.3]	30/06/16	Ensure any variance in meeting the service plan is addressed in its subsequent service plan	Target set to inspect all premises due for intervention between 01/04/15 & 31/03/16 by 30/05/16. After that point a service plan will be prepared on a risk basis to create a deliverable programme utilising additional staff resources.

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
<p>3.1.13 (i) The Authority should appoint a suitably competent and experienced Lead Food Officer to take responsibility for operational management of food law matters. [The Standard -5.2]</p>	<p>Completed</p>		<p>On the departure of the food lead officer in December the authority ensured the maintenance of continuity by the appointment of a replacement. There is currently a lead food officer for food hygiene and a lead officer for food standards/feed legislation.</p>
<p>3.1.13 (ii) Following the full service review, the Authority should appoint a sufficient number of authorised officers to carry out the work set out in its service plan. The level of authorisation and duties of officers should be consistent with their qualifications, training, experience and the relevant Code of Practice. [The Standard -5.3]</p>	<p>30/09/16</p>	<p>Option paper will identify number of authorised officers required to undertake the work identified in the agreed service plan. Where short fall is identified contractor engagement to be considered pending recruitment. In Milton Keynes there are elections every year with a third of the district involved each time. As MKC is currently a minority administration it is prone to regular changes so any changes may not be ratified until a new administration is declared after the elections in May.</p>	<p>See previous entries.</p>

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.1.13 (iii) Review current schedules of officer authorisations to ensure that officers are appropriately authorised under all relevant legislation in accordance with their levels of qualifications, competency and experience. [the Standard - 5.3]	Completed	Lead food officers will review schedules of officer authorisations annually and on legislative change.	Authorisation schedule updated
3.3.6 Ensure that food hygiene interventions at food premises in their area are carried out at a frequency which is not less than that determined under the intervention rating scheme set out in the Food Law Code of Practice. [The Standard – 7.1]	30/06/16	Service plan to identify resources required to undertake interventions in accordance with FLCoP and relevant approval sought. 5 year resource plan to be developed.	Action taken to address backlog of interventions required during 2015/16. Quarterly forward planning to identify interventions falling due and align staff resources.
3.5.2 (i) Fully implement and maintain documented internal monitoring procedures in accordance with Article 8 of Regulation (EC) No. 882/2004 (Official Feed and Food Controls), the Food Law Code of Practice and centrally issued guidance. This should include all aspects of the Service, including inspection records and risk scoring as well as the officer schedule of authorisation and the work of contractors where appropriate. [The Standard – 19.1]	30/09/16	Documented internal monitoring procedures will be fully implemented. A resource review will be undertaken to ensure that sufficient staff resources are built into the service plan.	

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.5.2 (ii) Ensure that records of monitoring activities are maintained. [The Standard – 19.3]	30/09/16	Improvements of internal monitoring arrangements are to form part of the review of the service.	Internal records of quantitative monitoring activities are maintained and this will be extended to qualitative monitoring following the review. .

ANNEX B - Audit Approach/Methodology

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

(1) Examination of LA policies and procedures.

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

- Food Service Plan for 2015/16
- Service policies and procedures
- Food premises inspection procedure and aide memoire
- Officer authorisation, training and qualification records

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

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

(3) Review of database records:

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

(4) Officer interview– the following officer was interviewed:

- 1 Environmental Health Officer

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

(5) On-site verification check:

A verification visit was made with the Authority's officers to a local food business. The purpose of the visit was to verify the outcome of the last inspection carried out by the Authority and to assess the extent to which

enforcement activities and decisions met the requirements of relevant legislation, the Food Law Code of Practice and official guidance, having particular regard to LA checks on FBO compliance with HACCP based food management systems.

ANNEX C - Glossary

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

wholesomeness of food.

Food Hygiene Rating Scheme (FHRS)

The Food Hygiene Rating Scheme provides information to the public about hygiene standards in catering and retail food establishments. It is run by local authorities in partnership with the Food Standards Agency. Businesses that fall within the scope of the scheme are given a 'hygiene rating' which shows how closely the business was meeting the requirements of food hygiene law at the time of inspection. The scheme also encourages businesses to improve hygiene standards.

Food Safety Management System

A written permanent procedure, or procedures, based on HACCP principles. It is structured so that this requirement can be applied flexibly and proportionately according to the size and nature of the food business.

Food standards

The legal requirements covering the quality, composition, labelling, presentation and advertising of food, and materials in contact with food.

Framework Agreement

The Framework Agreement consists of:

- Food and Feed Law Enforcement Standard
- Service Planning Guidance
- Monitoring Scheme
- Audit Scheme

The **Standard** and the **Service Planning Guidance** set out the Agency's expectations on the planning and delivery of food and feed law enforcement.

The **Monitoring Scheme** requires local authorities to submit yearly returns via LAEMS to the Agency on their food enforcement activities i.e. numbers of inspections, samples and prosecutions.

Under the **Audit Scheme** the Food Standards Agency will be conducting audits of the food and feed law enforcement services of local authorities against the criteria set out in the Standard.

Full Time Equivalent (FTE)

A figure which represents that part of an individual officer's time available to a particular role or set of duties. It reflects the fact that individuals may work part-time, or may have other responsibilities within the organisation not related to food and feed enforcement.

HACCP	Hazard Analysis and Critical Control Point – a food safety management system used within food businesses to identify points in the production process where it is critical for food safety that the control measure is carried out correctly, thereby eliminating or reducing the hazard to a safe level.
LAEMS	Local Authority Enforcement Monitoring System is an electronic system used by local authorities to report their food law enforcement activities to the Food Standards Agency.
Member forum	A local authority forum at which Council Members discuss and make decisions on food law enforcement services.
Metropolitan Authority	A local authority normally associated with a large urban conurbation in which the County and District Council functions are combined.
Risk rating	A system that rates food premises according to risk and determines how frequently those premises should be inspected. For example, high risk premises should be inspected at least every 6 months.
Safer food, better business (SFBB)	A food safety management system, developed by the Food Standards Agency to help small catering and retail businesses put in place food safety management procedures and comply with food hygiene regulations.
Service Plan	A document produced by a local authority setting out their plans on providing and delivering a food service to the local community.
Trading Standards	The Department within a local authority which carries out, amongst other responsibilities, the enforcement of food standards and feeding stuffs legislation.
Trading Standards Officer (TSO)	Officer employed by the local authority who, amongst other responsibilities, may enforce food standards and feeding stuffs legislation.
Unitary Authority	A local authority in which the County and District Council functions are combined, examples being Metropolitan District/Borough Councils, and London Boroughs. A Unitary Authority's responsibilities will

include food hygiene, food standards and feeding stuffs enforcement.