

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

South Northamptonshire Council
20-21 January 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. Also, that 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 South Northamptonshire 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 South Northamptonshire 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, because it had not been audited in the past by the Agency and was representative of a geographical mix of 25 Councils selected across England. Parallel local authority audit schemes are implemented by the Agency's offices in all the devolved countries comprising the UK.

Scope of the Audit

- 1.4 The audit examined South Northamptonshire Council's arrangements for food premises inspections and internal monitoring with regard to food hygiene law enforcement, with particular emphasis of 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 authority food hygiene law enforcement systems and arrangements were effective in supporting business compliance, and that local enforcement was managed and

delivered effectively. The on-site element of the audit took place at the Authority's offices at Springfield, Towcester on 20–21 January 2010.

Background

- 1.6 South Northamptonshire Council is one of seven District Councils within a two tier local government structure in Northamptonshire. South Northamptonshire includes the towns of Towcester and Brackley, but is predominantly rural with around 100 villages and hamlets and a population of approximately 90,300. A notable feature of the District is the Silverstone Racing Circuit and associated links with the motor racing industry. This, together with visitors to Towcester racecourse, generates intensive work periods during the year from related businesses and hospitality.
- 1.7 Food hygiene law enforcement was the responsibility of the Health Protection Team which was headed by the Environment Manager Commercial. Responsibility for the operations and management of the Service fell to the Head of Environment and Implementation Division. The Team was also responsible for a wide range of Environmental Health functions including infectious disease control, health and safety enforcement, some licensing activities, water sampling and the enforcement of smoke free legislation.
- 1.8 There was an established '*Code of Agreed Policy and Procedure on Food Related Matters*' between South Northamptonshire Council, the other District/Borough Council Environmental Health Departments and Northamptonshire County Council Trading Standards Department, which sets out the divisions of responsibility between the Authorities.
- 1.9 The Trading Standards Department at Northamptonshire County Council were responsible for enforcement in relation to the composition and adulteration of food, misleading claims and descriptions, and chemical contamination of food.
- 1.10 The profile of South Northamptonshire Council's food businesses was as follows:

Risk category	A	B	C	D	E	Outside Programme	Unrated	Total
Number of businesses	5	54	360	130	160	7	16	732

2. Executive Summary

- 2.1 The Authority had developed a Service Plan 2009/2010 which had been approved by Members and was broadly in line with the Service Planning Guidance in the Framework Agreement. Having regard to internal reporting mechanisms within the corporate structure, the Service Plan as a whole would benefit from a more detailed annual review, including addressing any additional variances in meeting the service delivery plan.
- 2.2 A Food Safety Procedure Index had been developed to demonstrate document control, documents developed, issue dates and status of the documents. Documented policies and procedures had been developed and implemented covering a range of food law enforcement responsibilities. These had been reviewed and were up to date.
- 2.3 The Authority should expand its documented procedure for the authorisation of officers to include more detail on the means of assessing the competence of individual officers. To ensure officers are appropriately authorised under correct legislation, confirmation should be sought from the Authority's legal department.
- 2.4 There was evidence that individual officers training needs were being assessed as part of the annual appraisal process, but these requirements needed to be drawn together into a documented training programme for the benefit of the individuals and the team. Records confirmed that officers had received the 10 hours of food training required by the Food Law Code of Practice.
- 2.5 File and database checks confirmed that the Authority was generally implementing an effective food premises inspection programme across all risk categories, including the implementation of a new intervention scheme for visits at lower risk category C and D food premises. Food hygiene inspections had been carried out at the minimum frequencies and within the timeframes specified within the Food Law Code of Practice. Timely and appropriate follow-up action had been taken to address identified non-compliance of food legislation in accordance with the Authority's enforcement policy.
- 2.6 Files examined showed that all premises requiring approval within the Authority's area had been approved under current legislation. All premises had been inspected at the required frequency. Generally file records were well organised and easily retrievable and the Authority had undertaken thorough evaluations of the HACCP systems.
- 2.7 File and database record checks confirmed that in all cases examined, complaints were being properly investigated and appropriate follow-up

actions had been taken. Complaint records checked were found to be complete and accurate.

- 2.8 The Authority had a documented sampling policy, developed within the Northamptonshire Food Liaison Group, a related procedure, and an up to date sampling programme. There was clear evidence that the Authority was actively participating in both local and national sampling programmes. File checks showed that in all cases of unsatisfactory sample results the Authority had taken appropriate follow-up actions and food business operators had been informed of outcomes.
- 2.9 There was clear evidence that the Authority was using effective enforcement powers to ensure that food business operators were compliant with the legislation. The Authority was able to show that it had used a considered graduated approach to enforcement in line with their Enforcement Policy and that the actions taken had been appropriate in all cases.
- 2.10 The Service had developed a procedure for internal monitoring which should be reviewed and expanded to verify conformance with the Standard across all food law enforcement activities, including complaints, sampling and approved establishments. In practice, the Authority was undertaking a variety of methods of quantitative and qualitative monitoring of the Service.
- 2.11 Auditors noted that although there had been no formal recent Inter-Authority Audit, the Authority had been working within the Northamptonshire Food Liaison Group on a number of consistency exercises, including a joint inspection peer review exercise at butchers' shops in the County. An internal audit at the Authority of Food Safety had been carried out in May 2008 to examine systems and controls.
- 2.12 Auditors noted a number of examples of good practice undertaken by the Authority and in particular noted within the scope of the audit, proactive responses to the recommendations from the Public Inquiry into the 2005 E. coli 0157 Outbreak in South Wales, taken individually by the Authority and collectively within the County Food Liaison Group.

3.0 Audit Findings

3.1 Organisation and Management

Strategic Framework, Policy and Service Planning

- 3.1.1 The Authority had developed a Food Law Enforcement Plan 2009/2010 which had been drawn up broadly in line with the Service Planning Guidance. The Plan had been approved by Council Members on 6 May 2009. The Authority's food safety enforcement responsibilities were established in the Food Law Enforcement Plan and linked to the Environment and Implementation Division Business Plan. The Business Plan mainly reflected the corporate priorities of the Authority but also included the monitoring and reporting of food safety activities and other service arrangements to Members.
- 3.1.2 Although a number of food service activities had been reviewed quarterly at a corporate level for local performance indicators, the Food Law Enforcement Plan would benefit from a more detailed annual review across the whole range of food service activities, including highlighting improvements made and addressing any additional variances in meeting the targets contained in the service delivery plan.

Recommendation

3.1.3 The Authority should:

Expand the Service Plan covering the food law enforcement service in line with Service Planning Guidance; to include a review of all areas of the food service and address any variances as well as any identified areas of improvement.
[The Standard - 3.2 and 3.3]

- 3.1.4 The financial allocation for the Health Protection Team to deliver food law enforcement work in 2009/2010 was stated as £397,360.

3.1.5 The staffing allocation to deliver the food safety service was detailed in the Food Law Enforcement Plan as follows:

Staffing Allocation	Full Time Equivalent (FTE) Posts
Environment Manager Commercial	0.4
Team Leader	0.6
Senior Environmental Health Officer	0.5
Senior Technical Officer	0.5
Technical Assistant	0.6
Trainee Technical Officer	0.6
Technical Clerk	0.7
Total	3.9

Good Practice – Service Plan

The Authority had been proactive in providing food safety advice to food business operators. These included a range of innovative means:

- The Environment Manager Commercial chaired a working party with the Northamptonshire Childminders Association (NCA). The aim of the Group was to develop mutually beneficial shared insight into the regulation of childminders. The Environment Manager Commercial had delivered a training presentation at the NCA Annual General Meeting and devised case studies and a quiz to facilitate childminders' understanding of the food law and relevant food safety documentation requirements.
- The Authority had produced and distributed a new food safety guidance checklist for village halls and other community facilities to assist providers in ensuring that the food they served was safe.
- For the last three years the Authority had produced a regular newsletter for food businesses. The newsletters had included updates and useful advice on various initiatives, including "Safer food, better business", Scores on the Doors, the Heartbeat Award Scheme and issues highlighted by the Pennington Report on the 2005 South Wales E. coli O157 outbreak.

Documented Policies and Procedures

- 3.1.6 The Authority had developed a '*Food Safety Procedure Index*' listing the food safety procedures developed, their date of issue and status. The documents were available as controlled documents in electronic format, available to officers as 'read only' documents with electronic permission control. Amendments and reviews to documentation were the responsibility of the Environment Manager Commercial and Team Leader.
- 3.1.7 There was evidence of documented reviews of policies and procedures prompted by changes to legislation, guidance and emerging issues. Many policies and procedures had been developed by individual authorities within the Northamptonshire Food Liaison Group (NFLG) and were used by the Northamptonshire Authorities.

Officer Authorisations

- 3.1.8 The Authority had a documented procedure for the '*Authorisation of Officers under Food Safety Legislation*'. The Head of Environment and Implementation had delegated powers to authorise officers to carry out functions relating to food safety based on recommendations made to him by the Environment Manager Commercial.
- 3.1.9 Officers' individual training and development needs were identified as part of the Authority's six monthly Employees Development Appraisal Scheme (EDAS), which ensured that learning and development needs were commensurate with individual officers' duties and responsibilities. Identified training and development requirements were passed to the Employee and Organisation Development Officer, but specific training relating to food law enforcement was the responsibility of the Environment Manager Commercial.
- 3.1.10 Training undertaken had been recorded within a team training matrix. The training records examined were up to date and authorised officers, including a private contractor, had completed at least 10 hours of continuing professional development (CPD) training per year, in accordance with Food Law Code of Practice. This included recent training in HACCP principles and/or auditing of HACCP based food safety management systems.
- 3.1.11 The procedure for the authorisation of officers was based on the assessment of training, qualifications and competency of the officers. However, there was no evidence that the authorisation of individuals was linked to an assessment of their competency. The procedure would benefit from being expanded to include details about how officers' competency was assessed.

3.1.12 Auditors noted that officers performing duties under the Food Hygiene (England) Regulations 2006 and the Official Feed and Food Controls (England) Regulations 2009 were not separately authorised in writing to deal with matters arising under these implementing Regulations in accordance with the Food Law Code of Practice.

Recommendation

3.1.13 The Authority should:

Revise and implement the documented procedure on the authorisation of officers to detail the competency assessment process by which authorisations are conferred based on officer's individual qualifications, training and experience, and also ensure that all officers are appropriately authorised having regard to specific legislative references in accordance with the Food Law Code of Practice and any centrally issued guidance.

[The Standard – 5.1]

3.2 Food Premises Inspections

- 3.2.1 The 2009/2010 Food Law Enforcement Plan confirmed the Authority's commitment to undertaking hygiene interventions of all its food premises in accordance with the risk based frequencies laid down in the Food Law Code of Practice.
- 3.2.2 The Authority had developed comprehensive inspection and intervention procedures for food premises. A recent procedure for the inspection of 'broadly compliant' risk rated C and D category establishments described clearly the approach officers should take when carrying out interventions at these premises and the necessity to record their justification for a particular intervention that fell short of a full inspection. The Authority had developed a specific form for the officer to record their justification.
- 3.2.3 File checks of a sample of food hygiene inspections undertaken in the previous 6 months confirmed that in all cases examined the risk ratings had been appropriately awarded to reflect the findings on inspection. Generally inspections had been carried out at the required frequency specified in the Food Law Code of Practice.
- 3.2.4 Reports of inspection had been left with the FBO after each inspection and visit details had been recorded on the computer database. Premises files were up to date, accurate and consistent.
- 3.2.5 It was clear from the food hygiene inspection records, reports and letters examined that officers were assessing compliance of the premises and HACCP based food safety management systems effectively to legally prescribed standards.
- 3.2.6 Where there were significant issues or contraventions during inspections these had been highlighted for follow-up action. Follow-up actions were found to be appropriate and proportionate and enforcement taken in line with the Authority's Enforcement Procedure.
- 3.2.7 A recent review of the inspection pro-forma had been carried out as a result of recommendations following the Public Inquiry into the E. coli 0157 Outbreak in South Wales. As a result, the Authority had added an additional question for officers to record verification of food handling procedures by discussion with the food handlers and the name(s) of the food handler(s) to whom they spoke.
- 3.2.8 Auditors noted that there was little room on the revised '*Food Safety Inspection Pro-forma*' for officers to record their detailed findings of their HACCP assessments which resulted, where necessary, in officers making notes on the back of the form. The Authority would benefit from a further review of the prescribed form to facilitate officers in the recording of all significant details.

- 3.2.9 There were four establishments approved by the Authority under Regulation (EC) No. 853/2004 and three files were examined. In all cases examined there was sufficient evidence to show that the establishments required approval and had been appropriately re-approved under current hygiene legislation. The files were well structured and contained the majority of relevant records and information as recommended in Annexe 12 of the Food Law Code of Practice Guidance.
- 3.2.10 In all cases examined, the last three inspections had been carried out at the minimum frequency specified in the Food Law Code of Practice. The most recent documentation confirmed the scope of the interventions at each of the premises and that the premises had been inspected by an officer authorised at the correct level.
- 3.2.11 File checks showed that the Authority generally carried out thorough assessments of HACCP systems. In one approved establishment where the HACCP documentation was not complete, auditors noted that the business was going through a process of re-organisation and key food safety staff had been unavailable to discuss the systems in detail. A partial inspection was carried out at which time the officer highlighted problems about the HACCP documentation and set up a meeting for further discussion with the food business operator.

Good Practice – Food Premises Inspections

Auditors noted a 'HACCP (Confidence in Management Rating)' consistency exercise had been carried out by the team in November 2009. Officers had individually risk scored scenarios which had been developed using various examples of different types of food establishments e.g. butchers, takeaway, wet sales pub. The exercise established what food safety management system documentation would be expected at each of those types of establishments and confidence in management scores expected depending on the level of documentation maintained by that business. Officers were then able to use this agreed scoring system to consistently risk rate the confidence in management score as found in Annexe 5 of the Food Law Code of Practice.

- 3.2.12 The Authority had implemented a six tier Scores on the Doors scheme in partnership with the other local authorities in the County which was administered across the whole of Northamptonshire. The Authority had evidence to show that standards had improved as a result of the scheme. The Authority, along with the other authorities in the County had applied to the Agency for a grant to enable them to be an 'early mover' in the migration to the new national scheme.

Verification Visit to a Food Premises

- 3.2.13 An audit verification visit was carried out at a butchers shop with the local authority officer who had undertaken the last food hygiene inspection. The objective of the visit was to establish the effectiveness of the Authority's assessment of the FBO's compliance with food law requirements, including checks to verify compliance with the structure and general hygiene requirements, checks to verify compliance with HACCP based procedures, and an evaluation of the adequacy of information recorded by the officer at the time of the visit.
- 3.2.14 The visit confirmed that the checks carried out by the officer were detailed, thorough, and appropriate and had adequately assessed business compliance with structure and hygiene practice. It was clear that the officer had been able to adequately assess HACCP compliance, including the identification and appraisal of critical control points, the FBO's ability to verify and monitor the system and implement corrective actions should they be required, and the maintenance of HACCP related documents and records. The officer had also, when required, taken appropriate informal enforcement action in accordance with the Authority's enforcement policy. The verification visit also established that improvements had been made by the FBO since the previous visit by the officer.

3.3 Enforcement

- 3.3.1 The Authority had developed a specific '*Enforcement Policy - Food Safety*' dated 14 November 2008 that was written in accordance with the principles of the statutory Regulators' Compliance Code.
- 3.3.2 The Authority had appropriate documented procedures for formal enforcement actions e.g. hygiene improvement notices, prosecutions and simple cautions, hygiene emergency prohibitions, and voluntary closure.
- 3.3.3 Checks on file records for three hygiene improvement notices, served for lack of compliance with the requirement for a documented HACCP system, confirmed that in all cases the serving of the notices had been the appropriate course of action. The notices had been drafted and served in accordance with centrally issued guidance, and officers had carried out timely checks to confirm compliance with the notices.
- 3.3.4 One simple caution file was examined. The caution had been an appropriate course of action taken by the Authority. It had been prepared in accordance with the local authority's enforcement procedure and processed without undue delay.
- 3.3.5 A hygiene emergency prohibition notice had been served by the Authority after evidence of a rat infestation and contaminated stock had been found at a food premises. This action was consistent with the Food Law Code of Practice Guidance and the authority's enforcement policy. Timely revisits had been carried out and further additional action included the serving of a hygiene improvement notice for lack of documented HACCP procedures.
- 3.3.6 One prosecution file for food safety offences was examined. This action had been taken for non compliance with Regulation (EC) No 852/2004 Article 5. Auditors agreed that this had been an appropriate course of action and had been taken in line with, and after consideration of, the enforcement policy.

3.4 Internal Monitoring, Third Party or Peer Review

Internal Monitoring

- 3.4.1 The arrangements for monitoring food law enforcement activities were documented in a '*Procedure for Internal Monitoring*' dated 14 November 2008. The responsibility for monitoring rested with the Environment Manager Commercial and auditors were informed that the Team Leader had more recently undertaken internal monitoring.
- 3.4.2 The auditors saw documentary evidence that the measures and monitoring arrangements implemented in practice included:
- Environment and Implementation monitoring reports on key performance indicators were considered on a quarterly basis at Cabinet, Improvement Planning Group, and at Executive Team meetings.
 - The Authority's 2008/2009 performance against NI 182 (business satisfaction with local authority regulatory services) was reported at 73.2% satisfaction, and NI 184 (food establishments within the area which are broadly compliant with food hygiene law) - was reported at 90%.
 - Consistency exercises undertaken within the Food Liaison Group;
 - 6 monthly Employee Development Appraisal Scheme;
 - Regular team meetings, minutes and discussions recorded under specific headings such as corporate briefings, team work plans;
 - Inspection validation reports of monitoring checks carried out by the Environment Manager Commercial and the Team leader included file reviews, joint visits carried out, and registration form queries.
- 3.4.3 The procedure for internal monitoring covered the monitoring of the consistency of food law enforcement interventions but should be reviewed and expanded to include monitoring of all food law enforcement activities including those relating to complaints, sampling and approval of food establishments to verify conformance with the Standard, relevant legislation, the Food Law Code of Practice and centrally issued guidance.

Recommendation

3.4.4 The Authority should:

Expand and fully implement its internal monitoring procedure to include monitoring of all food law enforcement activities, in particular those relating to complaints, sampling and approval of food establishments. The reviewed procedure should be implemented to ensure that internal monitoring is undertaken to verify conformance with the Standard, the Food Law Code of Practice and centrally issued guidance. [The Standard- 19.1 and 19.2]

Food Complaints

- 3.4.5 The Authority had documented procedures for the investigation of food complaints; '*General Food Complaints Procedure*' and '*Food Complaints Procedure Home/Oriinating Authority Referral*' which were both dated 14 November 2008.
- 3.4.6 Of five complaints files examined, all had been investigated effectively in accordance with Authority's procedures. Although there was no evidence of internal monitoring, appropriate follow-up action had been taken in all cases and records were complete and accurate.

Food Sampling

- 3.4.7 The Authority was a member of the Northamptonshire Food Surveillance Group (NFSG), a sub-group of the Northamptonshire Food Liaison Group, which had been set up to ensure a co-ordinated and focused food sampling approach throughout the County, and facilitate an efficient exchange of sampling information.
- 3.4.8 The NFSG had produced a '*Food Sampling Policy Document*'. As part of the policy all the local authorities had agreed to complete any work necessary to assist with the group's activities. The NFSG policy and the Authority's protocol for '*Food Sampling for Examination*' dated 14 November 2008, had been developed in accordance with the Food Law Code of Practice and centrally issued guidance.
- 3.4.9 The Authority was actively participating in the co-ordinated sampling programme 2009/2010, which included microbiological sampling from butchers shops, manufacturers and large scale event caterers.
- 3.4.10 Five unsatisfactory sample files were examined. File checks showed that in all cases appropriate follow-up actions had been taken and

food business operators had been informed of the results. However, there was no evidence of internal monitoring on the files.

Third Party or Peer Review

- 3.4.11 The Authority had participated in a Northamptonshire Branch of the CIEH inter-authority audit (IAA) on the Food Law Enforcement Service during 2002/2003, but there had been no formal scheme undertaken since that time. Reference was made in the 2009/2010 Service Plan to an IAA to be undertaken with Daventry District Council but auditors were advised that this had been cancelled due to South Northamptonshire Council being audited by the Food Standards Agency.
- 3.4.12 In May 2008, an internal audit was carried out to review the systems and controls in place at South Northamptonshire Council in respect of food safety. The auditors' final report produced in September 2008 gave a '*satisfactory*' assurance opinion and 2 minor recommendations relating to the database and document control were identified. Auditors were advised that the recommendations had been implemented and completed.
- 3.4.13 In August 2007 the Authority had participated in a consistency exercise for Scores on the Doors organised by the Northamptonshire Food Liaison Group.

Good Practice – Third Party or Peer Review

Northamptonshire Food Liaison Group was currently participating in a joint inspection peer review exercise. This consistency exercise had been implemented in response to the Pennington Report and involved all the District and Borough councils of Northamptonshire shadowing one another in 'round robin' inspections at butchers' shops. The Food Liaison Group hoped that the outcome of the exercise would be to share best practice with one another as well as to ensure consistency in the manner in which inspections were carried out, advice and enforcement implemented, and information collated.

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Food Standards Agency

Local Authority Audit and Liaison Division

Action Plan for South Northamptonshire Council

Audit date: 20-21 January 2010

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.1.3 Expand the service plan covering the food law enforcement service in line with service planning guidance; to include a review of all areas of the food service and address any variances as well as any identified areas of improvement. [The Standard - 3.2 and 3.3]	Complete Full Council approval 12/05/10	This action is complete except for final approval by full Council. A review of the food service has been included in the 2010/2011 service plan and is attached with this action plan.	The plan was approved by Social and Community Committee on 6 April and will be submitted to full Council on 12 May 2010.
3.1.13 Revise and implement the documented procedure on the authorisation of officers to detail the competency assessment process by which authorisations are conferred based on officer's individual qualifications, training and experience, and also ensure that all officers are appropriately authorised having regard to specific legislative references in accordance with the Food Law Code of Practice and any centrally issued guidance. [The Standard – 5.1]	31/07/10	Revise the existing procedure detailing competency assessment of officers. Confirm legal opinion on authorisations with Council Solicitor and amend as necessary	
3.4.4 Expand and fully implement its internal monitoring procedure to include monitoring of all food law enforcement activities, in particular those relating to complaints, sampling and approval of food establishments. The reviewed procedure should be implemented to ensure that internal monitoring is undertaken to verify conformance with the Standard, the Food Law Code of Practice and centrally issued guidance. [The Standard - 19.1 and 19.2]	31/07/10	Expand the existing procedure to clearly show monitoring of all food law enforcement activities and particularly food complaints, sampling and approval of food premises, ensuring verification of conformance with the Standard, Food Law Code of Practice and centrally issued guidance. Ensure that the procedure includes documentation of its verification.	

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 Local Authority policies, procedures and linked documents were examined before and during the audit:

- Food Law Enforcement Plan 2009-2010 and Business Plan 2009-2010 and associated Minutes;
- Northamptonshire Food Liaison Group Code of Agreed Policy and Procedure on Food Related Matters;
- The Authority's Procedure for the Authorisation of Officers under Food Safety Legislation and officer authorisation, training and qualification records;
- The Authority's Enforcement Policies;
- The Authority's Food Safety Procedure Index and associated procedural documents;
- Food Premises and Inspection/Intervention aides-memoire;
- The Authority's Procedure for Internal Monitoring, and the Environment and Implementation Monitoring Report 2008-09.

(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 - hygiene improvement notices, simple caution, hygiene emergency prohibition notice, and prosecution files.

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

- Team Leader;
- Senior Environmental Health 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 an officer from the Authority 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 safety 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 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 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 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 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.