

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

London Borough of Southwark
5-6 December 2012



Foreword

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

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

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

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.

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

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

Contents

1.0	Introduction	4
	Reason for the Audit	4
	Scope of the Audit	5
	Background	5
2.0	Executive Summary	7
3.0	Audit Findings	11
3.1	Organisations and Management	11
	Strategic Framework, Policy and Service Planning	11
	Documented Policies and Procedures	12
	Officer Authorisations	12
3.2	Food Premises Database	14
3.3	Food Premises Interventions	15
	Verification Visit to a Food Premises	18
3.4	Enforcement	19
3.5	Internal Monitoring, Third Party or Peer Review	20
	Internal Monitoring	20
	Food and Food Premises Complaints	20
	Food Inspection and Sampling	21
	Records	21
	Third Party or Peer Review	21
ANNEXE A	Action Plan for London Borough of Southwark	23
ANNEXE B	Audit Approach/Methodology	30
ANNEXE C	Glossary	32

1.0 Introduction

- 1.1 This report records the results of an audit at the London Borough of Southwark 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 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 the London Borough of Southwark 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 The Authority was selected for inclusion in the Food Standards Agency's programme of audits of local authority food law enforcement services because it had not been audited by the Agency in the past five years and was representative of a geographical mix of 12 authorities selected across England.

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 the London Borough of Southwark'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 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 Tooley Street, London on 5-6 December 2012.

Background

- 1.7 The London Borough of Southwark covers some 11.14 square miles, and is made up of eight distinct neighbourhoods along the river Thames. The borough borders the City of London and the London Borough of Tower Hamlets to the north, the London Borough of Lambeth to the west and the London Borough of Lewisham to the east. As well as being home to some of London's major attractions such as the Tate Modern and the Imperial War Museum, the area also includes several areas of high social deprivation. There is a large multi-ethnic population estimated at 285,500 in 2010 which is predicted to rise to over 310,000 by 2016. In addition, 20% of the population do not have English as their first language.
- 1.8 The Authority has a high proportion of small to medium sized businesses (96%) in the area including many small food retail and catering businesses, often involving imported foodstuffs. There are also a small range of specialist food manufacturing businesses involved with dairy, meat and fishery products, requiring approval under Regulation (EC) No. 853/2004.
- 1.9 The Community Safety and Enforcement Division included the Environmental Health and Trading Standards Services, which in turn is part of the Directorate of the Environment and Leisure. Food hygiene law enforcement was the responsibility of the Food Safety Team, part of an amalgamated Food Safety and Trading Standards team within the Environmental Health and Trading Standards Service.

- 1.10 The Authority reported the profile of London Borough of Southwark's food businesses as of 1 April 2012 as follows:

Type of Food Premises	Number
Primary Producers	4
Manufacturers/Packers	52
Importers/Exporters	13
Distributors/Transporters	46
Retailers	926
Restaurant/Caterers	1,858
Total Number of Food Premises	2,899

2.0 Executive Summary

- 2.1 The Authority had developed a comprehensive and detailed Food Safety Service Plan for 2012/13. The Plan clearly identified the demands on the Service and provided useful links to wider corporate aims and strategies. In addition the Plan included a detailed breakdown of premises risk profiles and outlined the Authority's intervention strategy with regard to food safety interventions, targeting resources towards higher risk and non-compliant establishments. Auditors recommended however that future plans should include a realistic estimate of the resources needed to deliver the Service in accordance with the Food Law Code of Practice (FLCoP) against those currently available. A plan to address or prioritise any shortfall in resources should be included and brought to the attention of Cabinet Members or senior management as appropriate. The absence of such information makes it difficult to substantiate and quantify any resource shortfalls to senior managers and Members.
- 2.2 The Authority had recently issued a range of procedures covering most aspects of the Service. Procedures contained up to date legal references and references to centrally issued guidance. Given the relatively recent introduction of these procedures however there was insufficient evidence available in most cases to assess whether the procedures had been fully implemented.
- 2.3 The Authority had developed a documented procedure for the authorisation of officers based upon their qualifications and experience. Officers were authorised under relevant legislation. It was established that as part of the Authority's performance management scheme, a work plan is developed for each officer and a review against this is carried out twice yearly, the officer's competency being assessed against the duties undertaken. However, this approach was not detailed in the documented procedures. Auditors therefore recommended that the procedure should be reviewed and amended to include more details as to how officer competencies are assessed based upon their level of authorisation in accordance with the FLCoP. The procedure should also be developed to include a clear risk-based mechanism for linking officer competency assessments with annual training requirements.
- 2.4 The Authority maintained a spreadsheet of officer training in relation to food safety, with officers being required to maintain their own training records. Whilst the spreadsheet indicated that officers did undertake some relevant training it was difficult to verify the details or scope of this training due to the lack of training certificates and course details. It was not possible therefore to fully verify that in all cases officers had maintained their 10 hours training in line with the principles of continuing professional development (CPD) in relation to food safety.

Auditors recommended that the Authority maintained copies of training certificates and records, including the use of scanned copies as appropriate.

- 2.5 The Authority had produced a documented procedure for the maintenance of its food premises database. Audit checks prior to, and during the audit, confirmed the accuracy of the database although some minor anomalies in risk scoring were brought to the attention of the Authority for review. The Service was able to demonstrate its ability to extract a range of reports based upon its food premises database, crucial to the effective management of its intervention programme. The system was also capable of providing accurate information to the Agency via the Local Authority Enforcement Monitoring System (LAEMS).
- 2.6 Record and database checks revealed that inspections had not always taken place at the frequency required by the FLCoP, and at the time of the audit there were approximately 167 largely compliant category C inspections overdue as well as a number of low risk category D inspections. File and database checks however confirmed that the Authority had generally adopted and implemented a risk-based interventions strategy, targeting its limited resources on known higher risk and non-compliant businesses.
- 2.7 A number of overdue compliant C rated inspections had taken place over the year with a declining level of compliance being recorded, businesses in some cases moving from risk category C to A. Auditors therefore recommended that a detailed assessment and analysis of broadly compliant C rated premises should be undertaken to identify and target likely premises where continued compliance may be an issue. These premises should then be subject to an appropriate intervention and included in the overall interventions programme. Findings from such an assessment and the potential impact on resources should be documented and reported in the Authority's Service Plan.
- 2.8 Although there were a relatively high number of unrated establishments reported to the Agency under LAEMS, the Service was able to demonstrate that these were routinely assessed and integrated into the intervention programme throughout the year on a risk basis.
- 2.9 Officers were clearly identifying and documenting serious breaches of food hygiene legislation during inspections, however there was some inconsistency between officers in the selection of appropriate follow-up action. Several cases were noted where there was a lack of sufficient information on files to justify the actions taken following serious food hygiene contraventions. It was noted that these occurrences related to work mainly undertaken by temporary contracted staff. The Authority advised auditors that these staff do not undertake follow-up

enforcement work and acknowledged that although required action had been taken, this was not always fully documented. Auditors recommended that all enforcement decisions made by officers in such cases should be fully documented and recorded. Decisions should include a suitable reference to the Service's enforcement policy, including any apparent departure from the policy based upon the inspection findings.

- 2.10 In general detailed food establishment and intervention records were being maintained throughout food law enforcement activities, although the inspection aide-memoire used to record findings and prompt officers would benefit from review to include more specific references to the latest centrally issued guidance such as the Agency's E.coli O157 cross-contamination guidance. Auditors also advised that the structure of files could be improved to aid the retrievability of enforcement histories in turn allowing more effective internal monitoring to take place.
- 2.11 Auditors raised concerns about the variability in the allocation of risk scores following inspections at certain businesses. In some cases, risk scores could not always be justified based on inspection records and guidance in the FLCoP. Some examples were identified involving inspections undertaken by contractors of businesses receiving risk scores lower than the inspection records would suggest, sometimes involving serious repeated breaches of hygiene legislation. Inaccurate risk scores could lead to businesses receiving a longer period between interventions than is appropriate under the FLCoP.
- 2.12 File checks relating to approved establishments showed that in all cases the establishments had been appropriately approved under the relevant legislation. Officers had undertaken and recorded detailed inspection findings and there was evidence of a detailed knowledge of the businesses and the relevant legislative requirements at each of the premises assessed. Files generally contained all the information required under the FLCoP and Practice Guidance, although auditors suggested that improvements to the structure of the files would aid the retrieval of information, in turn helping any internal monitoring activities and also providing officers with easy access to the premises history.
- 2.13 A reality check was carried out to a local food manufacturer with the officer that had carried out the most recent inspection at the premises. The purpose of the visit was to assess the officer's evaluation of food business compliance with legislative requirements. The officer was able to demonstrate familiarity with the premises and the key operations carried out at the business, including the adequacy of the operator's food safety management system.
- 2.14 File checks demonstrated that officers were willing and able to carry out a range of formal enforcement actions to secure business

compliance. The records relating to a range of these enforcement actions were reviewed and assessed. Enforcement actions including formal notices, closures and prosecutions had generally been appropriately drafted and undertaken in accordance with the Authority's enforcement policy and the FLCoP.

- 2.15 Records of food and food premises complaint investigations and sampling records examined indicated that these had generally been subject to adequate investigation and follow-up, and that all relevant parties were informed of the result of the complaint investigation as required by the FLCoP.
- 2.16 Although there was evidence of detailed quantitative monitoring taking place, there was only limited documentary evidence of qualitative monitoring across the whole range of enforcement activities examined. This had been identified and acknowledged by the Service and a new draft internal monitoring procedure had been developed which should address this issue. Auditors recommended that any checks currently being undertaken but not being recorded should be fully documented in future. Risk based internal monitoring should continue to include the work of contractors, follow-up actions, risk scoring and officers enforcement decisions.

3.0 Audit Findings

3.1 Organisations and Management

Strategic Framework, Policy and Service Planning

3.1.1 The Authority had produced a comprehensive and detailed Food Safety Service Plan for 2012/13. The Plan included links to wider corporate objectives, details of all the demands placed upon the Service and a detailed breakdown of the risk profiles for food businesses in the area, and the subsequent intervention strategy and programme for the year. In addition the Plan made reference to the Agency's Food Strategy 2015 and Food 2030, Defra's UK National food strategy. The Plan identified 13 wider council objectives relevant to the food safety service, including:

- Being more transparent.
- Creating a fairer borough.
- Spending money as we would our own.
- Raising potential.

The Service had also identified 7 key aims and objectives including:

- Securing compliance with food safety law having regard to nationally issued official codes of practice and practice guidance documents.
- To ensure that food is fit to eat and free from extraneous matter
- To maintain an accurate register of food businesses in the borough.
- To increase the knowledge of food handlers and the general public about the principles and practice of food hygiene and health eating.
- To carry out food hygiene inspections in accordance with the minimum inspection frequencies and to standards determined by the FSA.
- To deal with food hazards in accordance with the FSA.
- To investigate all notified cases of food-borne disease and take effective action to control the spread of infection.

3.1.2 The Plan included a detailed and thorough review of its performance against selected targets for various types of enforcement activity and usefully identified a range of areas for improvement. Auditors did recommend however that the Plan could be further improved by the inclusion of more detailed estimates of the resources needed to deliver all its statutory functions in accordance with the Food Law Code of Practice (FLCoP) compared to the resources currently available. Plans to address any shortfall in resources should be

included and brought to the attention of relevant Members and/or senior management as appropriate.

Recommendation

3.1.3 The Authority should:

Ensure that future Food Service Plans are in full accordance with the Service Planning Guidance in the Framework Agreement including an accurate and reasoned estimate of the staffing resources required to deliver the food law enforcement service in accordance with the Food Law Code of Practice compared with the staffing resources available to the Authority.
[The Standard – 3.1]

Documented Policies and Procedures

- 3.1.4 The Authority had introduced a series of detailed procedures covering its enforcement service. These included responsibilities and detailed up to date legal references for officers to use when undertaking enforcement actions. Most of these had however only recently been introduced and there was therefore insufficient evidence to assess whether they had been fully implemented at the time of the audit. Auditors discussed the need to ensure that these documents were regularly reviewed and kept up to date in line with the Framework Agreement.

Officer Authorisations

- 3.1.5 The Authority had developed a procedure for the authorisation of officers dated October 2012, which provided details of the basic process by which officer authorisations would be conferred. This included the qualification requirements for officers including short term and temporary staff. The procedure needed to be further reviewed and developed to include more details of how officer competencies would be assessed in practice, in line with their duties and level of authorisation, and a mechanism for linking this assessment to officer training needs.
- 3.1.6 Auditors were provided with a scheme of delegation which indicated that the Head of Public Protection and unit managers in his/her absence had delegated powers from the Council to authorise suitably qualified officers to enforce various public health statutes.

- 3.1.7 Officer authorisations contained all relevant legislative references based upon their level of authorisation and the requirements of the FLCoP.
- 3.1.8 Officers were required to maintain their own training records, with the Service keeping a record on a spreadsheet. From the records available it was difficult to confirm that all officers had consistently maintained their required number of training hours over the last few years based on the principles of continuing professional development (CPD). Checks of available training records indicated that over the last three years officers had received relevant training on food hygiene issues, including HACCP assessment, training relevant to inspection of approved establishments, formal enforcement and legal training.
- 3.1.9 Auditors were advised that individual officer training needs were discussed during the annual appraisal process. It was not however clear how training needs were assessed and prioritised based on individual duties and responsibilities.

Recommendations

3.1.10 The Authority should:

- (i) Review and update its authorisation procedure to include a suitable method of assessing and reviewing officer competencies and associated training requirements commensurate with their responsibilities and duties. [The Standard – 5.1]
- (ii) Ensure that officers receive appropriate training to maintain the competencies necessary to deliver the technical aspects of the work in which they are involved. [The Standard – 5.4]
- (iii) Maintain appropriate records of relevant academic and other qualifications, training and experience of each authorised officer and appropriate support staff in accordance with the Food Law Code of Practice. [The Standard – 5.5]

3.2 Food Premises Database

3.2.1 The Service operated a computer database system that was capable of providing the returns required for the Local Authority Enforcement Monitoring System (LAEMS). Submission of returns was the responsibility of the Commercial Team Manager.

3.2.2 The Service had developed a documented procedure for the maintenance of its food premises database and to ensure that the database was accurate. In general, officers had responsibility for entering records of enforcement activity, including inspection details and risk ratings on to the system. Various database checks carried out as part of the audit including internet searches confirmed that the data was generally accurate and contained only a small number of minor anomalies in terms of risk scoring. The Service was able to demonstrate its ability to provide a range of detailed and useful reports from its database, required for the effective management of its intervention programme.

3.3 Food Premises Interventions

3.3.1 The Authority's Food Safety Service Plan 2012/13 provided details of targets for the food premises intervention programme and a detailed breakdown of the risk profile of registered food businesses in the area. The Plan and the Authority's LAEMS return indicated the following breakdown of premises by risk category as of 1 April 2012:

Premises Risk Category	Number of Premises
A	10
B	245
C	1,221
D	478
E	647
Unrated	311
Outside programme	42
TOTAL	2,954

3.3.2 Auditors were advised that the inspection programme was organised and inspections allocated quarterly.

3.3.3 A report produced during the audit indicated that there were 167 category C businesses overdue some form of intervention, as well as a number of category D establishments. The majority were lower risk compliant establishments however, with no higher risk businesses overdue an inspection. Although audit checks of the food premises database showed that the Authority had generally adopted and applied a risk-based approach to its intervention programme, more detailed file checks revealed several cases where overdue compliant category C establishments had subsequently become high risk category A establishments at the next intervention. Auditors were therefore concerned that leaving a longer period between inspections than that required by the FLCoP was in some cases leading to an increased risk to public health. Auditors therefore recommended a full review of the overdue inspections list to identify and prioritise any potentially higher risk businesses for inspection. The findings of any such assessment and the potential impact on resources should be documented and reported in the Authority's Service Plan. Auditors also discussed the use of the full range of possible interventions and flexibilities described in the Food Law Code of Practice to help address the backlog of interventions.

3.3.4 In addition to the backlog of overdue interventions there were over 300 businesses such as those newly registered that still required an initial inspection. This was primarily due to the high turnover of businesses ownership within the area. The Authority acknowledged these figures and evidence was seen that unrated establishments

were routinely assessed and integrated into the intervention programme on a risk basis.

- 3.3.5 The Authority had developed and implemented documented procedures on the inspection of food premises. The procedures were comprehensive and included reference to Agency guidance on avoiding cross-contamination risks from E.coli O157 and other relevant food safety issues such as HACCP.
- 3.3.6 The Authority had developed and implemented an inspection aide-memoire for higher and lower risk inspections which officers were expected to complete at the time of the intervention, along with a report of inspection form. Key findings and risk rating details were subsequently entered onto the electronic database. The aide-memoire would benefit from further development to include prompts for officers on issues including the nature, size and scope of businesses as well as possible E.coli risks and compliance with the E.coli O157 guidance. Greater assessment of businesses food safety management systems based on HACCP and the implementation and operation of Safer food, better business (SFBB) would also help officers to demonstrate that businesses had been inspected fully in accordance with current legislation and centrally issued guidance.
- 3.3.7 Audit checks on inspection aides-memoire that were made available for audit indicated that whilst there was some variability in the level of detail recorded by officers, inspection notes were being recorded on file. Officers provided details of businesses activities and clearly identified any breaches of relevant legislation.
- 3.3.8 Auditors did note that there was some inconsistency between officers regarding the actions taken following a number of food hygiene interventions. Several cases were seen where there was insufficient detail on file to support the actions taken. Some cases involving serious breaches of hygiene legislation including pest infestations were identified where the evidence on file suggested that more immediate forms of action should have been considered. Auditors recommended that all discussions and decisions involving follow-up actions in these types of cases should in future be monitored and recorded in line with the Authority's Enforcement Policy.
- 3.3.9 In addition, file and database checks showed there to be a degree of variation between officers in the allocation of risk scores especially following inspections by some external contractors. Auditors found several examples where serious repeated contraventions including a lack of compliance with Article 5 of Regulation (EC) No. 852/2004, had been found, but relatively low risk scores had been allocated. This had resulted in these businesses receiving an intervention at a lower frequency than required based on the recorded inspection findings, potentially posing a risk to public health and making it difficult

for the Authority to produce an accurate intervention programme and Service Plan. However auditors did note that in many of these cases the initial serious contraventions had been re-assessed through revisits, despite the low risk scores allocated.

- 3.3.10 The Authority had 15 establishments that required approval under Regulation (EC) No. 853/2004. Files examined relating to these businesses showed that they had been approved in a timely manner in accordance with the appropriate legislation. Files contained detailed evidence of pre-approval assessments and thorough routine inspections by appropriately trained officers.
- 3.3.11 Approved establishment files generally contained all the information required by the FLCoP, although it was suggested by auditors that files would benefit from better structure and organisation to provide officers with easier retrieval of enforcement histories and business information.

Recommendations

3.3.12 The Authority should:

- (i) Ensure that all food premises interventions are carried out at a frequency specified by the Food Law Code of Practice. [The Standard – 7.1]
- (ii) Carry out interventions and inspections in accordance with appropriate legislation and centrally issued guidance. The Authority should review and develop its inspection aide-memoire to include useful prompts for officers regarding any relevant food safety issues, including the implementation of the Agency's E.coli guidance and officer assessments of the implementation of food safety management systems. [The Standard – 7.2 and 7.3]
- (iii) Take appropriate and timely action on any non compliance found in businesses, in accordance with the Authority's enforcement policy and centrally issued guidance. Any departure from the enforcement policy should be recorded along with the reasons for that decision. [The Standard – 7.3 and 15.4]

Verification Visit to a Food Premises

- 3.3.13 During the audit, a verification visit was undertaken to a local food business involved in the provision of meals to nursery and pre-school establishments in the area. Auditors were accompanied by an experienced officer of the Authority, who had carried out the last food hygiene inspection of the premises. The main objective of the visit was to assess the effectiveness of the Authority's assessment of food business compliance with food law requirements. The specific assessments included the conduct of the preliminary interview 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 familiarity with the premises and the key operations carried out at the business including the adequacy of the operator's food safety management system, in accordance with the latest inspection findings. Auditors discussed the implementation of the Agency's E.coli O157 guidance with the FBO and the officer during the visit.

3.4 Enforcement

- 3.4.1 The Authority had developed an enforcement policy which set out a graduated approach to enforcement and contained guidance on enforcement actions in accordance with the FLCoP. The Authority had also developed a set of suitable procedures relating to specific enforcement actions, including hygiene emergency prohibition notices (HEPNs) and hygiene improvement notices (HINs).
- 3.4.2 File checks confirmed that the Authority was willing and able to undertake a range of formal enforcement actions to secure business compliance. In most cases business compliance had eventually been achieved, although files would benefit from more detailed documentary evidence that the Authority's enforcement policy had been considered and a graduated approach to enforcement had been taken in all cases.
- 3.4.3 Records of three HINs were examined. These were all found to be appropriate in the circumstances and signed by a correctly authorised officer who had witnessed the contravention. In general the notices were appropriately drafted in accordance with centrally issued guidance. There was evidence available that the notices had been properly served and a timely check on compliance had in most cases been made following expiry of the notices.
- 3.4.4 Similarly records relating to one HEPN and two voluntary closures were assessed and found in each case to have been appropriate given the circumstances, each being drafted and served in accordance with the FLCoP. The details of two simple cautions were also reviewed involving serious and repeated breaches of hygiene legislation by local food business. Both had been appropriate and files were found to be detailed and contained comprehensive evidence.

3.5 Internal Monitoring, Third Party or Peer Review

Internal Monitoring

- 3.5.1 There was only limited documentary evidence of past qualitative internal monitoring across the range of enforcement activities assessed. Given the audit findings, particularly those issues concerning enforcement and follow up actions, and the consistency issues involving risk scores, auditors recommended the introduction of effective and regular risk based internal monitoring across all areas of food law enforcement work, including the work of contractors. Auditors also recommended that any quality checks currently being undertaken but not recorded should be documented where possible. This had been acknowledged by the Service and a new draft internal monitoring procedure had been developed which outlined the measures to be taken in future. If fully implemented and reviewed this procedure should address the issues found and aid service improvements.

Recommendations

3.5.2 The Authority should:

- (i) Review, maintain and implement 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. [The Standard – 19.1]
- (ii) Verify its conformance with the Standard, relevant legislation, the Food Law Code of Practice, centrally issued guidance and the Authority's own documented policies and procedure across all the Authority's food law enforcement activities. [The Standard – 19.2]
- (iii) 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, but had no specific policy document regarding complaints.

- 3.5.4 Checks made on records for recent complaints indicated that they were generally subject to adequate investigation and follow-up, and that all relevant parties were informed of the results of complaint investigations.

Recommendation

- 3.5.5 The Authority should:

Set up, maintain and implement a documented food and food premises complaints policy.
[The Standard – 8.1]

Food Inspection and Sampling

- 3.5.6 The Authority had produced a sampling procedure and sampling policy which set out the Authority's commitment to a risk-based sampling regime. The procedure also made reference to its sampling policy and participation in the London Food Co-ordinating Group's sampling programme for 2012/13.
- 3.5.7 A number of sampling records were assessed with files generally containing all relevant sample details in accordance with the Authority's sampling procedure. In all cases appropriate follow-up action had been taken based on results and FBO's had been notified where appropriate.

Records

- 3.5.8 Records of food law enforcement activities were maintained both electronically and on hard copy paper records. Audit checks confirmed that in general, records across all food law enforcement activities were legible and retrievable. Auditors did advise that improving the structure of the files, especially the information held regarding enforcement actions would make it easier for officers to retrieve inspection histories, reducing the risk of officers missing any important information prior to inspection and also allowing more efficient internal monitoring of files.

Third Party or Peer Review

- 3.5.9 The Authority had not taken part in any third party review in recent times, although auditors discussed the potential benefits to the Service of undertaking such activities in the future.

Auditors: **Andrew Gangakhedkar**
John Ashcroft
Kate Thompson

Food Standards Agency
Local Authority Audit and Liaison Division

ANNEXE A Action Plan for London Borough of Southwark

Audit date: 5-6 December 2012

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
<p>3.1.3 Ensure that future Food Service Plans are in full accordance with the Service Planning Guidance in the Framework Agreement including an accurate and reasoned estimate of the staffing resources required to deliver the food law enforcement service in accordance with the FLCoP compared with the staffing resources available to the Authority. [The Standard – 3.1]</p>	<p>30/06/13</p>	<p>The full resources required to deliver food law enforcement functions will be detailed in the 2013/14 Food Safety Service Plan. The Plan will address arrangements to accommodate any shortfall. Any shortfall will be identified and arrangements put in place to address or mitigate. The plan will include comparison and benchmarking with similar Boroughs.</p>	<p>Draft 2013/14 Plan being developed and work in progress to accurately establish resource needs.</p>

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.1.10(i) Review and update its authorisation procedure to include a suitable method of assessing and reviewing officer competencies and associated training requirements commensurate with their responsibilities and duties. [The Standard – 5.1]	30/06/13	The Authority will update its authorisation procedure to provide more details on how officers' competencies are assessed and reviewed to ensure they are appropriate for the duties and responsibilities assigned.	All officers are provided with an annual work plan which is specifically developed for that officer based on qualification and competency. The Work Plan includes training and development needs for the officer to undertake during the year based on duties performed. The document is evaluated and reviewed at the end of the year. Any outstanding training remains in the Work Plan until satisfactorily completed and duties remain commensurate. This has been done historically but not included in the documented procedures. This is now being revised.

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.1.10(ii) Ensure that officers receive appropriate training to maintain the competencies necessary to deliver the technical aspects of the work in which they are involved. [The Standard – 5.4]	Ongoing	Through its Work Planning process and relevant internal monitoring arrangements the Authority will proactively ensure that adequate provisions are in place to ensure all officers receive the necessary training to maintain the required competencies	Appropriate training courses identified and relevant officers nominated for attendance. Already, some officers have attended useful food law enforcement training as part of an ongoing programme and where gaps are identified, these will be addressed at Work Planning meetings and included in the Learning and Development part of that process.
3.1.10(iii) Maintain appropriate records of relevant academic and other qualifications, training and experience of each authorised officer and appropriate support staff in accordance with the Food Law Code of Practice. [The Standard – 5.5]	Completed	Pdf records of all relevant officers' qualifications will be held by the team manager.	Excel spreadsheet of officers' training held in electronic format on shared network drive. Spreadsheet updated. Pdf records of all current officers' qualifications held.

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
<p>3.3.12(i) Ensure that all food premises interventions are carried out at a frequency specified by the Food Law Code of Practice. [The Standard – 7.1]</p>	<p>Ongoing</p>	<p>Review approach to delivery of food law interventions in medium and low risk businesses (Cat C and D). Particular criteria to be established and used to target different types of food businesses within the identified risk categories and prioritise for an intervention in a timely manner. To liaise with other local authorities regarding best practice for targeting category C and D businesses.</p> <p>During 2013/14 it is planned to increase the establishment of the Food Team by 1 FTE. This will be achieved through Service re-alignment. This will increase the number of inspectors undertaking food safety work by 3 compared with the past 18 months. This will significantly improve our ability to achieve timely interventions in respect of medium risk premises.</p>	<p>High risk Cat A and B businesses are already receiving timely interventions and actively targeted.</p> <p>The team has carried two vacancies for the past 18 months. Recent recruitment and an internal staff transfer will result in the Service being fully staffed by 01/04/13. Appointments have been confirmed.</p>

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
<p>3.3.12(ii) Carry out interventions and inspections in accordance with appropriate legislation and centrally issued guidance. The Authority should review and develop its inspection aide-memoire to include useful prompts for officers regarding any relevant food safety issues, including the implementation of the Agency's E.coli guidance and officer assessments of the implementation of food safety management systems. [The Standard – 7.2 and 7.3]</p>	<p>Completed but being kept under review</p>	<p>Review the inspection aide-memoire to include recommended amendments.</p> <p>Undertake periodic review of the aide-memoire to ensure it remains relevant and takes account of any changes to FLCoP and associated guidance.</p>	<p>The form has been amended to include the items set out in the recommendations and to provide further clarity in relevant areas and addition of prompts as necessary.</p> <p>The procurement of the online document management system cloud based resource quality tool will allow the incorporation of regular reviews of all procedures and aides-memoire.</p>
<p>3.3.12(iii) Take appropriate and timely action on any non compliance found in businesses, in accordance with the Authority's enforcement policy and centrally issued guidance. Any departure from the enforcement policy should be recorded along with the reasons for that decision. [The Standard – 7.3 and 15.4]</p>	<p>Ongoing</p>	<p>Improved internal monitoring will be undertaken with continued emphasis on quality monitoring of Contractors where employed.</p> <p>A system of periodic case reviews and internal monitoring will ensure that procedures and protocols are being followed and that there is consistency and transparency across the service.</p>	<p>New monitoring procedures in place and being implemented.</p> <p>All officers reminded to adhere to the Authority's enforcement policy, related procedures and associated guidance.</p> <p>Revisit record form developed and introduced. The form requires officer to identify and record the appropriate follow up/enforcement approach.</p>

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.5.2(i) Review, maintain and implement 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. [The Standard – 19.1]	Ongoing	Develop and keep under review, internal monitoring procedures with associated pro-forma documents. Review contractors quality monitoring pro-forma to include assessment of the accuracy of risk rating profile, recommended enforcement action and related timings. Where appointed, ensure robust monitoring of contractors' work using amended established pro-forma	Monitoring procedures have been developed and now implemented. The procedure addresses the planned improvements referred to by the auditors. The above will be assisted through the online document management system package which has been secured by the Business Unit.
3.5.2(ii) Verify its conformance with the Standard, relevant legislation, the Food Law Code of Practice, centrally issued guidance and the Authority's own documented policies and procedure across all the Authority's food law enforcement activities. [The Standard – 19.2]	Ongoing	Improved application of the internal monitoring procedures and more documentation of monitoring undertaken	Procedures now in place. Accompanied audit inspections undertaken and arrangements in place for the review of complaints and file records/documentation. The above will be assisted through the online document management system.
3.5.2(iii) Ensure that records of monitoring activities are maintained. [The Standard – 19.3]	Ongoing	Hold electronic or paper base records of monitoring exercises in a secure and easily retrievable manner.	Electronic files for monitoring records are being put together and stored securely and in an easy to retrieve manner.

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.5.5 Set up, maintain and implement a documented food and food premises complaints policy. [The Standard – 8.1]	30/04/13	Ensure a relevant and up to date food and food premises complaints policy is in place.	The Authority has secured the services of an online document management system and adopted its generic Food Complaints Policy which is considered adequate. However, arrangements are in place to document a more specific local policy.

ANNEXE B Audit Approach/Methodology

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

(1) Examination of LA policies and procedures.

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

- Food and Health and Safety Team Plan for 2012/13
- Community Safety Service Area Plan 2012/13
- Relevant Cabinet meeting minutes
- Service policies and procedures
- Food premises inspection procedure and aide-memoire
- Database work instructions
- 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 interviews – the following officers were interviewed:

- Commercial Team Manager
- 1 Environmental Health Officers

Opinions and views raised during office 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 Local Authority and to assess the extent to which enforcement activities and decisions met the requirements of relevant legislation, the Food Law Code of Practice and official guidance, having particular regard to LA checks on FBO compliance with HACCP based food management systems.

ANNEXE 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.