

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

St Albans City and District Council  
26-27 March 2013



## 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 their Environmental Health and Trading Standards Services.

The attached audit report examines the Local 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](http://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 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](http://www.food.gov.uk/enforcement/auditandmonitoring).

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

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## 1.0 Introduction

- 1.1 This report records the results of an audit at St Albans City and District Council with regard to food hygiene enforcement, under relevant headings of the Food Standards Agency Food Law Enforcement Standard. The audit focused on the Authority's arrangements for the management of the food premises database, food premises interventions, and internal monitoring. The report has been made publicly available on the Agency's website at [www.food.gov.uk/enforcement/auditandmonitoring/auditreports](http://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 St Albans City and District Council was undertaken under section 12(4) of the Act as part of the Food Standards Agency's annual audit programme.
- 1.3 Regulation (EC) No. 882/2004 on official controls performed to ensure the verification of compliance with feed and food law includes a requirement for competent authorities to carry out internal audits or to have external audits carried out. The purpose of these audits is to verify whether official controls relating to feed and food law are effectively implemented. To fulfil this requirement, the Food Standards Agency, as the central competent authority for feed and food law in the UK has established external audit arrangements. In developing these, the Agency has taken account of the European Commission guidance on how such audits should be conducted.<sup>1</sup>
- 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 in the past five years by the Agency and was representative of a geographical mix of four local authorities selected across England.

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<sup>1</sup> 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 St Albans City and District Council's arrangements for the management of the food premises database, 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 establishment 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 the Civic Centre, St Peter's Street, St Albans, Hertfordshire on 26-27 March 2013.

## **Background**

- 1.7 St Albans is a prosperous historic cathedral city situated to the north west of London within the Hertfordshire green belt. The other main settlement in the district is the residential town of Harpenden and there are also several large villages and hamlets in a predominantly agricultural area. The district has a population of 140,600.
- 1.8 A recent Index of Local Deprivation rating ranked St Albans in the 5% least deprived districts in England. Minority groups are rated at 7.6% and there is an unemployment rate of 1.8%. Due to its close proximity and transport links to London around 20% of residents commute to the City for work.
- 1.9 Food hygiene law enforcement was the responsibility of the Business Compliance Team, which was part of the Regulatory Services Section 9 within the Legal, Democratic and Regulatory Services Department of the Council. The responsibility for the implementation of food law enforcement lay with the Business Compliance Manager (BCM) reporting to the Regulatory Services Manager (RSM). The RSM was the 'lead officer' notified to the Agency in accordance with the Food Law Code of Practice.
- 1.10 The Business Compliance Team was also responsible for delivering enforcement of infectious disease control, health and safety enforcement, pest control, stray dogs and licensing.

1.11 The Authority reported the profile of St Albans City and District Council food businesses at 31 March 2012 as follows:

<b>Type of Food Premises</b>	<b>Number</b>
Primary Producers	0
Manufacturers/Packers	8
Importers/Exporters	0
Distributors/Transporters	18
Retailers	242
Restaurant/Caterers	891
<b>Total Number of Food Premises</b>	<b>1,159</b>

## 2.0 Executive Summary

- 2.1 Auditors were advised that there had been a major restructure of the Service and management in 2011.
- 2.2 The Authority had developed a Service Plan for Food Law Enforcement 2012/13 which followed the Service Planning Guidance contained in the Framework Agreement. The Plan was supplemented by a Business Compliance Work Programme which highlighted the food safety service activities required to be undertaken at specified intervals and frequencies throughout the year. The Service Plan had been agreed by the Head of Service. The high proportion of unrated food premises and relatively low broad compliance figures noted from monitoring returns to the Agency were discussed and clarified with the Authority.
- 2.3 The Authority had a documented procedure for the authorisation of officers which included reference to the Authority's scheme of delegation and delegated powers given to the Head of Service. Auditors noted that the generic authorisation given to individual officers did not take into account their varying levels of qualifications and experience in accordance with the Food Law Code of Practice (FLCoP).
- 2.4 Record checks confirmed that officers were appropriately qualified and were achieving a broad range of update training and a minimum of 10 hours per annum of continuing professional development (CPD).
- 2.5 Documented policies and procedures were available for all the areas covered by the Standard in the Framework Agreement. It was clear from the Business Compliance Work Programme, and evidence from the documents examined, that there was a regular review undertaken of policies and procedures. Documents examined were generally comprehensive and detailed. However, procedures relating to the inspection of food premises would benefit from further development to provide additional guidance to officers.
- 2.6 The Authority was able to demonstrate its ability to produce a range of database reports to support and implement its intervention programme. A number of checks were carried out during the audit which confirmed that the database was being operated in a way which accurately reflected the team's activities and would enable accurate monitoring returns to be made to the Agency via the Local Authority Enforcement Monitoring System (LAEMS).
- 2.7 Auditors noted a number of overdue inspections including some higher risk establishments. These were being proactively addressed by the Authority at the time of the audit visit. In addition, there were some

- inconsistencies found in the allocation of significant risk scores and further review and monitoring of these scores were recommended.
- 2.8 Audit checks confirmed that the Authority had implemented a risk-based approach to its interventions programme, although it was noted that, historically, inspections had not always been conducted at the frequency required by the FLCoP.
- 2.9 Examination of registered food premises files provided evidence that generally, comprehensive interventions were being carried out by the Authority, with files providing detailed inspection findings and actions in most of the records examined. Some variability in the amount of detail recorded by different officers following inspections was noted.
- 2.10 Although there was some evidence of enforcement actions being taken in higher risk establishments, there seemed to be a reliance on the use of written warnings and revisits to food establishments, which had not always been effective in achieving timely business compliance with food hygiene legislation. It was not always possible therefore to find evidence that a graduated approach to enforcement had been adopted in every case.
- 2.11 File checks showed that, where appropriate, businesses had been approved under relevant legislation. There was evidence that comprehensive inspections had recently taken place, using the appropriate aide-memoire for the type of business. Auditors noted that all the relevant documentation on file had been usefully signed and dated by the inspecting officer. Following further discussions and clarification with the Authority concerning follow-up actions at one of the approved establishments it was recommended that more detailed inspection findings be recorded in cases where potentially serious breaches of hygiene legislation were found.
- 2.12 A verification visit to a village retail store selling open food was carried out with an officer from the Authority. The officer was familiar with the operations at the business, and had appropriately assessed the business compliance with legal requirements.
- 2.13 The Authority had developed an appropriate Food Safety Enforcement Policy outlining its risk-based approach to achieving food business compliance. This was supplemented by documented procedures for the full range of enforcement options available to officers.
- 2.14 Records were examined for the range of formal enforcement activities carried out including hygiene improvement notices (HINs) and voluntary closures. In all cases enforcement actions were found to be appropriate for the circumstances and generally undertaken in line with the requirements of the FLCoP.



- 2.15 The Authority had developed a comprehensive documented complaints procedure, which included the policy for investigation of food complaints. Records checked on complaint investigations confirmed that thorough and timely investigations had been undertaken by officers and detailed records had been maintained. There was evidence of effective internal monitoring of complaints.
- 2.16 The Authority had developed a risk-based food sampling policy, procedure and programme. All the sampling records checked confirmed that effective and appropriate follow-up actions had been taken in all cases.
- 2.17 The majority of documents relating to food law enforcement activities were stored electronically. Records were easily retrievable from the system and were clear and legible.
- 2.18 Although no generic internal monitoring procedure had been developed, auditors noted examples of detailed qualitative and quantitative internal monitoring checks being undertaken, and various monitoring checklists being used. Managers' monitoring records were comprehensive. Regular one to one meetings and team meetings were held and records and minutes maintained.
- 2.19 It was noted that no peer review had been undertaken in the last two years and none was planned for the forthcoming year. The benefits of inter-authority auditing and/or peer review as a potential future 'benchmarking tool' for the Authority were discussed.

## **3.0 Audit Findings**

### **3.1 Organisations and Management**

#### Strategic Framework, Policy and Service Planning

- 3.1.1 Auditors were advised that there had been a major restructure of the Service and management in 2011. A separate Environmental Health Department had been integrated into both Business Compliance and Environmental Compliance Teams which sit within the Legal, Democratic and Regulatory Services Department.
- 3.1.2 The Authority had developed a Service Plan for Food Law Enforcement 2012/13. The aim of the food control service was: 'to work in partnership for the health and wellbeing of those who live, work in, or visit the City and District, by controlling the risks associated with the consumption of food and drink and the investigation of designated communicable disease.'
- 3.1.3 Generally, the Service Plan had been drafted in accordance with the Service Planning Guidance in the Framework Agreement .The Plan covered the key elements of food law enforcement activities and included service delivery commitments. The Plan was supplemented by a Business Compliance Work Programme which highlighted the food safety service activities required to be undertaken at specified intervals and frequencies throughout the year.
- 3.1.4 Auditors noted that the Service Plan had been agreed by the Head of Legal, Democratic and Regulatory Services.
- 3.1.5 The figures provided in the food premises profile, including the unrated premises, matched those that had been uploaded to the Agency's local authority enforcement monitoring system (LAEMS) for 2011/12. The Authority needed to ensure the figure submitted to LAEMS for their full time equivalent (FTE) officers was accurate, as a discrepancy was noted.
- 3.1.6 The Authority's approach to dealing with unrated premises was discussed. Following the management restructure, child minders and home caterers which had been previously 'self assessed' were brought into the inspection plan and this had caused a recent increase in unrated premises. The Authority was proactively carrying out inspections of these businesses.

## Documented Policies and Procedures

- 3.1.7 Although there was no master document control procedure, it was clear from the business compliance work programme, and evidence from the documents examined, that there was a regular review of policies and procedures.
- 3.1.8 Documented policies and procedures were available for all the areas covered by the Standard in the Framework Agreement. These were stored on a shared computer drive for easy access by officers, including remote working. Documents examined were generally comprehensive and detailed, and included the full range of enforcement options.

## Officer Authorisations

- 3.1.9 The Authority had a documented procedure for the authorisation of officers and verification of officers' qualifications which included reference to the Authority's scheme of delegation and delegated powers given to the Head of Service.
- 3.1.10 An annexe to this procedure, the 'Criteria for Authorisation for Food Officers' provided a useful form for individual officers to summarise their qualifications, training and training needs. Individual training needs were determined through an annual performance development review supplemented by six monthly reviews.
- 3.1.11 The Authority also provided evidence of their use of the staff development and performance appraisal form, initially completed by officers themselves which enabled managers to assess officers' competencies, values and skills sets. This form also set individual officers' milestones for the year ahead, and included an executive summary of achievements and work programme activity undertaken during the previous year.
- 3.1.12 A corporate schedule of legislation for the authorisation of officers had been developed and a checklist for food law enforcement officers had recently been updated with reference to this schedule. Auditors noted a generic authorisation was given to individual officers which did not take into account in all cases their varying levels of qualifications and experience in accordance with the FLCoP.
- 3.1.13 The Service Plan stated that all officers undertaking inspections, investigating complaints, giving advice and taking samples met the qualifications and experience requirements within the FLCoP. Record checks undertaken, including those of the lead officer, confirmed that officers were appropriately qualified and experienced for the activities they were actually undertaking in practice.

- 3.1.14 Officers had completed at least 10 hours of continuing professional development (CPD) training per year in accordance with FLCoP requirements.
- 3.1.15 The Authority advised of a commitment to officer training because the team was relatively new and included some newly qualified officers. In the Service Plan, training had been estimated at around 0.4 full time equivalent (FTE) officers.

**Recommendation**

3.1.16 The Authority should:

Review and update current authorisations as necessary to ensure that all officers are appropriately authorised under relevant legislation in accordance with their levels of qualification, experience and competency.  
[The Standard – 5.3]

## **3.2 Food Premises Database**

- 3.2.1 The Authority had developed procedures for ensuring the accuracy of the food premises database. The Service benefitted from assistance by an IT Team and a support officer.
- 3.2.2 The Authority recognised the importance of database accuracy to carry out their food law enforcement activities, to formulate their interventions strategy, address the unrated premises, provide consistency and transparency for their FHRS implementation, and provide accurate monitoring returns to the Agency.
- 3.2.3 Various database checks performed during the audit confirmed that, with the exception of some minor anomalies, the database was up to date and accurate. The Authority was also able to demonstrate its ability to produce a range of database reports to support and implement its intervention programme.
- 3.2.4 The computer database system was found to be capable of providing the returns required for LAEMS. Data cleansing had recently taken place to remove duplications and monthly reports were run by the Authority to ensure database accuracy.

### 3.3 Food Premises Interventions

3.3.1 The Authority's draft Food Service Plan 2012/13 identified a total of 1,159 food businesses in the District, in the following risk categories:

Premises Risk Category	Number of Premises
A	20
B	146
C	406
D	75
E	249
Unrated	183
Outside programme	80
<b>TOTAL</b>	<b>1,159</b>

3.3.2 The Service Plan set out the priorities for the inspection programme as part of a risk based approach in accordance with the FLCoP. Inspections were allocated to officers quarterly to ensure they were inspected within 28 days of the due date. Arrangements were in place for monitoring progress and rescheduling workloads as necessary.

3.3.3 Audit checks confirmed that the Authority had implemented a risk-based approach to its interventions programme although auditors noted that historically inspections had not always been conducted at the frequency required by the FLCoP. Evidence of robust internal management and monitoring to improve inspection frequencies was noted.

3.3.4 Analysis of database reports indicated that there were approximately 60 inspections overdue including some higher risk establishments. The Authority was able to provide evidence to show that they were proactively carrying out interventions to reduce this number.

3.3.5 A review of the risk scores allocated by officers following interventions was carried out. It was noted that there were a number of instances where an additional score of 20 for significant risk had been allocated following interventions at medium and lower risk establishments. Auditors recommended that the Authority further review these cases and amend risk scores where appropriate.

3.3.6 The Authority had developed brief inspection procedures which had recently been revised. These documents would benefit from being expanded or a new document developed to include:

- Clear guidance on the effective assessment of food safety management systems (FSMS) based on HACCP principles

- Alternative enforcement strategies for low risk premises, for example child minders
  - Food Hygiene Rating Scheme guidance and the 'brand standard'
  - Implementation of the Agency's E.coli O157 cross-contamination guidance.
- 3.3.7 An appropriate aide-memoire had been developed for officers to record inspection findings and this had recently been supplemented with a 'cross-contamination focused inspection report form'. The Authority discussed the possibility of integrating the two forms in the future.
- 3.3.8 Reports of inspection/letters were sent to the food business operator (FBO) after each inspection and contained the details required by the FLCoP. Contraventions were clearly worded, and the measures needed to secure compliance were listed. There was also a clear distinction between legal requirements and recommendations of good practice made in letters to the FBO. In several cases, auditors noted the effective use of photographs to assist the FBO in the understanding of the issues found.
- 3.3.9 Although there was some evidence of enforcement actions being taken in higher risk establishments, there appeared to be a reliance on the use of written warnings and revisits, which had not always been effective in achieving timely business compliance with food hygiene legislation. It was not always possible therefore to find evidence that a graduated approach to enforcement had always been adopted. It was recommended that officers record more details of their decisions on the selection of appropriate follow-up action, with reference to the Authority's Enforcement Policy, centrally issued guidance and the FLCoP.
- 3.3.10 The Authority had responsibility for enforcement in two establishments which required approval under Regulation (EC) No. 853/2004. In both, there was sufficient evidence that the establishments required approval, and approval notification documentation was available.
- 3.3.11 Files contained detailed business information including HACCP documentation in accordance with Annexe 10 of the Food Law Practice Guidance, and also included a useful synopsis of the business activities. Documentation had been signed and dated by the officer and this provided useful evidence of assessment of latest HACCP plans.

**Good Practice- Evidence of assessment of approved establishment documentation**

The officer carrying out interventions of approved establishments signed and dated all documentation which had been assessed and was held on the file.

- 3.3.12 There was evidence that comprehensive inspections had recently taken place, using the appropriate aide-memoire for the type of business. Auditors raised concerns regarding inspection findings at one of the establishments in relation to an issue involving heat treatment records. Following further discussions and clarification with the Authority it was recommended that more details be recorded in cases where potentially serious breaches of hygiene legislation were found.

**Recommendations**

3.3.13 The Authority should:

- (i) Ensure that food premises interventions and inspections are carried out at a frequency which is not less than that determined under the intervention rating scheme set out in the Food Law Code of Practice. [The Standard -7.1]
- (ii) Assess the compliance of food premises to legally prescribed standards to confirm compliance with current legislation, the Food Law Code of Practice and centrally issued guidance. Take appropriate action on any non-compliances found in accordance with the Authority's enforcement policy. [The Standard -7.3]
- (iii) Expand and implement the food inspection/interventions procedures to include more guidance for officers in accordance with the FLCoP and centrally issued guidance. [The Standard - 7.4]
- (iv) Maintain up to date, accurate and comprehensive records for all food establishments. [The Standard – 16.1]



- 3.3.14 There was evidence that the Authority was proactive in providing advice and support to food businesses in complying with current legislation and relevant guidance. Examples included the Hygiene Compliance Initiative which targeted lower rated FHRs premises. The Authority had sent letters to 56 of these 'poor performing' businesses to offer one hour's free coaching by a private contractor during April 2013 to assist in securing an improvement in compliance. Eighteen businesses had responded. The Authority then intended to provide re-rating visits to measure improvement in performance. This coaching visit would be entered as an action on file to inform any future enforcement action considerations.
- 3.3.15 The Authority had also recently implemented a Bengali Safer food, better business (SFBB) Initiative providing training in that language to improve SFBB compliance and risk rating score.

#### Verification Visit to a Food Premises

- 3.3.16 During the audit, a verification visit was undertaken to a retail village store with an officer from the Authority, who had carried out a previous 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.
- 3.3.17 The officer demonstrated good familiarity with the premises and an appropriate understanding of the food safety risks associated with the activities at the premises. The officer had effectively assessed food business compliance with food law requirements.

### **3.4 Enforcement**

- 3.4.1 The Authority had developed a Food Safety Enforcement Policy which outlined its risk-based approach to achieving food business compliance and the range of enforcement options available. The Authority advised that the Corporate Enforcement Policy was currently being redrafted but had not yet been approved.
- 3.4.2 Comprehensive, documented enforcement procedures for follow up and enforcement actions in accordance with the FLCoP and official guidance had been developed.
- 3.4.3 The Authority reported that there had been no hygiene emergency prohibition notices, remedial action notices, food seizures or detentions, voluntary surrenders, simple cautions or prosecutions in the two years preceding the audit.
- 3.4.4 Records of three hygiene improvement notices (HINs) were examined. These were all found to be the appropriate course of action and were signed by a correctly authorised officer who had witnessed the contravention. In general, the notices were appropriately drafted in accordance with centrally issued guidance, and timely checks on compliance had been made.
- 3.4.5 Auditors noted however, that in one of the files examined, a HIN had still not been fully complied with after two revisits. Auditors discussed that formal follow-up should have been escalated in accordance with the Authority's own procedures and the FLCoP.
- 3.4.6 There was evidence of close internal monitoring of service of HINs, including the use of a HIN checklist and a statutory notice checklist. Detailed evidence in the form of photographs and copies of officer notebooks was held on the Authority's database.
- 3.4.7 Records of two voluntary closures were examined. In both cases, this had been an appropriate course of action and agreed in writing with the FBO and the officer. File checks confirmed that appropriate follow up visits and actions had been taken and there had been no breaches of voluntary closure agreements.

### **3.5 Internal Monitoring, Third Party or Peer Review**

#### Internal Monitoring

- 3.5.1 The responsibility for internal monitoring rested with the Regulatory and Business Compliance Managers. Auditors were advised that the internal monitoring currently undertaken was still being developed while embedding the new team.
- 3.5.2 Whilst there was no specific internal monitoring procedure, auditors noted examples of detailed and rigorous internal monitoring checks being undertaken, and various checklists being used. For example; food complaint reviews, routine visits checklist, reviews of inspection risk ratings and service of statutory notices. Peer review checks were also included amongst these checks. Comprehensive records were maintained.
- 3.5.3 Additional monitoring arrangements which were being carried out at the Authority included:
- Regular one to one meetings by managers with staff.
  - An annual performance review with six monthly reviews.
  - Monthly team meetings with minutes kept.
  - Shadowing visits by the manager and another experienced officer accompanying less experienced and returning to work officers.
  - Regular one to one meetings were held between the two managers.
  - Customer satisfaction surveys sent to FBOs following visits.
- 3.5.4 In addition, quantitative monitoring was also being undertaken with evidence of inspection numbers, complaints investigated, outstanding workloads and trends in workload patterns being provided.

#### Food and Food Premises Complaints

- 3.5.5 The Authority had developed a comprehensive documented food complaints procedure, which included the policy for the investigation of food complaints.
- 3.5.6 Five records were examined for a range of complaints investigated by the Authority. Thorough and appropriate investigations and follow-up actions had been taken in all cases and results of the complaints had been confirmed with the complainant. Detailed records and evidence of internal monitoring of complaints were maintained.

#### Food Inspection and Sampling

- 3.5.7 The Authority had developed a risk-based sampling policy, procedure and programme for food sampling. One officer in the team was dedicated to overseeing and implementing the sampling programme, in agreement with the Regulatory Service Manager.
- 3.5.8 Records of five sample results were examined. Checks showed that in all cases appropriate follow-up actions had been taken and FBOs had been informed of results. Detailed retrievable records were held on file, including photographs of the samples taken prior to dispatch and copies of the sample results.
- 3.5.9 The Authority advised that formal monitoring of sampling had been considered to be unnecessary owing to the competence and experience of the officer undertaking sampling.

#### Third Party or Peer Review

- 3.5.10 Auditors were advised that the Authority had not recently participated in any inter-authority audit or peer review initiative and none was planned for the forthcoming year. The benefits of inter-authority auditing and/or peer review as a potential 'benchmarking tool' for the Authority in future were discussed.
- 3.5.11 The Authority advised auditors that to improve continuity they had already discussed the benefit of one officer regularly attending the Hertfordshire and Bedfordshire Food Liaison Group meetings and for this officer to feedback to the rest of the team.

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Food Standards Agency  
Local Authority Audit and Liaison Division

## ANNEXE A Action Plan for St Albans City and District Council

Audit date: 26-27 March 2013

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.1.16 Review and update current authorisations as necessary to ensure that all officers are appropriately authorised under relevant legislation in accordance with their levels of qualification, experience and competency. [The Standard – 5.3]	Completed	Review and update current authorisation procedure to ensure all officers are appropriately authorised under relevant legislation in accordance with their levels of qualification, experience and competency.	A new section has been included within the procedure regarding Business Compliance Team Authorisation linking officer qualifications, training and competency assessment. Included a matrix detailing levels of authorisations cross referenced with qualifications, experience and competencies to assist with gap analysis. Included the minimum evidence requirements for section 9 inspection, seizure and detention of foods.

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.3.13(i) Ensure that food premises interventions and inspections are carried out at a frequency which is not less than that determined under the intervention rating scheme set out in the Food Law Code of Practice (FLCoP). [The Standard - 7.1]	30/09/13	<p>Ensure that food premises interventions and inspections are carried out at a frequency which is not less than that determined under the intervention rating scheme.</p> <p>This will be achieved by internal monitoring by managers at one to one staff meetings and at staff appraisal target reviews.</p> <p>Continued use of electronic calendar to schedule inspections in order to meet the 28 day timescale and intervention period.</p>	<p>Internal monitoring at one to one staff meetings already in place. Officers have been proactive in carrying out the overdue interventions, prioritising high risk establishments.</p> <p>Continued use of electronic calendar and carrying out inspections within 28 day timeframe and intervention period has been set as a target in all food officers recent appraisals.</p>
3.3.13(ii) Assess the compliance of food premises to legally prescribed standards to confirm compliance with current legislation, the Food Law Code of Practice and centrally issued guidance. Take appropriate action on any non- compliances found in accordance with the Authority's enforcement policy. [The Standard -7.3]	01/07/13	<p>All officers to take appropriate action on any non- compliances found in accordance with the enforcement policy. To adopt a graduated approach to enforcement using the full suite of enforcement options and not just to rely on warning letters or revisits.</p>	<p>Internal monitoring by Regulatory Services Manager of random selection of 10 inspections once per month to monitor compliance.</p> <p>Officers instructed to consider full suite of enforcement options at team meeting.</p> <p>Consistency training to be carried out twice per year.</p>

<b>TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)</b>	<b>BY (DATE)</b>	<b>PLANNED IMPROVEMENTS</b>	<b>ACTION TAKEN TO DATE</b>
3.3.13(iii) Expand and implement the food inspection/interventions procedures to include more guidance for officers in accordance with the FLCoP and centrally issued guidance. [The Standard - 7.4]	31/07/13	Expand and implement the food inspection procedure to include more guidance on the Food Hygiene Rating Scheme Brand Standard, E.Coli Guidance and HACCP	One of the more experienced food officers has been tasked to assist with the development of the inspection procedure for review by the lead food officer prior to implementation.
3.3.13(iv) Maintain up to date, accurate and comprehensive records for all food establishments. [The Standard – 16.1]	01/07/13	Ensure all records are sufficiently comprehensive, accurate and up to date, and all notes, letters scanned onto database premises record.	<p>Officers have been instructed to ensure their records are sufficiently comprehensive, accurate and up to date and all file notes and letters are scanned onto database premises record. This was discussed at team meeting.</p> <p>Internal monitoring by Regulatory Services Manager of random selection of 10 inspections once per month to monitor accuracy of file records. Records of monitoring are maintained.</p>

## **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:

- Service Plan for Food Law Enforcement 2012/13 and Business Compliance Work Programme.
- Authorisation Procedure for Officers (Dec 2012)
- The Qualifications of Enforcement Officers (April 2012)
- Various Inspection of Food Premises procedures (April 2012)
- Approved Establishments Procedure for the Approval of Premises (Oct 2012)
- Food Complaint procedure
- Various database procedures (April 2012)
- Food Sampling Policy, Food Sampling Procedure and Food Sampling Programme. (All revised Feb 2013)
- Food Safety Enforcement Policy (April 2012)
- Various enforcement procedures (Reviewed April 2012)
- Various Monitoring procedures and checklists (April 2012)
- Minutes of recent meetings of Hertfordshire and Bedfordshire Food Topic Group
- Minutes of recent meetings of Business Compliance Team
- 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 files
- Food and food premises 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:

- Regulatory Services Manager
- Business Compliance Manager
- Specialist Officer
- Business Compliance Officer

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

#### (5) On-site verification check:

A verification visit was made with an officer to a local food business. The purpose of the visit was to verify the outcome of the last inspection carried out by the LA and to assess the extent to which enforcement activities and decisions met the requirements of relevant legislation, the FLCoP and official guidance, having particular regard to LA checks on FBO compliance with HACCP based food safety 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.