

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

City of York Council
23-25 May 2016



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1.0 Introduction

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

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

Hard copies are available from the the Food Standards Agency's Regulatory Delivery Division by email LAAudit@foodstandards.gsi.gov.uk or phone 01904 232116.

Reason for the Audit

- 1.2 The power to set standards, monitor and audit local authority food law enforcement services was conferred on the Food Standards Agency by the Food Standards Act 1999 and the Official Feed and Food Controls (England) Regulations 2009. This audit of City of York Council was undertaken under section 12(4) of the Act as part of the Food Standards Agency's annual audit programme.
- 1.3 Regulation (EC) No. 882/2004 on official controls performed to ensure the verification of compliance with feed and food law includes a requirement for competent authorities to carry out internal audits or to have external audits carried out. The purpose of these audits is to verify whether official controls relating to feed and food law are effectively implemented. To fulfil this requirement, the Food Standards Agency, as the central competent authority for feed and food law in the UK has established external audit arrangements. In developing these, the Agency has taken account of the European Commission guidance on how such audits should be conducted.¹
- 1.4 For the purpose of this audit 'The Authority' refers to City of York Council. The Authority was selected for inclusion in the Food Standards Agency's programme of audits of local authority food law enforcement services because of concerns regarding the performance data submitted by the council via LAEMS.

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

Scope of the Audit

- 1.5 The audit examined City of York Council's arrangements for food premises database management, food premises interventions and internal monitoring, with regard to food hygiene law enforcement. This included a reality check at a food business to assess the effectiveness of official controls implemented by the Authority at the food business premises and, more specifically, the checks carried out by the Authority's officers, to verify food business operator (FBO) compliance with legislative requirements. The scope of the audit also included an assessment of the Authority's overall organisation and management and the internal monitoring of food hygiene law enforcement activities.
- 1.6 Assurance was sought that key food hygiene law enforcement systems and arrangements were effective in supporting business compliance, and that local enforcement was managed and delivered effectively. The on-site element of the audit took place at the Authority's offices at Eco Depot, Hazel Court, York, YO10 3DS on 23-25 May 2016.

Background

- 1.7 City of York Council is a unitary authority, with a population of approximately 200,000. The area is predominantly urban, covering the historic city with associated tourism, hospitality and catering activities.
- 1.8 The Authority's area contains a mix of manufacturing, retail and catering premises. The profile of food businesses is heavily biased towards restaurants and caterers, which is a reflection of the City's status as a major tourist destination. Auditors were advised there were a high number of new food businesses in this sector. It was evident that this profile of small to medium size businesses placed great demands on the Services resources, as evidenced by the wide range of formal enforcement actions undertaken to achieve business compliance in the area.
- 1.9 The area included a large international confectionary manufacturer, a district hospital with a cook chill unit, various large academic institutions and a racecourse. The Authority also had three specialist food manufacturing businesses involved with products requiring approval under Regulation (EC) No. 853/2004. In addition the Authority acted as Primary Authority for three national food businesses.
- 1.10 The Authority functions were split into four Corporate Directorates and the food service function sat in Public Protection in the Communities and Neighbourhoods Directorate. Auditors were advised the Service had carried out a restructure and officers were split between a Regulatory and Support Advice (RSA) and an Investigation and Compliance team (IC). The RSA team provided general support and

advice to businesses, inspected broadly compliant premises and undertook FHRS revisits. This work was undertaken by a mix of officers and contractors. Any significant issues relating to compliance were referred to the IC team who dealt with formal enforcement and inspection of non-broadly compliant and higher risk activity premises. Officers also carry out other environmental health disciplines including health and safety, infectious disease control, food standards, licencing enforcement and dealing with some trading standards issues. The food safety service consisted of 3.7 full time equivalent (FTE) officers, plus three contractors. Auditors discussed the need to include an estimate of the contractor time in the total FTE figure reported to the Agency via LAEMS to provide a more accurate reflection of the food law enforcement resources.

- 1.11 To help enhance the longer term resilience of the Service, the Authority was exploring income generating initiatives and had introduced a chargeable consultancy service on a cost recovery basis. In order to help improve or sustain Food Hygiene Rating Scheme (FHRS) compliance ratings food businesses were offered an advisory visit from an officer prior to the next scheduled intervention, which was carried out by a contractor. Take up of the scheme was predominantly by food businesses rated three or above with little or no interest from highly non-compliant businesses which were likely to need more support. The Authority was currently exploring using its trading company to develop this service further to increase potential income generation.
- 1.12 The Authority reported the profile of City of York Council's food businesses at 1 April 2015 as follows:

Type of Food Premises	Number
Primary Producers	13
Manufacturers/Packers	32
Importers/Exporters	1
Distributors/Transporters	23
Retailers	382
Restaurant/Caterers	1539
Total Number of Food Premises	1990

2.0 Executive Summary

- 2.1 The Authority was selected for audit due to issues arising from the Authority's submission of key enforcement data to the Agency via the Local Authority Enforcement Monitoring System (LAEMS). The audit was carried out due to concerns regarding the Authorities ability to deliver its intervention programme in accordance with the Food Law Code of Practice (FLCoP). Performance data for 2014/15, submitted via LAEMS highlighted in particular the relatively low percentage of planned interventions achieved (64% of the total). This was mainly due to a backlog of lower risk category E risk rated premises. It also

raised queries regarding staffing levels declared by the Authority compared to the number of food businesses in the area.

- 2.2 Auditors confirmed the food law enforcement service was delivered using 3.7 full time equivalent (FTE) officer time plus contractors. Officers were split between a Regulatory and Support Advice (RSA) and an Investigation and Compliance (IC) team. The Authority had not included an estimate of the contractors' time in the total FTE figure submitted to the Agency via LAEMS. A feature of the city's status as a major tourist destination was a high number of caterers, takeaways and restaurants and associated high levels of new food business churn. As a consequence the Authority faced significant challenges in monitoring and maintaining satisfactory levels of business compliance in all its food establishments.
- 2.3 To help enhance the longer term resilience of the Service, the Authority had introduced a chargeable consultancy service on a cost recovery basis. In order to help improve or sustain FHS compliance ratings food businesses were offered an advisory visit from an officer prior to the next scheduled intervention, which was carried out by a contractor. Auditors discussed the need to consider the FLCoP conflict of interest requirements, potential legal implications and potential impact on the delivery of the statutory intervention programme, this type of service may present.
- 2.4 Auditors were able to gain assurance that comprehensive and essential food law enforcement activity was being carried out when official controls were undertaken. Resources were being targeted at higher risk food businesses but no alternative enforcement strategy was in place to deal with lower risk premises to establish and confirm the nature of activities in these types of business. It is important that appropriate interventions are carried out at premises such as care homes, nurseries and hospitality establishments that as well as posing a risk to consumers may pose a significant risk to the reputation of the Authority.

2.6 Strengths:

Experienced Officers: It was clear from discussion during the audit and the reality visit to a local cafe that officers were experienced and knowledgeable about the wide range of food business activities in their area and the official controls associated with these businesses.

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

Sampling: An annual sampling programme had been developed, with the Authority regularly participating in regional sampling programmes

on a range of different topics. The examples assessed during the audit demonstrated that thorough and comprehensive actions and investigations had been carried out in each case.

2.7 Key areas for improvement:

Service Planning: The Authority needs to review and amend its current intervention strategy to take account of, and include, previously compliant lower risk businesses to ensure that it meets the requirement of the FLCoP.

The Authority needs to provide sufficient staffing resources to fulfil its statutory duties in accordance with the FLCoP and any centrally issued guidance. It is therefore essential that future service plans include a realistic and reasoned estimate of the staff resources needed to deliver the full range of statutory duties, including all unrated and overdue interventions, compared to the resources available. The Plan should include details of actions proposed to address any shortfall, and the associated risks to public protection.

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

Internal Monitoring: The Authority should ensure that effective risk based and proportionate internal monitoring of all food service activities can take place. Internal monitoring should include qualitative and quantitative checks on the range of food law enforcement activities undertaken.

3.0 Audit Findings

3.1 Organisation and Management

Strategic Framework, Policy and Service Planning

- 3.1.1 The Service had developed a Food Service Plan for 2015/17, which was generally in line with the Service Planning Guidance in the Framework Agreement. The Plan provided useful information on the Service's aims and objectives and included details of the range of duties placed upon the Service. Auditors felt that the Plan lacked sufficient detail concerning the planned intervention programme for a two year period and were informed it was the intention to return to preparing an annual Plan.
- 3.1.2 How the allocation of inspections and enforcement was managed between the two teams was not mentioned in the Plan. Auditors discussed the need for the Service to review, establish and document the practical working arrangements to ensure there was a clearer understanding of roles and responsibilities between the teams to enable effective delivery of official controls.
- 3.1.3 The Plan included details of the numbers of risk based interventions due and stated the priority was to focus on high risk and poorly performing businesses. In the past year this had largely focused resources on higher risk category A-D rated premises. The Authority had not carried out any alternative enforcement strategy (AES) resulting in a backlog of overdue lower risk category E interventions businesses including care homes, nurseries and some hospitality establishments. A suitable AES strategy is needed to clear the backlog of overdue interventions to confirm the current nature of activities in these types of business. A change in process or business operator at a potentially higher risk establishment that goes undetected may pose a risk to consumers and a significant risk to the reputation of the Authority.
- 3.1.4 The Authority reported quarterly the percentage of premises that were classified as broadly compliant as a key performance indicator. Auditors discussed the benefits of further developing such key performance indicators to provide senior management and Members with objective information about the delivery of the Service.
- 3.1.5 The current Plan lacked sufficient detail comparing the service delivery demands against the resources available. The absence of such information makes it difficult to quantify any resource shortfalls to senior managers and to Members. Future service plans would benefit from a more accurate and realistic estimate of the resources required for delivering the Service in accordance with its statutory duties, including the consultancy service and detailing the actions proposed to address any backlog of interventions in a risk based and timely manner.

Recommendation 1 - Service Planning

[The Standard -3.1]

[See paragraph 3.1.5]

The Service Plan should include an estimate of the demands on the Service and the resources required for each area of service delivery (including those necessary to meet nationally driven outcome targets such as the intervention frequencies prescribed by the FLCoP), together with a comparison with the resources available.

Documented Policies and Procedures

- 3.1.6 As part of the North Yorkshire Food Liaison Group (NYFLG) the Service had developed a range of generally up to date and comprehensive policies and work procedures. These provided useful guidance for officers across the range of their enforcement duties. There was an effective control system in place which ensured the procedures were regularly reviewed and updated.

Officer Authorisations

- 3.1.7 Auditors were advised the authorisation procedure was currently being reviewed by the regional food liaison group to take into account the latest updated requirements of the FLCoP. The Authority used a mix of permanent and contracted staff and had not yet assessed their competencies in line with FLCoP competency requirements. As part of this review process auditors discussed the need to consider the level of authorisation required for contracted staff taking into account the range and nature of interventions they are tasked to carry out.
- 3.1.8 Officers were appropriately authorised under all relevant sections of EU and UK food hygiene legislation with the exception of other Regulations made under the European Communities Act 1972, the Trade in Animals and Related Products Regulations 2011, Official Feed and Food Control (England) Regulations 2009 and current relevant Emergency Control Regulations. Auditors therefore recommended that the Authority review its schedule of authorisation to ensure that it contains reference to all appropriate legislation. The Authority also needed to ensure the current list of officers authorised under the Food and Environment Protection Act 1985 (FEPA) is up to date with the Agency.
- 3.1.9 The Authority was able to provide evidence of officer qualifications and training records. These demonstrated that officers held all the appropriate qualifications relevant to their posts. Record checks showed that officers had recently received the required 10 hours continuous professional development (CPD) with evidence of attending useful training on key topics such as approved premises,

complex processes and national FHRs consistency training. Future training needs were to be assessed as part of the review of the FLCoP competency requirements. Auditors discussed the need to consider any refresher training which may be needed for individual officers on such topics as HACCP, complex processes, imported food and enforcement. The Authority also needed to ensure that the new FLCoP requirement for 20 hours CPD for officers was met in the future.

Recommendation 2

[The Standard - 5.1]

[See paragraph 3.1.7]

Set up, maintain and implement a documented procedure for the authorisation of officers based on their competence and in accordance with the relevant FLCoP and any centrally issued guidance.

3.2 Food Premises Database

- 3.2.1 The Service operated a computer database system that was capable of providing an accurate return for the FSA's Local Authority Enforcement Monitoring System (LAEMS). The system was backed up daily and a number of measures and procedures were in place to ensure that the system was secure.
- 3.2.2 A procedure for the maintenance of the food premises database outlined actions required for the Lead Officer to ensure the database was updated and accurate. Auditors were advised these were not currently being undertaken and discussed the need to include as part of the internal monitoring of the Service.
- 3.2.3 The Authority was generally able to provide database reports to demonstrate its ability to support and implement its intervention programme. However it proved difficult during the audit to run reports to establish the scale and nature of unrated businesses still awaiting inspection. It is vital the Service can extract and use accurate database information to manage the service effectively. Auditors discussed the benefits of developing data entry instructions for staff entering data to aid accuracy and consistency of the database. The Service advised the database provider had been informed and was providing support in resolving this issue.
- 3.2.4 It is essential that the Authority is aware of all the food establishments and food activities being carried out in its area in order to deliver official controls effectively and to protect consumers. This was ensured by officers checking licensing, planning and building control applications and officer's knowledge of the district. Pre-audit database checks by auditors on six local businesses premises found that all

were appropriately listed on the database and included in the inspection programme.

- 3.2.5 Auditors discussed the benefits of undertaking a data cleansing exercise to verify if lower risk rated premises not subject to recent interventions were still operating to allow removal from the database if they had ceased trading or if any could be reclassified as outside the programme.

3.3 Food Premises Interventions

- 3.3.1 The Authority's Food Safety Service Plan 2015/17 provided details of targets for the food premises intervention programme and information on the full premises risk profiles. LAEMS data provided by the Authority indicated the following breakdown of premises by risk category:

Premises Risk Category	Number of Premises
A	12
B	98
C	393
D	596
E	840
Unrated	33
Outside the programme	18
TOTAL	1990

- 3.3.2 Auditors were advised that the annual planned inspection programme for risk rated category A-D premises was drawn up and issued to officers to manage their allocation across the team. Quantitative monitoring reports to monitor progress against the programme were not routinely run by the Lead Officer, who relied instead on the experience and professionalism of the officers to organize and carry out the interventions on time.

- 3.3.3 The Authority had targeted higher risk and non-compliant businesses and used a mix of officer and contractor resource to carry out interventions at broadly compliant premises. An assessment of the Authority's food premises database during the audit identified a total of 768 premises overdue an intervention. This consisted of the following:

Premises Risk Category	Number of Premises Overdue
A	1
B	6
C	38
D	76
E	647

The oldest overdue dated back to 2015 for category B and C premises, 2013 for category D rated premises and 2010 for category E rated premises. Auditors discussed the use of the full range of possible interventions and flexibilities described in the FLCoP if needed to help address any backlog of interventions.

- 3.3.4 New registrations and unrated premises were dealt with by the RSA team and allocated to a contractor. The intention was for the Service to inspect all unrated premises which were prioritised over broadly compliant premises. Due to the difficulties in extracting accurate information auditors were not able to determine if unrated premises had been inspected within 28 days of notification of opening in accordance with the FLCoP.

Recommendation 3

[The Standard – 7.1]

[See Paragraph 3.3]

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

- 3.3.5 Auditors were advised in order to maximize income a food officer was involved in consultancy work. Some businesses were offered advisory visits in advance of the next scheduled inspection. The visit, if accepted, was undertaken by a dedicated officer and the food business operator (FBO) was advised in writing of works required to maintain or improve the business food hygiene rating. The scheduled official control intervention was then carried out by a contractor and following that intervention the premises risk rating was reviewed and updated as required. Auditors discussed the need to avoid any potential conflict of interest as required by the FLCoP by the exclusive promotion of the Authority's services.
- 3.3.6 File checks and database checks demonstrated that the Authority had implemented a risk based approach to its inspection programme. The Service had developed a detailed inspection procedure to guide and inform officers of the actions required when undertaking inspections in the area.
- 3.3.7 Officers used a range of suitable and appropriate inspection pro-formas and aide-memoire to record their inspection findings and assessments. These documents included appropriate prompts for officers on key food hygiene issues such as the assessment of business food safety management systems, HACCP and control of cross contamination risks including the implementation of the FSA's E. coli O157 guidance by businesses. It was noted the Service had allocated an officer to take a lead on dealing with those businesses

serving “less than thoroughly cooked” (rare) burgers and providing advice in accordance with FSA guidance.

- 3.3.8 File checks demonstrated that some past inspections had not been carried out at the correct frequency prescribed by the FLCoP and the Service was aware of this issue.
- 3.3.9 Officers were providing businesses with detailed inspection findings and relevant guidance to support businesses, as well as taking appropriate and timely follow up actions including carrying out revisits where needed. Officers had recorded sufficient information on file to justify the risk scores allocated to businesses following inspection.
- 3.3.10 The Authority had developed a suitable documented procedure to provide officers with instructions and guidance when carrying out inspections at approved establishments in the area.
- 3.3.11 Files relating to three approved establishments subject to specific EU legislation, including one meat products, one dairy and one egg packing establishment were examined. In two of the files examined inspections had taken place at the correct frequency but the lower risk egg packer in common with other category E establishments was overdue an intervention. Businesses had been approved or re-approved in accordance with the FLCoP and centrally issued guidance.
- 3.3.12 Although officers had kept detailed additional file notes, the practice of exception reporting using the previous inspection record as a master template to record their findings made it difficult to assess past inspection histories. This in turn made it difficult for the Authority to demonstrate that the business was fully assessed against all relevant legislation on each occasion.
- 3.3.13 Approved premises inspection files contained the majority of the key business information required by the Annex 10 of the Food Law Practice Guidance.

Verification Visit to a Food Premises

- 3.3.14 During the audit, a verification visit was undertaken to a local cafe with an experienced officer from the Authority. The main objective of the visit was to assess the effectiveness of the Authority’s assessment of food business compliance with food law requirements. The specific assessments included the conduct of the preliminary interview with the FBO by the officer, general hygiene checks to verify compliance with structure and hygiene practice requirements and checks carried out by the officer to verify compliance with HACCP based procedures.
- 3.3.15 The officer was able to demonstrate a good working knowledge of relevant food hygiene legislation and the key operations carried out at

the business including the adequacy of the operator's food safety management system. Auditors were satisfied that the conditions found on site reflected the inspection findings documented in the last inspection record.

3.4 Enforcement

- 3.4.1 The Authority had a corporate enforcement policy which had received appropriate Member approval. The Policy contained broad guidance for officers on the different types of enforcement actions possible which was supported by more specific procedures which outlined the situations when they might be appropriate.
- 3.4.2 The Authority had carried out a wide range of formal enforcement actions to achieve business compliance and officers were able to demonstrate their knowledge and willingness to use the full range of follow up actions from informal advice to formal notices. A bi -annual report was provided to Members detailing the outcome of formal action taken which helped raise the profile of the Service.
- 3.4.3 Auditors examined a number of enforcement actions including prosecutions, simple cautions, voluntary closures, Hygiene Improvement Notices (HIN's), voluntary surrenders, seizures and detentions. The enforcement options selected were appropriate and justified given the inspection findings. In all but one case HIN enforcement notices had been drafted and served in accordance with the FLCoP. However contrary to the FLCoP a notice had been served by an officer who had not witnessed the contravention on behalf of a contractor and the correct process for extending the time period of another HIN served had not been followed. In one of the seizure and voluntary surrender cases reviewed there were insufficient documentary records on file about the eventual destruction of the seized food items.
- 3.4.4 The voluntary closure examined was undertaken by a contractor following a visit to carry out an intervention. The action taken was discussed with the manager of the RSA team but was not referred to the Lead Officer in the IC team to verify this was appropriate in accordance with the Services' procedure. Also on this occasion the premises was risk rated without a comprehensive official control intervention being undertaken contrary to the FLCoP. Auditors highlighted this as an example for the Service to consider as part of the review of officer authorisations and the governance arrangements between the RSA and IC teams. This was to ensure a consistent and effective food law enforcement service is delivered in accordance with the Services procedures.
- 3.4.5 A number of prosecution files were reviewed and in each case there was evidence of comprehensive and thorough investigations carried out in accordance with FLCoP and the Authority's enforcement policy. Auditors discussed the resources required to deliver this essential

enforcement action in support of consumer protection and recommended future service plans refer to this when considering the resources required.

3.5 Internal Monitoring, Third Party or Peer Review

Internal Monitoring

3.5.1 The Authority was in the process of reviewing their documented internal monitoring procedure issued in 2013 which provided details of qualitative checks to be carried out by the Lead Officer. Targeted internal monitoring is essential to help ensure consistency amongst officers and the appropriate escalation of enforcement, where necessary.

3.5.2 The Lead Officer advised that due to pressures on resources currently little documented quantitative and qualitative was taking place. The audit identified a number of examples where more robust internal monitoring would help to ensure consistency and to improve the effectiveness of the delivery of the food law enforcement service. Examples included:

- Monitoring of the planned food premises intervention programme.
- Monitoring of follow up actions including food law enforcement activities.
- Regular review of officer performance against service delivery expectations.
- Monitoring of the accuracy of the database

The Authority acknowledged this needed to be actioned given the audit findings.

Recommendations 4 and 5

[The Standard – 19.1 and 19.3]

Develop, 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. This should include all aspects of the Service, including the work of contractors where appropriate.

Ensure that records of monitoring activities are maintained.

Food and Food Premises Complaints

- 3.5.3 The Authority had a policy and documented procedure for the investigation of food premises and food hygiene complaints. The Service had recently introduced an intelligence led response to complaints received which depending on the nature of the complaint included sending an advisory letter to the business. Auditors discussed the need to update procedures to reflect this approach and establish risk criteria with officers for determining if advisory letters or follow up visits were required.
- 3.5.4 A range of complaints were assessed as part of the audit. Appropriate records were held including details of any actions taken and any communications with businesses to address any concerns. In all cases timely follow up actions had been taken to protect consumers.

Food Inspection and Sampling

- 3.5.5 The Authority had developed a documented sampling policy outlining its commitment to carrying out a range of effective risk based sampling. The Policy made reference to the sampling programme taking into account the risk based intervention ratings of food businesses. Auditors noted evidence of some samples being taken by the Authority at some of its approved and higher risk establishments.
- 3.5.6 An annual sampling programme had been developed, with the Authority regularly participating in regional sampling programmes on a range of different topics. File records relating to a number of these samples were examined. In each case the samples were taken in accordance with the Service's sampling policy and procedures and appropriate action had been taken on receipt of results, including where necessary providing written confirmation and appropriate advice to the businesses involved.

Records

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

Third Party or Peer Review

- 3.5.8 Auditors acknowledged the Authority's commitment to providing a quality service by its participation in the regional inter authority audit programme (IAA) and regular participation in the regional food liaison group. Such IAA schemes if actioned can provide a useful further opportunity for the review and development of the Service and its food law enforcement activities.

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Andrew Gangakhedkar

Food Standards Agency
Regulatory Delivery Division

ANNEX A - Action Plan for City of York Council

Audit date: 23-25 May 2016

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
<p>Recommendation 1 - Service Planning [The Standard -3.1]</p> <p>The Service Plan should include an estimate of the demands on the Service and the resources required for each area of service delivery (including those necessary to meet nationally driven outcome targets such as the intervention frequencies prescribed by the FLCoP), together with a comparison with the resources available.</p>	31/3/17	This recommendation will be implemented when the Service Plan for 2017/18 is prepared.	None
<p>Recommendation 2 [The Standard - 5.1]</p> <p>Set up, maintain and implement a documented procedure for the authorisation of officers based on their competence and in accordance with the relevant FLCoP and any centrally issued guidance.</p>	30/9/16	We aim to complete a review officer competence and authorisation by the end of September 2016.	<p>This work is in progress.</p> <p>The approach and method of authorising officers based on their competence was discussed at the Regional Food Liaison Group on 22 June to ensure a consistent approach is taken.</p>

<p>Recommendation 3 [The Standard – 7.1]</p> <p>Ensure that food hygiene interventions at food premises in the area are carried out at a frequency which is not less than that determined under the intervention rating scheme set out in the Food Law Code of Practice.</p>	<p>31/3/17</p>	<p>We have started a review our 'E rated' premises that are overdue an official control. We will develop an Alternative Enforcement Strategy, in line with the FLCoP, setting out how we will conduct official controls in relation to these premises.</p> <p>We will review, as a priority, 'E rated' premises whose use indicates they may no longer be 'E rated' (eg care homes and nurseries). Official controls will be carried out where appropriate. Other 'E rated' premises will receive an AEA questionnaire where an intervention is overdue.</p> <p>We will introduce appropriate Performance Indicators to monitor our progress against food hygiene interventions.</p>	<p>Since the audit, we have implemented a new way of recording our unrated premises on our database so that they can be easily identified and monitored.</p>
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<p>Recommendations 4 and 5 [The Standard – 19.1 and 19.3]</p> <p>Develop, 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. This should include all aspects of the Service, including the work of contractors where appropriate.</p> <p>Ensure that records of monitoring activities are maintained.</p>	<p>31/3/17</p>	<p>We will develop, maintain and implement the following :</p> <ul style="list-style-type: none"> • A procedure for the maintenance of the food premises database to ensure the database is updated and accurate (end of October 2016) • A range of Performance Indicators covering key aspects of our food delivery work, such as food hygiene interventions (end of October 2016). • A programme of targeted internal monitoring of officers work to help ensure consistency amongst officers and the effectiveness of service delivery (end of October 2016). 	
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ANNEX B - Audit Approach/Methodology

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

(1) Examination of LA policies and procedures.

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

- Food Service Plan for 2015/17
- Relevant Cabinet meeting minutes
- Service policies and procedures
- Food premises inspection procedure and aide memoire
- Officer authorisation, training and qualification records

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

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

(3) Review of database records:

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

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

- 1 Environmental Health Officer

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

(5) On-site verification check:

A verification visit was made with the Authority's officers to a local food business. The purpose of the visit was to verify the outcome of the last

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

ANNEX C - Glossary

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

wholesomeness of food.

Food Hygiene Rating Scheme (FHRS)

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

Food Safety Management System

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

Food standards

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

Framework Agreement

The Framework Agreement consists of:

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

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

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

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

Full Time Equivalent (FTE)

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

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

include food hygiene, food standards and feeding stuffs enforcement.