

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

Northumberland County Council  
17-18 October 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](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 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](http://www.food.gov.uk/enforcement/auditandmonitoring).

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

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## 1.0 Introduction

- 1.1 This report records the results of an audit at Northumberland County 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](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 Northumberland County 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 as it was a newly formed Unitary Authority and as such had never been audited by the Agency and was representative of a geographical mix of 12 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 Northumberland County 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 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 Loansdean, Morpeth on 17-18 October 2012.

## **Background**

- 1.7 Northumberland County Council is a large new Unitary Council in the north east of England with the main urban centres being Berwick, Alnwick, Morpeth, Ashington, Blyth and Hexham. The Authority covers some 501,000 hectares from the Scottish Borders to the boundaries of the Tyne and Wear authorities and Cumbria, with a population of 312,000 based in the urban centres and many smaller rural villages. The new authority was created in 2009 which resulted from the amalgamation of the county council and six smaller pre-existing district authorities: Alnwick, Berwick, Tynedale, Wansbeck, Castle Morpeth and Blyth.
- 1.8 The Authority has many small to medium food retail and catering businesses, and a range of specialist food manufacturing businesses involved with dairy, meat and fishery products, requiring approval under Regulation (EC) No. 853/2004. The Port of Blyth, a container port receiving small quantities of pre-packaged food and animal feed also lies within the Authority's boundary requiring a range of associated official controls.
- 1.9 Food hygiene law enforcement was the responsibility of the Public Protection Service, part of the Public Health Group. The Food Safety Service (Commercial Team) formed part of the Business and Consumer Protection Unit within the Public Protection Service. The Commercial Team's duties included food safety enforcement, port health, food standards and health and safety enforcement. Other teams within Public Protection such as Trading Standards (Urban and Rural

including Animal Health) and Community and Environmental Health (Urban and Rural) also contributed to food and feed enforcement.

- 1.10 The Authority reported the profile of Northumberland County Council's food businesses as of 1 April 2012 as follows:

<b>Type of Food Premises</b>	<b>Number</b>
Primary Producers	225
Manufacturers/Packers	213
Importers/Exporters	8
Distributors/Transporters	54
Retailers	828
Restaurant/Caterers	2,637
<b>Total Number of Food Premises</b>	<b>3,965</b>

## 2.0 Executive Summary

2.1 The audit was carried out following the development of a new Unitary Authority in 2009. Auditors acknowledged that the Authority had clearly faced considerable challenges in bringing together and organising a new structure for delivering food safety enforcement in the area, given the number of pre-existing teams involved, and their various administration and IT systems. The difficult economic climate also had a significant impact upon resources available to the Service and auditors were informed that a further review and rationalisation of staff resources was being considered. However the audit revealed a number of significant concerns regarding current delivery of food hygiene enforcement by the Service. Auditors recommended that the Authority undertake a fundamental review of its service delivery to include how improvements could be made to improve public protection. Auditors requested that the Authority undertake a number of urgent actions with regard to the audit including:

- Confirmation that a business in the area would cease to use a piece of equipment for both raw and ready to eat food.
- Further verification that another business had ceased to use a piece of equipment previously used for both raw and ready to eat food.
- The re-assessment and inspection of a meat products establishment subject to approval under Regulation (EC) No. 853/2004 that had been inspected by an officer not authorised to undertake such inspections.
- The re-assessment and inspection of a business producing unpasteurised cheese products subject to approval under Regulation (EC) No. 853/2004, as the last inspection records were not available.
- The re-assessment of all overdue and unrated establishments to ensure that the list did not include businesses that may be affected by the Agency's latest E.coli O157 guidance.

The Authority fully co-operated with the Agency taking appropriate follow-up action as required.

2.2 The Authority had developed a Food Service Plan for 2012/13, broadly in line with Service Planning Guidance. However, the Plan did not fully detail the large backlog of businesses overdue an intervention, including the large number of unrated establishments in the area yet to receive any form of intervention. The Plan needed to also provide a comparison of the staff resources required to deliver the food law enforcement service against the staff resources available to the Authority. The absence of such information makes it difficult to substantiate and quantify resource shortfalls to senior managers and Members.

- 2.3 The Authority had not developed an effective method of identifying and assessing officer competencies and associated training requirements, commensurate with their level of authorisation. Some officers were authorised to carry out enforcement activities in premises requiring approval under Regulation (EC) No. 853/2004, but it was not clear that there was sufficient in-house expertise to effectively carry out such duties.
- 2.4 Whilst record and database checks confirmed that the Authority was generally prioritising its programme of interventions on a risk basis and targeting higher risk businesses, there were still approximately 600 lower risk and compliant businesses that required some form of assessment and intervention to confirm their continuing compliance. In addition there were over 700 businesses registered with the Authority that had yet to receive an intervention, contrary to the Food Law Code of Practice (FLCoP). The Authority had however developed a useful screening questionnaire to try and prioritise these businesses based on their potential risk.
- 2.5 In general, inadequate food establishment and intervention records were being maintained throughout all food law enforcement activities. Records that were available were frequently incomplete. The lack of comprehensive records made it difficult to ascertain the nature and scope of food business operations and the extent of officers' interventions. This would make effective internal monitoring difficult and did not provide reliable records to inform future officer interventions or to adopt a graduated approach to enforcement. In addition auditors were informed that some 600 premises inspection records and registration details had been lost during the formation of the Authority due to technical reasons. The Authority later confirmed that it had since been successful in retrieving these files and would make them available to officers prior to future relevant interventions.
- 2.6 The Service needed to review and assess all records relating to the 22 approved establishments in the area to ensure that they were appropriately approved under relevant legislation by suitably trained and competent officers. The Service also needed to ensure that all files associated with these premises contained important information about the business such as up to date hazard analysis and critical control point (HACCP) plans, suppliers and customers, product details and emergency product withdrawal plans.
- 2.7 Work instructions had been developed to ensure the accuracy of the Authority's food premises database. Audit checks confirmed that the database was generally accurate and contained only minor anomalies with regard to risk scoring and coding of actions such as written warnings. The Authority was therefore generally able to provide accurate and complete Local Authority Enforcement Monitoring System (LAEMS) returns to the Agency.

- 2.8 Records indicated that there had been a past reliance on warning letters and revisits to businesses. It was clear that this approach had not always been effective in securing timely business compliance, with repeated breaches of legislation frequently being noted on consecutive inspections. There was some evidence however that officers had started to use a wider range of enforcement options such as formal notices to address this issue.
- 2.9 Auditors examined the Authority's formal enforcement records on hygiene improvement notices and a voluntary closure. The actions appeared to have achieved the desired effect in protecting public health, and had been carried out in accordance with the FLCoP and the Authority's own Enforcement Policy.
- 2.10 The Authority advised that although it had not undertaken much recent programmed food sampling, it had developed a sampling programme for 2012/13, to support its enforcement activity.
- 2.11 Records of food and food premises complaint investigations 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.
- 2.12 A reality check was carried out to a local care home 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.
- 2.13 Whilst there was some evidence of internal service monitoring, in the main this amounted to checks on the numbers of inspections carried out rather than the quality and consistency of enforcement activity.

## **3.0 Audit Findings**

### **3.1 Organisations and Management**

#### Strategic Framework, Policy and Service Planning

3.1.1 Following the creation of the new Authority in 2009 and its further restructure in 2011 which saw the Service centralised to the Morpeth office, the Service had a pool of authorised officers largely drawn from the pre-existing district authorities. The Authority had developed a detailed Food and Feed Safety and Standards Service Plan for 2012/13, the first to be formally developed and published since the Authority's creation. The Plan had been formally approved by Members in June 2012. The Plan included the work of the Commercial Team and provided a summary of Service objectives and priorities relating to food hygiene and standards. These included:

- 'Increasing the number of premises with a FHS rating of 3 or more.
- Work with persistently low scoring high risk businesses on the FHS to improve their rating.
- Carry out a desktop exercise to identify and then inspect potentially high risk unrated premises.
- Carry out a survey of low risk unrated premises.
- Implement a food sampling programme.
- Carry out revisits to follow up on non "broadly compliant" businesses.
- Visit new businesses that are judged to be high risk.
- Contact/visit E category businesses where queries have arisen from the 2011/12 compliance self assessments.
- Carry out inspections at market stalls.
- Respond to complaints and service requests within 3 working days of receipt.'

3.1.2 In addition, the Plan outlined new food hygiene service improvement themes:

- 'Continue to develop the service in line with the principles of the Better Regulation Agenda.
- Continue to improve the quality of data held on the database.'

3.1.3 Although the structure of the Service Plan was generally in line with the format of the Service Planning Guidance in the Framework Agreement, it omitted some key information about the food service. The Plan did not include a sufficiently detailed comparison of the staff resources required to deliver the Food Law Enforcement Service and

all the demands placed upon it, including any existing backlog of inspections and unrated establishments, i.e. those still waiting to be inspected for the first time, such as newly registered businesses. The absence of this information made it difficult to quantify and demonstrate any shortfall in resources to senior management and Members.

- 3.1.4 The Plan also needed to provide more detailed information regarding the Port of Blyth, the activities that take place at the Port with regards to food and feed, details of any relevant official controls carried out by the Authority and any impact that this may have on the resources required to deliver the Service.
- 3.1.5 The Plan contained a comprehensive review of service performance based on data from 2011/12. This review included detailed quantitative analysis of most of the food law enforcement service, including inspection targets for food hygiene and standards, advice to businesses, complaints and infectious disease investigations. The review highlighted the fact that the Authority had struggled to meet its inspection targets in accordance with the Food Law Code of Practice due to staffing resources, but did not contain sufficient detailed information on the scale of this shortfall and how it would be addressed in the future.

## Recommendations

### 3.1.6 The Authority should:

- (i) Ensure that future Food Service Plans are in full accordance with the Service Planning Guidance in the Framework Agreement and include details of all demands on the Service including the annual food premises intervention programme and any backlog including unrated establishments. In addition provide an accurate and reasoned estimate of the staffing resources required to deliver the food law enforcement service compared with the staffing resources available to the Authority. [The Standard – 3.1]
- (ii) Any variance in meeting the Plan should be addressed in the following year's Plan. [The Standard - 3.3]
- (iii) Ensure that the Service has a sufficient number of suitably qualified, experienced and competent officers to carry out the work set out in the Food Service Plan. [The Standard – 5.3]

## Documented Policies and Procedures

- 3.1.7 The Authority had adopted a series of detailed generic procedures covering its enforcement service. These included responsibilities and flowcharts for officers to use when undertaking enforcement actions. Where necessary these had been further developed and adapted to include local arrangements for officers. These procedures had been adopted in 2011 and generally contained relevant up to date legal references and instructions for officers.

## Officer Authorisations

- 3.1.8 The Authority had a documented generic procedure for the authorisation of officers, which outlined the general process involved and referred to the location of relevant legislation under which officers should be authorised. 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. The procedure generally discussed the need for the Authority to assess the qualifications and competency of all officers,

but lacked specific detail on how this assessment would be made or recorded. The procedure needed to be reviewed to provide a suitable method of identifying and documenting officer competencies based on their level of authorisation ensuring that it reflects actual practices taking place within the Authority.

- 3.1.9 Officer authorisations omitted some legislative references including the General Food Regulations 2004 and the European Communities Act 1972. Powers under the Food Hygiene (England) Regulations 2006 had been conferred by exception rather than specific authorisation under each relevant section of the regulations.
- 3.1.10 Checks of available training records indicated that none of the officers had received recent training on the inspection of establishments for approval in accordance with Regulation (EC) No. 853/2004, or on specialist or complex food processes relevant to the profile of food businesses in the area. Officers had however been authorised to carry out such duties. In addition there was little evidence of any recent officer training in relation to HACCP and its assessment or the implementation of the Agency's E.coli O157 guidance, a point confirmed through discussion with officers during the audit.
- 3.1.11 Auditors were advised that individual officer training needs were discussed during the annual appraisal process and during one to one meetings between officers and managers. It was not however clear how training needs were assessed and prioritised based on individual duties and responsibilities.
- 3.1.12 Records of training were not readily available for every officer. Auditors were unable to confirm in every case that officers had achieved the minimum of 10 hours relevant training in accordance with the specified levels of Continuing Professional Development (CPD) training requirements in the Food Law Code of Practice.

## **Recommendations**

### **3.1.13 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. In addition current officer authorisations should be reviewed as necessary to ensure that all officers are appropriately authorised under relevant current legislation in accordance with their individual levels of qualification, experience and competency. [The Standard – 5.1 and 5.3]
- (ii) Ensure that all relevant officers have the necessary specialist knowledge in relation to the approval and inspection of establishments in accordance with Regulation (EC) No. 853/2004, and in specialist or complex processes relevant to the area. [The Standard – 5.2]
- (iii) 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]
- (iv) Maintain records of relevant qualifications, training and experience of each authorised officer 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 the returns was the responsibility of the Commercial Team Manager. The Service had developed a documented local work instruction to promote consistent data entry and to ensure that the food premises database was accurate.
- 3.2.2 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. Auditors discussed the need for the Authority to accurately code and report the true number of written warnings issued, as it appeared from the LAEMS data submitted and audit checks that the Authority had under reported this type of enforcement activity.

### 3.3 Food Premises Interventions

3.3.1 The Authority's Food Service Plan 2012/13 provided details of the food premises intervention programme, but not specifically the full profile.

3.3.2 A review of the database supplied to auditors prior to the audit confirmed the following breakdown of premises by risk category:

Premises Risk Category	Number of Premises
A	23
B	196
C	1,303
D	506
E	997
Unrated	751
Outside programme	0
<b>TOTAL</b>	<b>3,776</b>

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

3.3.4 A report produced during the audit indicated that there were approximately 600 businesses that although largely compliant or lower risk still required some form of intervention in accordance with the Food Law Code of Practice. The interventions overdue included 394 medium risk category "C"s, the oldest being outstanding since 2003. Auditors 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.

3.3.5 In addition to the backlog of overdue interventions, the database revealed over 700 businesses such as newly registered businesses that still required an initial inspection and as such were unrated in terms of public health risk. The Authority acknowledged this issue and had attempted to screen this list of unrated businesses using a comprehensive assessment form in order to identify and prioritise likely higher risk businesses for inspection. However auditors were concerned that a large number of premises still remained unrated, a figure potentially increasing every year as new businesses register with the Authority. No formal management strategy had been developed to address those businesses remaining on the list after screening and prioritisation.

3.3.6 Despite the large number of overdue interventions and unrated premises, auditors were able to confirm that the Authority had generally adopted a risk-based approach to the remaining intervention

programme, targeting resources at the higher risk and non-compliant businesses.

**Recommendation**

3.3.7 The Authority should:

Ensure that food hygiene interventions at food premises in their area are carried out at a frequency which is not less than that determined under the intervention rating scheme set out in the Food Law Code of Practice.  
[The Standard – 7.1]

- 3.3.8 The Authority had developed and implemented some documented procedures on the inspection of food premises, which in part reflected actual practice. The procedures required review and expansion to ensure they were current, comprehensive and included guidance for officers on the inspection of approved establishments. In addition the inspection procedure could usefully contain clearer guidance for officers on the application of Agency guidance on avoiding cross-contamination risks from E.coli O157.
- 3.3.9 The Authority had recently developed and introduced two inspection aides-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 should be subsequently entered onto the electronic database. Prior to this, inspection histories consisted of a range of different inspection aides-memoire used by different officers from each of the district authorities that made up the new authority. The aides-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 were also applicable.
- 3.3.10 The Authority had difficulty in providing inspection records and inspection histories for a number of establishments. Auditors were informed that for technical reasons past inspection records and registration documents for 600 businesses in all risk categories including higher risk businesses had not been made available at the time of the formation of the new authority. This had made it difficult for officers to ascertain the compliance and enforcement record of these businesses prior to the next inspection. Following the audit, auditors were informed that these records had since been retrieved and would be re-assessed where applicable.

- 3.3.11 Audit checks on aides-memoire that were made available for audit indicated that the forms were not being completed in sufficient depth and in addition there was a variable level of detail recorded on the database. Most premises records checked by auditors did not contain sufficient detail on officers' findings. In particular there were no or limited records of officers' assessments of the food business operator's (FBO's) compliance with the requirement to have in place an effective food safety management system. Where there was any indication that this had been checked, the records mostly consisted of marked tick boxes. Some of these were ambiguous which made it difficult to determine whether the officer had concluded that the business was compliant or non-compliant. The lack of complete and adequate records made it difficult for auditors to make an informed assessment of whether risk ratings had been applied correctly and that appropriate follow-up action had been taken where necessary.
- 3.3.12 Following one file check and discussions with officers, auditors became concerned about the Authority's interpretation of the Agency's E.coli O157 guidance with regard to preventing the risk of cross-contamination from the use of equipment for both raw and ready to eat products. The Authority took immediate action to re-assess the use of such equipment at one business and provided confirmation after the audit that the practice had ceased at another establishment. Following these discussions auditors requested that the Authority review any advice previously provided to businesses to ensure that they were provided with the correct interpretation of the guidance. In addition auditors also requested that the Authority review the screening form used to assess and prioritise unrated establishments and to review its list of overdue compliant establishments to ensure that any businesses affected by the E.coli O157 guidance receive a formal intervention as a matter of priority.
- 3.3.13 The Authority had 22 establishments that required approval under Regulation (EC) No. 853/2004. Files examined relating to these businesses contained only limited information about the type of operations taking place at these premises, making it difficult in some cases to assess the scope of the approval needed. Some files also had other missing information concerning emergency contacts, product recall information and accurate information on the latest HACCP plans for the business. Two files examined indicated that they had not been appropriately re-approved following the introduction of relevant EU legislation in 2006. In one case, that of a manufacturer of unpasteurised cheese, the last inspection record was not available making it impossible for auditors to assess whether the business had been fully inspected against all the requirements of relevant legislation. In another file examined, that of a meat products manufacturer, due to an administrative error, an unauthorised and untrained officer had carried out the most recent inspection. Auditors

requested that in both cases the premises were re-assessed as a priority to confirm their compliance with relevant hygiene legislation.

### **Recommendations**

3.3.14 The Authority should:

- (i) Further develop and fully implement its documented procedures for the inspection of general food premises and approved establishments to provide operational guidance to officers that is in line with the Food Law Code of Practice and centrally issued guidance.  
[The Standard – 7.4]
- (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.  
[The Standard – 7.2 and 7.3]
- (iii) Review all product-specific establishments subject to approval under Regulation (EC) No. 853/2004 and ensure that they are inspected and approved in accordance with relevant legislation, the Food Law Code of Practice and centrally issued guidance.  
[The Standard – 7.2]
- (iv) Maintain up to date, accurate and comprehensive records for all establishments including those approved under Regulation (EC) No. 853/2004. The records should detail the determination of compliance with legal requirements and comprehensive reports of all inspections, visits and where relevant the basis for approval, in accordance with the Food Law Code of Practice and centrally issued guidance.  
[The Standard –16.1]
- (v) Ensure that observations made and/or data obtained in the course of an inspection/intervention are legible and stored in such a way that they are easily retrievable.  
[The Standard – 7.5]

## Verification Visit to a Food Premises

- 3.3.15 During the audit, a verification visit was undertaken to a local care home with 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.
- 3.3.16 The officer was able to demonstrate general familiarity with the premises and the key operations carried out at the business including the adequacy of the operator's food safety management system. As with other officers in the Service, the officer would benefit from additional training regarding the Agency's E.coli O157 guidance to ensure its correct implementation and interpretation by businesses.

### 3.4 Enforcement

- 3.4.1 The Authority had developed an enforcement policy which set out a graduated approach to enforcement in accordance with the Food Law Code of Practice. The policy contained up to date references to relevant regulations and centrally issued guidance.
- 3.4.2 The Service had developed procedures and associated administrative documentation for most aspects of formal food law enforcement.
- 3.4.3 Based upon file checks and data submitted via LAEMS, it was evident that there had been a past reliance by officers on written warnings to try and achieve business compliance. However it was also clear that this approach had not always been successful at achieving timely compliance, with businesses frequently exhibiting repeated breaches of hygiene legislation on consecutive inspections. There was evidence however that the Authority had started to use more formal methods of enforcement such as issuing hygiene improvement notices (HINs) and a voluntary closure to address such repeated contraventions.
- 3.4.4 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.

#### **Recommendation**

3.4.5 The Authority should:

Take appropriate action on any non compliance found, in accordance with the Authority's Enforcement Policy. Any departure from the Enforcement Policy should be recorded along with the reasons for that decision.

[The Standard - 7.3 and 15.4]

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

#### Internal Monitoring

- 3.5.1 The Authority had a generic documented Internal Monitoring procedure, outlining the methods and principles involved. This required review to ensure it reflected current or intended internal monitoring practice and to detail the frequency of checks.
- 3.5.2 Discussions during the audit indicated that the main area of internal monitoring was a quantitative assessment of the numbers of inspections carried out by officers. There was little evidence of any assessment of the quality and consistency of inspections or other food law enforcement activities.
- 3.5.3 Audit checks confirmed a wide variance in the quality of records maintained by different officers on food law enforcement activities. This could be identified and addressed through the introduction of effective and regular risk based internal monitoring across all areas of food law enforcement work.

#### **Recommendations**

3.5.4 The Authority should:

- (i) Set up, 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

- 3.5.5 The Authority had developed a documented policy and procedure for dealing with food and food premises complaints.

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

#### Food Inspection and Sampling

- 3.5.7 The Authority had produced a sampling policy and procedure for 2009/10 which set out the Authority's commitment to a risk-based sampling regime.
- 3.5.8 Auditors were advised that only limited routine food sampling had been undertaken by the Authority in the recent past due to resource constraints. The Authority had however now developed a sampling programme for 2012/13 as part of its overall enforcement strategy.

#### Records

- 3.5.9 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 not easily retrievable, sometimes incomplete or occasionally missing.
- 3.5.10 The lack of cohesive records made it difficult to ascertain the extent of officers' assessments across all food law enforcement activities. Poor quality records would hinder effective internal monitoring by managers and provides limited information to inform a considered graduated approach to enforcement.

#### **Recommendation**

3.5.11 The Authority should:

Maintain up to date, accurate records in retrievable form for all food establishments and related food law enforcement activities in accordance with the Food Law Code of Practice. Records for individual premises should be linked to enable their easy retrieval and provide a complete history of food law enforcement activity. [The Standard – 16.1]

### Third Party or Peer Review

3.5.12 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**  
Chris Green  
Alun Barnes (observer)

Food Standards Agency  
Local Authority Audit and Liaison Division

## ANNEXE A Action Plan for Northumberland County Council

Audit date: 17-18 October 2012

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.1.6(i) Ensure that future Food Service Plans are in full accordance with the Service Planning Guidance in the Framework Agreement and include details of all demands on the Service including the annual food premises intervention programme and any backlog including unrated establishments. In addition provide an accurate and reasoned estimate of the staffing resources required to deliver the food law enforcement service compared with the staffing resources available to the Authority. [The Standard – 3.1]	30/06/13	The Food Service Plan 2012/13 will be superseded by a Plan for 2013/14. The content of this plan will be dependent on the results of the work underway to resolve the food premises records currently classed as ‘unrated’. Once this service demand has been identified priorities and resources can be assessed for this service. The plan will be in full compliance with the requirements of the Standard.	Work commenced in October 2012 to prioritise the ‘unrated’ premises ready for inspection. Inspections began in November and will continue until March 2013.
3.1.6(ii) Any variance in meeting the Plan should be addressed in the following year’s Plan. [The Standard - 3.3]	30/06/13	The position of the Service will be reviewed at the end of this financial year and priorities and resources will be assessed accordingly for the Food Service Plan 2013/14.	
3.1.6(iii) Ensure that the Service has a sufficient number of suitably qualified, experienced and competent officers to carry out the work set out in the Food Service Plan. [The Standard – 5.3]	30/06/13	Staffing resources will be included in the review of the Service and preparation of the Food Service Plan 2013/14.	Current work on ‘unrated’ food premises will inform the work demands required.

<b>TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)</b>	<b>BY (DATE)</b>	<b>PLANNED IMPROVEMENTS</b>	<b>ACTION TAKEN TO DATE</b>
3.1.13(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. In addition current officer authorisations should be reviewed as necessary to ensure that all officers are appropriately authorised under relevant current legislation in accordance with their individual level of qualification, experience and competency. [The Standard – 5.1 and 5.3]	31/03/13	<p>A revised authorisation procedure will be developed, which is more specific to the individual officer's qualifications, experience and currency.</p> <p>A further review of officer authorisations will be undertaken upon completion and implementation of the revised authorisation procedure.</p>	We have reviewed officer authorisations to ensure officers are appropriately and specifically authorised for their current duties. The review took place after supplementary training in November and December 2012.
3.1.13(ii) Ensure that all relevant officers have the necessary specialist knowledge in relation to the approval and inspection of establishments in accordance with Regulation (EC) No. 853/2004, and in specialist or complex processes relevant to the area. [The Standard – 5.2]	Completed	Officers required to undertake inspections of these 'product specific' types of food premises will be trained and updated before being specifically authorised for that task.	In November and December 2012, 2 x food safety inspectors received on-line product specific training and were also accompanied by an external food safety specialist brought in to re-visit product specific food premises (cheese, meat and fish products). 4 x inspectors attended a shellfish training session.

<b>TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)</b>	<b>BY (DATE)</b>	<b>PLANNED IMPROVEMENTS</b>	<b>ACTION TAKEN TO DATE</b>
3.1.13(iii) 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]	31/03/13	Officer training will be reviewed and a scheme devised to ensure training is on-going, relevant and structured and provides at least 10 hours continued professional development per year.	In November a briefing was held to refresh food safety officers on the 2011 FSA E.coli O157 guidance. On-line training accounts have been initiated for all food safety officers and training modules were completed in December 2012 for E.coli O157 and HACCP. In all 6 staff completed a total of 21 relevant modules.
3.1.13(iv) Maintain records of relevant qualifications, training and experience of each authorised officer in accordance with the Food Law Code of Practice. [The Standard – 5.5]	31/03/13	To be incorporated into revised authorisation procedure (see above 3.1.13(i)).	

<b>TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)</b>	<b>BY (DATE)</b>	<b>PLANNED IMPROVEMENTS</b>	<b>ACTION TAKEN TO DATE</b>
<p>3.3.7 Ensure that food hygiene interventions at food premises in their area are carried out at a frequency which is not less than that determined under the intervention rating scheme set out in the Food Law Code of Practice. [The Standard – 7.1]</p>	<p>30/06/13</p>	<p>All the food premises currently classed as 'unrated' require an inspection in order to assign a rating and hence an inspection frequency. The resolution of these 'unrated' premises has been given high priority and all should receive a rating before April 2013. Once the extent of the food premises ratings is known a food safety inspection programme can be developed and incorporated into the Food Service Plan 2013/14 (see above item 3.1.6(i)). This will use the full range and flexibility of intervention types.</p> <p>Produce monthly intervention programme including missed inspections.</p>	<p>In October 2012 the premises currently classed as 'unrated' were prioritised to give them a high/medium/low interim category for inspection (with reference to the latest E.coli O157 guidance). Premises inspections commenced with the high risk category in November 2012. Two additional inspectors have been employed on a temporary basis and allocated unrated premises to progress this work. On-going quantitative performance monitoring maintained.</p>

<b>TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)</b>	<b>BY (DATE)</b>	<b>PLANNED IMPROVEMENTS</b>	<b>ACTION TAKEN TO DATE</b>
3.3.14(i) Further develop and fully implement its documented procedures for the inspection of general food premises and approved establishments to provide operational guidance to officers that is in line with the Food Law Code of Practice and centrally issued guidance. [The Standard – 7.4]	Completed	Review inspection procedures and update with particular reference to approved establishments and cross-contamination risks (E.coli O157). Revise relevant aides-memoire. Further staff training will be delivered on the requirements of procedures.	A revised inspection form for approved establishments has been produced, which includes annexes for fish and milk premises. The current general inspection form is in the process of being revised. All staff have been advised that more details are required on report forms. All staff have been advised on the process of recording written warnings following inspection.
3.3.14(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. [The Standard – 7.2 and 7.3]	31/03/13	Enforcement procedure will be more specific and used to advance formal action in appropriate cases. Consistency and compliance will be included as an agenda item on monthly team meetings.  Procedural changes to be reinforced to staff in a workshop session. Internal monitoring will include officer assessments to business compliance and approach to enforcement.	The revised inspection form prompts the expression of an opinion of the business from the inspector and raises the profile of 'next actions' for enforcement if not voluntarily brought in to compliance.

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.3.14(iii) Review all product-specific establishments subject to approval under Regulation (EC) No. 853/2004 and ensure that they are inspected and approved in accordance with relevant legislation, the Food Law Code of Practice and centrally issued guidance. [The Standard – 7.2]	30/04/13	Update and refresh officer training for specific approved establishments. Where appropriate re-inspect establishments. Advise FBO, where required, that a new application for approval is necessary.	Following appropriate updating training all approved establishments have been reviewed and reassessed. Those requiring re-inspection have been visited, including a meat products and a cheese premises identified in the report as priority.
3.3.14(iv) Maintain up to date, accurate and comprehensive records for all establishments including those approved under Regulation (EC) No. 853/2004. The records should detail the determination of compliance with legal requirements and comprehensive reports of all inspections, visits and where relevant the basis for approval, in accordance with the Food Law Code of Practice and centrally issued guidance. [The Standard –16.1]	Completed Completed 31/03/13 31/03/13 31/01/14	Identify gaps in approved establishments file information. Obtain missing information as necessary including new application forms where required. Review contents of food safety premises files and establish a standard format, content and indexing. Implement file contents review at next premises inspection. Complete implementation of new indexing system for all food premises files.	All approved establishments files were audited in October/November 2012 and gaps in information identified and requested. Some premises need to re-apply for approval and these have been sent application forms. Work has started on devising a 'standardised' file & indexing system.

<b>TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)</b>	<b>BY (DATE)</b>	<b>PLANNED IMPROVEMENTS</b>	<b>ACTION TAKEN TO DATE</b>
3.3.14(v) Ensure that observations made and/or data obtained in the course of an inspection/intervention are legible and stored in such a way that they are easily retrievable. [The Standard – 7.5]	31/03/13	Review contents of food safety premises files and establish a standard format, content and indexing (as required by and incorporated into 3.3.14(iv)). Audit/Monitoring procedures will include checks to ensure compliance.	Files from Alnwick, Berwick and Hexham offices were moved to the Commercial Team office on 20/12/12. All premises files are now in this central office.
3.4.5 Take appropriate action on any non compliance found, in accordance with the Authority's Enforcement Policy. Any departure from the Enforcement Policy should be recorded along with the reasons for that decision. [The Standard - 7.3 and 15.4]	Completed	Refresh food safety officer knowledge of the Northumberland County Council Corporate Enforcement Policy and Improvement Notice and Prohibition Notice procedures. To incorporate into revised aide-memoire. Produce enforcement flow chart.	Food safety inspectors informed of the example quoted in the audit report at a briefing 19/12/12. Issue discussed with reference made to the Enforcement Policy to raise awareness of all enforcement actions available. Presentation to staff on Enforcement Policy 15/01/13.
3.5.4(i) Set up, 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]	30/04/13	Review the existing internal monitoring procedure and produce and implement a planned approach to auditing the service. The procedure will include recording checks, results of checks and any corrective actions taken.	Food safety inspectors informed of the need for internal audit at a briefing 19/12/12. Issue discussed with reference made to types and styles of quality audit appropriate.

<b>TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)</b>	<b>BY (DATE)</b>	<b>PLANNED IMPROVEMENTS</b>	<b>ACTION TAKEN TO DATE</b>
3.5.4(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]	30/04/13	Develop an audit mechanism to allow conformance checks of documentation and identification of deviations from The Standard. To include in the above at 3.5.4(i).	See above at 3.5.4(i).
3.5.4(iii) Ensure that records of monitoring activities are maintained. [The Standard – 19.3]	30/04/13	Develop conformance check and corrective actions records system. To include in the above at 3.5.4(i).	See above at 3.5.4(i).
3.5.11 Maintain up to date, accurate records in retrievable form for all food establishments and related food law enforcement activities in accordance with the Food Law Code of Practice. Records for individual premises should be linked to enable their easy retrieval and provide a complete history of food law enforcement activity. [The Standard – 16.1]	30/04/13	Develop and implement a comprehensive records system. See above at 3.3.14(iv).	Files from Alnwick, Berwick and Hexham offices were moved to the Commercial Team office on 20/12/12. All premises files are now in this central office. At present all inspection forms and aides-memoire are scanned and electronically attached to the premises record in the departmental data management system, so are available to all inspectors. Records from the former Castle Morpeth Borough Council area have now been made available to all inspectors for reference if required.

## **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 LA policies, procedures and linked documents were examined before and during the audit:

- Food and Feed Safety and Standards Service Plan for 2012/13
- Relevant Cabinet meeting minutes
- Service policies and procedures and local arrangements
- Food premises inspection procedure and aide memoir
- 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
- 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
- Two 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.