



**Report on the Food Law Enforcement Service's
Arrangements for Food Premises Database
Management, Food Premises Inspections
and Internal Monitoring**

Ashford Borough Council

13 -14 May 2008

Foreword

Audits of local authorities' food law enforcement services are part of the Food Standards Agency's arrangements to improve consumer protection and confidence in relation to food. These arrangements recognise that the enforcement of UK food law relating to food safety, hygiene, composition, labelling, imported food and feeding stuffs is largely the responsibility of local authorities. These local Authority regulatory functions are principally delivered through their 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 Local Authority Food Law Enforcement and is available on the Agency's website at:

www.food.gov.uk/enforcement/

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.

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/

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

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1. Introduction

- 1.1 This report records the results of an audit under the headings of the Food Standards Agency Food Law Enforcement Standard focusing on the Authority's arrangements for food premises database management, food premises inspections and internal monitoring at Ashford Borough Council, with regard to food hygiene enforcement and has been made available on the Agency's website at: www.food.gov.uk/enforcement/audits/. Hard copies are available from the Food Standards Agency's Local Authority 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 Regulation 7 of the Official Feed and Food Controls (England) Regulations 2007. This audit of Ashford Borough Council was undertaken under section 12(4) of the Act as part of the Food Standards Agency's annual audit programme.
- 1.3 The Authority was selected for audit as part of the Food Standards Agency's programme of audits of local authority food law enforcement services as it was a District Council, had not been audited in the past by the Agency and was representative of a geographical mix of 10 Authorities selected across England.

Scope of the Audit

- 1.4 The audit examined Ashford Borough Council's arrangements for food premises database management, food premises inspections and internal monitoring with regard to food hygiene law enforcement. The scope of the audit also included an assessment of the Authority's overall organisation, management and internal monitoring of other food hygiene law enforcement activities.
- 1.5 Assurance was sought that key Authority food hygiene law enforcement service systems and arrangements were effective in supporting business compliance, and that local enforcement was managed and delivered effectively. The on-site element of the audit took place at the Authority's offices at the Civic Centre, Tannery Lane, Ashford, Kent on 13 -14 May 2008.
- 1.6 The audit assessed the Authority's conformance against the requirements of the Standard which was adopted by the Food Standards Agency Board on 21 September 2000, (amended July 2004), and forms part of the Agency's Framework Agreement with local authorities. The Framework Agreement can be found on the Agency's website at www.food.gov.uk/enforcement/.

Background

- 1.7 Ashford is the largest borough in Kent. It has a fast-growing population which has more than trebled in the last 40 years to around 111,000 residents. The Borough is designated by the Government as a growth area and a £650 million investment programme is under way to provide 31,000 new homes and 28,000 jobs by 2031. The ongoing growth and investment in Ashford has seen the development of many new businesses, leisure opportunities, retail developments, transport links, and new housing.
- 1.8 Although well known as an expanding urban area, much of the borough is made up of picturesque villages and stunning protected countryside including Romney Marsh, the North Downs and the High Weald, which are vital in contributing to Ashford's important tourism industry. The Borough has the most listed buildings and conservation areas in Kent and one of the lowest crime rates.
- 1.9 Ashford Borough Council's Environmental Health Department was responsible for the enforcement of food hygiene legislation within the Borough. The Environmental Health Department's officers were also responsible for the delivery of a range of services including health and safety, infectious disease control, licensing, enforcement of 'smoke-free' legislation and animal welfare licensing. In addition the Department also carried out food hygiene training, implemented a Scores on the Doors scheme and participated in the Safer food, better business initiative. Enforcement of food standards and feedingstuffs legislation was the responsibility of Kent County Council Trading Standards Service.
- 1.10 The Authority's report to their Executive on 1 May 2008 for the period 2007/2008 stated that Environmental Health was responsible for enforcing food hygiene legislation in 1,072 premises. These food businesses were predominantly within the catering (57%) and retail (20%) sectors. The report also indicated that the Authority carried out the following proactive and reactive activities:

Enforcement Activity	Number
Food hygiene inspections	396
Food safety inspections not in their programme	192
Complaint investigation	186
Statutory infectious disease notifications	163
National alerts from the Food Standards Agency	52
Premises contacted under the Alternative Enforcement Strategy	66

Enforcement Activity	Number
Revisits following a food hygiene inspection	186
Other food safety inspections	63
Food sampling visits	48

2. Executive Summary

- 2.1 It was established that the Authority was operating food hygiene law enforcement service systems and arrangements that were effective in supporting business compliance, and that local enforcement was managed and delivered effectively. The audit established that the Authority was conforming against the requirements of the Food Law Enforcement Standard. There were no areas identified as requiring improvement and several systems were highlighted as examples of potential good practice.
- 2.2 The Authority had developed an Environmental Health Service Plan for 2008/2009 and a revised food safety policy document. These had been approved by Members and met the requirements of the Service Planning Guidance in the Framework Agreement on Food Law Enforcement. An annual performance review had also been carried out.
- 2.3 The audit confirmed that the database was effectively managed, accurate and up to date. It was operated so as to be capable of providing information required by the Agency. Comprehensive records of database checks were being maintained in line with the Authority's procedures and operational notes.
- 2.4 The food hygiene inspection programme was being effectively managed and inspections were being carried out in accordance with the programme. Records of inspections were being maintained and a report or letter had been issued in all the files examined.
- 2.5 The Authority had developed internal monitoring procedures together with operational notes and checklists. Detailed qualitative and quantitative monitoring was being undertaken for all food law enforcement activities.
- 2.6 File checks on reactive work and formal enforcement activities confirmed that appropriate action was being taken in all of the cases examined. In addition records were detailed and easily retrievable.

3. Audit Findings

3.1 Organisation and Management

Strategic Framework, Policy and Service Planning

- 3.1.1 The Environmental Health Department operated in accordance with a number of policies, procedures and operational notes. The Food Safety Policy document, the Food Service annual review of performance 2007/08 and the Food Safety Work Plan for 2008/2009 were presented to Members on 1 May 2008 and had received approval.
- 3.1.2 A measurement relating to the new national performance indicators had also been developed and reported to Members. The Authority had reported that their food safety outcome measure of the number of establishments that were broadly compliant was approximately 90%.
- 3.1.3 The Authority also reported against the following performance indicators for food safety:
- the percentage of food premises inspections completed by risk rating against those planned (99.24%);
 - the number of food complaints and other reactive work completed within the locally set performance targets (186 complaints);
 - the number of samples carried out in relation to the planned programme (262 food and environmental samples).
- 3.1.4 The report to Members also included a breakdown of the staffing resource used to meet the service requirements in 2007/2008, including the use of 2 consultants.

Documented Policies and Procedures

- 3.1.5 The Authority had reviewed and revised its food safety policy in April 2008 and this document formed the basis of the Food Service. The Food Safety Policy was revised every 3 years and then re-submitted for Member approval.
- 3.1.6 The Food Safety Policy was supported by a range of procedural documents and operational notes which were reviewed by management on an on-going basis or as required by changes to legislation or official guidance.
- 3.1.7 The Authority had produced a Food Law Enforcement Policy and incorporated it into the Food Safety Policy document. The Enforcement Policy took account of the Regulators Compliance Code

recently issued by the Department of Business Enterprise and Regulatory Reform. A summary of their policy was made available on the Authority's website.

- 3.1.8 Officers had electronic access to the Authority's procedures and to the internet for legislation and guidance enquiries. Superseded documents were archived in a specific folder on the hard drive to prevent their day to day use. The Authority also sent relevant hard copies of these documents to their food safety consultants who were generally based away from the departmental offices.

Officer Authorisations

- 3.1.9 The Authority had developed an authorisation matrix which was linked to staff qualifications, training and competencies across the range of enforcement activities that officers carried out.
- 3.1.10 The Authority had also developed an operational note on the assessment of competencies required for the range of duties carried out by officers. This document provided a framework for the required competencies for each area of their enforcement activity.
- 3.1.11 All officers received an annual performance appraisal which was linked to their identified training needs. Officers were allocated specific leads in relation to their food work and training was focused around their individual areas of specialism.
- 3.1.12 Records of officer training were maintained by the Commercial Division Manager and copies of training records were held by the lead food safety manager. Officers also kept an electronic log of their individual training.
- 3.1.13 Checks on the authorisation of officers and the training they had undertaken confirmed that officers were provided with appropriate and sufficient training on food matters relevant to their work activities.
- 3.1.14 The Departmental managers raised officer authorisations with the auditors with a view to clarifying specific areas and it was agreed that further confirmation on current requirements would be sought and provided to the Authority.

3.2 Food Premises Database

3.2.1 The Authority's database software system was operated in accordance with a documented procedure and included a number of input sources in order to maintain its accuracy and to keep it up to date. These included:

- new premises checklist;
- planning applications received by the Authority;
- notification of business changes from other Council services e.g. business rates, licensing;
- officer notification;
- street trading licences;
- changes in licensed premises.

3.2.2 The Authority employed a Systems Administrator who checked the database for inconsistencies such as duplicate premises records, and also linked premises to the Authority's gazetteer system.

3.2.3 Checks carried out on the database from a separate reference source showed that all 10 premises selected were on the database and formed part of the Authority's inspection programme.

3.2.4 Access to the database was restricted by a password protection system with only senior managers and the Systems Administrator having the highest level of clearance.

3.2.5 The Authority's database checks were on-going and included the production and analysis of database reports which could highlight inconsistencies, for example, by cross referencing premises to food business registration forms.

3.2.6 The database was backed up onto tape every night and held in fireproof security. The Authority had a separate agreement that would enable them to re-commence food safety activities within 48 hours should a major incident occur to the stored data.

3.2.7 Database checks confirmed that accurate and up to date database records were maintained across all relevant enforcement and reactive activities.

3.3 Food Premises Inspections

- 3.3.1 The Food Safety Policy identified the planned inspection programme for the year ahead and the relevant service performance targets. It also sets out the Authority's approach to carrying out inspections. It contained detailed guidance on the manner in which the Authority would undertake approval of premises, the provision of advice on inspections and the circumstances requiring enforcement action.
- 3.3.2 File checks on 3 approved establishment files confirmed that they had been properly re-approved in accordance with the European Regulations and inspected at the correct frequencies.
- 3.3.3 Inspections were allocated by the lead food safety officer in accordance with the respective competencies and authorisations of the officers. Allocation of the inspections was covered by a documented operational note 'Allocation of inspections using the inspections due module'.
- 3.3.4 Officers received a monthly list of the inspections. Recent changes to the allocation system allowed for the inclusion of new premises, which had reduced the time between new premises registration and an officer visiting. Informal monthly discussions were undertaken with officers should they fail to meet their inspection target. Performance monitoring was carried out on a quarterly basis and the figure was reported internally to senior managers. An annual performance report was submitted to the Executive which included the performance on inspection activity.
- 3.3.5 Upon completion of the inspection all establishment inspection files were retained for one year in hard copy but also scanned into the filing system for retrieval at a later stage. All officers had access to the premises history for future enforcement activity review.
- 3.3.6 The Authority had an alternative enforcement strategy for low risk premises and this was documented in an operational note dated 3 April 2008 and supported by a low risk premises checklist. The procedure included the use of questionnaires to food businesses and contained detailed guidelines on how to apply the process when questionnaires were returned and what action to take if they were not.
- 3.3.7 File checks on 5 food hygiene general premises files confirmed that these businesses had been inspected within the frequency required by the Food Law Code of Practice and had been allocated the correct risk rating.
- 3.3.8 The Authority had also devised a procedure that required officers to provide a short summary on the database to substantiate the reason for the risk assessments they had allocated to a particular

establishment. This was quickly available to the management of the service should any query arise from the Food Business Operator.

- 3.3.9 Records of 5 reports of inspection confirmed that reports left at the time of the visit and any subsequent letters sent to the Food Business operator were issued in line with the Code of Practice and internal procedures.
- 3.3.10 All inspections were carried out on site with the aid of the Authority's 'routine food inspection form'. One Approved Premises had been initially inspected with the use of this form and the auditors were advised that this had been picked up through the monitoring of the consultant concerned. Auditors were advised that future Approved Premises inspections would utilise the respective form for their approved category from the LACORS website.
- 3.3.11 The Authority had, where necessary, carried out timely follow-up action. Evidence was also available to show that where formal action had been taken due reference was made to the Authority's Enforcement Policy.
- 3.3.12 The Authority had also integrated the use of annotated photographs within their Approved Premises files. They undertook this in order to highlight specific processing equipment and to support the detail contained within the file. In addition photographs had also been used in a similar manner in the investigation of some complaints.

3.4 Internal Monitoring, Third Party and Peer Review

Internal Monitoring

- 3.4.1 One of the service managers had chaired the National User Group for the database system used at the Authority. Close working relations had been forged and this had resulted in a number of advances in relation to the use of the database as a management tool to enhance the performance monitoring of the enforcement and reactive activities. Database management reports were used effectively to monitor performance of food law enforcement activities.
- 3.4.2 The Food Safety Policy required the Environmental Health Manager to arrange for both qualitative and quantitative monitoring to be carried out. The Authority had incorporated their approach to internal monitoring into a number of internal procedures and operating notes.
- 3.4.3 Local performance targets for the Service had been developed in addition to the new National performance indicators, these included:
- The percentage of food establishments inspected against those scheduled;
 - The period between the inspection and a letter to the Food Business Operator;
 - The period between receipt of a food complaint/food establishment complaint and the initial response;
 - The maximum period between receiving a sample result and sending a letter to the Food Business Operator;
 - The maximum period to process a health certificate;
 - The percentage of the food sampling programme achieved.
- 3.4.4 Extensive use of database reporting was evident, allowing managers to demonstrate how the Service operated against their Service Plan and to develop quarterly updates to the inspection activities, complaints and sampling activities.
- 3.4.5 Monitoring of the authorisation of officers against their training and competency levels was also carried out in order to ascertain that work was issued to officers within the correct authorisation and competency.
- 3.4.6 The lead food safety officer checked all inspections for qualitative purposes and fed any information back to officers directly. All letters sent by officers were monitored after the letter had been sent, in order to minimise the time lag following inspections.

3.4.7 Monitoring of reactive work of the Department was also undertaken by the lead food safety officer, evident from the files checked during the course of the audit.

Qualitative monitoring included checks on:

- All inspection records;
- All follow up letters;
- Hygiene improvement notices (by use of a checklist for their completion and assessment);
- Enforcement actions.

3.4.8 The Authority sent customer questionnaires following complaints about food and premises inspections. A target of 10% of establishments inspected were sent a questionnaire for completion, these were reviewed by the Service Manager. Any matters arising from the questionnaires were taken up with the officer concerned.

3.4.9 File checks on reactive work and formal enforcement activities confirmed that appropriate action was being taken in all cases examined. In addition, records were detailed and easily retrievable and it was evident that monitoring had been undertaken throughout the course of the actions taken.

3.4.10 File checks on 4 food complaints and 5 unsatisfactory samples confirmed that the Authority had maintained comprehensive records and there was evidence of internal monitoring on the outcome of the investigations undertaken.

3.4.11 The Authority had developed a food sampling tracker form which allowed them to follow the outcome of any unsatisfactory sample and the subsequent follow-up action that officers had undertaken.

3.4.12 In addition the Authority had produced guidance that was sent to the Food Business Operator should they have an unsatisfactory sample result. The guidance was specific to the reason for the failure and contained suggestions on how to prevent future occurrences.

3.4.13 The Authority had also recently updated their food safety monitoring operational note which included the use of accompanied inspections and follow-up inspections by the lead food safety officer.

Third Party and Peer Review

3.4.14 The Authority had received an internal audit review of food safety during 2006. The findings and resulting action plan had been signed off by the Authority in relation to food safety enforcement issues, with some budgetary issues being built into the financial management of the Service.

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Local Authority Liaison Division

Glossary

Authorised officer	A suitably qualified officer who is authorised by the local Authority to act on its behalf in, for example, the enforcement of legislation.
Codes of Practice	Government Codes of Practice issued under Section 40 of the Food Safety Act 1990 as guidance to local authorities on the enforcement of food legislation.
County Council	A local Authority whose geographical area corresponds to the county and whose responsibilities include food standards and feeding stuffs enforcement.
District Council	A local Authority of a smaller geographic area and situated within a County Council whose responsibilities include food hygiene enforcement.
Environmental Health Officer (EHO)	Officer employed by the local Authority to enforce food safety legislation.
Food hygiene	The legal requirements covering the safety and wholesomeness of food.
Food standards	The legal requirements covering the quality, composition, labelling, presentation and advertising of food, and materials in contact with food.
Framework Agreement	<p>The Framework Agreement consists of:</p> <ul style="list-style-type: none"> • Food Law Enforcement Standard • Service Planning Guidance • Monitoring Scheme • Audit Scheme <p>The Standard and the Service Planning Guidance set out the Agency's expectations on the planning and delivery of food law enforcement.</p> <p>The Monitoring Scheme requires local authorities to submit quarterly returns to the Agency on their food enforcement activities i.e. numbers of inspections, samples and prosecutions.</p> <p>Under the Audit Scheme the Food Standards Agency will be conducting audits of the food law enforcement services of local authorities against the criteria set out in the Standard.</p>
Full Time Equivalents (FTE)	A figure which represents that part of an individual officer's time available to a particular role or set of duties. It reflects the fact that individuals may work part-time, or may have other responsibilities within the organisation not related to food enforcement.
Member forum	A local Authority forum at which Council Members discuss and make decisions on food law enforcement services.
Risk rating	A system that rates food premises according to risk and

determines how frequently those premises should be inspected. For example, high risk premises should be inspected at least every 6 months.

Service Plan

A document produced by a local Authority setting out their plans on providing and delivering a food service to the local community.

Trading Standards

The Department within a local Authority which carries out, amongst other responsibilities, the enforcement of food standards and feeding stuffs legislation.

Trading Standards Officer
(TSO)

Officer employed by the local Authority who, amongst other responsibilities, may enforce food standards and feeding stuffs legislation.