

UK LOCAL AUTHORITY FOOD LAW ENFORCEMENT - APRIL 2007 TO MARCH 2008

EXECUTIVE SUMMARY

1. This paper reports on UK local authority (LA) food law enforcement activity for the financial year April 2007 to March 2008, using:
 - data from LA monitoring returns to the Agency, and
 - information from the Agency's LA audit programme of 68 new LA audits and 80 follow-up audits carried out during the period.
2. The enforcement monitoring data in this paper is for the first three quarters of 2007/08. This was agreed to enable LAs to install and test the new monitoring system which has been introduced from 2008/09. The new system will collect data to show the outcomes of LA enforcement action, such as levels of business compliance with food law, eg. standards of food hygiene, in line with the Board's previously expressed wish to see a greater emphasis on outcome focused information.
3. Our assessment from the 2007/08 monitoring and audit data is that:
 - LAs have maintained their levels of programmed inspections of food businesses and of formal enforcement actions from previous years, with the highest risk hygiene establishments receiving at least one inspection during the period
 - Trends in the level of sampling vary between the four parts of the UK, but appear to show a continued decline of sampling levels in England.
 - Audits did not identify any systemic failing in enforcement activity; most areas for improvement were specific to individual LAs.
 - Common themes for LA service improvement addressed by audit during the year, included: service planning arrangements; dealing with approved establishments; better prioritisation of inspections and follow-up action; improved internal monitoring processes; and better record keeping and data management.
4. Any LA which from its monitoring data appeared to have fallen below the Agency benchmarks for identifying low levels of enforcement activity, was contacted directly to clarify the full year position.

5. The Board is asked to **note**:

- the LA monitoring data for 2007/08;
- the information from the Agency's LA audit programmes; and
- the new monitoring system being introduced from 2008/09 which will provide additional information on UK business compliance levels.

LOCAL AUTHORITY AUDIT AND LIAISON DIVISION

Contacts: Richard Calvert Tel 020 7276 8400
E-mail: richard.calvert@foodstandards.gsi.gov.uk

John Barnes Tel 020 72768416
E-mail: john.barnes@foodstandards.gsi.gov.uk

John Questier Tel 020 7276 8429
E-mail: john.questier@foodstandards.gsi.gov.uk

Geoff Deville Tel 020 7276 8412
E-mail: geoff.deville@foodstandards.gsi.gov.uk

UK LOCAL AUTHORITY FOOD LAW ENFORCEMENT - APRIL 2007 TO MARCH 2008

Issue

1. To report to the Board:
 - the 2007/08 UK local authority (LA) monitoring returns for their food law enforcement activity; and
 - the Agency's 2007/08 LA audit programme.

Strategic Aim

2. Agency monitoring and audit of LA food law enforcement services contributes to the Agency's strategic aim to improve food safety through higher levels of business compliance with food law, and to the Agency's World Class Regulator and Better Regulation objectives. Monitoring and audit arrangements cover both food hygiene and food standards activity¹.

Previous Board Papers/Discussions

3. The Board has received annual reports on LA monitoring data since 2001 (most recently Paper INFO 08/03/02, 12 March 2008). This is the first report which includes details of the Agency's LA audit activity. A review of the FSA audit arrangements was considered by the Board in 2006 and 2007 (Papers FSA 07/03/06, and 06/02/05). Changes to Local Authority Enforcement arrangements – the CLAE project – which reviewed the Agency's monitoring and audit approach, was reported to the Board in October 2006 (Paper PRO 06/10/02).

Background and Context

4. The legal basis for collecting monitoring data and auditing LAs is:
 - section 12 of the Food Standards Act 1999; and
 - the European Union's Official Feed and Food Controls Regulation 882/2004, which requires all Member States to report relevant food law enforcement data, and to audit local authorities implementing official controls.

¹ Food hygiene is concerned with the safety and wholesomeness of the food, whereas food standards is concerned with composition and labelling, on the nature, substance and quality of the food.

5. The Agency's UK LA monitoring and audit arrangements are set out in the Framework Agreement on LA Food Law Enforcement². The Agency's approach also takes into account the wider government agenda on Better Regulation.
6. Current monitoring data from LAs focusses on the LA's enforcement activities: numbers of planned inspections achieved, total inspections and visits carried out, sampling levels, and enforcement actions taken (prosecutions, formal cautions, formal notices served). The data is collected to:
 - identify national trends to aid policy development;
 - ensure individual LAs have effective food law services in place; and
 - report Official Controls data to the European Commission.
7. The Agency's auditing of LAs provides a more qualitative assessment of the individual LA's food law services. Data from the monitoring returns is taken into account as part of the audit process.
8. The monitoring data collected to date from LAs reflects the information required for formal EU Official Controls returns, and is focused on enforcement activity levels. Whilst this can identify trends in enforcement activity, and individual LAs with low levels of activity, for follow-up by the Agency, the Board has previously expressed a concern that it does not provide information on enforcement outcomes, such as food hygiene standards in UK food establishments. In response, the monitoring system has been revised as part of the CLAE project and is currently in transition. A new Local Authority Enforcement Monitoring System (LAEMS) has been introduced from 2008/09, and will feed into next year's LA enforcement report. The new arrangements will collate the enforcement data referred to in paragraph 6 above, but for the first time will collect data on levels of UK food business compliance with food law, as assessed by LA enforcement officers as part of their routine inspection programmes.
9. To allow LAs to introduce and test the new LAEMS system for 2008/09, it was agreed that their 2007/08 returns would only report on the first nine months – ie. April to December 2007. However, LAs have carried out their enforcement work throughout the full twelve months. The Board was informed of this approach in the Board paper on the 2006/07 data: INFO 08/03/02, paragraph 7.

National totals and trends for LA food law enforcement activity 2007/08

10. UK wide totals for LA enforcement activity for the first nine months of 2007/08 are given in Annex A, together with full year data for previous years. A direct comparison of 2007/08 LA enforcement activity with previous years, by a pro-rata extrapolation of

² available on the Agency's website at www.food.gov.uk/multimedia/pdfs/frameworkjuly04.pdf

the data to derive an annual figure, has not been done. Previous data reviewed by the Agency's Operational Research Division shows that LA inspection levels tend to be increased in the final three months of the financial year, to ensure that annual inspection programmes are completed.

11. A discussion of the UK activity figures and trends is given in Annex A. Although the returns for 2007/08 are only for nine months, our assessment is that:

- LAs have maintained their levels of planned inspections of food businesses, and formal enforcement action from previous years, with highest risk (category A) food hygiene establishments receiving at least one inspection during the period; and
- trends in the level of sampling vary between the four parts of the UK, but appear to show a continued decline in England. This trend of reducing sampling levels is being considered as part of the current review of Public Analyst Services.

Individual LAs with low levels of service delivery 2007/08

12. The position of individual LAs is discussed in Annex B. In all cases where their nine months' data indicated that an LA was below the established Agency benchmarks for low levels of service delivery, direct contact has been made by officials to confirm the full year's outturn, to inform any subsequent follow-up action required.

The Agency's LA audit programmes 2007/08

13. A summary of LA audit programmes for 2007/08 and the main findings are set out at Annex C.

14. In England, where the total number of LAs is significantly higher than the other parts of the UK, LAs were identified for audit on a risk basis, which included where their monitoring returns indicated apparent low levels of enforcement activity. Audit programmes also examined whether specific national policy issues were being implemented locally.

15. The Agency carried out a total of 76 new LA audits across the UK in audit programmes spanning this period, and 80 LAs audited previously were subject to action plan reviews or follow-up audits. All audits and follow-up reviews generally met the defined timelines for Agency action set out under the Framework Agreement; any minor delays necessary for logistical reasons (primarily at the LAs' request) were agreed with the LAs concerned.

16. In general, the areas for improvement identified were specific to individual LAs, with no evidence of systemic failings across LA enforcement. However, some common themes for LA service improvement that have been addressed related to service planning, dealing with approved establishments, better risk-based prioritisation of

food businesses for inspection and follow-up action, internal monitoring arrangements, record keeping and data management. In Scotland, the summary report of the 2004/08 audit programmes identified additional themes concerning HACCP and food standards competence of LA officers.

17. The improvements achieved through audit will help those LAs to achieve better outcomes in terms of consumer protection, through:

- a better targeting of food establishments, focussing on those presenting the greatest risk to consumers, and
- a more effective internal monitoring by the LA of inspection standards and follow up by enforcement officers.

18. In all cases, risk-based audit action plans and appropriate timescales for remedial actions were agreed with the LAs. Implementation of LA action plans is subject to Agency monitoring, and follow-up audits are carried out as necessary to ensure effective improvements are secured. All good practice identified was highlighted in the published audit reports and disseminated through the Agency website. Where any underlying policy issues became apparent, these were fed back to the relevant Agency policy officials.

19. A primary theme of Agency audit activity during 2007/08 was to review and provide follow-up support where LA action plans had remained uncompleted beyond the original or revised timescales. In England, forty-eight reviews or follow-up audits were carried out. Where audits could not be closed, the issues outstanding did not affect directly the LAs ability to deliver effective risk-based services.

Impact

20. Officials will continue to use monitoring data to inform the risk-based audit programme. Colleagues in the LAs and officials in the Agency will be prioritising work to implement the new monitoring system, LAEMS, and on the revised audit arrangements in England.

Strategic Overview

21. The quantitative and qualitative data from the Agency's monitoring and audit of LAs indicates that levels of key enforcement activity in 2007/08 were generally maintained or strengthened (e.g. through audit programmes). Given the completion of the CLAE project (see details in Annex D), key priorities will include establishing the new monitoring system, and implementing a more targeted audit approach focusing more directly on enforcement outcomes and incorporating on-site reality checks in food businesses, in line with revised EU audit Guidance for member states.

22. The information on business compliance and on LA staffing levels which will be reported from 2008/09 will provide the Agency and LAs with a better picture of the impact of LA enforcement action, to better inform their approach and Agency policy.

Board action required

23. The Board is asked to **note**:

- the LA monitoring data for 2007;
- the Agency's LA audit programme for 2007/08; and
- the new monitoring system being introduced from 2008/09, which will provide additional information on UK business compliance levels.

LOCAL AUTHORITY FOOD ENFORCEMENT ACTIVITIES AND TRENDS 2007

1. Key components of a local authority's delivery of official food controls include a risk-based programme for inspecting food businesses, and the routine sampling and testing of foods and ingredients. It is also important that proportionate remedial enforcement action is taken to address any non-compliance with food law. LAs should risk rate food businesses and routinely inspect these businesses in line with frequencies laid down in the statutory enforcement Code of Practice. In addition to planned inspection activities, LAs will also inspect and visit businesses in response to demands which could include new business applications, complaints, sampling or advice.
2. Broad conclusions which can be drawn from the 2007 data are:
 - the total number of food establishments, at 31 December 2007, was 583,101 – showing no significant change from the number at 31 March 2007, at 582,125;
 - 163,399 planned inspections for food hygiene were completed by end December 2007. Given above average level of activity in the final quarter in previous years, our assessment is that inspection levels were being maintained (the 2006/07 total was 227,518);
 - data for planned inspections to Highest Risk (Category A) hygiene establishments – which are scheduled a for six month inspection frequency - indicate that all establishments are likely to have been inspected;
 - 45,630 planned inspections for food standards were completed by December 2007. Again, our assessment is that inspection levels were being maintained (the 2006/07 total was 60,326);
 - for food standards, the figures show that (in the first nine months) 59% of establishments in high risk category A (inspected annually) received planned inspections;
 - for total food hygiene and food standards inspections, both planned and reactive, figures for the nine months to December 2007 were 40% below those for all of 2006/07. Officials will investigate this with LACORS and through future audit programmes. Whilst many unplanned inspections will be influenced by factors beyond the control of the LA's eg. complaints, the apparent drop could also reflect increasing use of Alternative Enforcement Strategies (ie approaches other than inspections) for low risk premises, or indeed wider resource issues;
 - sampling: the total number of samples tested by end December 2007 was 113,968. This is 26% lower than the full year figure for 2006/07 of 153,204. There

is no evidence to suggest that sampling increases in the final quarter of the year, and the returns suggest a continued decline in sampling in England; and

- total enforcement (remedial) actions by end December 2007 were 123,619, compared to 166,513 in 2006/07. As in previous years, 95% of all enforcement actions were written warnings. The total number of prosecutions and formal cautions was 754, compared to 804 in 2006/07.

NATIONAL TRENDS

A. Number of food establishments

Establishments	2001	2003	2004/05	2005/06	2006/07	2007
No. of food establishments	576,934	571,433	580,967	573,362	582,167	583,101

B. Number of samples taken

Samples

	2001	2003	2004/05	2005/06	2006/07	2007 (nine months for Apr 2007 - Dec 2007)
Total samples						
England	120950	132834	127875	123488	114864	82981
N Ireland	11495	13452	12186	10715	10026	8542
Scotland	22781	20639	19080	19650	16590	13010
Wales	10148	14254	12346	13514	11724	9435
UK Total	165374	181179	171487	167367	153204	113968

C. Number of enforcement actions taken

Enforcement

	2001	2003	2004/05	2005/06	2006/07	2007 (nine months for Apr 2007 - Dec 2007)
Total Enforcement Actions						
England	142716	142496	131274	126300	131885	95348
N Ireland	6234	7306	5511	5670	5380	4102
Scotland	16464	18275	15200	15977	16684	14416
Wales	10365	12902	12035	11410	12564	9753
Total UK	175779	180979	164020	159357	166513	123619

D. Numbers of all inspections and of other visits

[All inspections include both planned inspections according to the Code of Practice, and unplanned ones, arising from newly opened establishments, changes of ownership, or complaints.]

Premises							
Premises	2000	2001	2003	2004/05	2005/06	2006/07	2007***
No. of food premises	603,328	576,934	571,433	580,967	573,362	582,167	583,101
No. of premises subject to official control*	385,507	421,243	409,968	366,935	364,365	360,857	275,222
Inspections							
Food Hygiene Inspections	2000	2001	2003	2004/05	2005/06	2006/07	2007***
No of all FH inspections	355,254	314,357	307,256	290,699	283,618	276,380	196,410
No of FH other visits**	-	210,894	190,038	173,429	167,174	181,126	135,869
No. of all FH inspections and other visits	355,254	525,251	497,294	464,128	450,792	457,506	332,279
Food Standards Inspections	2000	2001	2003	2004/05	2005/06	2006/07	2007***
No of all FS inspections	189,586	130,569	121,961	115,763	115,811	100,005	71,244
No of FS other visits **	-	52,151	45,617	52,502	51,279	48,547	32,245
No. of all FS inspections and other visits	189,586	182,720	167,578	168,265	167,090	148,552	103,489
Totals (FH + FS)	2000	2001	2003	2004/05	2005/06	2006/07	2007***
No. of all inspections	544,840	444,926	429,217	406,462	399,429	376,385	267,654
No. of other visits **		263,045	235,655	225,931	218,453	229,673	168,114
No. of all inspections and other visits	544,840	707,971	664,872	632,393	617,882	606,058	435,768

* - Official controls are the monitoring categories inspections, other visits and revisits

** - Other visits, revisits and advisory and sampling visits

*** - Data for the nine month April 2007 - December 2007

Individual LAs with Low Levels of Service Delivery

1. For this final year of data collected under the old monitoring system, the same benchmark “trigger levels” as in previous years have been used to identify those LAs with low levels of enforcement activity where further action by the Agency might be considered. These are:
 - LAs failing to provide any monitoring data;
 - LAs reporting taking no food samples during the year;
 - LAs reporting less than 50% of planned higher risk Food Hygiene inspections achieved (those to establishments in risk categories A and B); and
 - LAs reporting less than 50% of planned higher risk Food Standards inspections achieved (those to establishments in risk category A).
2. On these points:
 - 4 LAs had significant data submission problems: one LA was unable to provide any data, one could not provide any inspections data, and two others were unable to provide food standards data. In each case, this was due to local IT difficulties which the LA is already addressing;
 - 8 LAs reported taking no food samples during the year. Officials are in contact with each of these LAs. Problems include local IT problems preventing data submission, and staff shortages. In all but two cases, the LA has confirmed that sampling has resumed in 2008/09; and
 - a number of LAs appeared, from their nine months’ data for 2007, to have achieved under 50% of planned inspections to higher risk establishments. Officials have been in contact with all relevant LAs, to clarify the full year position. In all cases, the LA was able to confirm that it had achieved above 50% on planned higher risk inspections at the end of the 12month period.
3. In previous years, LAs falling below one of the established benchmark trigger levels, and not able to show that it had addressed the issue, have been considered for audit by the Agency. No such cases have been identified from the 2007 figures in respect of inspections. Two LAs will be subject to further checks in respect of sampling levels.
4. In previous years, key monitoring data for individual LAs has been made available on the Agency’s website. This is not proposed for the 2007/08, as the data is only for nine months. However, the details will be available on request where any relevant qualifications on the data can be given.

Local Authority Audits 2007/2008

Audit programme	Programme/ audit dates	No. of LAs	No. of establishment 'reality checks'	Final report(s) issued/published/due	No. of new recommendations
ENGLAND					
1. Follow-up audits (9) and audit action plan reviews (39)	In line with agreed timescales for individual LA audit action plans.	43	N/A	(Where appropriate) updated audit action plans published: http://www.food.gov.uk/enforcement/auditscheme/auditreports/	N/A
<i>Twenty-one audit action plans were completed satisfactorily; the remainder were updated and revised target timescales were agreed. A further 5 of these audit action plans were satisfactorily completed in the subsequent financial year.</i>					
2. Audit of specified risk material (SRM) controls and authorisation of retail butchers for removal of vertebral column (VC) from carcasses of 24–30 month bovines.	March 2007 to April 2007	16	24	GB summary report published: http://www.food.gov.uk/enforcement/auditscheme/srmaudit	12 different issues highlighted in recommendations to LAs 4 recommendations for FSA
<i>Food business operator (FBO) controls are intended to provide a high level of public protection by minimising the risks of BSE infectivity getting into the feed and food supply chain. The audits provided verification and scrutiny of official controls and FBO controls implemented following harmonisation of UK SRM controls with those applicable in other EU Member States. Audits of approved meat establishments in England confirmed general compliance with legal requirements and Agency instructions by the majority of businesses. Any deficiencies observed were not generalised but specific to controls within the establishments. In all cases satisfactory corrective measures were implemented by FBOs to eliminate the deficiencies and to prevent recurrence. The results of the assessments provided reasonable assurance that the SRM controls were generally implemented effectively in approved meat establishments and that measures to control risks associated with SRM VC removal and disposal were effective. The findings from the audits of FBO controls and the official controls, implemented by the LAs also confirmed satisfactory levels of compliance with most requirements, although some deficiencies were noted with animal by-product disposal arrangements and record-keeping, and with the effectiveness of some LA inspections. However, all the audited LAs had familiarised officers with their enforcement roles and responsibilities and had taken proactive measures to support local businesses through disseminating information and guidance. Following the audits, all relevant LAs submitted action plans detailing the improvements and actions undertaken to address audit recommendations with target completion dates. These action plans confirmed that the authorities had undertaken appropriate corrective actions including follow-up visits to verify compliance with requirements. Some areas of LA good practice were also identified.</i>					

Audit programme	Programme/ audit dates	No. of LAs	No. of establishment 'reality checks'	Final report(s) issued/published/due	No. of new recommendations
ENGLAND					
3. Audit of implementation of Local Authority official controls in approved dairy establishments carrying out cheese recovery.	August – September 2007	10	16	All individual LA reports issued and action plans fully implemented. Summary report published.	22 recommendations for LAs 4 recommendations for FSA 1 recommendation for Defra 2 recommendations for LACORS
<p><i>This programme was sponsored internally to assess whether the action plan, developed following the November 2006 FVO Mission, had been satisfactorily implemented. The audits also considered the extent to which LA oversight of FBO controls complied with relevant legal requirements for approved establishments, official cheese recovery guidance and requirements for waste cheese disposal. The audits confirmed that these controls were in most cases adequate, although some deficiencies were identified. Most of these related to variations in the interpretation of legal requirements and guidance, variations in levels of awareness of requirements relating to food labelling and traceability issues and animal by-product requirements. Although it was evident that all LAs had actively promoted and disseminated guidance, the effectiveness of FBO controls in the approved establishments visited was variable in practice. The audits highlighted potential public health risks from unlawful and possibly fraudulent re-introduction of unfit food into the human food chain through weaknesses in animal by-product controls. All action plans agreed with the LAs were completed and verified following further audit checks. The issues referred for consideration by FSA policy teams and other government departments are being considered and addressed.</i></p>					
4. Audit of food standards enforcement and maintenance of an LA's food establishments database.	September 2007	1	N/A	Final report published: http://www.food.gov.uk/enforcement/auditscheme/auditreports/audengreport/	10 recommendations for LA
<p><i>An LA was audited due to concerns over the accuracy of its monitoring returns and the Service's ability to complete its planned food standards premises inspection programme at the required minimum frequencies. At the time of the audit the Authority had already begun to take to address its problems with data accuracy.</i></p>					
5. Audit of an LA's core food hygiene activities	February 2008	1	N/A	Final report published: http://www.food.gov.uk/enforcement/auditscheme/	20 recommendations

				me/auditreports/audengreport/	for LA
<p><i>An LA providing service delivery for a neighbouring local authority on a sub contracted basis, where the latter's performance was subject to auditor concern as a result of an earlier FSA audit. A number of significant management and operational deficiencies were identified during the audit, although some of the issues affecting both LAs had been recognised and improvements had begun to be implemented.</i></p>					

Audit programme	Programme/ audit dates	No. of LAs	No. of establishment 'reality checks'	Final report(s) issued/published/due	No. of new recommendations
ENGLAND					
6. Approved meat establishment premises (pilots)	March 2008	2	2	One report published (at LA's request): http://www.food.gov.uk/enforcement/auditscheme/auditreports/audengreport/	17 recommendations for LAs
<i>Two pilot audits were carried out to inform a programme (scheduled to commence between February-March 2009) assessing the effectiveness of relevant official controls at approved establishments implemented by LAs. Both authorities needed to reconfirm approvals of all meat product-specific establishments subject to approval, in accordance with current regulations and official guidance. Action plans with target timescales have been agreed.</i>					
7. Audit of food and feed law enforcement and enforcement of imported food and feed controls	March 2008	3	N/A	Two reports published to date: http://www.food.gov.uk/enforcement/auditscheme/auditreports/audengreport/	29 recommendations for LAs
<i>This programme focused on the arrangements in place at LAs for the enforcement of feed law and imported food and feed controls, following a number of legislative developments and some significant feed and food incidents. Areas requiring improvements were specific to individual LAs and no significant trends were identified. Action plans with target timescales have been agreed. (All major ports and points of entry for imported feed and food were subject to a comprehensive programme of audits during 2003/04 as a significant part of the Agency's 'Step-Change' project for import controls).</i>					

Audit programme	Programme/ audit dates	No. of LAs	No. of establishment 'reality checks'	Final report(s) issued/published/due	No. of new recommendations
NORTHERN IRELAND					
1. Audit of specified risk material (SRM) controls and authorisation of retail butchers for removal of vertebral column (VC) from carcasses of 24–30 month bovines.	August – October	8	16	Summary Audit Programme Report scheduled for publication in March 2098 (all individual LA action plans implemented).	6 issues highlighted in recommendations to LAs
<i>Audits of authorize butchers in northern Ireland confirmed general compliance with legal requirements and Agency instructions by the majority of businesses. all relevant LAs submitted action plans detailing the improvements and actions undertaken to address audit recommendations, with target completion dates.</i>					
2. Follow-up audits (1) and audit action plan reviews (5)	In line with agreed timescales for individual LA audit action plans.	5	N/A	(Where appropriate) updated audit action plans published: http://www.food.gov.uk/enforcement/auditscheme/auditreports/auditnireland/	N/A
<i>All thirteen audit action plans were completed satisfactorily.</i>					

Audit programme	Programme/ audit dates	No. of LAs	No. of establishment 'reality checks'	Final report(s) issued/published/due	No. of new recommendations
SCOTLAND					
1. Core audits	January – December	13	N/A	Individual LA audit reports and action plans published: http://www.food.gov.uk/enforcement/auditscheme/auditreports/auditsscotland/auditscot/#anchor_268313	121 recommendations for LAs
<i>FSA Scotland Core audit programme commenced in June 2004(all 32 Scottish LAs to be audited by end March 2008). This programme focussed on the arrangements in place at LAs for the delivery of official controls in relation to food and feed law. The audit concentrated on the core areas of the Standard within the Framework Agreement. 12 areas were covered.</i>					
2. Follow-up audits (3) and audit action plan reviews (7)	In line with agreed timescales for individual LA audit action plans.	10	N/A	Updated audit action plans published: http://www.food.gov.uk/enforcement/auditscheme/auditreports/auditsscotland/auditscot/#anchor_268313	N/A
<i>Following audits, action plan reviews and follow up visits took place (as required) to assess implementation of the agreed action plans. The improvements and actions taken were assessed. The actions taken confirmed that the authorities had undertaken appropriate corrective actions to verify compliance with requirements allowing the audit to be closed.</i>					

WALES					
1. Focused audit programme on the Control and Investigation of Outbreaks of Food Related Infectious Disease	February - December	22	N/A	Individual LA reports issued January 2008; summary report published April 2008: http://www.food.gov.uk/enforcement/auditscheme/auditreports/auditwales/ Follow up action was taken in August/September 2008.	Not applicable.
<i>The programme comprised a review of the arrangements all Welsh Unitary Authorities had in place to ensure the control and investigation of outbreaks of food related infectious disease. Action plans were agreed with individual LAs to address specific local issues. Some wider policy issues were identified, relating to officer training, simulated incident training and reporting processes, which are being addressed in liaison with the Communicable Disease Technical Panel.</i>					
2. Review of audit action plans for earlier full LA audit programme	January to March 2008	22	N/A	Revised and updated plans agreed with individual LAs and published on Agency's website.	N/A
<i>Where action plans were completed, the audit files were closed.</i>					

CHANGES TO LOCAL AUTHORITY ENFORCEMENT (CLAE) PROJECT

1. The CLAE project aimed to deliver the Agency's New Vision for food law enforcement for local authorities, taking account of:
 - a. the wider government policy agenda on better regulation;
 - b. changes in EU law, applicable from 1 January 2006; and
 - c. the experience of the previous system.
2. The CLAE project contained four linked reviews, applicable to local authority enforcement activities:
 - a review of enforcement policy,
 - a review of the FSA monitoring arrangements,
 - a review of FSA arrangements to audit LAs, and
 - an updating of the Framework Agreement (between the LAs and the Agency) on LA food law enforcement.

Review of enforcement policy

3. This review amended the enforcement policy and approach of LAs, as set out in the statutory Codes of Practice. The key change was from a policy based primarily on inspections to one of a range of interventions in addition to inspections, to achieve most effectively business compliance with food law. This approach, which is in line with Better Regulation principles, is aimed at better targeting of resources on higher risk and non-compliant establishments. The review also amended the registration requirements for food businesses.
4. Following separate consultations in each part of the UK, this work has been completed except for Scotland. New Codes of Practice were published:
 - for England, in June 2008;
 - for Northern Ireland, in August 2008;
 - for Wales, in September 2008.
5. In Scotland, a second consultation proved necessary on certain aspects of combining primary production food and feed inspections. Consultation closed on 9 January 2009, and it is planned to publish the new Code early in 2009.

Review of the Monitoring System

6. This review was completed in 2007, and the new Local Authority Enforcement Monitoring System, LAEMS, was published in April 2008, to apply from the 2008/09 year onwards. It will collect and collate data not only on enforcement activity, as before, but also on the levels of business compliance with food law, and on LA food officer numbers, as FTEs. This system applies to all of the UK.
7. LAEMS is a web-based system developed with a local authority steering group, which will allow the necessary data to be automatically uploaded to the Agency, and as such should be more accurate and less burdensome than the current arrangements. LAs were given the amended data requirement for the new system during the winter of 2006/07. They have been asked to test the system and their links to it during 2008/09, to be ready for first use after 1 April 2009.
8. The data on business compliance – ie. the proportion of businesses which are “broadly compliant” with food law – will be used in England for a new outcome measure being introduced as one of the National Indicators (NI 184) to be used by the Audit Commission and the Department for Communities and Local Government as part of the new Local Area Agreement arrangements.
9. The definition of “broadly compliant” being used is based directly on the risk rating score for levels of operational compliance and confidence in management. The approach is consistent with information already collected by LAs operating Scores on the Doors scheme. However, LAEMS will allow the Agency to assess levels of business compliance across the UK, including full compliance levels, for the first time.

Review of the Audit system

10. Stakeholder consultation on the development of LA audit arrangements was carried out from January to April 2008. The review proposed a revised approach with greater emphasis on regulatory outcomes, better risk-based selection of LAs for audit, and more use of LA peer review and inter-Authority auditing (IAA) where robust systems were in place. This approach would also help to meet new EC requirements for the audits of all competent authorities (eg. LAs) within a 5 year period. “Reality checks” at food businesses have also been increased within the audit process.
11. In England, consultation responses showed LA support for inter-authority audits (IAA) and peer reviews to be factored into the Agency’s audit process, but strong views that these should inform but not wholly replace audit action by the Agency, as the Agency’s audit process was seen as more robust, more likely to lead to improvements and a proven means of raising the profile of LA food regulatory services and securing resources. IAA was supported by LAs in Northern Ireland, and has been utilized there. LAs in Scotland and Wales did not support self audit or IAA, and favoured retention of current central audit arrangements.

12. The results of the consultation are being fed into current audit programmes. In England discussions are taking place with LACORS, on the best way to feed LA peer review information into the planning and focus of Agency audit action. The new arrangements should ensure that we will meet EU audit expectations, including “reality checks” being carried out where appropriate, and target Agency resources more effectively.

Update of the Framework Agreement

13. The Framework Agreement is the overall accountability mechanism which brings together LA service planning requirements and the monitoring and audit arrangements. The Agreement has been updated to take account of the other changes in the various CLAE workstreams. An updated draft was sent to relevant stakeholders in October, via an interested parties letter, seeking comments by January 2009. These are now being considered. Subject to final approval by the Framework Agreement sub-group of the Enforcement Liaison Group (which brings together all key stakeholders), the updated Agreement will be applicable across the UK from 1 April 2009.

Further work

14. Although the CLAE project is scheduled for completion by 1 April 2009, all policy areas will continue to be kept under review.