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

Forest of Dean District Council

22-23 July 2009

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 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/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.

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.

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

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1. Introduction

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

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

Hard copies are available from the Food Standards Agency's Local Authority Audit & 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 Forest of Dean District 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 included in the Food Standards Agency's programme of audits of local authority food law enforcement services, because it had not been audited in the past by the Agency and was representative of a geographical mix of 11 District Councils selected across England.

Scope of the Audit

- 1.4 The audit examined Forest of Dean District Council's arrangements for food premises database management, food premises inspections, and internal monitoring with regard to food hygiene law enforcement. This included a reality check visit to 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 other food hygiene law enforcement activities.
- 1.5 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 office at the Council Offices, High Street, Coleford, Gloucestershire on 22-23 July 2009.

Background

- 1.6 The Forest of Dean District Council occupies an area of Gloucestershire that stretches from the Severn Bridge at Beachley to the foothills of the Malvern Hills. It comprises the four distinct landscape areas of the Wye Valley, the Vale of Leadon, the Severn Vale and the Royal Forest of Dean, one of the largest Crown forests in England. The District has a population of around 82,000 located mainly in the four market towns of Cinderford, Coleford, Lydney and Newent. Manufacturing and tourism are the main economic activities in the area.
- 1.7 The majority of food businesses in the District are in the small to medium retail and catering sector, with a large soft drinks manufacturer and a number of smaller food manufacturers and processors. The Council has a regeneration policy which is encouraging the growth of local businesses, including small to medium food businesses. There were 11 establishments in the District approved under Regulation (EC) No. 853/2004.
- 1.8 Food hygiene law enforcement was the responsibility of the Food and Safety Team, which was part of the Authority's Environmental Service Group. The Team was also responsible for enforcement of health and safety at work and infectious disease control. Pest control functions had also recently fallen under the remit of the Team Manager.
- 1.9 The Food and Safety Team was not responsible for food standards and feeding stuffs law enforcement, which was carried out by Gloucestershire County Council Trading Standards Service.
- 1.10 The profile of the Forest of Dean District Council's food businesses in May 2009 was provisionally reported as follows:

Risk category	A	B	C	D	E	Unrated	Total
Number of businesses	16	68	286	179	64	149	762

2. Executive Summary

- 2.1 The Authority had developed an Environmental Service Group Service Plan for 2009/2010, and monthly progress against the Plan was reported to senior management and relevant Portfolio Holders. The Service Plan did not however reflect the requirements of the Service Planning Guidance in the Framework Agreement. Effective service planning is essential to ensure that attention is focused on key priorities and delivery issues, to provide a basis for resource allocation and the foundation for managing performance and making performance comparisons.
- 2.2 The Service had begun to review their documented procedures prior to the audit. Further policies and procedures needed to be developed to include all the activities carried out by the Service and the full range of available enforcement options. A system for regular and ad hoc reviews of documented policies and procedures also required development.
- 2.3 The Service had a documented procedure for the authorisation of officers, which set out the criteria for assessment of the appropriate level of authorisation of officers. All officers carrying out food law enforcement activities had been appropriately authorised in line with their individual qualifications, experience and training. Discussions with officers indicated that the Authority had adopted a proactive approach to training and records confirmed that the Authority's authorised officers had received adequate levels of continuing professional development commensurate with their duties, although a documented training programme encompassing individual and team training needs required development.
- 2.4 The Authority acknowledged that there were problems with the information held on the food premises database as the result of a problematic migration of data from a previous database system. There were a number of problems identified with the accuracy of information held on the database, and during the audit it was clear that the Authority was having difficulty in providing accurate database reports which would provide confidence in the reliability of statistics produced on enforcement activity. Significant resources had been placed into improving the accuracy of the information held on the database, however time consuming manual checks had been required to submit monitoring data to the Food Standards Agency Local Authority Enforcement Monitoring System (LAEMS).
- 2.5 It was clear from premises records, discussions with officers and a reality check visit to a premises, that officers were carrying out appropriate assessments of the Food Business Operator's (FBO) compliance with requirements based on Hazard Analysis and Critical

Control Point (HACCP) principles. Details of inspections were not however, being recorded consistently by all officers, particularly with regard to the FBO's compliance with the 'prerequisite' requirements of relevant legislation and the Service's inspection aide-memoire was not sufficiently detailed to serve as an adequate prompt to officers to ensure that all relevant inspection findings are recorded. Adequate records are necessary to provide sufficiently detailed business compliance histories to guide future inspections, to inform enforcement decisions and to enable effective internal monitoring.

- 2.6 Due to the difficulties in verifying the accuracy of information held on the Authority's database, it was not possible to fully assess whether inspections were being carried out in accordance with the minimum intervention frequencies set out in the Food Law Code of Practice.
- 2.7 Aides-memoire were not being routinely used to record detailed findings during approved establishment inspections. Records on approved establishment files were generally poor and auditors were unable to determine if the approved establishments complied with legislative requirements or whether an appropriate inspection had been carried out. It was not possible to establish the basis for the officers' decision regarding business compliance, including in relation to HACCP requirements. Approved establishment files generally did not contain the majority of the information as listed in annex 12 of the Practice Guidance. In addition, the Authority needed to ensure that all establishments subject to approval requirements are re-assessed and if appropriate re-approved to confirm compliance with Regulation (EC) No. 853/2004. Documented procedures relating to approval of establishments and enforcement actions relating to those premises also required development.
- 2.8 A council-wide enforcement policy had been developed in 2008. It was clear that the Service was adopting a graduated approach to enforcement in line with the Council's enforcement policy and there was evidence of appropriate and timely enforcement action taken in a wide number of circumstances. In general, in those file records checked, it was clear that officers were following the requirements of the Food Law Code of Practice and centrally issued guidance. Documented procedures required development, to cover the range of enforcement activities carried out.
- 2.9 File checks confirmed that appropriate investigations had been carried out following the receipt of food and food premises complaints including appropriate follow-up actions. Complaint records were found to be complete and accurate. A documented policy on the investigation of food and food premises complaints required development and the documented procedure on their investigation required review.
- 2.10 There was evidence that the Authority was participating in local and national sampling activities, however an annual programme of food

sampling required development, along with a food sampling policy. File checks showed that in general, appropriate follow-up actions were being taken on receipt of unsatisfactory results.

- 2.11 There was only limited evidence of any qualitative or quantitative monitoring throughout all file checks carried out during the audit. The Service had a procedure on the internal monitoring of inspections which needed to be reviewed and expanded to cover the monitoring of all food law enforcement activities. The Service should then ensure that the revised procedure is fully implemented to verify conformance with the Standard, relevant legislation, official guidance and the Authority's own procedures, and that records of monitoring activities are maintained.

3.0 Audit Recommendations

Area of the Standard	The Authority should:
Organisation and Management (3.1)	<p><i>Recommendation 1</i></p> <p>Develop and implement a Food Service Plan, in accordance with the Service Planning Guidance in the Framework Agreement on Local Authority Food Law Enforcement. Include details of the demands on the Service including the food premises inspection programme and the staffing resources required to provide the food law enforcement service compared with the staffing resources available.</p> <p><i>(For details of findings, please refer to page 12, paragraph 4.1.1)</i></p>
Documented Policies And Procedures (4.1)	<p><i>Recommendation 2</i></p> <p>Develop and implement a system to ensure that documented policies and procedures are reviewed at regular intervals and whenever there are changes to legislation or centrally issued guidance.</p> <p><i>(For details of findings, please refer to page 13, paragraph 4.1.4)</i></p>
Authorised Officers (5.4)	<p><i>Recommendation 3</i></p> <p>Develop and implement a documented training programme for officers, to include identified individual and team training needs.</p> <p><i>(For details of findings, please refer to page 13, paragraph 4.1.8)</i></p>
Database (6.4)	<p><i>Recommendation 4</i></p> <p>Ensure that the electronic database system is configured, managed and operated in such a way that the Authority is able to provide accurate statistical data in the official monitoring returns to the Agency and to enable effective quantitative internal monitoring.</p> <p><i>(For details of findings, please refer to page 14, paragraph 4.2.2 & page 16, paragraph 4.3.6)</i></p>

Area of the Standard	The Authority should:
Food Premises Inspections (7.4)	<p>Recommendation 5</p> <p>Develop and implement documented procedures on the approval and inspection of establishments subject to approval under the requirements of Regulation (EC) No. 853/2004. The procedure should also provide guidance to officers on the range of specific enforcement measures available for such premises.</p> <p><i>(For details of findings, please refer to page 15, paragraph 4.3.3)</i></p>
Food Premises Inspections (7.2)	<p>Recommendation 6</p> <p>Ensure that correspondence following inspections complies with the requirements of the Food Law Code of Practice, centrally issued guidance and the Authority's own documented procedures.</p> <p><i>(For details of findings, please refer to page 15, paragraph 4.3.4)</i></p>
Records and Inspection Reports (16.1)	<p>Recommendation 7</p> <p>Ensure that complete records of inspection findings are maintained for both general premises and approved establishments, including details of the assessment of compliance with legal requirements and the actions taken in cases of non-compliance with legal requirements.</p> <p><i>(For details of findings, please refer to page 15, paragraph 4.3.5 & page 16, paragraph 4.3.9)</i></p>
Food Premises Inspections (7.2 & 7.3)	<p>Recommendation 8</p> <p>Assess the compliance of premises subject to approval, and where appropriate approve relevant premises under current legislation and in accordance with the Food Law Code of Practice and centrally issued guidance.</p> <p><i>(For details of findings, please refer to page 16, paragraph 4.3.8)</i></p>
Enforcement (15.2)	<p>Recommendation 9</p> <p>Develop and implement documented procedures covering the full range of follow-up and enforcement actions in accordance with the Food Law Code of Practice and centrally issued guidance.</p> <p><i>(For details of findings, please refer to page 18, paragraph 4.4.2)</i></p>

Area of the Standard	The Authority should:
Internal Monitoring (19.1, 19.2 & 19.3)	<p>Recommendation 10</p> <p>Further develop and implement documented internal monitoring procedures covering the qualitative and quantitative monitoring of all aspects of the food law enforcement service, to verify conformance with The Standard, relevant legislation, the Food Law Code of Practice and other centrally issued guidance, and the Authority's own documented policies and procedures. Records of all internal monitoring should be retained.</p> <p><i>(For details of findings, please refer to page 19, paragraphs 4.5.1-4.5.3)</i></p>
Food and Food Premises Complaints (8.1)	<p>Recommendation 11</p> <p>Develop a documented policy on the investigation of food and food premises complaints. In addition, review and expand the guidance on the investigation of food complaints to ensure it provides sufficient guidance to officers on the investigation of both food and food premises complaints.</p> <p><i>(For details of findings, please refer to page 19, paragraph 4.5.4)</i></p>
Food Sampling (12.3)	<p>Recommendation 12</p> <p>Review the documented procedure on food sampling to ensure it is in full accordance with the requirements of the Food Law Code of Practice and centrally issued guidance.</p> <p><i>(For details of findings, please refer to page 20, paragraph 4.5.5)</i></p>
Food Sampling (12.4)	<p>Recommendation 13</p> <p>Develop and implement a documented food sampling policy and programme, to include participation in local, regional and national sampling programmes as appropriate.</p> <p><i>(For details of findings, please refer to page 20, paragraph 4.5.6)</i></p>

4. Audit Findings

4.1 Organisation and Management

Strategic Framework, Policy and Service Planning

4.1.1 The Authority had developed and implemented an Environmental Service Group Service Plan 2009/2010. The Plan referred to the work of the food law enforcement service but did not provide sufficient detail on a number of aspects required by the Service Planning Guidance in the Framework Agreement on Local Authority Enforcement, and the information was not available in other documentation. In particular, there were no details of the food premises profile and inspection programme for the year, nor a clear indication of the resource demands on the Service. Reference was made in the minutes of Food and Safety Team meetings of the intention to develop a specific food safety Service Plan. This should include a clear breakdown of the resources required to provide the food law enforcement service, in particular the full time equivalent (FTE) officers required to provide the service, compared with the FTEs available.

*[See **recommendation 1** - page 9]*

4.1.2 The Plan did refer to staffing levels having been stretched to meet increased legislative requirements and that the Environmental Service Group was finding it increasingly difficult to meet the core statutory responsibilities placed upon it. Auditors were also provided with a copy of a document produced for Members' decision in 2005 which reviewed the Food and Safety Team's resources and provided detailed capacity planning options. The report stated that at that time there were 2.5 officers carrying out day to day enforcement duties. Auditors were advised that there has been a further reduction in FTE posts to 1.5 FTE since the report was published.

4.1.3 Progress on the Environmental Service Group Service Plan was reported to Members and senior managers on a monthly basis. This included reports on particular food related issues such as special projects or enforcement actions. The updates also included details of recent unforeseen staff shortages which had impacted on the ability of the team to meet the food inspection programme and the contingency measures in place to prevent a major shortfall in inspections.

Documented Policies and Procedures

4.1.4 The Service had developed a limited number of documented procedures, of which some had been recently reviewed. There were however a number of procedures that required development to cover all areas of food law enforcement. A system for the regular and ad hoc review of documents also needed to be implemented.
[See recommendation 2 - page 9]

4.1.5 Current versions of documents were maintained in hard copy and also available to officers electronically.

Officer Authorisations

4.1.6 The Authority had a documented procedure for the authorisation and training of officers which took account of individual officer's qualifications, experience and competency. Schedules of authorisation generally covered the range of food safety legislation which officers enforced. Details of the extent of individual authorisations had also been set out in the recently reviewed inspection procedure.

4.1.7 Audit checks confirmed that officers had been properly authorised in line with their individual levels of qualification, training and experience, and in accordance with the Authority's documented authorisation procedure. Copies of relevant qualification certificates had been retained by the Authority which provided evidence of officers' qualifications.

4.1.8 It was clear that a proactive approach had been adopted in relation to training of officers. Officers' individual training needs were being identified as part of the annual performance review process and officers had received wide ranging training appropriate to the extent of their authorisations. Whilst there was evidence of a corporate training plan, it was not clear that all team and individual training needs in relation to food law enforcement had been drawn up into a comprehensive documented training programme.
[See recommendation 3 - page 9]

4.2 Food Premises Database

- 4.2.1 The Service did not have a specific systems administrator for the database system. Auditors were advised that the post had been removed as part of a departmental reorganisation. Responsibility for database maintenance had passed to the corporate IT Department, although an officer within the Food and Safety Team had time released to prepare the database for the submission of data to the Agency's LAEMS system. Documented procedures had been developed to ensure the consistency and accuracy of information inputted onto the database system.
- 4.2.2 The Authority had changed its database system in 2004 and the migration of data to the current system had resulted in missing and inaccurate information being transferred over. It was clear that significant effort had been put into restoring the accuracy of the database in preparation for the submission of statistics required by LAEMS. However, a variety of database reports were requested during the audit which raised issues relating to the accuracy of information held on the database. Some reports produced conflicting information on the numbers of premises within each risk rating category and the number of unrated premises. A report of overdue inspections was run during the audit, however because of the aforementioned issues it was not possible to ascertain the true extent of premises overdue an inspection. Whilst auditors were advised that the anomalies could be attributed to historical information, the difficulties encountered in producing reliable database management reports during the audit cast some doubt on the ability of the Authority to produce accurate monitoring returns to the Agency, despite time consuming manual checks being carried out. In addition, the ability to carry out effective quantitative monitoring of inspection activity would be impeded.
[See recommendation 4 – page 9]
- 4.2.3 The Authority undertook a number of measures to ensure that the database was complete including checks on local newspapers, tourist information and on-line business directories. Database checks confirmed that all 7 premises randomly selected by auditors from an on-line business directory were on the Authority's food premises database and were included in the Authority's food hygiene inspection programme. There was however no evidence that routine internal monitoring checks were carried out on the accuracy or completeness of data held on the system.
- 4.2.4 The Authority operated a password system to ensure the security of the database with various access control levels. Suitable and secure arrangements had been made for data backup.

4.3 Food Premises Inspections

- 4.3.1 The Authority had not provided details of the food premises profile and the proposed inspection programme in the Environmental Service Group Service Plan 2009/2010. Auditors were advised that a list of due inspections was printed off at the beginning of the year which were then subsequently allocated to individual officers for inspection.
- 4.3.2 It could not be confirmed during the audit that the Authority was implementing an effective risk based food premises inspection programme, as it was not possible to produce reliable database reports to confirm the food premises profile and the number of overdue or unrated premises.
- 4.3.3 The Authority had produced a comprehensive documented procedure on the Inspection of Food Premises, however specific procedures on the approval and inspection of establishments subject to approval under the requirements of Regulation (EC) No. 853/2004 needed to be developed, to include guidance on the specific enforcement measures available for such premises.
[See recommendation 5 – page 9]
- 4.3.4 File and database record checks on 4 general food hygiene premises indicated that 2 had not been inspected at the correct frequency. In addition it was difficult from records checked on 3 approved establishments to verify that they had also been inspected at appropriate frequencies. Reports of inspection were routinely left with the FBO following inspection. These in general contained the details required by the Food Law Code of Practice. In addition letters were sent to confirm the main findings from inspections. These did not however always clearly distinguish the legal requirements from recommendations of good practice and did not provide the FBO with clear timescales for required works to be completed. However, timely revisits were being made to premises where necessary to ensure that required works had been carried out.
[See recommendation 6 – page 10]
- 4.3.5 Inspection findings were not being recorded consistently by officers. In 2 files there were incomplete details recorded on the officer's assessment of the businesses' compliance with HACCP requirements. In addition the files did not always contain adequate information on the FBO's compliance with general requirements such as staff training and personal hygiene. Whilst the inspection aide-memoire had undergone review, it would benefit from further amendment to prompt officers to document these assessments.
[See recommendation 7 - page 10]
- 4.3.6 File checks confirmed that appropriate risk ratings had been awarded following inspection. A database report produced for the audit

however, showed a number of category A rated premises with a 6 month inspection interval but an inconsistent risk rating score of 30.

[See **recommendation 4** – page 9]

4.3.7 The Authority was collating data on those premises that were deemed 'broadly compliant' under the requirements of the new National Indicator NI 184. The Authority had estimated that around 84% of premises were broadly compliant. It was not clear however that the calculation included unrated premises as required.

4.3.8 The files for 3 approved establishments were examined. Whilst the files had been recently reviewed, they did not contain the relevant business and operations information as recommended in Annex 12 of the Food Law Practice Guidance. This included details of the businesses HACCP documentation and emergency withdrawal arrangements. Current approval documents were not on file and 1 premises had not been re-assessed with a view to re-approval, to confirm compliance with the requirements of Regulation (EC) No. 853/2004.

[See **recommendation 8** – page 10]

4.3.9 The Authority had an inspection form for approved dairy establishments, although this had not been used for the latest inspections of the 2 dairy establishment files checked. Specific aides-memoire had not been developed for other types of approved establishments. This resulted in inadequate information being held on file on areas of the inspection such as the assessment of the effectiveness of critical control points (CCP) and any review of the use of health marks.

[See **recommendation 7** – page 10]

4.3.10 As part of an approach to encourage food law compliance, the Service actively promoted the *Safer food, better business* initiative with advisory visits to educate local businesses. In addition, the Authority, in partnership with other local authorities in Gloucestershire, was implementing an established 6 tier, 5 star 'Scores on the Doors' scheme to publicise food hygiene ratings of local food businesses.

Verification Visit to a Food Premises

4.3.11 During the audit, a verification visit was undertaken to a local food premises with the officer that last inspected the business. 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 of the FBO by the officer, the general hygiene checks to verify compliance with the structure and hygiene practice requirements, and checks carried out by the officer to verify compliance with HACCP based procedures.

4.3.12 The audit visit confirmed that the checks carried out by the officer on hygiene practice requirements were detailed, thorough and appropriate, and covered all relevant food law requirements. It was also clear that the officer was addressing the legal contraventions identified at the previous inspection. The officer assessed the effectiveness of the FBO's compliance with HACCP based procedures by looking at the controls that the FBO had put in place. It was evident that officers of the Authority were effectively supporting businesses to achieve compliance with the requirements to implement HACCP-based procedures.

4.4 Enforcement

- 4.4.1 The Authority had adopted the Forest of Dean District Council Enforcement Policy, which had been approved by Members in 2008. This included an annex that provided additional detail on the specific enforcement powers available for environmental health related issues. Auditors advised that when the policy was next reviewed it should be revised to include appropriate reference to the Regulators' Compliance Code.
- 4.4.2 The Authority had developed some documented procedures to guide officers on formal enforcement actions, but a number still required development to cover the full range of enforcement options available including prosecutions, hygiene emergency prohibitions and voluntary closures, hygiene improvement notices (HIN), remedial action notices and Regulation 9 detention notices.
[See recommendation 9 – page 10]
- 4.4.3 It was clear that the Authority was adopting a robust graduated approach to enforcement in line with the enforcement policy and a wide range of enforcement actions had been taken. File reviews of 3 HINs confirmed that in all cases the use of the notice had been the appropriate course of action and that the notices had been drafted in accordance with the requirements of the Food Law Code of Practice and other centrally issued guidance. Timely revisits had been made to check on compliance with notices served.
- 4.4.4 File checks were carried out on 3 voluntary closure actions. These were all found to be appropriate and the closure agreement had been confirmed in writing with the FBO. Timely checks had been made to ensure the premises remained closed.
- 4.4.5 Checks were also made on the files for a certification under regulation 27 of the Food Hygiene (England) Regulations 2006. This action was found to be appropriate and officers had liaised closely with other interested agencies as necessary.
- 4.4.6 The files for 2 prosecutions and 3 simple cautions were examined. All were found to be the appropriate course of action, although in most cases it was not confirmed that the Authority's enforcement policy had been considered. File records demonstrated that the enforcement actions had in general been taken in accordance with the requirements of the Food Law Code of Practice. Whilst auditors were advised that qualitative monitoring checks were made of enforcement actions, including a peer review process, there was only limited evidence of internal monitoring checks on the enforcement actions examined during the audit.

4.5 Internal Monitoring, Third Party or Peer Review

Internal Monitoring

- 4.5.1 The Authority had an undated monitoring procedure for food hygiene inspections which required updating and expansion to include the qualitative and quantitative internal monitoring of all aspects of the Service.
- 4.5.2 There was only limited evidence of internal monitoring activities. These included:
- Informal discussions on workloads, approaches to inspections and problems encountered;
 - Documented team meetings and discussions;
 - An officer performance review system which considered the achievement of key work objectives and targets;
 - Accompanied inspection record forms for 1 officer.
- 4.5.3 Records of internal monitoring activities, particularly of qualitative aspects of food law enforcement activity were not being consistently maintained. Reports on activities were however brought to the attention of Members via a monthly update.

[See recommendation 10 – page 10]

Internal Monitoring of Food and Food Premises Complaints

- 4.5.4 The Authority did not have a documented policy on the investigation of food and food premises complaints. A flowchart had been developed which provided brief guidance on the investigation of food complaints. This required review and further development to provide comprehensive guidance to officers on the investigation of both food and food premises complaints. Audit checks confirmed that complaints were generally being thoroughly investigated and associated records were being maintained. There was however, no evidence of internal monitoring of food and food premises complaint investigations.

[See recommendation 11 – page 11]

Internal Monitoring of Sampling

- 4.5.5 The Authority did not have a documented sampling policy or an established documented food sampling programme, however it was clear that the Authority was participating in national food sampling programmes in addition to taking ad hoc samples from food premises in the District, such as approved establishments. There had been some recent discussion within the Gloucestershire Food Liaison

Group regarding the establishment of a regional sampling programme.

[See recommendation 12 – page 11]

- 4.5.6 The Authority had an undated documented sampling procedure, which required review and updating. It was evident from file records that effective and appropriate follow-up actions had been taken in the case of unsatisfactory sample results. It was not evident that internal monitoring of follow-up on unsatisfactory samples was routinely being carried out, although auditors were advised that all adverse sample results were passed to the team manager for agreement on follow-up action.

[See recommendation 13- page 11]

Third Party or Peer Review

- 4.5.7 Auditors were informed that no recent formal inter authority audits had taken place in the area, although the Gloucestershire Food Liaison Group was in discussion regarding a future peer review exercise.

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Food Standards Agency

Local Authority Audit & Liaison Division

Action Plan for Forest of Dean District Council

Audit dates: 22-23 July 2009

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
<p>Recommendation 1 - Develop and implement a Food Service Plan, in accordance with the Service Planning Guidance in the Framework Agreement on Local Authority Food Law Enforcement. Include details of the demands on the Service including the food premises inspection programme and the staffing resources required to provide the food law enforcement service compared with the staffing resources available. [The Standard - 3.1]</p>	31/03/10	<p>The service plan for Environmental Services will be re-formatted to include a section on Food Safety to meet the Standard. This will include an appendix to show resources required to fully meet the Standard and an appendix to show the work that can be undertaken with the current level of resources.</p>	<p>Canvassing other L.A.'s to provide copies of suitable food service plans. Examination of the plans provided. Review of existing Service Plan for Environmental Services.</p>
<p>Recommendation 2 - Develop and implement a system to ensure that documented policies and procedures are reviewed at regular intervals and whenever there are changes to legislation or centrally issued guidance. [The Standard - 4.1]</p>	31/03/10	<p>The list of departmental policy and procedure documents will be updated. This list will record the date a document is produced, when it is due for review and any updates that are completed.</p> <p>Environmental Services policy and procedure documents will be reviewed biannually at department service meetings and where necessary in response to changes in legislation or centrally issued guidance.</p>	<p>Documents are dated as they are reviewed and carry a review date.</p>
<p>Recommendation 3 - Develop and implement a documented training programme for officers, to include identified individual and team training needs. [The Standard - 5.4]</p>	30/04/10	<p>Previous document replaced by Personal Development Appraisal (PDA) process. This is used to identify training needs. PDA document to be amended to record training received by officer in previous year as well as training identified as being needed in the coming year.</p>	<p>Recommendation noted – to be incorporated into PDA process for April 2010.</p>

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
<p>Recommendation 4 - Ensure that the electronic database system is configured, managed and operated in such a way that the Authority is able to provide accurate statistical data in the official monitoring returns to the Agency and to enable effective quantitative internal monitoring. [The Standard - 6.4]</p>	<p>31/12/09 for agreement of action plan (see note)</p>	<p>Working with our IT Department and our database software supplier we will identify the cause of our database inaccuracies.</p> <p>We will agree an action plan to resolve the identified issues to ensure that the electronic database system is configured, managed and operated in such a way that the Authority is able to provide accurate statistical data in the official monitoring returns to the Agency and to enable effective quantitative internal monitoring.</p> <p>NB Once the action plan timescale has been agreed the projected completion date will be notified to the Food Standards Agency.</p> <p>We will implement internal monitoring checks to be made periodically to ensure that</p> <ol style="list-style-type: none"> 1. Database accuracy and completeness is maintained. 2. Problems with the system are identified at an early stage and resolved in a timely manner. 	<p>Contacted I.T. to report concerns identified during the FSA audit.</p> <p>Follow up communication with Head of IT and Strategic Director to move the issue forward. Recommended meeting for December tabled.</p>
<p>Recommendation 5 - Develop and implement documented procedures on the approval and inspection of establishments subject to approval under the requirements of Regulation (EC) No. 853/2004. The procedure should also provide guidance to officers on the range of specific enforcement measures available for such premises. [The Standard - 7.4]</p>	<p>30/06/10</p>	<p>To develop and implement documented procedures on the approval and inspection of premises subject to approval including guidance to officers on the range of specific enforcement measures available for such premises.</p> <p>This will be achieved having regard to the Food Law Code of Practice, practice guidance and other authoritative guidance.</p>	<p>The review of premises subject to approval is continuing. Re-approval of existing premises continuing.</p>

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
Recommendation 6 - Ensure that correspondence following inspections complies with the requirements of the Food Law Code of Practice, centrally issued guidance and the Authority's own documented procedures. [The Standard - 7.2]	Completed	Ensure correspondence sent to food business operators following inspections clearly distinguishes legal requirements from recommendations and that timescales for required works are made clear. Routine monitoring of inspection paperwork to form part of re-introduced quality monitoring procedures.	Training provided to food team during team meeting.
Recommendation 7 - Ensure that complete records of inspection findings are maintained for both general premises and approved establishments, including details of the assessment of compliance with legal requirements and the actions taken in cases of non-compliance with legal requirements. [The Standard - 16.1]	31/03/10	<p>The information recorded by Officers during inspection/intervention will be recorded on the amended inspection aide-memoire. This will ensure officers are prompted to record businesses compliance with HACCP requirements.</p> <p>Records of inspections of approved establishments will be recorded on the relevant form for the type of premises.</p> <p>Completion of the aide-memoire will be monitored periodically with the re-introduction of the Quality Monitoring - Food Hygiene Inspection form.</p>	<p>Inspection aide-memoire reviewed and issued to officers. Re-introduction of Quality Monitoring - Food Hygiene Inspection form to monitor Officer intervention.</p> <p>Officers informed by email. Item included in team meeting agenda.</p>
Recommendation 8 - Assess the compliance of premises subject to approval, and where appropriate approve relevant premises under current legislation and in accordance with the Food Law Code of Practice and centrally issued guidance. [The Standard - 7.2 & 7.3]	31/05/10	Re-assess the compliance of premises subject to approval, and where appropriate approve relevant premises under current legislation and in accordance with the Food Law Code of Practice and centrally issued guidance. Review the status of premises that are considered not to need approval to confirm the decision is correct.	Review of premises subject to approval continuing. Re-approval of existing premises continuing.
Recommendation 9 - Develop and implement documented procedures covering the full range of follow-up and enforcement actions in accordance with the Food Law Code of Practice and centrally issued guidance. [The Standard - 15.2]	30/06/10	To develop and implement documented procedures covering the full range of follow-up and enforcement actions in accordance with the Food Law Code of Practice and centrally issued guidance.	Canvassing other L.A.'s to provide copies of suitable procedure documents. Examination of the procedures provided. Review of existing procedures for Environmental Services.

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
<p>Recommendation 10 - Further develop and implement documented internal monitoring procedures covering the qualitative and quantitative monitoring of all aspects of the food law enforcement service, to verify conformance with The Standard, relevant legislation, the Food Law Code of Practice and other centrally issued guidance, and the Authority's own documented policies and procedures. Records of all internal monitoring should be retained. [The Standard - 19.1, 19.2 & 19.3]</p>	30/04/10	<p>Internal monitoring will be extended to include all aspects of the food law enforcement service.</p> <p>The internal monitoring of inspections has been re-introduced to verify conformance with The Standard, relevant legislation, the Food Law Code of Practice and other centrally issued guidance, and the Authority's own documented policies and procedures.</p>	<p>Re-introduction of Quality Monitoring - Food Hygiene Inspection form to monitor officer intervention.</p>
<p>Recommendation 11 - Develop a documented policy on the investigation of food and food premises complaints. In addition, review and expand the guidance on the investigation of food complaints to ensure it provides sufficient guidance to officers on the investigation of both food and food premises complaints. [The Standard - 8.1]</p>	31/05/10	<p>To develop a documented policy on the investigation of food and food premises complaints. Also review and expand the guidance on the investigation of food complaints to provide sufficient guidance to officers on the investigation of both food and food premises complaints.</p>	
<p>Recommendation 12 - Review the documented procedure on food sampling to ensure it is in full accordance with the requirements of the Food Law Code of Practice and centrally issued guidance. [The Standard - 12.3]</p>	31/05/10	<p>Conduct a review of the documented procedure on food sampling to ensure it is in full accordance with the requirements of the Food Law Code of Practice and centrally issued guidance.</p>	
<p>Recommendation 13 - Develop and implement a documented food sampling policy and programme, to include participation in local, regional and national sampling programmes as appropriate. [The Standard - 12.4]</p>	31/05/10	<p>To develop and implement a documented food sampling policy and programme to reflect participation in local, regional and national sampling programmes. This will be included within Food Service Plan.</p>	

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:

- Environmental Service Group Service Plan 2009/2010 and associated update papers for portfolio holder;
- The Authority's authorisation and training procedures and officer authorisation, training and qualification records;
- The Authority's Food Law Enforcement Procedures;
- Food Premises and Inspection/Intervention aides-memoire;
- Forest of Dean District Council Enforcement Policy.

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

- General food premises inspection records;
- Approved establishment files;
- 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, including data on NI 184.

(4) Officer interviews – the following officers were interviewed:

- Audit Liaison Officer;
- Environmental Health Officer;

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

(5) On site verification check:

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

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.
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 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.

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.
OCD returns	Returns on local food law enforcement activities required to be made to the European Union under the Official Control of Foodstuffs Directive.
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.
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.