



**Food Standards Agency Audit of Local Authority
Official Controls and Food Business Operator
Controls in Approved Establishments**

Nottingham City Council

17-18 February 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 their Environmental Health and Trading Standards Services.

The attached audit report examines the official controls implemented in approved establishments by the Local Authority's Food Law Enforcement Service. The audit assessments included the authority's policies, organisation and management and local arrangements for implementation of official controls in approved establishments, with specific focus on approved meat products establishments, and related areas of food law enforcement.

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. The Framework Agreement and the audit protocols are available on the Agency's website at:

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

The main aim of the audit scheme is to improve and maintain 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 information to inform Agency policy on food safety.

The report contains some statistical data on food law enforcement activities undertaken by the authority. The Agency's website contains enforcement activity data for all UK local authorities and can be found at:

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

The report also contains an action plan, prepared by the Authority, to address the audit findings.

A glossary of technical terms used within the audit report can be found at Annex C.

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1. Introduction

Background and Scope of the Audit

- 1.1.1 This report records the results of an audit at Nottingham City Council. The Authority was 1 of 11 authorities selected for the audit programme of local authority official controls and food business operator controls in approved establishments carried out between February and April 2009, as part of the Food Standards Agency's programme of audits of local authority food law enforcement.
- 1.1.2 The audit was carried out under relevant headings of the Food Standards Agency Food Law Enforcement Standard and the report has been made publicly available on the Agency's website at www.food.gov.uk/enforcement/auditandmonitoring/. Hard copies are available from the Food Standards Agency's Local Authority Audit and Liaison Division at Aviation House, 125 Kingsway, London WC2B 6NH, Tel: 020 7276 8428.
- 1.1.3 The power to set standards, monitor and audit local authority food law enforcement services was conferred on the Food Standards Agency by the Food Standards Act 1999 and the Official Feed and Food Controls (England) Regulations 2006. The audit of official controls implemented by Nottingham City Council's food service in approved establishments was undertaken under section 12(4) of the Act and Regulation 7 of the Regulations.
- 1.1.4 The audit examined the Local Authority's arrangements for implementing official controls at approved establishments, with a particular focus on approved meat products establishments. In considering the effectiveness of these controls, the audit evaluated the appropriateness of approvals, compliance of the approvals process with legal requirements, the Food Law Code of Practice and official guidance, delivery of routine official controls in approved establishments, the reactive elements of the Authority's approved establishments responsibilities and related aspects of the Service.
- 1.1.5 Nottingham City Council is a Unitary Authority in the East Midlands and is one of England's eight Core Cities. It sits in the centre of the Greater Nottingham conurbation that includes the Districts of Gedling, Broxtowe and Rushcliffe in Nottinghamshire, and Erewash in Derbyshire. The City of Nottingham has a population of 286,400, whilst Greater Nottingham's population is 647,100. In the population as a whole non-white ethnic groups make up 15.1% of the City's population (40,278 people) with all non-white ethnic groups showing an increase.

- 1.1.6 There are 2,679 food premises within the Authority's area, mainly in the retail and catering sector of which 12 are approved establishments.
- 1.1.7 The on-site element of the audit took place at the Authority's office at Lawrence House, Talbot Street, Nottingham, NG1 5NT on 17-18 February 2009.

2.0 Executive Summary

- 2.1 The Service had experienced an unsettled time due to a reorganisation of the department, the current level of staff vacancies and some recent staff absences arising from long term sickness and maternity leave. Management and staff had made considerable efforts in order to maintain service delivery throughout this difficult period.
- 2.2 The Authority had developed and implemented policies and procedures covering the areas of their food law responsibilities including approved establishments. The audit highlighted the need for the periodic review of these documents in line with the planned review periods set out in the Service Plan.
- 2.3 The Authority had a documented procedure for the authorisation of officers, based on a competency matrix aligned to established posts in the Service and to the activities within the Service Plans, which took account of officer's individual qualifications, experience and competencies. The schedule of officer authorisation comprehensively covered the full range of legislation under which officers were authorised.
- 2.4 The Authority had developed internal monitoring procedures for programmed inspections, which included monthly reviews and the use of documented checklists. The internal monitoring needed to be extended to cover approved establishments interventions.
- 2.5 The Authority had not undertaken any recent food sampling within approved establishments, but a sampling programme scheduled for 2009/2010 would include all such establishments.
- 2.6 Some establishments had been approved for a range of products but not notified to the Food Standards Agency, and were therefore omitted from the national register.
- 2.7 The approved establishment files were generally well organised and maintained, although some hygiene inspection records and record of inspection sheets were missing from the files. It was therefore not always possible to confirm the basis for the compliance decisions made.
- 2.8 Some approved establishments had historically not been inspected at the correct frequency according to risk. However, at the time of the audit all establishments had received an inspection and were due to be inspected annually in line with the Authority's Service Plan.

3.0 Audit Findings

3.1 Organisation and Management

- 3.1.1 The Authority's Food Service Plans for 2008/2009 and 2009/2010 included details relating to approved establishments and a statement that all approved establishments would be subject to annual inspection.
- 3.1.2 The Service Plans contained performance indicators for non-approved establishments that did not meet the minimum risk-based inspection frequencies required by the Code of Practice. Although these premises did not fall directly within the scope of this audit, this concern related to the wider resource difficulties identified by the Service in its planning documentation.

3.2 Review and Updating of Documented Policies and Procedures

- 3.2.1 The Service Plan stated that all documented policies and procedures would be reviewed in October 2008 and March 2009. There was evidence that reviews had been recently carried out to update some documents and to reflect the significant recent changes to food safety legislation and the Food Law Code of Practice. However, the Authority needed to ensure that all relevant documentation is subject to routine and timely review, in line with the planned review periods set out in the Service Plan.

Recommendation 1

The Authority should:

Further develop and implement relevant procedures to ensure that all documented policies and procedures are updated, regularly reviewed and effectively controlled for all areas of the enforcement activities covered by the Standard. [The Standard - 4.1]

3.3 Authorised Officers

- 3.3.1 The Authority had a comprehensive documented procedure for the authorisation of officers in writing, based on their individual qualifications, training, experience and a competency, as required by the Food Law Code of Practice. In addition links were made directly between the authorisation of officers and the activities arising from the key service priorities.
- 3.3.2 Officer training and qualifications records confirmed that, with the exception of one officer, the Authority had provided adequate training

to officers commensurate with their tasks and in accordance with the specified levels of Continuing Professional Development (CPD) training requirements in the Food Law Code of Practice.

- 3.3.3 Lead officers with appropriate specialist knowledge had been appointed for enforcement of food hygiene requirements, including approval of establishments. The Authority appeared to have sufficient numbers of suitably qualified and authorised officers with enforcement responsibilities to meet its responsibilities for delivering official controls at approved establishments. However, the Service Plan needed to identify any shortfall in the staffing resource with regard to the likely demands on the Service across all areas of activity.

Recommendation 2

The Authority should:

Ensure that all authorised officers maintain the level of Continuing Professional Development (CPD) training requirements as required in the Food Law Code of Practice [The Standard - 5.4]

Good Practice – Officer Authorisations

The Authority's Authorisation Development plan set out a common policy on the progression of authorisation based upon their individual levels of competency, experience and qualification, linked to a matrix signed by a senior officer. In addition, officer authorisations were linked directly to the key service priorities.

3.4 Food Premises Database

- 3.4.1 All approved establishment records, including enforcement activity records were accessible and recorded on the Service's database. These records were consistent with those held on the paper files. It was noted that, historically, a notional risk assessment had been attributed to approved establishments and entered onto the database with the intention of ensuring that they were brought forward for their next inspection.

3.5 Approved Establishments Inspections

- 3.5.1 A review of approved establishments inspections confirmed that the Authority had not carried out inspections of approved establishments at the minimum frequency set out in the Food Law Code of Practice. The current Service Plan stated that all approved establishments would be inspected annually regardless of the risk rating score. Inspections were carried out by appropriately authorised officers.
- 3.5.2 Records of the food hygiene inspections carried out confirmed that file records were well organised and generally well maintained, although hygiene inspection records were missing from some of the files. Similarly, whilst a record of inspection sheet had been left with the proprietor in the majority of cases, some copies of these documents were also missing from the files.
- 3.5.3 Approved establishments files did not always contain all appropriate and relevant business operations records and information as specified in the Food Law Practice Guidance [Annex 12].
- 3.5.4 Inspection reports showed a clear separation between legal requirements, which businesses were required to comply with and recommendations of good practice. The authority were using a mixture of aide-memoire inspection forms and it is suggested that the LACORS' manufacturing form should be used to ensure all information is captured on inspection.
- 3.5.5 Auditors made a joint visit with an officer to an approved meat products establishment. The purpose of the visit was to verify information gathered from file record checks and officer interviews, and to assess the effectiveness of official controls implemented by the Authority at the establishment. The visit confirmed that the approval had been correctly granted and covered all the food business activities. It was also confirmed that the Authority was effectively carrying out its official controls responsibilities at the establishment and had developed a supportive working relationship with the food business operator.
- 3.5.6 Some establishments had been approved for a range of products of animal origin but these had not been notified to the Food Standards Agency and were therefore not recorded on the national register of approved establishments.

Recommendation 3**The Authority should:**

Carry out inspections of premises in their area, at a frequency which is not less than that determined under the inspection rating system set out in the relevant legislation, Food Law Code of Practice or other centrally issued guidance. [The Standard - 7.1]

Recommendation 4**The Authority should:**

Maintain up to date and comprehensive records for all food approved establishments' information. [The Standard -16.1]

3.6 Food and Food Premises Complaints

3.6.1 Records of complaints involving approved establishments in the Authority were examined. There were few in number and it was evident that all complaints had been thoroughly investigated, including where necessary, appropriate liaison with other Local Authorities in accordance with the Home Authority Principle.

3.7 Food Inspection and Sampling

3.7.1 The Authority had produced a documented food sampling policy and procedure that were contained in the Service Plan. This stated that the Authority would undertake sampling in approved establishment as part of their food sampling programme.

3.7.2 The auditors were advised that, due to staff absences, the Authority had not undertaken any sampling in approved establishments since 2007. At the time of the audit the sampling officer was able to provide the auditors with a documented sampling programme for 2009/2010 which incorporated all approved establishments.

Recommendation 5**The Authority should:**

Ensure that the documented 2009/2010 sampling programme is implemented in relation to approved establishments.
[The Standard - 12.6]

3.8 Internal Monitoring

3.8.1 Records of monitoring were maintained for monthly and quarterly management reports of performance against key indicators. Other monitoring records included individual monthly one-to-one reviews for inspections and service requests, team meeting notes and records of performance reviews. There were no records of any internal monitoring of the approved establishment files as required by the Authority's food premises inspections and interventions procedure.

Recommendation 6**The Authority should:**

Undertake monitoring reviews of approved establishments work activities in line with the internal monitoring procedure.
[The Standard - 19.2]

AUDITORS:

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ANNEX A

Action Plan for Nottingham City Council

Audit date: 17-18 February 2009

TO ADDRESS RECOMMENDATION (INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
Recommendation 1 - Further develop and implement relevant procedures to ensure that all documented policies and procedures are updated, regularly reviewed and effectively controlled for all areas of the enforcement activities covered by the Standard. [The Standard - 4.1]	30/04/09	New team management and governance structure to be implemented from April 2009. Detailed review dates of each section of the Procedure Manual to be established, detailed in Service Delivery Plan and cascaded through PDRs for the responsibility of Principal EHO post holders on a task and finish basis. Reviews to be embedded in Monthly Team Meeting process.	Service Delivery Plan 2009/2010 now includes detailed review date of each section of Procedure Manual.
Recommendation 2 - Ensure that all authorised officers maintain the level of Continuing Professional Development (CPD) training requirements as required in the Food Law Code of Practice [The Standard - 5.4]	31/05/09	The established CPD records system to be scrutinised monthly through existing 'one to one' officer meeting system and PDRs. Re-establishment of two in house training days/year to ensure 100% coverage of team.	
Recommendation 3 - Carry out inspections of premises in their area, at a frequency which is not less than that determined under the inspection rating system set out in the relevant legislation, Food Law Code of Practice or other centrally issued guidance. [The Standard - 7.1]	31/03/10	Service Delivery Plan 2009/2010 to be clarified to indicate minimum target frequencies as specified in COP. Minimum inspection frequencies to be brought back into line over a 2 year period with focus on high risk premises, approved establishments and premises 'not broadly compliant'.	Corporate Leadership Team approval has been given to recruit to new team structure and vacant posts from April 2009.

TO ADDRESS RECOMMENDATION (INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
Recommendation 4 - Maintain up to date and comprehensive records for all food approved establishments' information. [The Standard -16.1]	31/05/09	Review approved establishment records and consider appropriateness of application of Food Law Practice Guidance recommendations. To consider use of LACORS manufacturing form and use if appropriate. Confirm with the Agency the accuracy of the website information and ensure it reflects what Nottingham has notified.	
Recommendation 5 - Ensure that the documented 2009/2010 sampling programme is implemented in relation to approved establishments. [The Standard - 12.6]	01/04/09	Detailed Sampling Plan to be compiled and implemented. (Additional Technical Officer support to be transferred in 2009 from Trading Standards Team to assist food sampling and for business continuity purposes).	Sampling Plan provided at time of Audit. First planned sampling of Approved Premises already taken place in April 2009.
Recommendation 6 - Undertake monitoring reviews of approved establishments work activities in line with the internal monitoring procedure. [The Standard - 19.2]	31/05/09	Documents implementing the internal monitoring arrangement through monthly 'one to one' meetings and file audits by Principal EHOs to be amended to include specific reference to approved establishments files. Existing Officer's approved establishments and 'Not Broadly Compliant' planning and tracking file to be audited at 'one to one' meetings.	

ANNEX B**Audit Approach/Methodology**

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

(1) Examination of LA policy and procedures documents:

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

- Food Service Plan 2008/2009 and 2009/2010;
- Policy on the Qualifications and Experience of Authorised Officers;
- Officer training and qualifications records;
- Food Safety Procedures Manual;
- Database records;
- Food Premises and Inspections/Interventions;
- 2009/2010 Sampling Programme;
- Enforcement Policy Statement and Enforcement Procedures;
- Internal Monitoring Procedures;
- Officer file and service request review procedure and records.

(2) File reviews – the following LA files were reviewed before and during the audit:

- Food Complaints files;
- Approved establishments.

(3) Review food premises database – the database reports examined;

- Lists of approved establishments.

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

- Audit Liaison Officer (ALO);
- 1 field EHO.

(5) On site verification check:

- Site visit with the Authority's officers to an approved establishment.

ANNEX C

Glossary

Authorised officer	A suitably qualified officer who is authorised by the local authority to act on its behalf in, for example, the enforcement of legislation.
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 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.
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.