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

Three Rivers District Council

17 – 19 June 2008

# Foreword

Audits of local authorities' food law enforcement services are part of the Food Standards Agency's arrangements to improve consumer protection and confidence in relation to food. These arrangements recognise that the enforcement of UK food law relating to food safety, hygiene, composition, labelling, imported food and feeding stuffs is largely the responsibility of local authorities. These local authority regulatory functions are principally delivered through their Environmental Health and Trading Standards Services.

The attached audit report examines the Authority's Food Law Enforcement Service. The assessment includes the local arrangements in place for database management, inspections of food businesses and internal monitoring. It should be acknowledged that there will be considerable diversity in the way and manner in which local authorities may provide their food enforcement services reflecting local needs and priorities.

Agency audits assess local authorities' conformance against the Food Law Enforcement Standard "The Standard", which was published by the Agency as part of the Framework Agreement on Local Authority Food Law Enforcement and is available on the Agency's website at:  
[www.food.gov.uk/enforcement/](http://www.food.gov.uk/enforcement/).

The main aim of the audit scheme is to maintain and improve consumer protection and confidence by ensuring that local authorities are providing an effective food law enforcement service. The scheme also provides the opportunity to identify and disseminate good practice and provide information to inform Agency policy on food safety, standards and feeding stuffs.

The report contains some statistical data, for example on the number of food premises inspections carried out annually. The Agency's website contains enforcement activity data for all UK local authorities and can be found at:  
[www.food.gov.uk/enforcement/](http://www.food.gov.uk/enforcement/).

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

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## **1. Introduction**

- 1.1 This report records the results of an audit at Three Rivers 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/audits/](http://www.food.gov.uk/enforcement/audits/). Hard copies are available from the Food Standards Agency's Local Authority Liaison Division at Aviation House, 125 Kingsway, London WC2B 6NH, Tel: 020 7276 8428.

### **Reason for the Audit**

- 1.2 The power to set standards, monitor and audit local authority food law enforcement services was conferred on the Food Standards Agency by the Food Standards Act 1999 and Regulation 7 of the Official Feed and Food Controls (England) Regulations 2007. This audit of Three Rivers 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, as it was a District Council, was representative of a geographical mix of 10 Authorities selected across England and had been identified for audit as the Authority had reported taking no food samples in 2006/2007.

### **Scope of the Audit**

- 1.4 The audit examined Three Rivers District Council's arrangements for food premises database management, food premises inspections, and internal monitoring with regard to food hygiene law enforcement. The scope of the audit also included an assessment of the Authority's overall organisation, management and internal monitoring of other food hygiene law enforcement activities.
- 1.5 Assurance was sought that key authority food hygiene law enforcement service systems and arrangements were effective in supporting business compliance, and that local enforcement was managed and delivered effectively. The on-site element of the audit took place at the Authority's office in Northway, Rickmansworth on 17-19 June 2008.
- 1.6 The audit assessed the Authority's conformance against the requirements of the Standard which was adopted by the Food Standards Agency Board on 21 September 2000, (amended July 2004), and forms part of the Agency's Framework Agreement with

local authorities. The Framework Agreement can be found on the Agency's website at [www.food.gov.uk/enforcement/role/framework](http://www.food.gov.uk/enforcement/role/framework).

## Background

- 1.7 Three Rivers is situated in the southwest of Hertfordshire and forms part of London's green belt. It borders Watford to the east and the London Borough of Hillingdon to the south. The District includes large rural areas with a number of small towns and villages. The District has a population of around 85,000. It has excellent road links to London and elsewhere, and Heathrow and Luton airports are nearby.
- 1.8 Food hygiene law enforcement was the responsibility of the Commercial Standards Team within the Environmental Health Section of the Directorate of Community and Environmental Services. The Team was also responsible for health and safety inspections, infectious disease control, air quality, pollution control and contaminated land work, statutory nuisance investigation and related enforcement activity in commercial establishments.
- 1.9 The Commercial Standards Team was not responsible for the enforcement of food standards and feeding stuffs law enforcement, which was carried out by Hertfordshire County Council Trading Standards Service.
- 1.10 The Authority's food hygiene inspection plan for 2007/2008, as reported in its monitoring returns made to the Agency for the financial year 2006/2007, indicated that the Commercial Standards Team was responsible for enforcing food hygiene legislation in 495 premises. These food businesses were predominantly within the catering (74%) and retail sectors (24%). The returns also indicated that the Authority had carried out:

Enforcement Activity	Number
Food hygiene inspections	476
Other visits	0
Revisits	0
Advisory and sampling visits	0
Establishments subject to written warnings	80
Establishments subject to voluntary closures	1
Informal samples	0
Official samples	0

## 2. Executive Summary

- 2.1 The audit identified a number of issues regarding the food law enforcement service, many of which had been identified in previous audits. It was evident that recommendations arising from these audits had not been fully addressed or resolved including staff resource considerations.
- 2.2 The Authority had developed a Food Service Plan for 2007/2008 and had carried out an annual review of the Service that had been agreed by Members. The Plan contained information as set out in the Service Planning Guidance in the Framework Agreement on Food Law Enforcement, however, some of the key information in the plan including the food hygiene inspection programme, food sampling and staffing allocation related to previous years and other key information was not included at all. Future reviews of performance needed to include the measures taken to address variances in previous Service Plans and any required areas for improvement.
- 2.3 Some documented food law enforcement policies and procedures had been drafted, however these required review and full implementation. In addition a number of further procedures needed to be developed and an effective system for regular review and control of all policies and procedures needed to be established.
- 2.4 The Authority's procedure for the authorisation of officers required further development to detail the authorisation documentation and the competency assessment process. Individual officer authorisations needed to reflect any limitations in their food law enforcement activities. Records of training and experience, including those of contractors, were not comprehensive enough to verify the competence, training and experience of officers employed to carry out food law enforcement.
- 2.5 There were a number of problems identified with the accuracy of information on the Service's food premises database which had impacted on the ability of the Authority to produce accurate monitoring returns to the Agency. There was no procedure in place for checking the accuracy of the database and limited evidence of verification of information inputted onto it.
- 2.6 File and database checks and database reports run at the time of the audit confirmed that the Authority was not carrying out all food hygiene inspections in accordance with the minimum frequencies in the Food Law Code of Practice. Some high risk premises had been overdue for several months. Full records of inspections and follow-up action were not always maintained or retrievable. Hence it was not always clear from records that a consistent, graduated and timely approach to enforcement

was followed. However, it was noted that the Authority had followed up on serious matters by taking a range of formal enforcement actions.

- 2.7 It was evident that there had only been limited effective internal monitoring activity across the food law enforcement service, and that this was mainly quantitative. An internal monitoring procedure needed to be developed and implemented across all areas of the Service. Audit checks identified discrepancies which could have been minimised by effective internal monitoring.

### 3. Audit Findings

#### 3.1 Organisation and Management

##### *Strategic framework, policy and service planning*

- 3.1.1 A Food Law Enforcement Service Plan for 2007/2008 had been developed and agreed by Members. The Plan contained information set out in the Service Planning Guidance in the Framework Agreement on Food Law Enforcement however the figures for a number of elements appeared not to have been updated and related to previous years. These included details of the food hygiene inspection programme, food sampling and staffing allocation.
- 3.1.2 The Plan also contained Food Law Code of Practice requirements and references that have since been superseded. The Authority's policy and approach to Alternative Enforcement Strategies, third party and peer review and confirmation of out of hours arrangements were not addressed.
- 3.1.3 An annual review of the previous year's Service Plan had been carried out and brought to the attention of Members. This focused largely on the Service's food hygiene inspection programme and approach to 'scores on the doors'.
- 3.1.4 An overarching Environmental Health Service Plan 2008/2011 had also been developed that identified food law enforcement, infectious disease control and the 'Safer food, better business' campaign as key service responsibilities within Commercial Standards. This Plan also made reference to new National Performance Indicators and included a review of performance on a number of key performance indicators for 2006/2007:

PI Ref	Description	2006/2007 Actual	2007/2008 Target
EH04	Respond to all requests for service within 24 hours	98.51%	97%
EH05	The % of food premises inspections due that were carried out for high risk premises	95.1%	100%
EH06	The % of food premises inspections due that were carried out for other risk premises	98.9%	100%

- 3.1.5 However, some food law enforcement activities were not considered by the reviews. For example, the food sampling programme planned for 2006/2007 which had not been undertaken was not identified as an area for improvement during 2007/2008. Future reviews of

performance needed to include the measures taken to address variances in previous Service Plans and any required areas for improvement.

3.1.6 The Service Aims and Objectives were described in the Food Law Enforcement Service Plan 2007/2008. The objectives in relation to food law enforcement were to:

- Undertake food premises inspections on a risk-assessed timetable; detain and seize foodstuffs if appropriate; take enforcement action and revisit as necessary;
- Undertake Home Authority liaison;
- Liaise with businesses to provide advice;
- Undertake food sampling;
- Investigate food related infectious diseases; refer complainants to GPs; take enforcement action against food handlers causing food poisoning;
- Maintain systems to receive food hazard warnings and ensure appropriate action follows;
- Promote food safety through press releases, talks, information on websites etc.

3.1.7 The staffing allocation to deliver the Food Law Enforcement Service was detailed in the Service Plan 2007/2008, although the figures related to 2006/2007:

<b>Staffing allocation</b>	<b>Full time equivalent</b>
Commercial Standards Manager	0.20
Environmental Health Officer	0.75
Food Safety Officer	0.75
Contractors	Not known as FTE
Support Officers	0.50

*Recommendation*

3.1.8 The Authority should:

Ensure that the Food Service Plan is drawn up in full accordance with the Service Planning Guidance in the Framework Agreement, and any variance in meeting the service plan should be addressed in the subsequent year's service arrangements.

[The Standard – 3.1 & 3.3]

*Documented Policies and Procedures*

- 3.1.9 The Authority did not have a system for control, regular review and updating of policies and procedures and there was no programme for review and updating of out of date procedures. Policies and procedures were generally several years out of date and contained references to superseded legislation and statutory guidance. In addition some policies and procedures did not reflect current practice within the Service.
- 3.1.10 Policies and procedures relating to reactive work and formal enforcement were examined as part of the audit and it was confirmed that a number of documented procedures for follow-up and enforcement actions had not been developed. Documented procedures for a range of enforcement actions needed to be developed such as officer guidance dealing with the range of formal enforcement actions, including prosecutions and simple cautions, hygiene emergency prohibitions, voluntary closures, detention and seizure, voluntary surrender, hygiene improvement notices and remedial action notices. Procedures on the investigation of food premises complaints, the approval and inspection of approved establishments and internal monitoring were also required.
- 3.1.11 A food sampling policy and documented procedure had been drafted but not implemented. No food samples had been taken during 2006/2007 and 2007/2008.
- 3.1.12 An Environmental Health Food Enforcement Policy had been developed and a copy was available on the Authority's website. The policy had been referenced as reviewed in November 2007 but it contained out of date references to legal procedures and required further updating.
- 3.1.13 Officers had access to up to date versions of legislation and statutory guidance via an on-line technical information service.

### *Recommendations*

#### 3.1.14 The Authority should:

- (i) Ensure that documented procedures for inspections, follow-up and enforcement actions are developed and implemented to cover the full range of food law enforcement activities, in accordance with the Food Law Code of Practice and official guidance. [The Standard – 15.2]
- (ii) Review the documented enforcement policy to ensure it is up to date and reflects current official guidance. [The Standard – 15.1]
- (iii) Ensure that all documented food hygiene policies and procedures are reviewed at regular intervals and whenever there are changes to legislation and official guidance. [The Standard – 4.1]
- (iv) Develop a document control system to ensure that internal food hygiene policies and procedures are up to date by their review at regular intervals and whenever there are changes to legislation and official guidance. [The Standard – 4.2]
- (v) Review and implement the documented sampling policy and procedure and draw up and implement a sampling programme in accordance with official guidance and taking account of the nature of the food establishments in the Authority's area. [The Standard – 12.4]

### *Officer Authorisations*

3.1.15 The Authority had a documented procedure for authorisation of officers which contained out of date legal references and superseded official guidance. The procedure required updating and development to detail the documentation and the process for competency assessment to ensure and demonstrate that individual officers, including contractors were appropriately authorised in accordance with the Food Law Code of Practice and official guidance. Reference to who is authorised to approve legal proceedings and up to date, complete legal references needed to be included.

3.1.16 Some officers appeared to be authorised specifically and others generically. Where officers required limitations on their authorisations,

including some contractors, the individual officer authorisation documents required amendment to reflect the extent of the food law enforcement activities they were authorised to carry out.

3.1.17 The Authority had appointed the Commercial Standards Manager (CSM) as an officer with specialist knowledge, to have lead responsibility for food hygiene.

3.1.18 Food law enforcement was carried out by officers employed by the Authority and by contractors, with additional administrative support. An Environmental Health Officer had recently left and this post had not been filled. The Authority employed the services of 1 part time contractor (Mon-Wed) to cover the full range of food law enforcement activities and 2 part time contractors (Thurs-Fri) who were limited to lower risk inspections with no authorisation to serve notices. At the time of audit, one of these contractors was due to start work for the Authority. The staffing allocation is outlined below:

Staffing allocation*	Full time equivalent	
	2006/2007*	Current**
Commercial Standards Manager	0.20	0.20
Environmental Health Officer	0.75	0
Food Safety Officer	0.75	0
Contractors	Not known as FTE	0.25 0.20 0.20

\* figures taken from 2007/2008 Service Plan

\*\*figures provided by the Authority prior to the audit

3.1.19 Auditors discussed the working arrangements with management and serious concerns were raised about the Authority's ability to effectively manage and deliver the food law enforcement service. Sufficient cover for emergencies and other reactive work and for the range of formal enforcement actions and cover in the absence of the CSM were particular concerns. For example, auditors were advised that the CSM approved the issue of hygiene improvement notices and there would be a delay in the issue of notices if he was on leave. The Service Plan 2007/2008 had estimated that staffing resources to provide food service delivery amounted to 1.94 FTE. The staffing at the time of the audit amounted to 0.85 FTE.

3.1.20 A pilot Agency audit during March 2001 had identified similar concerns and had made a number of recommendations regarding authorised officers. Auditors were advised that the Chief Environmental Health Officer had recently had discussions with Human Resources to consider recruitment in Environmental Health and to identify a way forward.

- 3.1.21 The Authority operated an annual personal performance appraisal scheme. Individual training needs were identified through annual reviews, but a documented training programme had not been developed. Corporate training was provided but key food safety and formal enforcement training needs that had been identified through reviews had not been met. Auditors were advised that the 2008/2009 budget for training within Environmental Health was £4,100 for 14 field officers. This equated to around £292 per head. There were concerns about the availability and funding of training for authorised food safety officers to ensure that key identified individual food safety training needs were met and to meet continued professional development requirements. Contractors were responsible for meeting their own training needs.
- 3.1.22 Records of qualifications were held for some officers, however, at the time of the audit, full training records were not available for all authorised officers including contractors. Where records were available the minimum 10 hours of training in food safety matters had been met. The Authority's records of training and experience should be sufficiently comprehensive to verify officers' competence, training and experience.

*Recommendations*

3.1.23 The Authority should:

- (i) Review and revise the Authority's documented procedure for the authorisation of officers to detail the documentation and competency assessment process by which authorisations are conferred to individual officers. Ensure that officers' schedules of authorisation reflect the extent of each individual officer's authorisation, with complete legal references and that reference is made to who is authorised to approve legal proceedings. [The Standard – 5.1]
- (ii) Ensure that it provides a sufficient number of suitably authorised officers to carry out the work set out in the Service Plan and to enable the Authority to carry out its full range of enforcement options in accordance with the Food Law Code of Practice and official guidance. [The Standard – 5.3]
- (iii) Ensure that all staff authorised to carry out food law enforcement work undergo sufficient training consistent with their duties and in accordance with the Food Law Code of Practice. [The Standard – 5.3]
- (iv) Implement and maintain a documented training programme to ensure that officer and team training needs in respect of food law enforcement are met. [The Standard – 5.4]
- (v) Maintain records of relevant training and experience of each authorised officer. [The Standard – 5.5]

## **3.2 Food Premises Database**

- 3.2.1 The Authority did not have a database procedure dealing with the practical measures in place to deal with the accuracy and updating of the database. However the Service had a number of other documented procedures dealing with related issues including new premises registration, property database cleansing and data input.
- 3.2.2 In practice, auditors were advised that checks were made against the business rating system, monthly comparison with Trading Standards notifications of changes and by the promotion of food registration and updating the database with new registrations.
- 3.2.3 Database checks confirmed that the database contained 7 of 8 premises chosen at random from an on-line directory accessed through an internet search engine and a local hard copy directory. Of these, 6 were included in the inspection programme. One premises had been incorrectly removed from the inspection programme as closed and had not received an inspection since late 2005.
- 3.2.4 The Authority had recently transferred to a new database software system which was still bedding in. Managers had received some early training on the system and the Systems Administrator was responsible for writing management reports to enable managers to verify information on the database. This was at an early stage of development at the time of the audit, although some database cleansing exercises had been undertaken.
- 3.2.5 Audit checks identified a number of problems with the accuracy of information held on the database which had impacted on the ability of the Authority to produce accurate monitoring returns to the Agency. These included duplicate entries, inaccurately coded premises and revisits, other visits and advisory visits recorded in such a way that none were picked up on the monitoring returns. A return for 2007/2008 had not yet been made to the Agency at the time of the audit.
- 3.2.6 The Authority operated a password system to ensure security of the database. Access was restricted to 3 levels: enquiry, day to day and systems administration. The Systems Administrator had access for entering and deleting data, day to day entry was undertaken by an administrative officer. A colour coded flagging system was in place to identify mandatory fields. High level responsibility for maintenance of the corporate land and property gazetteer rested with the Land Charges Section who had overall management responsibility for the database.
- 3.2.7 For the purposes of the audit, the Authority was asked to provide a list of delicatessens in the District. The list could be broken down to high and low risk food retailers but it was not clear that any delicatessens

had been recorded as high risk. The user codes did not include the category 'manufacturer' and it had been identified from other checks that there were inaccuracies on the monitoring return for this category of food premises.

3.2.8 Reports from the database were requested for overdue inspections and risk categories of premises. Some of these premises had not actually been missed due to the lag in entering data onto the database, however, 2 category A and 15 category B premises inspections had been missed.

3.2.9 A report on premises subject to alternative enforcement strategy (AES) was also requested. This identified 26 category D and 24 category E premises subject to AES although the Food Law Code of Practice allows this approach in only category E premises (see paragraph 3.3.3).

*Recommendations*

3.2.10 The Authority should:

- (i) Ensure that the electronic record administration 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.  
[The Standard – 6.4]
- (ii) Set up, maintain and implement a documented procedure to ensure that the food premises database is accurate and kept up to date. [The Standard – 11.2]

### 3.3 Food Premises Inspections

3.3.1 The Authority's Food Service Plan 2007/2008 did not provide a breakdown of the food hygiene inspections due that year. However, the total estimated number of programmed inspections was 234. This did not include new premises and those changing to and from category A. The most recent monitoring return to the Agency for 2006/2007 provided a profile for food premises:

Premises category	Number	Inspections due (at start of financial year)
A	5	10
B	50	50
C	238	139
D	47	21
E	107	42
F	30	9
Unrated	0	0
Outside programme	0	0
<b>TOTAL</b>	<b>477</b>	<b>271</b>

3.3.2 The Authority's annual review of the Food Law Enforcement Service Plan for 2006/2007 confirmed that the Authority had met 95.1% of the target for high risk inspections (39/41) and 98.9% for other risks (180/182).

3.3.3 The Authority had a documented procedure for food hygiene inspections that dealt with the inspection of general premises, although there was no procedure for dealing with approved establishments. The approach to dealing with low risk premises through an alternative enforcement strategy (AES) was outlined in the annual review 2006/2007, but was not covered in the inspection procedure. The review document confirmed that all category D-F premises due were subject to AES and a minimum of 10% of premises were inspected each year to assess the effectiveness of the strategy. The Food Law Code of Practice confirms that AES can only be used for premises with a score of 30 (category E premises) or less. The risk category E premises are defined as 'low risk' for food hygiene and need not be subject to primary inspection, although they must be subject to an AES at least every 3 years.

3.3.4 The files for 5 higher risk premises were examined during the audit. There were inconsistencies in the recording of food hygiene inspections and records of follow-up action were not always maintained or retrievable, and a standardised inspection form or aide-memoire was not generally in use. It was not therefore possible to confirm that all officers had adequately assessed the businesses' progress in complying with procedures based on hazard analysis and

critical control points (HACCP) as required under the new hygiene Regulations. Records relating to the size and scale of the business, type of food activity and training were not available in 2 cases and details of food suppliers and other businesses to which food was supplied was omitted in 4 cases. It could not therefore be determined that a consistent graduated approach to enforcement had been followed in all cases. Some officers had used notebooks to record information and as there was no system for the issue and archiving of officers' notebooks this led to the Authority's inability to retrieve all contemporaneous records of inspections. Two premises did not appear to have been correctly risk assessed.

- 3.3.5 File checks confirmed that 2 premises had not been inspected at the correct frequency. An additional category A premises file was examined and it was confirmed that this had not been inspected at the correct frequency. In addition, database reports run at the time of the audit also confirmed that some higher risk premises were overdue for inspection and 1 had been wrongly removed from the inspection programme.
- 3.3.6 File checks on 5 food business inspection reports and letters confirmed that a report or letter had generally been provided to the food business operator following an inspection, although there had been a delay of several months in issuing 2 letters. Some of the information such as areas inspected, whether samples had been taken, and an indication of the time scales for achieving compliance had not been included. In 2 cases all contraventions did not appear to have been identified together with the measures needed to secure compliance.
- 3.3.7 It was noted however, that the Authority had taken a range of enforcement actions on serious matters including the use of hygiene improvement notices, hygiene emergency prohibition notices and prosecution.

*Recommendations*

3.3.8 The Authority should:

- (i) Ensure that food businesses are inspected at a frequency that is not less than that required by the Food Law Code of Practice, and that inspections, reports of inspections to food business operators and follow up action, are in full accordance with relevant legislation and official guidance. [The Standard – 7.1 & 7.2]
- (ii) Maintain up to date and comprehensive records for all food premises including determination of compliance with legal requirements and details of action to be taken where non compliance was identified. [The Standard – 16.1]
- (iii) Revise, update and implement the procedure on food hygiene inspections. Develop and implement a procedure dealing with approved establishments. [The Standard – 7.4]

### **3.4 Internal Monitoring, Third Party or Peer Review**

#### *Internal Monitoring*

3.4.1 The Authority did not have an internal monitoring procedure, however some monitoring arrangements had been undertaken and were documented in the Service Plan:

- Review of samples of case paperwork by the CSM;
- Uniformity/consistency discussions at the monthly team meetings;
- Consistency discussions on new advice/guidance and the impact on the inspection protocol at the time of receipt;
- Staff development reviews on performance monitoring and appraisal.

3.4.2 Performance against the Service Plan 2007/2008 including the specific target to 'regularly inspect food manufacturing, distribution and retail establishments' was monitored and reported to Members on a quarterly basis. The return for quarter 4 (January-March 2008) had confirmed that 82% of high risk and 95% of other risk food premises had been inspected. Reference was also made to staff resources and the implementation of 'Scores on the Doors' impacting on performance. It was further confirmed that the Service *'continued to suffer from staff vacancies, with 2.5 posts vacant in the Commercial Standards Team'* and that *'work was being undertaken with Personnel to identify a possible recruitment and retention package that should, hopefully, overcome the existing recruitment difficulties.'*

3.4.3 Results from customer satisfaction returns were also reported to Members on a quarterly basis. These were sent to all businesses that had received an inspection and all individuals who had made service requests. Recent results for quarter 3 (October-December 2007) for the Food Safety and Health and Safety Service found that of those that responded 100% were satisfied or very satisfied.

3.4.4 In practice, there had only been limited effective internal monitoring activity across the food law enforcement service. Quantitative monitoring included monitoring of numbers of inspections against the programme, numbers of service requests, response times and progress on key targets. No food samples had been taken and this had not been reported in any quarterly reviews.

3.4.5 Auditors were advised that some checks on qualitative aspects of the Service were carried out by the CSM. These included ad hoc joint inspections when requested by officers, team/individual meetings and day to day discussion on consistency issues together with prior approval of formal enforcement actions and review of paperwork for prosecutions and simple cautions.

- 3.4.6 There was no recorded evidence of any monitoring activity in the records of 5 general food hygiene inspections and follow-up letters examined during the audit, Whilst some database and management reports had been run by the Service to check performance and accuracy of the database, auditor checks found that a lack of effective monitoring of the database and inspection programme had resulted in a number of discrepancies as outlined throughout this report.
- 3.4.7 Checks on the 1 voluntary closure and the 2 hygiene emergency prohibition files confirmed that internal monitoring had been undertaken as the cases were jointly progressed. It was confirmed that these were appropriate in the circumstances however there were limited records of any follow-up action in 1 case. Auditors were subsequently advised that the business had remained closed, was then sold and was now being refurbished. Records of monitoring visits or observations were not routinely maintained.
- 3.4.8 Checks on the 1 prosecution file confirmed that the prosecution was appropriate and email correspondence confirmed the Authority had considered their enforcement policy and that the prosecution had been closely monitored.
- 3.4.9 Checks on a sample of 3 hygiene improvement notices identified some errors in the drafting of notices and there was no evidence of timely checks on compliance in 2 cases. In 1 case, the legal reference was incorrect and the location of the Court was not provided in another. Letters confirming that the remedial works undertaken had been satisfactory were not available in 2 cases. Other notices had been served for transient issues such as cleaning, which precluded a finite date for compliance. Discrepancies that had been identified could have been minimised by effective internal monitoring.
- 3.4.10 There were concerns regarding the need for formal enforcement training, for example Police and Criminal Evidence Act 1984 (PACE) and Regulation of Investigatory Powers Act 2000 (RIPA) training identified earlier in this report. There was also a need to ensure that management is in an informed position to effectively review and monitor cases.
- 3.4.11 Auditor checks on 4 food/food premises complaints found that limited records were available to verify whether effective investigations had been undertaken in 3 of these cases. Appropriate action had been taken in the other case, but there was no evidence of internal monitoring checks.
- 3.4.12 Records for 4 food related infectious disease notifications were examined and it was confirmed that an appropriate investigation had been carried out and records were maintained. There was no evidence of internal monitoring checks although auditors were advised that the CSM monitored the register.

3.4.13 Records of recent food alerts issued by the Agency were examined. None of the alerts required action and there was evidence that they had been circulated to officers. However, actions and outcomes had not been documented and there was no monitoring system in place at the time of the audit should action be required in response to food alerts.

*Recommendations*

3.4.14 The Authority should:

- (i) Develop and implement a documented internal monitoring procedure in relation to monitoring the full range of food law enforcement activities. The procedure should enable the verification of conformance with relevant legislation, the Food Law Code of Practice and centrally issued guidance, the Service's own policies and procedures and the requirements of the Standard. A record should be made of all internal monitoring. [The Standard –19.1, 19.2 & 19.3]
- (ii) Ensure that all enforcement actions are carried out in accordance with the Food Law Code of Practice and centrally issued guidance. [The Standard – 15.3]
- (iii) Ensure that up to date, accurate records are maintained of food law enforcement activities in accordance with the Food Law Code of Practice and centrally issued guidance. [The Standard – 16.1]

*Third Party or Peer Review*

3.4.15 The Authority had not participated in any inter-authority audit scheme in the preceding 2 years, however auditors were advised that the Authority had participated in an inter-authority audit in January 2003 with its scope limited to officer authorisations, competence, training and improvement notices. The audit had identified matters requiring attention that remained outstanding at the time of this audit.

3.4.16 A pilot Agency audit on the food law enforcement service had also been carried out in March 2001 which had also identified similar issues to those raised in this audit. As this had been a pilot audit, it had not been followed up by the Agency, however, a report of the findings was issued to the Authority and recommendations were raised.

3.4.17 The Authority had Investor in People status and planned to apply for re-accreditation in 2009. The Service also obtained Charter Mark status in 2006. The Authority had been subject to a recent RIPA audit.

**Auditors:** **Sally Hayden**  
Robert Hutchinson

Food Standards Agency

Local Authority Liaison Division

## Action Plan for Three Rivers District Council

Audit date: 17- 19 June 2008

IMPROVEMENTS	BY (DATE)	TO ADDRESS RECOMMENDATION (INCLUDING STANDARD PARAGRAPH)	ACTION TAKEN
<p>2008/2009 Service Plan to comprise all relevant components of the template provided in Chapter 1 of the Framework Agreement (as amended in 2004.) Special and detailed attention to be paid to financial planning, process for review and areas for improvement.</p>	<p>31/11/08</p>	<p>3.1.8 Ensure that the Food Service Plan is drawn up in full accordance with the Service Planning Guidance in the Framework Agreement, and any variance in meeting the service plan should be addressed in the subsequent year's service arrangements. [The Standard – 3.1 &amp; 3.3]</p>	<p>Existing Service Plan removed from Committee consideration 24/07/08. Plan to be checked against the Framework Agreement and the audit recommendations. Plan to be revised and to proceed through Committees again once the action plan from the audit has been approved.</p>
<p>New procedures to be compiled and subject to full IT based document control.</p> <p>Procedures to be embedded in the IT system to ensure consistent application of processes for the full range of food law enforcement activities.</p> <p>Officers to be briefed on new procedures at Team meetings.</p> <p>Monitoring of implementation of procedures to be undertaken.</p>	<p>31/03/09</p>	<p>3.1.14(i) Ensure that documented procedures for inspections, follow-up and enforcement actions are developed and implemented to cover the full range of food law enforcement activities, in accordance with the Food Law Code of Practice and official guidance. [The Standard – 15.2]</p>	<p>Resource made available for the compilation of all procedures, based on good practice, for the support of delivery of the food service.</p> <p>Where possible, regard shall be had to procedures used by other food authorities where they are given as examples of good practice.</p>

<p>Enforcement Policy to be reviewed and revised in accordance with current best practice and guidance.</p> <p>Officers to be briefed on revised policy.</p> <p>Monitoring of enforcement actions to be undertaken.</p>	<p>31/01/09</p>	<p>3.1.14(ii) Review the documented enforcement policy to ensure it is up to date and reflects current official guidance. [The Standard – 15.1]</p>	<p>Resource made available to update the Enforcement Policy. The review will include those actions necessary to support the Regulatory Sanctions and Enforcement Act.</p>
<p>Review to be embedded within IT based document control processes, to include measures to deal with change to legislation, guidance or simple complaint / non-conformity.</p>	<p>31/03/09</p>	<p>3.1.14(iii) Ensure that all documented food hygiene policies and procedures are reviewed at regular intervals and whenever there are changes to legislation and official guidance. [The Standard – 4.1]</p>	<p>Reviews added to the agenda of the monthly management meeting as a standing item. In addition any changes in guidance / new legislation or learning from inspections /complaints will trigger a review.</p>
<p>Document control system to be developed.</p> <p>In addition procedural pathways are to be embedded within the computer software system to ensure consistent application of processes for the full range of food law enforcement activities.</p>	<p>31/03/09</p>	<p>3.1.14(iv) Develop a document control system to ensure that internal food hygiene policies and procedures are up to date by their review at regular intervals and whenever there are changes to legislation and official guidance. [The Standard – 4.2]</p>	<p>See 3.1.14 (i).</p>
<p>Sampling policy to be reviewed.</p> <p>A sampling programme will be devised and implemented having regard to the local area, local and national objectives, staffing and other financial resources.</p>	<p>31/01/09</p>	<p>3.1.14(v) Review and implement the documented sampling policy and procedure and draw up and implement a sampling programme in accordance with official guidance and taking account of the nature of the food establishments in the Authority's area. [The Standard – 12.4]</p>	<p>The sampling programme for the Herts and Beds Food Group has been obtained and we will be contributing to the programme.</p> <p>We are also reviewing our existing food businesses to determine where value will be obtained from a local sampling programme.</p>

<p>Authorisation procedure to be reviewed.</p> <p>Officers' schedules of authorisation to be reviewed and updated.</p> <p>A competency and authorisation matrix will be designed to ensure that officers appointed to food safety enforcement are properly and sufficiently authorised to reflect their competency, qualifications and experience.</p> <p>In respect of contractors, authorisation cards and letters will make it clear what provisions contractors are <i>not</i> authorised to do as well as what they are.</p>	<p>31/11/08</p>	<p>3.1.23(i) Review and revise the Authority's documented procedure for the authorisation of officers to detail the documentation and competency assessment process by which authorisations are conferred to individual officers. Ensure that officers' schedules of authorisation reflect the extent of each individual officer's authorisation, with complete legal references and that reference is made to who is authorised to approve legal proceedings. [The Standard – 5.1]</p>	<p>An example of "best practice" competency and authorisation matrix has been obtained and will be completed in respect of the authorised officers employed by the Council.</p>
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<p>Short – term – a fundamental change in management and team duties to be undertaken to release additional resource to the food service function.</p> <p>Long-term – a review of recruitment and retention issues to attract sufficient staff in-house.</p>	<p>Completed</p> <p>31/11/08</p>	<p>3.1.23(ii) Ensure that it provides a sufficient number of suitably authorised officers to carry out the work set out in the Service Plan and to enable the Authority to carry out its full range of enforcement options in accordance with the Food Law Code of Practice and official guidance. [The Standard – 5.3]</p>	<p>The Commercial Standards Manager responsibilities have been (short-term) re-allocated to allow his full time attention to the food service. In addition, other regulatory functions have been transferred to another officer to allow maximum concentration of resource to the food service. Short-term we have explored cross-border appointments with another Borough Council and have agreement in principle to ensure continuity at times when existing resource is not available (particularly in emergency and out-of-hours situations and when Commercial Services manager on leave). Long-term to develop in-house capability following all the elements identified above.</p> <p>The job description and person specification for the posts are currently being reviewed to address recruitment difficulties and to encourage recruitment and retention of an in-house resource.</p>
<p>Short course budget to be reviewed and training needs identified in appraisals of in-house officers.</p> <p>Skill set of new officers and contractors to be more thorough assessed and documented to ensure they are sufficiently equipped to undertake the duties required during their contracts.</p>	<p>Completed</p>	<p>3.1.23(iii) Ensure that all staff authorised to carry out food law enforcement work undergo sufficient training consistent with their duties and in accordance with the Food Law Code of Practice. [The Standard – 5.3]</p>	<p>Virement of £1000 made from salary savings to training budget.</p> <p>A full skills assessment of availability / requirement is being undertaken and priority resource allocations will be given to those areas where a shortfall exists.</p>

<p>Documented training programme to be identified for in-house staff. Training to be prioritised and implemented.</p> <p>Contract staff to only be appointed if their training history is up to date and relevant.</p>	31/11/08	3.1.23(iv) Implement and maintain a documented training programme to ensure that officer and team training needs in respect of food law enforcement are met. [The Standard – 5.4]	See 3.1.23(iii)
<p>Details of CPD, qualifications and experiential learning will be collated and maintained.</p>	31/11/08	3.1.23(v) Maintain records of relevant training and experience of each authorised officer. [The Standard – 5.5]	See 3.1.23(iii)
<p>Current software system recently installed and subject to “bedding down” issues.</p> <p>Entire food premises database to be audited and checked for accuracy, in terms of FSA codes for returns under LAEMS and local use codes.</p> <p>Lead Officer for food safety to receive administrator training and take responsibility.</p> <p>Monitoring of database records to be undertaken.</p>	31/10/08	3.2.10(i) Ensure that the electronic record administration 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. [The Standard – 6.4]	<p>Audit of Database has already commenced.</p> <p>Approval to require administrator training for Lead Food Officer given.</p>

Procedure to be worked up to include review and action upon notifications of new registrations from Herts County Council Trading Standards, Licensing applications, review of trade directories, searches from internet search engines and a check against the Council's NNDR register.	31/11/08	3.2.10(ii) Set up, maintain and implement a documented procedure to ensure that the food premises database is accurate and kept up to date. [The Standard – 11.2]	Additional Technical Support approved to investigate and check accuracy and validity of the database using all available information.
New software system method for inspection allocation and standard reports on inspections that are due within the next 28 days to be implemented.  Procedure to be developed and implemented for monitoring allocation of inspections and inspection programme.	Completed  31/11/08	3.3.8(i) Ensure that food businesses are inspected at a frequency that is not less than that required by the Food Law Code of Practice, and that inspections, reports of inspections to food business operators and follow up action, are in full accordance with relevant legislation and official guidance. [The Standard – 7.1 & 7.2]	Inspection allocation system already implemented.  New procedures in place for monitoring allocation and inspections using Technical Support resource.
Procedural pathway for each type of intervention to be embedded within database worksheets for each premises record, to include detailed account of actions taken for non-compliance.  Officers to be briefed on record keeping requirements.  Monitoring of record keeping to be undertaken.	28/02/09  28/02/09  28/02/09	3.3.8(ii) Maintain up to date and comprehensive records for all food premises including determination of compliance with legal requirements and details of action to be taken where non compliance was identified. [The Standard – 16.1]	This will follow the Lead Officer administrator training on the new software system.

<p>Food hygiene inspection procedure to be updated.</p> <p>Standard inspection forms to be worked up for inspections and all food officers will be required to use the standard inspection forms following revision to ensure that all necessary support codes are included.</p> <p>No approved establishments at present. However, procedure to be developed following lead officers training in this area. New procedure and inspection forms to be developed for Approved Establishments.</p> <p>Officers to be briefed on new procedures and forms.</p> <p>Monitoring of interventions/inspections to be carried out.</p>	<p>31/09/08</p> <p>Completed</p> <p>28/02/09</p> <p>28/02/09</p> <p>28/02/09</p>	<p>3.3.8(iii) Revise, update and implement the procedure on food hygiene inspections. Develop and implement a procedure dealing with approved establishments. [The Standard – 7.4]</p>	<p>Documents to be revised to ensure that FSA codes, local use codes and registration details are up to date and accurate.</p> <p>Have already identified a “fit for purpose” standard inspection form for implementation and use by all food officers.</p>
<p>Documented internal monitoring procedure to be developed and implemented.</p> <p>Officers to be briefed on internal monitoring arrangements.</p> <p>Records to be kept of all internal monitoring.</p>	<p>31/03/09</p> <p>31/03/09</p> <p>31/03/09</p>	<p>3.4.14(i) Develop and implement a documented internal monitoring procedure in relation to monitoring the full range of food law enforcement activities. The procedure should enable the verification of conformance with relevant legislation, the Food Law Code of Practice and centrally issued guidance, the Service’s own policies and procedures and the requirements of the Standard. A record should be made of all internal monitoring. [The Standard –19.1, 19.2 &amp; 19.3]</p>	<p>Examples of best practice in internal monitoring systems have been sought and will form the basis of a compliant system for the future.</p>

<p>New administrative arrangements to be put in place to plan, monitor and track enforcement actions.</p> <p>Officers to be briefed on new enforcement procedures.</p> <p>Training on enforcement issues to be identified and undertaken for in-house officers.</p> <p>Monitoring of enforcement actions to be undertaken.</p>	<p>Completed</p> <p>Completed</p> <p>Completed</p> <p>Completed</p>	<p>3.4.14(ii) Ensure that all enforcement actions are carried out in accordance with the Food Law Code of Practice and centrally issued guidance. [The Standard – 15.3]</p>	<p>New administrative arrangements are in place to plan, monitor and track enforcement actions as required by the Code of Practice and other issued guidance.</p>
<p>Relevant procedures to consider record keeping issues.</p> <p>Officers to be briefed on record keeping requirements.</p> <p>Monitoring of record keeping to be undertaken.</p>	<p>Completed</p> <p>Completed</p> <p>Completed</p>	<p>3.4.14(iii) Ensure that up to date, accurate records are maintained of food law enforcement activities in accordance with the Food Law Code of Practice and centrally issued guidance. [The Standard – 16.1]</p>	<p>All new arrangements and resource allocations will ensure future confidence in the accuracy of records relevant to the food enforcement service.</p>

## 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"> <li>• Food Law Enforcement Standard</li> <li>• Service Planning Guidance</li> <li>• Monitoring Scheme</li> <li>• Audit Scheme</li> </ul> <p>The <b>Standard</b> and the <b>Service Planning Guidance</b> set out the Agency's expectations on the planning and delivery of food law enforcement.</p> <p>The <b>Monitoring Scheme</b> 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 <b>Audit Scheme</b> 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.