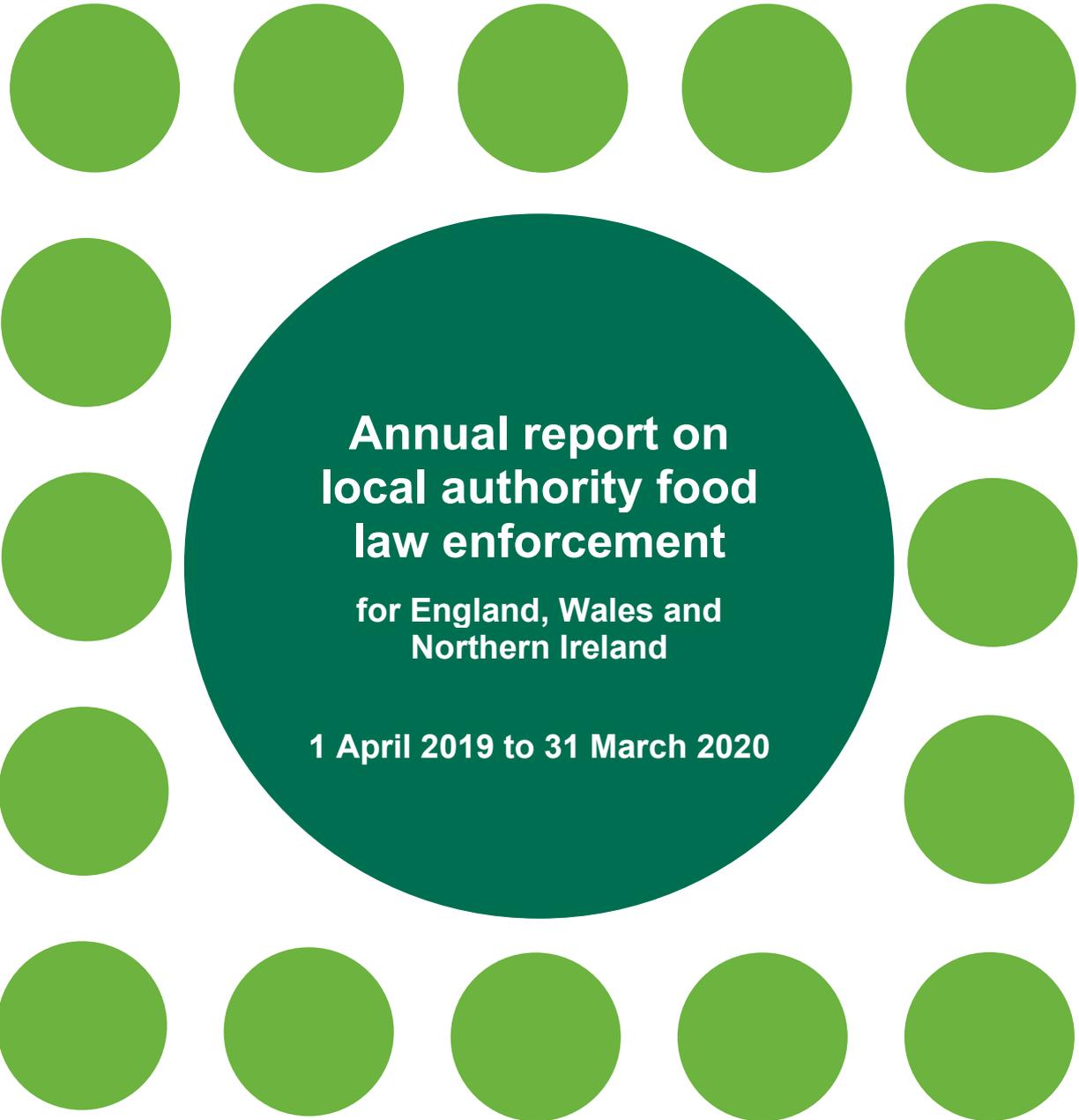




**Food
Standards
Agency**
food.gov.uk



**Annual report on
local authority food
law enforcement**

**for England, Wales and
Northern Ireland**

1 April 2019 to 31 March 2020

Contents

List of figures.....	2
List of tables.....	2
1. Introduction.....	3
1.1 Background to this report.....	3
1.2 Collection and analysis of monitoring data.....	3
1.3 Local authority delivery in Scotland.....	3
1.4 Imported feed and food.....	4
2. Summary of key findings.....	5
2.1 Factors that may have had an impact on the 2019/20 data.....	5
2.2 Data returns and analysis.....	5
2.3 Overall picture.....	5
2.4 Staff allocated to the delivery of food controls.....	5
2.5 Comparison of 2019/20 and 2018/19 data.....	6
3. Data return levels from local authorities.....	9
3.1 Food hygiene and food standards.....	9
3.2 Data returns.....	9
3.3 Data quality and methods.....	9
4. Food establishment profiles.....	11
4.1 Food establishments.....	11
5. Local authority interventions.....	13
5.1 Food hygiene interventions.....	13
5.2 Food standards interventions.....	15
6. Enforcement actions.....	18
6.1 Food hygiene enforcement actions.....	18
6.2 Food standards enforcement actions.....	19
7. Official samples.....	21
8. Consumer complaints about food and food establishments.....	23
9. Full time equivalent (FTE) professional staff.....	24
10. Food hygiene compliance.....	26
11. Imported food controls.....	27
Annex A: Explanatory notes for users of LAEMS statistics.....	28
Background.....	28
Statistical methodology and quality control issues – primary analysis.....	28
Sampling data.....	29
Glossary.....	30

List of figures

Figure 1: Comparison of percentage of due food hygiene interventions achieved since 2018/19.....	15
Figure 2: Comparison of percentage of due food standards interventions achieved since 2018/19.....	17
Figure 3: Comparison of sampling data since 2018/19.....	212
Figure 4: Number of FTE professional LA staff engaged in food law enforcement.....	24

List of tables

Table 1: Food establishments profile by food hygiene risk category and premises type for 2019/20	11
Table 2: Food establishments profile by country for 2019/20.....	12
Table 3: Food hygiene interventions carried out in 2019/20	13
Table 4: Intervention types as a percentage of total food hygiene interventions...	14
Table 5: Percentage of food hygiene due interventions achieved in 2019/20	14
Table 6: Food standards interventions carried out in 2019/20	15
Table 7: Intervention types as a percentage of total food standards interventions	16
Table 8: Percentage of food standards due interventions achieved 2019/20.....	16
Table 9: Number of establishments subject to food hygiene enforcement actions in 2019/20	18
Table 10: Number of establishments subject to food standards enforcement actions in 2019/20.....	20
Table 11: Official samples in 2019/20	21
Table 12: Consumer complaints dealt with in 2019/20.....	23
Table 13: Number of professional FTE staff in post per 1,000 food establishments	25
Table 14: Food establishment food hygiene compliance levels 2019/20 (including NYR).....	26

1. Introduction

1.1 Background to this report

The Food Standards Agency (FSA) is responsible for monitoring and reporting on the performance of local authority (LA) food law enforcement services in England, Wales and Northern Ireland. Data are collected annually from LAs, on food law enforcement activity within food establishments.

This report covers the period 1 April 2019 to 31 March 2020 so provides a picture of local authority activity at the point the UK-wide lockdown to control the spread of COVID-19 began in late March 2020. It provides a comparison with the picture at the end of 2018/19.

The report does not cover delivery in the period since the end of March, but we acknowledge here that COVID-19 has created unprecedented challenges for local authorities in delivering their statutory food functions as well as protecting their communities and controlling the spread of the disease. The impact this has had on local authority resources and on delivering their statutory responsibilities in relation to food will be considered by the [FSA Board at its Business Committee](#) meeting on 8 December 2020.

1.2 Collection and analysis of monitoring data

Our arrangements for monitoring LA performance are set out in the '[Framework Agreement on the Delivery of Official Feed and Food Controls by Local Authorities](#)'. For most of the 2019/20 reporting year, LAs carried out a range of proactive and reactive interventions at food establishments as described in the [Food Law Code of Practice](#) (FLCoP).

The data for this report were collected electronically using a web-based system, the Local Authority Enforcement Monitoring System (LAEMS). The LAEMS returns cover regulatory activity in relation to food hygiene (microbiological quality and contamination of food by micro-organisms or foreign matter) and food standards (composition, chemical contamination, adulteration and labelling of food).

This report is an official statistic. The [report and supporting LA data for 2019/20 and for previous years](#) are available on the FSA website.

A summary of the key findings is provided at Section 2. Section 3 outlines the levels of returns for this year, and Sections 4 to 10 provide data from these returns, together with comparative data from 2018/19 and analysis of trends and variations.

1.3 Local authority delivery in Scotland

Food Standards Scotland (FSS) is responsible monitoring and reporting on the performance of local authority (LA) food law enforcement services in Scotland. FSS will publish data for the 2019/20 period in due course.

1.4 Imported feed and food

The FSA regularly publishes separate datasets on imports of high-risk food from TRACES (an EU web-based data collection system), on [products of non-animal origin](#) and [products of animal origin](#).

From 1 January 2021, following the end of the transition period, the UK will cease to have access to TRACES so we will publish similar data for imports into GB using the UK's import control system IPAFFS (Import of products, animals, food and feed system). The data will also include similar data for Northern Ireland which will not be using IPAFFS.

2. Summary of key findings

The FSA's strategic goal is 'Food We Can Trust'. Analysis of the monitoring data on LA performance in England, Wales and Northern Ireland helps us to understand how effectively and consistently official food controls are being delivered and how we are doing in reaching our goal. In considering the data for 2019/20, we recognise that a number of factors may have had an impact. These are described below.

2.1 Factors that may have had an impact on the 2019/20 data

COVID-19: By March 2020, the pandemic was starting to create challenges for LAs in delivering their statutory food law functions alongside broader work they were having to undertake to protect their communities and control the spread of the disease. This was noted by some LAs in the Supporting Information they provided as part of their LAEMS return.

Local emergencies: LAs, particularly in Wales, were involved in the emergency response to flooding in the early part of 2020.

Preparations for EU exit and the end of the transition period: There were additional demands on LAs due to the preparations for EU Exit and work required for the end of the transition period, particularly in Northern Ireland where they are preparing for implementation of the Northern Ireland Protocol.

Food standards: We are actively working to address the known issues with the current food standards delivery model. We plan to pilot a new [delivery model](#) next year, subject to the situation with COVID-19.

2.2 Data returns and analysis

For food hygiene, all but six LA returns were received in time for the data analysis for this report. The data from the other six has been omitted from the 2018/19 analysis, so that a fair comparison of the data is possible.

For food standards 100% of returns were achieved, so the full dataset for 2018/19 has been used.

2.3 Overall picture

Although there were some changes for different elements of food control delivery, in general terms, the overall picture in 2019/20 is not dissimilar to 2018/19, particularly in England and Wales. In Northern Ireland, there were some improvements in the picture including increases in the proportion of due interventions undertaken for food hygiene and for food standards.

2.4 Staff allocated to the delivery of food controls

There were 377 LAs responsible for the delivery of official controls. Comparing the numbers of full time equivalent (FTE) professional staff in occupied posts, for the 371 LAs that completed returns, the changes were as follows:

- **Food hygiene:** Across the three countries there was a marginal decrease of 0.4% in reported numbers of professional resources compared with 2018/19.

- In England there was a decrease of 1.3% from 1230 to 1214.
- In Wales there was an increase of 5.7% from 140 to 148.
- In Northern Ireland there was an increase of 3.6% from 56 to 58.
- **Food standards:** Across the three countries there was an increase of 1.8% in reported numbers of professional resources compared with 2018/19.
 - In England there was an increase of 1.1% from 263 to 266.
 - In Wales there was a decrease of 2.1% from 48 to 47
 - In Northern Ireland there was an increase of 13.3% from 30 to 34.

2.5 Comparison of 2019/20 and 2018/19 data

Broad compliance

- The percentage of food establishments across the three countries achieving broad compliance or higher was 90.4% compared with 90.7% in the previous year – in Food Hygiene Rating Scheme (FHRS) terms, 'broadly compliant' is equivalent to a hygiene rating of 3 (generally satisfactory) or above.
 - In England there was a decrease from 90.4% to 90%.
 - In Wales there was a decrease from 93.1% to 92.7%.
 - In Northern Ireland there was an increase from 94.1% to 95.4%.
- 3.9% of all food establishments were rated as having an unsatisfactory level of compliance, where improvements were necessary, compared with 4.6% in the previous year – in FHRS terms that is equivalent to a hygiene rating of 2 or less.
- The remaining 5.7% of premises were yet to be risk rated compared with 4.8% the previous year.

Interventions achieved

- **Food hygiene:** The total percentage of due interventions achieved has decreased from 86.4% in 2018/19 to 85.7% in 2019/20 across the three countries.
 - In England there was a decrease from 86.0% to 85.3%.
 - In Wales there was a decrease from 91.5% to 89.1%.
 - In Northern Ireland there was an increase from 85.1% to 89.0%.
- **Food standards:** The total percentage of due interventions achieved decreased from 40.8% in 2018/19 to 39.7% in 2019/20 across the three countries.
 - In England there was a decrease from 36.8% to 35.7%.
 - In Wales there was a decrease from 66.7% to 61.1%.
 - In Northern Ireland there was an increase from 83.5% to 84.4%.

Enforcement actions

- **Food hygiene:** The total number of establishments subject to at least one type of enforcement action across the three countries decreased by 1.3% from 158,128 in 2018/19 to 156,066 in 2019/20.
 - In England there was a decrease of 10.8% in formal enforcement actions from 4,796 in 2018/19 to 4,278 and a 2.5% decrease in written warnings from 135,408 in 2018/19 to 132,081.
 - In Wales there was a decrease of 3.3% in formal enforcement actions from 457 in 2018/19 to 442 and a 1.1% increase in written warnings from 12,322 in 2018/19 to 12,454.
 - In Northern Ireland there was an increase of 10.3% in formal enforcement actions from 58 in 2018/19 to 64 and a 32.6% increase in written warnings from 5,087 in 2018/19 to 6,747.
- **Food standards:** The number of establishments subject to at least one type of enforcement action across the three countries increased by 5.8% from 24,164 in 2018/19 to 25,553 in 2019/20.
 - In England there was an increase of 44.7% in formal enforcement actions from 273 in 2018/19 to 395 and a 7.7% increase in written warnings from 18,749 in 2018/19 to 20,186.
 - In Wales there was an increase of 47.4% in formal enforcement actions from 38 in 2018/19 to 56 but a 11.8% decrease in written warnings from 3,050 in 2018/19 to 2,689.
 - In Northern Ireland there was an increase of 40% in formal enforcement actions from 5 in 2018/19 to 7 and an increase of 8.3% in written warnings from 2,049 in 2018/19 to 2,220.

Official complaints

- Across the three countries the total number of complaint investigations about the safety of food or the hygiene at food establishments increased by 4.8% from 67,542 in 2018/19 to 70,771 in 2019/20. Food standards complaints dealt with increased by 3% from 10,585 in 2018/19 to 10,907 in 2019/20.
 - England: food safety and hygiene of food establishments complaints increased by 5.2% from 61,191 in 2018/19 to 64,397 and food standards complaints increased by 4.7% from 9,117 in 2018/19 to 9,542.
 - Wales: food safety and hygiene of food establishments complaints increased by 9.3% from 4,097 in 2018/19 to 4,480 and food standards complaints decreased by 14% from 724 in 2018/19 to 623.
 - Northern Ireland: food safety and hygiene of food establishments complaints decreased by 16% from 2,254 in 2018/19 to 1,894 and food standards complaints decreased by 0.3% from 744 in 2018/19 to 742.

Official samples

- There was a small overall increase of 0.9% in the number of reported samples from 43,651 in 2018/19 to 44,026 across the three countries.
 - In England there was a 4.2% increase in samples reported from 29,881 in 2018/19 to 31,125.
 - In Wales there was a 6.7% decrease from 4,698 in 2018/19 to 4,385.
 - In Northern Ireland there was a 6.1% decrease from 9,072 in 2018/19 to 8,516.
- The total number of analyses increased by 1.9% from 45,673 in 2018/19 to 46,555, due to an increase in England, with increases for both microbiological contamination and for other analyses/examinations.

3. Data return levels from local authorities

Food law enforcement activity data are collected electronically via the Local Authority Enforcement Monitoring System (LAEMS). Analysis of the annual monitoring data on LA performance helps us to understand how effectively and consistently official food controls are being delivered.

3.1 Food hygiene and food standards

Delivery of food controls was the responsibility of 344 LAs in England, 22 in Wales and 11 in Northern Ireland.

In 2019/20 in England, 26 County Councils were responsible for food standards only, 192 District Councils for food hygiene only, while 33 London Boroughs, 37 Metropolitan Borough Councils (this includes West Yorkshire Joint Services) and 56 Unitary Authorities were generally responsible for both. In the other two countries, all authorities were responsible for both hygiene and standards.

The number of returns for each responsibility type is different from the number of LAs, as some joint services submit single returns. In addition, two new Unitary Authorities, Dorset Council and Bournemouth, Christchurch and Poole were created on 1 April 2019 but were unable to submit single LAEMS returns for 2019/20.

3.2 Data returns

Despite the unprecedented challenges faced by LAs since the start of the COVID-19 pandemic, 100% (178) of LAs completed full returns for food standards and 98% (346 of the 352) for food hygiene in time for the data analysis in this report.

3.3 Data quality and methods

LAs submit data on LAEMS through the submission of an XML file which contains information at the level of individual food establishments. Aggregate figures are produced from the XML file and Heads of Service at each LA may adjust these final aggregate figures prior to signing them off. Some authorities used the agreed fall-back option of manual entry of data on LAEMS.

A small number of LAs reported local IT issues which may have resulted in unreliable reporting of the number of establishments and food law enforcement activity.

Following the FSA's data quality checks, some authorities made minor amendments to their signed off returns. Most of these changes were received too late for the data analyses in this report. Amendments to the numbers of full time equivalent posts have been included in this analysis, as a small change can have a significant impact on totals and trends. In addition, a small number of LAs corrected their 2018/19 FTE data and these changes have also been included.

The FSA has applied primary analysis to the food hygiene and standards data. The primary analysis is based on the full aggregated data sets received, as signed off by the LA Heads of Service. For the trend analysis, the 2018/19 data has been removed for the six LAs unable to complete their food hygiene returns. The food standards analysis is based on 100% of expected returns and no adjustments to the 2018/19 data were necessary. Due to the impact of COVID-19 it is only appropriate to compare two years data.

4. Food establishment profiles

The food establishment profiles provide a breakdown of the type of food business registered or approved and the food hygiene risk category. The food hygiene risk category is determined by the food establishment's level of compliance and the intrinsic risks associated with the type of food activity being carried out. The category determines how often the establishment should be subject to an inspection/audit or other intervention.

4.1 Food establishments

A total of 560,977 food establishments were reported as registered (or approved) by LAs in England, Wales and Northern Ireland at 31 March 2020, based on 98% of LAs (see section 3.2). A breakdown of these establishments by premises type and food hygiene risk category is provided in Table 1 and by premises type and country in Table 2. The food hygiene risk category determines the frequency of intervention by LAs. Category of risk ranges from an A rating for establishments posing the highest risk down to category E establishments that pose the lowest risk (see Annex A).

Table 1: Food establishments profile by food hygiene risk category and premises type for 2019/20

Risk category	Primary producers	Manufacturers & Packers	Importers/ Exporters	Distributors/ Transporters	Retailers	Restaurants & Caterers	Totals
A	4	286	4	13	149	1,028	1,484
B	44	1,851	20	56	1,539	15,762	19,272
C	97	2,786	28	277	9,460	92,198	104,846
D	254	3,367	195	1,387	29,780	156,610	191,593
E	1,822	6,789	791	6,056	71,754	108,287	195,499
NYR	1,290	1,196	206	890	5,259	22,127	30,968
Outside	931	465	231	826	3,538	11,324	17,315
Totals	4,442	16,740	1,475	9,505	121,479	407,336	560,977

Initial inspections of food establishments should normally take place within 28 days of registration or from when the authority becomes aware that the establishment is in operation. Some establishments recorded as not yet rated (NYR) might still be within the 28 days, giving rise to an overestimate.

The number of establishments reported as 'Outside the programme' may also be an overestimate, if some LAs have reported establishments which should have been considered as 'low risk'. (See the glossary to this Report for the definition of 'Outside the programme').

The system that LAs use to risk rate food establishments is set out in the relevant [FLCoP](#). A comparison of the split of risk categories of food establishments indicates

a reduction of 2.8% in higher risk establishments rated A to C (from 129,186 in 2018/19 to 125,602 in 2019/20).

Table 2: Food establishments profile by country for 2019/20

Country	Primary producers	Manufacturers & Packers	Importers/ Exporters	Distributors/ Transporters	Retailers	Restaurants & Caterers	Totals
England	3,571	14,327	1,412	8,643	110,226	365,815	503,994
Wales	456	1,161	14	422	7,255	26,048	35,356
Northern Ireland	415	1,252	49	440	3,998	15,473	21,627
Totals	4,442	16,740	1,475	9,505	121,479	407,336	560,977

The total number of food establishments decreased by 0.2% compared with 2018/19 (562,337 food establishments).

5. Local authority interventions

LAs carry out a range of proactive and reactive interventions at food establishments throughout the year as described in the [FLCoP](#). These include food hygiene and food standards inspections but also other activities such as sampling visits, full and partial audits and surveillance and intelligence gathering. Their purpose is to protect consumers through the assessment or investigation of business compliance with relevant food legislation.

5.1 Food hygiene interventions

Calculations for food hygiene are based on data for 98% of LAs (see section 3.2). The reported overall numbers of food hygiene interventions in England, Wales and Northern Ireland decreased, with a total of 333,426 interventions carried out in 2019/20, a 2.4% reduction on the reported number in 2018/19 (341,544). The trend in each country was as follows:

- In England there was a decrease of 3.4% from 302,286 in 2018/19 to 292,000 in 2019/20.
- In Wales there was a decrease of 0.8% from 25,182 in 2018/19 to 24,981 in 2019/20.
- While in Northern Ireland there was an increase of 16.8% from 14,076 in 2018/19 to 16,445 in 2019/20.

The breakdown of intervention numbers by type and for each country for 2019/20 is shown in Table 3.

The figures in this section include interventions at establishments that have subsequently ceased trading.

Table 3: Food hygiene interventions carried out in 2019/20

Country	Inspections and audits	Verification and surveillance	Sampling visits	Advice and education	Information/intelligence gathering	Totals
England	207,094	35,380	7,359	12,027	30,140	292,000
Wales	16,648	4,671	1,453	435	1,774	24,981
Northern Ireland	8,885	3,364	2,264	859	1,073	16,445
Totals	232,627	43,415	11,076	13,321	32,987	333,426

The number of interventions due are based on the frequencies laid down in the [FLCoP](#) plus follow up visits and any outstanding interventions that were due before the start of the reporting year.

The split between food hygiene intervention types shown in Table 4 is consistent with previous years.

Table 4: Intervention types as a percentage of total food hygiene interventions

Country	Inspections and audits	Verification and surveillance	Sampling visits	Advice and education	Information/intelligence gathering	Totals
England	70.9%	12.1%	2.5%	4.1%	10.3%	100.0%
Wales	66.6%	18.7%	5.8%	1.7%	7.1%	100.0%
Northern Ireland	54.0%	20.5%	13.8%	5.2%	6.5%	100.0%
Totals	69.8%	13.0%	3.3%	4.0%	9.9%	100.0%

Table 5 and Figure 1 shows LAs are targeting higher risk establishments (Category A to C) for food hygiene interventions rather than undertaking planned interventions at lower risk establishments. However, there has been a rise in interventions at lower risk Category E establishments compared with 2018/19.

Table 5: Percentage of food hygiene due interventions achieved in 2019/20

Country	A	B	C	D	E	NYR	Totals
England	98.9%	96.3%	91.3%	83.5%	72.4%	87.6%	85.3%
Wales	99.7%	98.5%	93.2%	80.5%	82.2%	85.2%	89.1%
Northern Ireland	99.2%	98.7%	92.5%	88.2%	77.1%	92.8%	89.0%
Totals	99.0%	96.6%	91.6%	83.6%	73.2%	87.7%	85.7%

The total percentage of due interventions achieved has decreased from 86.4% in 2018/19 to 85.7% in 2019/20 across the three countries. The trend across each country is as follows:

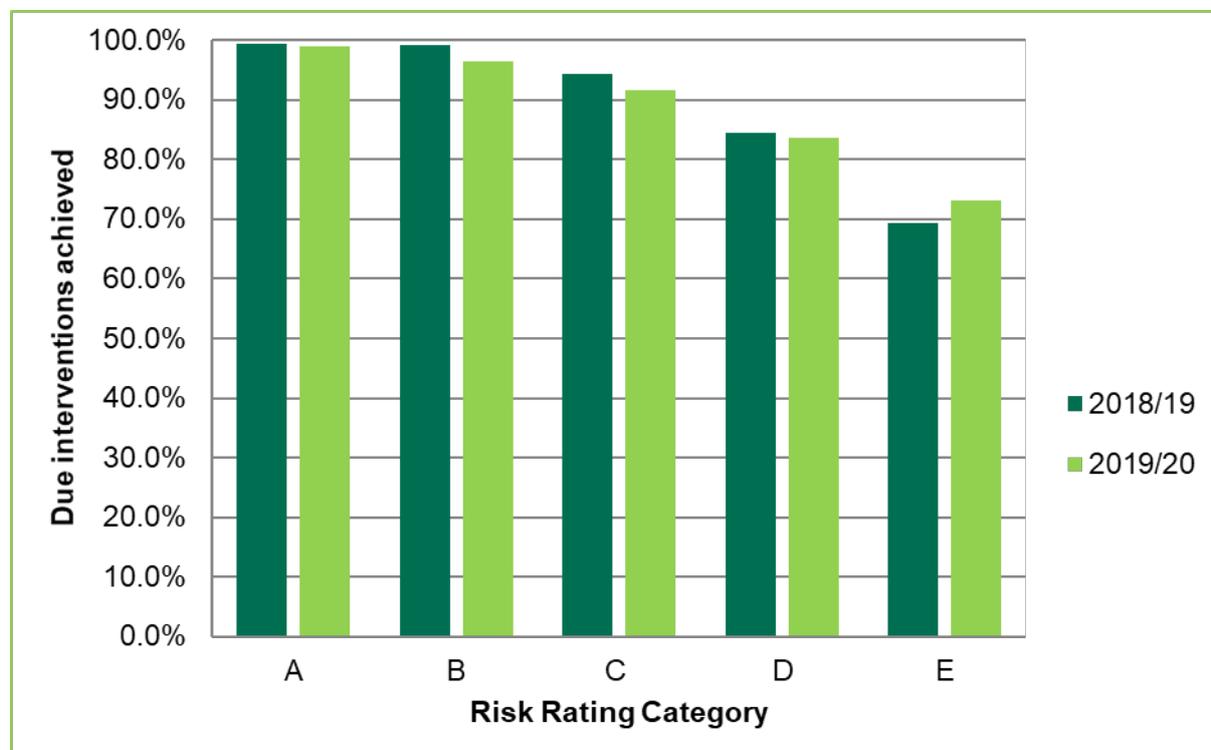
- In England there was a decrease from 86.0% to 85.3%.
- In Wales there was a decrease from 91.5% to 89.1%.
- In Northern Ireland there was an increase from 85.1% to 89.0%.

The overall percentage of food hygiene due interventions achieved at NYR food establishments has decreased from 89.1% in 2018/19 to 87.7% in 2019/20.

- In England there was a decrease from 88.8% to 87.6%.
- In Wales there was a decrease from 93.4% to 85.2%.
- In Northern Ireland there was an increase from 90.7% to 92.8%.

The percentages in Table 5 are averages, but there is wide variation between the data for [individual LAs](#) (note - the published LA data sets include some minor amendments made since the analysis in this report due to late corrections by LAs).

Figure 1: Comparison of percentage of due food hygiene interventions achieved since 2018/19



5.2 Food standards interventions

The breakdown in intervention numbers for 2019/20 by type and for each country is provided in Table 6.

The reported overall numbers of food standards interventions carried out in England, Wales and Northern Ireland increased from 104,575 in 2018/19, to 106,770 in 2019/20, an increase of 2.1%.

- In England there was an increase of 1.3% from 84,248 to 85,301.
- In Wales there was a decrease of 4.0% from 11,489 to 11,033.
- In Northern Ireland there was an increase of 18.1% from 8,838 to 10,436.

Table 6: Food standards interventions carried out in 2019/20

Country	Inspections and audits	Verification and surveillance	Sampling visits	Advice and education	Information/intelligence gathering	Totals
England	66,172	6,767	2,084	3,111	7,167	85,301
Wales	9,162	683	390	201	597	11,033
Northern Ireland	5,192	3,088	863	443	850	10,436
Totals	80,526	10,538	3,337	3,755	8,614	106,770

The split between food standards intervention types shown in Table 7 is consistent with previous years.

Table 7: Intervention types as a percentage of total food standards interventions

Country	Inspections and audits	Verification and surveillance	Sampling visits	Advice and education	Information/intelligence gathering	Totals
England	77.6%	7.9%	2.4%	3.6%	8.4%	100.0%
Wales	83.0%	6.2%	3.5%	1.8%	5.4%	100.0%
Northern Ireland	49.8%	29.6%	8.3%	4.2%	8.1%	100.0%
Totals	75.4%	9.9%	3.1%	3.5%	8.1%	100.0%

LAs have continued to target higher risk establishments (Category A) for food standards interventions (see Table 8 and Figure 2). The total percentage of due interventions achieved has decreased overall in all three countries, from 40.8% in 2018/19 to 39.7% in 2019/20.

Table 8: Percentage of food standards due interventions achieved 2019/20

Country	A	B	C	NYR	Totals
England	75.7%	29.7%	32.4%	53.3%	35.7%
Wales	90.8%	60.3%	61.5%	59.7%	61.1%
Northern Ireland	94.7%	89.9%	80.6%	90.0%	84.4%
Totals	78.1%	32.5%	37.3%	56.0%	39.7%

The overall figure of 39.7% of due interventions achieved reflects the low levels in England compared with the two other countries.

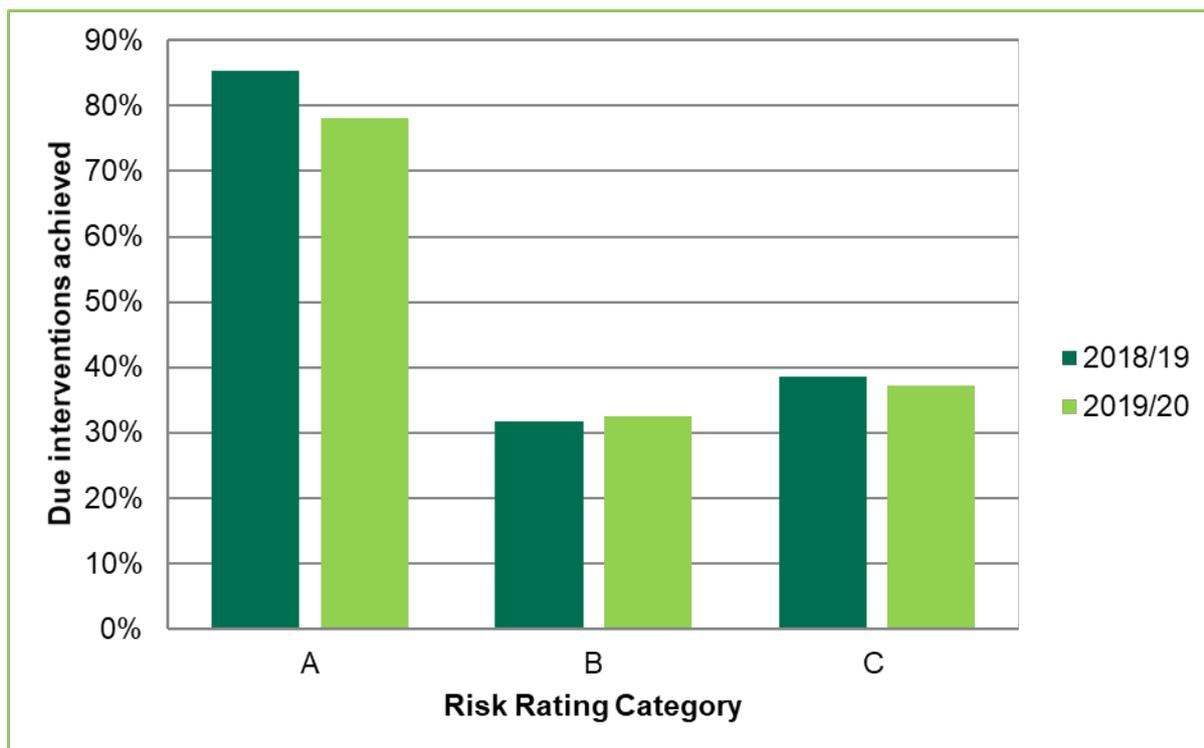
- In England there was a decrease from 36.8% to 35.7%.
- In Wales there was a decrease from 66.7% to 61.1%.
- In Northern Ireland there was an increase from 83.5% to 84.4%.

We are aware from LA feedback that there is a continuing trend for more intelligence led approaches to be adopted for food standards, particularly for establishments in the lower risk categories. Although LAEMS guidance states alternative enforcement strategy interventions should be reported as intelligence and information gathering, this may not always be the case

The overall percentage of food standards due interventions achieved at NYR food establishments has decreased from 59.4% in 2018/19 to 56.0% in 2019/20.

- In England there was a decrease from 57.3% to 53.3%.
- In Wales there was a decrease from 62.7% to 59.7%
- In Northern Ireland there was an increase from 87.6% to 90.0%.

Figure 2: Comparison of percentage of due food standards interventions achieved since 2018/19



Where an LA is responsible only for food standards, or where food hygiene and food standards enforcement is carried out by separate departments within the same food authority, e.g. Environmental Health and Trading Standards, the food standards risk assessments may be based on the National Trading Standards Risk Assessment scheme (NTSB previously known as the LACORS scheme) guidance.

Where food standards risk assessments are based on the NTSB scheme, the intervention frequency for food standards purposes should not be less than would have been the case under the [FLCoP](#) scheme. However, our intelligence suggests that the requirement regarding intervention frequencies stipulated in the FLCoP may not be happening in practice.

A review in 2018 provided evidence that significant and radical change is needed to address some of the clear failings in the current delivery model for food standards. The pilot study to help establish a new delivery framework for LAs that was due to start in 2020 was postponed until 2021 due to the impact of the COVID-19.

6. Enforcement actions

Enforcement actions are the steps, measures and sanctions an LA can take in response to a food establishment's failure to comply with food law. Food establishments may be subject to a range of enforcement actions at any one time.

6.1 Food hygiene enforcement actions

LAEMS records the number of establishments subject to each type of enforcement action. The total number of enforcement actions taken by LAs is likely to be higher.

Calculations for food hygiene are based on data for 98% of LAs (see section 3.2).

Table 9: Number of establishments subject to food hygiene enforcement actions in 2019/20

	England	Wales	Northern Ireland	Totals
Voluntary closure	821	98	20	939
Seizure, detention & surrender of food	357	40	19	416
Suspension/revocation of approval or licence	21	3	0	24
Hygiene emergency prohibition notice	243	4	0	247
Hygiene prohibition order	47	0	0	47
Simple caution	133	18	2	153
Hygiene improvement notices	2,402	196	14	2,612
Remedial action and detention notice	57	50	8	115
Prosecutions concluded	197	33	1	231
Total formal enforcement actions	4,278	442	64	4,784
Written warnings	132,081	12,454	6,747	151,282
Totals	136,359	12,896	6,811	156,066

Table 9 shows the numbers of establishments subject to formal food hygiene enforcement actions and written warnings. The figures in this section may include enforcement actions at premises that have subsequently closed.

The total number of establishments reported to have been subject to at least one type of food hygiene enforcement action in England, Wales and Northern Ireland

was 156,066 in 2019/20 compared with 158,128 in 2018/19. This represents a decrease of 1.3 %.

There was a 9.9% decrease in the number of establishments reported to be subject to formal enforcement actions from 5,311 in 2018/19 to 4,784 in 2019/20. This decrease covers a range of actions: voluntary closures; suspension/revocation of approval or licence; hygiene emergency prohibition notices; hygiene prohibition orders; simple cautions; hygiene improvement notices, remedial action and detention notices and prosecutions concluded. There was an increase in seizure, detention and (voluntary) surrender of food.

Remedial action notices (RANs) only apply to a small number of establishments in England, i.e. those approved under EC Regulation 853/2004, whereas the domestic hygiene legislation in Wales and Northern Ireland extends the use of RANs to establishments that are registered under Regulation 852/2004.

The number of reported establishments subject to written warnings decreased by 1% from 152,817 in 2018/19 to 151,282 in 2019/20

- In England there was an overall decrease in the number of establishments subject to enforcement actions, with a decrease of 10.8% in formal enforcement actions from 4,796 in 2018/19 to 4,278 in 2019/20 and a 2.5% decrease in written warnings from 135,408 in 2018/19 to 132,081 in 2019/20.
- In Wales there was an overall increase in the number of establishments subject to enforcement actions, with a decrease of 3.3% in formal enforcement actions from 457 in 2018/19 to 442 in 2019/20 and a 1.1% increase in written warnings from 12,322 in 2018/19 to 12,454 in 2019/20.
- In Northern Ireland there was an overall increase in the number of establishments subject to enforcement actions, with an increase of 10.3% in formal enforcement actions from 58 to 64 and a 32.6% increase in written warnings from 5,087 in 2018/19 to 6,747 in 2019/20.

6.2 Food standards enforcement actions

The total number of establishments reported in England, Wales and Northern Ireland to be subject to at least one type of food standards enforcement action in 2019/20 was 25,553 (see Table 10), an overall increase of 5.8% of the total number in 2018/19 (24,164).

The number of establishments that received at least one type of formal enforcement action increased by 44.9% from 316 in 2018/19 to 458 in 2019/20.

The number of establishments subject to written warnings increased overall for the three countries by 5.2% from 23,848 in 2018/19 to 25,095 in 2019/20.

- In England there was an overall increase in the number of establishments subject to enforcement actions, with an increase of 44.7% in formal enforcement actions from 273 in 2018/19 to 395 in 2019/20 and a 7.7% increase in written warnings from 18,749 in 2018/19 to 20,186 in 2019/20.

- In Wales there was an overall decrease in the number of establishments subject to enforcement actions, with an increase of 47.4% in formal enforcement actions from 38 in 2018/19 to 56 in 2019/20 and a 11.8% decrease in written warnings from 3,050 in 2018/19 to 2,689 in 2019/20.
- In Northern Ireland there was an overall increase in the number of establishments subject to enforcement actions, with an increase of 40% in formal enforcement actions from 5 in 2018/19 to 7 in 2019/20 and an 8.3% increase in written warnings from 2,049 in 2018/19 to 2,220 in 2019/20.

Table 10: Number of establishments subject to food standards enforcement actions in 2019/20

	England	Wales	Northern Ireland	Totals
Seizure, detention & surrender of food	92	3	2	97
Simple caution	47	12	1	60
Prosecutions concluded	40	14	2	56
Standards improvement notice	216	27	2	245
Total formal enforcement actions	395	56	7	458
Written warnings	20,186	2,689	2,220	25,095
Totals	20,581	2,745	2,227	25,553

7. Official samples

Effective routine sampling should feature in the sampling policy and service planning for all LAs. Samples can be taken with a view to pursuing legal action if the results show an offence has been committed. Samples may also be taken for the purpose of surveillance, monitoring and providing advice to food business operators.

Official samples are those analysed/tested by official control laboratories.

A total of 44,026 official food samples were reported to be taken in England, Wales and Northern Ireland in 2019/20 (see Table 11 and Figure 3), a small increase of 0.9% compared with 43,651 in 2018/19. Data are taken from 98% of returns for food hygiene and 100% returns for food standards (see section 3.2).

Table 11: Official samples in 2019/20

	England	Wales	Northern Ireland	Totals
Microbiological contamination	25,776	3,760	6,221	35,757
Other contamination	804	45	25	874
Composition	3,619	465	1,811	5,895
Labelling & presentation	2,323	296	1,174	3,793
Other	190	20	26	236
Total analyses/ examinations	32,712	4,586	9,257	46,555
Total samples	31,125	4,385	8,516	44,026

The change in each country was as follows:

- In England there was a 4.2% increase in samples reported from 29,881 in 2018/19 to 31,125.
- In Wales there was a 6.7% decrease from 4,698 in 2018/19 to 4,385.
- In Northern Ireland there was a 6.1% decrease from 9,072 in 2018/19 to 8,516.

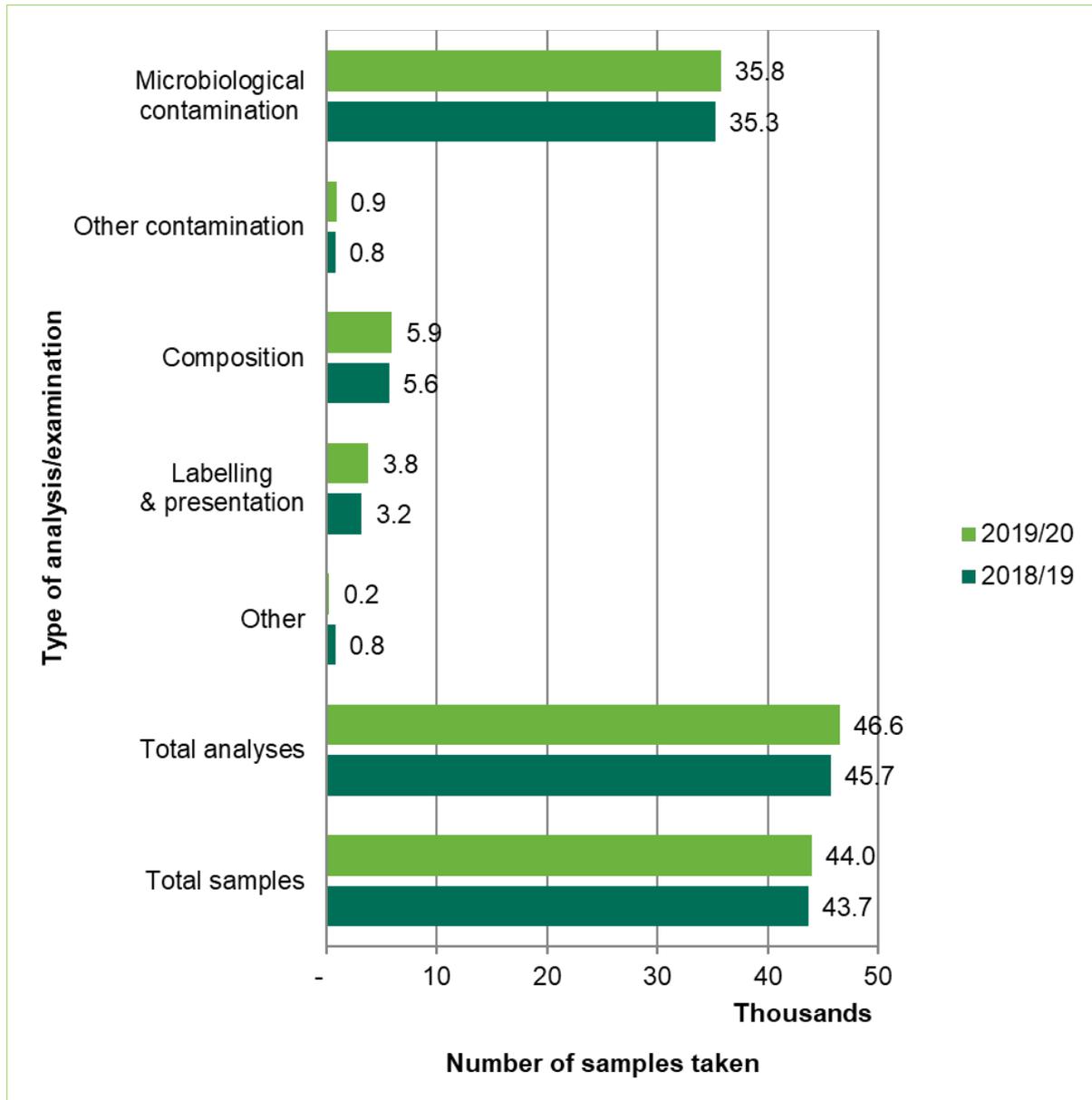
The total number of analyses increased by 1.9% from 45,673 in 2018/19 to 46,555.

The change in each country was as follows:

- In England there was a 5.3% increase from 30,903 in 2018/19 to 32,712.
- In Wales there was a 5.3% decrease from 4,844 to 4,586.
- In Northern Ireland there was a 6.7% decrease from 9,926 in 2018/19 to 9,257.

There were overall increases in analyses for both microbiological contamination and for other analyses/examinations due to the increase in England.

Figure 3: Comparison of sampling data since 2018/19



All LAs are asked to enter all sample data on LAEMS even if they use the UK Food Surveillance System (UKFSS) to report samples, but this may not always be happening in practice. LAs reporting zero or low sample numbers are asked to confirm their data.

8. Consumer complaints about food and food establishments

LAs are required to produce a documented complaints policy and procedures outlining their intended approach to dealing with consumer complaints. LAs are responsible for investigating and dealing with complaints about food hygiene and standards and about the hygiene of food establishments.

Calculations for food hygiene are based on data for 98% of LAs (see section 3.2). LAs in England, Wales and Northern Ireland reported a total of 70,771 consumer complaints about food safety and hygiene of food establishments dealt with during 2019/20 – details are provided in Table 12. This represents an overall increase of 4.8% from 67,542 in 2018/19 across the three countries. Food standards complaints dealt with increased by 3% from 10,585 in 2018/19 to 10,907 in 2019/20.

Table 12: Consumer complaints dealt with in 2019/20

	Food complaints – hygiene	Hygiene of food establishments	Food complaints – standards
England	22,553	41,844	9,542
Wales	1,488	2,992	623
Northern Ireland	343	1,551	742
Total	24,384	46,387	10,907

The reported number of consumer complaints dealt with by LAs in each country changed as follows from 2018/19 to 2019/20:

- England: food safety and hygiene of food establishments complaints increased by 5.2% from 61,191 in 2018/19 to 64,397 and food standards complaints increased by 4.7% from 9,117 in 2018/19 to 9,542 in 2019/20.
- Wales: food safety and hygiene of food establishments complaints increased by 9.3% from 4,097 in 2018/19 to 4,480 in 2019/20 and food standards complaints decreased by 14% from 724 in 2018/19 to 623 in 2019/20.
- Northern Ireland: food safety and hygiene of food establishments complaints decreased by 16% from 2,254 in 2018/19 to 1,894 and food standards complaints decreased by 0.3% from 744 in 2018/19 to 742 in 2019/20.

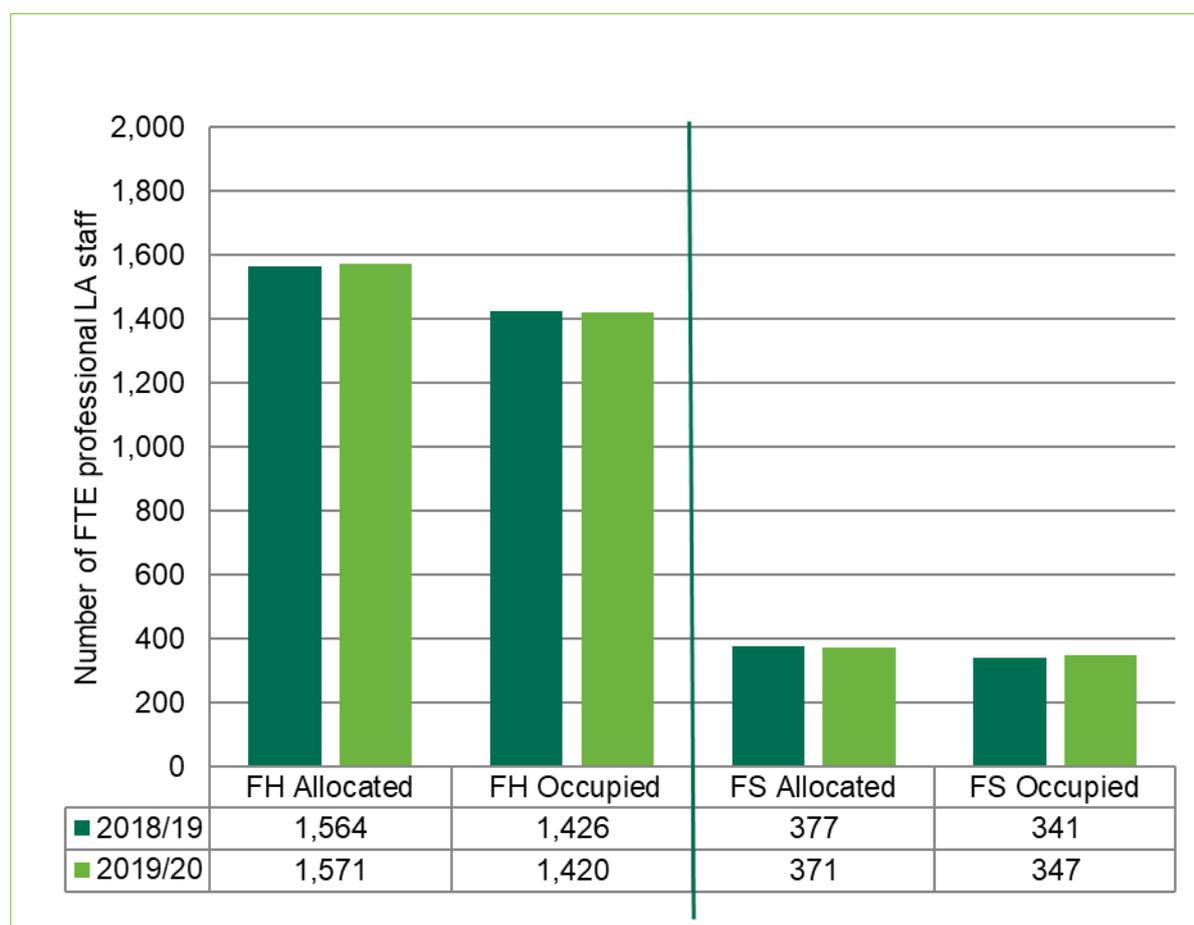
9. Full time equivalent (FTE) professional staff

LAs are advised that the numbers provided for FTE staff should reflect the actual proportion of time spent by professional staff on food hygiene and/or food standards issues.

A total of 1,420 FTE professional LA staff were reported as being in post for food hygiene in 2019/20, a decrease of 0.4% compared with 1,426 in 2018/19 and an increase of 1.8% to 347 were reported for food standards in 2019/20 (from 341 in 2018/19) – see Figure 4. Data are taken from 98% of returns for food hygiene and 100% returns for food standards (see section 3.2).

The FSA’s guidance to LAs advises that contractors should be included in estimates of posts occupied and where a staff member only spends a proportion of their time on food hygiene and/or food standards issues, the calculation should reflect this. There is, however, no prescriptive guidance given on exactly how that time should be determined and the FSA recognises that figures supplied will often be ‘educated estimates’. For this reason, the data can only be considered in a generic way to compare year on year figures to look at overall trends in the number of FTE staff in LA food law enforcement services across the three countries.

Figure 4: Number of FTE professional LA staff engaged in food law enforcement since 2018/19



The 2018/19 FTE data has been amended following changes to the estimates made by a few LAs.

Across the three countries the reported numbers of professional FTE staff in post for food hygiene changed as follows from 2018/19 to 2019/20:

- In England there was a decrease of 1.3% from 1230 to 1214.
- In Wales there was an increase 5.7% from 140 to 148.
- In Northern Ireland there was an increase of 3.6% from 56 to 58.

Across the three countries the reported numbers of professional FTE staff in post for food standards were as follows:

- In England there was an increase of 1.1% from 263 to 266.
- In Wales there was a decrease of 2.1% from 48 to 47.
- In Northern Ireland there was an increase of 13.3% from 30 to 34.

Across the three countries the number of vacant FTE professional posts reported at 31 March 2020 was 151 for food hygiene and for 24 for food standards.

Table 13 shows the variation of FTE professional staff in post per 1,000 food establishments across the individual countries over the past two years. The total figure reflects the lower pro-rata number from LAs in England.

Table 13: Number of professional FTE staff in post per 1,000 food establishments

Number of FTEs in post per 1000 establishments	2018/19	2019/20
England	3.0	2.9
Wales	5.3	5.5
Northern Ireland	3.9	4.3
Totals	3.1	3.1

10. Food hygiene compliance

LAs assess food hygiene compliance in accordance with statutory guidance set out in the FLCoP. In FHRS terms 'Broadly compliant' or a higher standard of compliance is equivalent to a food hygiene rating of 3 (generally satisfactory) or above.

When considering all food establishments given a food hygiene rating and those establishments not yet rated (NYR) at 31 March 2020, across England, Wales and Northern Ireland the level of 'broad compliance' reported in LAEMS data was similar to the previous year (90.4% compared with 90.7%). See Table 14, which shows there was a slight decrease in England and Wales and a slight increase in Northern Ireland.

Including the number of rated and NYR establishments in the percentage calculation is more meaningful, as establishments that have not yet been inspected are counted as 'non-compliant' due to lack of evidence of compliance. In FHRS terms 'Broadly compliant' or higher is equivalent to a food hygiene rating of 3 (generally satisfactory) or above.

Table 14: Food establishment food hygiene compliance levels 2019/20 (including NYR)

Country	% of establishments which are 'broadly compliant' or better		% of establishments which are below 'broadly compliant'		% of establishments which are not yet risk rated	
	2019/20	2018/19	2019/20	2018/19	2019/20	2018/19
England	90.0	90.4	4.1	4.6	5.9	5.0
Wales	92.7	93.1	3.3	4.5	4.0	2.3
Northern Ireland	95.4	94.1	1.6	3.0	3.0	2.9
Totals	90.4	90.7	3.9	4.6	5.7	4.8

When considering only those establishments that have been inspected and given a food hygiene intervention rating in the three countries, the level of 'broad compliance' increased marginally from 95.2% in 2018/19 to 95.8% at 31 March 2020.

There was an increase in the percentage of food establishments awaiting a first inspection (not yet rated) across the three countries from 4.8% in 2018/19 to 5.7% in 2019/20.

- In England there was an increase from 5.0% to 5.9%
- In Wales there was an increase from 2.3% to 4%
- In Northern Ireland there was a small increase from 2.9% to 3%

11. Imported food controls

To protect consumers, Port Health Authorities at UK ports and airports as well as inland LAs are required by European law to carry out a range of official controls on products of animal origin, and certain foods not of animal origin arriving in to the UK from countries outside of the EU. The type and frequency of these controls are defined in the relevant [EU legislation](#). Checks include documentary, identity and physical examinations (which may include sampling) and appropriate traceability checks during interventions carried out by inland LAs. From January 2021, at the end of the transition period, import controls of food under EU legislation will be retained in UK law.

The imported foods data collected on LAEMS does not provide precise data on the types of checks carried out. Until the end of the transition period, high-risk imported food coming into the UK under EU restrictive measures will continue to be recorded through the EU web based data collection system [TRACES](#). From 1 January 2021, when the UK will no longer have access to TRACES, information on such imports into GB will be recorded on the UK's import control system IPAFFS. Beyond the transition period, this will continue using data obtained from IPAFFS. The data for Northern Ireland will not be using IPAFFS. Both of these systems allow analysis in depth on specific products imported from individual countries and establishments.

The FSA currently publishes datasets on imports on high-risk food from TRACES for [products of non-animal origin and for products of animal origin](#).

Inland LAs are required to consider the need for appropriate checks on imported foods during interventions. These important checks may be as part of the planned intervention programme, or as a result of complaints, incidents, alerts or any other relevant intelligence. However, differences in how these are currently recorded on LAEMS makes it difficult to provide precise data on the types and numbers of checks carried out by inland LAs specifically linked to imported food products.

In addition, due to the changes in control requirements and foods subject to enhanced consignment checks, meaningful comparisons cannot be made about imported food activity at ports from one year to another.

Annex A: Explanatory notes for users of LAEMS statistics

Background

There are over 550,000 food establishments operating in England, Wales and Northern Ireland, which are monitored by local authorities (LAs) to make sure they comply with food law in place, to protect consumers from unsafe or fraudulent food practices. LAs report the results of their activity to the Food Standards Agency (FSA) via the Local Authority Enforcement Monitoring System (LAEMS). [LAEMS](#) is a web-based application introduced in 2008, that allows LAs to upload data directly from their own local systems.

LAEMS comprises data on the enforcement of food hygiene and food standards legislation by LAs, as well as on controls applied to food imports from outside the EU. The data are used by the FSA to evaluate LA performance and it also provides useful bench-marking data for LAs.

The purpose of this Annex is to help make LAEMS statistics more accessible to a wider user base. A glossary describes some of the key terms and concepts used in the main report.

Statistical methodology and quality control issues – primary analysis

LAs download the required data from the local management information system(s) on which they record food law enforcement activity data and then upload the generated file to the LAEMS system. The data are aggregated to pre-defined categories and LAs are invited to view, on-screen, the results of the aggregation and assess whether amendments to the data are needed. Amendments may then be made to the data. When content, LAs are required to confirm the accuracy of the data, before it is submitted for evaluation and publication by the FSA. It is a fundamental feature of the primary analysis of LAEMS statistics that they are based on the full data set received, as reported by LAs, and as signed off by LA Heads of Service.

The primary analysis used in this report are straightforward and should be transparent from the tables/figures and commentary provided. As an example, the % interventions achieved is calculated as:

$$100 \times \text{interventions achieved} / (\text{interventions achieved} + \text{due interventions outstanding})$$

Users should be mindful of the limited possibility of double-counting, which can manifest itself in different ways. Examples include:

- mobile food vans may operate in more than one LA
- the same establishment may receive multiple enforcement actions within the reporting period

LAs are excluded from this cohort where:

- The LA had inconsistent data and/or inconsistent adjustment issues for the given metric for any of the three years.
- The LA's figures were not consistent over time, with large unexplained shifts.
- For analysis involving the XML data: LAs were excluded when large adjustments were made to the figures prior to sign-off for any of the three years. These large adjustments meant that the XML data was no longer consistent with the final aggregated figures signed off by the Head of Service.

Sampling data

All LAs in England, Northern Ireland and Wales were asked to record their food sampling data on LAEMS.

Glossary

Note

This covers the main terms used in the report only. More detail can be found on the FSA website, including within the Food Law Code of Practice ([FLCoP](#)).

Broad compliance: A food establishment with a food hygiene intervention rating score of not more than 10 under each of the following three criteria: Level of (Current) Compliance – Hygiene; Level of (Current) Compliance – Structure; and Confidence in Management. In Food Hygiene Rating Scheme (FHRS) terms 'broadly compliant' is equivalent to a rating of 3 ('Generally satisfactory'), or above.

Enforcement action: The steps, measures and sanctions an LA can take in response to non-compliance with food law at food establishments. Enforcement actions range from informal steps, such as giving a written warning, to formal measures such as: serving notices; prohibiting food operations; closure of a food establishment and prosecution. The action taken is determined by the relevant circumstances of each case and in accordance with the LA's enforcement policy.

Food establishment: Any unit of a food business. A 'food business' as defined in Regulation 178/2002 on general food law means any undertaking, whether for profit or not and whether public or private, carrying out any of the activities related to any stage of production, processing and distribution of food, which involve a certain degree of organisation and a certain continuity of food activities.

Food Hygiene Intervention Rating: A score given to each establishment to determine the frequency of intervention by LAs. The intervention rating for food hygiene is based on assessment of a number of elements: type of food and processing; number and type of consumers potentially at risk; current compliance of the establishment; risk of contamination; and confidence in management. The intervention rating is on a scale from 0 to 197. The higher the overall score given to the business, the greater the frequency of intervention by the LA.

Risk Category	Score*	Intervention frequency
A	≥ 92	At least every 6 months
B	72 to 91	At least every 12 months
C*	52 to 71	At least every 18 months
D*	31 to 51	At least every 24 months
E	0 to 30	A programme of alternative enforcement strategies or interventions every 3 years

* In Wales the score for Risk Category C is 42 to 71 and for Risk Category D is 31 to 41

Food Hygiene Rating Scheme (FHRS): This scheme operates in partnership with all LAs across England, Wales and Northern Ireland. (Statutory schemes requiring food businesses to display a rating operate in Wales and Northern Ireland, while the

scheme is voluntary in England). It provides transparency to consumers about hygiene standards in individual food businesses at the time of LA inspection. Levels are presented on a simple numerical scale from '0' at the bottom to '5' at the top. Ratings are derived using three of the elements that are assessed to determine the Food Hygiene Intervention Rating, as illustrated in the table below. The scope for FHRs in England and Northern Ireland covers all businesses that supply food directly to consumers, with the exception of low risk establishments not generally recognised as being food businesses and certain establishments that operate from private addresses. The scheme in Wales also includes businesses supplying other businesses.

How the six FHRs food hygiene ratings are derived from FLCoP food hygiene scoring system						
Total FLCoP scores*	0 - 15	20	25 - 30	35 - 40	45 - 50	> 50
Additional scoring factor	No individual score greater than 5	No individual score greater than 10	No individual score greater than 10	No individual score greater than 15	No individual score greater than 20	-
Food hygiene rating						
Descriptor	Very good	Good	Generally satisfactory	Improvement necessary	Major improvement necessary	Urgent improvement necessary
Broadly compliant?	Yes	Yes	Yes	No	No	No

*The sum of the three relevant FLCoP food hygiene intervention rating scores which are: compliance in (1) food hygiene and safety procedures, (2) structure and (3) confidence in management.

Food Standards Intervention Rating: A score given to each establishment to determine the frequency of interventions by LAs. The intervention rating for food standards is based on an assessment of a number of elements: risk to consumers and other businesses; type of activity; complexity of the law applying; number of consumers potentially at risk; current compliance; and confidence in management. The rating is on a scale from 0 to 180. The higher the overall score given to the business, the greater the frequency of intervention by the LA.

Risk Category	Score	Intervention frequency
A	101 to 180	At least every 12 months
B	46 to 100	At least every 24 months
C	0 to 45	A programme of alternative enforcement strategies or intervention every 5 years

Establishments rated as low risk (45 or less) need not be included in the planned inspection programme but must be subject to an alternative enforcement strategy at least once in every 5 years.

Interventions: These are visits to food establishments for inspection, monitoring, surveillance, verification, audit and sampling, as well as for education and information gathering purposes. Interventions ensure that food and food establishments meet the requirements of both food hygiene and food standards law. More than one type of intervention may be carried out during a single visit to a food establishment.

Interventions achieved: When calculating ‘% of due interventions achieved’, the interventions due (denominator) should be based on the risk rating of the establishment, which may equate to 0, 1 or 2 due interventions for each food establishment during the year.

Local authority (LA): The food authority in its area or district. Food authorities include both district and county councils where responsibility for food safety and hygiene, and food standards are allocated respectively between them. There are also unitary authorities, including London boroughs, metropolitan and county boroughs and city councils which are generally responsible for food safety and hygiene, and food standards.

Not yet rated (NYR): Establishments such as new businesses yet to be assessed and rated for risk for either food hygiene or food standards.

Official sample: A sample of food or any other substance relevant to the production, processing and distribution of food, to verify, through analysis, compliance with food law. Analysis is carried out by an official control laboratory.

Outside the intervention programme: Establishments that fall within the definition of a food business establishment should be reported on the LAEMS premises profile and rated A to E or unrated. Outside the programme is used on the premises profile for some primary producers but if neither food hygiene nor food standards inspections are currently part of the planned intervention programme, as determined in accordance with the [FLCoP](#), intervention data for these establishments should not be recorded on LAEMS. The situation varies in the three countries. (See the [LAEMS Guidance](#)). Also, where a mobile food establishment trades in the area of a different LA, then inspections carried out in the trading area might be outside the inspection programme of that LA.

Port Health Authority (PHA): Usually the LA where a port or airport is located. They have responsibility to protect the public, environmental and animal health. Some are specially created LAs for seaports where the port area is covered by more than one LA.

Primary producer: For the purposes of LAEMS, examples of primary producers include:

- Fruit and vegetable growers
- Pick your own farms
- Egg producers
- Potato growers
- Fish farms
- Beekeepers
- Vineyards
- Some fishing vessels (see the [LAEMS Guidance](#)).

Written warning: This is an informal enforcement action. It includes any relevant communication with the proprietor/owner/manager of a food establishment stating that infringements of legislation have been found. It includes written warnings to a trader drawing attention to possible non-compliance with legislation but not correspondence of a purely advisory or good practice nature. This may include written warnings left at the time of inspection/visit.