

**UK LOCAL AUTHORITY FOOD LAW ENFORCEMENT 1 APRIL 2008 TO 31 MARCH 2009****EXECUTIVE SUMMARY**

1. This paper reports on the enforcement of food law by local authorities (LAs) across the UK in 2008/09, based on:
  - The 2008/09 LA monitoring data; and
  - The Agency's 2008/09 LA audit programmes.
2. The monitoring data is the first provided under the new monitoring system, LAEMS (Local Authority Enforcement Monitoring System) and provides, for the first time, comprehensive data on UK food business compliance levels.
3. Over 95% of UK Food Authorities provided LAEMS returns for the 2008/09 period. Primary analyses show:
  - LAs carried out over 0.5 million on-site interventions at food establishments;
  - Interventions at higher risk category establishments have been prioritised;
  - 86% of UK establishments inspected for food hygiene were at a level equivalent to the top three tiers of the national food hygiene rating ("scores on the doors") scheme;
  - LAs carried out over 167,000 formal enforcement actions, with a notable increase from previous years in certain types of formal legal actions.
4. A joint working group with LAs and LACORS has been established to consider the LAEMS data, and to help inform future enforcement approaches and delivery.
5. The Board is asked to:
  - **note and discuss** the 2008/09 enforcement monitoring data;
  - **agree** that the summary data for individual LAs is made available on the Agency website, and that relevant data for National Indicator 184 for LAs in England is forwarded to the Audit Commission;
  - **note** the details and findings of the 2008/09 Agency audits on UK LAs; and the action being taken to disseminate good practice identified during Agency audit programmes; and
  - **note** that further analyses of LAEMS data will be carried out, to inform and track delivery of key Agency strategic enforcement priorities.

## LOCAL AUTHORITY AUDIT AND LIASION DIVISION

**Contacts:** Steve Wearne Tel: 029 2067 8903  
Email: [steve.wearne@foodstandards.gsi.gov.uk](mailto:steve.wearne@foodstandards.gsi.gov.uk)

John Barnes Tel: 020 7276 8416  
Email: [john.barnes@foodstandards.gsi.gov.uk](mailto:john.barnes@foodstandards.gsi.gov.uk)

John Questier Tel: 020 7276 8429  
Email: [john.questier@foodstandards.gsi.gov.uk](mailto:john.questier@foodstandards.gsi.gov.uk)

Geoff Deville Tel: 020 7276 8412  
Email: [geoff.deville@foodstandards.gsi.gov.uk](mailto:geoff.deville@foodstandards.gsi.gov.uk)

**UK LOCAL AUTHORITY FOOD LAW ENFORCEMENT 1 APRIL 2008 TO 31 MARCH 2009****Issue**

1. To report to the Board:
  - the 2008/09 UK local authority (LA) food law enforcement monitoring returns; and
  - the Agency's 2008/09 LA audit programme.

**Strategic Aim**

2. Agency monitoring and audit of LA food law enforcement contributes to the Agency's 2010-15 Strategic objective of improving food safety, and the specific outcome of ensuring regulation is effective, risk-based and proportionate.

**Previous Board Papers/Discussions**

3. The Board has received annual papers on LA monitoring data since 2001, and on the Agency's audit programmes since 2009: most recently, Paper INFO 09/02/01 (10 February 2009). Monitoring and audit covers both food hygiene and food standards<sup>1</sup>.

**Background and Context**

4. The legal basis for collecting monitoring data and auditing LAs is:
  - Sections 12-16 of the Food Standards Act 1999, and regulations 7-11 of the Official Feed and Food Control (England) Regulations 2009 (and their equivalents for Scotland, Wales and Northern Ireland); and
  - Title II of and Annex II to the European Union (EU) Official Feed and Food Controls Regulation 882/2004, which requires all Member States to report relevant food law data and to audit LAs implementing official controls.

The Agency's monitoring and audit arrangements are set out in the *Framework Agreement on LA Food Law Enforcement*<sup>2</sup>.

5. Prior to 2008/09, the monitoring data from LAs focused on enforcement activity data, largely reflecting the EU driver for this type of data. The Board has previously expressed concern that the data did not provide information on enforcement outcomes. The 2008/09 data reported in this paper are the first year of a new Local Authority Enforcement Monitoring System (LAEMS). The new

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<sup>1</sup> Food law enforcement activity discussed in this paper covers both hygiene, which is concerned with the microbiological safety and wholesomeness of the food, and food standards, which is concerned with composition (including chemical composition), labelling and additives, on the nature, substance and quality of the food.

<sup>2</sup> <http://www.food.gov.uk/enforcement/enforcework/frameagree/>

system still collects LA data on inspection, sampling and enforcement activity levels, in line with EU needs. However, LAEMS has introduced automatic data transfer from LAs to the Agency, which provides a more accurate and enhanced data base, better analysis opportunities and as such, more robust baselines upon which to track trends. LAEMS now collects data on the levels of UK food business compliance with food law as assessed by LA food officers during routine inspections. It also collects, for the first time, data on LA food law enforcement staffing levels.

6. There were 469 LAs in the UK for the 2008/09 reporting period, although that number has recently decreased as nine new and larger county-wide unitary authorities have been established. Local government restructuring has impacted on the ability of some LAs to provide LAEMS returns. Implementing LAEMS has also undoubtedly been a challenge for LAs especially those reliant on their software providers for the timely installation of necessary software upgrades.

### **Numbers of Returns Received**

7. LAs recognised the need for improved monitoring data and have approached the LAEMS changes positively. They have actively sought to overcome the difficulties which LAEMS has thrown up, especially in the first year; and this has resulted in very good return rates. For the 2008/09 data:

- 95.8% of UK LAs (416) completed full (408) or partial<sup>3</sup> (8) returns for *food hygiene*;
- 93.3% of UK LAs (210)<sup>4</sup> completed full (203) or partial (7) returns for *food standards*;
- Overall, only 9 (1.9%) LAs failed to upload any data. The Agency is working with these LAs to identify and overcome their difficulties in providing returns.

*Note:* 80 (17%) of LAs could not make automatic data transfers in the first year, but used the agreed fall-back option of manual data entry.

### **National totals and trends for LA food law enforcement 2008/09**

8. Key data from the 2008/09 returns and further commentary are provided at Annex One. Most analyses relate to food hygiene data (see paragraph 15 for discussion of data for food standards). Relevant details of compliance data and tables summarising UK enforcement activity are provided in Annexes Two to Seven. The data and commentary represent primary analyses only, as the closing date for LAs to provide their data was extended to the end December 2009. This was to take account of the difficulties many LAs had in installing the new IT system locally and in mapping the new data.

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<sup>3</sup> Partial returns were accepted where it was determined that the proposed data represented the optimum first year return that an individual LA could make, and where the inclusion of this data would not compromise significantly the validity of the overall figures.

<sup>4</sup> 434 District and Unitary authorities enforce food hygiene law; 226 County and Unitary authorities enforce food standards law. The different proportions of authority type underlie the different figures for total returns.

9. Further secondary analyses will be carried out as part of the wider Agency work to improve enforcement approaches, to ensure the effective targeting of controls, and to develop a better understanding about the interventions that work best in raising safety standards and consumer protection.
10. Primary analyses of the data show clearly the scale of the Official Controls being delivered by LAs, with over 0.5 million on-site interventions being carried out during 2008/09. Whilst this represents a 13% reduction from 2006/07 levels – the last period of full year returns - the data show that LAs are increasingly focusing on the highest risk category establishments, with the levels of due interventions carried out, within the required frequencies for risk category A, B & C establishments, actually higher than in previous years. Anecdotal evidence from LAs suggests that reduced resource is one reason for the drop in the number of on-site interventions, and that this is likely to continue. However, the data indicates they are managing this reduction on a risk basis ie through reduced levels of on-site intervention at lower risk category establishments.
11. The new LAEMS data on business compliance levels will now help to inform and track the delivery of Strategic Plan regulatory priorities. Details of how compliance is assessed are at Annex Two. Key findings are provide immediately below, but the data does suggests a slight increase in compliance levels from those identified in the Agency's 2007 UK Food Establishment Survey<sup>5</sup>, although this earlier survey provided a much more limited data set and direct comparison is not straightforward.
12. The data also shows a notable increase in certain types of formal legal action being taken by LAs. These data will need to be analysed further and any trends considered in the context of future LAEMS returns. But the returns and initial discussions with LAs suggest that proportionate formal legal action is increasingly being taken to address cases of serious and persistent non-compliance in food businesses. As the Board will be aware, the Chief Executive reports on notable LA prosecutions in his Report at Open Board meetings.
13. In summary, the LA enforcement data shows:
  - The number of reported UK food establishments as of 31 March 2009 was 561,454, down 3.7% from 583,101 establishments at 31 December 2007 (the last time this data was reported). Details are at Annex Three.
  - 86% of food establishments inspected for food hygiene across the UK were 'broadly compliant' with food hygiene law or at a higher standard of compliance. Under the scoring system agreed for the national food hygiene rating ('Scores on the Doors') scheme, these levels are equivalent to the top three tiers. The percentage of broadly compliant Take-Away establishments, 69%, was the lowest of all types of food business. Details of compliance levels are at Annex Four.

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<sup>5</sup> <http://www.food.gov.uk/enforcement/research/foodhygienesurvey>

- 40% of inspected food establishments met the hygiene standards equivalent to the top tier of the national food hygiene rating ('Scores on the Doors') scheme.
- A total of 525,009 on-site food hygiene and food standards interventions were carried out in 2008/09, down 13.4% from a total of 606,058 food hygiene and food standards inspections and other visits in 2006/07 – the last period of full year returns. Details of 2008/09 interventions are at [Annex Five](#).
- Interventions carried out, as a percentage of interventions due, were, for food hygiene, above 97% for the approximately 50,000 highest risk category establishments (risk categories A & B), and 92% for those in category C; and, for food standards, 93% for the highest risk establishments (risk category A); but in both cases notably lower thereafter. The data clearly show that LAs are increasingly prioritising their interventions towards higher risk category establishments, and this has been a continuing trend over recent years (see Annex 5, Table Three).
- On-site full/partial inspections or audits constituted over 70% of the food hygiene and standards interventions carried out by LAs.
- There is notable variation between LAs on overall business compliance levels, with a small number of LAs reporting overall levels of broadly compliant businesses as low as 50% - see table 2 in Annex Four for a general summary of business compliance levels in LAs.
- A total of 167,980 formal enforcement actions were carried out in 2008/09, up 1% from 2006/07. However, within these figures, the data show notable increases in the number of establishments issued with Improvement Notices (up 30%, from 4,678 to 6,098), and in the number of Simple Cautions issued (up 55% from 361 to 560<sup>6</sup>). Details are in [Annex Six](#).
- LAs received a total of 72,562 complaints about the safety and quality of food items, and the hygiene standards of establishments (48% of which related to hygiene standards of establishments).
- 86,324 'Official Samples' of food were taken by LAs. The new definition is not directly comparable with previous sampling data, but the data suggest that the trend of reduced sampling both for microbiological contamination and for food standards has continued. Details are at [Annex Seven](#).
- A total of 2,861 Full Time Equivalent professional LA staff were engaged in UK food law enforcement as at 31<sup>st</sup> March 2009. This is the first time this data has been collected.

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<sup>6</sup> 'Simple Cautions' data is for England, Wales and Northern Ireland only; cautions do not exist under Scots law.

## **Discussion**

14. As in previous years, officials will review further the specific data for individual LAs. This will aim to identify and disseminate effective intervention approaches, and to direct follow up actions at those LAs where low levels of business compliance levels or of enforcement activity have been identified, including Agency audit where appropriate.
15. The percentage of food businesses assessed as 'broadly compliant' with food hygiene law is one of the national priority outcome measures (National Indicator 184) for LAs in England agreed with the Department for Communities and Local Government (DCLG). The Agency collects data on behalf of DCLG and the relevant LA figures for NI 184 will be forwarded to the Audit Commission<sup>7</sup>.
16. For food standards, the returns and subsequent discussions with LACORS and LAs suggest that food standards compliance data (ie relating to composition and labeling of food) are not so robust an indicator as the corresponding food hygiene data. Food standards work is increasingly intelligence or survey led, and targeted at certain aspects of food business activity, especially in lower risk businesses. The data and subsequent discussions with LAs suggest that many authorities are reluctant to score the overall compliance level of a business on the basis of such focused interventions. As a result, data on food standards compliance levels are hugely variable and potentially misleading. This issue will be further discussed with LAs.
17. A Joint Working Group with LAs and LACORS has been established to discuss the findings and future analysis needs, including the most effective way to present LAEMS data to inform enforcement approaches and improve LA delivery. This Group will also consider any improvements which can be made to the LAEMS reporting arrangements to support the reporting process and to increase the number of LAs making complete returns via LAEMS. We are also following up with the 1.9% of LAs unable to make any returns for 2008/09; this percentage was slightly higher than previous years, and this variation may have some effect on comparisons made in this paper.

## **Audit programmes**

18. A summary of LA audit programmes for 2008/09 and the main findings are set out at Annex Eight.
19. The 2008/09 audit programme took account of the review of the Agency's LA audit arrangements in early 2008 and relevant consultation feedback, as well as previous LA audit and monitoring data. Audit protocols also took account of the ongoing Public Inquiry into the Outbreak of E. coli 0157 in Wales (published March 2009), and included (from October 2008) business reality checks as a

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<sup>7</sup> The measure of broadly compliant used for NI 184 considers all food businesses in the authority, both those inspected and those awaiting their first inspection. This approach provides a better measure of overall LA performance and resourcing, as opposed to actual food business hygiene conditions, as LAs with high percentages of establishments awaiting their first inspection will have lower compliance rates.

routine part of LA audit processes. A total of 42 checks were made in food businesses as part of the 2008/09 audit programmes. Audit protocols also featured more challenging reviews of LA staff in relation to their HACCP assessment and enforcement, another recommendation in the final Inquiry Report.

20. Audit programmes have been increasingly focused on those parts of the LA food service, identified from previous audit programmes, as being core to improving business compliance. This has reduced the overall Agency audit burden on authorities, in line with wider government policy, whilst increasing the numbers of authorities the Agency is able to audit.
21. All audits and follow-up reviews followed the defined timelines for Agency action set out under the Framework Agreement. Relevant LAs have, where necessary, either completed their individual action plans or are making significant progress in achieving improvements in service delivery. Audit reports, together with agreed Action Plans, including relevant updates following review, are published on the Agency website.
22. In general, whilst audits identified a number of areas requiring improvement by individual LAs, there was no evidence of a systemic failing in delivery across LA enforcement. There were, however, some common problem areas which needed to be addressed. These related to poor service planning, approvals processing, effective prioritising and follow-up action, monitoring the quality of inspections, and poor file records and IT data management.
23. To assist LA Team Managers to address the issues identified, a summary of good practice identified from the relevant audit programmes was agreed with LACORS and disseminated to LAs<sup>8</sup>. More generally, officials have been working closely with LACORS to improve the dissemination of audit findings and identified good practice.
24. Formal feedback on the audit process is sought from all audited LAs, and this continues to be positive. In England 81% of LAs audited reported that they found the audit to be 'very useful', with 90% reporting service improvements as a consequence of the audit. LA response to the 2008 audit review and consultation also confirmed strong LA support for the Agency's audit function, particularly in Scotland and Wales, as an effective means of raising the profile and standards of LA food law regulatory services, and in helping to maintain LA resource allocation.
25. In Northern Ireland, Inter-Authority Auditing has been implemented by the Chief Environmental Health Officers Group, and is being evaluated by the Agency.

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<sup>8</sup> 'Making Every Inspection Count' (December 2009):  
<http://www.food.gov.uk/multimedia/pdfs/enforcement/everyinspection.pdf>

## **STRATEGIC OVERVIEW**

26. The high quality and return rate of the LAEMS data and the findings from the audit programmes provide a good base to track the Agency's delivery of its Strategic Plan objectives in relation to risk-based, proportionate enforcement, and our ability to influence LA delivery. The enhanced data will also be fed into relevant Food Hygiene Delivery Board workstreams to help track progress and to inform our knowledge and further research on what approaches work best in driving up business compliance with food law.
27. In line with action in previous years and the Agency openness policy, data for individual LAs will be published on the Agency's website. This will help to inform local consumers and enable individual LAs to benchmark their services. Officials will also continue to work with LAs and LACORS to use this data to help raise the profile of these services and the importance of having effective services in place locally, given their contribution to consumer protection and to the delivery of EU Official Controls.

## **BOARD ACTION REQUIRED**

28. The Board is asked to:

- **note and discuss** the 2008/09 enforcement monitoring data;
- **agree** that the summary data for individual local authorities is made available on the Agency website, and relevant NI 184 data for LAs in England is forwarded to the Audit Commission;
- **note** the details and findings of the 2008/09 Agency audits on UK LAs; and the action being taken to disseminate good practice identified during Agency audit programmes; and
- **note** that further analyses of LAEMS data will be carried out, to inform and track delivery of key Agency strategic enforcement priorities.



**SUMMARY COMMENTARY ON THE 2008/09 ENFORCEMENT LAEMS DATA**

**NUMBER OF ESTABLISHMENTS**

1. The number of reported UK food establishments was 561,454 as of 31 March 2009. This total is down 3.7% from the total of 583,101 establishments for 31 December 2007. While this represents a relatively small reduction in the overall number of businesses, anecdotal evidence from LAs suggest most LAs are seeing a significant business churn with an increase in the number of food business registrations in relation to home catering, mobile food business applications and changes in ownership.
2. There are some discrepancies in the numbers of establishments reported for food hygiene and for food standards. These will be explored with LAs.
3. Annex Three provides summary data on the profile of UK food establishments.

**FOOD HYGIENE COMPLIANCE AND INTERVENTION LEVELS**

4. Details on food business hygiene compliance levels, given in Annex Four, show:
  - 86% of inspected UK food establishments (434,470) were at a level equivalent to the top three tiers of the agreed national Scores on the Doors scheme, that is they were 'broadly compliant' with food hygiene law or at a higher standard of compliance;
  - This suggests a slight increase in compliance levels from those identified in the 2007 UK Food Establishment Survey, although that earlier survey was a much more limited data set, and direct comparison is not straight forward;
  - 14% (71,283) of inspected UK establishments were rated by LAs as not being broadly compliant;
  - Take-away establishments have the lowest levels of broad compliance, at 68.8% and Care Establishments the highest, at 96.2%.
5. The percentage of food businesses assessed as 'broadly compliant' with food hygiene law is one of the national priority outcome measures (NI 184) for LAs in England that the Agency agreed with the Department of Communities and Local Government. This indicator considers all food businesses in its calculation of compliance levels, not just those that have received an inspection.
6. The NI 184 measure is affected by the inclusion of uninspected establishments in the indicator, such that authorities with the highest levels of businesses which have not been inspected are likely to have a lower overall NI 184 compliance level. The numbers of uninspected establishments can be affected by high business turnover and LA resourcing, as well as LA performance. As

such it provides a better indicator of local authority performance and resourcing, as opposed to actual hygiene standards in establishments. Annex Four, Table One shows percentages of establishments broadly compliant, or not, both including and excluding those not yet inspected. The table shows that the UK average for establishments 'not yet rated', ie awaiting inspection, is 7.8% of all establishments. However, the data shows that a small number of authorities have in excess of 30% of registered food businesses awaiting their first inspection. This will be followed up with the authorities concerned.

7. Data on LA Intervention levels are given in Annex Five.

A range of on-site food hygiene interventions are available to LAs and recognised by the EU for Official Control purposes. These are:

- Inspections (full or partial) and audits;
- Verification checks and surveillance
- Food and environmental sampling;
- Advice and education; and
- Information/intelligence gathering.

LAEMS collects comprehensive data on the mix of these interventions for each LA.

8. A total of 406,398 on-site food hygiene interventions were carried out in 2008/09, compared to a total of 457,506 in 2006/07. Although these statistics indicate a reduction in the total numbers of interventions, primary analysis suggests that;

- LA interventions are being prioritised at higher risk establishments. Interventions carried out, as a percentage of interventions due, are above 97% for the highest risk establishments (risk categories A & B) and 91.8% for category C establishments.
- The data also indicate a higher percentage of verification and surveillance follow-up at establishments which were not broadly compliant than those with better standards. Effective follow up, to address non compliance, is something to track further from the data.
- 70% of all interventions were full\partial inspections or audits. This is the first year where the more flexible intervention approach was available to LAs through the Enforcement Code of Practice. So, the data will be tracked as part of Agency work on effective enforcement approaches, and to see how LAs make use of the increased flexibility available to allow better targeting of their resources.

## FOOD STANDARDS COMPLIANCE AND INTERVENTION LEVELS

9. There is no National Performance Indicator for compliance with food standards (labeling and composition) law, equivalent to NI 184 for food hygiene. In addition the nature of food standards work is increasingly intelligence or survey led, targeting specific areas of business activity especially in lower risk businesses. Preliminary analyses show the data to be hugely variable between authorities and potentially misleading. As such, summary compliance data for food standards has not been provided in this report, and the issue will be further discussed with authorities and relevant Agency policy teams.
10. Data on food standards LA Intervention levels show:
- 118,611 on-site food standards interventions were carried out in 2008/09 compared to a total of 148,552 in 2006/07. There are significant variations in the levels of intervention activity across LAs which will need further analysis and discussion with LAs;
  - Interventions are being prioritised at the highest risk category establishments, with 93% of interventions carried out as a percentage of interventions due being for risk category A establishments;
  - 76.7% of all interventions were full \ partial inspections or audits.

Annex Five includes further details.

## ENFORCEMENT ACTIONS

11. UK data on LA enforcement actions, together with a comparison with previous years, are at Annex Six. In all cases the figures relate to the number of establishments subject to the enforcement action, not to the numbers of actions taken. For example where an establishment is subject to more than one enforcement notice, only one would be recorded. This is in line with EU guidance on Official Control data.
12. The data show a significant increase from previous years in formal legal action being taken by authorities. Figures provided are combined and refer to enforcement actions for both food hygiene and food standards:
- At 169,980, the total numbers of enforcement actions is slightly higher (1%) than for 2006/07.
  - But the data show there has been a notable increase in certain areas. For example, the numbers of Improvement Notices was up 30% (6,158 from 4,678 in 2006/07), and the number of Simple Cautions was up 55% (361 to 560). Both these particular actions suggest LAs are taking proportionate formal legal approaches with food business to secure necessary improvements; such approaches are in line with Hampton principles.

## **SAMPLING**

**13.** The new 2008/09 LAEMS return has collected data on the number of 'official samples' taken. This was needed to bring the return in line with EU requirements and it now includes only samples analysed in accredited laboratories ie those on the Agency list of Official Laboratories. The figures show a total of 86,324 official samples, which will form a new and more reliable baseline for future trend analysis. Annex Seven provides details on LA sampling.

## **STAFFING LEVELS**

**14.** The new data on UK LA food law enforcement service staffing levels indicate a total of 2,861 FTE professional staff, with 8% vacancies. The large majority of these staff, 1,957 FTEs (68%) work on food hygiene. This is the first year where this data has been returned and collated, so no comparison or trends can as yet be identified from the data. However, anecdotal evidence from LAs indicates that their regulatory resources are being reduced, and this trend is set to continue.

**15.** The summary data also show significant variation in staffing levels between authorities, with some having a ratio of 1 FTE : 200 food establishments, and others 1 FTE: 1,500 food establishments. Clearly some variation will reflect the spread and type of businesses, but this is an area which will be looked at in further detail and subject to more detailed analyses, especially in the context of compliance levels, and further LA follow-up.

## **Food and Food Premises Complaints**

**16.** This is the first year of reporting this data, which is important in the context of the unplanned demands complaints can place on the local services and the need for effective follow-up to improve business standards, and maintain consumer confidence and satisfaction levels. These will impact on planned intervention programmes, effective and prompt follow-up action on complaints being a high priority in most authorities

**17.** The total number of complaints handled by LAs relating to food safety, quality and hygiene standards of food premises is 72,562, divided between:

- (a) the safety of the food: 23,994 (33%);
- (b) the hygiene of the food establishment: 34,865 (48%); and
- (c) food standards (such as composition or labelling): 13,703 (19%).

Most of these complaints (81%) fell to environmental health services to action.

**ASSESSMENTS OF COMPLIANCE  
INCLUDING THE TERM “BROADLY COMPLIANT”**

1. The major change under LAEMS is the introduction of an outcome measure, which is the proportion of food establishments within the LA which are at least broadly compliant with food law. This is done separately for food hygiene and for food standards.
2. The assessments of food establishments’ level of compliance with food law are derived from the intervention rating systems and guidance on scoring set out in the Food Law Code of Practice (there are separate systems for food hygiene and for food standards). Numerical risk rating scores are given to establishments by LA officers when they carry out an inspection/partial inspection or audit. This scoring is primarily used to inform the intervention frequency and approach of LA officers at food establishments
3. For food hygiene, the assessment of a business’s compliance level is based on the numerical scores for:
  - (a) Levels of (current) compliance with:
    - (i) Food hygiene and safety procedures, and
    - (ii) structural requirements; and
  - (b) Confidence in management/control procedures.

Within the intervention rating system, the lower the numerical score the higher the level of compliance.

4. The term ‘broadly compliant’ for food hygiene, is based on a score of no more than 10 for any of the three factors listed above:
  - For current compliance with legal requirements, a score of 10 means that there will be ‘some non-compliance’, but this should not be significant in terms of public health, and ‘standards should be being maintained or improved’;
  - For confidence in management/control procedures, a score of 10 indicates a ‘satisfactory record of compliance; understanding of significant hazards and control measures in place; making satisfactory progress towards a documented food safety management system (commensurate with type of business)’.

5. Broadly compliant establishments would map to the third tier band of the national food hygiene rating ('Scores on the Doors') scheme<sup>9</sup> - ie equivalent to three stars in a five star scheme. LAEMS data summarised in this paper identifies the percentage of UK food establishments that are broadly compliant or better. This covers the number of businesses in the top three tiers of the agreed national SOTD scheme.
6. For broadly compliant establishments an enforcement officer may leave an inspection report advising on action which needs to be taken, but such establishments are unlikely to be a priority for a re-visit. Such premises might not be re-visited until their next planned inspection.
7. The term 'broadly compliant' was originally agreed as an outcome measure with LAs in 2006, as part of the development of the LAEMS monitoring system. This was subsequently adopted by DCLG as a National Performance Indicator (NI 184) for Comprehensive Area Assessment purposes, on the basis that it was outcome related and that the data is being routinely collected by LAs.
8. Another measure of compliance is those establishments equivalent to the top tier of the national food hygiene rating scheme, ie five star. This level is based on scores of no more than 5 five points for any of the three listed factors:
  - For current compliance with legal requirements, a score of five means there will be 'evidence of very good compliance with legal requirements, with only some minor non-compliances that are not critical to food safety';
  - For confidence in management/control procedures, a score of five indicates a 'reasonable record of compliance; satisfactory documented procedures and systems; satisfactory documented food safety management system; audit by food authority confirms general compliance with documented system'.
9. For food hygiene, the Board paper focuses on 'broad compliance' levels rather than the level equivalent to the top tier of the national food hygiene rating scheme, because the full banding levels had not been agreed in time for the return period and for LAEMS purposes. Additionally, LAs making manual returns did not provide data for this measure, so limiting the available information.
10. A similar approach to compliance has not been taken for food standards purposes as the LAEMS data has shown variations in individual LA assessment policies which makes data inconsistent and potentially misleading.

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<sup>9</sup> This scheme is for England, Wales and Northern Ireland only, not for Scotland. But the term broadly compliant has been applied to all UK LAs.

## Food Hygiene establishments profile, by risk rating

England	Primary producers	Manufacturers and Packers	Importers/Exporters	Distributors/Transporters	Retailers	Restaurants and Caterers	Total
A	31	433	2	14	341	2,535	3,356
B	76	2,029	11	110	3,132	29,843	35,201
C	193	4,104	119	1,134	28,018	161,848	195,416
D	242	1,621	130	1,727	23,142	40,465	67,327
E	1,033	2,219	378	3,473	47,124	65,849	120,076
Not yet risk rated (i)	565	1,061	191	880	7,976	23,855	34,528
Outside programme (ii)	158	181	66	478	1,325	5,490	7,698
Total	2,298	11,648	897	7,816	111,058	329,885	463,602
Total (exc outside)	2,140	11,467	831	7,338	109,733	324,395	455,904

Northern Ireland	Primary producers	Manufacturers and Packers	Importers/Exporters	Distributors/Transporters	Retailers	Restaurants and Caterers	Total
A	1	17	0	0	7	66	91
B	5	183	0	6	197	1,257	1,648
C	20	356	1	61	1,370	5,205	7,013
D	18	132	2	116	765	1,551	2,584
E	25	80	7	116	1,499	1,788	3,515
Not yet risk rated	8	64	2	41	275	836	1,226
Outside programme	9	45	4	20	131	1,563	1,772
Total	86	877	16	360	4,244	12,266	17,849
Total Exc (outside)	77	832	12	340	4,113	10,703	16,077

Scotland	Primary producers	Manufacturers and Packers	Importers/Exporters	Distributors/Transporters	Retailers	Restaurants and Caterers	Total
A	5	166	0	4	30	316	521
B	15	533	0	12	439	4308	5307
C	172	570	3	128	3754	15427	20054
D	293	360	9	173	2287	3397	6519
E	296	250	23	276	3351	4753	8949
Not yet risk rated	484	300	12	152	706	2811	4465
Outside programme	622	67	3	33	301	573	1599
Total	1887	2246	50	778	10868	31585	47414
Total (exc outside)	1265	2179	47	745	10567	31012	45815

Wales	Primary producers	Manufacturers and Packers	Importers/Exporters	Distributors/Transporters	Retailers	Restaurants and Caterers	Total
A	2	70	0	3	64	427	566
B	15	212	0	11	383	3072	3,693
C	33	365	1	67	2125	11094	13,685
D	52	129	1	116	1530	2496	4,324
E	185	161	4	189	3133	3580	7,252
Not yet risk rated	101	101	3	32	615	1442	2,294
Outside programme	25	34	1	9	294	412	775
Total	413	1072	10	427	8144	22523	32,589
Total (exc outside)	388	1038	9	418	7850	22111	31,814

UK	Primary producers	Manufacturers and Packers	Importers/Exporters	Distributors/Transporters	Retailers	Restaurants and Caterers	Total
A	39	686	2	21	442	3344	4534
B	111	2957	11	139	4151	38480	45849
C	418	5395	124	1390	35267	193574	236168
D	605	2242	142	2132	27724	47909	80754
E	1539	2710	412	4054	55107	75970	139792
Not yet risk rated	1158	1526	208	1105	9572	28944	42513
Outside programme	814	327	74	540	2051	8038	11844
Total	4684	15843	973	9381	134314	396259	561454
Total (exc outside)	3870	15516	899	8841	132263	388221	549610

## Notes:

- i) Not yet rated - those establishments yet to be assessed for a risk rating.  
ii) Outside programme - those establishments assessed to be of such low risk as to not be included in the intervention programme.

**Table 1: Compliance**

Food Hygiene	% of establishments which are 'broadly compliant' or better	% of establishments which are below 'broadly compliant'	% of establishments which are not yet risk rated	Total
England	80.2	12.2	7.6	100.00
Northern Ireland	80.9	11.5	7.6	100.00
Scotland	72.8	17.5	9.7	100.00
Wales	74.1	18.6	7.2	100.00
UK	79.2	13.0	7.8	100.00
Excluding the establishments which are not yet risk rated:				
England	86.8	13.2	N/A	100.00
Northern Ireland	87.5	12.5	N/A	100.00
Scotland	80.7	19.3	N/A	100.00
Wales	79.9	20.1	N/A	100.00
UK	85.9	14.1	N/A	100.00

**Table 2:** Frequency of LAs finding different bands of 'broadly compliant'

Food Hygiene	Local authority type							
	English DC	English LB	English MBC	English UN	Northern Ireland DC	Scottish UN	Welsh UN	UK
No of LAs showing less than 50% of establishments 'broadly compliant' or better	1	2	0	0	0	0	1	4
No of LAs showing 50 - 59.99% of establishments 'broadly compliant' or better	1	0	0	0	0	0	1	2
No of LAs showing 60 - 69.99% of establishments 'broadly compliant' or better	1	1	1	0	1	2	1	7
No of LAs showing 70 - 79.99% of establishments 'broadly compliant' or better	21	9	6	3	4	6	3	52
No of LAs showing 80 - 89.99% of establishments 'broadly compliant' or better	100	18	19	19	10	16	11	193
No of LAs showing 90 - 100% of establishments 'broadly compliant' or better	106	2	10	23	10	5	4	160
LA did not provide necessary data for analysis of 'broadly compliant' establishments	8	1	0	2	1	3	1	16
Total	238	33	36	47	26	32	22	434
Highest % reported	98.6	96.9	93.6	100.0	96.6	95.8	97.4	100.0
Lowest % reported	44.0	44.2	68.8	71.6	68.8	67.4	45.8	44.0

	Primary producers	Manufacturers & packers	Importers/Exporters	Distributors/Transporters	Supermarket/Hypermarket (1)	Small retailer (1)	Retailer - Other (1)	Retailers - Total (2)	Restaurant/Cafe/Canteen (1)	Hotel/Guest house (1)	Pub/Club (1)	Take-away (1)	Caring establishments (1)	School/College (1)	Mobile food unit (1)	Restaurants & caterers - other (1)	Restaurants & Caterers - Total (3)
<b>Table 3: Food Hygiene - 2008/09</b>																	
<b>England</b>																	
% of establishments equivalent to 2nd and 3rd tiers of the national food hygiene scheme (4) (5)	34.3	41.4	30.9	34.6	-	-	-	44.1	-	-	-	-	-	-	-	-	46.1
% of establishments equivalent to 1st tier of the national food hygiene scheme (4) (5)	60.5	46.3	62.0	59.9	-	-	-	45.2	-	-	-	-	-	-	-	-	40.3
% of establishments 'broadly compliant' - equivalent to the 1st, 2nd or 3rd tiers of the national food hygiene scheme (4) (5)	94.8	87.7	92.8	94.5	89.0	88.8	90.4	89.2	84.2	91.6	84.8	70.5	96.5	95.5	86.6	88.4	86.4
% of establishments 'below broadly compliant'	5.2	12.3	7.2	5.5	11.0	11.2	9.6	10.8	15.8	8.4	15.2	29.5	3.5	4.5	13.4	11.6	13.6
<b>Northern Ireland</b>																	
% of establishments equivalent to 2nd and 3rd tiers of the national food hygiene scheme (4) (5)	62.3	53.7	20.0	50.8	-	-	-	56.7	-	-	-	-	-	-	-	-	54.1
% of establishments equivalent to 1st tier of the national food hygiene scheme (4) (5)	33.3	31.9	60.0	43.8	-	-	-	31.7	-	-	-	-	-	-	-	-	33.0
% of establishments 'broadly compliant' - equivalent to the 1st, 2nd or 3rd tiers of the national food hygiene scheme (4) (5)	95.7	85.6	80.0	94.6	88.0	87.3	93.6	88.4	81.2	88.7	90.7	68.1	97.0	97.4	85.5	94.2	87.1
% of establishments 'below broadly compliant'	4.3	14.4	20.0	5.4	12.0	12.7	6.4	11.6	18.8	11.3	9.3	31.9	3.0	2.6	14.5	5.8	12.9
<b>Scotland</b>																	
% of establishments equivalent to 2nd and 3rd tiers of the national food hygiene scheme (4) (5)	50.5	47.1	39.4	37.7	-	-	-	52.7	-	-	-	-	-	-	-	-	53.8
% of establishments equivalent to 1st tier of the national food hygiene scheme (4) (5)	46.0	42.0	60.6	58.3	-	-	-	33.8	-	-	-	-	-	-	-	-	29.2
% of establishments 'broadly compliant' - equivalent to the 1st, 2nd or 3rd tiers of the national food hygiene scheme (4) (5)	96.5	89.1	100.0	96.0	90.9	84.6	92.5	86.5	80.1	82.6	83.8	62.8	94.4	93.3	80.6	87.1	83.0
% of establishments 'below broadly compliant'	3.5	10.9	0.0	4.0	9.1	15.4	7.5	13.5	19.9	17.4	16.2	37.2	5.6	6.7	19.4	12.9	17.0
<b>Wales</b>																	
% of establishments equivalent to 2nd and 3rd tiers of the national food hygiene scheme (4) (5)	44.2	50.7	48.7	45.9	-	-	-	51.2	-	-	-	-	-	-	-	-	53.2
% of establishments equivalent to 1st tier of the national food hygiene scheme (4) (5)	45.6	30.9	44.3	45.9	-	-	-	33.6	-	-	-	-	-	-	-	-	25.3
% of establishments 'broadly compliant' - equivalent to the 1st, 2nd or 3rd tiers of the national food hygiene scheme (4) (5)	89.8	81.6	93.0	91.8	84.7	83.4	94.3	84.9	74.2	84.5	74.5	52.1	94.3	91.7	79.1	88.4	78.5
% of establishments 'below broadly compliant'	10.2	18.4	7.0	8.2	15.3	16.6	5.7	15.1	25.8	15.5	25.5	47.9	5.7	8.3	20.9	11.6	21.5
<b>United Kingdom</b>																	
% of establishments equivalent to 2nd and 3rd tiers of the national food hygiene scheme (4) (5)	41.9	43.4	34.1	36.1	-	-	-	45.5	-	-	-	-	-	-	-	-	47.2
% of establishments equivalent to 1st tier of the national food hygiene scheme (4) (5)	53.2	43.9	58.9	58.4	-	-	-	43.2	-	-	-	-	-	-	-	-	38.6
% of establishments 'broadly compliant' - equivalent to the 1st, 2nd or 3rd tiers of the national food hygiene scheme (4) (5)	95.1	87.3	93.0	94.4	88.9	88.1	90.7	88.8	83.4	90.0	84.1	68.8	96.2	95.1	85.6	88.4	85.8
% of establishments 'below broadly compliant'	4.9	12.7	7.0	5.6	11.1	11.9	9.3	11.2	16.6	10.0	15.9	31.2	3.8	4.9	14.4	11.6	14.2

Notes:

(1) Analysis of establishments equivalent to the 1st tier of the national food hygiene scheme for the breakdown of 'Retailers' and 'Restaurants...' is not yet available

(2) The 'Retailers - Total' figures are those for 'Supermarket/Hypermarket'+ 'Small retailer'+ 'Retailer - Other'

(3) The 'Restaurants &amp; Caterers - Total' figures are those for 'Restaurant/ Cafe/Canteen'+ 'Hotel/Guest house'+ 'Pub/Club'+ 'Take-away'+ 'Caring establishments'+ 'School/College'+ 'Mobile food unit'+ 'Restaurants &amp; caterers - other'

(4) The national food hygiene rating - 'scores on the doors' -scheme

(5) This scheme is for England, Northern Ireland and Wales only

**Table 1: Interventions: Food Hygiene**

Food Hygiene	Inspections and audits	Verification and surveillance	Sampling visits	Advice and education	Information/intelligence gathering	Total
England	231,268	49,472	19,013	15,463	6,718	321,934
Northern Ireland	10,077	5,302	2,970	1,207	305	19,861
Scotland	27,449	5,609	1,349	2,253	155	36,815
Wales	18,634	6,373	1,179	911	691	27,788
UK	287,428	66,756	24,511	19,834	7,869	406,398

**Intervention types as a % of total interventions**

Food Hygiene	Inspections and audits	Verification and surveillance	Sampling visits	Advice and education	Information/intelligence gathering	Total
England	71.8	15.4	5.9	4.8	2.1	100.0
Northern Ireland	50.7	26.7	15.0	6.1	1.5	100.0
Scotland	74.6	15.2	3.7	6.1	0.4	100.0
Wales	67.1	22.9	4.2	3.3	2.5	100.0
UK	70.7	16.4	6.0	4.9	1.9	100.0

**Table 2: Percentage of due interventions achieved**

Food Hygiene	Risk rating of premises						Total
	A	B	C	D	E	Unrated	
District Council	98.2	97.2	94.3	85.9	78.4	87.6	91.2
London Borough	93.8	93.6	81.0	62.3	53.1	49.0	76.5
Metropolitan Borough	98.1	96.9	89.5	71.5	53.5	48.0	80.4
Unitary Authority	97.4	96.2	88.0	72.8	58.7	69.1	82.3
England	97.5	96.4	90.4	77.4	67.3	68.3	85.5
Northern Ireland	100.0	99.6	99.4	96.6	97.1	98.0	98.9
Scotland	99.5	98.7	95.9	71.3	69.7	27.6	86.0
Wales	99.5	99.5	99.4	91.4	64.1	79.7	94.9
UK	98.0	97.1	91.8	78.4	68.1	65.0	86.7

**Table3: Comparison of percentages of due interventions achieved, by risk rating categories, food hygiene**

Food Hygiene	Risk category	2004/05	2005/06	2006/07	2008/09
UK	Category A	86	87	93	98
UK	Category B	93	93	95	97
UK	Category C	88	89	88	92

**Table 4: Interventions, Food Standards**

Food Standards	Inspections and audits	Verification and surveillance	Sampling visits	Advice and education	Information/intelligence gathering	Total
England	65,821	6,391	6,617	3,673	3,144	85,646
Northern Ireland	4,268	894	933	246	78	6,419
Scotland	12,063	1,071	1,216	358	11	14,719
Wales	8,809	2,115	568	300	35	11,827
UK	90,961	10,471	9,334	4,577	3,268	118,611

**Intervention types as a % of total interventions**

Food Standards	Inspections and audits	Verification and surveillance	Sampling visits	Advice and education	Information/intelligence gathering	Total
England	76.9	7.5	7.7	4.3	3.7	100.0
Northern Ireland	66.5	13.9	14.5	3.8	1.2	100.0
Scotland	82.0	7.3	8.3	2.4	0.1	100.0
Wales	74.5	17.9	4.8	2.5	0.3	100.0
UK	76.7	8.8	7.9	3.9	2.8	100.0

**Table 5: percentage of due interventions achieved**

Food Standards	Risk rating of premises				Total
	A	B	C	Unrated	
County Council	91.0	43.5	14.6	11.8	32.1
London Borough	87.6	65.2	59.7	53.1	61.8
Metropolitan Borough	97.2	69.5	65.1	48.9	66.2
Unitary Authority	89.0	62.1	40.4	68.7	54.0
England	91.6	54.2	34.6	38.3	46.3
Northern Ireland	98.8	96.7	95.9	89.2	96.0
Scotland	95.0	83.2	84.5	14.0	75.9
Wales	99.7	84.1	69.8	38.0	76.2

## Enforcement actions

Food Hygiene	Voluntary closure	Seizure, detention & surrender of food	Suspension/ revocation of approval or licence	Emergency prohibition notice	Prohibition order	Simple caution	Improvement notices	Remedial action & detention notices	Written warnings	Prosecutions concluded
CC	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
DC	161	139	7	34	23	88	1,683	12	54,017	63
LB	127	29	1	72	23	87	1,039	1	17,578	55
MBC	159	75	5	66	16	80	1,110	6	22,388	77
UN	69	33	0	41	11	70	761	4	21,409	80
England	516	276	13	213	73	325	4,593	23	115,392	275
Northern Ireland	8	57	0	1	1	11	53	1	5,533	6
Scotland	56	21	5	5	2	N/A	1,024	6	14,785	3
Wales	28	23	1	16	6	10	412	1	12,095	21
UK	608	377	19	235	82	346	6,082	31	147,805	305

Food Standards	Voluntary closure	Seizure, detention & surrender of food	Suspension/ revocation of approval or licence	Emergency prohibition notice	Prohibition order	Simple caution	Improvement notices	Written warnings	Prosecutions concluded
CC	0	0	0	0	0	22	2	2,464	21
DC	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
LB	0	34	0	0	0	10	4	3001	7
MBC	0	5	0	0	0	90	0	1,694	24
UN	0	7	0	0	0	29	0	1,548	19
England	0	46	0	0	0	151	6	8,707	71
Northern Ireland	0	24	0	0	0	27	0	1,098	0
Scotland	1	3	0	0	0	N/A	8	1,279	2
Wales	0	0	0	0	0	36	2	619	10
UK	1	73	0	0	0	214	16	11,703	83



**Sampling**

	2004/05			2005/06			2006/07 (1)			2008/09			
	Formal	Informal	Total	Formal	Informal	Total	Formal	Informal	Total	Official (2)	Informal	Total	
<b>England</b>	Number of analyses												
Microbiological	55592	-	55592	54071	-	54071	54607	-	54607	54693	47633	N/A	47633
Other contamination	3508	10168	13674	3324	10337	13661	2922	9012	11934	3154	N/A	3154	
Composition	9368	34734	44092	8451	33863	42314	6217	27145	33362	22269	N/A	22269	
Labelling & Presentation	6548	23483	30031	6405	24586	30991	4493	19926	24419	15430	N/A	15430	
Others	2563	8535	11118	1349	5890	7239	1529	5010	6539	1969	N/A	1969	
Total analyses	77589	78918	156507	74638	127476	202112	68851	106243	175094	90485	N/A	90485	
Total samples	67397	60478	127875	65066	58916	123982	64817	50047	114864	50620	N/A	50620	
<b>Scotland</b>	Number of analyses												
Microbiological	8977	-	8977	9752	-	9752	8688	-	8688	8242	N/A	8242	
Other contamination	239	1598	1837	454	861	1325	688	719	1407	1441	N/A	1441	
Composition	728	5828	6554	743	6808	7551	905	5004	5909	5384	N/A	5384	
Labelling & Presentation	519	2551	3070	389	2952	3341	534	2485	3019	2369	N/A	2369	
Others	6	1778	1784	20	421	441	297	397	694	671	N/A	671	
Total analyses	10468	11783	22221	11368	10782	22150	11112	8605	19717	18107	N/A	18107	
Total samples	9494	10039	19533	11443	8207	19650	10230	6360	16590	15332	N/A	15332	
<b>Wales</b>	Number of analyses												
Microbiological	7489	-	7489	6901	-	6901	6629	-	6629	8235	N/A	8235	
Other contamination	161	89	249	158	124	282	149	159	308	166	N/A	166	
Composition	974	2881	3855	888	4521	5387	797	3020	3817	2267	N/A	2267	
Labelling & Presentation	558	894	1452	487	1274	1761	686	861	1547	1560	N/A	1560	
Others	169	33	202	187	43	230	241	55	296	22	N/A	22	
Total analyses	9338	3897	13235	8599	5982	14561	8502	4095	12597	12246	N/A	12246	
Total samples	8817	3529	12346	8094	5420	13514	7928	3791	11719	10971	N/A	10971	
<b>N. Ireland</b>	Number of analyses												
Microbiological	8006	-	8006	6819	-	6819	6407	-	6407	7021	N/A	7021	
Other contamination	298	24	322	321	15	336	230	63	293	399	N/A	399	
Composition	2358	1421	3779	1760	1004	3394	1695	1164	2859	2678	N/A	2678	
Labelling & Presentation	1900	1003	2903	1399	1135	2534	1804	900	2704	1978	N/A	1978	
Others	3	3	6	29	6	35	52	21	73	139	N/A	139	
Total analyses	12565	2524	15089	10348	2769	13108	10188	2189	12378	12219	N/A	12219	
Total samples	10590	1586	12186	9030	1685	10715	8724	1302	10026	10046	N/A	10046	
<b>UK</b>	Number of analyses												
Microbiological	80064	-	80064	78075	-	78075	76417	-	76417	71133	N/A	71133	
Other contamination	4198	11877	16073	4267	11337	15604	3989	9943	13932	5150	N/A	5150	
Composition	13418	44932	58350	11840	46795	58635	9614	36333	45947	32599	N/A	32599	
Labelling & Presentation	8524	27931	37455	8680	29687	38367	7517	24172	31689	21343	N/A	21343	
Others	2758	10349	13107	2095	59166	61261	2116	50633	52749	2631	N/A	2631	
Total analyses	109660	95089	204749	104951	146980	251931	99653	121081	220734	133054	N/A	133054	
Total samples	96208	75642	171810	93633	74229	167861	91699	61500	153199	86978	N/A	86978	

(1) - 2006/07 is the last full year for which data was reported under the previous monitoring arrangements.  
 (2) - For the new monitoring arrangements, the basis for reporting samples has been clarified - only those samples sent to an accredited laboratory for analyses should be reported and are now called 'official' samples. This is consistent with EU definitions of official control samples.  
 Under the previous monitoring arrangements, the basis for reporting samples was that 'formal' samples were those taken in accordance with the appropriate sampling Regulations and submitted to an accredited laboratory, and 'informal' samples were those samples not taken in accordance with the appropriate sampling Regulation and/or not sent to an accredited laboratory.

### FSA AUDIT OF LA FOOD LAW ENFORCEMENT SERVICES 2008/09

The main Agency LA audit programmes carried out in 2008/2009 are set out below together with key findings:

**Business compliance audits** - focused on core LA service areas, identified from previous audit programmes, as being key to LAs effectively checking and improving food business compliance. These programmes focused on the LA database, inspection and enforcement actions, and their internal monitoring arrangements.

In addition to individual audit reports and action plans being published on the Agency website, a summary report on the findings together with good practice identified was provided to LAs. A top tips document 'Making Every Inspection Count' was also developed and agreed with LAs to help them address failings identified during this programme.

Key findings<sup>10</sup>:

- Generally competent assessment of (HACCP based) food safety management systems being carried out by officers;
- Generally very effective complaint investigations and follow-up to unsatisfactory sampling results;
- Internal monitoring was mainly directed at the numbers of inspections, but there was limited monitoring on the quality of inspections;
- Instances of poor follow-up in some authorities where serious contraventions found during inspections;
- Some LAs were not pursuing fully risk-based intervention programmes with lower risk category establishments receiving inspections at the expense of interventions at higher risk establishments.

**LA use of contractors/consultants for food law enforcement services** - to investigate further the findings from previous general audits, which had identified issues relating to the quality of contractors' work, the extent of internal monitoring of that work and the appropriateness of the contractors' qualifications, experience and competency.

A summary report on the findings was published and disseminated to LAs, providing further guidance and good practice on the use of contractors for carrying out official control activities.

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<sup>10</sup> A summary report on the findings and good practice from this audit programme and a related programme carried out in 2009/10, together with the individual local authority reports can be found at: <http://www.food.gov.uk/enforcement/auditandmonitoring/auditreports/auditfocus/>

### Key findings<sup>11</sup>:

- LAs are employing the services of contractors to assist in achieving annual food premises intervention programmes and other food law service activities. Many of these activities are focused on lower risk category businesses;
- Inconsistent and sometimes poor arrangements for ensuring that contractors are appropriately trained and qualified;
- Whilst contractors were in the main carrying out effective inspections, there were some issues in relation to the internal monitoring and quality of inspections.
- In some cases there was ineffective follow-up of contractors findings by LAs, even where problems had been accurately identified at establishments;

**Official controls and FBO controls in LA approved establishments** - developed in response to the findings from an EC Food and Veterinary Office (FVO) mission carried out in May 2009, and the findings from previous audit programmes which had consistently identified problems with approval arrangements. Audits of Scottish LAs also focused on this area.

### Key findings<sup>12</sup>:

- Inaccuracies in the FSA databases of LA approvals, with LA notifications not being updated on the FSA database;
- Failures in LAs following 'due process' for approvals, and in some cases carrying out only desk top approvals when the new 2006 legislation came into effect;
- Failures in effectively assessing and identifying inadequacies in approved food business' HACCP plans;
- Some LAs had taken ineffective enforcement actions where non compliance had been identified, and were maintaining poor file records;
- More comprehensive advice from the Agency on the approvals process is required by LAs;
- In some LAs improvements were needed in the training and competency of LA officers.

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<sup>11</sup>A report summarising the outcomes from this audit programme and the good practice identified can be found at: <http://www.food.gov.uk/multimedia/pdfs/enforcement/lacontractaudit.pdf>

<sup>12</sup> <http://www.food.gov.uk/multimedia/pdfs/enforcement/approvalauditscotland2009.pdf>

## FSA Audit of UK Competent Authorities 2008/09

Audit Programme	Dates	No. of authorities	No. of establishment 'reality checks'	Final report(s) issued/published/due
<b>ENGLAND</b>				
'Business Compliance Audit' – LA Food Law Enforcement Service Arrangements for Food Premises Database Management, Food Premises Inspections and Internal Monitoring	April – June 2008 July – Sept 2008 Oct – Dec 2008	10 8 1	- - -	Final reports and updated LA audit action plans published at: <a href="http://www.food.gov.uk/enforcement/auditandmonitoring/auditreports/">http://www.food.gov.uk/enforcement/auditandmonitoring/auditreports/</a>  Programme summary report published at: <a href="http://www.food.gov.uk/multimedia/pdfs/enforcement/complianceauditsummary.pdf">http://www.food.gov.uk/multimedia/pdfs/enforcement/complianceauditsummary.pdf</a> .
Local Authority Use of Contractors/Consultants for Food and Feed Law Enforcement Services	Oct – Dec 2008	20	10	Individual LA reports/action plans issued. Programme summary report published at: <a href="http://www.food.gov.uk/multimedia/pdfs/enforcement/lacontractaudit.pdf">http://www.food.gov.uk/multimedia/pdfs/enforcement/lacontractaudit.pdf</a> .
Local Authority Official Controls and FBO Controls in Approved Establishments	Feb – April 2009	11	11	Final reports and updated LA audit action plans published at: <a href="http://www.food.gov.uk/enforcement/auditandmonitoring/auditreports/">http://www.food.gov.uk/enforcement/auditandmonitoring/auditreports/</a>
Follow-up audits	When due	7	-	Updated audit action plans have been published at: <a href="http://www.food.gov.uk/enforcement/auditandmonitoring/auditreports/">http://www.food.gov.uk/enforcement/auditandmonitoring/auditreports/</a>
<b>NORTHERN IRELAND</b>				
Audit of delivery of Official Controls by Department of Agriculture and Rural Development Quality Assurance Branch, in respect of Animal Feed establishments in Northern Ireland	March-April 2009	Govt. Dept.	4	Final report issued January 2010. Not published.

Audit Programme	Dates	No. of authorities	No. of establishment 'reality checks'	Final report(s) issued/published/due
Follow-up audit	When due	1	-	Updated audit action plans published: <a href="http://www.food.gov.uk/enforcement//auditandmonitoring/auditreports/">http://www.food.gov.uk/enforcement//auditandmonitoring/auditreports/</a>
Audit of delivery of Official Controls by Department of Agriculture and Rural Development Quality Assurance Branch, in respect of Egg Packing Stations in Northern Ireland	December 2008 – January 2009	Govt. Dept.	3	Final report issued April 2009. Not published.
<b>SCOTLAND</b>				
Focused audit on approved establishments (15 LAs and 30 establishments selected)	Feb- March 2009	10 / 15	17/30	Programme summary report published: <a href="http://www.food.gov.uk/multimedia/pdfs/enforcement/approvalauditscotland2009.pdf">http://www.food.gov.uk/multimedia/pdfs/enforcement/approvalauditscotland2009.pdf</a>
Follow-up audits to 2004/2008 audit Programme	April 2008 – March 2009	12	-	Updated audit action plans have been published at: <a href="http://www.food.gov.uk/enforcement/auditandmonitoring/auditreports/">http://www.food.gov.uk/enforcement/auditandmonitoring/auditreports/</a>
<b>WALES</b>				
Follow up audits (Communicable disease programme)	When due	22	Not applicable	Communicable disease summary report published at: <a href="http://www.food.gov.uk/enforcement/auditandmonitoring/auditreports/auditfocus/walesauditdisease">http://www.food.gov.uk/enforcement/auditandmonitoring/auditreports/auditfocus/walesauditdisease</a>