

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

Birmingham City Council
21-23 April 2015



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1.0 Introduction

- 1.1 This report records the results of an audit at Birmingham City Council with regard to food hygiene enforcement, under relevant headings of the Food Standards Agency Food Law Enforcement Standard. The audit focused on the Authority's arrangements for the management of the food premises database, food premises interventions, and internal monitoring. The report has been made available on the Agency's website at:
www.food.gov.uk/enforcement/auditandmonitoring/auditreports.
Hard copies are available from the Food Standards Agency's Local Authority Audit and Liaison Division at Aviation House, 125 Kingsway, London WC2B 6NH, Tel: 020 7276 8428.

Reason for the Audit

- 1.2 The power to set standards, monitor and audit local authority food law enforcement services was conferred on the Food Standards Agency by the Food Standards Act 1999 and the Official Feed and Food Controls (England) Regulations 2009. This audit of Birmingham City Council was undertaken under section 12(4) of the Act as part of the Food Standards Agency's annual audit programme.
- 1.3 Regulation (EC) No. 882/2004 on official controls performed to ensure the verification of compliance with feed and food law includes a requirement for competent authorities to carry out internal audits or to have external audits carried out. The purpose of these audits is to verify whether official controls relating to feed and food law are effectively implemented. To fulfil this requirement, the Food Standards Agency, as the central competent authority for feed and food law in the UK has established external audit arrangements. In developing these, the Agency has taken account of the European Commission guidance on how such audits should be conducted.¹
- 1.4 For the purpose of this audit 'The Authority' refers to Birmingham City Council. The Authority was selected for inclusion in the Food Standards Agency's programme of audits of local authority food law enforcement services because of ongoing concerns regarding the performance data submitted by the council via LAEMS.

¹ Commission Decision of 29 September 2006 setting out the guidelines laying down criteria for the conduct of audits under Regulation (EC) No. 882/2004 of the European Parliament and of the Council on official controls to verify compliance with feed and food law, animal health and animal welfare rules (2006/677/EC).

Scope of the Audit

- 1.5 The audit examined Birmingham City Council's arrangements for food premises database management, food premises interventions and internal monitoring, with regard to food hygiene law enforcement. This included a reality check at a food business to assess the effectiveness of official controls implemented by the Authority at the food business premises and, more specifically, the checks carried out by the Authority's officers, to verify food business operator (FBO) compliance with legislative requirements. The scope of the audit also included an assessment of the Authority's overall organisation and management and the internal monitoring of food hygiene law enforcement activities.
- 1.6 Assurance was sought that key food hygiene law enforcement systems and arrangements were effective in supporting business compliance, and that local enforcement was managed and delivered effectively. The on-site element of the audit took place at the Authority's offices at Manor House, Moat Lane, Birmingham on 21-23 April 2015.

Background

- 1.7 Birmingham is the most populated single local council in England, with a population of just over 1 million people represented in 40 wards. The area has a larger than average proportion of younger people in the 20-24 age group, largely due to the large student population in the area.
- 1.8 The ethnic make-up of Birmingham continues to become more diverse and the ethnic minority group population is growing. Approximately 42% of residents are from an ethnic group other than white, with 22% of local residents being born outside the UK compared to 14% in England as a whole.
- 1.9 Since 2001 the population has increased by almost 100,000 an average rate of 0.9% per year.
- 1.10 The Authority has the largest number of registered food establishments in England. There were approximately 7,607 food businesses registered with the Authority at the time of the audit, including 82 food manufacturers subject to product specific approval under Regulation (EC) No. 853/2004. In addition the Authority had an important role acting as Primary Authority for seven large national food manufacturers with plans for an additional two partnerships in the near future. Primary Authority Partnerships provide assured advice and guidance to businesses and regulators to encourage a consistent approach to food law enforcement nationally. The Authority also acted informally as Home Authority for around 150 national and international food manufacturers in the area.

- 1.11 The Authority has no direct additional responsibilities in relation to Birmingham International Airport.
- 1.12 Food enforcement was the responsibility of the Director of Regulation and Enforcement and was delivered operationally by a team of officers split into two regions, North and South, with two separate Operations Managers, one specialising in more complex food safety enforcement duties. Each team carried out a range of other duties in addition to food safety enforcement, including Food Standards, Health and Safety at Work and statutory nuisance investigations.
- 1.13 The Authority reported the profile of Birmingham City Council's food businesses at 1 April 2014 as follows:

Type of Food Premises	Number
Primary Producers	8
Manufacturers/Packers	113
Importers/Exporters	28
Distributors/Transporters	80
Retailers	2,359
Restaurant/Caterers	5,008
Total Number of Food Premises	7,596

2.0 Executive Summary

- 2.1 The Authority was selected for audit due to ongoing concerns arising from the Authority's past and present submissions of key enforcement data to the Agency via the Local Authority Enforcement Monitoring System (LAEMS). These issues included concerns around the number of unrated establishments submitted and the percentage of overdue higher risk category "A" inspections.
- 2.2 It was clear that there were very high demands placed on the Service, including a large number of specialist manufacturers of national and international importance. The sizeable number and proportion of caterers, takeaways and restaurants in the area and associated high levels of business churn, had left the Authority facing significant challenges in maintaining an accurate and up to date food premises database and monitoring and maintaining satisfactory levels of business compliance in all its food establishments. In addition competing local priorities and pressures on resources have all had a significant impact on the Service's ability to deliver effective and timely official controls in food businesses across the City.
- 2.3 Auditors found detailed evidence of a wide range of comprehensive and effective enforcement activity being carried out at a number of higher risk establishments. This included some innovative approaches such as specialist coaching, to tackle some of the highest risk food businesses on their database. However the audit also confirmed a large number of food businesses that were overdue or awaiting some form of intervention, including newly registered businesses. Over 40% of the food businesses on the Authority's food premises database required some form of intervention at the time of the audit. Although over 90% of these were lower risk and/or previously compliant businesses, auditors did identify several higher risk food businesses that were overdue an intervention. Auditors were concerned that this could pose a significant risk to consumer protection and the reputation of the Authority. The Authority provided auditors with assurances that any higher risk overdue inspections would be reviewed and completed as a matter of urgency.

Strengths:

Enforcement and follow-up actions: Many examples of a wide range of thorough and comprehensive enforcement actions were noted by auditors, involving liaison with a wide range of regional and national enforcement agencies. These examples highlighted the officers' willingness and ability to carry out formal and informal controls to achieve timely business compliance and consumer protection and to help support local food businesses.

Experienced Officers: It was clear from discussions during the audit, file checks and the reality visit to a local care home that officers were experienced and knowledgeable about the wide range of food business activities in their area and the wide range of official controls associated with these businesses.

Sampling and Complaint Investigations: The Service was able to demonstrate its ability to effectively use a wide range of sampling activity as part of its suite of official controls. All the examples of sampling and complaint investigations assessed during the audit demonstrated that thorough and comprehensive actions and investigations had been carried out in each case.

2.4 Key areas for improvement:

Service Planning: the Authority needs to review and amend its current intervention strategy to include appropriate interventions and assessments of all registered food businesses in its area ensuring that the strategy meets the requirement of the Food Law Code of Practice (FLCoP).

The Authority needs to provide sufficient staffing resources to fulfil its statutory duties in accordance with the FLCoP and any centrally issued guidance. It is therefore essential that future service plans include a realistic and reasoned estimate of the staff resources needed to deliver the full range of statutory duties, including all unrated and overdue interventions, compared to the resources available. The plan should include details of plans to address any shortfall, and the associated risks to public protection.

Database: An accurate database forms the foundation of any effective risk based intervention strategy. The Authority needs to continue reviewing and improving its food premises database to ensure that it accurately reflects the range of businesses currently operating in its area.

Interventions: The Authority needs to carry out food hygiene interventions at the frequency set out in the FLCoP, using the full range of flexibilities if required.

Internal Monitoring: The Authority should provide sufficient resources to ensure that effective risk based and proportionate internal monitoring of all food service activities can take place. Internal monitoring should include qualitative checks on inspection records and any follow-up actions.

3.0 Audit Findings

3.1 Organisations and Management

Strategic Framework, Policy and Service Planning

- 3.1.1 The Authority had developed an overall Environmental Health Service Plan for 2014/15 which included food safety enforcement. This Plan provided details of a range of quantitative key performance indicators including those for food safety enforcement based upon completion of the planned intervention programme. In addition a more specific Food Law Enforcement Plan 2014/2015 had also been developed and approved by relevant members. This Plan provided some useful general background information specifically about food law enforcement in the area, in accordance with the Service Planning Guidance in the Framework Agreement, and provided useful information on the Service's aims and objectives.
- 3.1.2 The Service was delivered by approximately 11.5 FTE using proportions of 26 officers' time across two separate teams. The existing organisational structure and wider environmental health responsibilities placed upon officers, such as reactive statutory nuisance investigations, posed significant challenges to planning and delivering an effective food inspection programme. It was also evident that due to the current economic climate, the complex and demanding duties involved with several Primary Authority agreements and the very large numbers of caterers, takeaways and restaurants, high levels of business churn and FHRS revisits and appeals, the Authority faced significant challenges in monitoring and maintaining high levels of business compliance in the area.
- 3.1.3 It was clear from information provided in the wider Environmental Health Service Plan and in reports to Members that since a review and significant restructure of the Regulatory and Enforcement Division in 2010/11, the Authority had been subject to financial constraints. In addition, a range of competing wider council priorities such as waste management had affected its ability to fully meet all the statutory demands placed upon it. This had led to the development and implementation of a risk based intervention strategy which aimed to prioritise resources at the highest risk establishments. The strategy had concentrated on businesses in the A-D risk categories in recent years.
- 3.1.4 Despite the limited resources available to the Service, a range of innovative approaches such as the EU funded Enterprise Catalyst Scheme had been introduced to further target selected higher risk

businesses for specialist coaching, with the aim of improving service efficiency and effectiveness, timely business compliance and maintaining consumer protection.

- 3.1.5 An assessment of the Authority's food premises database prior to the audit revealed that approximately 46% of the businesses on the database were overdue some form of intervention, although the vast majority of these were previously compliant businesses and lower risk businesses (94%), with 95% of the total overdue interventions being no older than 3 years overdue and 63% being no older than 2 years overdue.
- 3.1.6 Given this wide range of demands on the Service and the limited information provided in the latest Enforcement Plan, auditors were unable to confidently establish whether the resources currently provided to the Service were sufficient to meet all the Authorities statutory duties, or what the impact and implications of any shortfall would be, including potential impacts on consumer protection and reputational risk to the Authority.
- 3.1.7 Auditors recommended that all future service plans should provide members and senior management with a realistic and detailed breakdown of all the activities carried out by the Service and the resources required to deliver these effectively. Given the audit findings, it is essential that adequate time and resources for risk based internal monitoring activities are accounted for in the calculation of resources required for service delivery in the Service Plan. In addition clearer, unambiguous information on the proposed intervention programme for the year including actions to address all historic overdue inspections and unrated establishments should also be provided.

Recommendations

3.1.8 The Authority should:

Ensure that future service plans include;

- A clear comparison of the resources required to carry out the full range of statutory food law enforcement activities at all relevant food businesses in the area against the resources available to the Service. Details of how any shortfall identified will be addressed should also be provided.
- A detailed and reasoned intervention strategy and intervention programme which includes arrangements for all historic overdue interventions and unrated businesses on a risk basis.
- An estimate of the resources required to monitor the delivery of the strategy and to carry out suitable risk based internal monitoring across all areas of the Service. [The Standard -3.1]

Documented Policies and Procedures

3.1.9 The Service had developed a range of generally up to date and comprehensive policies and work procedures to provide useful guidance for officers across the range of their enforcement duties including interventions and inspections and the implementation and delivery of the Agency's Food Hygiene Rating Scheme (FHRS). It was not clear however that all these procedures were being fully implemented at the time of the audit. If fully implemented and monitored these documents should help to provide the basis for a consistent and more effective Service.

3.1.10 Auditors discussed the importance of continuing to ensure that such documentation continues to be regularly reviewed and implemented, to reflect actual working practices.

Officer Authorisations

3.1.11 The Authority had developed a procedure for the authorisation of its officers based upon their qualifications and experience and had developed a matrix for officer authorisation which demonstrated that all officers had been appropriately authorised specifically under

relevant national and European food hygiene legislation in accordance with the FLCoP.

- 3.1.12 The varied profile of the food businesses in the City has meant that officers required a wide range of specialist food hygiene and food standards training in order to deliver official controls effectively. Auditors did have some difficulty retrieving copies of officer training records and recommended that the Authority review its method of assessing officer competency and its system of updating and recording officer training carried out throughout the year.
- 3.1.13 Officers had generally carried out a minimum of 10 hours training annually based upon the principles of continuing professional development (CPD). Officers had received a wide range of relevant food hygiene training, including the assessment of HACCP, imported foods and investigatory skills.
- 3.1.14 Auditors were advised that individual officer training needs were discussed during the annual appraisal process between officers and managers. It was not always clear though how training needs were assessed and prioritised based on their individual duties and responsibilities.

Recommendations

3.1.15 The Authority should:

- (i) Appoint a sufficient number of authorised officers to carry out the work calculated in its Service Plan. The level of authorisation and duties of officers should be consistent with their qualifications, training, experience and the relevant Code of Practice. [The Standard –5.3]
- (ii) Ensure that more detailed and up to date records of any relevant training and experience of each authorised officer are maintained by the Authority in accordance with the relevant Codes of Practice. [The Standard-5.5]

3.2 Food Premises Database

- 3.2.1 The Service operated a computer database system that was capable of providing an accurate combined single data return for the FSA's Local Authority Enforcement Monitoring System (LAEMS). However

as a result of the past migration from an older database system to the current one the Authority had struggled in recent years to automatically provide the Agency with timely relevant performance data, relying instead in some cases on manual uploads and adjustments to the data. With the benefit of some IT support from within the Authority and recent improvements to the database system the Authority expressed confidence in its ability to provide timely automated LAEMS submissions in future.

- 3.2.2 In general, officers had responsibility for entering data on to the system including records of enforcement activity, inspection details and risk ratings. It was clear from discussions during the audit and from further onsite database assessments, that whilst great improvements had been made to the accuracy of the database this was still an ongoing process and further improvements were still needed. The Authority had some difficulty in confirming the number of low risk category “E” establishments present on its database. It is essential that the Service can extract and utilise accurate database reports to support effective management of the Service and the delivery of official controls.

Recommendation

3.2.3 The Authority should:

Take appropriate actions to ensure the accuracy of its food premises database, to ensure that its food premises database accurately reflects the food businesses actively operating in its area. [The Standard- 11.2]

3.3 Food Premises Interventions

- 3.3.1 The Authority’s Food Safety Service Plan 2014/15 provided details of targets for the food premises intervention programme and information on the full premises risk profiles. LAEMS data provided by the Authority for 2013/14 indicated the following breakdown of premises by risk category:

Premises Risk Category	Number of Premises
A	165
B	563
C	2,272
D	1,403

E	2,515
Unrated	677
Outside the programme	1
TOTAL	7,596

- 3.3.2 Auditors were advised that the inspection programme was drawn up and allocated to officers quarterly.
- 3.3.3 Although the Authority had targeted resources at higher risk and non-compliant businesses, an assessment of the Authority's food premises database identified approximately 3,000 overdue interventions consisting largely of lower risk and formerly compliant risk category C, D and E businesses. Many of these businesses still required some form of assessment based on their scale, customer numbers and types of activity being carried out, and importantly to identify any changes to business activities in the intervening period.
- 3.3.4 The list of overdue interventions also included a small percentage of higher risk non-compliant category A and B businesses, some dating back several years, requiring an appropriate intervention as a priority. Auditors were provided with assurances that these higher risk overdue interventions would be addressed as a matter of urgency and any other overdue interventions would be addressed on a risk basis. Auditors discussed the use of the full range of possible interventions and flexibilities described in the FLCoP if needed to help address any backlog of interventions.
- 3.3.5 In addition to the backlog of overdue interventions, the Authority had over 500 unrated, newly registered businesses on its database which required some form of initial assessment. Although unable to always meet the 28 day requirement within the FLCoP, the Authority had implemented a screening policy to target resources at the potential highest risk businesses and had developed a suitable method to ensure that all relevant businesses formed part of its intervention programme and eventually received an appropriate intervention.

Recommendation

3.3.6 The Authority should:

Ensure that food hygiene interventions at food premises in their area are carried out at a frequency which is not less than that determined under the intervention rating scheme set out in the Food Law Code of Practice.

[The Standard – 7.1]

- 3.3.7 An assessment of inspection records showed that although many inspections had been carried out on time, there was some evidence of delays in between past inspections.
- 3.3.8 The Authority had developed a range of inspection aides memoire to record inspection findings at different types of food businesses including manufacturers and routine non-manufacturing food establishments. Whilst auditors found evidence of some detailed inspection and enforcement records including some useful traceability exercises, there was a wide variation in the quality of record keeping carried out by different officers. Due to time pressure a system of exception reporting had been implemented by some officers making it difficult for the Authority to demonstrate that businesses had been fully assessed against all relevant food hygiene legislation on each occasion. Insufficient details of inspection findings also made it difficult for auditors to assess whether businesses were always being appropriately risk rated following inspections.
- 3.3.9 Auditors also discussed further possible improvements to the aide memoire to prompt officers to record more detailed notes on critical issues such as the implementation of the FSAs E -coli O157 Guidance, HACCP / Food Safety Management Systems (FSMS), traceability and imported food controls. Accurate and detailed inspection records are vital to provide officers with an enforcement history and to provide the consistent and appropriate graduated enforcement approach. The lack of records would also make it difficult for the Authority to respond to any appeals or Freedom of Information (FOI) requests from members of the public or information requests from other enforcement agencies.
- 3.3.10 Letters to businesses that had been sent following inspections were comprehensive and provided businesses with useful advice and guidance. However auditors did advise that letters should clearly differentiate between legal contraventions and recommendations on each occasion.
- 3.3.11 Files for three of the Authority's food establishments approved under Regulation (EC) No. 853/2004 were examined. The Authority had developed and implemented a range of specific aides- memoire for these types of businesses. All approved establishment files assessed demonstrated that businesses had been appropriately approved or re-approved under relevant legislation and files were generally well organised and contained all the relevant information required by the FLCoP or contained evidence that the appropriate information had been requested from businesses. Auditors did however note inconsistencies in the use of the relevant specific inspection forms on occasions, with officers not always completing or using the appropriate form for the business type. Auditors noted that

businesses had been appropriately risk rated following inspections although as with other types of food businesses, past inspections had not always been carried out at the frequency required by the FLCoP.

Recommendations

3.3.12 The Authority should:

Assess the compliance of establishments and systems in their area to the legally prescribed standards reviewing and amending its current inspection aides memoire to ensure that they include references to all relevant food hygiene legislation and centrally issued guidance as appropriate [The Standard - 7.3]

Verification Visit to a Food Premises

- 3.3.13 During the audit, a verification visit was undertaken to a local care home with an experienced officer from the Authority. The main objective of the visit was to assess the effectiveness of the Authority's assessment of food business compliance with food law requirements. The specific assessments included the conduct of the preliminary interview with the FBO by the officer, general hygiene checks to verify compliance with structure and hygiene practice requirements and checks carried out by the officer to verify compliance with HACCP based procedures.
- 3.3.14 The officer was able to demonstrate a good working knowledge of relevant food hygiene legislation and the key operations carried out at the business including the adequacy of the operator's food safety management system. Auditors were able to confirm and verify the findings from the last inspection and that the range of business operations being carried out.

3.4 Enforcement

- 3.4.1 The Authority had developed an appropriate Enforcement Policy, which outlined the Authority's commitment to taking appropriate formal action in cases of repeated non-compliance. The Policy contained broad guidance for officers and businesses on the different types of enforcement actions possible and the situations when they might be appropriate.

- 3.4.2 Auditors examined a number of enforcement actions including prosecutions, simple cautions, several voluntary and emergency closures, Hygiene Improvement Notices (HIN's) and voluntary surrenders, seizures and detentions. All the actions taken had been appropriate given the circumstances. Files contained detailed and comprehensive notes and evidence to support the actions taken, including enforcement decision checklists and the extensive use of photographic evidence and witness statements.
- 3.4.3 It was clear from the records assessed that in general officers were highly competent in considering and successfully using the full range of enforcement options available to them in a wide range of challenging situations. Records demonstrated the officers' ability and willingness to investigate complex local, regional and national food safety issues, taking and recording appropriate follow up action in each case examined. Auditors acknowledged the significant impact that taking such essential enforcement actions had had on officer time and resources, as well as the extensive liaison with neighbouring and regional food authorities required in many cases.

3.5 Internal Monitoring, Third Party or Peer Review

Internal Monitoring

- 3.5.1 Given the size and scale of the Service, the organisational structure and the wide range of activities carried out, targeted internal monitoring is essential to ensure that a consistent and effective service is delivered. The Service had developed a documented internal monitoring procedure covering various service activities. Due to the pressures on officer time there was only limited evidence that the procedure had been fully implemented. The Service was able to demonstrate however that it had recently introduced and improved its internal monitoring activities in certain areas including the development of a useful database monitoring tool to identify and remove anomalies which auditors considered to be good practice.

Good Practice – Automated Database Checks

The Authority had developed and implemented an in-house computerised method of identifying anomalies and inconsistencies in their food premises database, including any anomalies in the allocation of risk scores by officers following inspections. In conjunction with additional officer training resulting from the process, the method provides a quick and efficient way to analyse large amounts of data, identifying errors to improve the accuracy of the database, essential for the delivery of an effective intervention programme.

- 3.5.3 Given the audit findings auditors recommended the implementation of more detailed and targeted monitoring of all food law enforcement activities performed by the Service, including intervention records and follow up actions for all types of business including approved establishments and the monitoring of the intervention programme.

Recommendations

3.5.4 The Authority should:

- (i) Further develop, maintain and implement its documented internal monitoring procedures in accordance with Article 8 of Regulation (EC) No. 882/2004 (Official Feed and Food Controls), the Food Law Code of Practice and centrally issued guidance. This should include all aspects of the Service, including the work of contractors where appropriate. [The Standard – 19.1]
- (ii) Ensure that records of monitoring activities are maintained. [The Standard – 19.3]

Food and Food Premises Complaints

- 3.5.5 The Authority had developed a documented procedure for dealing with food and food premises complaints. Brief details of the Authority's policy on food complaints were set out in its Service Plan.
- 3.5.6 A range of complaints were assessed as part of the audit. Appropriate records were held including details of any actions taken and any communications with businesses to address any concerns. In all

cases timely and appropriate follow up actions had been taken to protect consumers.

Food Inspection and Sampling

- 3.5.7 The Authority was able to demonstrate its commitment to risk based sampling as part of its intervention strategy and had taken part in a wide range of recent local and regional sampling programmes.
- 3.5.8 The Authority had developed and implemented a suitable sampling procedure. A number of sample records involving a range of food products and hygiene tests were assessed. In each case appropriate records had been maintained and suitable follow up actions had been taken in all cases based upon the results.

Records

- 3.5.9 Recent enforcement records and key food business information were held in a combination of electronic and paper files.
- 3.5.10 Auditors noted some variability in the retrievability of some records including some past inspection histories and some follow up actions. Auditors were not able to retrieve some historic inspection records. It is essential that such records are maintained to allow officers access to key business information prior to inspection and to allow the delivery of an effective and graduated approach to enforcement.

Recommendation

3.5.11 The Authority should:

Maintain up to date accurate records in retrievable form on all food establishments in its area, in accordance with the Food Law Code of Practice and centrally issued guidance. These records shall include reports of all interventions / inspections, the determination of compliance with legal requirements made by the authorised officer, details of action taken where non-compliance was identified, details of any enforcement action taken, results of any sampling, details of any complaints and any action taken, and also relevant food registration and approval information. The Authority should also record, with reasons, any deviations from set procedures. [The Standard-16.1]

Third Party or Peer Review

- 3.5.12 Auditors noted that the Authority was committed to the peer review process and had been subject to a recent internal audit and had recently participated in a regional inter authority audit programme (IAA) focused on delivery of the Agency's FHRS.
- 3.5.13 Auditors noted that several of the key issues identified during this audit concerning overdue interventions had been reported in the last IAA report. Such schemes, if actioned, can provide a useful further opportunity for the review and development of the Service and its food law enforcement activities.

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ANNEX A - Action Plan for Birmingham City Council

Audit date: 21-23 April 2015

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
<p>3.1.8 Ensure that future service plans include;</p> <ul style="list-style-type: none"> • A clear comparison of the resources required to carry out the full range of statutory food law enforcement activities at all relevant food businesses in the area against the resources available to the Service. Details of how any shortfall identified will be addressed should also be provided. • A detailed and reasoned intervention strategy and intervention programme which includes arrangements for all historic overdue interventions and unrated businesses on a risk basis. 	<p>Aug 2015</p> <p>Aug 2015</p>	<p>Copy of Food Law Enforcement Plan available once agreed by the Licensing and Public Protection Committee.</p> <p>The interventions programme for 2015/16 includes all due Category A-E premises; all overdue Category A-D premises; all unrated premises. The overdue Category E premises will be subject to review to</p>	<p>A Food Law Enforcement Plan has been written detailing the outturn for 2014/15 and work to be undertaken in 2015/16. This will be presented to July's Licensing and Public Protection Committee. The report identifies the need for 14 FTEs to carry out the full range of statutory food law enforcement activities. The service reserves the ability to use overtime or agency officers should the need arise but currently the programme should be delivered within the resources allocated.</p> <p>All outstanding category A inspections have been completed and a proportion of the category B inspections and unrated on a risk basis.</p>

<ul style="list-style-type: none"> An estimate of the resources required to monitor the delivery of the strategy and to carry out suitable risk based internal monitoring across all areas of the Service. [The Standard -3.1] 	End Oct 2015	<p>determine those that require inspection, these will be programmed during the next 3 years to ensure a future even spread of interventions.</p> <p>A new procedure for internal monitoring to be developed and implemented. This will identify the resources required to deliver the internal monitoring which will be included in next year's Food Plan.</p>	Procedure under development.
<p>3.1.15 (i) Appoint a sufficient number of authorised officers to carry out the work calculated in its Service Plan. The level of authorisation and duties of officers should be consistent with their qualifications, training, experience and the relevant Code of Practice. [The Standard –5.3]</p>	March 2016	<p>In accordance with the revised Food Law CoP, a competency framework is being developed and all officers will be assessed against this and any training needs identified. Suitable targeted training will also be delivered as part of this plan.</p>	This year's Food Plan has been fully resourced.
<p>3.1.15 (ii) Ensure that more detailed and up to date records of any relevant training and experience of each authorised officer are maintained by the Authority in accordance with the relevant Codes of Practice. [The Standard-5.5]</p>	Completed and On-going	<p>All future food related training to be delivered in conjunction with the central training coordinator to ensure that future records are accurately maintained.</p>	Central training coordinator advised of this.

<p>3.2.3 Take appropriate actions to ensure the accuracy of its food premises database, to ensure that its food premises database accurately reflects the food businesses actively operating in its area. [The Standard- 11.2]</p>	<p>March 2016</p>	<p>Analysis of Category E premises to remove those with no inspectable risk. Training to be delivered to officers on database recording and accuracy.</p>	<p>Regular automated database checks and correction of database errors. (as identified as good practice). Development of procedure for the creation and deletion of premises.</p>
<p>3.3.6 Ensure that food hygiene interventions at food premises in their area are carried out at a frequency which is not less than that determined under the intervention rating scheme set out in the Food Law Code of Practice. [The Standard – 7.1]</p>	<p>Completed and on-going</p>	<p>Continued implementation of a risk based intervention strategy.</p>	<p>The Food Plan identifies that all interventions due this year are to be completed. The programme is managed locally to ensure compliance with due dates.</p>
<p>3.3.12 Assess the compliance of establishments and systems in their area to the legally prescribed standards reviewing and amending its current inspection aides memoire to ensure that they include references to all relevant food hygiene legislation and centrally issued guidance as appropriate [The Standard - 7.3]</p>	<p>Jan 2016</p>	<p>Development of new aide memoire in progress, to include references to relevant legislation and guidance. Training on the assessment of compliance at establishments and the use of the revised aide memoire to be undertaken.</p>	<p>Research and benchmarking carried out with other authorities to identify best practice. Draft aide memoire developed and piloted.</p>
<p>3.5.4 (i) Further develop, maintain and implement its documented internal monitoring procedures in accordance with Article 8 of Regulation (EC) No. 882/2004 (Official Feed and Food Controls), the Food Law Code of Practice and centrally issued guidance. This should include all aspects of the Service, including the work of contractors where appropriate. [The Standard – 19.1]</p>	<p>End Oct 2015</p>	<p>A new procedure for documented internal monitoring to be developed and implemented. This will include the monitoring of agency officers. Training to be provided to managers to enable an effective service and audit, including record keeping.</p>	<p>Procedure under development. On-going appraisal meetings and 1-1s to include review of food law activities.</p>

3.5.4 (ii) Ensure that records of monitoring activities are maintained. [The Standard – 19.3]	Completed and Ongoing	Documented checks to be maintained for each officer.	As above.
3.5.11 Maintain up to date accurate records in retrievable form on all food establishments in its area, in accordance with the Food Law Code of Practice and centrally issued guidance. These records shall include reports of all interventions / inspections, the determination of compliance with legal requirements made by the authorised officer, details of action taken where non-compliance was identified, details of any enforcement action taken, results of any sampling, details of any complaints and any action taken, and also relevant food registration and approval information. The Authority should also record, with reasons, any deviations from set procedures. [The Standard-16.1]	Jan 2016	<p>The implementation of the reviewed aide memoire, training on database accuracy and recording, and the introduction of revised monitoring procedures will lead to improved accuracy of record keeping. The implementation of UKFSS will improve the accuracy of sampling recording.</p> <p>Training of officers on all aspects of mandatory record keeping, in line with the food law code of practice, to be delivered.</p>	<p>Deviations from set procedures are discussed during regular officer to manager1-1s and documented in premises files. Agreed 853 premises aide memoires identified and officers instructed to use.</p>

ANNEX B Audit Approach/Methodology

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

(1) Examination of LA policies and procedures.

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

- Environmental Health Service Plan Food Service Plan for 2014/15
- Food Law Enforcement Plan 2014/15
- Relevant Cabinet meeting minutes
- Service policies and procedures
- Food premises inspection procedure and aides memoire
- Officer authorisation, training and qualification records

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

- General food premises inspection records
- Approved establishment records
- Food complaint records
- Food sampling records
- Formal enforcement records

(3) Review of database records:

- To review and assess the completeness of database records of food hygiene inspections, food and food premises complaint investigations, samples taken by the authority, formal enforcement and other activities and to verify consistency with file records.
- To assess the completeness and accuracy of the food premises database.
- To assess the capability of the system to generate food law enforcement activity reports and the monitoring information required by the Food Standards Agency.

(4) Officer interview– the following officer was interviewed:

- 1 Environmental Health Officer

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

(5) On-site verification check:

A verification visit was made with the Authority's officers to a local food business. The purpose of the visit was to verify the outcome of the last inspection carried out by the Authority and to assess the extent to which enforcement activities and decisions met the requirements of relevant legislation, the Food Law Code of Practice and official guidance, having particular regard to LA checks on FBO compliance with HACCP based food management systems.

ANNEX C Glossary

Authorised officer	A suitably qualified officer who is authorised by the local authority to act on its behalf in, for example, the enforcement of legislation.
Broadly Compliant	An outcome measure which the Food Standard Agency has developed with local authorities to monitor the effectiveness of the regulatory service relating to food law. It is based on the risk rating scheme in the Food Law Code of Practice which is currently used by food law enforcement officers to assess premises which pose the greatest risk to consumers failing to comply with food law.
Codes of Practice	Government Codes of Practice issued under Section 40 of the Food Safety Act 1990 as guidance to local authorities on the enforcement of food legislation.
County Council	A local authority whose geographical area corresponds to the county and whose responsibilities include food standards and feeding stuffs enforcement.
District Council	A local authority of a smaller geographical area and situated within a County Council whose responsibilities include food hygiene enforcement.
E.coli O157	E.coli O157 belongs to the group of verotoxigenic E.coli (VTEC) bacteria which are a toxin-producing strain of Escherichia coli that occur naturally in the gastrointestinal tract of animals such as cattle and sheep, and are pathogenic to humans. E.coli O157 is the VTEC strain that has been most commonly implicated in human infection in the UK.
Enhanced Remote Transit Shed	A warehouse designated by HM Revenue and Customs (HMRC), where goods are temporarily stored pending clearance by HMRC, and prior to release into free circulation.
Environmental Health Officer (EHO)	Officer employed by the local authority to enforce food safety legislation.
Feeding stuffs	Term used in legislation on feed mixes for farm animals and pet food.
Food hygiene	The legal requirements covering the safety and

wholesomeness of food.

Food Hygiene Rating Scheme (FHRS)

The Food Hygiene Rating Scheme provides information to the public about hygiene standards in catering and retail food establishments. It is run by local authorities in partnership with the Food Standards Agency. Businesses that fall within the scope of the scheme are given a 'hygiene rating' which shows how closely the business was meeting the requirements of food hygiene law at the time of inspection. The scheme also encourages businesses to improve hygiene standards.

Food Safety Management System

A written permanent procedure, or procedures, based on HACCP principles. It is structured so that this requirement can be applied flexibly and proportionately according to the size and nature of the food business.

Food standards

The legal requirements covering the quality, composition, labelling, presentation and advertising of food, and materials in contact with food.

Framework Agreement

The Framework Agreement consists of:

- Food and Feed Law Enforcement Standard
- Service Planning Guidance
- Monitoring Scheme
- Audit Scheme

The **Standard** and the **Service Planning Guidance** set out the Agency's expectations on the planning and delivery of food and feed law enforcement.

The **Monitoring Scheme** requires local authorities to submit yearly returns via LAEMS to the Agency on their food enforcement activities i.e. numbers of inspections, samples and prosecutions.

Under the **Audit Scheme** the Food Standards Agency will be conducting audits of the food and feed law enforcement services of local authorities against the criteria set out in the Standard.

Full Time Equivalent (FTE)

A figure which represents that part of an individual officer's time available to a particular role or set of duties. It reflects the fact that individuals may work part-time, or may have other responsibilities within the organisation not related to food and feed enforcement.

HACCP	Hazard Analysis and Critical Control Point – a food safety management system used within food businesses to identify points in the production process where it is critical for food safety that the control measure is carried out correctly, thereby eliminating or reducing the hazard to a safe level.
LAEMS	Local Authority Enforcement Monitoring System is an electronic system used by local authorities to report their food law enforcement activities to the Food Standards Agency.
Member forum	A local authority forum at which Council Members discuss and make decisions on food law enforcement services.
Metropolitan Authority	A local authority normally associated with a large urban conurbation in which the County and District Council functions are combined.
Risk rating	A system that rates food premises according to risk and determines how frequently those premises should be inspected. For example, high risk premises should be inspected at least every 6 months.
Safer food, better business (SFBB)	A food safety management system, developed by the Food Standards Agency to help small catering and retail businesses put in place food safety management procedures and comply with food hygiene regulations.
Service Plan	A document produced by a local authority setting out their plans on providing and delivering a food service to the local community.
Trading Standards	The Department within a local authority which carries out, amongst other responsibilities, the enforcement of food standards and feeding stuffs legislation.
Trading Standards Officer (TSO)	Officer employed by the local authority who, amongst other responsibilities, may enforce food standards and feeding stuffs legislation.
Unitary Authority	A local authority in which the County and District Council functions are combined, examples being Metropolitan District/Borough Councils, and London Boroughs. A Unitary Authority's responsibilities will

include food hygiene, food standards and feeding stuffs enforcement.