

# **Food Standards Agency in Scotland**

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## **Report on the Audit of Local Authority Assessment of Regulation (EC) No 852/2004 on the Hygiene of Foodstuffs in Food Business Establishments**

**East Dunbartonshire Council  
21 - 23 September 2010**

## Foreword

Audits of Local Authorities food law enforcement services are part of the Food Standards Agency's arrangements to improve consumer protection and confidence in relation to food and feed. These arrangements recognise that the enforcement of UK food law relating to food safety, hygiene, composition, labelling, imported food and feeding stuffs is largely the responsibility of Local Authorities. These Local Authority regulatory functions are principally delivered through Environmental Health and Trading Standards Services. The Agency's website contains enforcement activity data for all UK local authorities and can be found at:

[www.food.gov.uk/enforcement/auditandmonitoring](http://www.food.gov.uk/enforcement/auditandmonitoring).

The attached audit report examines the Local Authority's Food Law Enforcement Service. The assessment includes the local arrangements in place for Officer training, competency and authorisation, particularly on Hazard Analysis and Critical Control Point (HACCP) principles, inspections of food businesses and internal monitoring. The audit scope was developed specifically to address Recommendations 9 and 15 of the Public Inquiry Report<sup>1</sup> into the 2005 *E. coli* outbreak at Bridgend, Wales. The audit focused on the Local Authority's training provision to ensure that all Officers who check HACCP and HACCP based plans, including those responsible for overseeing the work of those Officers, have the necessary knowledge and skills. Also, that existing inspection arrangements and processes to assess and enforce HACCP related food safety requirements in food businesses are adequate, risk based, and able to effect any changes necessary to secure improvements.

Agency audits assess Local Authorities' conformance against the Food Law Enforcement Standard ("The Standard"), the 5<sup>th</sup> revision of which was published in April 2010 by the Agency as part of the Framework Agreement on Official Feed and Food Controls by Local Authorities and is available on the Agency's website at: <http://www.food.gov.uk/multimedia/pdfs/enforcement/frameworkagreementno5.pdf>

It should be acknowledged that there will be considerable diversity in the way and manner in which Local Authorities may provide their food enforcement services reflecting local needs and priorities.

The main aim of the audit scheme is to maintain and improve consumer protection and confidence by ensuring that Local Authorities are providing an effective food law enforcement service. The scheme also provides the opportunity to identify and disseminate good practice and provide information to inform Agency policy on food safety, standards and feeding stuffs. Parallel Local Authority audit schemes are implemented by the Agency's offices in all of the countries comprising the UK.

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

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<sup>1</sup> <http://wales.gov.uk/ecolidocs/3008707/reporten.pdf?skip=1&lang=en>

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## 1.0 Introduction

- 1.1 This report records the results of an audit at East Dunbartonshire Council with regard to food hygiene enforcement, under relevant headings of The Standard in The Framework Agreement on Official Feed and Food Controls by Local Authorities. The audit focused on the Authority's arrangements for the management of food premises inspections, enforcement activities and internal monitoring. The report has been made available on the Agency's website at: [www.food.gov.uk/enforcement/auditandmonitoring/auditreports](http://www.food.gov.uk/enforcement/auditandmonitoring/auditreports).

### 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 Section 12 the Food Standards Act 1999 and Regulation 7 of The Official Feed and Food Controls (Scotland) Regulations 2009. This audit of East Dunbartonshire Council was undertaken under section 12(4) of the Act, and Regulation 7(4) of the Regulations as part of the Food Standards Agency in Scotland audit programme.
- 1.3 The last audit of East Dunbartonshire Council's Food Service took place in March 2007.

### Scope of the Audit

- 1.4 The audit covered the Local Authority services for the delivery of official controls in relation to Regulation (EC) No 852/2004 on the hygiene of foodstuffs. In particular:
- The provision and adequacy of Officer training on HACCP principles and the validation and verification of food safety management systems based on HACCP principles;
  - The means by which the Local Authority ensures that Officers are competent to effectively assess food safety management systems based on HACCP principles;
  - The implementation and effectiveness of intervention activities including food safety management systems based on HACCP principles at food business premises;
  - The maintenance and management of appropriate records in relation to enforcement activity at food businesses, including the detailed assessment of food safety management systems based on HACCP principles;
  - Internal monitoring arrangements.

- 1.5 The audit examined East Dunbartonshire Council's arrangements for food premises interventions and internal monitoring with regard to food hygiene law enforcement, with particular emphasis on Officer competence in assessing food safety management systems based on HACCP principles. This included verification visits to food businesses to assess the effectiveness of official controls implemented by the Local 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 other related food hygiene law enforcement activities.
- 1.6 The audit examined key food hygiene law enforcement systems and arrangements to determine that they 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 1 Grange Avenue, Milngavie, Glasgow, G62 8AQ between 21-23 September 2010.

### Background

- 1.7 The profile of premises by risk rating was detailed in the Food Service Plan 2009/2010.

<b>Risk Rating of premises</b>	<b>Number</b>
A	26
B	133
C	318
D	98
E	60
F	2
<b>Total</b>	<b>637</b>

- 1.8 The Specialist Food Group are responsible for delivery of Food Safety Enforcement within East Dunbartonshire. The staffing allocation available to undertake food law enforcement taken from the Food Service Plan 2009/2010 was 5 Environmental Health Officers (4FTE's), 2 Food Safety Officers (1FTE), 1 Environmental Health Assistant (1FTE) and 1 Trainee EHO.

- 1.9 The profile of East Dunbartonshire Council's food businesses was detailed in the Food Service Plan 2009/2010.

<b>Type of food premises</b>	<b>Number</b>
Manufacturer/Packer	8
Imported / Exporter	1
Distributor/Transporter	3
Retailer	159
Restaurant/Caterer	464
Producers	5
Manufacturer Mainly Retail	7
Slaughterers	1
<b>Total number of food premises</b>	<b>648</b>

## 2.0 Executive Summary

- 2.1 The Authority had developed and implemented a detailed Food Service Plan for 2009-2010, which satisfies the Service Planning Guidance in the Framework Agreement. The Service Plan had been approved by the Housing and Community Services Committee.
- 2.2 The Authority had developed documented policies and procedures relating to their food law enforcement responsibilities, including a detailed inspection record. These documents were available to all Officers in electronic format on a central directory and those evaluated during the audit contained up to date references to legislation and official guidance.
- 2.3 Appropriate authorisation was provided across the food service, with Officers being subject to annual reviews of performance and competence.
- 2.4 Individual Officer training needs were identified as part of their annual performance review. Training records contained evidence that Officers had completed a minimum 10 hours relevant training in the last year and that Officers conducting inspections had received training in HACCP principles and methods for effectively auditing HACCP based food safety management systems.
- 2.5 The procedures and documentation provided for inspections were being appropriately and consistently completed. From the files examined it was evident that Officers were clear on the Authority's procedure for conducting inspections and adhered to the Enforcement Policy.
- 2.6 File checks of six general food hygiene premises confirmed that in all cases the Authority were completing detailed inspections, including the assessment of HACCP based food safety management systems. Food business operators were provided with clearly worded letters confirming the main findings from inspections. The information retained within the premises files provided sufficient evidence to support the basis for Officers' enforcement decisions.
- 2.7 It was evident from audit checks that Officers were taking a graduated approach to enforcement and actively worked with businesses to achieve compliance. The information reviewed relating to Hygiene Improvement Notices identified that the enforcement decisions reached were appropriate to the contraventions identified.
- 2.8 Discussion and review of internal monitoring procedures and practices indicated that the Authority was regularly monitoring food law enforcement work. Internal monitoring by accompanied inspections was taking place and records of the internal monitoring activities were retained on file.

### 3.0 Audit Findings

#### 3.1 Organisation and Management

##### ***Strategic Framework, Policy and Service Planning***

3.1.1 The Authority had developed and implemented a detailed Food Service Plan for 2009/2010. The Plan, which contained a review against the previous year's Service Plan, was in line with the Service Planning Guidance in the Framework Agreement and had been approved by the Housing and Community Services Committee in September 2009. The Authority advised that the 2010/2011 Service Plan had been drafted and was to be presented shortly as part of the annual cycle.

3.1.2 The Food and Feed Service Plan for 2009/2010 confirmed the Authority's commitment to protecting the health and well-being of the public. The specific aims and objectives of the Specialist Food Group within the Environmental Health Service can be summarised as follows:

- To carry out a risk based inspection programme
- To carry out a risk based sampling programme for food businesses
- To work with local businesses in an open, transparent manner to improve the safety of food and the level of compliance with relevant legislation in accordance the Authority's Enforcement Policies
- The Service will continue to provide training and mentoring to catering businesses in the 'CookSafe' manual, subject to demand
- To provide training and mentoring to retailers and other businesses in 'RetailSafe' subject to demand
- To investigate all food complaints and deal with enquiries relating to food operations which are referred to the Service
- To liaise with internal partner groups and external agencies to achieve consistency of approach and establish best practice
- To develop the Food Service in line with guidance
- To act as Home and/or Originating Authority for food manufacturers within East Dunbartonshire and assisting other Councils in their role as Enforcing Authorities

##### ***Documented Policies and Procedures***

3.1.3 The Authority had developed a portfolio of documented policies and comprehensive procedures relating to their food law enforcement responsibilities. The majority of the procedures had recently been reviewed and updated.

3.1.4 A comprehensive food hygiene inspection procedure supplemented by food hygiene enforcement aide memoires, reports and letter templates are in place for Officers to use.

3.1.5 The Authority had a document control system in place, and all policies and procedures are managed electronically by the Team Leader, Specialist Food Group. All procedural documents contain a revision number, date of update and a description of the revision.

3.1.6 All Officers have access to the current versions of documentation and legislation both in hard copy and from the shared computer drive.

### ***Officer Authorisations***

3.1.7 The Authority had in place a documented procedure for the authorisation of Officers. Individual Officer training needs are identified annually through their Performance Development and Review meeting and a training programme is in place.

3.1.8 Copies of professional qualifications and training certificates were retained on file.

3.1.9 From the records checked, all Officers except the Lead Officer for food hygiene and safety have received a minimum of 10 hours updated continuing professional development training in the last year.

### ***Training in HACCP***

3.1.10 The majority of Officers have attended the FSA five day Assessment of HACCP Systems Course. Both of the Officers assisting in the verification visits had completed the FSA five day course.

3.1.11 The Community Protection Manager, who is the designated Lead Officer for food hygiene and safety, has not completed any recent HACCP training.

### ***Recommendation***

3.1.12 The Authority should:

Ensure that the Lead Officer receives the training needed to be competent to deliver the technical and administrative aspects of the work in which they will be involved.

[The Standard – 5.4]

## 3.2 Food Premises Inspections

- 3.2.1 The Authority had taken the decision to continue to carry out inspections as the preferred type of intervention in all businesses.
- 3.2.2 File and database record checks confirmed that the Authority was implementing an effective risk based food premises inspection programme with consecutive inspections being achieved on time. Comprehensive records were being maintained in accordance with the Authority's document entitled "Food Hygiene Inspection Procedure"

### *Inspection Reports and Records*

- 3.2.3 File checks of six general food hygiene premises confirmed that in all cases the Officers were completing detailed inspections including the assessment of HACCP based food safety management systems which was particularly well recorded on the appropriate aide memoire. The information retained within the premises files and database provided sufficient evidence to support the basis for Officers enforcement decisions.
- 3.2.4 In all files checked, the risk rating of the premises was complete, accurate and in accordance with the Food Law Code of Practice requirements.
- 3.2.5 Food business operators were provided with clearly worded reports confirming the main findings from inspections with appropriate timescales for the required works to be completed. They also consistently differentiated between legal requirements and recommendations of good practice. Revisits were made to premises where necessary to ensure that required works had been completed. Reports of inspection contained all of the details required by the Food Law Code of Practice.

#### ***Good Practice***

Well designed aide memoires, for example the Inspection Record for Regulation (EC) 852/2204 General Food Hygiene Establishments, were being appropriately completed. The section on Training levels facilitates the Officers questions and decision making as it provides information that can be recorded, evaluated and tracked at future inspections.

#### ***Good Practice***

Following an inspection the letter sent by the Authority to the Food Business Operator contains a schedule of contraventions and recommendations in which any repeat contraventions are effectively highlighted by being prefixed with an asterisk.

### ***Verification Visits to Food Premises***

- 3.2.6 During the audit, verification visits were undertaken to two higher risk premises. In this Authority these were to a manufacturer by retail and a caterer serving vulnerable groups. The Authorised Officers who had carried out the recent programmed inspections accompanied the auditors on the verification visits. The main objective of each visit was to assess the effectiveness of the Authority's assessment of the food business operators' compliance with the food law requirements of Regulation (EC) No 852/2004.
- 3.2.7 Interviews were held with the individual Officers before the verification visits took place to confirm the contents of the file records and to explain the format and objectives of the visit. It also gave the Officers the opportunity to explain the inspection process, i.e. the preparatory work carried out prior to an inspection and the general process while on site, which included a preliminary interview with the Food Business Operator (FBO), the general hygiene checks to verify compliance with the structure and hygiene practice requirements and checks carried out to verify compliance with HACCP based procedures.
- 3.2.8 Both visits confirmed that checks carried out by Officers were appropriately detailed, thorough and had adequately assessed business compliance with structure and hygiene practice. Officers had assessed HACCP compliance and documentation and had commented where appropriate.
- 3.2.9 At the caterer serving vulnerable groups, the Officer was clearly familiar with the content and operation of the Food Safety Management System (FSMS) and had annotated the FBO's kitchen copy to indicate that it had been reviewed. The letter sent after the inspection clearly and concisely indicated the requirements necessary
- 3.2.10 At the recent programmed inspection of the manufacturer by retail, the Officer clearly identified and included in the written report following the inspection that there were not many pre-requisites in place and that a review of the HACCP system was required. The general hygiene requirements requiring improvement had also been detailed to the FBO as the Officer was concerned with both structural conditions and operating practices in the main production area of the premises

### **3.3 Enforcement**

- 3.3.1 The Authority had an Enforcement Policy for Food Safety Legislation in place which was approved by the Development and Environment Committee in January 2007.
- 3.3.2 The Service had developed procedural guidance for all formal food law enforcement actions. It was also clear from audit checks that a graduated approach to enforcement was being implemented, in line with the Service's

Enforcement Policy. The Authority had instigated formal enforcement action where serious contraventions had been identified.

- 3.3.3 It was evident from the six premises files checked, Officer interviews and verification visits that Officers were taking a graduated approach to enforcement and were helping businesses by advising on and assisting with compliance in line with the Authority's enforcement policy.
- 3.3.4 Information relating to a series of Hygiene Improvement Notices served for lack of food hygiene training for food handlers and also for contraventions of Article 5 of Regulation (EC) 852/2004 was reviewed. One Notice was served in August 2009 for each of these contraventions, however the FBO changed prior to expiration of the notices. A relative of the original FBO then assumed responsibility and as a result further Notices for the same contraventions were served in September 2009 to be complied with by 6 November 2009.
- 3.3.5 Following a meeting with the new FBO subsequent to 6 November, the Authority withdrew the Notice for non compliance with Article 5 and served a new Notice for non compliance with Article 5 with an expiry date of December 2009. Following an inspection at the premises on the expiry of this notice, a letter was sent informing the FBO that the Notice had not been fully complied with. The FBO was advised to review their house rules and fully document their system. The Authority indicated that a further visit had then been carried out at the premises to check compliance with the notice. However as a new FBO was in charge of the business no further action was taken in respect of the original notice
- 3.3.6 With regard to the Notice for food hygiene training served in September 2009, expiring November 2009, compliance had been checked in November 2009 and again in December 2009. Each time the FBO had been requested in writing to provide appropriate evidence of compliance. The Authority indicated that a further visit had then been carried out at the premises to check compliance with the notice. However as a new FBO was in charge of the business no further action was taken in respect of the original notice.

### **3.4 Internal Monitoring**

- 3.4.1 The Service had a documented Procedure for Planning, Monitoring and Review in place, which had been revised in August 2010 to incorporate recommendations into the Public Inquiry into the Welsh *E coli* 0157 outbreak and to reflect the new Service Structure. The procedure requires the monthly monitoring and review of the performance of the Business Regulation Team against the target set within the planned inspection programme for food hygiene.
- 3.4.2 The procedure also requires the Team Leader to conduct a review of enforcement activity on a qualitative and quantitative basis. A series of documented checklists and reports were provided to record these activities.

The review included audits of programmed food hygiene inspections by accompanied visits and a review of all relevant documentation recording action taken, risk assessment and where appropriate HACCP assessment and entries on the Departmental Information Management System. These were being satisfactorily completed in accordance with the requirements of the procedure.

- 3.4.3 The internal monitoring activities provide management of the service with an accurate and timely evaluation of its resources, activities, outputs and outcomes.

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**ANNEXE A****Action Plan for East Dunbartonshire Council**

Audit date: 21-23 September 2010

<b>TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)</b>	<b>BY (DATE)</b>	<b>PLANNED IMPROVEMENTS</b>	<b>ACTION TAKEN TO DATE</b>
<p>The Authority should:</p> <p>Ensure that the Lead Officer receives the training needed to be competent to deliver the technical and administrative aspects of the work in which they will be involved.</p> <p>[The Standard – 5.4]</p>	<p>Immediate effect</p>	<p>It is proposed that the Community Protection Manager will retain Lead Officer status for the Council for Food Safety on a strategic level. The Lead Officer responsibility for operational matters shall be delegated to the Team Leader Business Regulation who currently has, and shall maintain, the competencies specified in the current Food Law Code of Practice (Scotland). The Agency will be notified of any changes accordingly.</p>	<p>Completed</p> <p>Action accepted by auditors. Audit file closed 11 April 2011.</p>

## **ANNEXE B**

### **Audit Approach/Methodology**

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

*(1) Examination of Local Authority policies and procedures.*

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

- Enforcement Policy for Food Safety legislation Rev 3 – 16 January 2007
- Food Service Plan 2009/2010
- Development & Environment Committee minutes of 16 January 2007
- Housing & Community Services Committee minutes of 24 September 2009
- Food Hygiene Inspection Procedure, Rev 4 – 31 August 2010
- Procedure for Authorisation of Officers in Specialist Food Group
- Hygiene Emergency Prohibition & Emergency Prohibition procedure, Rev 5 28 August 2010
- Procedure for Enforcement at Establishments subject to approval, Rev 4 - 31 August 2010
- Procedure for the Detention and Seizure of Suspect Food
- Hygiene Improvement Notice and Improvement Notice procedure
- Procedure in relation to Prosecutions
- Procedure for Planning, Monitoring and Review, Rev 5 - 14 August 2010
- Informal Bacteriological Sampling Procedure, Rev 3 - 31 August 2010
- Inspection Record for Regulation (EC) 852/2004
- Inspection Records for Dairy Farm Inspections and Farm Inspections (Non-dairy)
- Application Form for Approval under Regulation (EC) 853/2004
- Primary Inspection Record for Regulation (EC) No 853/2004 Establishments
- Inspection Form for Specific Food Hygiene Requirements for Meat Products Manufacture
- Inspection Form for Specific Food Hygiene Requirements for Minced Meat, Meat Preparations and Mechanically Separated Meat Manufacture
- Additional Form for Inspection of Premises Requiring Approval for Heat Treatment of Dairy Products
- Notification of Approval/Conditional Approval Under Regulation (EC) No 853/2004
- Notification of Refusal to Grant Approval Under Regulation (EC) No 853/2004
- Notification of Refusal to Grant Full Approval Under Regulation (EC) No 853/2004
- Templates for Remedial Action Notice, Withdrawal of a Remedial Action Notice,
- Templates for Detention Notice and Withdrawal of a Detention Notice
- Templates for the Suspension of Approval/Conditional Approval and Notification of Withdrawal of Approval/Conditional Approval Under Regulation (EC) No 853/2004

## *(2) File reviews*

The following Local Authority file records were reviewed during the audit:

- Training Files & Qualifications
- Food Premises Inspections and Inspection Reports;
- Hygiene Improvement Notices

## *(3) Officer interviews*

The following Officers were interviewed:

- Audit Liaison Officer
- Authorised Officers who carried out the most recent inspection at the two premises selected for a verification visit.

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

## *(4) On-site verification check:*

A verification visit was made with the Authority's Officers to two local food businesses. The purpose of the visit was to verify the outcome of the last inspection carried out by the Local Authority and to assess the extent to which enforcement activities and decisions met the requirements of relevant legislation, the Food Law Code of Practice (Scotland) and other official guidance, having particular specific regard to Local Authority checks on FBO compliance with HACCP based food safety management systems.

## ANNEXE C

### Glossary

Audit	Audit means a systematic and independent examination to determine whether activities and related results comply with planned arrangements and whether these arrangements are implemented effectively and are suitable to achieve objectives.
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.
E. coli	<i>Escherichia coli</i> microorganism, the presence of which is used as an indicator of faecal contamination of food or water. <i>E. coli</i> 0157:H7 is a serious food borne pathogen.
Food Law Code of Practice (Scotland)	Government Codes of Practice issued under Section 40 of the Food Safety Act 1990, Regulation 24 of the Food Hygiene (Scotland) Regulations 2006 and Regulation 6 of the Official Feed and Food Controls (Scotland) Regulations 2009, as guidance to Local Authorities on the enforcement of food legislation.
Food hygiene	The legal requirements covering the safety and wholesomeness of food.
Food Standards Agency	<p>The Food Standards Agency is an independent Government department set up by an Act of Parliament in 2000 to protect the public's health and consumer interests in relation to food.</p> <p>Everything we do reflects our vision of Safe Food and Healthy Eating for all.</p>
Framework Agreement	<p>The Framework Agreement consists of:</p> <ul style="list-style-type: none"><li>• Chapter One Service Planning Guidance</li><li>• Chapter Two The Standard</li><li>• Chapter Three Monitoring of Local Authorities</li><li>• Chapter Four Audit Scheme for Local Authorities</li></ul> <p>The <b>Standard</b> sets out the Agency's expectations on the planning and delivery of food law enforcement.</p> <p>The <b>Monitoring Scheme</b> requires Local Authorities to submit an annual return to the Agency on their food enforcement activities i.e. numbers of inspections, samples and prosecutions.</p>

Under the **Audit Scheme** the Food Standards Agency will be conducting audits of the food law enforcement services of Local Authorities against the criteria set out in The Standard.

Full Time Equivalents (FTE)	A figure which represents that part of an individual Officer's time available to a particular role or set of duties. It reflects the fact that individuals may work part-time, or may have other responsibilities within the organisation not related to food enforcement.
HACCP / FSMS	Hazard Analysis and Critical Control Point – a food safety management system (FSMS) 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.
Risk rating	A system that rates food premises according to risk and determines how frequently those premises should be inspected. For example, high risk premises should be inspected at least every 6 months.
Service Plan	A document produced by a Local Authority setting out their plans on providing and delivering a food service to the local community.