

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

Isle of Wight Council
12 – 14 May 2015



Foreword

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

Agency audits assess local authorities' conformance against the Food Law Enforcement Standard "The Standard", which was published by the Agency as part of the Framework Agreement on Official Feed and Food Controls by Local Authorities and is available on the Agency's website at: www.food.gov.uk/enforcement/auditandmonitoring.

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 the devolved countries comprising the UK.

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

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

Contents

| | |
|--|---|
| 1. Introduction | 4 - |
| Reason for the Audit | 4 - |
| Scope of the Audit | 5 - |
| Background | 5 - |
| 2.0 Executive Summary | 6 - |
| 3.0 Audit Findings | 8 - |
| 3.1 Organisation and Management | 8 - |
| Strategic Framework, Policy and Service Planning | 8 - |
| Documented Policies and Procedures | 8 - |
| Authorised Officers | 9 - |
| 3.2 Food Premises Database | 11 - |
| 3.3 Food Premises Inspections | 12 - |
| Verification Visit to a Food Premises | 14 - |
| 3.4 Enforcement | 16 - |
| 3.5 Internal Monitoring, Third Party or Peer Review | 17 - |
| Internal Monitoring | 17 - |
| Food and Food Premises Complaints | 17 - |
| Food Inspection and Sampling | 18 - |
| Records | 19 - |
| Third Party or Peer Review | 19 - |
| ANNEX A - Action Plan for Isle of Wight Council | --- Error! Bookmark not defined. |
| ANNEX B - Audit Approach/Methodology | ---27 |
| ANNEX C - Glossary | ---29 |

1. Introduction

- 1.1 This report records the results of an audit at Isle of Wight 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 Operations Assurance Division at Foss House, Peasholme Green, York YO1 7PR, Tel: 01904 232116

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 Isle of Wight 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 The Authority was audited on the 18-20 November 2014 as part of a programme of audits covering local authority delivery of official controls on milk and dairy products. At that audit issues beyond the immediate audit scope indicated that the Authority would benefit from an additional audit with a wider scope.

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 Isle of Wight 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 Authority 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 Jubilee Stores, The Quay, Newport, Isle of Wight on 12-14 May 2015.

Background

- 1.7 The Isle of Wight is situated off the coast of Hampshire in southern England and has an area covering 384 km², with a population of approximately 138,400 (2011 estimate). The island is a mixture of small urban towns and small rural communities. Just over half of the island is designated as an area of outstanding natural beauty. The main centres of population include Newport, Ryde and Cowes.
- 1.8 The island is connected to the mainland by passenger and car ferries. The main industries are tourism, agriculture and manufacturing.
- 1.9 The Isle of Wight Council is a unitary authority. Food law enforcement was split between two teams consisting of Environmental Health South and Environmental Health North which were part of Regulatory Services. Environmental Health food safety officers also had responsibility for the enforcement of food standards.
- 1.10 The Authority reported the profile of Isle of Wight Council's food businesses as of 31 March 2014 as follows:

| Type of Food Premises | Number |
|--------------------------------------|-------------|
| Primary Producers | 50 |
| Manufacturers/Packers | 69 |
| Importers/Exporters | 1 |
| Distributors/Transporters | 33 |
| Retailers | 346 |
| Restaurant/Caterers | 1551 |
| Total Number of Food Premises | 2050 |

2.0 Executive Summary

- 2.1 The Authority had been selected for audit following the findings from an audit of the Delivery of Official Controls on Milk and Dairy Products conducted on the 18-20 November 2014. At that audit it was identified, particularly in relation to the number of full time equivalent (FTE) officers employed compared to the number of food establishments in the Authority's area, that the Authority may benefit from another audit with a wider scope. Based on discussions with senior managers it was clear however that the Authority had already made some progress in addressing the wider issues identified in November. .

At the time of the previous audit the Council's Regulatory Services were in the process of a major restructure which would include reorganising the geographically based environmental health teams into specialist based teams, including a team that would concentrate on food safety enforcement and health & safety. It was also proposed as part of the re-organisation that extra staffing resources would be recruited for food safety enforcement. In addition the Authority had made good progress in addressing some of the other issues identified in the previous audit including a process of reviewing and updating the Service's policies and procedures, the re-organisation of the approved establishments' files and the review of working practices in relation to follow-up enforcement activities.

2.2 Key areas for improvement:

Authorised Officers: The Authority should ensure that a sufficient number of qualified, competent authorised officers are appointed to carry out the work set out in the service plan.

Training: The Authority needs to ensure that officers receive suitable update training for all the types of premises where they deliver official controls, in particular for establishments subject to approval under Regulation (EC) No 853/2004. In addition, the Authority should consider carrying out some consistency training on the risk scoring of food premises.

Interventions and inspections: The Authority needs to ensure that food premises in the inspection programme are inspected within the 28 days specified by the Food Law Code of Practice and that the number of overdue premises interventions in relation to the lower risk

categories are reduced. At approved establishments the Authority should ensure that full approval is not granted until revisits to check on outstanding non-compliances have been carried out and that full food safety management systems based on HACCP are in place. In addition, the Authority needs to ensure that the use of the system by which food business operators can use self-certification to prove adherence to the law is only used in relation to minor food safety contraventions.

Enforcement: The Authority should ensure that the drafting of enforcement notices is consistent across all officers and ensure that timely follow-up visits to check on compliance are carried out.

3.0 Audit Findings

3.1 Organisation and Management

Strategic Framework, Policy and Service Planning

- 3.1.1 Auditors were informed that the Authority had embarked on a wide review of Regulatory Services and was currently consulting on a new organisational structure. It was clear that as part of the review the Authority had assessed the level of resources it would need to deliver the key demands in regard to food safety activities.
- 3.1.2 The Isle of Wight Council Food Safety Service Plan 2015/16 had been drafted. Auditors were informed that once the Plan had been finalised it would be approved at Portfolio Holder level.
- 3.1.3 The Plan had appropriately linked the work of the Service to the Authority's corporate objectives in the Council's Corporate Plan 2015-17.
- 3.1.4 Generally, the Plan had been drafted in accordance with the Service Planning Guidance in the Framework Agreement and provided useful information on the Service's aims and objectives, including details of the complex and demanding range of duties placed upon the Service. Auditors discussed the importance of ensuring that future service plans continue to include an accurate and realistic estimate of the resources required to deliver the Service in accordance with the Food Law Code of Practice (FLCoP) against the resources available as the absence of such information makes it difficult to quantify any resource shortfalls to senior managers and Members.

Documented Policies and Procedures

- 3.1.6 An overarching system was not in place for the review of documented policies and procedures. Auditors were informed that the Authority had embarked on a programme to review and update policies and procedures and that central key procedures such as approved establishments, general premises inspection and the service of enforcement notices were being given priority. Auditors were informed that in future reviews of policies and procedures would be carried out annually and whenever there was a change to legislation or centrally issued guidance. Auditors discussed the benefit of implementing an overarching system to ensure that procedures and documentation are reviewed on a regular basis.

Recommendation

3.1.7 The Authority should:

Set-up, maintain and implement a control system for all documentation and ensure that all documented policies and procedures are reviewed and updated on a regular basis. [The Standard - 4.1 and 4.2]

Authorised Officers

- 3.1.8 Due to budgetary restrictions the Authority had been implementing a risk based inspection programme, and had to a certain extent, due to a recruitment freeze, employed outside contractors to inspect lower risk compliant C rated premises and D rated premises. In addition, just prior to the audit the Authority reported that one officer had recently retired from the Service, and another two officers in training had left the service to pursue careers on the mainland. As part of the review of Regulatory Services the Authority had assessed the level of resources it would need to deliver the full range of food law enforcement activities which included the recruitment of additional appropriately competent staff.
- 3.1.9 Officer authorisations were controlled by the “Procedure for the Authorisation of Officers (Legislative)” document and the Council’s Scheme of Delegation. All officers, including the lead food officer, had been appropriately authorised, based on their experience, qualifications and competency.
- 3.1.10 The Authority had a system of annual performance reviews in place supported by six monthly interim reviews. The process included a discussion of officers’ training needs and any team training requirements. Officers were also able to identify training on an ad hoc basis when they became aware of relevant training and managers also identified further appropriate training opportunities. Newly appointed officers were subject to a qualifications and competency assessment which was included in a comprehensive authorisation matrix. [insert good practice box]
- 3.1.11 Training records for permanent enforcement staff and contractors had been effectively maintained and record checks confirmed that generally all officers had achieved the minimum 10 hours of relevant training, reflecting their roles and responsibilities, in accordance with the levels of CPD specified in the Food Law Code of Practice.
- 3.1.12 However, we discussed the need for officers to attend specific training on official controls in relation to approved establishments which was important due to the 16 approved establishments situated on the island which included fish, meat products and dairy establishments. In

addition it is recommended that officers undertake consistency training in relation to the risk rating of food establishments and update their food safety management systems training as necessary.

Recommendations

3.1.13 The Authority should:

- (i) Following the full service review, the Authority should appoint a sufficient number of authorised officers to carry out the work set out 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 all officers receive appropriate specialist training to deliver all aspects of work they undertake, including approved establishments interventions in accordance with the Food Law Code of Practice. [The Standard – 5.4]

3.2 Food Premises Database

- 3.2.1 The Service operated a computer database system that was capable of providing the returns required for the Local Authority Enforcement Monitoring System (LAEMS). The Authority had recently carried out a data cleansing exercise prior to submitting the latest LAEMS return and this had identified some under reporting. In addition the lead officer for food had attended training conducted by the database's software provider and had access to a new suite of validation reports which should aid further improvements to the accuracy of the data submitted to the Agency.
- 3.2.2 Checks carried out on-site and prior to the audit confirmed that the database was generally accurate and reflected the Service's activities. The few anomalies identified were in relation to the determination of risk scores and these were discussed during the audit.
- 3.2.3 The Authority had developed the 'Procedure for the Maintenance of the Premises Database' and the 'Procedure for the Register of Food Premises' to ensure the database was complete and accurate for all relevant food premises in the area. Auditors were informed these procedures had not been updated for some time and were part of the procedure review programme.

3.3 Food Premises Inspections

3.3.1 The Authority's Food Safety Service Plan 2015/16 set out the food premises profile by risk category and the interventions programme for the year. In addition, the Service Plan specified that implementation of the Agency's FHRS had been a priority for the Authority.

3.3.2 The Service Plan confirmed the following breakdown of premises requiring inspection:

| Premises Risk Category | Number of Premises |
|------------------------|--------------------|
| A | 5 |
| B | 76 |
| C | 355 |
| D | 639 |
| E | 910 |
| Unrated | 65 |
| TOTAL | 2050 |

The Service Plan set out the priorities for the annual inspection programme based on risk and in consideration of current staffing resources and other service demands. The Service Plan stated that a large number of the island's food premises were seasonal, operating from April to the end of September, putting greater pressure on inspectional resources during this period and in addition, the Authority reported high numbers of mainland food businesses trading during the island's many festivals and events, which required spot checks. The Service Plan also made it clear that new businesses should be made a priority in the inspection programme.

3.3.3 The Authority had made use of the flexibilities contained in the FLCoP to deliver a range of interventions, including an Alternative Enforcement Strategy (AES) for lower risk establishments. Although the Authority reported that it had been running a reduced intervention programme in recent years, database reports produced during the audit confirmed that the Authority was focusing its resources at higher risk premises interventions.

3.3.4 An assessment of intervention records showed that although some interventions had been carried out on time, we did note some evidence that inspections at higher risk businesses were not always being carried out at the 28 days frequency specified by the FLCoP. In addition the Authority had 519 overdue inspections, although these were mainly in category D and E premises. The Authority also had some unrated, newly registered businesses on its database which required some form of initial assessment. It was noted that there did appear to be some correlation between increases in these figures with the reduction in FTE officers in recent years.

- 3.3.5 The Authority had developed and implemented a food hygiene inspection procedure for the inspection of general food premises but it had not been updated recently. Auditors were informed that it would be updated as part of the ongoing review of policies and procedures.
- 3.3.6 File record checks for five general food premises were carried out. Whilst we found evidence of some detailed inspection records we did find a variation in the quality of the recording of observations made on site between officers. This included some incomplete aide memoires and a general inconsistency in risk scores relating to confidence in management and we were sometimes unable to determine the justification for some of the risk scores allocated. A new aide memoire had been developed to encourage officers to better justify their risk scores and to aid officers to assess food business operator's (FBO) implementation of the FSA's guidance on the E.coli O157 and Control of Cross Contamination.
- 3.3.7 There was evidence that revisits had been carried out in areas of significant non-compliance. However, we noted that in some cases self-certification by food business operators had been used to check compliance in inappropriate circumstances. This included in relation to Approved Establishments and in relation to the verification of non-compliant FSMS systems. Auditors were informed that the principle of only using self-certification for minor contraventions had been recently reinforced to officers by the Principal EHO.
- 3.3.8 Inspection report forms and/or letters had been consistently provided to the food business operator (FBO) following each intervention, which provided useful advice to businesses as well as confirming the key points found on inspection and any proposed follow-up action to be taken by the Authority.
- 3.3.9 File checks were carried out on the intervention and enforcement records in relation to three approved establishments' files, which included two fish processors and a meat products premise. Files for all approved premises required review to ensure they contained key business information required by Annex 10 of the FLCoP Practice Guidance in an easily retrievable form. In all cases businesses had been approved under the appropriate European regulations. There was clear evidence that the Authority had been proactive in providing these businesses with detailed guidance and support as required.
- 3.3.10 Generally the relevant product specific aide memoire had been used in relation to all three premises but inconsistencies, in record keeping, similar to the general premises files, were noted. We found that approved premises files had significantly improved since the last audit and were generally well organised, containing all the relevant key business information. However, the approval process had not always been carried out in line with the FLCoP and Practice Guidance, in that the process of conditional approval had not been used where

appropriate. Sometimes full approval had been granted without revisits being carried out to check on outstanding contraventions or FSMS that had been recorded as incomplete on initial inspection had been fully implemented.

Recommendations

3.3.11 The Authority should:

- (i) Carry out interventions at all relevant food premises in the area at a frequency which is not less than that determined under the intervention rating scheme set out in the Food Law Code of Practice (FLCoP) and other centrally issued guidance. [The Standard 7.1]
- (ii) Carry out interventions/inspections, and approve establishments, in accordance with the relevant legislation, Food Law Code of Practice centrally issued guidance and the Authority's own policies and procedures. [The Standard - 7.2]
- (iii) Review, and update documented procedures, including those related to product specific establishments and the range of interventions/inspections carried out, in accordance with the Food Law Code of Practice and centrally issued guidance. [The Standard - 7.4]
- (iv) Assess the compliance of establishments and systems to legally prescribed standards as required by Article 10(2) of Regulation (EC) No. 882/2004, having regard to any relevant centrally issued guidance and take appropriate action on any non-compliance found in accordance with the Authority's own Enforcement Policy. Ensure that observations made in the course of an inspection are effectively recorded. [The Standard - 7.3 and 7.5]

- 3.3.12 During the audit a verification visit was undertaken to a local butchers' shop with an authorised officer of the Authority who had carried out the last food hygiene inspection of the premises. The main objective of the visit was to assess the effectiveness of the Authority's assessment of food business compliance with food law requirements.
- 3.3.13 The officer was able to demonstrate familiarity with the premises and the operations carried out. The officer had assessed the businesses compliance with legal requirements including and assessment of the implementation of the FSA's Guidance on E.coli O157 Cross Contamination Guidance and the premises reflected the records held by the Authority.

3.4 Enforcement

- 3.4.1 The Authority had developed an appropriate Regulatory Services Enforcement Policy. 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. The Policy had been approved by the appropriate Member forum.
- 3.4.2 The Service had developed a documented enforcement procedure for the service of Hygiene Improvement Notices. However, the procedure was out of date and required reviewing and updating. In addition, auditors discussed the need to develop and implement procedures to cover the full range of enforcement activities.
- 3.4.3 A range of formal enforcement activities had been carried out by the Authority in the past. Records of three hygiene improvement notices, a Remedial Action Notice, and a voluntary closure and a prohibition were examined. Service of the notices had been the appropriate course of action and in all cases had been carried out in accordance with the FLCoP and detailed records had been kept by officers. However, some inconsistencies in the drafting of notices and follow up actions were identified.

Recommendations

3.4.4 The Authority should:

Set up, maintain and implement, and where appropriate review and update, documented procedures for follow up and enforcement actions in accordance with the Food Law Code of Practice and official guidance. [The Standard – 15.2]

3.5 Internal Monitoring, Third Party or Peer Review

Internal Monitoring

- 3.5.1 Although the Authority had not developed a documented internal monitoring procedure there was clear evidence that both quantitative and qualitative monitoring checks across a range of food law enforcement activities had been carried out.
- 3.5.2 Routine and effective quantitative monitoring checks were being carried out in respect of the key performance indicators through the corporate system for inspection and complaints targets and these had been reported to senior management on a monthly basis.
- 3.5.3 There was evidence that qualitative monitoring checks had been routinely carried out, such as documented checks on data entry, aides-memoire and progress on enforcement actions and unsatisfactory samples. There was also evidence of other types monitoring and review including 1 to 1 meetings with officers, team meetings and emails regarding ongoing enforcement activity.

Recommendation

3.5.4 The Authority should:

Set up, maintain and implement risk based 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.
[The Standard – 19.1]

Food and Food Premises Complaints

- 3.5.5 The Authority had developed and implemented a Food Complaints Policy. The Authority had also developed a Procedure for Investigating Food Complaints and a Food Premises Service Request Procedure. Both procedures required reviewing and updating.
- 3.5.6 In practice, officers had been allocated complaints by the Principal EHO. Food complaint investigations were graded (A to D) according to seriousness to give officers guidance on time limits in regard to dealing with certain types of complaint.

- 3.5.7 Checks made on records for five food and food premises complaints showed that in general officers had carried out effective investigations, with appropriate contact with FBOs and primary or home authorities where required.

Recommendation

3.5.8 The Authority should:

Review and update the documented procedure in relation to food and food premises complaints. [The Standard – 8.1]

Food Inspection and Sampling

- 3.5.9 The Authority had not developed a bespoke food sampling policy. The Service Plan included reference to some sampling policy information including the Authority's responsibility for carrying out oyster and seabed sampling. There was a clear indication of the Authority's aim to participate in local, national and EU sampling programmes and to use food sampling activities to support interventions at food premises and in response to complaints as necessary.
- 3.5.10 The Authority had developed a documented sampling procedure. However the procedure required reviewing and updating in accordance with the FLCoP.
- 3.5.11 An annual sampling programme, detailed in the Service Plan, had been developed and implemented. The sampling plan focused on participation in national and regional sampling initiatives and had been developed in liaison with the FSA, Southern Inshore Fisheries and Conservation Authority, the Centre for Environment, Fisheries and Aquaculture Science and local authority partners in the region.
- 3.5.12 Checks were made on four records where unsatisfactory sample results had been obtained. The samples had been taken by a trained, authorised officer. In all cases appropriate follow-up actions had been carried out and records maintained.

Recommendation

3.5.13 The Authority should:

Review and update the documented sampling procedure in relation to the procurement or purchase of samples, continuity of evidence and the prevention of deterioration or damage to samples whilst under its control in accordance with the Food Law Code of Practice and centrally issued guidance.
[The Standard – 12.5]

Records

- 3.5.14 Records of food law enforcement activities were maintained in paper files and electronically on the food premises database system. In general, records were easily retrievable and up to date.

Third Party or Peer Review

- 3.5.15 The Authority had participated in an inter authority audit (IAA) carried out on 16th January 2014 by the Hampshire and Isle of Wight Food Advisory Committee. The recommendations from the IAA had been compiled into an action plan. In addition the recommendations from the FSA's recent Dairy Hygiene Audit had been added to the IAA action plan and were in the process of implementation. The IAA had covered a number of areas in common with this audit including the authorisation and training of officers, inspection reports, approved establishments and enforcement actions. The IAA is a useful process in helping Local Authority's to ensure the maintenance of high standards in food safety enforcement and the Agency supports its continued implementation.
- 3.5.16 In addition the Authority carries out service profiling within the local food safety liaison group.

Auditors: **Robert Hutchinson**
Christina Walder
Michael Bluff
Food Standards Agency
Operations Assurance Division

| | | | |
|---|-----------------|--|--|
| <p>3.1.13 (ii) Ensure that all officers receive appropriate specialist training to deliver all aspects of work they undertake, including approved establishments interventions in accordance with the Food Law Code of Practice. [The Standard – 5.4]</p> | <p>31/01/16</p> | <p>The specific areas advised in paragraph 3.1.12 of the report were in relation to approved premises and consistency in the Food Hygiene Rating Scheme.</p> <p>This is completed through the existing PDR process. At these individual training needs will be considered and this feeds in to the team training plan - this ensures that officers have the required CPD training in addition to the appropriate specialised training.</p> | <p>The PDR's and training plan has been undertaken for this year and the result of the audit has been considered in this in that:</p> <p>Three officers are booked to attend the Approved Premises Food Standards Agency training on 20 July 2015.</p> <p>Officers including the lead officer for food are booked to attend the Intervention Risk Rating Food Standards Agency Training on 20 August 2015.</p> |
| <p>3.3.11 (i) Carry out interventions at all relevant food premises in the area at a frequency which is not less than that determined under the intervention rating scheme set out in the Food Law Code of Practice (FLCoP) and other centrally issued guidance. [The Standard 7.1]</p> | <p>31/01/16</p> | <p>Currently we continue to operate with the resources that we have and the additional assistance from external consultants to deliver a risk based inspection programme.</p> <p>Priority will continue to be given to those premises that are approved, risk rated A, B or Unrated. These premises will receive an intervention at the frequency which is not less than that determined in the FLCoP, however in relation to the other category of premises there are factors that are not in control which is recruitment of competent officers.</p> | <p>Recruitment process of a contractor and full time officers is in progress in line with the service review. If we are successful in recruitment then the anticipated start date of officers will be October 2015.</p> |

| | | | |
|--|-----------------|---|--|
| <p>3.3.11 (ii) Carry out interventions/inspections, and approve establishments, in accordance with the relevant legislation, Food Law Code of Practice centrally issued guidance and the Authority's own policies and procedures. [The Standard - 7.2]</p> | <p>31/01/16</p> | <p>Internal monitoring is to include an element that is focused on approved premises to ensure that work is being undertaken in accordance with these procedures.</p> | |
|--|-----------------|---|--|

| | | | |
|---|-----------------|---|---|
| <p>3.3.11 (iii) Review, and update documented procedures, including those related to product specific establishments and the range of interventions/inspections carried out, in accordance with the Food Law Code of Practice and centrally issued guidance. [The Standard - 7.4]</p> | <p>30/09/16</p> | <p>To ensure that procedures are in place and reviewed for the approval and the inspection of approved premises.</p> <p>The reviewed and new procedure will assist in these interventions being consistent and undertaken in accordance with the FLCoP.</p> | <p>The approved premises inspections procure has now been reviewed and approved – relevant officers have been made aware in a team meeting and are working in line with this procedure.</p> <p>The procedure to approve premises is in draft and near completion.</p> |
|---|-----------------|---|---|

| | | | |
|---|-----------------|---|---|
| <p>3.3.11 (iv) Assess the compliance of establishments and systems to legally prescribed standards as required by Article 10(2) of Regulation (EC) No. 882/2004, having regard to any relevant centrally issued guidance and take appropriate action on any non-compliance found in accordance with the Authority's own Enforcement Policy. Ensure that observations made in the course of an inspection are effectively recorded. [The Standard - 7.3 and 7.5]</p> | <p>30/09/15</p> | <p>General inspection procedure to be reviewed and officers to be advised of the new procedure.</p> | <p>Progress has been made on the review of inspection procedure in some critical areas changes have already implemented namely;</p> <ul style="list-style-type: none"> • Changes to the audit form to include further information on: scope of the premises, justification of risk rating and specific additional information to ensure compliance with the <i>E.coli</i> cross contamination guidance is recorded. • The revisit decision tree has been amended to provide clarification to officers as to when revisit or the use of self- certification is an appropriate method of confirming compliance. |
|---|-----------------|---|---|

| | | | |
|---|-----------------|---|---|
| <p>3.4.4 Set up, maintain and implement, and where appropriate review and update, documented procedures for follow up and enforcement actions in accordance with the Food Law Code of Practice and official guidance. [The Standard – 15.2]</p> | <p>31/01/16</p> | <p>The 'drafting and service of hygiene improvement notices' procedure to be reviewed and expanded to include emergency prohibition powers and remedial action notices.</p> | <p>Following the attendance of the lead officer at training specifically on food enforcement notices in April 2015 – cascade training was delivered to all and this has resulted in template notices being created. In addition the current produce was critically analysed at this training and a plan for the review completed.</p> |
|---|-----------------|---|---|

| | | | |
|---|----------|--|--|
| 3.5.4 Set up, maintain and implement risk based 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. [The Standard – 19.1] | 31/01/16 | A procedure is required to be created and approved to formalise what actually takes place in practice. | |
| 3.5.8 Review and update the documented procedure in relation to food and food premises complaints. [The Standard – 8.1] | 31/01/16 | The food and foods premises complaints procedure to be reviewed. | |
| 3.5.13 Review and update the documented sampling procedure in relation to the procurement or purchase of samples, continuity of evidence and the prevention of deterioration or damage to samples whilst under its control in accordance with the Food Law Code of Practice and centrally issued guidance.[The Standard – 12.5] | 31/01/16 | The sampling procedure to be reviewed. | |

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

- Isle of Wight Council draft Food Service Plan 2015/2016
- Regulatory Services present and proposed team structures
- Procedure for Authorisation of Officers (Legislative)
- Delegated officer powers matrix and officer authorisation documentation
- Priority Based Food Hygiene Inspection Procedure
- Approved Premises Intervention Procedure
- Aide memoirs and inspection letters (various)
- Food Complaint Policy
- Procedure for Investigating Food Complaints
- Food Premises Service Requests Procedure
- Procedure for the Registration of Food Premises
- Procedure for the Maintenance of the Premises Database
- Food Sampling Programme 2015/16 (within Service Plan)
- Food Sampling procedure
- Regulatory Services Enforcement Policy
- Drafting and Issuing Informal and Improvement Notices
- Checklist for Notice Service
- Inter Authority Audit Report
- Minutes of liaison group meetings
- Minutes of team meetings.

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

- Officer training records
- General food premises inspection records
- Approved establishment records
- Food and food premises complaint records
- Records of food sampling
- Internal monitoring 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 interviews – the following officers were interviewed:

- Principal Environmental Health Officer
- Senior Environmental Health Officers (x2)

Opinions and views raised during office 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 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 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 | The Food Hygiene Rating Scheme provides information to |

| | |
|-------------------------------|---|
| Scheme | <p>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.</p> |
| Food Safety Management System | <p>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.</p> |
| Food standards | <p>The legal requirements covering the quality, composition, labelling, presentation and advertising of food, and materials in contact with food.</p> |
| Framework Agreement | <p>The Framework Agreement consists of:</p> <ul style="list-style-type: none"> • Food and Feed Law Enforcement Standard • Service Planning Guidance • Monitoring Scheme • Audit Scheme <p>The Standard and the Service Planning Guidance set out the Agency's expectations on the planning and delivery of food and feed law enforcement.</p> <p>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.</p> <p>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.</p> |
| Full Time Equivalents (FTE) | <p>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.</p> |
| HACCP | <p>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.</p> |
| LAEMS | <p>Local Authority Enforcement Monitoring System is an</p> |

| | |
|---------------------------------|---|
| | 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 six months. |
| Safer food, better business | 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. |