



Report on the Food Law Enforcement Service

Portsmouth City Council

13-16 May 2003

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. 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 their Environmental Health and Trading Standards Services.

The attached audit report examines the Local Authority's Food Law Enforcement Service. The assessment includes the local arrangements in place for inspections of food businesses and foodstuffs, sampling and analysis, internal management, food safety promotion and educational activities. 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 Local Authority Food Law Enforcement and is available on the Agency's website at: www.food.gov.uk/enforcement.

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.

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

The report also contains an action plan, prepared by the Authority, to address the audit findings.

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

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1. Introduction

- 1.1 This report records the results of the audit under the headings of the Food Standards Agency Food Law Enforcement Standard and has been made publicly available on the Agency's website at www.food.gov.uk/enforcement. Hard copies are available from the Food Standards Agency's Local Authority Enforcement Division at Aviation House, 125 Kingsway, London WC2B 6NH, Tel: 020 7276 8434.

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. The audit of the food service at Portsmouth City Council was undertaken under section 12(4) of the Act as part of the Food Standards Agency's annual audit programme.
- 1.3 The Authority was included within the audit programme because monitoring information provided to the Agency under section 13 of the Food Standards Act 1999 indicated that the Authority had carried out a low level of food standards inspections in high risk premises in 2001. Portsmouth City Council was subsequently named in a paper presented to the Food Standards Agency's Board in February 2003. Further details of monitoring statistics can be found at:
www.food.gov.uk/enforcement.

Scope of the Audit

- 1.4 The audit covered Portsmouth City Council's food hygiene, food standards and feeding stuffs law enforcement service. The on-site element of the audit took place at the Authority's offices at the Civic Offices, Guildhall Square, Portsmouth, PO1 2AZ on 13-16 May 2003.
- 1.5 The audit assessed the Authority's conformance against the Standard, using audit protocols FSA/AP3/1 – FSA/AP21/1. The Standard was adopted by the Food Standards Agency Board on 21 September 2000 (as amended in March 2002) and forms part of the Agency's Framework Agreement with local authorities. The Framework Agreement and the audit protocols can be found on the Agency's website at: www.food.gov.uk/enforcement.

Background

- 1.6 Portsmouth City Council is one of 2 unitary councils which, together with 11 district councils and the County Council, administer local government in the county of Hampshire. The Council was formed in 1997 as a result of local government re-organisation which combined the services provided by the existing City Council with those such as Education and Social Services formerly provided in the City by the County Council. The Trading Standards Service was also transferred and this was combined with Environmental Health within a joint Directorate.
- 1.7 Portsmouth is located on the south coast of England with ferry connections to France and the nearby Isle of Wight. It is predominately urban and the City Council is responsible for an area of 6,019 hectares.
- 1.8 The City has seen a drop in population from 206,000 in 1971 to 186,900 in 2001 with 17% of the population now over pensionable age and a further 6% below the age of 5 years. The unemployment rate in the City was 2.2% in April 2003 compared with 1.6% in the south-east and 3% in Great Britain as a whole. The area has long been associated with the Royal Navy and a reduced presence is still an important part of the economy. Other industries support the port and a significant development of shipbuilding is due to take place shortly. Tourism remains an important industry with large seasonal demands in terms of catering, entertainment and accommodation.
- 1.9 Food hygiene enforcement in the Authority was carried out by officers from the Commercial Section; food standards and feeding stuffs enforcement was the responsibility of officers from Trading Standards. Both of these services were part of the Authority's Environmental Health and Trading Standards Directorate. The audit did not include the Authority's Port Health function. Port Health and imported food inspection arrangements are currently subject to a national review and will be addressed in a separate programme of focused audits.
- 1.10 The Council Offices were open from 08:30-17:00 Monday to Thursday and 08:30-16:00 on Friday. The Council also operated a 24-hour emergency service and arrangements were in place to contact food officers if necessary.
- 1.11 The Authority's Official Control of Foodstuffs Directive (OCD) yearly monitoring return made to the Agency for 2001/2002 did not indicate the total number of food premises for which the Authority was responsible for enforcing food hygiene or food standards legislation. From the quarterly return submitted at the end of March 2002, the Authority

appeared to be responsible for enforcement of both food hygiene and food standards legislation in 1,988 premises. These food businesses were predominantly within the catering (69%) and retail (27%) sectors.

- 1.12 The returns for the 4 quarters making up 2001/2002 indicated that the Authority had carried out:

Proactive Food Hygiene Enforcement Activity	No.
Food hygiene Inspections	1,196
Other food hygiene visits	475

Proactive Food Standards Enforcement Activity	No.
Food standards inspections	293
Other food standards visits	2,946

- 1.13 The Authority reported in its Food Service Plan 2003/2004 that it had no farms or feeding stuffs producers in the City and that there was therefore no feeding stuffs inspection programme.

2. Executive Summary

- 2.1 The Authority was implementing a risk based food hygiene inspection programme that was being managed to ensure that inspections were carried out at the required minimum frequencies. The Service was also providing an effective response to enquiries, particularly those relating to food standards.
- 2.2 The Authority had not, however, established a food standards inspection programme and inspections of high risk food businesses were not being prioritised.
- 2.3 The Authority's records, across the full range of food hygiene activities, were not sufficiently detailed to permit informed decisions on enforcement or to provide a basis for effective internal monitoring. There were significant deficiencies with the Authority's database records and considerable discrepancies between the information held on the database and that reported to the Food Standards Agency. The Authority's official returns for both food standards and food hygiene did not accurately reflect the Authority's activities and the actual level of compliance with the Standard in the Framework Agreement on Local Authority Enforcement.
- 2.4 The Authority's records of Approved Premises were inconsistent with those notified to the Agency and it was not clear that the Authority had identified all the food businesses in its area that required approval. It could not be confirmed that these businesses had been properly approved and that their levels of compliance were being assessed against the relevant legal requirements.

2.5 The Authority's Strengths:

Food Standards Sampling - The food standards sampling programme was effectively targeted and very thorough investigations had been undertaken in all cases where unsatisfactory results had been reported. Informative summary reports had been prepared following each sampling project for the benefit of all staff.

Food Hygiene Inspection Programme - The inspection programme had been managed effectively to ensure that inspections were being carried out at the minimum frequencies according to risk. It was clear that this had been the case for a considerable number of years.

2.6 Key Areas for Improvement:

Food Standards Inspection Programme – Food premises had historically been risk rated generically by trade type, but were not being risk rated following food standards inspections, there was no inspection programme and high risk premises were not being prioritised for inspection. However, additional staff had been recently appointed and the Authority proposed to implement an inspection programme that would commence by targeting high risk premises.

Approved Premises - The Authority's records of Approved Premises were inconsistent with those notified officially to the Food Standards Agency. It was not clear that the Authority was identifying all the premises in its area that required approval. The enforcement records of premises that had been approved were insufficient to enable an accurate assessment of whether they had been properly approved or if they had been inspected under the appropriate regulations.

Food Hygiene Records – Records for most areas of food hygiene activity were incomplete or had recently been removed as a result of a file culling exercise. The Authority did not therefore have the full enforcement histories of food businesses or adequate information to inform appropriate enforcement decisions or to provide a basis for effective monitoring.

Official Returns to the Food Standards Agency – The Authority had difficulty in submitting timely returns to the Food Standards Agency due to continuing software problems. There were also significant discrepancies between the Authority's official returns and the management reports run by the auditors from the database. Procedures required by the Standard and reported as implemented in the Authority's official returns had apparently not been developed.

Internal Monitoring – The Authority did not have documented monitoring procedures that set out the monitoring arrangements for all areas of the Standard. There was evidence of inconsistency in some areas of food hygiene work that would suggest that effective monitoring was not being carried out in practice.

3. Audit Findings

3.1 Organisation and Management

- 3.1.1 The Council's political management structure changed in May 2002 to a Leader and Cabinet system with 8 Portfolio Holders from the 42 Council Members forming the Executive. The Executive Member for Public Protection held the portfolio for environmental health and trading standards.
- 3.1.2 Delivery of the food law enforcement service was the responsibility of the Commercial and Trading Standards Section within the Environmental Health and Trading Standards Directorate. The Section was headed up by the Assistant City Environmental Health and Trading Standards Officer and consisted of 3 sections, 2 of which were involved in food related work. Food hygiene enforcement was carried out by the Commercial Section reporting to the Commercial Manager, whilst food standards and feeding stuffs enforcement was carried out by a Trading Standards Team reporting to a Trading Standards Manager.
- 3.1.3 Staff carrying out food hygiene law enforcement were also responsible for enforcement and advice on legislation relating to health and safety, infectious disease control, animal welfare, seawater sampling and food hygiene training. Officers enforcing food standards and feeding stuffs law were also enforcing the full range of trading standards legislation.
- 3.1.4 The Authority had produced a Best Value Performance Plan (BVPP) for 2002/2003. The BVPP identified the following core aims, which were included in the Community Plan:
- Less crime and safer communities;
 - Good job prospects;
 - Improved education standards and first class opportunities to learn throughout life;
 - A better environment and improved public transport;
 - Less poverty;
 - Decent affordable homes;
 - Good health for all and safe independent lives for vulnerable people.
- 3.1.5 An "Audit & Review" document produced as part of the business planning process for 2002/2003 confirmed that although the Service did not own a particular theme in the Corporate Balanced Score Card (which measured the contribution to the Community Plan objectives), it did make a contribution to the Health and Social Care priority.

3.1.6 The national performance indicator for the Authority's Food Service was a score against a checklist of enforcement best practice for environmental health/trading standards - National Best Value Performance Indicator (BVPI)166. The score achieved for 2001/2002 was 50.8% for Environmental Health and 57.5% for Trading Standards. The target for 2002/2003 was 60% for both Services. There were no local performance indicators for food law enforcement in the BVPP.

3.1.7 The Environmental Health & Trading Standards Service Strategic Plan for 2002/2003 identified key objectives and strategies which included a specific objective;

“ all commercial premises to have high standards of food safety and to be safe and healthy places to work.”

The Plan in turn confirmed a strategy to *“carry out a risk assessed inspection programme of food premises”* and a target of *“100% of high risk premises to be inspected”*.

3.1.8 The “Trading Standards & Commercial Operating Plan 2002” gave more information on how the strategies would be implemented and detailed specific targets for both food hygiene and food standards enforcement work. These included targets relating to inspection of high risk premises, food complaints and implementation of a sampling programme.

3.1.9 It was not possible to determine the actual compliance with all of these targets from the information provided to the auditors. The Food Service Plan had been approved by the Public Protection Committee on 20 March, and by the full Council on 26 March 2002. No sampling programme was available relating to food hygiene and no reports on the attainment of the remainder of the targets appeared to be available other than for the inspection programme. This was shown in the 2003/2004 Food Service Plan, which reviewed the previous year's plan and acknowledged that:

“From the data available it is clear the authority has carried out more than 50% of planned high risk food hygiene (categories A and B) inspections. However, less than 50% of planned high risk food standards inspections have been carried out, a figure which the FSA (Food Standards Agency) regard as unacceptably low. This was considered at a public meeting of the FSA Board in January 2003 when local authority food law enforcement for the period 2001/2002 was assessed.”

3.1.10 The current Service Plan also indicated the actions taken by the Authority to address this shortfall:

- *'A recruitment and retention package has been put in place to address the Trading Standards Officer vacancy which has existed since May 2001;*
- *An existing officer is being supported in study for the food paper of the Diploma in Consumer Affairs. Qualification would increase our ability to meet targets;*
- *A programme of visits and individual risk assessments has been instituted as the current figure of 121 high risk premises (food standards) is almost certainly too high.'*

It was also recognised in the Plan that extra funding had subsequently been provided to cover the appointment of an additional Trading Standards Officer.

3.1.11 The Food Service Plan 2003/2004 had been approved by the Council's Public Protection Executive and by full Council in April 2003. The Plan had been drawn up to generally reflect the format of the Service Planning Guidance. The other documents mentioned above gave further information on the Service, but this sometimes conflicted with that contained in the Plan - such as the target for food standards inspections.

3.1.12 There were no up to date premises profiles for either food hygiene or food standards enforcement, or any information about a food standards inspection programme. The food hygiene inspection programme and the resources required to implement it related to 2001/2002. In general, the anticipated levels of demand and the resources required to implement the different parts of the Service were not given.

3.1.13 A general review against the previous year's performance had been carried out and was reported in the 2003/2004 Service Plan, although this related primarily to inspection work. The measures being taken to address the shortfall included staff recruitment and discontinuance of an award scheme and food hygiene training, other than to the Bengali business community.

3.1.14 The staffing resources available to deliver the Service were estimated in the Plan as follows:

Resources Available	Established Posts	(FTE*)
Managers	4.0	4.0
Food Hygiene		
Environmental Health Officers	8.0	6.2
Environmental Health Technicians	3.0	2.6
Food Standards and Feeding Stuffs		
Trading Standards Officers	2.0 (1 Vacant)	2.0
Enforcement Officers	4.0	4.0
Administrative Support	1.0	0.8
TOTAL	22.0	19.6

*FTE = Full Time Equivalent

3.1.15 These figures related to staff available for all the activities undertaken by both teams and no breakdown of the resources available for food law enforcement alone was given. One Environmental Health Technician and 1 Trading Standards Officer (TSO) were restricted by qualification from carrying out the full range of food law enforcement.

3.1.16 Two different figures were given in the Plan for the 2003/2004 total budget for providing the food standards and food hygiene service; these were £674,906 and £639,906. The auditors were advised that this included provision for filling the vacant TSO post and for the appointment of an additional TSO. The total expenditure for 2002/2003 was £638,765.

3.1.17 The Plan set out the following breakdown of the budget:

Areas of Expenditure:	Financial Allocation	
	2002/2003	2003/2004
Staffing	572,880	552,364
Travel and Subsistence	17,085	29,842
IT Investment	5,000	5,000
Commercial sampling*	18,300	18,700
Trading Standards sampling*	25,500	34,000
Total	£638,765	£639,906

*includes non-food sampling.

Recommendations

3.1.18 The Authority should:

- (i) Ensure that the 2004/2005 Food Service Plan includes all the information required by the Service Planning Guidance in the Framework Agreement on Food Law Enforcement.
[The Standard – 3.1]
- (ii) Carry out a full documented review of performance against the Service Plan 2003/2004 and ensure that any variance in meeting this Plan is addressed in the new Plan. Ensure that both the review and the Service Plan 2004/2005 are submitted for Member approval.
[The Standard – 3.2 and 3.3]

3.2 Review and Updating of Documented Policies and Procedures

General

- 3.2.1 Officers had access to relevant legislation and official guidance, although several superseded copies of Food Safety Act Codes of Practice were also available. The copy of the Supplement to Code of Practice No. 16: Food Hazard Warnings issued to officers on the Authority's emergency call out rota was 3 years out of date (this gives contact details of relevant national bodies and personnel in the event of a serious incident out of office hours).

Food Hygiene

- 3.2.2 The Service had drawn up documented procedures covering some areas required by the Standard. In general, these had been issued in January 2003 or January 1995 and did not appear to have been subject to regular review. The Authority was not clear as to the exact status of some of its documents and had no document control system. Officers gave conflicting views on the availability of procedures and some appeared to be working to unofficial versions. The information on internal policies and procedures submitted as part of the Authority's annual return to the Food Standards Agency under the Official Control Directive (OCD) also differed from that found during the audit.

Food Standards and Feeding Stuffs

- 3.2.3 Other than procedures for Service Requests and Complaints about the Service, there were no documented procedures for food standards enforcement. This finding was also at variance from the information provided by the Authority in its yearly OCD return.

Recommendations

3.2.4 The Authority should:

- (i) Ensure that all existing food hygiene and food standards policies and procedures are reviewed to reflect current official guidance and internal practices. [The Standard – 4.1]
- (ii) Set up, maintain and implement a document control system to ensure that internal food hygiene and food standards policies and procedures are reviewed at regular intervals and whenever there are changes to legislation or centrally issued guidance. The system should also ensure that any superseded versions are removed from use.
[The Standard – 4.2]

3.3 Authorised Officers

General

- 3.3.1 The Authority's scheme of delegation conferred powers to exercise the Council's food safety functions to the City Environmental Health and Trading Standards Officer (CEHTSO), and to authorise any other officer to exercise those functions on the CEHTSO's behalf. The scheme also gave authority for the CEHTSO to instruct the Director of Corporate Services to commence prosecutions.
- 3.3.2 The Service did not have a documented procedure setting out the process for the authorisation of officers and to ensure that levels of authorisation were conferred in line with officers' individual qualifications, training and experience. There was also no record of how the power to authorise legal proceedings had been delegated to the Assistant City Environmental Health and Trading Standards Officer or which officers were specifically authorised in relation to approvals of premises and licensing of butcher's shops.
- 3.3.3 In practice, officers were acting in accordance with the level of their authorisations.
- 3.3.4 The Authority had appointed lead officers for food hygiene, food standards and feeding stuffs who had the necessary specialist knowledge. However, records of the lead officers' qualifications were not available for inspection by the auditors.
- 3.3.5 The Strategic Plan for 2002/2003 included an objective that required:
"all of our staff to be committed to delivering an effective and valued service by provision of a pleasant working environment, good career structures, training and support."
- The Plan also included a strategic target of identifying training and development needs and formulating a Service training programme by May 2002. However, the Service had not drawn up a training programme for 2002/2003 or for the current year.
- 3.3.6 Food safety training was resourced from a generic training budget that was not specific to food.

Food Hygiene

- 3.3.7 Officers were issued with individual authorisations which listed the legislation and the specific areas of the Food Safety Act 1990 under which they could take action. No officer was authorised to take action under the Meat (Enhanced Enforcement Powers) Regulations 2000, nor food safety legislation introduced under the European Communities Act 1972.
- 3.3.8 Records of officers' qualifications were not routinely maintained although some were made available to the auditors whilst on site. Records of training undertaken were held, but these were incomplete and lacked details of the content, objectives and any assessments of the training undertaken. Officers appeared to be receiving adequate update training in accordance with Food Safety Act Code of Practice No. 19: Qualifications and Experience of Authorised Officers.

Food Standards and Feeding Stuffs

- 3.3.9 Officers were issued with individual authorisations which listed the generic legislation under which they could take action including both the Food Safety Act 1990 and the European Communities Act 1972.
- 3.3.10 Copies of some qualification certificates and information regarding the duration of training courses were retained on file for all staff but these did not include full details of the content, objectives and any assessments of the courses attended. It was not clear from the records that all staff had received adequate update training in accordance with Food Safety Act Code of Practice No:19.

Recommendations

3.3.11 The Authority should:

- (i) Develop, maintain and implement a documented procedure for the authorisation of all officers that is consistent with the Authority's scheme of delegation and based on their individual levels of competence, in accordance with Food Safety Act Code of Practice No.19: Qualifications and Experience of Authorised Officers. [The Standard – 5.1]
- (ii) Establish and maintain a documented training programme and ensure that food standards law enforcement officers receive adequate update training. [The Standard – 5.4]
- (iii) Ensure that officer qualification and training records are maintained for all officers. The training should include details of the content, objectives and any assessment of courses attended. [The Standard – 5.4 and 5.5]

3.4 Facilities and Equipment

- 3.4.1 The Authority had made available the necessary facilities and equipment to permit all activities associated with food law enforcement to be carried out. Although there were no feeding stuffs premises currently in the area, arrangements had been put in place for equipment to be borrowed from the County Council in the event of any necessary enforcement activities.
- 3.4.2 The Authority's data administration system was capable of providing the Agency with the necessary statistical information. The auditors were advised that ongoing discussions were being held with the supplier over problems with some areas of the system, and with reporting mechanisms in particular. It was also acknowledged by the Authority that it was not able to accurately identify those premises for which it had a responsibility for enforcing food standards legislation. Not all information required by the Agency was therefore being provided in the Authority's OCD returns.
- 3.4.3 The Service did not have a documented procedure for the calibration and maintenance of its equipment. Monthly checks of thermometers were being carried out in practice and calibration records had been kept from February 2003. The auditors were informed that earlier records had been destroyed following a recent office move.
- 3.4.4 There was some confusion regarding the tolerances allowed before action would be taken to remove the equipment from use. No specific checks had been established in connection with temperature measurements before and after enforcement action, as required by Food Safety Act Code of Practice No. 10: Enforcement of the Temperature Control Requirements of the Food Hygiene Regulations.
- 3.4.5 The Service had appropriate systems in place to minimise the risk of corruption or loss of information held on its database. Regular back-up of data and appropriate off-site storage arrangements were in place. Test and training environments were available to prevent data corruption from training activities and to test data conversions for new software releases.

Recommendations

3.4.6 The Authority should:

- (i) Develop and implement a procedure for the calibration and maintenance of equipment to ensure that all temperature measuring instruments are calibrated and checked in full accordance with Food Safety Act Code of Practice No.10: Enforcement of the Temperature Control Requirements of Food Hygiene Regulations. [The Standard – 6.2]
- (ii) Ensure that the database is operated in such a way that the Authority is able to provide the information reasonably requested by the Food Standards Agency. [The Standard – 6.4]

3.5 Food and Feeding Stuffs Premises Inspections

Food Hygiene

- 3.5.1 The Authority's Food Service Plan 2002/2003 showed the following profile for food hygiene premises:

Risk category	No.	%*
A	12	1
B	174	9
C	1,110	55
D	331	17
E	300	15
F	63	3
Unrated	0	0
Total	1,990	

*figures rounded to nearest %

- 3.5.2 The Service Plan estimated that 1,036 inspections were due for inspection in 2002/2003 and that all premises would be inspected at the minimum frequency as specified in Code of Practice No 9: Food Hygiene Inspections. However, this information was calculated on a statistical basis and appeared to be based on the Authority's 2001/2002 risk profile. Consequently, the inspection programme did not reflect those premises actually due for inspection.
- 3.5.3 The Strategic Plan 2002/2003 and the Operating Plan 2002 both indicated that all high risk premises would receive an inspection. The Food Service Plan 2003/2004 stated that it had not been possible for the Service to retrieve full performance data from the IT system but it was clear that *'more than 50% of planned high risk food hygiene (categories A and B) inspections had been carried out'*. Reports run during the audit showed that there were no planned inspections overdue at the time of the audit.
- 3.5.4 It was evident from the files that the inspection programme had been effectively managed over a number of years in terms of achieving the required minimum inspection frequencies. The preceding 2 years' inspection records were examined for 10 general premises, 10 butchers' shop licensing assessments and the Authority's 6 Approved Premises. All of the general premises and all but 1 of the Approved Premises had been inspected at the minimum frequencies, according to risk, and appeared generally to have been correctly risk rated. It was not clear why 3 of the premises examined had remained high risk for 3 successive years despite clear improvements over that time and the

inclusion of only minor issues in the reports of the most recent inspections. In the case of 2 premises where ratings had been reduced from high risk, there was no evidence that such a reduction had been authorised by a senior member of staff in accordance with the requirements of Food Safety Act Code of Practice No. 9: Food Hygiene Inspections.

- 3.5.5 All of the premises examined had been inspected by officers with appropriate authorisations, consistent with their individual levels of qualification, training and experience.
- 3.5.6 Standard report forms were in use and left at the time of each food hygiene inspection. These reports, together with letters sent to businesses following the inspections, indicated that general premises were being appropriately assessed for compliance with legally prescribed standards and in accordance with the relevant official guidance.
- 3.5.7 The Authority's inspection procedure required an additional hand written Inspection Form to be left with businesses detailing any minor contraventions, or for a letter to be sent within 7 working days. The style of the letters varied significantly between officers and legal references were generally incomplete or missing.
- 3.5.8 There was some evidence that follow-up action was being taken where contraventions had been identified, but it was not clear that this was always effective or appropriate. Revisits were carried out for structural and cleaning items, but it could not be confirmed that the Authority was taking a staged approach to enforcement in line with its Enforcement Policy and official guidance. In 3 cases, issues relating to hazard analysis had not been followed up. In 2 cases the intention to revisit quoted in reports was not subsequently carried out.
- 3.5.9 The files relating to the 6 Approved Premises in the area were examined. In 5 of these cases there was no evidence that reports had been left or letters sent after the most recent inspections and a number of earlier reports and letters were missing from the files.
- 3.5.10 In general, the files for Approved Premises did not contain all the information required by centrally issued guidance. The approval documents were not available for half of these premises and those that were filed omitted important information. This included confirmation of the approved activities and products, any conditions applicable to the business and, for 2 of the meat products premises, confirmation of whether they were classified for industrial or non-industrial use.

- 3.5.11 A report run from the database as part of the audit indicated 3 other manufacturing premises that may require approval. There was no indication that these had been assessed fully, and in 1 case, compositional sampling results on the file suggested that approval might be necessary.
- 3.5.12 The 10 files examined in relation to butchers' shops licensing showed that the Authority had a checklist available for assessing these premises. However, the checklist consisted of tick boxes and did not record the assessment in sufficient detail. The standard inspection form had been used for some inspections, but this did not record the specific information relevant to the licensing of such premises, such as a description of the operations carried out. It was therefore not possible to determine whether the business fell within the scope of the Regulations. The copies of licences on file were unsigned and it was not possible to determine from the records why several premises licensed by the Authority were rated as high risk, including 2 that were category "A" risk.
- 3.5.13 The Service had a food hygiene inspection procedure that included details of some formal follow-up actions, but this required further development to include more specific information and guidance on the approval of premises and butchers' shops licensing.

Food Standards and Feeding Stuffs

- 3.5.14 The Authority's Food Service Plan 2002/2003 showed the following risk profile for food standards premises:

Risk category	No.	%*
High	164	5
Medium	1,048	34
Low	1,903	61
No inspectable risk	**	
Uncategorised	0	0
Total	3,115	

* figures rounded to nearest %

** the Authority advised that it did not have any premises that were of 'no inspectable risk'.

- 3.5.15 The Service Plan indicated that the total number of premises appeared to be much greater than the previous year, but that this was due to the database's inability to separate out those premises that were not subject to a food standards inspection.

- 3.5.16 The Plan provided no figures for the number of programmed inspections due, although a target to inspect 50% of high and medium premises was included. The auditors were advised that it was not possible to produce a list of high risk premises from the database. However, the auditors were able to produce such a list by using the software's standard report capability. This showed that the following risk profile was held on the system at the time of the audit:

Risk category	No.	%*
High	40	2
Medium	1,137	58
Low	297	15
No inspectable risk	350	18
Uncategorised	141	7
Total	1,965	

* figures rounded to nearest %

- 3.5.17 The auditors were further advised that the risk ratings allocated to premises were generic default ratings by premise type and that details of the parameters used for the desk-top exercise (carried out 3 years earlier) were not now available. However, it was apparent that these ratings had not been subsequently adjusted in line with the findings of actual inspections. The auditors were informed that this was because the Authority was awaiting the introduction of a new rating scheme that may be included in the current review of the Food Safety Act Codes of Practice. An inspection programme would then be implemented and all premises would be properly risk rated.
- 3.5.18 The Authority did not therefore have a food standards inspection programme. There was no evidence that those premises classified as high risk on the database were actually high risk or that any high risk businesses were receiving any priority when visits were carried out.
- 3.5.19 The Service did not have a documented procedure for food standards inspections and at the time of the audit was not carrying out any programmed inspections, although inspections were undertaken on a proactive basis.
- 3.5.20 Ten premises files were examined in relation to food standards inspections. Three of these premises had not been inspected at the minimum frequency set out in Food Safety Act Code of Practice No.8: Food Standards Inspections, 3 had been inspected at a greater frequency and 4 files contained no information on any previous inspections to enable the frequency to be assessed. From the inspection details recorded, it appeared that some premises classified by the Service as medium risk should have been rated as low risk.
- 3.5.21 All premises had been inspected by officers with appropriate authorisations. Officers were generally assessing compliance of food premises to legally prescribed standards and appropriate follow-up action had been taken in 1 case where food samples had indicated a problem. In 2 cases where it was appropriate to send a follow-up letter this had been done.
- 3.5.22 No feeding stuffs premises had been identified by the Authority in its area.

Recommendations

3.5.23 The Authority should:

- (i) Develop a programme for food standards inspections. Implement the programme and ensure that premises are properly risk rated and that food standards inspections are carried out at the minimum risk based frequency in accordance with Food Safety Act Code of Practice No.8: Food Standards Inspections. [The Standard – 7.1 and 7.2]
- (ii) Develop the documented inspection procedures and extend them to cover the full range of inspections carried out and all relevant follow-up actions. [The Standard – 7.4]
- (iii) Take appropriate action on any non-compliance found during inspections in accordance with its enforcement policy and relevant official guidance. [The Standard – 7.3]

3.6 Food, Feeding Stuffs and Food Premises Complaints

General

- 3.6.1 The Food Service Plan 2003/2004 included a statement on the Authority's food complaints policy:

"The Authority will note all food related complaints. This information will be used to target areas of concern in an intelligence based approach. Active investigation of specific complaints will only take place where there is a risk to public health or evidence of deliberate fraud. All investigations will take account of the Council's enforcement policy".

In addition the Plan identified that as feeding stuffs complaints were likely to relate only to pet-foods, no active investigation would be carried out but details would be recorded and forwarded to the appropriate Home Authority as necessary.

Food Hygiene

- 3.6.2 Separate documented procedures for the investigation of food complaints and complaints relating to food premises were available, although these had been issued in January 1995. There was no evidence that they had been updated and they did not refer to other related procedures.
- 3.6.3 Records relating to 12 food and food premises complaints were examined. In general, appropriate investigations had been carried out within the timescales set out in the procedures.

Food Standards and Feeding Stuffs

- 3.6.4 The Authority had a documented Service Request Policy and a flow chart which gave brief information on the recording, allocation and investigation of enquiries. The procedure did not fully address those issues outlined in centrally issued guidance with regard to the determination of enforcement responsibility, contact with suppliers/manufacturers, the submitting of samples for scientific investigation, the involvement of Home or Originating Authorities and notification of other agencies when appropriate.
- 3.6.5 Records relating to 10 food complaints were examined. In general appropriate investigations had been carried out, appropriate records had been kept and the complainants were advised of the outcome.

3.6.6 The auditors were informed that the Authority had received no complaints relating to feeding stuffs.

Recommendation

3.6.7 The Authority should:

Extend and update its written procedures relating to food hygiene, food standards and feeding stuffs complaints to ensure that they cover all issues set out in the relevant centrally issued guidance.
[The Standard – 8.1]

3.7 Home Authority Principle

General

- 3.7.1 The Authority's Food Service Plan 2003/2004 contained its commitment to the Home Authority principle:

'The Authority supports and subscribes to the Home Authority principle as set out by LACORS' (Local Authorities Co-ordinators of Regulatory Services).'

Food Hygiene

- 3.7.2 The auditors were advised that the Service had 1 formal Home Authority arrangement, but the agreement was not available for examination. The auditors were further informed that the Authority had engaged in informal discussions with a number of local businesses whose decision making base was located in the area.
- 3.7.3 Examination of Approved Premises and complaints files showed that the Authority was giving advice to other local authorities and that investigating officers were encouraged to visit the premises concerned and follow-up on any such referrals.

Food Standards and Feeding Stuffs

- 3.7.4 The Authority had no formal Home Authority agreements but had notified LACORS of a number of businesses for whom they assumed Home Authority responsibility.
- 3.7.5 An examination of a composite file of Home Authority activity, provided by the Authority for the purpose of the audit, showed that the Authority had considerable involvement with labelling and compositional matters, including those involving issues referred from other authorities. There was also evidence from complaint and sampling records that liaison with Home Authorities was taking place.

3.8 Advice to Business

Food Hygiene

3.8.1 In addition to advice given during the course of inspections and in response to specific enquiries, the Authority had carried out a limited number of proactive initiatives to help businesses comply with food law:

- Centrally issued guidance, including recent advice on halal meat was provided to proprietors during visits;
- A leaflet had also been produced with health and safety and food safety advice for small businesses, although this was in need of updating to reflect the current legislation applicable to food premises.

Food Standards and Feeding Stuffs

3.8.2 The Service had introduced a “Square Deal” scheme in conjunction with local businesses. Under this partnership arrangement, participating businesses received an information pack on relevant civil and criminal legislation, legislative changes were brought to their attention, advice was provided and assistance was available for staff training. In return, businesses undertook to provide full details of their business and activities to the Service, to provide a courteous and efficient complaints procedure, be committed to fair trading and to comply with both the spirit and the letter of the law.

3.8.3 Mailshots were also sent out to businesses following specific projects. In 1 case involving the levels of colouring in food where unsatisfactory samples had been obtained, a member of staff fluent in the language of the proprietors revisited the premises to give advice and an article was placed in the local ethnic community newsletter.

3.8.4 Proprietors likely to be affected by regulations relating to beef labelling had also recently been notified of a proposed presentation and workshop.

3.9 Food and Feeding Stuffs Premises Database

- 3.9.1 The Authority maintained a combined computer database for food hygiene and food standards premises and activities. A check on the accuracy of the database showed that of 15 businesses selected at random from a local commercial directory, 13 were on the database. In the 2 other cases, premises records were available but these did not include the current occupiers' details. All businesses checked were risk rated and those due a food hygiene inspection were included in the inspection programme.
- 3.9.2 The Authority did not have a documented procedure for updating the food premises database and ensuring its accuracy. In practice, officers notified support staff of any changes identified during visits and these were inputted in accordance with written procedures.
- 3.9.3 Reasonable security measures were in place to prevent access and amendment of data by unauthorised persons. The removal or addition of premises data was restricted to authorised staff. However, full access to some fields, such as complaints and service requests was available to other officers within the Directorate and the ability to alter records was not therefore restricted to food law enforcement officers.

Recommendation

- 3.9.4 The Authority should:

Develop and implement a documented procedure to ensure that the accuracy of its food and feeding stuffs premises database is maintained and kept up to date. [The Standard – 11.2]

3.10 Food and Feeding Stuff Inspection and Sampling

General

- 3.10.1 The Food Service Plan 2003/2004 included a statement of the Authority's sampling policy. This required consultation with local consumers, consideration of complaints received and local needs and national and regional sampling programmes that had local relevance. The Plan also confirmed that the authority would '*draw up an annual sampling programme in consultation with the Public Analyst.*'
- 3.10.2 All of the laboratories used by the Service were properly accredited and the Authority had properly appointed the Public Analyst and Agriculture Analyst.

Food Hygiene

- 3.10.3 The Authority had not developed a documented sampling programme, although discussions had been held at meetings of the Wessex Environmental Microbiological Services (WEMS) User Group on both the LACORS Sampling Programme 2003/2004 and ongoing sampling under the "Wessex Shopping Basket Programme".
- 3.10.4 A list of samples taken by the Authority in the preceding 6 months indicated that sampling had predominantly involved locally produced oysters. In addition, 2 samples had been taken at a local restaurant and sampling had been carried out at an approved dairy premises for monitoring purposes. No unsatisfactory results had been recorded and no files were therefore examined.
- 3.10.5 It could not be confirmed that the Authority's sampling policy was being fully implemented in practice, particularly in relation to local high risk premises
- 3.10.6 The Food Service Plan 2003/2004 stated that the Authority had a sampling budget of £18,700 for all Commercial Sampling. No breakdown for food sampling was included. In addition the Authority had a credit allocation, based on population, for microbiological samples submitted to WEMS.
- 3.10.7 The status of the documented procedure relating to sampling was confused. It appeared that a revised sampling procedure had been produced and was being implemented, although not all officers appeared to be aware of the document and it was not recognised by managers. The procedure needed some further development to cover informal sampling and to include all the specific requirements detailed in Code of Practice No. 7: Sampling for Analysis or Examination. In

particular, it did not make reference to sample sizes, methods of sampling or further action with regard to unsatisfactory samples.

Food Standards and Feeding Stuffs

- 3.10.8 The Service had drawn up a sampling programme for 2002/2003 in consultation with the Public Analyst, and this was being implemented. The programme was well targeted, risk based and took account of previous food complaints.
- 3.10.9 The Food Service Plan 2003/2004 stated that the Authority had a sampling budget of £34,000 for all Trading Standards sampling. No breakdown for food sampling was included.
- 3.10.10 There was no documented sampling procedure for food standards sampling.
- 3.10.11 The records of 10 food samples that had received unsatisfactory results were examined. The samples were all taken in accordance with the Service's sampling policy and had been appropriately and thoroughly investigated. Informative summary reports had been prepared following each sampling project and were circulated to all staff.

Recommendations

- 3.10.12 The Authority should:
- (i) Set up a documented food hygiene sampling programme that is in line with any centrally issued guidance, and which takes account of the nature of its food establishments as well as any national sampling surveys. [The Standard – 12.3]
 - (ii) Draw up and implement documented procedures for food hygiene and food standards sampling to comply with Food Safety Act Code of Practice No.7: Sampling for Analysis or Examination and centrally issued guidance. [The Standard -12.4]
 - (iii) Carry out food sampling in accordance with its documented sampling policy, procedures and programme. [The Standard – 12.5]

3.11 Control and Investigation of Infectious Disease

- 3.11.1 The Authority had a contingency plan for the investigation of food poisoning outbreaks that had been developed with the Portsmouth and South East Hampshire Health Protection Unit in May 2002. General guidance on the control of gastro-intestinal infections and an Outbreak Control Plan for the investigation and management of waterborne infection, contamination or chemical incidents had also been produced at that time. In addition a procedure had been produced by the Authority for the investigation of communicable disease which included an annex on the investigation of outbreaks. This had been produced in 1995 and did not therefore relate to the current Outbreak Plan or other guidance.
- 3.11.2 A separate documented procedure had been produced in 1998 detailing action to be taken in the investigation of cases of communicable diseases out of hours. This included out of date contact details and neither it nor the main procedure were included in the "Call-out Box" used by officers on the out of office hours rota.
- 3.11.3 A documented administrative procedure detailed the action to be taken on receiving notifications of individual cases of infectious diseases. This required notifications to be recorded on a database and referral to the duty EHO for a decision on further action. Either a standard questionnaire was sent requiring contact with the Authority or a visit made to collect information and determine the possible cause and further action required. There was no regular follow-up when questionnaires were not returned.
- 3.11.4 A standard investigation form was being developed in consultation with other local authorities in the Portsmouth and South East Hampshire Infectious Disease Forum.
- 3.11.5 The Authority had no records of any outbreaks of infectious disease in the past two years.
- 3.11.6 Individual notifications implicating food premises led to a service enquiry entry into the main database and any subsequent information and actions were then logged against this. The Authority did not retain the paperwork relating to investigations and notifications not implicating food premises. It was only possible therefore to verify the investigation of those cases recorded on the database. Appropriate investigations had been carried out in all 4 incidents examined.

Recommendations

3.11.7 The Authority should:

- (i) Update the documented procedures for the investigation of outbreaks and food related infectious disease in accordance with centrally issued guidance. Implement the revised procedures. [The Standard-13.2]
- (ii) Ensure that records relating to the control and investigation of outbreaks and food related disease are kept for at least 6 years. [The Standard – 13.3]

3.12 Food Safety Incidents

- 3.12.1 The Authority had a documented procedure for responding to food hazard warnings (FHWs) issued by the Food Standards Agency, in accordance with Food Safety Act Code of Practice No.16: Enforcement of the Food Safety Act 1990 in Relation to the Food Hazard Warning System.
- 3.12.2 The Authority's computer system was capable of receiving FHWs.
- 3.12.3 The Service's response to a sample of FHWs issued by the Agency were examined. Where records had been maintained these were found to have received appropriate action, although not all actions taken following the receipt of such warnings was documented.

Recommendation

- 3.12.4 The Authority should:

Document its response to and the outcome of each food hazard warning. The Standard – 14.3]

3.13 Enforcement

General

- 3.13.1 The Authority had adopted the Local Authority Enforcement Concordat. This is a Cabinet Office and Local Government Association scheme that sets out the principles of good enforcement practice, based on the following criteria:
- Standards of service and performance
 - Openness and clarity
 - Helpfulness
 - Effective complaints procedures
 - Proportionality of enforcement actions
 - Consistency.
- 3.13.2 The Service had a general Enforcement Policy, approved by Members in October 1997. This did not make reference to the Human Rights Act or detail any internal appeals mechanism regarding enforcement action. Specific formal enforcement actions, such as the use of formal cautions were also not included.
- 3.13.3 A summary of the Service's Enforcement Policy had been printed and was available from the offices and on the Authority's website.
- 3.13.4 All prosecutions had been submitted to the Assistant City Environmental Health and Trading Standards Officer for approval, but it was not clear that the power to authorise proceedings had been delegated to this officer.
- 3.13.5 Officers were undertaking tape recorded interviews in accordance with the Police and Criminal Evidence Act 1984 with persons suspected of committing an offence, and arrangements were in place for the storage of tapes and other evidence. The auditors were informed that a new documented procedure would be drafted as the existing procedure could not be located.

Food Hygiene

- 3.13.6 The following formal enforcement actions had been taken by the Authority in the 2 years preceding the audit:
- 2 prosecutions;
 - 1 formal caution;
 - 27 improvement notices served on 9 premises;
 - 4 voluntary surrenders.
- 3.13.7 The records of 6 businesses were examined which had a total of 21 improvement notices served on them and which involved 6 different officers. The notices related to structural and cleaning issues only, despite a number of inspections raising queries about hazard analysis and training deficiencies.
- 3.13.8 The notices had been signed by correctly authorised officers who had witnessed the contraventions. In all cases, the notices had been served on the proprietor, but none specified the proprietors' full name as required by centrally issued guidance. One had been served on the secretary of a limited company rather than the body corporate. No evidence of proper service by hand or post was available and unsigned copies were retained on file. The name and address of the local court where appeals against the notice could be made was not given as required by Food Safety Act Code of Practice No. 5: The Use of Improvement Notices.
- 3.13.9 In general, the improvement notices were clearly worded and easily understood, they reflected centrally issued guidance and gave clear time limits. However, in some cases the reason for the works was not fully justified and some included works that were not required by the relevant regulations.
- 3.13.10 Timely checks on compliance were carried out but it could not be checked that written confirmation of compliance and any extensions to the time allowed for compliance had been provided in all cases.
- 3.13.11 The records relating to the 2 prosecutions and 1 formal caution were examined. All had been taken without unnecessary delay and appeared to be in accordance with the Service's Enforcement Policy. More recently the Authority had introduced a form to record the issues considered before such enforcement action was taken. The files indicated that officers took account of the Police and Criminal Evidence Act 1984 but there was no evidence that the provisions of the Criminal Procedure and Investigations Act 1996 had been followed.

3.13.12 The voluntary surrenders appeared to have generally been carried out in accordance with centrally issued guidance. However, although there was no evidence to the contrary, there were no records to confirm that surrendered foods had been properly disposed of.

Food Standards and Feeding Stuffs

3.13.13 The following formal enforcement actions had been taken by the Authority in the 2 years preceding the audit:

- 6 prosecutions;
- 3 formal cautions.

3.13.14 Files relating to the prosecutions and formal cautions carried out by the Service during the 2 years preceding the audit were examined. All had been taken without unnecessary delay and had been taken in accordance with the Service's Enforcement Policy. Although there was no prosecution procedure, a number of standard forms had been used and files were well prepared and comprehensive.

3.13.15 There was clear evidence of a graduated approach to food standards enforcement and officers were using the full range of enforcement options available.

Recommendation

3.13.16 The Authority should:

Ensure that a graduated approach to enforcement of the hazard analysis requirements is taken and that the voluntary surrender of food and the service of improvement notices are carried out in accordance with the relevant Food Safety Act Codes of Practice and centrally issued guidance. [The Standard- 15.2]

3.14 Records and Inspection Reports

General

- 3.14.1 The Authority's food premises records were held on individual paper files and on a computerised database. In general however, records were not easily retrieved and the enforcement histories of premises were incomplete. As such, they did not provide an adequate basis for informing subsequent enforcement decisions or for effective internal monitoring.

Food Hygiene

- 3.14.2 Minimum records of inspections were held on the database and there were significant gaps in the paper files for each premises which, the auditors were advised, had been the subject of extensive culling to accommodate recent office moves. It appeared that this exercise had been carried out without consideration of the relative importance of the documents to be destroyed and had resulted in the loss of a range of important food law enforcement records.
- 3.14.3 A standard inspection form was used for all premises and where these were available on the file and had been properly completed by the inspecting officer, they provided a good level of detail on inspection findings.
- 3.14.4 Officers completed and left a standard inspection report form with proprietors following general food hygiene inspections which included the information required by Food Safety Act Code of Practice No.9: Food Hygiene Inspections. However, only copies of the most recent reports were available to officers inspecting premises and these were filed separately from the premises files. Relevant information on inspections and full compliance histories for food businesses were therefore not easily retrievable.
- 3.14.5 The file records for Approved Premises did not contain sufficient detail to confirm that all areas required by the relevant product specific regulations were being assessed, whether the businesses were in full compliance, or that approval was appropriate.
- 3.14.6 In the case of butchers' shop licences a standard assessment record was in use by officers. However, insufficient information was being recorded to provide evidence that thorough assessments of premises were being carried out.

Food Standards and Feeding Stuffs

- 3.14.7 Records of premises details and actions taken were mainly kept on the database although paper records were maintained for Home Authority premises, sampling and some complaint investigations.
- 3.14.8 The Authority had a standard inspection report form. However, the version in use did not contain all of the information for proprietors required by Food Safety Act Code of Practice No.8: Food Standards Inspections. Reports had been left on site following all recent inspections examined but were not generally available for previous inspections. Matters drawn to the attention of traders were sufficiently detailed, accurate and helpful.

Recommendations

- 3.14.9 The Authority should:
- (i) Ensure that the detail of food hygiene records kept on general premises, Approved Premises and licensed premises files relating to inspections and any enforcement action is sufficient to ensure that the history of compliance can be ascertained and that such records are easily retrievable.
[The Standard – 16.1]
 - (ii) Ensure that all relevant details are recorded on reports of food standards inspections in accordance with Food Safety Act Code of Practice No. 8: Food Standards Inspections.
[The Standard – 16.1]
 - (iii) Ensure that all relevant records relating to the food law enforcement service are kept for at least 6 years.
[The Standard -16.2]

3.15 Complaints about the Service

- 3.15.1 The Authority had a corporate procedure for dealing with complaints about the Service and kept relevant records on the database.
- 3.15.2 A leaflet summarising how to make a complaint had been made available to the public in the reception area of the Council offices.
- 3.15.3 Auditors were advised that no complaints about the Food Hygiene or Food Standards and Feeding Stuffs Service had been received during the preceding 2 years, other than 1 complaint that was under investigation at the time of audit.

3.16 Liaison with Other Organisations

Food Hygiene

3.16.1 The Service had liaison arrangements in place with other local authorities through its membership of the Hampshire and Isle of White Food Advisory Committee. Minutes of these meetings showed that a representative regularly attended. The Service was also represented at the following food groups:

- Wessex Environmental Microbiology Services (WEMS) User Group;
- Southern Shellfish Liaison Group;
- Portsmouth & Southeast Hampshire Infectious Disease Forum.

Food Standards and Feeding Stuffs

3.16.2 The Authority had liaison arrangements in place with neighbouring authorities regarding food standards and feeding stuffs enforcement. This was primarily through regular attendance of the South East Trading Standards Authorities (SETSA) Food Focus Group.

3.17 Internal Monitoring

General

- 3.17.1 The auditors were advised that performance targets had been included in a recruitment and retention package for all new officers. These were to be monitored regularly in the future.
- 3.17.2 The Authority had established a corporate Performance and Monitoring Board of Chief Officers and was establishing performance monitoring and balanced scorecards of performance indicators. In connection with this, "Pledges" had been established and the Board regularly reviewed performance against these. The targets relating to food were a 7 day response time for food enquiries and to trading standards enquiries, and a measure of the time taken to process butchers' shop licences. It had been reported that 94%, 90% and 100% of the target response times had been achieved respectively during 2002/2003.
- 3.17.3 The Department's Strategic Plan for 2002/2003 included a specific target to develop a performance management system for the whole service.

Food Hygiene

- 3.17.4 The Service had not developed documented internal monitoring procedures but had included some references to monitoring in its inspection procedure. Very limited monitoring records were maintained but there was evidence of some correspondence checks on files.
- 3.17.5 Customer feedback cards for enquiries and for visits to traders had been introduced in the last 12 months and monthly reports on the results were provided to the Chief Officer.
- 3.17.6 Other limited measures taken to monitor the Service's food law enforcement activities included the following:
- Monitoring inspection figures by senior officers;
 - Monitoring of computer diaries concerning allocated work;
 - Joint night-time visits;
 - Team meetings to discuss issues of interpretation;
 - Review of correspondence.

Food and Feeding Stuffs

- 3.17.7 The Service had not produced documented internal monitoring procedures but was carrying out some quantitative and qualitative monitoring. No general records were maintained but there was evidence of the regular review of responses to enquiries and sampling results.
- 3.17.8 The measures taken to monitor food law enforcement activity included:
- Regular team meetings;
 - Monitoring of food complaints/sampling results
 - Review of correspondence.
- 3.17.9 Customer feedback cards for enquiries to the Business Support Unit had been introduced in the last 12 months and monthly reports on the results were provided to the Chief Officer.

Recommendation

- 3.17.10 The Authority should:

Develop and implement documented internal monitoring procedures for food hygiene, food standards and feeding stuffs and verify its conformance with the Standard, relevant centrally issued guidance and the Authorities own policies and procedures.

[The Standard - 19.1 and 19.2]

3.18 Third Party or Peer Review

Food Hygiene

- 3.18.1 In 1999 the Service had participated in an Inter Authority Audit (IAA) carried out by members of the Hampshire and Isle of Wight branch of the Chartered Institute of Environmental Health, as part of a 3 yearly audit programme. The auditors were advised that a further audit will be carried out in the current year.
- 3.18.2 The IAA undertook an assessment of the Service against many areas of the Standard in the Framework Agreement on Food Law Enforcement. Corrective actions were identified during the IAA but the auditors were advised that no action plan had subsequently been produced and not all the required actions had been progressed.

Food Standards and Feeding Stuffs

- 3.18.3 The Authority had not been subject to any third party or peer review but was due to be audited in 2003/2004 as part of the SETSA Food Focus Group IAA programme.

3.19 Food and Feeding Stuffs Safety and Standards Promotion

3.19.1 The Service had carried out the following promotional activities in the last two years:

- National Curry Chef competition;
- A poster campaign for schools as part of Food Safety Week;
- Issue of a press release to publicise the Food Standards Agency Food Hygiene Campaign;
- Production and distribution of a booklet for householders on food poisoning and foodborne disease;
- The production of a leaflet on cleaning.

3.19.2 A multi-agency, multi-funded Health Development Team had been established and was operating from within the same offices. Funding included the employment of a student Food and Health Project Worker. Extensive projects had been undertaken including many food-related initiatives such as:

- Co-ordination of the Heartbeat Award Scheme;
- A summer garden workshop using recipes based on vegetables grown in a community garden;
- The Food for Life Challenge promoting the “Eat 5 fruit and veg a day” and involving local schools;
- 12 week cookery programmes with people with physical difficulties;
- Production of a cartoon character, colouring charts and practical advice on choosing foods for healthy snacks;
- A healthy eating project.

3.19.3 The Service hoped to be able to include more practical advice and promotion of food hygiene and food standards issues in future activities.

Auditors: **Bill Parkinson**
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 Sally Hayden
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Food Standards Agency

Local Authority Enforcement Division

Action Plan for Portsmouth City Council

Audit date: 13 – 16 May 2003

IMPROVEMENTS PLANNED	BY (DATE)	TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	COMMENTS
<p>1. Recently appointed TSOs will inspect all high risk food standards premises and carry out a risk assessment.</p> <p>2. Anticipated levels of demand and the resources required to implement all parts of the service will be analysed as part of Food Service Plan 2004/2005.</p>	<p>15/03/04</p> <p>01/04//04</p>	<p>3.1.18(i) Ensure that the 2004/2005 Food Service Plan includes all the information required by the Service Planning Guidance in the Framework Agreement on Food Law Enforcement. [The Standard – 3.1]</p>	<p>The 2003/2004 Food Service Plan is linked to the EHTS 2003/2004 Operating Plan which details all other activities. Up to date premises profiles for food hygiene and food standards enforcement have been inserted in the Food Service Plan.</p>
<p>3. A full documented review of performance against the Service Plan 2003/2004 will be carried out and submitted for member approval.</p>	<p>01/05/04</p>	<p>3.1.18(ii) Carry out a full documented review of performance against the Service Plan 2003/2004 and ensure that any variance in meeting this Plan is addressed in the new Plan. Ensure that both the review and the Service Plan 2004/2005 are submitted for Member approval. [The Standard – 3.2 and 3.3]</p>	

<p>4. All existing food hygiene and food standards policies and procedures will be reviewed to reflect current official guidance and internal practices.</p>	<p>01/02/04</p>	<p>3.2.4(i) Ensure that all existing food hygiene and food standards policies and procedures are reviewed to reflect current official guidance and internal practices. [The Standard – 4.1]</p>	<p>The 2003/2004 Food Service Plan recognised the majority of food hygiene polices and procedures were produced about six years ago and in need of revision. Further, few had been produced for food standards work (Para 5.1).</p>
<p>5. Consideration will be given to creating a team whose main function will be food hygiene enforcement.</p>	<p>01/02/04</p>		
<p>6. A document control system will be set up electronically to ensure superseded documents are removed. Policies and procedures will be annually reviewed.</p>	<p>01/02/04</p>	<p>3.2.4(ii) Set up, maintain and implement a document control system to ensure that internal food hygiene and food standards policies and procedures are reviewed at regular intervals and whenever there are changes to legislation or centrally issued guidance. The system should also ensure that any superseded versions are removed from use. [The Standard – 4.2]</p>	<p>An officer has been given specific responsibility to ensure information available to officers on the emergency call out rota is kept up to date.</p>

<p>7. A documented procedure for the authorisation of all officers will be implemented. Information on the LACORS website will be used. (Authorisation of officers – Coventry City Council – 25/06/06)</p> <p>8. The Assistant City Environmental Health and Trading Standards Officer has been authorised to instruct the Director of Corporate Services to commence legal proceedings.</p>	<p>01/12/03</p> <p>Completed</p>	<p>3.3.11(i) Develop, maintain and implement a documented procedure for the authorisation of all officers that is consistent with the Authority's scheme of delegation and based on their individual levels of competence, in accordance with Food Safety Act Code of Practice No.19: Qualifications and Experience of Authorised Officers. [The Standard – 5.1]</p>	<p>The audit found in practice officers were acting in accordance with their level of authorisations.</p>
<p>9. A documented training programme will be established.</p> <p>10. The Authority has reached an agreement with Hampshire Trading Standards whereby officers attend training sessions run by them.</p>	<p>30/11/03</p> <p>Completed</p>	<p>3.3.11(ii) Establish and maintain a documented training programme and ensure that food standards law enforcement officers receive adequate update training. [The Standard – 5.4]</p>	
<p>11. Officer qualification and training records will be maintained on an individual basis.</p>	<p>30/11/03</p>	<p>3.3.11(iii) Ensure that officer qualification and training records are maintained for all officers. The training should include details of the content, objectives and any assessment of courses attended. [The Standard – 5.4 and 5.5]</p>	<p>The Authority is seeking accreditation as an Investors in People organisation. Officer training is a significant part of this process.</p>

12. A procedure for the calibration and maintenance of equipment will be set up and implemented.	30/11/03	3.4.6(i) Develop and implement a procedure for the calibration and maintenance of equipment to ensure that all temperature measuring instruments are calibrated and checked in full accordance with Food Safety Act Code of Practice No.10: Enforcement of the Temperature Control Requirements of Food Hygiene Regulations. [The Standard – 6.2]	
13. The database will be operated in a way to provide information reasonably requested by the Agency.	01/04/04	3.4.6(ii) Ensure that the database is operated in such a way that the Authority is able to provide the information reasonably requested by the Food Standards Agency. [The Standard – 6.4]	The Service uses one database for trading standards, environmental health and all other sections. Large amounts of officer time have been spent trying to retrieve data. The Authority is unclear on how risk ratings developed by the DTI will correspond to the Agencies revised rating scheme if at all.
14. A food standards inspection programme and premises profile including risk ratings will be developed and implemented in accordance with Code of Practice 8.	01/04/04	3.5.23(i) Develop a programme for food standards inspections. Implement the programme and ensure that premises are properly risk rated and that food standards inspections are carried out at the minimum risk based frequency in accordance with Food Safety Act Code of Practice No.8: Food Standards Inspections. [The Standard – 7.1 & 7.2]	See previous comment to 3.4.6(ii) in respect to risk ratings.
15. Documented inspection procedures will be developed to cover the full range of hygiene and standards inspections including follow-up actions.	01/03/04	3.5.23(ii) Develop the documented inspection procedures and extend them to cover the full range of inspections carried out and all relevant follow-up actions. [The Standard – 7.4]	See previous comment to 3.2.4(i).

<p>16. The subject of follow up action and revisits to be carried out in line with enforcement policy and relevant official guidance to be discussed at team meetings.</p> <p>17. The appropriateness of actions to be monitored by managers quarterly as part of IIP one to ones.</p>	<p>30/11/03</p> <p>01/06/04</p>	<p>3.5.23(iii) Take appropriate action on any non-compliance found during inspections in accordance with its enforcement policy and relevant official guidance. [The Standard – 7.3]</p>	
<p>18. Procedures will be extended to include determination of enforcement responsibility. Contact with suppliers/manufacturers, submission of samples, involvement of Home or Originating Authorities and notification of other agencies.</p>	<p>01/12/03</p>	<p>3.6.7 Extend and update its written procedures relating to food hygiene, food standards and feeding stuffs complaints to ensure that they cover all issues set out in the relevant centrally issued guidance. [The Standard – 8.1]</p>	<p>In practice it is noted the Agency found appropriate investigations had generally been carried out within time scales in all cases.</p>
<p>19. The existing practice will be documented.</p>	<p>30/11/03</p>	<p>3.9.4 Develop and implement a documented procedure to ensure that the accuracy of its food and feeding stuffs premises database is maintained and kept up to date. [The Standard – 11.2]</p>	
<p>20. A documented food hygiene sampling programme will be set up.</p>	<p>01/12/03</p>	<p>3.10.12(i) Set up a documented food hygiene sampling programme that is in line with any centrally issued guidance, and which takes account of the nature of its food establishments as well as any national sampling surveys. [The Standard – 12.3]</p>	

21. Documented procedures for food hygiene and food standards sampling will be set up.	01/01/04	3.10.12(ii) Draw up and implement documented procedures for food hygiene and food standards sampling to comply with Food Safety Act Code of Practice No.7: Sampling for Analysis or Examination and centrally issued guidance. [The Standard -12.4]	
22. Food sampling will be carried out in accordance with documented policy, procedures and programmes.	01/03/04	3.10.12(iii) Carry out food sampling in accordance with its documented sampling policy, procedures and programme. [The Standard – 12.5]	
23. A documented procedure for the investigation of outbreaks and food related infectious diseases will be prepared.	01/04/04	3.11.7(i) Update the documented procedures for the investigation of outbreaks and food related infectious disease in accordance with centrally issued guidance. Implement the revised procedures. [The Standard-13.2]	Progress on this will be dependant upon input from the Chief Medical Officer and the Primary Care trust.
24. Implement a filing system to retain records of outbreaks.	Completed	3.11.7(ii) Ensure that records relating to the control and investigation of outbreaks and food related disease are kept for at least 6 years. [The Standard – 13.3]	Office space and storage are limited due to the number of officers accommodated within the floor space available.
25. Responses to food hazard warnings will be documented.	30/11/03	3.12.4 Document its response to and the outcome of each food hazard warning. [The Standard – 14.3]	

<p>26. The subject of taking a graduated approach to hazard analysis requirements will be discussed at the next team meeting and monitored quarterly by the manager as part of IIP one to ones.</p> <p>27. The subject of voluntary surrender of food and service of improvement notices will be discussed at next team meeting and monitored quarterly by the manager as part of IIP one to ones.</p>	<p>01/12/03</p> <p>01/12/03</p>	<p>3.13.16(i) Ensure that a graduated approach to enforcement of the hazard analysis requirements is taken and that the voluntary surrender of food and the service of improvement notices are carried out in accordance with the relevant Food Safety Act Codes of Practice and centrally issued guidance. [The Standard- 15.2]</p>	
<p>28. The filing system will be reviewed to ensure relevant records are easily retrievable.</p> <p>29. Files relating to all approved premises and licensed premises will be reviewed and completed to an appropriate level of detail.</p>	<p>01/12/03</p> <p>01/06/04</p>	<p>3.14.9(i) Ensure that the detail of food hygiene records kept on general premises, Approved Premises and licensed premises files relating to inspections and any enforcement action is sufficient to ensure that the history of compliance can be ascertained and that such records are easily retrievable. [The Standard – 16.1]</p>	<p>See previous comment to 3.11.7(ii) in respect of office space.</p>

<p>30. This will be discussed at the next team meeting. Reports will be monitored quarterly by the manager as part of IIP one to ones.</p>	<p>30/11/03</p>	<p>3.14.9(ii) Ensure that all relevant details are recorded on reports of food standards inspections in accordance with Food Safety Act Code of Practice No. 8: Food Standards Inspections. [The Standard – 16.1]</p>	
<p>31. The filing system will be reviewed to ensure records are kept at least 6 years.</p>	<p>01/12/03</p>	<p>3.14.9(iii) Ensure that all relevant records relating to the food law enforcement service are kept for at least 6 years. [The Standard -16.2]</p>	<p>See previous comment to 3.11.7(ii) in respect of office space.</p>
<p>32. An internal monitoring procedure for food hygiene and food standards will be implemented</p>	<p>01/04/04</p>	<p>3.17.10 Develop and implement documented internal monitoring procedures for food hygiene and food standards and feeding stuffs and verify its conformance with the Standard, relevant centrally issued guidance and the Authorities own policies and procedures. [The Standard - 19.1 and 19.2]</p>	

Glossary

Agricultural Analyst	A person, holding the prescribed qualifications, who is formally appointed by a local authority to analyse feeding stuffs samples.
Approved premises	Food manufacturing premises that has been approved by the local authority, within the context of specific legislation, and issued a unique identification code relevant in national and/or international trade.
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.
Best Value	<p>A Government policy which seeks to improve local government performance in the delivery of services to local communities – from education and care for the elderly through to environmental health and road maintenance. Best Value aims to ensure that the cost and quality of these services are of a level acceptable to local people by:</p> <ul style="list-style-type: none"> • increasing the role of local people in deciding the priorities for local government services • improving the way authorities manage and review their business • building on the experience and expertise of staff.
Border Inspection Post	Point of entry into the UK from non-EU countries for products of animal origin.
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 geographic area and situated within a County Council whose responsibilities include food hygiene enforcement.
Enforcement Concordat	Government guidance setting out principles and procedures of good enforcement which local authorities may adopt. Developed in consultation with businesses, local and central government, consumer groups and other interested parties. It sets out what businesses and others being regulated can expect from enforcement officers.
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 Examiner	A person holding the prescribed qualifications who undertakes microbiological analysis on behalf of the local authority.

Food Hazard Warnings	This is a system operated by the Food Standards Agency to alert the public and local authorities to national or regional problems concerning the safety of food.
Food hygiene	The legal requirements covering the safety and wholesomeness of food.
Food standards	The legal requirements covering the quality, composition, labelling, presentation and advertising of food, and materials in contact with food.
Framework Agreement	<p>The Framework Agreement consists of:</p> <ul style="list-style-type: none"> • Food 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 law enforcement.</p> <p>The Monitoring Scheme requires local authorities to submit quarterly returns 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 law enforcement services of local authorities against the criteria set out in the Standard.</p>
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	Hazard Analysis 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.
Home Authority	An authority where the relevant decision making base of an enterprise is located and which has taken on the responsibility of advising that business on food safety/food standards issues. Acts as the central contact point for other enforcing authorities' enquiries with regard to that company's food related policies and procedures.

Improvement notice	A notice served by an Authorised Officer of the local authority under Section 10 of the Food Safety Act 1990, requiring the proprietor of a food business to carry out suitable works to ensure that the business complies with the requirements of food hygiene or food processing legislation.
Inter Authority Auditing	A system whereby local authorities might audit each others' food law enforcement services against an agreed quality standard.
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.
Minded to notice	A notice served by an Authorised Officer of the local authority under the Deregulation (Improvement and Enforcement Procedures) (Food Safety Act 1990) Order 1996. This notice is served prior to an 'improvement notice' and gives food business proprietors a specified period to make either a written or oral representation to the enforcement authority about the enforcement action. A repeal to the above Order means that from 10 April 2001 'minded to notices' no longer need to be issued prior to the issue of an 'improvement notice'.
OCD returns	Returns on local food law enforcement activities required to be made to the European Union under the Official Control of Foodstuffs Directive.
Originating Authority	An authority in whose area a business produces or packages goods or services and for which the Authority acts as a central contact point for other enforcing authorities' enquiries in relation to the those products
Port Health Authority	A local authority within whose boundaries there is a point of entry into the UK for imported foods.
Public Analyst	An officer, holding the prescribed qualifications, who is formally appointed by the local authority to carry out chemical analysis of food samples.
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.

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.