



Report on the Food Law Enforcement Service

Ribble Valley Borough Council
9-11 October 2001

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/multimedia/pdfs/frameagreefoodlaw?version=1.

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 Authority's activity data for 2000 has also been reproduced at Annex A. The Agency's website contains enforcement activity data for all UK local authorities and can be found at:

www.food.gov.uk/enforcement/role/39188?version=1.

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 B.

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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/role/frameagreelafoodlaw/reportfoodlaw?version=1. Hard copies are available from the Food Standards Agency Library at Aviation House, 125 Kingsway, London WC2B 6NH, Tel: 020 7276 8181. These are subject to a reproduction and handling fee of £7.50 plus £1.50 postage and packing.

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 Ribble Valley Borough 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 on the basis of their inspection levels of high risk premises, as indicated by 1999 monitoring information provided to the Agency under section 13 of the Food Standards Act 1999. Ribble Valley Borough Council was randomly selected from those authorities within the lower range of food hygiene inspection activity. Further details of monitoring statistics can be found at www.food.gov.uk/enforcement/role/39188?version=1.

Scope of the Audit

- 1.4 The audit covered Ribble Valley Borough Council's food hygiene law enforcement service. Food standards and feeding stuffs law enforcement is the responsibility of the County Council and was therefore not included within the scope of this audit. The on-site element of the audit took place at the Authority's office at Church Walk, Clitheroe, Lancashire on 9 – 11 October 2001.
- 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 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/multimedia/pdfs/frameagreefoodlaw?version=1 and www.food.gov.uk/multimedia/pdfs/auditprotocol?version=1 respectively.

Background

- 1.6 Ribble Valley Borough Council is situated in northeast Lancashire and, with an area of 226 square miles, is the largest district in the County. Over 70% of the Borough is in the Forest of Bowland area of outstanding natural beauty. The Borough has a population of around 54,000, with Clitheroe, the main administrative centre, having 13,200 inhabitants. Clitheroe lies at the heart of the Borough, whilst Longridge, the other main town, lies in the west. Longridge has a population of approximately 7,500. The remainder of the area is mainly rural with a number of villages ranging in size from the larger ones of Whalley, Sabden and Chatburn, through to small hamlets such as Great Mitton and Paythorne.
- 1.7 The Borough has a mixed economy and a consistently low rate of unemployment with agriculture as the primary employer. Major national and multinational companies such as ICI, 3M, Castle Cement and British Aerospace, represent the district's major manufacturing activity.
- 1.8 Officers of the Commercial Environmental Health Section of the Development Department carried out food hygiene enforcement. The Council Offices were open from 08:45–17:00, Monday to Friday. The Authority had an emergency out of hours contact number available to the public. The auditors were informed that any food hygiene related issues would be cascaded down to an appropriately authorised officer when available.
- 1.9 In addition to food hygiene enforcement, the Commercial Environmental Health Section were also responsible for the delivery of a range of services including occupational health and safety, air pollution, animal welfare licensing, pest control and the dog warden service.
- 1.10 The Commercial Environmental Health Section staffing level detailed in the Authority's draft Food Service Plan 2001/2002 is shown below:

Resource available	FTE *
Enforcement Officers	7.50
Administrative Support	1.00
TOTAL	8.50
Allocated to the Food Service	1.45

*Full Time Equivalent

- 1.11 The total Environmental Health Service expenditure budget was £228,129 for 2000/2001 and £234,910 for 2001/2002. The food safety costs contained within these totals were £48,000 for 2000/2001 and £62,535 for 2001/2002.
- 1.12 The foot and mouth outbreak which lasted from March to October 2001, had a significant impact within Ribble Valley and its food enforcement service. Severe restrictions were imposed within the Authority, prohibiting and preventing on-farm inspection visits and sampling. However, effective alternative arrangements were put in place for dairy samples to continue to be submitted for analysis during this period.
- 1.13 The Authority's monitoring returns made to the Agency for the 4 quarters making up the financial year 2000/2001 indicated that the Commercial Environmental Health Section was responsible for enforcing food hygiene legislation in 710 premises. These food businesses were predominantly within the catering and retail sectors. The returns also indicated that the Authority carried out:

Enforcement activity	No.
Food hygiene inspections	425
Other food hygiene visits	82
Informal food samples	201
Formal food samples	57

2. Executive Summary

2.1 The Authority was providing an effective food law enforcement service that recognised local priorities and maintained a balance between formal and advisory actions. The Authority were also particularly strong in relation to investigative work and in giving advice and taking action where appropriate in local dairy premises.

2.2 Documented procedures had been recently introduced covering most activities undertaken, however the Authority needed to reassess the extent of officer authorisations.

2.3 The Authority's Strengths:

Dairy premises - The Authority had identified that its significant number of dairy premises required the Commercial Environmental Health Section to develop specific expertise in this area. This had been used to assist local dairies in improving standards to meet legal requirements and implement good practice through written guidance and training for business operatives. The Authority's expertise also contributed to the development of national guidance and training for enforcement officers responsible for this sector of the food industry.

Investigative Action – There was evidence of thorough and competent investigations carried out in the areas of:

- Food related infectious disease outbreaks
- Notifications of sporadic cases of food related infectious disease
- Food complaints

2.4 Key Areas for Improvement

Officer Authorisations – The Authority's Matrix of Authorisations documented officer authorisations that were not in accordance with Food Safety Act Code of Practice No. 19: Qualifications and Experience of Authorised Officers. Officers must be authorised to enforce food safety legislation in accordance with the relevant Food Safety Act Codes of Practice to ensure that the powers they exercise are appropriate to their individual levels of qualification, training and experience. Failings in this area could undermine legal action.

3. Audit Findings

3.1 Organisation and Management

3.1.1 The Council was piloting its new political arrangements at the time of the audit and food safety fell under the terms of reference of the Community Committee.

3.1.2 The Council had 4 Departments. Delivery of the food hygiene service was the responsibility of the Commercial Environmental Health Section, within the Development Department, which was lead by the Chief Executive.

3.1.3 The corporate planning framework included the Best Value Performance Plan 2000/2001 (BVPP), which was approved by the Council in March 2001. The BVPP contained Key Summary Service information, performance information and included key actions for the forthcoming year. In addition to the BVPP, the Authority's Corporate Plan contained the following key principles relating to the food enforcement service:

Protect and where possible, improve the environment and general health of people living and working in the Ribble Valley by taking direct actions and working in close partnership with relevant agencies and local groups in accordance with the Environmental Health Plan.

Ensure that environmental sustainability is a key consideration in the Authority's action.

Work with the public, local companies and interest groups to implement good environmental practice throughout the Borough.

3.1.4 The BVPP also set out an action plan following the review of the Commercial Environmental Health Section, which was completed in January 2001. The key points in the action plan relating to the food hygiene enforcement service were to:

- Consider staff resources and contingency arrangements to meet food safety inspection targets.
- Establish unit costs for bench marking purposes relating to food hygiene inspections and infectious disease investigations.
- Review methodology of food safety revisits.
- Introduce the running of out of hours food hygiene courses.
- Raise awareness of General Practitioners in relation to infectious disease follow-up investigations by the Commercial Environmental

Health Section (in partnership with East Lancashire Health Authority).

- 3.1.5 The Authority had drawn up a comprehensive Food Service Plan for 2001/2002, which was in line with the Service Planning Guidance in the Framework Agreement on Local Authority Food Law Enforcement. The auditors were advised that the Plan would be submitted to the relevant Member forum for approval in the near future with a subsequent annual review also reported to members.
- 3.1.6 The Food Service Plan detailed the following performance indicators for the service:
- The percentage of food hygiene inspections that should have been carried out, that were carried out for:
 - (a) high risk premises, and
 - (b) other premises.
 - A first response to all food item and food premises complaints within 2 working days and a target of 70% within 48 hours.
- 3.1.7 The BVPP showed that in 1999/2000, the Authority had achieved 60% of their target for high risk food premises and 79% of that for other premises.

3.1.8 *Recommendation*

The Authority should:

Ensure that the Food Service Plan is submitted for approval to the relevant Member forum. [The Standard – 3.1]

3.2 Review and Updating of Documented Policies and Procedures

3.2.1 The Authority had issued a Document Control System Procedure, which detailed the arrangements for ensuring that definitive copies of policies and procedures were available to officers and that they were distributed as appropriate. However the procedure did not include details of any review or update process.

3.2.2 Staff generally had access to up to date copies of all appropriate reference texts, a commercial food law encyclopaedia and food related internet based information. However, a copy of the current Food Safety Act Code of Practice No. 16: Enforcement of the Food Safety Act in Relation to the Food Hazard Warning System was not available to officers.

Recommendations

3.2.3 The Authority should:

- (i) Ensure that all documented policies and procedures for each of the enforcement activities covered by the standard are reviewed and that this is covered within the document control system. [The Standard – 4.1]
- (ii) Ensure that all appropriate guidance documents are available to officers. [The Standard – 4.2]

3.3 Authorised Officers

- 3.3.1 The Authority had appointed a lead officer with the necessary specialist knowledge of food hygiene legislation.
- 3.3.2 The Council's standing orders gave the Chief Executive delegated responsibility for food hygiene enforcement and authority to instigate legal proceedings.
- 3.3.3 The Authority had a procedure relating to the maintenance of a personal competency matrix for food enforcement staff. The matrix detailed the level of authorisation and the officer's management responsibility, within the food hygiene enforcement service.
- 3.3.4 According to the matrix the only officer authorised to issue emergency prohibition notices within the Authority was the Chief Executive. This is contrary to Food Safety Act Code of Practice No. 19: Qualifications and Experience of Authorised Officers, which states that such notices should only be signed by environmental health officers who have 2 years post qualification experience in food safety matters and who are currently involved in food enforcement. This meant that no officers within the Commercial Environmental Health Section were authorised to close premises when there was an imminent risk.
- 3.3.5 The matrix also indicated that the Chief Executive was authorised to serve improvement notices and undertake inspection detention and seizure of food. Food Safety Act Code of Practice No. 19 also states that any officer undertaking these activities should be properly trained, competent and currently enforcing food hygiene or food processing regulations
- 3.3.6 Staff within the Commercial Environmental Health Section were subject to an annual appraisal to identify training and development needs. The training needs assessment was co-ordinated by the Authority's Personnel Department and a training programme had been developed.
- 3.3.7 The Authority held records of qualifications and external training received by each officer. However, information on content and duration of internal training received by officers was not available.
- 3.3.8 The relatively large number of dairy premises in the Authority had meant that the Commercial Environmental Health Section had become actively involved in the setting up of a dairy course aimed at enforcement officers with responsibility for this type of premises.

3.3.9 The auditors were informed that the training budget for the Development Department totalled £9,010. It was apparent from the quantity and relevance of courses undertaken, that the Authority was committed to providing its staff with appropriate training.

Recommendations

3.3.10 The Authority should:

- (i) Ensure that officer's authorisations are in full accordance with their qualifications, training and experience.
[The Standard – 5.3]
- (ii) Include details of the content and duration of in-house training courses in the training records [The Standard – 5.4]

3.4 Facilities and Equipment

- 3.4.1 The Authority had provided the facilities and equipment necessary to permit all activities associated with the Service to be carried out.
- 3.4.2 The Authority had a documented calibration procedure for its digital thermometers, sent each thermometer for calibration by the manufacturer once every 4 years and carried out in-house checks. However, the identification of individual thermometer instruments and probes, together with the recording of in-house calibration checks was not in accordance with the documented procedure. This may cause difficulties if the calibration status of the instruments was to be challenged.
- 3.4.3 The database and software operated by the Authority was capable of providing the enforcement activity returns required by the Food Standards Agency.
- 3.4.4 The Authority's food premises database was backed-up daily by the corporate Information Technology section and security systems were in place to prevent corruption or loss of information held on the database.

3.4.5 Recommendation

The Authority should:

Ensure that the documented calibration procedure for digital thermometers is fully implemented. [The Standard – 6.2]

3.5 Food Premises Inspections

3.5.1 The Food Service Plan 2001/2002 stated that there were 710 food premises in the Authority's area. The risk rating profile was as shown below:

Risk category	No.	%*
A	1	0
B	28	4
C	250	35
D	129	18
E	112	16
F	173	24
Non Rated	17	2
TOTAL	710	

* Figures rounded to the nearest %

3.5.2 The Authority had identified 16 premises as licensed under the Food Safety (General Food Hygiene) (Butchers' Shops) Amendment Regulations 2000, and 28 premises approved under product specific legislation (Approved Premises).

3.5.3 The preceding 2-year inspection histories of 10 general premises and 10 Approved Premises were examined. Two general premises and 7 Approved Premises were found not to have been inspected at the minimum frequencies required by Food Safety Act Code of Practice No. 9: Food Hygiene Inspections. In addition, a computer report run during the audit, indicated that 15 premises were overdue for inspection, 11 of which were as a result of current foot and mouth restrictions. Of the remaining 4, 2 high risk category B premises were overdue for inspection.

3.5.4 The Authority had recently produced a documented inspection procedure for general premises inspections and had been using standardised inspection reports and inspection forms to record inspection findings together with business details for several years. Thorough inspections of general premises were carried out by officers with the appropriate levels of authorisation. Inspections were generally in accordance with official guidance.

- 3.5.5 It was the policy of the Authority to reassess the inspection risk rating of food premises following a revisit to confirm compliance with informal written warnings or with improvement notices. This practice normally resulted in a reduction of the inspection rating given to a premises and
- was not in compliance with Food Safety Act Code of Practice No. 9. Any reassessment of a premises inspection risk rating should follow a full inspection and not a revisit to check on items raised during inspections.
- 3.5.6 The Authority issued a report of inspection on site after completing the inspection and, when necessary, subsequently sent a follow-up letter with an accompanying schedule of works required. In all of the cases examined, appropriate follow-up action had been taken where instances of non-compliance were identified, including revisits within an appropriate time.
- 3.5.7 The Authority did not have a documented procedure for butchers' licensing inspections. Similarly, there was no documented inspection procedure covering inspections of businesses approved under product specific regulations, although the Authority did use inspection forms specific to dairy and meat product premises.
- 3.5.8 The approval documents issued to Approved Premises lacked details of the approved activities, lists of the products approved, the statement that approval was dependent upon compliance and that the business should notify the Authority of any changes in operation.
- 3.5.9 The Authority had notified the Food Standards Agency of all Approved Premises in its area.

Recommendations

3.5.10 The Authority should:

- (i) Ensure that food hygiene inspections are carried out at a frequency laid down in Food Safety Act Code of Practice No. 9: Food Hygiene Inspections. [The Standard – 7.1]
- (ii) Ensure that the inspection rating of premises is reassessed only after carrying out a full inspection in accordance with the requirements of Food Safety Act Code of Practice No. 9. [The Standard – 7.2]
- (iii) Ensure that approval documents issued in respect of premises approved under product specific legislation, contain all the information required by the relevant legislation. [The Standard – 7.2]
- (iv) Ensure that the inspection procedure is extended to include Approved Premises and butchers' licensing inspections. [The Standard – 7.5]

3.6 Food Complaints

- 3.6.1 The Authority had a food complaints policy contained within its' Food Service Plan and a documented Food Complaints Procedure. Officers used a standardised food complaint form for receiving complaints and recording relevant information.
- 3.6.2 Nine food complaint records were examined. In general they contained complete records connected with the receipt of the complaint including information about the complainant, the food item and the manufacturer or supplier. In all cases there was evidence that initial contact had been made within the target of 2 working days, adopted by the Authority as a performance indicator. All complaints had been adequately investigated.
- 3.6.3 In 3 of the 9 cases, where contact with the complainant was appropriate, there was no indication in the records that the complainant had been notified of the outcome of the investigation.

Recommendation

3.6.4 The Authority should:

Ensure that procedures for the investigation of complaints are fully implemented. [The Standard – 8.1]

3.7 Home Authority Principle

- 3.7.1 The Authority had not entered into any formal Home Authority arrangements with local food businesses, but auditors were informed that they did have informal Home Authority agreements with 3 local manufacturers.

- 3.7.2 There was evidence on the files examined, that the Authority had carried out thorough and appropriate investigations at a number of manufacturers after receiving requests for information from other local authorities. Evidence was also available of appropriate liaison with Home and Originating Authorities during the investigation of food poisoning outbreaks and food complaints.

3.8 Advice to Business

- 3.8.1 Advice was given during the course of inspections together with information packs containing guidance leaflets produced by national organisations. The reports sent to businesses following inspections also included comprehensive recommendations of good practice.
- 3.8.2 The Authority had organised 2 hygiene training courses for proprietors and operatives from local dairies, which were tailored to the specific issues relating to the operation of this type of premises.
- 3.8.3 The Authority had historically run 4 basic food hygiene courses per year, but was currently reviewing the practice in favour of running courses out of hours in officers' own time, to free up more resources for food premises inspections and reactive work.

3.9 Food Premises Database

- 3.9.1 The Authority had a computerised database of the food premises in its area and had recently introduced a procedure for prevention of corruption and loss of data from the database.
- 3.9.2 Steps taken to update and verify the accuracy of the database, but which were not included in any documented procedures, included the following:
- Information gained as a consequence of inspection and complaint investigation activity.
 - Information received from the Building Control department regarding planning applications.
- 3.9.3 The database was examined for 13 food businesses that had been randomly identified from the current edition of a local business directory. All of the premises were found to be accurately recorded on the database.
- 3.9.4 Password controlled access to the database had been temporarily removed from the system because of the recent departure of the systems administrator. However, the auditors were informed that the officers' levels of access to the database were normally protected by unique individual passwords. In practice, details of inspections were inputted onto the database by one of the administrative support staff.
- 3.9.5 The Authority was able to generate a number of pre-set and user defined reports to interrogate the database for appropriate management information. These included monthly reports for completed inspections and response times to food complaints.

Recommendation

- 3.9.6 The Authority should:

Ensure the documented procedure on database maintenance is extended to include all activities undertaken by the Authority to keep the database up to date. [The Standard – 11.2]

3.10 Food Inspection and Sampling

- 3.10.1 The Authority had developed a documented food sampling policy and sampling procedures for both formal and informal food sampling. A sampling programme had been produced for 2001/2002. The programme included participation in sampling programmes designed by the local food liaison group, local Public Health Laboratory Service (PHLS) surveys and in any nationally co-ordinated sampling exercises. The Authority made particular reference to sampling from the significant number of dairies in its' area and had confirmed its sampling policy to the occupiers of these premises in writing.
- 3.10.2 Records for 10 food samples taken during the last 6 months were examined. In 2 cases where unsatisfactory test results were obtained there was no evidence in the file records or on the database of appropriate follow-up action having been taken. However, a sample investigation form, that had been developed by the Authority to fully document all actions associated with unsatisfactory samples, was held on a number of the premises files examined during the audit.
- 3.10.3 The laboratories used by the Authority for these purposes were properly accredited and were on the list of laboratories for use by enforcement authorities.

Recommendation

- 3.10.4 The Authority should:

Ensure that appropriate action is taken on any unsatisfactory food sampling results. [The Standard – 12.5]

3.11 Control and Investigation of Outbreaks and Food Related Infectious Disease

- 3.11.1 The Authority had a documented Outbreak Control Plan for dealing with the control of communicable diseases, including food related infectious diseases. This had been drawn up in conjunction with East Lancashire Health Authority in accordance with centrally issued guidance. The document was last reviewed in June 2001. The Authority also had a draft procedure for the investigation of small scale food poisoning outbreaks, which consisted of a flow chart and a number of proforma recording sheets.
- 3.11.2 The Authority had reported 4 food poisoning outbreaks during the previous 2 years. All had involved implementation of the major outbreak plan and cross boundary liaison. Thorough and competent investigations and follow-up action had been taken in all cases, in accordance with the Authority's procedure.
- 3.11.3 The Authority did not have a documented procedure for the investigation of individual notifications of food related infectious diseases.
- 3.11.4 The files and database records of 8 notifications of food related infectious diseases were examined. Appropriate and thorough follow-up action had been taken in all cases.

Recommendations

3.11.5 The Authority should:

Ensure that a documented procedure is produced for the investigation of individual notifications of food related infectious diseases. [The Standard – 13.2]

3.12 Food Safety Incidents

- 3.12.1 The Authority had recently produced a documented procedure for responding to food hazard warnings (FHWs) received from the Food Standards Agency, but this had not been fully implemented at the time of the audit.

- 3.12.2 The Authority's computer system was capable of receiving FHWs, and copies of all those issued in the last year were available. The Authority's response to FHWs and their outcome were being recorded. All records examined indicated that the Authority had carried out appropriate action following the receipt of each FHW.

3.13 Enforcement

- 3.13.1 The Authority had set up and implemented a Food Safety Enforcement Policy, which the auditors were informed was due to be submitted for approval by the appropriate Member forum in the near future.
- 3.13.2 The Authority had undertaken the following formal enforcement activities in the 2 years preceding the audit:
- 7 formal cautions
 - 3 voluntary closure of businesses
 - 3 improvement notices *
 - 4 voluntary surrenders of food
- * See paragraph 3.13.6
- 3.13.3 The records for all these activities were examined. All enforcement decisions appeared to have been taken in accordance with the Enforcement Policy and official guidance.
- 3.13.4 In 4 of the 7 formal caution files, the only information relating to the formal caution was the signed caution itself, making it difficult to draw any conclusions as to whether they had been issued in accordance with central guidance. In the remaining 3 files there was evidence that consideration had been given to the Enforcement Policy.
- 3.13.5 The 3 voluntary closures had been carried out in accordance with the Enforcement Policy and Food Safety Act Code of Practice No. 6: Prohibition Procedures.
- 3.13.6 During the audit 3 improvement notices were found during examination of premises files. These had all been properly preceded by “minded to” notices and had been dealt with by the same officer throughout. The format of the notices was generally in accordance with Food Safety Act Code of Practice No. 5: The Use of Improvement Notices. All had reasonable time limits for compliance, were worded clearly and their requirements reflected Local Authority Co-ordinating Body on Food and Trading Standards (LACOTS) and centrally issued guidance.
- 3.13.7 In 2 of the 3 improvement notices, however, there was evidence that a time extension had been granted without either a written request from the proprietor or written confirmation from the Authority that the request had been granted. In 2 cases there was no written confirmation that the notices had been satisfactorily complied with.

3.13.8 There was no evidence in the 4 voluntary surrender files to show that the food had been correctly disposed of in accordance with Food Safety Act Code of Practice No. 4: Inspection, Detention and Seizure of Suspect Food, although there was also no evidence to suggest that foods had been disposed of inappropriately. In 1 file examined, the person surrendering the food did not sign the receipt.

Recommendations

3.13.9 The Authority should:

- (i) Ensure that the Food Safety Enforcement Policy is submitted to the relevant Member forum for approval. [The Standard – 15.1]
- (ii) Ensure that improvement notices are served and their compliance confirmed in accordance with Food Safety Act Code of Practice No. 5: The Use of Improvement Notices. [The Standard – 15.2]
- (iii) Ensure that voluntary surrenders of food are carried out in accordance with Food Safety Act Code of Practice No. 4: Inspection, Detention and Seizure of Suspect Food. [The Standard – 15.2]

3.14 Records and Inspection Reports

- 3.14.1 Reports were issued following all inspections. The format of the report of inspection form had been changed within the last 2 months to ensure full compliance with the requirements of Food Safety Act Code of Practice No. 9: Food Hygiene Inspections. Reports of inspections made prior to that date did not include a summary of matters discussed at the closing meeting and in many cases, officers had not recorded details of the person seen at the time of the inspection, details of any samples taken, or records examined. The content of reports provided business proprietors with clear information, in line with official guidance.
- 3.14.2 Where appropriate following inspections, a warning letter containing a schedule of works was issued. In half of the schedules examined the legislation references for items were not quoted in full.
- 3.14.3 In general, records of inspections and food enforcement activities were clear, comprehensive and systematic and had been kept for the preceding 2 years.
- 3.14.4 There were however some areas of omission, mainly relating to the business details held on file. Files for premises approved under product specific regulations lacked information about the business, including plans of water points and details of water testing, the company emergency withdrawal plan and details of the cleaning programme and chemicals used. In most cases information relating to the size and scale of general premises was not available on file.
- 3.14.5 The Authority was unable to provide copies of the licenses issued to licensed butchers premises although the auditors were shown copies of the standard licence, which was formatted in accordance with central guidance. The records of butchers' licensing were comprehensive and indicated that the licensing process had been undertaken in full accordance with the Regulations and official guidance.
- 3.14.6 Examination of hard copy file and computer database records indicated that in several cases the inspection rating had been amended on the hard copy file following review by the manager, but had not been amended on the database.
- 3.14.7 During the audit 3 improvement notices were identified in premises files that had not been notified to the Food Standards Agency as part of the information requested prior to the audit. The failure of the Authority to accurately record the number of notices served, would have had an effect on the services' work planning, performance monitoring and the accuracy of enforcement returns to the Agency.

Recommendations

3.14.8 The Authority should:

- (i) Ensure that the detail of records kept on licensed butchers' premises and Approved Premises is sufficient to ensure that the action taken and the history of compliance can be ascertained. [The Standard – 16.1]
- (ii) Ensure that legal references quoted on premises' food hygiene inspection reports are accurate and specific. [The Standard – 7.2]
- (iii) Ensure that records of improvement notices served by the Authority are accurate and up to date. [The Standard – 16.1]

3.15 Complaints about the Service

- 3.15.1 The Authority had set up a documented corporate complaints procedure which was publicised by means of a leaflet freely available to the general public.
- 3.15.2 No complaints had been recorded against the food law enforcement service.

3.16 Liaison with Other Organisations

3.16.1 There was evidence of a high degree of involvement with food enforcement authorities and other relevant agencies in the region with the intention of improving consistency of enforcement activity.

3.16.2 Liaison included links with the following groups and agencies:

- The Lancashire Chief Environmental Health Officers Food Officer Group. This group meets approximately 4 times per year and has developed documented guidance on enforcement issues and organised benchmarking exercises.
- The Lancashire Food Officer Group Public Health Laboratory Liaison Group.
- Joint East Lancashire Health Authority and Local Authority Liaison Group.
- The Lancashire Social Services and Environmental Health Liaison Group.
- The Lancashire Trading Standards Environmental Health Liaison Group.

3.17 Internal Monitoring

- 3.17.1 Auditors identified evidence that the Authority carried out quantitative monitoring. Officers completed a weekly record sheet detailing the inspections undertaken, food related infectious diseases investigated, complaints dealt with and other visits they had carried out. In addition, monthly database reports were run showing outstanding inspections and response times for complaints. Quarterly “walk lists” were produced detailing inspections due in that period. These were used to allocate officer workloads, monitor high risk premises that were overdue for an inspection and to identify failings in compliance with the complaints procedure.
- 3.17.2 In addition as part of the Best Value review a questionnaire had been sent to a random selection of 10% of the public requesting a service from the Department, with a quarterly review report put before Members. This process had temporarily ceased but the auditors were informed it would be carried out again for short periods in the future.
- 3.17.3 The Authority had also carried out accompanied inspections as part of its qualitative monitoring of officers, but these were not programmed. In addition, the Environmental Health Manager monitored all formal notices served by the section and 10% of all informal warning letters.
- 3.17.4 However these monitoring activities were not covered in a documented procedure and records of the monitoring carried out by the Authority were not maintained.

Recommendation

- 3.17.5 The Authority should:

Develop and implement documented quantitative and qualitative internal monitoring procedures, to ensure effective and consistent enforcement and to verify its conformance with the Standard, legislation and the Authority’s own documented policies and procedures. [The Standard – 19.1]

3.18 Third Party or Peer Review

3.18.1 No inter-authority auditing (IAA) had been undertaken in the region to assess conformance with the Standard.

3.19 Food Safety Promotion

3.19.1 There was limited evidence of the Authority's involvement with food safety promotion. The Authority had previously participated in National Food Safety Week and had contributed to a Lancashire Food Officers Group "calamity kitchen" that toured the local schools.

Auditors: **Nick Wellington**
 Bill Parkinson

Food Standards Agency

Local Authority Enforcement (Policy) Division

Action Plan for Ribble Valley Borough Council

Audit date: 9 to 11 October 2001

IMPROVEMENTS PLANNED	BY (DATE)	TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	COMMENTS
Food service plan to be formally adopted.	6 November 2001	Para 3.1.8 Ensure that the Food Service Plan is submitted for approval to the relevant member forum. [The Standard - 3.1]	This was already arranged subject to vetting by Food Standards Agency Auditors. <i>Implemented on 6/11/01.</i>
(i) Review of documented policies and procedures every 12 months or when new guidance issued. (ii) Produce standard procedure. (iii) Provide replacement copy of Food Safety Code of Practice No 16 – Food Hazard Warning.	September 2002 31 January 2002 30 November 2001	Para 3.2.3(i) Ensure that all documented policies and procedures for each of the enforcement activities covered by the standard are reviewed and that this is covered within the document control system. [The Standard – 4.1] Para 3.2.3 (ii) Ensure that all appropriate guidance documents are available to officers. [The Standard – 4.2]	(i) To carry out 12 month review commencing September 2002. (ii) Produce standard procedure by 31.01.02. (iii) <i>Now implemented.</i>
(i) Amend authorisation/competency matrix in line with standard (5.3). (ii) To include details of the content and duration of all future in-house training in the individual officer personnel/training records.	15 November 2001 Ongoing from November 2001	Para 3.3.10(i). Ensure that officers' authorisations are in full accordance with their qualifications, training and experience. [The Standard - 5.3] (ii) include details of the content and duration of in-house training courses in the training records. [The Standard – 5.4]	(i) <i>Now implemented.</i> (ii) Record already in Departmental Management meeting minutes and on individual officers personal file of who attended.

To implement documented calibration procedure for Thermometers every 3 months.	30 October 2001	Para 3.4.5. Ensure that the documented calibration procedure for digital Thermometers is fully implemented. [The Standard - 6.2]	<i>Now implemented.</i>
5.(i) Advised and instructed inspection team of this requirement and develop and introduce management procedure to monitor compliance.	31 December 2001	Para 3.5.10 (i) Ensure that Food Hygiene inspections are carried out at a frequency laid down in the Food Safety Act COP No 9: Food Hygiene Inspections. [The Standard – 7.1]	<i>Now implemented.</i>
(ii) Inspection rating of premises is reassessed only after full inspection. Amended standard procedure.	11 October 2001	Para 3.5.10 (ii) Ensure that the inspection rating of premises is reassessed only after carrying out a full inspection in accordance with the requirements of Food Safety Act Code of Practice No 9. [The Standard - 7.2]	<i>Now implemented.</i>
(iii) Instructed inspection team of this requirement. To monitor in future.	Ongoing	Para 3.5.10 (iii) Ensure that approval documents issued in respect of premises approved under product specific legislation, contain all the information required by the relevant legislation. [The Standard – 7.2]	<i>Now implemented.</i>
(iv) Produce standard procedure for Approved Premise and Butcher Licensing Inspections.	31 December 2001	Para 3.5.10 (iv) Ensure that the inspection procedure is extended to include Approved Premises and Butchers' Licensing Inspections. [The Standard – 7.5]	<i>Now implemented.</i>
Reminded inspection team of requirement to notify complainant of outcome and record. To check 10% of food complaints upon completion.	30 October 2001	Para 3.6.4 – Ensure that procedures for the investigation of complaints are fully implemented. [The Standard - 8.1]	<i>Now implemented.</i>

Amend documented procedure on database maintenance to include information gained from inspection and complaint investigation activities and Building Control – Planning Applications.	31 December 2001	Para 3.9.6 – Ensure the documented procedure on database maintenance is extended to include all activities undertaken by the Authority to keep the database up to date. [The Standard – 11.2]	<i>Now implemented.</i>
Reminded and instructed food inspection team of need to complete appropriate follow up investigation forms for unsatisfactory samples.	15 November 2001	Para 3.10.4 – Ensure that appropriate action is taken on any unsatisfactory food sampling results. [The Standard – 12.5]	<i>Now implemented.</i>
Produce documented procedure for investigation of individual notification of ID.	31 January 2002	Para 3.11.5 Ensure that a documented procedure is produced for the investigation of individual notifications of food related infectious diseases. [The Standard – 13.2]	
<p>(i) Food Safety Enforcement Policy to be formally adopted.</p> <p>(ii) Instruction given to Food Safety Team of need to issue written confirmation when extend permitted time for Improvement Notices and when notices are complied with.</p> <p>(iii) Instruction given to Food Safety Team to record method of disposal of surrendered food and ensure all signatures obtained.</p>	6 November 2001	<p>Para 3.13.9 (i) Ensure that the Food Safety Enforcement Policy is submitted to the relevant member forum for approval. [The Standard - 15.1]</p> <p>Para 3.13.9 (ii) Ensure that Improvement Notices are served and their compliance confirmed in accordance with Food Safety Act COP5: The use of improvement notices. [The Standard - 15.2]</p> <p>Para 3.13.9 (iii) Ensure that voluntary surrenders of food are carried out in accordance with Food Safety Act COP No 4: Inspection, Detention and Seizure of Suspect Food. [The Standard - 15.2]</p>	<p><i>Now implemented.</i> <i>Approved on 6.11.01.</i></p> <p><i>Now implemented.</i></p> <p><i>Now implemented.</i></p>

<p>(i) Enhance information obtained during inspection of butchers and approved premises as indicated. Copies of Butchers Licences produced and retained on Premise file.</p>	<p>15 November 2001</p>	<p>Para 3.14.8 (i) Ensure that the detail of records kept on Licensed Butchers' Premises and Approved Premises is sufficient to ensure that the action taken and the history of compliance can be ascertained. [The Standard - 16.1]</p>	<p><i>Now implemented.</i></p>
<p>(ii) Amend standard phrases to include full legal references on inspection reports/correspondence.</p>	<p>31 December 2001</p>	<p>Para 3.14.8 (ii) Ensure that legal references quoted on premises food hygiene inspection reports are accurate and specific. [The Standard – 7.2]</p>	<p><i>Now implemented.</i></p>
<p>(iii) Instruction given to Food Safety Team to ensure that records of Improvement Notices are accurate.</p>	<p>15 November 2001</p>	<p>Para 3.14.8 (iii) Ensure that records of Improvement Notices served by the Authority are accurate and up to date. [The Standard – 16.1]</p>	<p><i>Now implemented.</i></p>
<p>Produce and implement “documented” internal monitoring procedures to verify conformance with The Standard.</p>	<p>31 January 2002</p>	<p>Para 3.17.5 – Develop and implement documented quantitative and qualitative internal monitoring procedures, ensure effective and consistent enforcement and to verify its conformance with The Standard, legislation and the Authority's own documented policies and procedures. [The Standard – 19.1]</p>	

ANNEX A

RIBBLE VALLEY BOROUGH COUNCIL ENFORCEMENT ACTIVITY OFFICIAL RETURN 2000

The UK enforcement data is reported to the European Commission on a calendar year basis. Therefore the information in this Annex, and on the Agency website at www.food.gov.uk/enforcement/role/39188?version=1, will not match the data in the main body of the report which is based on the local authority reporting year (1 April-31 March).

Ribble Valley – OCD NO 203

	Primary Producers	Manufacturers and Packers	Importers and Exporters	Distributors and Transporters	Retailers	Restaurant and other Caterers	Total
Number of establishments	8	36	0	23	228	484	779
Number of establishments inspected	1	27	0	8	87	251	374
Number of inspections	5	30	0	8	101	272	416
Number of establishments committing infringements*	1	22	0	3	38	126	190
Hygiene general (handling procedures, equipment and condition of premises)	0	0	0	0	0	0	0
Hygiene of personnel (in conformity with article 8 of the Control Directive)	0	0	0	0	0	0	0
Composition (including raw materials and additives)	0	0	0	0	0	0	0
Contamination (other than microbiological)	0	0	0	0	0	0	0
Labelling and presentation	0	0	0	0	0	0	0
Others	0	0	0	0	0	0	0

* Only the ones which have led to formal action by the competent authorities

LABORATORY RESULTS

Product	Number of samples#	Samples with infringements*				Total number of samples
		Microbiological contamination	Other contaminants	Composition	Labelling and presentation	
Dairy products	0	0	0	0	0	74
Eggs and egg products	0	0	0	0	0	0
Meat and meat products, game & poultry	0	0	0	0	0	0
Fish, crustacea and molluscs	0	0	0	0	0	0
Fats and oils	0	0	0	0	0	0
Soups, broths and sauces	0	0	0	0	0	0
Cereals and bakery products	0	0	0	0	0	0
Fruit and vegetables	0	0	0	0	0	0
Herbs and spices	0	0	0	0	0	0
Non-alcoholic drinks	0	0	0	0	0	0
Wine	0	0	0	0	0	0
Alcoholic drinks (other than wine)	0	0	0	0	0	0
Ices and desserts	0	0	0	0	0	0
Cocoa and cocoa preparations, coffee & tea	0	0	0	0	0	0
Confectionery	0	0	0	0	0	0
Nuts, nut products and snacks	0	0	0	0	0	0
Prepared dishes	0	0	0	0	0	0
Foodstuffs intended for special nutritional uses	0	0	0	0	0	0
Additives	0	0	0	0	0	0
Materials and articles intended to come into contact with foodstuffs	0	0	0	0	0	0
Others	0	0	0	0	0	0

* Only the ones which have led to formal action by the competent authorities

A few samples had more than one type of infringement on which formal action was taken

Product from which Informal Samples were taken during 2000	Number of Informal Samples which were Unsatisfactory				Total No. of Informal Samples
	Microbiological contamination	Other contamination	Composition	Labelling and Presentation	
Dairy products	7	0	0	0	52
Eggs and egg products	0	0	0	0	0
Meat and meat products, game and poultry	2	0	0	0	57
Fish, crustacea and molluscs	0	0	0	0	0
Fats and oils	0	0	0	0	0
Soups, broths and sauces	0	0	0	0	0
Cereals and bakery products	0	0	0	0	0
Fruit and vegetables	0	0	0	0	7
Herbs and spices	0	0	0	0	0
Non-alcoholic drinks	0	0	0	0	0
Wine	0	0	0	0	0
Alcoholic drinks (other than wine)	0	0	0	0	0
Ices and desserts	1	0	0	0	5
Cocoa and cocoa preparations, coffee and tea	0	0	0	0	0
Confectionery	0	0	0	0	6
Nuts, nut products and snacks	0	0	0	0	0
Prepared dishes	0	0	0	0	0
Foodstuffs intended for special nutritional uses	0	0	0	0	0
Additives	0	0	0	0	0
Materials and articles intended to come into contact with foodstuffs	0	0	0	0	0
Others	1	0	0	0	67

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