

Summary Report of 2023-2024 and 2024-2025 Audit Programme: local authority service delivery planning processes and arrangements and relevant open audit actions

This report sets out the findings of the Food Standards Agency's audit of Local Authorities' feed and food law enforcement service, undertaken to fulfil the Agency's statutory monitoring and auditing responsibilities. It was written in September 2025.

Foreword

The Food Standards Agency (FSA) is the Competent Authority (CA) responsible for feed safety, food safety and food standards law and for ensuring risk-based official controls are carried out at feed and food business establishments in Wales, England, and Northern Ireland.

Feed and food official controls aimed at verifying food business compliance with the relevant legislation are fundamental to safeguarding public health and contribute to the FSA's strategic outcome that 'food is safe and what it says it is'.

Day-to-day monitoring and enforcement of feed and food business compliance is the responsibility of local authorities (LAs).

In Wales, the power to set standards and monitor LA feed and food law enforcement services was conferred on the FSA under Section 12 of the Food Standards Act 1999 and Regulation 7 of the Official Feed and Food Controls (Wales) Regulations 2009. The FSA is required to monitor and audit local authority feed and food law enforcement services under this legislation and the assimilated Official Controls Regulation (EU) 2017/625. In developing its audit arrangements, the FSA has taken account of the European Commission guidance on how such audits should be conducted.

In addition to assessing the delivery of official controls against legal requirements and statutory guidance, the audit process also provides the opportunity to identify and disseminate good practice and to provide information to inform FSA policy on the execution and enforcement of feed and food law.

FSA audits assess local authorities' conformance against the requirements of the assimilated Official Controls Regulation (EU) 2017/625 and the Feed and Food Law Enforcement Standard within the Framework Agreement on Official Feed and Food Controls by Local Authorities (Framework Agreement). Assessments were also made against the Food Law Code of Practice (Wales) 2021 (FLCoP) along with related centrally issued guidance including the Food Law Practice Guidance (Wales) 2021.

This report is available in hard copy from the FSA's Regulatory Audit and Assurance Team, Asiantaeth Safonau Bwyd yng Nghymru / Food Standards Agency in Wales, Llawr 4 / 4th Floor, Adeilad Llywodraeth Cymru / Welsh Government Building, Parc Cathays Park, Caerdydd / Cardiff, CF10 3NQ, and electronically on the FSA's website.

Table of Contents

- 1.0 Introduction (including Background and Scope of Audit Programme)
- 2.0 Audit Methodology
- 3.0 Audit Findings
- 4.0 Conclusions and recommendations

Annex A - Audit plans

1.0 Introduction

Background

- 1.1 Audits of local authority (LA) feed and food law enforcement services are part of the Food Standards Agency's (FSA) arrangements to improve consumer protection and confidence in relation to feed and food. Implementing official controls in food businesses at appropriate frequencies based on risk is essential to protect public health and ensure the safety of food for consumers.
- 1.2 In response to the Covid pandemic, FSA maintained regular contact with LAs in Wales to provide them with guidance on the expected standards of delivery for Food Hygiene and Food Standards services.
- 1.3 On 16 June 2021 LAs were provided with details of the FSA's Recovery Plan guidance. The Recovery Plan set out the FSA's guidance and advice to LAs for the period from 1 July 2021 to March 2023. It aimed to ensure that during the period of recovery from the impact of COVID-19, LA resources were targeted where they added greatest value in providing safeguards for public health and consumer protection in relation to food. It also aimed to safeguard the integrity of the Food Hygiene Rating Scheme (FHRS).
- 1.4 The Recovery Plan provided a framework for the official control delivery system in line with the FLCoP for new food establishments and high-risk and/or non-compliant establishments, while providing flexibility for lower risk establishments.
- 1.5 On 20 February 2023 a <u>communication</u> was sent to LAs in Wales to confirm that the Recovery Plan would be coming to an end on 31 March 2023. From 1 April 2023, LAs were required to:
 - Carry out due interventions for establishments that are back in the routine programme of interventions in accordance with the frequencies set out in the FLCoP.
 - Work towards realigning with the provisions set out in the FLCoP from 1 April 2023, using
 the full range of flexibilities already offered by the FLCoP. These can be found in Chapter 4
 of the FLCoP and Chapter 4 of the Food Law Practice Guidance (Wales).
 - Continue to exercise a risk-based approach to the requirements set out in the Code based on available resource.
- 1.6 A key part of the FSA's remit in its role as a CA is to provide assurance for stakeholders and the public that food authorities, such as LAs, are correctly delivering and implementing any legislation, advice and guidance issued in relation to the food and feed services they provide

within the FSAs remit. This audit programme, in tandem with the bi-annual performance surveys, provides a key element of the FSA's overall assurance framework.

- 1.7 In Wales, the power to set standards and monitor LA feed and food law enforcement services was conferred on the FSA under section 12 of the Food Standards Act 1999 and regulation 7 of the Official Feed and Food Controls (Wales) Regulations 2009.
- 1.8 The Framework Agreement on Local Authority Food Law Enforcement sets out the arrangements through which the FSA monitors and audits LA enforcement activities to help ensure that LAs are providing an effective service to protect public health.

Scope of 2023-2024 and 2024-2025 Audit Programme

- 1.9 Audits were undertaken of 16 of the 22 food authorities in Wales, three of which are merged into a single service. Therefore, 14 of 20 food enforcement services were audited. The audits considered:
 - Service delivery planning processes and arrangements including an assessment of the LA
 s intervention plan, the resources available to the service and the risk-based prioritisation of
 activities, including the assessment of new food businesses.
 - Open audit actions review of any relevant open actions from previous audits and associated update of the LA audit action plan.
- 1.10 As part of the development of the audit programme the FSA engaged with relevant stakeholders and produced an audit plan for each of the two years that the audit programme was running. These are attached in Annex A.

2.0 Audit Methodology

- 2.1 LAs received a pre-audit letter requesting copies of the LA service plan, sampling programmes, details of staffing resources, data on food establishment interventions and associated documentation.
- 2.2 LAs were also provided with a copy of any relevant audit reports /action plans and asked to provide evidence of their progress on outstanding actions.
- 2.3 This was followed by a structured on-site audit involving meetings with the Head of Service, LA lead officers and other relevant staff about current and future service delivery arrangements as well as an examination of a selection of food official controls records.
- 2.4 The audits took place between September 2023 and March 2025. The on-site element of the audit took 1½ working days within each LA.
- 2.5 All LAs in the audit programme received a written audit report which included an assessment of assurance for both food hygiene and food standards services and an updated audit action plan, which was published on the FSA website.

3.0 Audit Findings

Service planning and delivery

3.1 All 14 LA services were either following or broadly following the FSA's service planning guidance to plan their service delivery for both food hygiene and food standards.

- 3.2 One food standards service had broadly re-aligned with the intervention frequencies within the Code.
- 3.3 Five LA services were making good progress in re-aligning with the intervention frequencies within the Code for both food hygiene and food standards services. Three others were doing so for food hygiene only. These services followed risk-based plans and were demonstrating steady progress towards re-alignment with the Code.
- 3.4 Six LA services were making limited progress in realigning with the intervention frequencies within the Code for both food hygiene and food standards. One other was doing so for food standards only. In these services, plans for re-alignment with the Code were either inadequate or not sufficiently supported in practice; with the effect that they were either unable to re-align or realignment with the Code was uncertain.
- 3.5 One food standards service, had no plan to re-align with the Code due to a lack of resources. This service had abandoned proactive inspections for all, but the small number of high-risk establishments.
- 3.6 Where LAs were not making sufficient progress on re-alignment, the findings showed the following:
 - One food standards service, had only undertaken the small number of high-risk establishments interventions.
 - One authority was unable to undertake all interventions required in high-risk establishments for both food hygiene and food standards whilst another authority was unable to do so for food hygiene alone.
 - Three services were unable to sufficiently tackle the backlog of unrated premises and keep pace with the number of new businesses emerging across both food hygiene and standards.
 - Two services were unable to sufficiently tackle the food standards unrated backlog and keep pace with the number of new food standards businesses emerging.
 - One service, was unable to tackle the backlog of food standards unrated establishments.
 - Five services were unable to undertake all due medium risk interventions for both food hygiene and standards.
 - One service was unable to undertake all due medium risk interventions for food hygiene only.
 - Two services were unable to undertake all due medium risk interventions for food standards.
 - Five services were unable to undertake all low-risk interventions for both food hygiene and standards.
 - One LA was unable to undertake all low-risk interventions for food hygiene.
 - Two LAs were unable to undertake all low-risk interventions for food standards.
- 3.7 The majority of the medium risk establishments for food hygiene were preparing open high-risk food and had previously been rated as medium risk due to good compliance. Due to the elapsed time since the previous inspection, this level of compliance can no longer be confidently assured, and it is possible that some of these establishments may now be rated as high risk when they receive an intervention. Most LAs reported having to undertake enforcement action in establishments that had not received a recent intervention. Similarly, many of the medium risk food standards inspections were businesses which were preparing and packaging foods indicating a potential allergen risk. Where compliance cannot be assured, these establishments may pose a significant risk to the health of their consumers.
- 3.8 When low risk establishments are not inspected, there is a risk that business activities, ownership, management, staff or previous compliance may have changed significantly. This means that some of these establishments could now present a different risk profile. Without

interventions being undertaken, the LA would not be in a position to identify or respond to any new or additional risks.

- 3.9 In addition to operating programmed interventions, LAs must also take risk-based samples of foods from businesses in their area in accordance with a sampling programme, to test product compliance.
- 3.10 In most services, the sampling programmes for both food hygiene and food standards, were risk based. They targeted manufacturers and included participation in agreed local and national surveys.
- 3.11 However, in three food hygiene and two food standards services the sampling programmes lacked clarity, were not risk based or failed to clearly specify numbers or types of sampling activity.
- 3.12 In three other food standards services there was an absence of a sampling programme due to an absence of resources being made available to undertake such sampling. In some cases, a previous sampling budget had been lost to financial cuts.
- 3.13 Where LAs were not making sufficient progress on re-alignment of intervention programmes or delivery of sampling programmes, they reported being unable to appoint enough staff to meet their obligations. According to LAs, this was due to a combination of the following factors:
 - insufficient posts
 - insufficient funding available
 - insufficient number of qualified staff being available in the job market
 - insufficient number of qualified staff applying for advertised posts.

Relevant open audit actions

3.14 Relevant open audit actions from previous audit programmes were followed up. This includes those from the full audit programme of 2013 - 2017 and the Food Hygiene Rating Scheme focussed audit of 2017. Each LA was issued with an <u>updated action plan</u> and these were published on the FSA website.

4.0 Conclusions and recommendations

- 4.1 The audit demonstrated that whilst all LAs were either following or broadly following the FSA's service planning guidance, just over half of food hygiene services had a risk-based plan in place to realign with the intervention frequencies in the Code and were making good progress in implementing those plans. For food standards services, whilst one service was already in broad re-alignment, another 5 had a risk-based plan in place to realign with the intervention frequencies in the Code and were making good progress in implementing those plans.
- 4.2 Eight of 14 food standards services and six of 14 food hygiene services either did not have a sufficient plan to re-align with the Code or were not making sufficient progress in implementing plans. In most cases, insufficient internal support and lack of adequate resources was a factor, as was a challenging job market for appropriately qualified officers.

Recommendation 1

LAs should have risk-based plans in place that set out how they intend to resource and deliver official controls and official activities in line with the intervention frequencies within the FLCoP and ensure those plans are communicated to the appropriate senior management/relevant member forum and commitment is provided to sufficiently resource their implementation.

Recommendation 2

LAs must have, or have access to, a sufficient number of suitably qualified and experienced officers so that official controls and other official activities can be performed efficiently and effectively in accordance with the law and the FLCoP.

[Articles 5(1)(e) of assimilated Regulation (EU) 2017/625; para 3.3.1 FLCoP]

Recommendation 3

The FSA should continue to work in partnership with relevant stakeholders, to identify the factors that will support a sustainable job market for qualified food hygiene and food standards officers.

4.3 The majority of LA food sampling programmes were risk based and being implemented appropriately, however, a small number of both food hygiene and food standards plans require improvement to ensure they are risk based, clear and specific in terms of numbers and types of samples being targeted. Of more concern was the small number of food standards services where decisions had been made not to support programmed food standards sampling, contrary to the requirements of legislation and the Code.

Recommendation 4

LAs should have a programme to set out the details of their risk-based food sampling priorities and activities, including imported foods. The programme should consider, as a minimum the number, type, size, and intervention ratings of food business establishments in their area and the type of food produced in the area, and whether any of their food premises deal in specialised processes.

[Articles 5(1) (a), (d) & (e), 9(1) & (2) and 14(h) of assimilated Regulation (EU) 2017/625; para 2.3.3 & 4.5 FLCoP]

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Annex A: Audit Plans

Food Standards Agency in Wales

Local authority audit plan – Wales

July 2023 - March 2024

Programme Brief

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Background

- 1. In response to the Covid pandemic, the Food Standards Agency (FSA) maintained regular contact with local authorities (LAs) in Wales to provide them with guidance on the expected standards of delivery for Food Hygiene and Food Standards services. On 16 June 2021 LAs were provided with details of the FSA's Recovery Plan guidance.
- 2. The Recovery Plan set out the FSA's guidance and advice to LAs for the period from 1 July 2021 to March 2023. It aimed to ensure that during the period of recovery from the impact of COVID-19, LA resources were targeted where they added greatest value in providing safeguards for public health and consumer protection in relation to food. It also aimed to safeguard the integrity of the Food Hygiene Rating Scheme (FHRS).
- 3. The Recovery Plan provided a framework for re-starting the official control delivery system in line with the Food Law Code of Practice (Wales) for new food establishments and high-risk and/or non-compliant establishments, while providing flexibility for lower risk establishments.
- 4. On 20 February 2023 a smarter communications <u>letter</u> was sent to LAs in Wales to confirm that the Recovery Plan would be coming to end on 31 March 2023. From 1 April 2023, it stated that LAs should be planning to:
 - Carry out due interventions for establishments that are back in the routine programme of
 interventions in accordance with the frequencies set out in the Food Law Code of Practice
 (Wales) (the Code). This is in line with the expectation in the Recovery Plan that
 establishments should revert to Code frequencies once subject to an intervention as part of
 the Recovery Plan.
 - Work towards realigning with the provisions set out in the Code from 1 April 2023, using the
 full range of flexibilities already offered by the Code. These flexibilities including exemptions
 can be found in Chapter 2 (Point 2.6.4) and Chapter 4 of the Code and Chapter 4 of the
 Food Law Practice Guidance (Wales).
 - Continue to exercise a risk-based approach to the requirements set out in the Code based on available resource.

- 5. A key part of the FSA's remit in its role as a central competent authority (CCA) is to provide assurance for stakeholders and the public that competent authorities (CAs) such as LAs, are correctly delivering and implementing any legislation, advice and guidance issued in relation to the services they provide. This audit programme, in tandem with the quarterly performance surveys, provides a key element of the FSA's overall assurance framework.
- 6. In Wales, the power to set standards and monitor LA feed and food law enforcement services was conferred on the FSA under section 12 of the Food Standards Act 1999 and regulation 7 of the Official Feed and Food Controls (Wales) Regulations 2009.
- 7. The Framework Agreement on Local Authority Food Law Enforcement sets out the arrangements through which the FSA monitors and audits LA enforcement activities to help ensure that LAs are providing an effective service to protect public health.

Programme Objectives

- 8. The primary objective of the programme is to:
 - Gain assurance that LAs in Wales have implemented the guidance in the FSA's letter dated 20 February 2023 regarding the end of the Recovery Plan. It will assess how LAs have carried out Service Planning and delivery of interventions in accordance with relevant legislation and statutory guidance, including the Food Law Code of Practice (Wales) (the Code)
 - Where LAs have not been able to re-align with the intervention frequencies contained within the Code, the programme will seek assurance that LAs have taken a risk-based and intelligence-led approach to their prioritisation of interventions, and that they are working towards re-aligning with the Code.
- 9. In addition, the programme will seek to:
 - identify and disseminate any areas of good practice and innovation to other LAs to improve the effectiveness and efficiency of controls being delivered
 - gain assurance that LAs are delivering interventions in accordance with relevant legislation, statutory guidance and the Food Law Code of Practice (Wales)
 - gain a broader understanding of how LAs have responded and interpreted the requirements of FSA communications and guidance
 - to highlight any emerging concerns or common issues affecting LAs following the end of the Recovery Plan
 - verify the information LAs have provided via the temperature check and end of year surveys
 - review LA progress in implementing any relevant outstanding recommendations from previous audits

Scope of the Audit Programme

- 10. This programme will consist of a series of LA audits in Wales to assess service planning and delivery of interventions following the end of the Recovery Plan, as well as reviewing any relevant open audit actions following previous audits. The audits will focus on the delivery of official controls in relation to food hygiene and standards.
- 11. The programme will take place between July 2023 and March 2024 across LAs in Wales.
- 12. The audits will assess whether LAs have been able to return to the intervention frequencies within the Code following the end of the Recovery Plan, and that they are carrying out official controls in line with applicable legislation, the Code of Practice and relevant central guidance.

13. Where LAs have not been able to return to the intervention frequencies within the Code, the audits will assess whether LAs have taken a risk-based and intelligence-led approach to their prioritisation of interventions, and that they have a plan in place to re-align with the Code in the future.

14. The audits will consider:

- Service delivery planning processes and arrangements including an assessment of the LA
 s intervention plan, the resources available to the service and the risk-based prioritisation of
 activities, including the assessment of new food businesses.
- Open audit actions review of any relevant open actions from previous audits and associated update of the LA audit action plan.

Assessment Approach

15. The audits will involve:

- a pre-audit questionnaire requesting copies of the LA service plan, planned/completed interventions and associated documentation
- the LA will also be provided with a copy of their last audit report/action plan and will be asked to provide evidence of their progress on any outstanding actions
- this will be followed by a structured on-site audit involving meetings with the Head of Service, LA lead officers and other relevant staff about current and future service delivery arrangements

Timing

16. The audits will take place between July 2023 and March 2024. The on-site element of the audit should take no longer than 1-2 working days with each LA.

Assessment Report and Follow Up

17. All LAs in the programme will receive individual feedback alongside an updated audit action plan, which will be published on the FSA website.

Planned Outcomes

18. Immediate Outcomes:

- Assurance gained that effective arrangements are in place for the delivery of LA official controls following the end of the Recovery Plan
- Where LAs have not been able to return to the intervention frequencies within the Code, the audits will provide assurance that the LA has a risk-based plan in place to re-align with the Code and they are progressing with that plan
- Improvements and actions taken by LAs contribute to more effective local food law enforcement
- Wider dissemination of identified good practice will contribute to improvements in quality and effectiveness of LA delivery of official food controls
- Findings and recommendations will be fed back to relevant FSA teams to inform policy making
- The audits will ensure that the FSA is fulfilling its' role as CCA

19. Strategic Outcomes:

• The audits will raise the profile of the food service within LAs and help them maintain/enhance their resource allocation

- Robust assurance on the LA implementation of Official Feed and Food Control (OFFC) requirements
- Strengthened partnership between the FSA, LAs and key stakeholders
- Improved business compliance with food hygiene and standards contributes to improved public health and reduces the likelihood of foodborne illness, food incidents and food fraud
- Contribute towards FSA strategic risk management and compliance with UK obligations under OFFC requirements & the Food Standards Act 1999

Food Standards Agency in Wales

Local authority audit plan - Wales

April 2024 - March 2025

Programme Brief

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Background

- 1. In response to the Covid pandemic, the Food Standards Agency (FSA) maintained regular contact with local authorities (LAs) in Wales to provide them with guidance on the expected standards of delivery for Food Hygiene and Food Standards services. On 16 June 2021 LAs were provided with details of the FSA's Recovery Plan guidance.
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- establishments should revert to Code frequencies once subject to an intervention as part of the Recovery Plan.
- Work towards realigning with the provisions set out in the Code from 1 April 2023, using the
 full range of flexibilities already offered by the Code. These flexibilities including exemptions
 can be found in Chapter 2 (Point 2.6.4) and Chapter 4 of the Code and Chapter 4 of the
 Food Law Practice Guidance (Wales)
- Continue to exercise a risk-based approach to the requirements set out in the Code based on available resource.
- 5. A key part of the FSA's remit in its role as a central competent authority (CCA) is to provide assurance for stakeholders and the public that competent authorities (CAs) such as LAs, are correctly delivering and implementing any legislation, advice and guidance issued in relation to the services they provide. This audit programme, in tandem with the bi-annual performance surveys, provides a key element of the FSA's overall assurance framework.
- 6. In Wales, the power to set standards and monitor LA feed and food law enforcement services was conferred on the FSA under section 12 of the Food Standards Act 1999 and regulation 7 of the Official Feed and Food Controls (Wales) Regulations 2009.

Programme Objectives

- 7. The primary objective of the programme is to:
 - Gain assurance that LAs in Wales have implemented the guidance in the FSA's letter dated 20 February 2023 regarding the end of the Recovery Plan. It will assess how LAs have carried out Service Planning and delivery of interventions in accordance with relevant legislation and statutory guidance, including the Food Law Code of Practice (Wales) (the Code)
 - Where LAs have not been able to re-align with the intervention frequencies contained within the Code, the programme will seek assurance that LAs have taken a risk-based and intelligence-led approach to their prioritisation of interventions, and that they are working towards re-aligning with the Code
- 8. In addition, the programme will seek to:
 - identify and disseminate any areas of good practice and innovation to other LAs to improve the effectiveness and efficiency of controls being delivered
 - gain assurance that LAs are delivering interventions in accordance with relevant legislation, statutory guidance and the Food Law Code of Practice (Wales)
 - gain a broader understanding of how LAs have responded and interpreted the requirements of FSA communications and guidance
 - to highlight any emerging concerns or common issues affecting LAs following the end of the Recovery Plan
 - verify the information LAs have provided via the temperature check and end of year surveys
 - review LA progress in implementing any relevant outstanding recommendations from previous audits

Scope of the Audit Programme

9. This programme will consist of a series of LA audits in Wales to assess service planning and delivery of interventions following the end of the Recovery Plan, as well as reviewing any relevant open audit actions following previous audits. The audits will focus on the delivery of official controls in relation to food hygiene and standards.

- 10. The audits will assess whether LAs have been able to return to the intervention frequencies within the Code following the end of the Recovery Plan, and that they are carrying out official controls in line with applicable legislation, the Code of Practice and relevant central guidance.
- 11. Where LAs have not been able to return to the intervention frequencies within the Code, the audits will assess whether LAs have taken a risk-based and intelligence-led approach to their prioritisation of interventions, and that they have a plan in place to re-align with the Code in the future.

12. The audits will consider:

- Service delivery planning processes and arrangements including an assessment of the LAs intervention plan, the resources available to the service and the risk-based prioritisation of activities, including the assessment of new food businesses.
- Open audit actions review of any relevant open actions from previous audits and associated update of the LA audit action plan.

Assessment Approach

13. The audits will involve:

- a pre-audit questionnaire requesting copies of the LA service plan, planned/completed interventions and associated documentation
- the LA will also be provided with a copy of their last audit report/action plan and will be asked to provide evidence of their progress on any outstanding actions
- this will be followed by a structured on-site audit involving meetings with the Head of Service, LA lead officers and other relevant staff about current and future service delivery arrangements

Timing

14. The audits will take place between April 2024 and March 2025. The on-site element of the audit should take no longer than 1-2 working days with each LA.

Assessment Report and Follow Up

15. All LAs in the programme will receive individual feedback alongside an updated audit action plan, which will be published on the FSA website. At the end of the programme an anonymised summary report will be produced which will contain findings from both the 2023/24 and 2024/25 audit programmes. The summary report will include recommendations for LAs, and for the FSA in order to improve the delivery of official controls. The summary report will also highlight any common themes and emerging issues as well as any areas of good practice identified during the programme.

Planned Outcomes

20. Immediate Outcomes:

- Provide assurance regarding the arrangements in place for the delivery of LA official controls following the end of the Recovery Plan
- Where LAs have not been able to return to the intervention frequencies within the Code, the audits will provide an assurance level in relation to any LA risk-based plan in place to re-align with the Code and whether they are progressing with that plan
- Improvements and actions taken by LAs contribute to more effective local food law enforcement

- Wider dissemination of identified good practice will contribute to improvements in quality and effectiveness of LA delivery of official food controls
- Findings and recommendations will be fed back to relevant FSA teams to inform policy making
- The audits will ensure that the FSA is fulfilling its' role as CCA

21. Strategic Outcomes:

- The audits will raise the profile of the food service within LAs and help them maintain/enhance their resource allocation
- Robust assurance on the LA implementation of Official Feed and Food Control (OFFC) requirements
- Strengthened partnership between the FSA, LAs and key stakeholders
- Improved business compliance with food hygiene and standards contributes to improved public health and reduces the likelihood of foodborne illness, food incidents and food fraud
- Contribute towards FSA strategic risk management and compliance with UK obligations under OFFC requirements & the Food Standards Act 1999