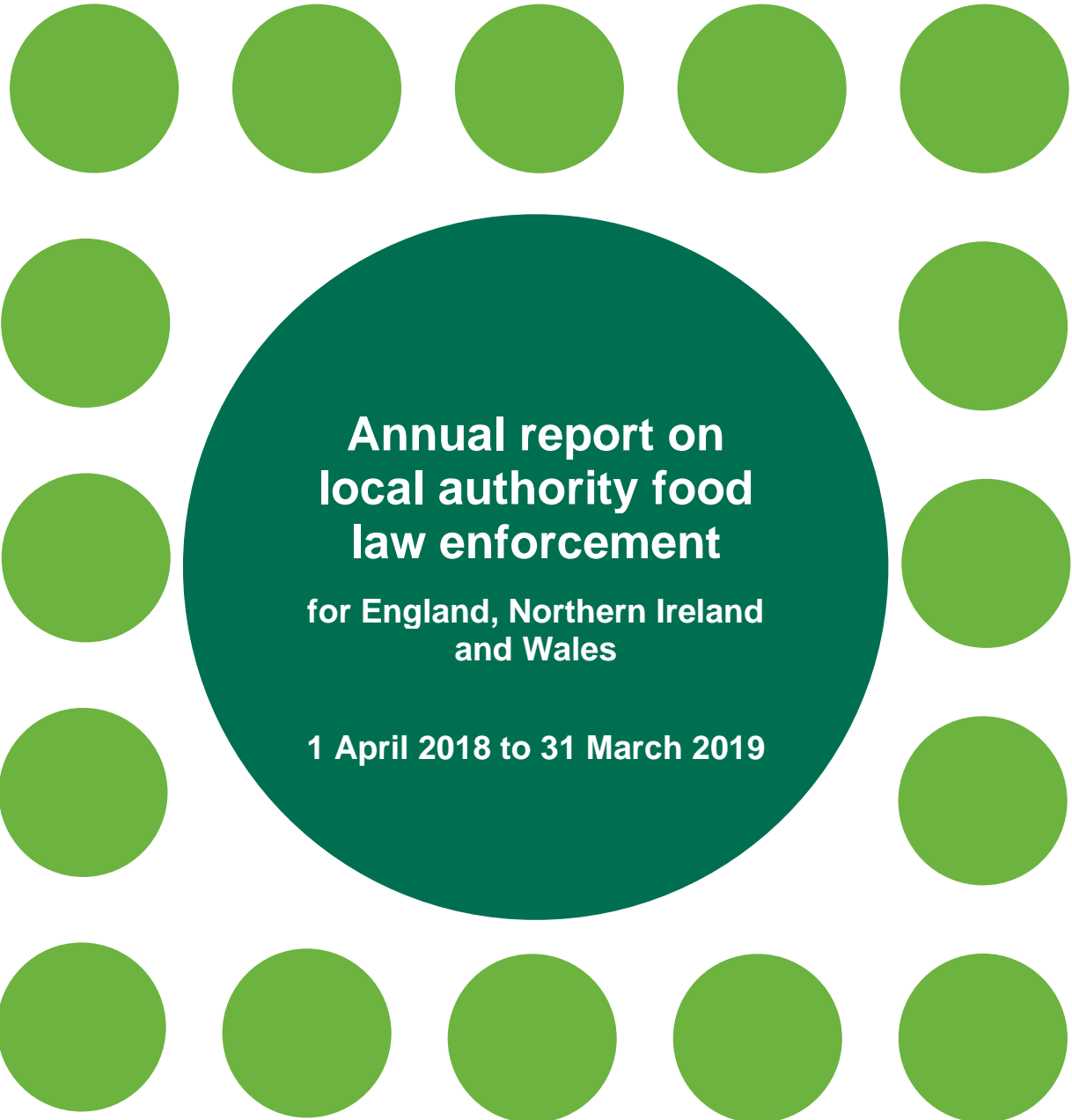




**Food
Standards
Agency**
food.gov.uk



**Annual report on
local authority food
law enforcement**
for England, Northern Ireland
and Wales

1 April 2018 to 31 March 2019

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1. Introduction

The Food Standards Agency (FSA) is responsible for monitoring and reporting on the performance of local authority (LA) food law enforcement services in England, Northern Ireland and Wales.¹ Data are collected annually from local authorities (LAs) on food law enforcement activity with food establishments. This responsibility is mirrored by Food Standards Scotland (FSS), where data are collected on the Scottish National Database, and FSS plans to publish its food law enforcement data later in the year.

This report is an official statistic and summarises data for England, Northern Ireland and Wales for the period 1 April 2018 to 31 March 2019. The [report and supporting LA data](#) for this year and for previous years are available on the FSA website.

The arrangements for monitoring LA performance are set out in the '[Framework Agreement on the Delivery of Official Feed and Food Controls by Local Authorities](#)'. LAs carry out a range of proactive and reactive interventions at food establishments throughout the year as described in the [Food Law Codes of Practice for England, Northern Ireland and Wales](#) (FLCoP).

Data are collected electronically using a web-based system: the Local Authority Enforcement Monitoring System (LAEMS). The LAEMS returns cover regulatory activity in relation to food hygiene (microbiological quality and contamination of food by micro-organisms or foreign matter) and food standards (composition, chemical contamination, adulteration and labelling of food).

A summary of the key findings is provided at Section 2. Section 3 outlines the levels of returns for this year, and Sections 4 to 10 provide data from these returns, together with comparative data from 2016/17 and 2017/18 and analysis of trends and variations.

Explanatory notes for users of LAEMS statistics can be found at Annex A.

¹ Although port health authorities (PHAs) and inland LAs used LAEMS to report checks carried out during 2018/19 on food imports from countries outside the European Union (third countries), a decision was made not to include this data in the report. The FSA now regularly publishes datasets on imports, high-risk food from TRACES (an EU web-based data collection system), for [products of non-animal origin](#) and for [products of animal origin](#).

2. Summary of key findings

The FSA's strategic goal is 'Food We Can Trust'. Analysis of the 2018/19 monitoring data on LA performance in England, Northern Ireland and Wales helps us to understand how effectively and consistently official food controls are being delivered and how we are doing in reaching our goal.

2.1 Staff allocated to the delivery of food controls

There were 387 LAs, employing 1805 full time equivalent (FTE) professional staff for the delivery of all food controls (1451 for food hygiene and 354 for food standards), which across the three countries is a marginal increase of 0.6% from 2017/18. The number of allocated posts reported increased to 1980 (1591 for food hygiene and 389 for food standards) compared with 1961 in 2017/18.

2.2 How well are we doing compared with 2017/18?

Broad compliance

- The percentage of food establishments across the three countries achieving broad compliance or higher was 90.7% compared with 90.2% in the previous year – in Food Hygiene Rating Scheme (FHRS) terms, 'broadly compliant' is equivalent to a hygiene rating of 3 (generally satisfactory) or above.
- 4.5% of all food establishments were rated as having an unsatisfactory level of compliance, where improvements were necessary, compared with 4.7% in the previous year – in FHRS terms that is equivalent to a hygiene rating of 2 or less.
- The remaining 4.8% of premises were yet to be risk rated compared with 5.1% the previous year.

Interventions achieved

- The percentage of due food hygiene interventions achieved increased to 86.3% in total compared with 85.1% in 2017/18.
- The percentage of due food standards interventions achieved decreased to 40.8% in total compared with 42.3% in 2017/18.

Enforcement actions

The following trends in enforcement actions were reported:

- A small increase of 1% in establishments subject to formal food hygiene enforcement actions² (5,374).
- A 2.3% increase in the number of establishments subject to food hygiene written warnings (154,062).
- A 23.1% decrease in establishments subject to formal food standards enforcement actions (316).
- A 16.4% increase in the number of establishments subject to food standards written warnings (23,848).

² LAEMS records the number of establishments subject to each individual type of enforcement action. The total number of enforcement actions taken by LAs is likely to be higher.

Official complaints

- The total number of complaint investigations about the safety and quality of food and the hygiene standards of food establishments (78,605) increased by 1.3%.
- Hygiene complaints investigated (68,020) increased by 2.7%.
- Standards complaints investigated (10,585) decreased by 7%.

Official samples

- Total reported samples (43,768) decreased by 3.2%.
- There was an increase of 2.2% microbiological contamination samples and a reduction was evident for all other types of samples.

2.3 Changing regulatory environment

In considering the LAEMS data for this year, we are conscious that there have been additional demands on local authorities over the year, principally associated with preparations for EU exit.

In relation to food standards, the development of [a modernised delivery model](#) is now underway and is a key element of wider changes currently being implemented as part of the FSA's [Regulating our Future programme](#).

3. Data return levels from local authorities

Food law enforcement activity data are collected electronically via the Local Authority Enforcement Monitoring System (LAEMS). Analysis of the annual monitoring data on LA performance helps us to understand how effectively and consistently official food controls are being delivered.

3.1 Food hygiene and food standards

Delivery of food controls was the responsibility of 354 LAs in England, 22 in Wales and 11 in Northern Ireland.

In 2018/19 in England, 27 County Councils were responsible for food standards only, 201 District Councils for food hygiene only, while 33 London Boroughs, 37 Metropolitan Borough Councils (this includes West Yorkshire Joint Services) and 56 Unitary Authorities were generally responsible for both. In the other two countries, all authorities were responsible for both hygiene and standards.

3.2 Data quality and methods

All expected returns were received for food hygiene (354) and for food standards (177). Returns for each responsibility type are lower than the number of LAs as some joint services submit single returns.

Although the merger of Suffolk Coastal District Council and Waveney District Council, now known as East Suffolk District Council, took effect from 1 April 2019, a joint LAEMS return was submitted for 2018/19.

LAs submit data on LAEMS through the submission of an XML file which contains information at the level of individual food establishments. Aggregate figures are produced from the XML file and Heads of Service at each LA may adjust these final aggregate figures prior to signing them off.

A small number of LAs reported local IT issues which may have resulted in unreliable reporting of the number of establishments and food law enforcement activity.

Following the FSA's data quality checks, ten LAs either did not respond or reported small errors in their signed off returns but their amended data were received too late for the data analyses in this report, or they said they would check their data but did not get back with amended data.

The FSA has applied primary and secondary analysis to the food hygiene and standards data. The primary analysis is based on the full aggregated data, as signed off by the LA Heads of Service. The secondary analysis is based on a cohort of LAs which appear to have consistent reliable data over a three year period (see Annex A for more details) and it makes use of both the aggregated figures and the underlying XML data uploaded to LAEMS. The secondary analysis serves two purposes:

- it provides a check on the accuracy of the primary analysis

- it provides more detailed analysis based on the underlying information on individual food premises from the XML files, where the information of interest is not contained in the aggregated signed off figures

Where secondary analysis is included in this report, the number of LAs included in the analysis is specified.

The trend analyses compare data across the years 2016/17 to 2018/19. Data for Scotland are not included, as Food Standards Scotland started to collect its own data from 2017/18.

Data for 2016/17 and 2017/18 are generally as reported in the 2017/18 Annual report on UK local authority food law enforcement. However, the full time equivalent posts data included in this report have subsequently been revised for 2016/17 and 2017/18, as a small number of LAs subsequently amended their FTE which has resulted in a slight change to the totals.

4. Food establishment profiles

The food establishment profiles provide a breakdown of the type of food business registered or approved and the food hygiene risk category. The food hygiene risk category is determined by the food establishment's level of compliance and the intrinsic risks associated with the type of food activity being carried out. The category determines how often the establishment should be subject to an inspection/audit or other intervention.

4.1 Food establishments

A total of 568,324 food establishments were registered (or approved) by LAs in England, Northern Ireland and Wales at 31 March 2019. A breakdown of these establishments by premises type and food hygiene risk category is provided in Table 1 and by premises type and country in Table 2. The food hygiene risk category determines the frequency of intervention by LAs. Category of risk ranges from an A rating for establishments posing the highest risk down to category E establishments that pose the lowest risk (see Annex A).

Table 1: Food establishments profile by food hygiene risk category and premises type for 2018/19

Risk category	Primary producers	Manufacturers & Packers	Importers/Exporters	Distributors/Transporters	Retailers	Restaurants & Caterers	Totals
A	8	318	0	14	169	1,236	1,745
B	44	1,821	15	69	1,644	17,166	20,759
C	94	2,919	49	309	9,869	94,552	107,792
D	220	3,460	216	1,459	30,977	154,881	191,213
E	1,560	6,848	770	6,024	71,865	111,418	198,485
NYR³	458	1,021	183	587	4,558	19,431	26,238
Outside⁴	1,569	490	259	1,035	4,845	13,894	22,092
Totals	3,953	16,877	1,492	9,497	123,927	412,578	568,324

Initial inspections of food establishments should normally take place within 28 days of registration or from when the authority becomes aware that the establishment is in operation.

The system that LAs use to risk rate food establishments is set out in [FLCoP](#). A comparison of the split of risk categories of food establishments indicates a reduction of

³ The number of establishments reported as not yet rated (NYR) may be an over estimate of the number that were due an initial inspection within the reporting year as some might still be within the 28 days.

⁴ The number of establishments reported as 'Outside the programme' may be an overestimate, where some LAs have reported establishments which should have been considered as 'low risk'. (See the glossary to this Report for the definition of 'Outside the programme').

2.3% in higher risk establishments rated A to C (from 133,301 in 2017/18 to 130,296 in 2018/19).

Table 2: Food establishments profile by country for 2018/19

Country	Primary producers	Manufacturers & Packers	Importers/ Exporters	Distributors/ Transporters	Retailers	Restaurants & Caterers	Totals
England	3,428	14,457	1,432	8,634	112,637	370,709	511,297
Northern Ireland	164	1,284	48	432	4,021	15,860	21,809
Wales	361	1,136	12	431	7,269	26,009	35,218
Totals	3,953	16,877	1,492	9,497	123,927	412,578	568,324

The total number of food establishments decreased by 0.6% compared with 2017/18 (571,804 food establishments).

4.2 Establishments ‘Not Yet Rated’ for food hygiene

The distribution across LAs of the proportion of food establishments NYR for food hygiene risk at 31 March 2019, based on LAs for which comparable data are available for the past three years (306 out of 354), indicates that:

- 2% of LAs had no food establishments awaiting an initial inspection
- for the majority of LAs (92%) the proportion of food establishments NYR was under 10%.

4.3 Establishments ‘Not Yet Rated’ for food standards

Based on LAs for which comparable data are available for the past three years (149 out of 177), the 2018/19 data indicates for food establishments NYR at 31 March 2019 that

- 62% LAs had around 10% of food establishments awaiting an initial inspection (NYR)
- 21% of LAs had more than 20% of their food establishments NYR.

5. Local authority interventions

LAs carry out a range of proactive and reactive interventions at food establishments throughout the year as described in the [FLCoP](#). These include food hygiene and food standards inspections but also other activities such as sampling visits, full and partial audits and surveillance and intelligence gathering. Their purpose is to protect consumers through the assessment or investigation of business compliance with relevant food legislation.

5.1 Food hygiene interventions

Reported numbers of food hygiene interventions in England, Northern Ireland and Wales decreased, with a total of 344,741 interventions carried out in 2018/19, a decrease of 1.6% on the reported number in 2017/18 (350,348). The decrease in Northern Ireland was 12.2% and in Wales by 9.7%, compared with a small decrease in England of 0.3%. The breakdown of intervention numbers by type and for each country for 2018/19 is shown in Table 3a.

The figures in this section include interventions at establishments that have subsequently ceased trading.

Table 3a: Food hygiene interventions carried out in 2018/19

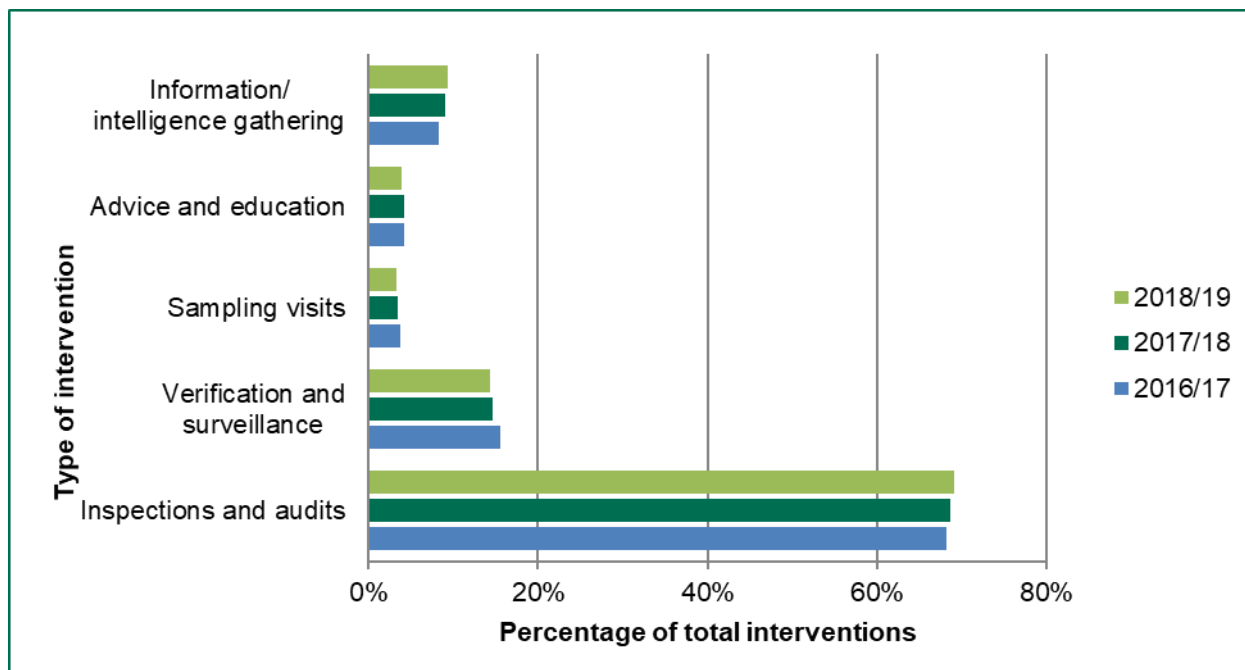
Country	Inspections and audits	Verification and surveillance	Sampling visits	Advice and education	Information/intelligence gathering	Totals
England	214,185	41,853	7,805	11,847	29,793	305,483
Northern Ireland	7,351	2,664	2,267	997	797	14,076
Wales	16,806	4,885	1,470	437	1,584	25,182
Totals	238,342	49,402	11,542	13,281	32,174	344,741

Table 3b: Intervention types as a % of total food hygiene interventions

Country	Inspections and audits	Verification and surveillance	Sampling visits	Advice and education	Information/intelligence gathering	Totals
England	70.1%	13.7%	2.6%	3.9%	9.8%	100.0%
Northern Ireland	52.2%	18.9%	16.1%	7.1%	5.7%	100.0%
Wales	66.7%	19.4%	5.8%	1.7%	6.3%	100.0%
Totals	69.1%	14.3%	3.3%	3.9%	9.3%	100.0%

The split between food hygiene intervention types is consistent with previous years, although there was a slight increase in the percentage of inspections and audits and information/intelligence gathering and a slight decrease in all the other interventions types (see Figure 1).

Figure 1: Comparison of split between types of food hygiene interventions since 2016/17



The number of interventions due are based on the frequencies laid down in the [FLCoP](#) plus follow up visits and any outstanding interventions that were due before the start of the reporting year. Table 4 and Figure 2 show the trend of LAs targeting higher risk establishments (Category A to C) for food hygiene interventions rather than undertaking planned interventions at lower risk establishments.

The total percentage of due interventions achieved has increased from 85.1% in 2017/18⁵ across the three countries to 86.3% in 2018/19. There was an increase in England (1.6% points from 84.3% to 85.9%) but there were decreases in Wales (1.3% points from 92.8% to 91.5%) and Northern Ireland (4.2% points from 89.3% to 85.1%). Compared with previous years there has been a rise in interventions at lower risk establishments (Category D and E).

The percentage of food hygiene due interventions achieved at NYR food establishments, has increased from 88.5% in 2017/18 to 89.2% across the three countries with an increase in England (0.9% points from 87.9% to 88.8%) and Wales (0.3% points from 93.1% to 93.4%) and a decrease in Northern Ireland (3.9% points from 94.6% to 90.7%).

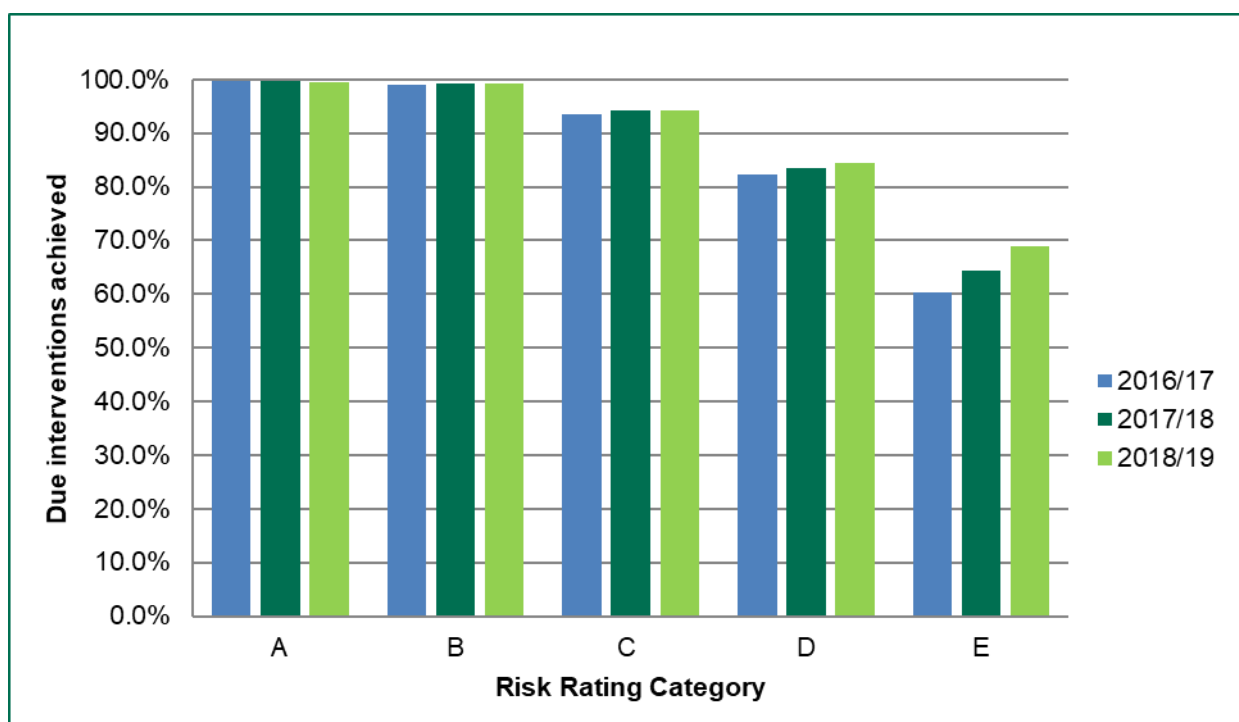
⁵ A small error in the published figures for the total percentages of due interventions achieved for 2017/18 in the 'Annual Report on local authority food law enforcement 2017/18' have been corrected here.

Table 4: Percentage of food hygiene due interventions achieved in 2018/19

Country	A	B	C	D	E	NYR	Totals
England	99.5%	99.1%	94.1%	84.5%	68.6%	88.8%	85.9%
Northern Ireland	99.2%	98.3%	88.5%	82.2%	70.0%	90.7%	85.1%
Wales	100.0%	99.9%	97.6%	84.6%	73.1%	93.4%	91.5%
Totals	99.5%	99.2%	94.3%	84.4%	68.9%	89.2%	86.3%

The percentages in Table 4 are averages, but there is wide variation between the data for [individual LAs](#).

Figure 2: Comparison of percentage of due food hygiene interventions achieved since 2016/17



5.2 Food standards interventions

The breakdown in intervention numbers for 2018/19 by type E and for each country is provided in Table 5a.

Reported numbers of food standards interventions in England, Northern Ireland and Wales increased, with a total of 104,575 interventions carried out in 2018/19, an increase of 1.9% on the reported number carried out in 2017/18 (102,582). However, there was only an increase in England with the number of interventions increasing by 4.9%, whereas there was a decrease in Northern Ireland of 9.9% and of 7.6% in Wales.

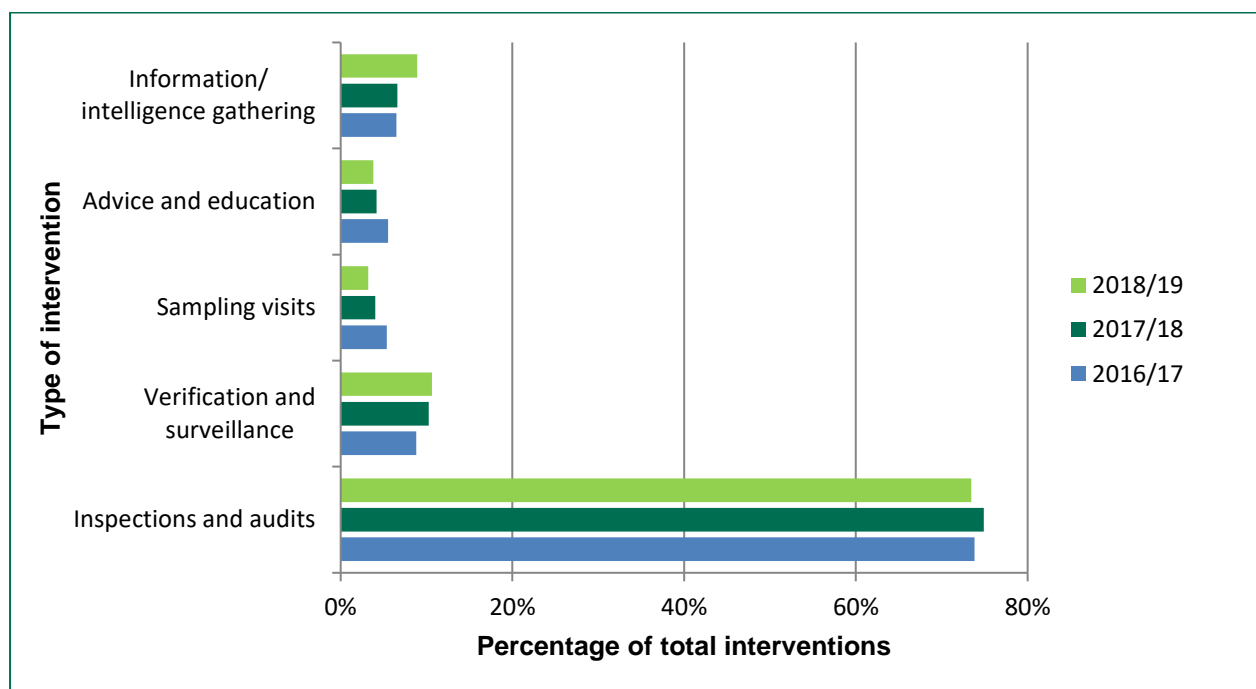
Table 5a: Food standards interventions carried out in 2018/19

Country	Inspections and audits	Verification and surveillance	Sampling visits	Advice and education	Information/intelligence gathering	Totals
England	62,790	8,164	1,967	3,313	8,014	84,248
Northern Ireland	4,489	2,296	990	474	589	8,838
Wales	9,527	638	383	205	736	11,489
Totals	76,806	11,098	3,340	3,992	9,339	104,575

Table 5b: Intervention types as a % of total food standards interventions

Country	Inspections and audits	Verification and surveillance	Sampling visits	Advice and education	Information/intelligence gathering	Totals
England	74.5%	9.7%	2.3%	3.9%	9.5%	100.0%
Northern Ireland	50.8%	26.0%	11.2%	5.4%	6.7%	100.0%
Wales	82.9%	5.6%	3.3%	1.8%	6.4%	100.0%
Totals	73.4%	10.6%	3.2%	3.8%	8.9%	100.0%

Figure 3: Comparison of split between types of food standards interventions since 2016/17



There is a slight variation in the split between food standards intervention types compared with 2017/18 (see Figure 3). The largest increase is in information and intelligence gathering which has increased by 2.3 percentage points across the three countries.

LAs have continued to target higher risk establishments (Category A) for food standards interventions (see Table 6 and Figure 4). The total percentage of due interventions achieved has decreased overall in all three countries, from 42.3% in 2017/18 to 40.8%

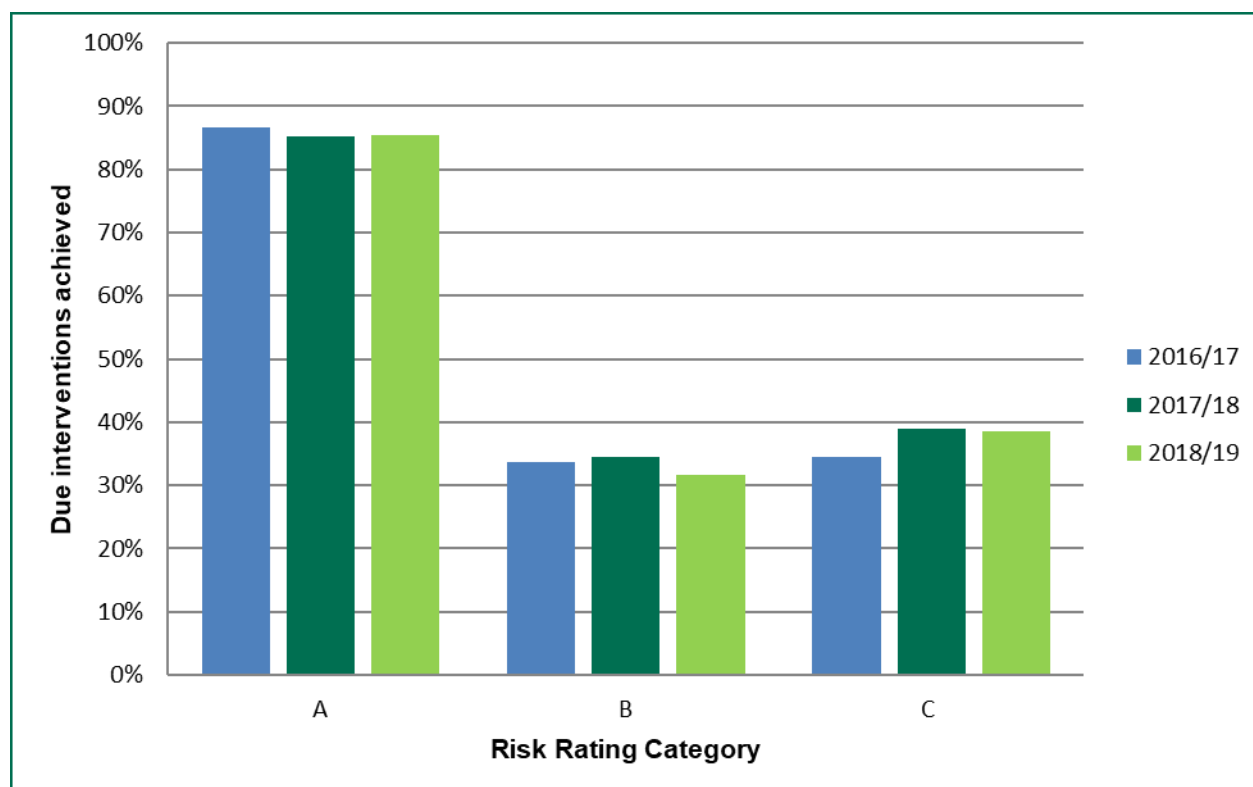
in 2018/19. This was a decrease in England (0.6% points from 37.4% to 36.8%), Wales (9.2% points from 75.9% to 66.7%) and Northern Ireland (4.6% points from 88.1% to 83.5%).

The overall figure of 40.8% of due interventions achieved reflects the low levels in England compared with the two other countries. We are aware from LA feedback that there is a continuing trend for more intelligence led approaches to be adopted for food standards, particularly for establishments in the lower risk categories. Although LAEMS guidance states alternative enforcement strategy interventions should be reported as intelligence and information gathering, this may not always be the case.

Table 6: Percentage of food standards due interventions achieved 2018/19

Country	A	B	C	NYR	Totals
England	83.7%	28.6%	34.1%	57.3%	36.8%
Northern Ireland	94.2%	88.9%	79.7%	87.6%	83.5%
Wales	95.1%	67.6%	68.9%	62.7%	66.7%
Totals	85.3%	31.7%	38.6%	59.4%	40.8%

Figure 4: Comparison of percentage of due food standards interventions achieved since 2016/17



Where an LA is responsible only for food standards, or where food hygiene and food standards enforcement is carried out by separate departments within the same food authority, e.g. Environmental Health and Trading Standards, the food standards risk assessment may be based on the National Trading Standards Risk Assessment Scheme (previously known as the LACORS scheme) guidance.

Where food standards risk assessments are based on the National Trading Standards Risk Assessment Scheme, the intervention frequency for food standards purposes should not be less than would have been the case under the [FLCoP](#) scheme.

However, based on the LAs for which we can make comparisons over the past three years (160 out of 177), authorities using the [FLCoP](#) scheme carried out around four times as many food standards interventions as those using the LACORS/NTSB schemes. The trend for less reported interventions under the National Trading Standards Risk Assessment Scheme corroborates with our intelligence that the requirement regarding intervention frequencies stipulated in the FLCoP may not be happening in practice.

6. Enforcement actions

Enforcement actions are the steps, measures and sanctions an LA can take in response to a food establishment's failure to comply with food law. Food establishments may be subject to a range of enforcement actions at any one time.

6.1 Food hygiene enforcement actions

LAEMS records the number of establishments subject to the each type of enforcement action. The total number of enforcement actions taken by LAs is likely to be higher.

The total number of establishments reported to have been subject to at least one type of food hygiene enforcement action in England, Northern Ireland and Wales was 159,436 in 2018/19 compared with 155,861 in 2017/18. This represents an increase of 2.3%.

Table 7: Number of establishments subject to food hygiene enforcement actions in 2018/19

	England	Northern Ireland	Wales	Totals
Voluntary closure	859	10	83	952
Seizure, detention & surrender of food	346	17	43	406
Suspension/revocation of approval or licence	61	0	2	63
Hygiene emergency prohibition notice	314	0	3	317
Hygiene prohibition order	71	0	2	73
Simple caution	224	3	18	245
Hygiene improvement notices	2,664	10	211	2,885
Remedial action and detention notice ⁶	51	12	74	137
Prosecutions concluded	269	6	21	296
Total formal enforcement actions	4,859	58	457	5,374
Written warnings	136,653	5,087	12,322	154,062
Totals	141,512	5,145	12,776	159,436

⁶ Remedial action notices (RANs) only apply to a small number of establishments in England, i.e. those approved under EC Regulation 853/2004, whereas the domestic hygiene legislation in Wales and Northern Ireland extends the use of RANs to establishments that are registered under Regulation 852/2004.

Table 7 shows the numbers of establishments subject to formal food hygiene enforcement actions and written warnings. The figures in this section may include enforcement actions at premises that have subsequently closed.

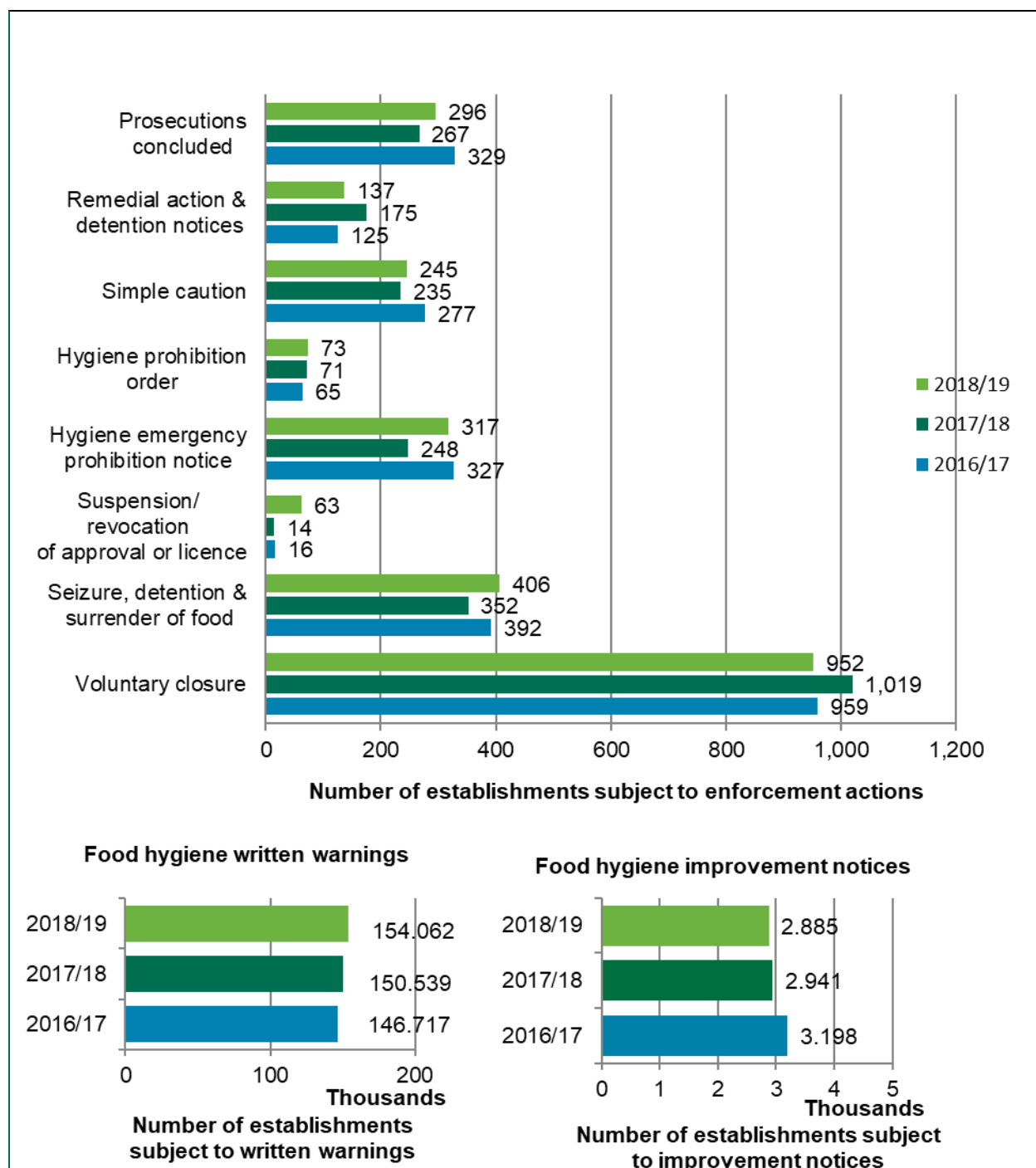
There was a 1% increase in the number of establishments reported to be subject to formal enforcement actions from 5,322 in 2017/18 to 5,374 in 2018/19.

The number of reported establishments subject to written warnings increased by 2.3% from 150,539 in 2017/18 to 154,062 in 2018/19.

The overall increase in the number of establishments subject to enforcement actions was only evident in England and this was mainly due to the increase in establishments subject to written warnings. There were only small increases in formal enforcement actions in England from 4,809 in 2017/18 to 4,859 in 2018/19 and in Wales from 441 in 2017/18 to 457 in 2018/19. In Northern Ireland there was a decrease in both formal enforcement actions of 19.4% from 72 in 2017/18 to 58 in 2018/19 and in written warnings of 20.1% from 6,367 in 2017/18 to 5,087 in 2018/19.

The overall increase in formal enforcement actions covers a range of actions: seizure, detention and surrender of food; suspension/revocation of approval of licence; hygiene emergency prohibition notices and hygiene prohibition orders and prosecutions concluded (see Figure 5).

Figure 5: Comparison of food hygiene enforcement actions since 2016/17



6.2 Food standards enforcement actions

The total number of establishments reported in England, Northern Ireland and Wales to be subject to at least one type of food standards enforcement action in 2018/19 was 24,164 (see Table 8 and Figure 6), an overall increase of 15.7% of the total number in 2017/18 (20,894).

However, the number of establishments that received at least one type of formal enforcement action decreased by 23.1% from 411 in 2017/18 to 316 in 2018/19. In England there was an overall decrease of 26.0% in the number of establishments where formal enforcement actions were reported from 369 in 2017/18 to 273 in 2018/19, although the number of establishments reported to be issued simple cautions rose from

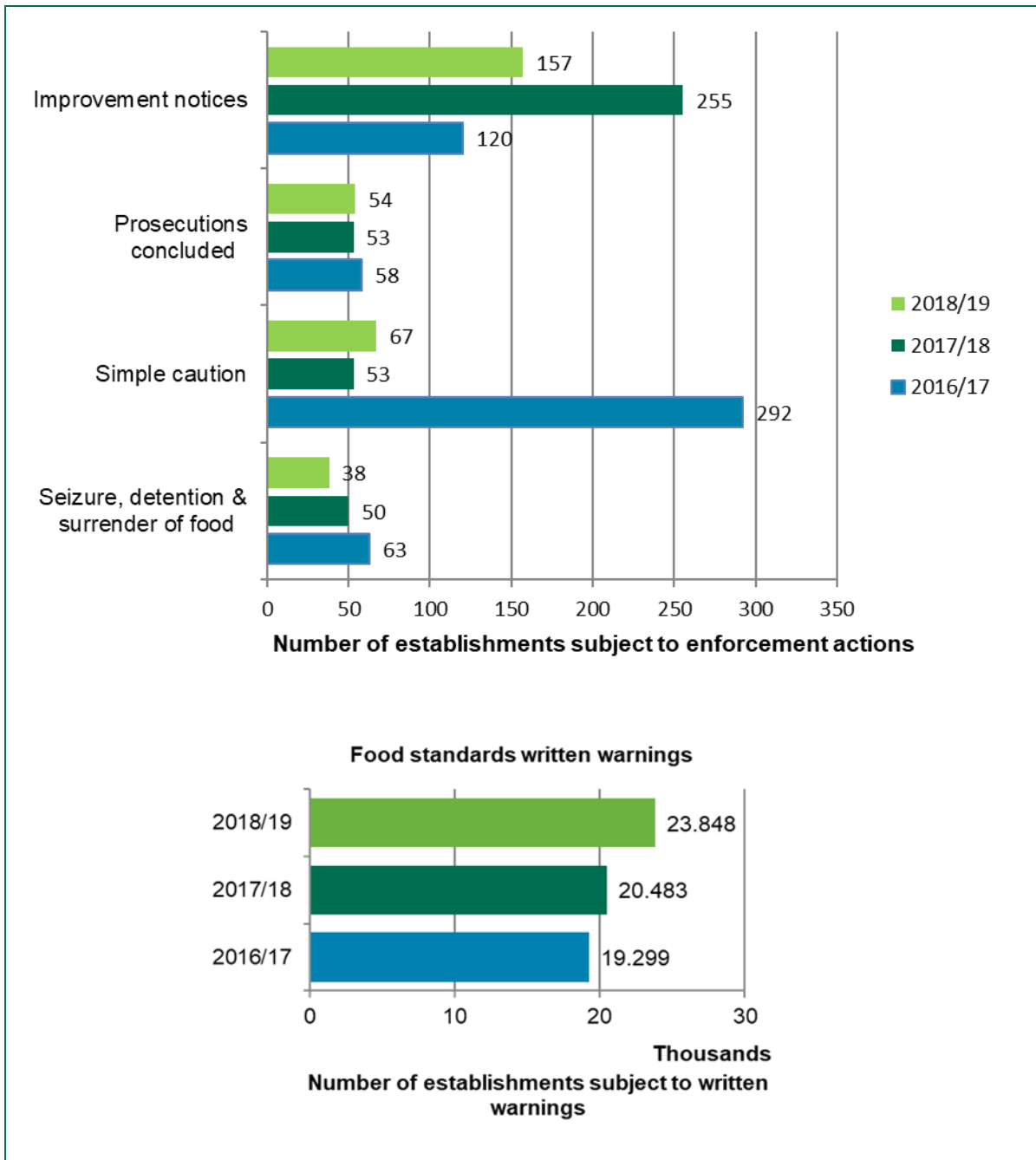
43 in 2017/18 to 60 in 2018/19. There was a small decrease in the reported number of establishments receiving formal enforcement actions in Northern Ireland and a small increase in Wales.

The number of establishments subject to written warnings increased overall for the three countries by 16.4% from 20,483 in 2017/18 to 23,848. The increase in England was by 18.8% from 15,780 in 2017/18 to 18,749 in 2018/19 and in Wales by 25.9% from 2,423 in 2017/18 to 3,050 in 2018/19 respectively. In Northern Ireland there was a drop in the number of written warnings by 10.1% from 2,280 in 2017/18 to 2,049 in 2018/19.

Table 8: Number of establishments subject to food standards enforcement actions in 2018/19

	England	Northern Ireland	Wales	Totals
Seizure, detention & surrender of food	30	1	7	38
Simple caution	60	1	6	67
Prosecutions concluded	36	0	18	54
Standards improvement notice	147	3	7	157
Total formal enforcement actions	273	5	38	316
Written warnings	18,749	2,049	3,050	23,848
Totals	19,022	2,054	3,088	24,164

Figure 6: Comparison of food standards enforcement actions since 2016/17



7. Official samples

Effective routine sampling should feature in the sampling policy and service planning for all LAs. Samples can be taken with a view to pursuing legal action if the results show an offence has been committed. Samples may also be taken for the purpose of surveillance, monitoring and providing advice to food business operators.

Official samples are those analysed/tested by official control laboratories. A total of 43,768 official food samples were reported to be taken in England, Northern Ireland and Wales in 2018/19 (see Table 9), a decrease of 3.2% from 2017/18 (45,210). Figure 7 provides a comparison of sampling data since 2016/17.⁷ There was a small increase in sampling reported in Northern Ireland since 2017/18 and a decrease in the other two countries.

There were 21 English authorities that reported no sampling data during 2018/19, 14 of which were district councils. This compares with 16 English authorities that reported zero sampling in 2017/18, 10 of which were district councils. Of those authorities that responded to our request to confirm zero sampling, the reason provided was resource issues.

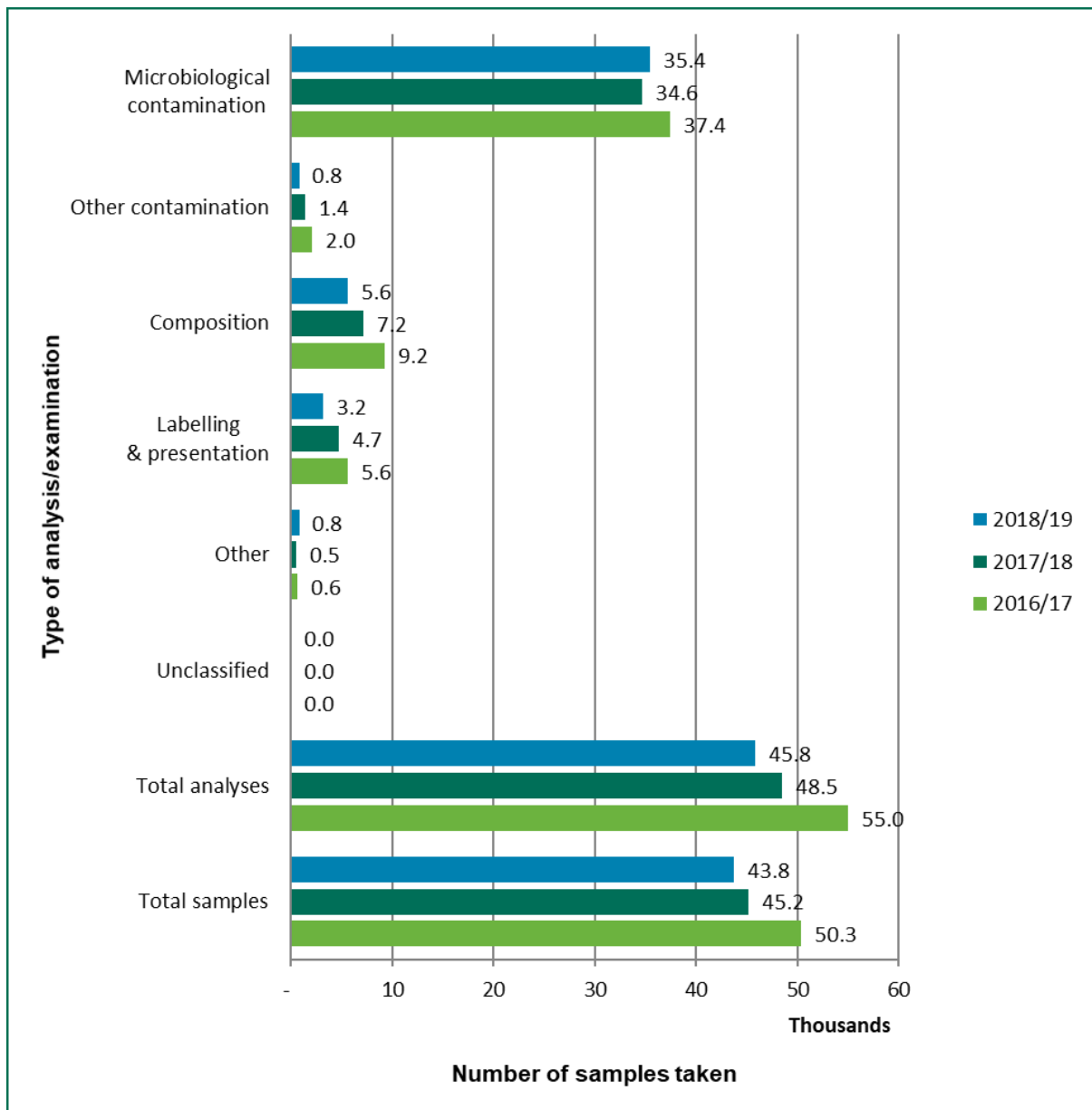
Table 9: Official samples in 2018/19

	England	Northern Ireland	Wales	Totals
Microbiological contamination	24,855	6,419	4,125	35,399
Other contamination	659	26	113	798
Composition	3,316	1,902	418	5,636
Labelling & presentation	1,680	1,300	188	3,168
Other	517	279	0	796
Total analyses/ examinations	31,027	9,926	4,844	45,797
Total samples	29,998	9,072	4,698	43,768

There was a 2.2% increase in the number of microbiological analyses (35,399 in 2018/19 compared with 34,627 in 2017/18) but the total number of analyses/examinations fell by 5.5% (45,797 in 2018/19 compared with 48,454 in 2017/18).

⁷ In 2017/18 and 2018/19 all LAs were asked to record their sampling return on LAEMS. In 2016/17 LAs that used the UK Food Surveillance System could use the sampling reports from that system but there were 29 analyses reported as unclassified.

Figure 7: Comparison of sampling data since 2016/17



8. Consumer complaints about food and food establishments

LAs are required to produce a documented complaints policy and procedures outlining their intended approach to dealing with consumer complaints. LAs are responsible for investigating and dealing with complaints about food hygiene and standards and about the hygiene of food establishments.

LAs in England, Northern Ireland and Wales reported a total of 78,605 consumer complaints about food and food establishments dealt with during 2018/19 – details are provided in Table 10. This represents an overall increase of 1.3% from 77,627 in 2017/18 across the three countries. Hygiene complaints dealt with increased by 2.7% to 68,020 in 2018/19 compared with 66,241 in 2017/18 and food standards complaints dealt with decreased by 7% to 10,585 in 2018/19 compared with 11,386 in 2017/18.

Table 10: Consumer complaints dealt with in 2018/19

	Food complaint – hygiene	Hygiene of food establishments	Food complaint - standards	Totals
England	22,362	39,307	9,117	70,786
Northern Ireland	433	1,821	744	2,998
Wales	1,554	2,543	724	4,821
Totals	24,349	43,671	10,585	78,605

The reported number of consumer complaints dealt with by LAs changed as follows from 2017/18 to 2018/19:

- England: 0.3% decrease (from 71,032 to 70,786)
- Northern Ireland: 36.4% increase (from 2,198 to 2,998)
- Wales: 9.6% increase (from 4,397 to 4,821)

9. Full time equivalent (FTE) professional staff

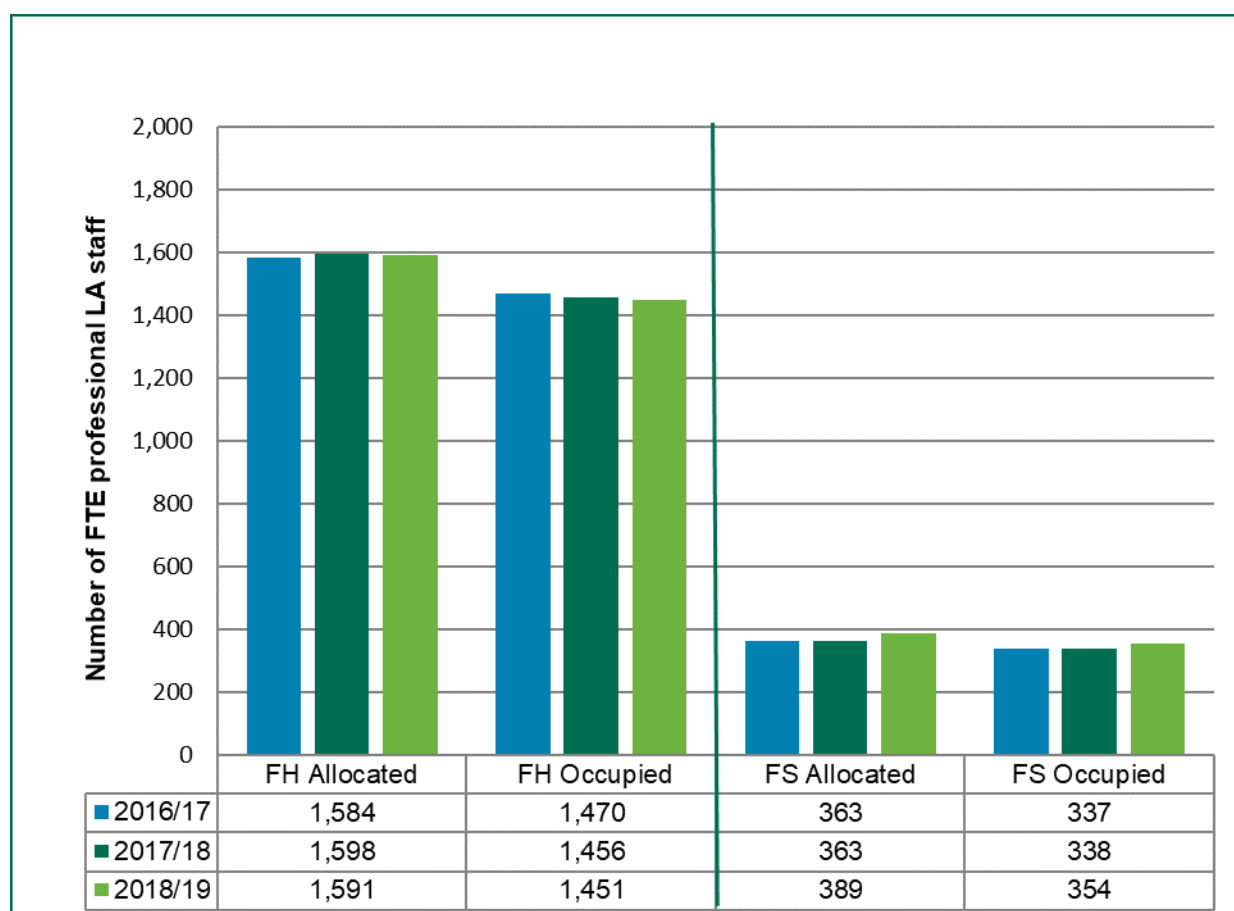
LAs are advised that the numbers provided for FTE staff should reflect the actual proportion of time spent by professional staff on food hygiene and/or food standards issues.

A total of 1,805 FTE professional LA staff (1,451 for food hygiene and 354 for food standards) were reported as being in post at 31 March 2019, an overall increase of 0.6% from 1,794 in 2017/18 (see Figure 8).

Across the three countries there was a marginal decrease in reported numbers of professional resources for food hygiene compared with 2017/18. Reported numbers increased by 0.7% in England and decreased by 8.2% in Wales and 2.2% in Northern Ireland respectively

There was a small increase in reported numbers of professional food standards resources compared with 2017/18. In England resources increased by 11% while they decreased in Wales by 10.4% and in Northern Ireland by 14.9%.

Figure 8: Number of FTE professional LA staff engaged in food law enforcement since 2016/17



The number of vacant FTE posts reported at 31 March 2019 was 175, an increase of 4.8% (from 167 in 2017/18).

The FSA’s guidance to LAs advises that contractors should be included in estimates of posts occupied and where a staff member only spends a proportion of their time on food hygiene and/or food standards issues, the calculation should reflect this. There is, however, no prescriptive guidance given on exactly how that time should be determined and the FSA recognises that figures supplied will often be ‘educated estimates’. For this reason the data can only be considered in a generic way to compare year on year figures to look at overall trends in the number of FTE staff in LA food law enforcement services across the UK or in individual countries.

Table 11 shows the variation of FTE professional staff in post per 1,000 food establishments across the individual countries over the past three years. The total figure reflects the lower pro-rata number from LAs in England.

Table 11: Number of professional FTE staff in post per 1,000 food establishments

Number of FTEs in post per 1000 establishments	2016/17	2017/18	2018/19
England	2.9	2.9	3.0
Northern Ireland	4.2	4.3	3.9
Wales	5.7	6.0	5.4
Totals	3.2	3.1	3.2

10. Food hygiene compliance

LAs assess food hygiene compliance in accordance with statutory guidance set out in the FLCoP. In FHRS terms 'Broadly compliant' or a higher standard of compliance is equivalent to a food hygiene ratings of 3 (generally satisfactory) or above.

When all food establishments are considered, including establishments not yet rated (NYR)⁸, the level of 'broad compliance' reported in LAEMS data across England, Northern Ireland and Wales at 31 March 2019 was similar to the previous year (90.7% compared with 90.2%), see Table 12. An increase occurred in England while levels decreased in Wales and Northern Ireland.

Table 12: Food establishment food hygiene compliance levels 2018/19 (including NYR)

Country	% of establishments which are 'broadly compliant' or better		% of establishments which are below 'broadly compliant'		% of establishments which are not yet risk rated	
	2018/19	2017/18	2018/19	2017/18	2018/19	2017/18
England	90.3	89.8	4.6	4.8	5.0	5.4
Northern Ireland	94.1	95.4	3.0	1.8	2.9	2.8
Wales	93.1	93.5	4.5	4.2	2.3	2.4
Totals	90.7	90.2	4.5	4.7	4.8	5.1

When considering only rated establishments in the three countries the level of 'broad compliance' only increased marginally from 95.1% in 2017/18 to 95.2% at 31 March 2019.

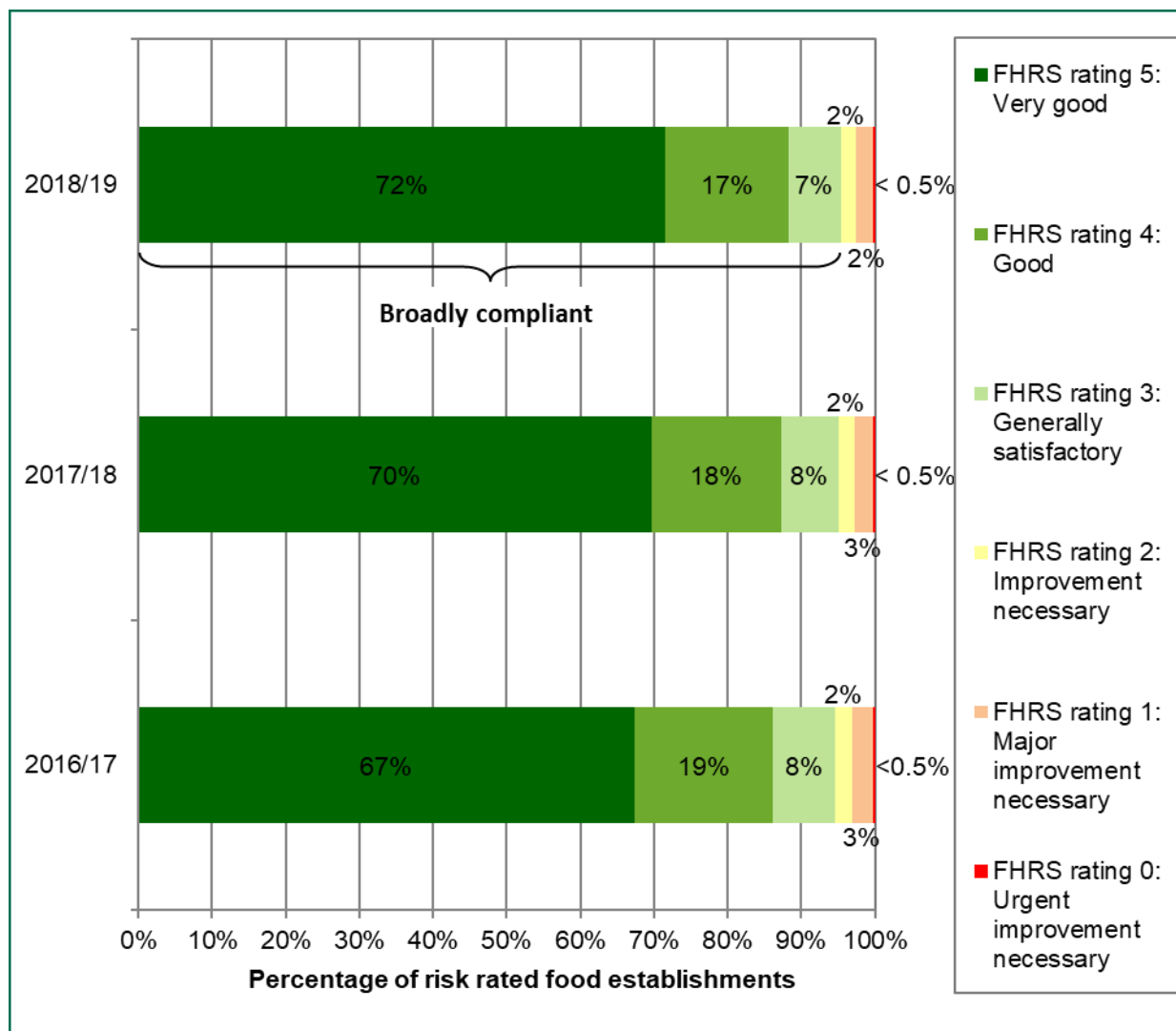
Based on LAs in the three countries for which we are able to compare results over the past three years (292 out of 354 LAs), the reported data indicates an improvement in compliance with food hygiene legislation from 2016/17 to 2018/19 (see Figure 9):

- the proportion of all rated food establishments achieving 'broad compliance' or higher (in FHRS terms this is equivalent to a food hygiene rating of 3 or above), increased over the three years from 94.6% in 2016/17 to 95.4% in 2018/19
- the proportion of all rated food establishments that were considered either 'good' or 'very good' (in FHRS terms this is equivalent to food hygiene ratings of 4 or 5), increased from 86.2% to 88.3% over this period.
- at the lower end of the food hygiene compliance scale, the proportion of all rated food establishments which required 'urgent' or 'major improvement' (in FHRS terms this is equivalent to food hygiene ratings of 0 or 1) decreased from 3.1% to 2.6% over this period.

⁸ Including the number of rated and NYR establishments in the percentage calculation is more meaningful, as establishments that have not yet been inspected are counted as 'non-compliant' due to lack of evidence of compliance. In FHRS terms 'Broadly compliant' or higher is equivalent to a food hygiene ratings of 3 (generally satisfactory) or above, so the secondary analysis which is used to indicate improvement in compliance of food hygiene legislation does not include NYR.

The LAEMS data includes all rated establishments. For FHRs, all businesses that supply food directly to consumers are included in the scheme, with the exception of low risk establishments not generally recognised as being food businesses and certain establishments that operate from private addresses. The scheme in Wales also includes businesses supplying other businesses.

Figure 9: Level of food hygiene compliance of food establishments: 2016/17 to 2018/19



Basis: 292 out of 354 LAs (Percentages are rounded off).

When considering the changes in broad compliance rates for different types of rated food establishments where comparable data are available (299 out of 354 LAs) over the past three years it is evident that:

- 'primary producers' and 'transporters/distributors' continued to have the highest levels of broad compliance in 2018/19 (98% and 97% respectively)
- take-away establishments continued to have the lowest rates of broad compliance among 'restaurants and caterers'
- the percentage of take-away premises that were broadly compliant in 2018/19 was 87%, the same as in 2017/18 which was an improvement from 85% in 2016/17.

11. Imported food controls

To protect consumers, Port Health Authorities at UK ports and airports as well as inland LAs are required by European law to carry out a range of official controls on products of animal origin, and certain foods not of animal origin arriving in to the UK from countries outside of the EU. The type and frequency of these controls are defined in the relevant [EU legislation](#). Checks include documentary, identity and physical examinations (which may include sampling) and also appropriate traceability checks during interventions carried out by inland LAs.

The imported foods data collected on LAEMS does not provide precise data on the types of checks carried out. High risk imported food coming into the UK under EU restrictive measures is, however, recorded through the EU web based data collection system [TRACES](#), which allows analysis in depth on specific products imported from individual countries and establishments. The FSA now regularly publishes datasets on imports on high-risk food from TRACES for [products of non-animal origin](#) and for [products of animal origin](#).

Inland LAs are required to consider the need for appropriate checks on imported foods during interventions. These important checks may be as part of the planned intervention programme, or as a result of complaints, incidents, alerts or any other relevant intelligence. However, differences in how these are currently recorded on LAEMS makes it difficult to provide precise data on the types and numbers of checks carried out by inland LAs specifically linked to imported food products.

In addition, due to the changes in control requirements and foods subject to enhanced consignment checks, meaningful comparisons cannot be made about imported food activity at ports from one year to another.

Annex A: Explanatory notes for users of LAEMS statistics

Background

There are over 550,000 food establishments operating in England, Northern Ireland and Wales. These are monitored by local authorities (LAs) to make sure they comply with food law in place to protect consumers from unsafe or fraudulent food practices. LAs report the results of their activity to the Food Standards Agency (FSA) via the Local Authority Enforcement Monitoring System (LAEMS). [LAEMS](#) is a web-based application introduced in 2008, that allows LAs to upload data directly from their own local systems.

LAEMS comprises data on the enforcement of food hygiene and food standards legislation by LAs, as well as on controls applied to food imports from outside the EU. The data are used by the FSA to evaluate LA performance and it also provides useful bench-marking data for LAs.

The purpose of this Annex is to help make LAEMS statistics more accessible to a wider user base. A glossary describes some of the key terms and concepts used in the main report. There is also a note on some aspects of statistical methodology and assumptions that will enable users to gauge the integrity of the statistics.

Statistical methodology and quality control issues

Primary analysis

LAs download the required data from the local management information system(s) on which they record food law enforcement activity data and then upload the generated file to the web-based LAEMS system. The data are then aggregated to pre-defined categories and LAs are invited to view, on-screen, the results of the aggregation and assess whether amendments to the data are needed. Amendments may then be made to the aggregate level data. When content, LAs are required to confirm the accuracy of the data, before it is submitted for evaluation and publication by the FSA. It is a fundamental feature of the primary analysis of LAEMS statistics that they are based on the full data, as reported to the FSA by LAs, and as signed off by LA Heads of Service.

The statistical methods used are straightforward and should be transparent from the tables/figures and commentary provided. As an example, the % interventions achieved is calculated as:

$$100 \times \text{interventions achieved} / (\text{interventions achieved} + \text{due interventions outstanding})$$

Users should be mindful of the limited possibility of double-counting, which can manifest itself in different ways. Examples include:

- mobile food vans may operate in more than one LA
- the same establishment may receive multiple enforcement actions within the reporting period

Secondary analysis

The secondary analysis is based on a cohort of LAs which appear to have consistent reliable data over a three year period. It makes use of both the aggregated figures, signed off by LA Heads of Service, and the underlying XML data on individual food establishments uploaded to LAEMS. The XML data includes a breakdown of the elements comprising the overall establishment compliance score, the risk rating, and any interventions and enforcement actions undertaken in the reporting year.

Checks were undertaken in the secondary analysis to confirm metrics and comparisons were reliable.

LAs were excluded from this cohort where:

- The LA had inconsistent data and/or inconsistent adjustment issues for the given metric for any of the three years.
- The LA's figures were not consistent over time, with large unexplained shifts.
- For analysis involving the XML data: LAs were excluded when large adjustments were made to the figures prior to sign-off for any of the three years. These large adjustments meant that the XML data was no longer consistent with the final aggregated figures signed off by the Head of Service.

Sampling data

All LAs in England, Northern Ireland and Wales were asked to record their food sampling data on LAEMS.

Glossary

Note

This covers the main terms used in the report only. More detail can be found on the FSA website, including within the Food Law Code of Practice ([FLCoP](#)).

Broad compliance: A food establishment with a food hygiene intervention rating score of not more than 10 under each of the following three criteria: Level of (Current) Compliance – Hygiene; Level of (Current) Compliance – Structure; and Confidence in Management. In Food Hygiene Rating Scheme (FHRS) terms 'broadly compliant' is equivalent to a rating of 3 ('Generally satisfactory'), or above.

Enforcement action: The steps, measures and sanctions an LA can take in response to non-compliance with food law at food establishments. Enforcement actions range from informal steps, such as giving a written warning, to formal measures such as: serving notices; prohibiting food operations; closure of a food establishment and prosecution. The action taken is determined by the relevant circumstances of each case and in accordance with the LA's enforcement policy.

Food establishment: Has the same meaning as 'Establishment' in the FLCoP. It means the business occupying the establishment.

Food Hygiene Intervention Rating: A score given to each establishment to determine the frequency of intervention by LAs. The intervention rating for food hygiene is based on assessment of a number of elements: type of food and processing; number and type of consumers potentially at risk; current compliance of the establishment; risk of contamination; and confidence in management. The intervention rating is on a scale from 0 to 197. The higher the overall score given to the business, the greater the frequency of intervention by the LA.

Risk Category	Score*	Intervention frequency
A	≥ 92	At least every 6 months
B	72 to 91	At least every 12 months
C	52 to 71	At least every 18 months
D	31 to 51	At least every 24 months
E	0 to 30	A programme of alternative enforcement strategies or interventions every 3 years

* In Wales the score for Risk Category C is 42 to 71 and for Risk Category D is 31 to 41

Food Hygiene Rating Scheme (FHRS): This scheme operates in partnership with all LAs across England, Northern Ireland and Wales. (Statutory schemes requiring food businesses to display a rating operate in Wales and Northern Ireland, while the scheme is voluntary in England). It provides transparency to consumers about hygiene standards in individual food businesses at the time of LA inspection. Levels are

presented on a simple numerical scale from '0' at the bottom to '5' at the top. Ratings are derived using three of the elements that are assessed to determine the Food Hygiene Intervention Rating, as illustrated in the table below. All businesses that supply food directly to consumers are included in the scheme, with the exception of low risk establishments not generally recognised as being food businesses and certain establishments that operate from private addresses. The scheme in Wales also includes businesses supplying other businesses.

How the six FHRs food hygiene ratings are derived from FLCoP food hygiene scoring system						
Total FLCoP scores*	0 - 15	20	25 - 30	35 - 40	45 - 50	> 50
Additional scoring factor	No individual score greater than 5	No individual score greater than 10	No individual score greater than 10	No individual score greater than 15	No individual score greater than 20	-
Food hygiene rating						
Descriptor	Very good	Good	Generally satisfactory	Improvement necessary	Major improvement necessary	Urgent improvement necessary
Broadly compliant?	Yes	Yes	Yes	No	No	No

*The sum of the three relevant FLCoP food hygiene intervention rating scores which are: compliance in (1) food hygiene and safety procedures, (2) structure, and (3) confidence in management.

Food Standards Intervention Rating: A score given to each establishment to determine the frequency of interventions by LAs. The intervention rating for food standards is based on an assessment of a number of elements: risk to consumers and other businesses; type of activity; complexity of the law applying; number of consumers potentially at risk; current compliance; and confidence in management. The rating is on a scale from 0 to 180. The higher the overall score given to the business, the greater the frequency of intervention by the LA.

Risk Category	Score	Intervention frequency
A	101 to 180	At least every 12 months
B	46 to 100	At least every 24 months
C	0 to 45	A programme of alternative enforcement strategies or intervention every 5 years

Establishments rated as low-risk (45 or less) need not be included in the planned inspection programme but must be subject to an alternative enforcement strategy at least once in every 5 years.

Interventions: These are visits to food establishments for inspection, monitoring, surveillance, verification, audit and sampling, as well as for education and information gathering purposes. Interventions ensure that food and food establishments meet the requirements of both food hygiene and food standards law. More than one type of intervention may be carried out during a single visit to a food establishment.

Interventions achieved: When calculating ‘% of due interventions achieved’, the interventions due (denominator) should be based on the risk rating of the establishment, which may equate to 0, 1 or 2 due interventions for each food establishment during the year.

Local authority (LA): The food authority in its area or district. Food authorities include both district and county councils where responsibility for food safety and hygiene, and food standards are allocated respectively between them. It also includes unitary authorities, including London boroughs, metropolitan and county boroughs and city councils which are generally responsible for food safety and hygiene, and food standards.

Not yet rated (NYR): Establishments such as new businesses yet to be assessed and rated for risk for either food hygiene and food standards.

Official sample: A sample of food or any other substance relevant to the production, processing and distribution of food, to verify, through analysis, compliance with food law. Analysis is carried out by an official control laboratory.

Outside the intervention programme: All establishments that are defined as a food business should be included in the intervention programme. However, some primary producers (as defined in the [LAEMS Guidance](#)) should be included in the Outside the intervention programme category. Also where a mobile food establishment trades in the area of a different LA, then inspections carried out in the trading area might be outside the inspection programme of that LA.

Port Health Authority (PHA): The UK LA where a port or airport is located. They have responsibility to protect the public, environmental and animal health of the UK. Some are specially created LAs for seaports where the port area is covered by more than one LA.

Primary producer: For the purposes of LAEMS examples of primary producers include:

- Fruit and vegetable growers
- Pick your own farms
- Egg producers

- Potato growers
- Fish farms
- Beekeepers
- Vineyards

UK Food Surveillance System (UKFSS): A national database for central storage of analytical results from feed and food samples taken by LAs and PHAs as part of their official controls.

Written warning: This is an informal enforcement action. It includes any relevant communication with the proprietor/owner/manager of a food establishment stating that infringements of legislation have been found. It includes written warnings to a trader drawing attention to possible non-compliance with legislation but not correspondence of a purely advisory or good practice nature. This may include written warnings left at the time of inspection/visit.