

# **BROMSGROVE DISTRICT COUNCIL**

## **CABINET**

**1<sup>st</sup> October 2008**

### **FOOD STANDARDS AGENCY AUDIT OF FOOD LAW ENFORCEMENT SERVICE**

Responsible Portfolio Holder	Cllr Peter Whittaker
Responsible Head of Service	David Hammond
Non-Key Decision	

#### **1. SUMMARY**

- 1.1 In June 2008 the Food Standards Agency (FSA) carried out an audit of the food law enforcement service of this Council. This report advises Members of the key findings of the audit and brings forward for Member approval an action plan to address the Agency's recommendations.

#### **2. RECOMMENDATION**

- 2.1 That the findings of the Food Standards Agency following their audit of the food law enforcement service be noted.
- 2.2 That the action plan to address the recommendations made by the Food Standards Agency (pages 20 – 22) in the report attached at Appendix 1 be approved.

#### **3. BACKGROUND**

- 3.1 The Council's food law enforcement service was audited by the Food Standards Agency (FSA) on 4<sup>th</sup> – 5<sup>th</sup> June 2008. The audit covered all food law enforcement activities in relation to the Authority's database management, food premises inspections and internal monitoring arrangements. The audit was conducted against the Standard in the Framework Agreement on Local Authority Food Law Enforcement to which all Councils are expected to adhere in the operation of their food law enforcement activities. The audit sought to confirm compliance with the relevant requirements of the Standard.
- 3.2 A pre-visit questionnaire was completed and returned to the FSA together with supporting documentation in May 2008. The questionnaire was comprehensive and covered all aspects of food law enforcement activity. The supporting documents comprised all of the Council's relevant written policies and procedures.

- 3.3 Following submission of the pre-visit questionnaire a detailed audit schedule was received which included a list of files to be made available on the first day of the audit, details of staff to be interviewed and a request to arrange access to the Council's database of food businesses/enforcement activity.
- 3.4 An on-site visit took place on 4<sup>th</sup> – 5<sup>th</sup> June 2008. During the visit two auditors from the Agency examined all relevant file and database records and undertook interviews with food law enforcement staff. Senior officers from within Planning and Environment Services attended opening and closing meetings to be briefed about the purpose of the audit and its key findings.
- 3.5 A report of the audit findings was received in August 2008. The report will be published on the Food Standards Agency website. Copies of the report will also be placed in the libraries of both of the Houses of Parliament, the British Library and the Copyright Library.

#### **4. SUMMARY OF FINDINGS**

- 4.1 The findings of the audit were presented as a detailed description of the subjects covered by the auditors together with a total of 13 recommendations for action to address the issues raised. There was no overall conclusion about the performance of the service or rating against a set standard. A full copy of the audit report is attached at Appendix 1.
- 4.2 Overall the audit found that inspections of food businesses undertaken by the Council's officers were comprehensive and good documentation was provided at the conclusion of the inspection. Where enforcement action had been undertaken i.e. voluntary closure of premises, service of statutory notices and legal proceedings the action was found to have been appropriate and conducted correctly. The Council's prosecution files in particular were commented on as being particularly well presented.
- 4.3 Although documented procedures were found to be in place they were found to be dated and now require revising and updating. In addition the use of the electronic food premises database was found to need reviewing.
- 4.4 The auditors noted that the food law enforcement service had undergone an unsettled period of management since the end of 2006 as there was no team leader effectively in post until the beginning of 2008. It was noted that this had impacted on the Service's general performance in the intervening period.
- 4.5 The auditors noted, and it was acknowledged, that there were problems with the food premises database and the ability of the Service to produce reliable management reports. It was also noted that the Authority was in the process of transition to a new database system as part of a wider corporate initiative. This is expected to address the shortcomings identified.

- 4.6 The auditors concluded that due to the difficulties in producing verifiable information on inspection activity from the database it was not possible to confirm that inspection frequencies were being met by the Authority although checks on file and database records indicated that inspections of higher risk premises were generally being carried out at the correct frequency required by the Food Law Code of Practice. Records confirmed that officers were carrying out comprehensive inspections and providing detailed records of findings.

## **5. AUDIT ACTION PLAN**

- 5.1 In response to the audit an action plan has been drafted to address the recommendations made. This has been submitted to the FSA and has been agreed by them. Individual completion dates have been set for each of the actions. All are scheduled to be completed by 30<sup>th</sup> June 2009. A copy of the Audit Action Plan is contained within the report attached at Appendix 1 (pages 20 – 22). The FSA will review progress against the action plan in six months time.

## **6. FINANCIAL IMPLICATIONS**

- 6.1 There are no financial implications associated with the recommendation to approve the audit action plan as the actions set out will be addressed within the existing budget and staff resources.

## **7. LEGAL IMPLICATIONS**

- 7.1 Completion of the audit action plan should ensure a food law enforcement service that is fully compliant with the Standard in the Framework Agreement on Local Authority Food Law Enforcement and the Food Law Code of Practice. Food Authorities are, by law, required to have regard to the Code of Practice when carrying out their duties in relation to food law enforcement.

## **8. COUNCIL OBJECTIVES**

- 8.1 Completion of the audit action plan will improve customer service through the production and implementation of updated documented policies and procedures. Improving customer service is a Council priority under objective 2 – Improvement.

## **9. RISK MANAGEMENT**

- 9.1 The main risks associated with the details included in this report are:
- Failure to complete the audit action plan and therefore address the recommendations made by the Food Standards Agency could impact upon the Council's reputation and lead to adverse publicity.

- Failure to implement those recommendations which relate to requirements in the Food Law Code of Practice could result in successful challenge to the actions of the Council and ultimately a direction from the Food Standards Agency.

9.2 These risks are being managed as follows:

- Completion of FSA audit action plan:

Risk Register: Planning and Environment Services

Key Objective Ref No: 3

Key Objective: Efficient, effective and legally compliant Environmental Health Service.

## 10. **CUSTOMER IMPLICATIONS**

10.1 The recommendation to approve the audit action plan will ultimately impact upon customer service through the production and implementation of updated documented policies and procedures.

## 11. **EQUALITIES AND DIVERSITY IMPLICATIONS**

11.1 There are no specific implications identified as completion of the audit action plan will impact equally on all members of the community. All action taken will be in accordance with the Council's Equalities and Diversity Policies.

## 12. **VALUE FOR MONEY IMPLICATIONS**

12.1 Actions within the plan will help to improve and strengthen the application of the Council's Value for Money Strategy and Policies by ensuring food law enforcement is effective, targeted and proportionate.

## 13. **OTHER IMPLICATIONS**

Procurement Issues: None
Personnel Implications: None
Governance/Performance Management: Completion of the audit action plan should ensure a food law enforcement service that is fully compliant with the Standard in the Framework Agreement on Local Authority Food Law Enforcement and the Food Law Code of Practice.
Community Safety including Section 17 of Crime and Disorder Act 1998: None
Policy: None

Environmental: None
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**14. OTHERS CONSULTED ON THE REPORT**

Portfolio Holder	Yes
Chief Executive	Yes
Executive Director - Partnerships and Projects	Yes
Executive Director - Services	No
Assistant Chief Executive	No
Head of Service	Yes
Head of Financial Services	Yes
Head of Legal, Equalities & Democratic Services	Yes
Head of Organisational Development & HR	No
Corporate Procurement Team	No

**15. WARDS AFFECTED**

All Wards.

**16. APPENDICES**

Appendix 1 Report on the Food Law Enforcement Service's Arrangements for Food Premises Database Management, Food Premises Inspections and Internal Monitoring. Bromsgrove District Council. 4 – 5 June 2008.

**17. BACKGROUND PAPERS**

Report on the Food Law Enforcement Service's Arrangements for Food Premises Database Management, Food Premises Inspections and Internal Monitoring. Bromsgrove District Council. 4 – 5 June 2008.

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