

# **Report to the Audit & Governance Committee**



**Report reference:** AGC-008-2010/11  
**Date of meeting:** 20 September 2010

**Epping Forest  
District Council**

**Portfolio:** Environment

**Subject:** Food Standards Agency audit of the food law enforcement service

**Responsible Officer:** John Gilbert (01992 564062).  
James Nolan (01992 564083)

**Democratic Services Officer:** Gary Woodhall (01992 564470).

---

## **Recommendations/Decisions Required:**

- (1) To note and comment upon the Food Standards Agency audit of the Council's food law enforcement service;**
- (2) To note the progress made against the agreed action plan; and**
- (3) To receive a further progress report in February 2011**

## **Executive Summary:**

The Food Standards Agency (FSA) has the responsibility, amongst other things, for carrying out audits of local authority food enforcement services as part of its remit to improve consumer protection and confidence in relation to food. The audit is intended to ensure that local authorities are providing effective food law enforcement services.

The FSA undertook an inspection of the Council's service over the period 2 to 3 March 2010, and their final report was published on 27 July 2010. This report sets out their findings and puts forward a detailed action plan to deal with the identified shortcomings.

The findings of the report are disappointing in relation to procedural shortcomings but there are no major criticism of the effectiveness of the actual inspections and investigations carried out by the Council's Food Team.

Since the inspection took place significant progress has been made in addressing the requirements of the action plan and all are scheduled to be completed by 31 March 2011. The FSA have indicated that they will review progress approximately six months after publication of the report, i.e. early 2011.

## **Reasons for Proposed Decisions:**

- It is a requirement of the FSA that audit reports are brought to the attention of relevant local authority members;
- Part 11.4 of the Council's Constitution sets out the roles and responsibilities of the Audit and Governance Committee, and of particular relevance to this report are sub paragraphs:

*(b) to seek assurances that action is being taken on risk related issues identified by Auditors and Inspectors; and*

*(j) consider other reports of External Audit and inspection agencies which are relevant to the functions of the Committee.*

- To enable the Committee to monitor progress against the agreed action plan.

#### **Other Options for Action:**

No other actions are provided for consideration.

#### **Report:**

1. The Food Standards Agency (FSA) undertook an audit of the Council's food hygiene service over the days 2 to 3 March 2010. The Council was selected for this audit because it had never been audited in the past and considered to be representative of a mix of 25 Councils selected across England. The audit sought to establish whether key food law enforcement systems and arrangements were effective in supporting business compliance and that local enforcement was delivered and managed effectively. The final published audit report, published on 27 July 2010, is attached.

2. It is fair to say that the outcome of the audit is disappointing, with the report highlighting shortfalls in:

- record keeping;
- proof of adherence to guidelines;
- senior manager competence;
- on-going internal monitoring of the service; and
- too great a reliance placed on the quality management system to oversee the service.

3. On the positive side the report highlighted:

- the diligence and professionalism of officers in undertaking their inspection duties;
- the sensible approach of officers to the balance between education, information and enforcement;
- that front line officers were well trained and well versed in inspection processes (e.g. Hazard Analysis Critical Control Points (HACCP)); and
- that food sampling and complaint investigations had been carried out to a good standard.

4. In summary the audit report essentially states that professional officers were doing a good job in terms of undertaking inspections, but that the systems in place for recording inspections and ensuring that data on all food businesses was current and accurate were not up to the required standard. The exception to the officer position relates to the Public Health Team Leader, where the audit report makes specific reference to the fact that professional competencies had not been maintained through continuing professional development.

5. The report sets out 19 recommendations which have been transposed into an action plan which has been agreed with the FSA. This has now been populated with the actions taken to date and is attached as an appendix to this report. It can be seen that good progress is being made and completion of the plan in accordance with the set timescales is anticipated.

6. The FSA has stated that it will review progress against the action plan in early 2011. It is suggested that an interim report is made to this Committee at its meeting in February

2011 so that progress can be assessed.

7. The action plan and recommendations are of course targeted at the Council as a whole, but the outcome is such that further actions will be required within the Environment & Street Scene Directorate to ensure that the action plan is fully complied with within the timeframes agreed. Whilst it would be inappropriate to set out in this report details of personnel matters arising, key managers involved in the delivery of the food law enforcement service are fully aware of the seriousness of parts of the audit report findings and this has been reflected within their Personal Development Review Action Plans.

#### **Resource Implications:**

There are no resource implications identified at this time, All additional training etc required and changes to systems will be met from within existing Directorate budgets.

PDR action plans will be thoroughly assessed during the year to ensure progress against key actions (e.g. maintaining professional competencies)

#### **Legal & Governance Implications:**

Despite the comments of the FSA, the Council provided and continues to provide a food law enforcement service which meets the Council's statutory duties. The key element of actual inspection, which is the primary means of ensuring public safety and confidence, was not criticised by the auditors.

The failure to adequately record some inspection details and more crucially whether a food premises was caught by specific European Law were potentially damaging to the Council's reputation, but at no time were consumers put at any risk through this shortcoming. Furthermore, the fact that the Team Leader did not ensure that their professional competences were current was also potentially damaging to the Council's reputation, especially if a legal process or Court action had been prejudiced in some way.

#### **Safer, Cleaner, Greener Implications:**

There are no cleaner or greener implications

The safety considerations are referred to in the Legal & Governance Implications box above. Progress against the agreed action plan is good with all issues on target to be completed by the agreed dates.

#### **Consultation Undertaken:**

Action plan agreed following consultation/discussion with the FSA.

#### **Background Papers:**

Final report of the FSA received on 29 July 2010 (attached to Agenda).  
Report to the Corporate Governance Group, 21 July 2010.

#### **Impact Assessments:**

##### Risk Management

The risks to the Council's reputation have been set out in earlier parts of this report. The agreed action plan and the good progress being made in meeting its requirements should ensure that future risks to the Council's reputation are diminished.

##### Equality & Diversity

*Did the initial assessment of the proposals contained in this report for*

<i>relevance to the Council's general equality duties, reveal any potentially adverse equality implications?</i>	No
<i>Where equality implications were identified through the initial assessment process, has a formal Equality Impact Assessment been undertaken?</i>	N/A
<i>What equality implications were identified through the Equality Impact Assessment process?</i>	N/A
<i>How have the equality implications identified through the Equality Impact Assessment been addressed in this report in order to avoid discrimination against any particular group?</i>	N/A