

THE FRAMEWORK AGREEMENT ON OFFICIAL FEED AND FOOD CONTROLS BY LOCAL AUTHORITIES

Amendment Five, April 2010

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PREFACE

The Framework Agreement on official feed and food law controls, by local authorities, has been developed in consultation with the local authorities themselves, the local government associations and the professional bodies. It has been approved by the Enforcement Liaison Group¹.

This is Amendment number 5 to the original Agreement (which was introduced from 2001) and is effective from **1 April 2009**.

The Framework Agreement sets out what the Food Standards Agency expects from local authorities in their delivery of official controls on feed and food law. This Amendment has been updated to take account of the Agency's New Vision² for food law enforcement, and the FSA Framework for Regulatory Decision Making³, which take account of the Government's better regulation agenda and of principles of good regulation.

The Agreement sets out the planning and delivery requirements of feed and food official controls, based on the existing statutory Codes of Practice. These provisions should be reflected in authorities' service plans operative from **1 April 2009**.

Details of the new monitoring system for local authority feed and food law enforcement, and of the new audit arrangements, are available as separate documents on the Agency website.

The operation and scope of the Framework Agreement remain under the oversight of the Enforcement Liaison Group, through its Sub-Group on the Framework Agreement.

¹ <http://www.food.gov.uk/enforcement/enfcomm/elg/>

² The Agency's New Vision for food law regulation is set out in paper PRO 06/10/02, approved by the FSA Board on 12 October 2006. This is available on the Agency's website.

³ <http://food.gov.uk/multimedia/pdfs/FSAreqframework.pdf>

Chapter One: Service Planning Guidance

Introduction

1 This guidance provides information on how service plans for official feed and food law controls should be structured, and on what they should contain. Service plans developed under these arrangements will provide the basis on which local authorities will be monitored and audited by the Food Standards Agency. This guidance should be read in conjunction with “The Standard” which can be found in Chapter Two.

Background

2 The Food Standards Agency has a key role as the central competent authority in overseeing official feed and food controls undertaken by local authorities. It also seeks to work in partnership with local authorities to help them to deliver official feed and food controls. The Agency is therefore proactive in setting and monitoring standards, and in auditing local authorities’ delivery of official controls, in order to ensure that this activity is effective, risk based, proportionate and consistent. Powers enabling the Agency to monitor and audit local authorities are contained in the Food Standards Act 1999 and in the Official Feed and Food Controls Regulations.

3 Service plans are seen as an important part of the process to ensure that national priorities and standards are addressed and delivered locally. Service plans will also help local authorities to:

- follow the principles of good regulation;
- focus on key delivery issues and outcomes;
- provide an essential link with corporate and financial planning;
- set objectives for the future, and identify major issues that cross service boundaries;
- provide a means of managing performance and making performance comparisons; and
- provide information on an authority’s service delivery to stakeholders, including businesses and consumers.

4 The Feed and Food Law Codes of Practice allow local authorities flexibility over how to deliver official feed and food controls. The service plan should set out how and at what level official feed and food controls will be provided, in accordance with the Codes of Practice. When developing its service plan, an authority should make it clear what period the plan covers, and what arrangements have been put in place for the regular review and updating of the plan.

5 This guidance, which should be read in conjunction with Chapter 2 – “The Standard”, provides local authorities with a service plan template, to ensure that all the areas of official feed and food controls covered by the Standard are included in the plan, whilst also allowing scope for locally defined objectives. The template will ensure that local authorities include in their service plans:

- information about the services they provide;
- the means by which they will provide those services, including the various requirements of the Standard;
- the means by which they will meet any relevant performance targets or performance standards; and
- a review of performance, in order to address any variance from meeting the requirements of the service plan and identification of areas for improvement.

Better Regulation

6 Local authorities should take account of the Government’s better regulation agenda when planning and delivering their services. Key to this agenda are the five principles of good regulation:

- targeting (to take a risk-based approach);
- proportionality (such as only intervening where necessary);
- accountability (to explain and justify service levels and decisions to the public and to stakeholders);
- consistency (to apply regulations consistently to all parties); and
- transparency (being open and user-friendly).

7 To achieve those principles, the Government’s better regulation programme includes a number of initiatives which local authorities will need to take account of in their Feed and Food service plans. As feed and food safety are devolved issues, the nature and impact of these initiatives will vary between the different parts of the United Kingdom.

8 The targeting of resources where they are most effective and at areas of highest risk is essential in providing the public with an effective service. It is the desired outcome, which may alter with changing circumstances, that should be the key influence when local authorities are selecting the appropriate interventions to be used. Attention should be given to longer term outcomes as well as short-term ones.

Common Format

9 Service plans are an expression of local authorities' own commitment to the development of the feed and food service. However, it is also important to consider the use made of the plans by the Food Standards Agency, which will require information about official feed and food control activities in a common format to enable it to assess local authorities' delivery of the service. In addition, service plans may be of use to other local authorities who will find analysis and comparison of their relative performance greatly facilitated by a common format. The guidelines are therefore structured in terms of a common format – with chapter and subject headings specified - and a general description of the content that should form part of each. There is no intention to remove local authority flexibility to include additional items under particular headings.

10 It is recognised that local authorities have had service plans for many years, and may have corporate style or templates that they wish to maintain. It is also recognised that some local authorities undertake the planning and review processes at separate times and issue the results of review as a separate document. Some local authorities include their plans for the feed and food service as part of a larger plan of authority services. While there is flexibility for local authorities to continue with a corporate format, they shall ensure that the information requirements in this guidance are included. Where feed or food service plans form part of broader corporate plans, the feed and food details shall be separately identifiable in their planning documents.

11 Similarly, in those cases where several authorities are unifying as a single authority, they should ensure that the requirements of this guidance are included and are separately identifiable in the planning documents for the new unitary authority. Where an enforcement service is shared between authorities, the requirements of this guidance should be identifiable in the planning documents for each authority.

12 Authorities should cover the following areas in their service plans for feed and food official controls:

- * Service Aims and Objectives
- * Background
- * Service Delivery
- * Resources
- * Quality Assessment
- * Review

Further guidance on the content of the plan in each of these areas is set out overleaf. However, each authority may choose its own way of formulating these plans – such as placing some aspects in management plans, and some in operational plans.

Member Approval

13 Authorities have the flexibility to decide locally whether or not service plans should be approved at Member level. To help to ensure local transparency and accountability, and to show their contribution to the authority's corporate plan, feed and food service plans and performance reviews should be approved at the relevant level established for that local authority, whether that is Member, Member forum, or suitably delegated senior officer level. Records should be kept to show that service plans have received appropriate approval.

Official Feed and Food Controls Service Plan Guidance

1. Service Aims and Objectives

1.1 Aims and Objectives	A statement of the service's aims and objectives.
1.2 Links to corporate objectives and plans	This section should identify how the service plan(s) fit into the Authority's corporate planning process and how it plays its part in meeting the Authority's objectives. This should include meeting any relevant national indicator. It should also identify any cross linkage with other plans that have been adopted by the Authority.

2. Background

2.1 Profile of the Local Authority	This section should include details of the population, size and nature of the Authority.
2.2 Organisational Structure	A simple chart showing the council services and committee structure which shows where the feed and food service fits in. The structure should identify the manager/s responsible for the delivery of official feed and food controls and the officer/s with specialist responsibility for food hygiene, food standards, and/or feedingstuffs if different, and the provision made for specialist services provided, for example, by public analysts, food examiners and agricultural analysts.
2.3 Scope of the Feed and Food Service	A brief statement that sets out the scope of the responsibilities and service provided. This should identify where areas of the feed and food service are provided by another organisation e.g. contractors. Any other services that are delivered alongside the feed and food service, e.g. health and safety inspections, can be described here.
2.4 Demands on the Feed and Food Service	This section should include a brief outline of: <ul style="list-style-type: none">• the establishments profile• the number of approved or registered establishments in the Authority's area;• any particular local requirements associated with specialist or complex processes.

	<p>The section should detail:</p> <ul style="list-style-type: none"> • the service delivery points used by the Authority and • the times at which the service is available from these points. <p>This section also enables the Authority to describe any external factors that may impact on their service. For example:</p> <ul style="list-style-type: none"> • the percentage of business owners whose first language is not English, • the percentage of food establishments that are manufacturing foods, • imported feed/food responsibilities, or • seasonal activities.
2.5 Regulation Policy	A brief reference statement to the Authority's documented enforcement policy.

3. Service Delivery

3.1 Interventions at Food and Feedingstuffs establishments	<p>A statement in relation to the Authority's policy on interventions and how they will be selected in individual cases, including details of the programme of interventions at feed/food establishments to be undertaken. This should include the establishments profile, the numbers of interventions programmed, an estimation of the number of revisits that will be made, and an estimation of resources required e.g. staffing. The plan should also detail any targeted intervention activity that the Authority intends to carry out including any extra resources this may require; this could include specific project work.</p> <p>The Authority should identify any priorities relating to nationally or locally driven outcomes, such as compliance with new legislation or improved compliance with existing legislation and other central government initiatives. The section should include, where appropriate, the arrangements the Authority has made to ensure that they have access to adequate appropriate expertise to enable competent inspection of any specialised processes identified in Section 2.</p>
3.2 Feed and Food Complaints	<p>A statement in relation to the Authority's policy regarding the investigation of feed and food complaints including an estimation based on previous years' trends of the likely demand on the service and an estimation of the resources required.</p>

3.3 Home Authority Principle and Primary Authority Scheme	A statement in relation to the Authority's policy on the Home Authority Principle and, where applicable, the Primary Authority Scheme, including an estimation of the resources required in relation to meeting and advising those businesses for whom it acts, developing intervention plans for those businesses for whom it is the Primary Authority, and responding to enquiries from other enforcing authorities..
3.4 Advice to Business	A statement in relation to the Authority's policy regarding advice to business (as part of the overall policy of interventions) including an estimation of the number of contacts from business and the resources necessary to provide the service. This section should include, where appropriate, any input the Authority has to business partnerships or forums.
3.5 Feed and Food Sampling	A statement in relation to the Authority's sampling policy including the basis of the sampling programme and an estimate of the numbers of samples that will be taken from establishments, or submitted in relation to complaints, and any relevant resource allocation including staffing. It should also detail the arrangements that the Authority has made for the analysis and/or examination of the samples.
3.6 Control and Investigation of Outbreaks and Food Related Infectious Disease	A statement in relation to the Authority's policy on the investigation of food poisoning notifications and outbreak control including an estimation based on previous years' trends of likely demand on the service and an estimation of the resources required.
3.7 Feed/Food Safety Incidents	A statement in relation to the Authority's policy on handling food alerts to confirm that it complies with the relevant Codes of Practice; an estimation of the likely demand on the service and an estimation of the resources required.
3.8 Liaison with Other Organisations	<p>The Authority should set out the arrangements it has made to ensure that enforcement action taken in its area is consistent with those of neighbouring local authorities. This section should include:</p> <ul style="list-style-type: none"> • any liaison the Authority has with other authorities; • any liaison, where appropriate, with LBRO; • any arrangements with other official control bodies or government inspectorates to co-ordinate feed and food controls;

	<ul style="list-style-type: none"> • any representation on Government working groups or committees; • liaison with professional body working groups; • liaison and involvement/participation with LACORS advisory groups and similar or related bodies; • any formal liaison with voluntary groups and other public sector bodies e.g. Health Authorities; • any formalised liaison with other services within the Authority e.g. review of building control applications; • any commitment to local/regional groups. <p>An estimation of the resource allocation should be included.</p>
3.9 Feed and Food Safety and Standards promotional work, and other non-official controls interventions	A statement of any feed/food safety promotional work, or information/intelligence gathering work, which the Authority intends to carry out in the year and the measures it will use to evaluate its effectiveness, with an estimate of the resource allocation including staffing to undertake this work.

4. Resources

4.1 Financial Allocation	This section should set out the overall level of expenditure involved in providing the service and examine the trend of growth or reduction in real terms. Detail shall be provided in terms of the non-fixed costs including staffing, travel and subsistence, equipment including investment in IT, sampling budgets and the financial provision made by the Authority for any legal action necessary as part of their enforcement function.
4.2 Staffing Allocation	A statement of the number of posts required to deliver the service, and of the number of staff working on feed/food law enforcement and related matters (in terms of full time equivalents); this should distinguish qualified staff from support staff.. These figures should be expressed in terms of levels of competency with reference to the appropriate Codes of Practice, including support staff.
4.3 Staff Development Plan	A statement in relation to any relevant ongoing training, including that to be provided in-house and externally for authorised and trainee officers in the year ahead.

5. Quality Assessment

5.1 Quality assessment and internal monitoring	A statement specifying the measures to be taken to assess the quality of the Authority's service including any relevant monitoring arrangements developed by the Authority to assess performance against the Standard. This should include any agreed inter-authority audit or peer review arrangements. The Authority will also wish to include details of any externally accredited or self assessment models used.
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6. Review

6.1 Review against the Service Plan	The Authority should set out the process for reviewing and reporting delivery of the service plan. This should include information on the previous year's performance against the service plan and any specified performance targets and performance standards and targeted outcomes.
6.2 Identification of any Variation from the Service Plan	The review should identify where the Authority was at variance from their service plan and, where appropriate, the reasons for that variance. The Authority may determine that additional work it has carried out in other areas of the enforcement mix has achieved the same objective. This should be clearly identified in this part of the plan.
6.3 Areas of Improvement	The Authority should set out plans for any relevant improvement or service development identified as necessary by the review or the quality assessment.

Chapter Two: The Standard

Introduction

This Chapter brings together the obligations on feed and food law enforcement authorities on official controls arising from existing legislation, statutory Codes of Practice and related guidance, and sets out the requirements for the planning, management and delivery of local authority feed and food law enforcement services.

Local authorities will need to ensure that the services they provide to support and achieve business compliance with the law address the whole package set out in the Standard, and that they deliver appropriate activities and actions in line with the better regulation policies applicable in their part of the United Kingdom.

The Standard

1 Scope

This Standard specifies the arrangements to be put in place and implemented by an Authority for the enforcement of food hygiene, food standards, feed law and imported feed and imported food legislation.

The Standard is applicable to those activities which should be included in an Authority's feed/food service. References to "Codes of Practice" in the Standard mean the Feed Law Enforcement Code of Practice (Great Britain) and the Food Law Codes of Practice issued in each of the countries in the United Kingdom, unless otherwise stated.

2. Terms and definitions

For the purposes of this Standard the following terms and definitions apply.

2.1 Authority

Any local authority whose responsibilities cover either food hygiene, food standards or feedingstuffs law enforcement, or a combination of those activities. This also includes port health authorities and authorities with points of entry for imported foods or feedingstuffs.

3 Organisation and Management

3.1 The Authority shall draw up, document and implement a service delivery

plan in accordance with the Service Planning Guidance in Chapter 1.

- 3.2 A performance review shall be carried out by the Authority at least once a year based on the service delivery plan, documented and submitted for approval to either the relevant member forum or, where approval and management of service delivery plans has been delegated to senior officers, to the relevant senior officer.
- 3.3 Any variance in meeting the service delivery plan shall be addressed by the authority in its subsequent service plan.

4 Review and Updating of Documented Policies and Procedures

- 4.1 The Authority shall ensure that all documented policies and procedures for each of the enforcement activities covered by this Standard are reviewed at regular intervals, and whenever there are changes to legislation or centrally issued guidance.
- 4.2 The Authority shall set up, maintain and implement a control system for all documentation relating to its enforcement activities. Whichever medium is chosen, such as electronic format or hard copy, the system shall ensure that:
 - a) up to date copies of the appropriate documentation including legislation and guidance are available at all relevant locations and to all relevant staff;
 - b) all changes to documents or amendments to documents are covered by the correct authorisation and are carried out without undue delay to ensure timely availability; and
 - c) superseded documents are removed from use throughout the Authority.

5 Authorised Officers

- 5.1 The Authority shall set up, maintain and implement a documented procedure for the authorisation of officers based on their competence and in accordance with the relevant Codes of Practice and any centrally issued guidance.
- 5.2 The Authority, where it is responsible for the enforcement of food hygiene, food standards and/or feed legislation, shall appoint an officer/s with specialist knowledge to have lead responsibility for that legislation. Where the Authority has specific responsibilities, for example it is a UK point of entry or it has establishments approved in accordance with Regulation (EC) No 853/2004, it should ensure that officers have the necessary specialist knowledge.
- 5.3 The Authority shall appoint a sufficient number of authorised officers to carry out the work set out in the service delivery plan. The level of authorisation and duties of officers should be consistent with their qualifications, training, experience and the relevant Code of Practice.
- 5.4 The Authority shall ensure that all authorised officers and appropriate support staff receive the training needed to be competent to deliver the technical and

administrative aspects of the work in which they will be involved, in accordance with the Code of Practice.

- 5.5 Records of relevant academic or other qualifications, training and experience of each authorised officer and appropriate support staff shall be maintained by the Authority in accordance with the relevant Codes of Practice.

6 Facilities and Equipment

- 6.1 The Authority shall make available the necessary facilities and equipment that are required to the effective delivery of all activities associated with the service to be provided.
- 6.2 The Authority shall ensure that equipment is properly maintained and calibrated, and is removed from service when found to be defective. To support this task, it shall set up, maintain and implement a documented procedure, which should include identification of equipment, evidence of maintenance and calibration, and the results of any in service checks.
- 6.3 Any computer software package or other method of record administration used by the Authority shall be reliable and capable of providing any information reasonably requested by the Food Standards Agency. Such systems shall be operated in such a way so as to be able to provide required information to the Agency.
- 6.4 The Authority shall set up, maintain and implement appropriate back up systems for any electronic databases, and systems or documented procedures which have been designed to minimise the risk of corruption or loss of information held on its databases. The Authority should ensure that reasonable security measures are in place to prevent access and amendment by unauthorised persons.

7 Food and Feedingstuffs Establishments Interventions and Inspections

- 7.1 The Authority shall carry out interventions/inspections (as required by the relevant Code of Practice) at all food hygiene, food standards and feedingstuffs establishments in their area, at a frequency which is not less than that determined under the intervention rating schemes set out in the relevant legislation, Codes of Practice or other centrally issued guidance.
- 7.2 The Authority shall carry out interventions/inspections, and approve or register establishments in accordance with the relevant legislation, Codes of Practice, centrally issued guidance and the Authority's policies and procedures.

NOTE: Establishments includes any ship or aircraft of a description specified in the relevant legislation.

- 7.3 The Authority shall assess the compliance of establishments and systems in their area to the legally prescribed standards.

NOTE: In assessing compliance, the Authority shall (as required by Article 10(2) of Regulation (EC) No 882/2004) take into account any relevant Industry Guides to Good Hygiene Practice and have regard to any other relevant centrally issued guidance.

The Authority shall take appropriate action on any non-compliance found, in accordance with the Authority's enforcement policy.

- 7.4 The Authority shall set up, maintain and implement documented procedures for the range of interventions/inspections/it carries out.
- 7.5 Observations made and/or data obtained in the course of an inspection/intervention shall be recorded in a timely manner to prevent loss of relevant information. Officers' contemporaneous records of interventions shall be legible and stored in such a way that they are retrievable.

8 Food, Feed and Food Establishments Complaints

- 8.1 The Authority shall set up, maintain and implement a documented policy and procedure(s) in relation to complaints about food and feed that originate within the UK, and those foods and feed originating from other EU member states, or from third countries and in relation to complaints against feed and food establishments. Procedures should cover any referral arrangements to inland authorities and/or authorities with responsibility for imported food and feed controls at the UK point of entry.
- 8.2 The Authority shall investigate complaints received in accordance with the relevant Code of Practices, centrally issued guidance and the Authority's policies and procedures.
- 8.3 The Authority shall take appropriate action on complaints received in accordance with the Authority's enforcement policy.

9 Primary Authority Scheme and Home Authority Principle

- 9.1 Where a Primary Authority partnership has been established for a business, under the terms of the Regulatory Enforcement and Sanctions (RES) Act 2008, and any Orders under that Act, the Primary Authority shall act in accordance with the relevant requirements and guidance. A Primary Authority partnership can cover the full range of regulatory service, or specific functions, such as health and safety; food safety or product labelling. Where a Primary Authority partnership has not been established for a business for a particular function, the Home Authority principle will continue to apply:
- 9.2 The Authority shall provide advice to businesses on legal compliance where they act as home and/or originating authority.
- 9.3 The Authority shall have regard to any information or advice it has received from any liaison with home and/or originating authorities.
- 9.4 The Authority shall liaise with the home and/or originating authority of a

business whose feed/food and/or premises have been subject to an intervention, and offences identified which are, or appear to be, associated with the business's centrally defined policies and procedures.

- 9.5 During a complaint investigation, the Authority shall liaise with the home and/or originating authority regarding matters which are or may be associated with the business's centrally defined policies or procedures.
- 9.6 The Authority shall liaise with the home and/or originating authority of a business in relation to any unsatisfactory samples which are or may be associated with the business's centrally defined policies or procedures.
- 9.7 The Authority, having initiated liaison with any home and/or originating authority, shall notify that authority of the outcome.

10 Advice to Business

- 10.1 The responsibility to comply with feed and food law rests with the business operator. As part of its approach to enforcement, the Authority shall work with businesses to help them comply with food and feed legislation. This may include, for example:
- running training courses/seminars (in accordance with the requirements in the Codes of Practice for avoiding potential conflicts of interest) ;
 - providing advice during interventions;
 - business information sheets;
 - responding to queries; and
 - dialogue with business through local business partnerships or similar fora.

11 Food and Feed Establishments Database

- 11.1 The Authority shall set up, maintain and implement a database of the food and feed establishments in its area.
- 11.2 The Authority shall set up, maintain and implement a documented procedure to ensure that its food and feed premises database is accurate, reliable and up to date, as the accuracy of such databases is fundamental to service delivery and monitoring.

12 Food and Feed Inspection and Sampling

- 12.1 The Authority shall ensure that food and feedingstuffs are inspected at all food and feed establishments, in accordance with relevant legislation, Codes of Practice and centrally issued guidance, to ensure that food and feed meet legally prescribed standards.

- 12.2 The Authority shall take appropriate action on any non-compliance found in accordance with the Authority's enforcement policy.
- 12.3 The Authority shall set up, maintain and implement documented procedures for the inspection of food and feedingstuffs.
- 12.4 The Authority shall set up, maintain and implement a documented sampling policy and programme that shall accord with any centrally issued or relevant guidance, and relevant Codes of Practice and shall include reference to its approach to any relevant national sampling programme centrally co-ordinated by the Food Standards Agency.

NOTE: The Authority should consider the nature of its food and feed establishments, and where applicable the nature of imported foods and feed, and also have regard to any relevant sampling programme centrally co-ordinated by the FSA, LACORS and the HPA and in Scotland, SFELC (the Scottish Food Enforcement Liaison Committee), in Wales the Welsh Food Microbiological Forum and the Welsh National Public Health Service and in Northern Ireland, the Public Health Laboratory.

- 12.5 The Authority shall set up, maintain and implement documented procedures for the procurement or purchase of samples, continuity of evidence and the prevention of deterioration or damage to samples whilst under its control in accordance with the relevant Codes of Practice and centrally issued guidance.
- 12.6 The Authority shall carry out sampling in accordance with its documented sampling policy, procedures and programme.
- 12.7 The Authority shall take appropriate action in accordance with its enforcement policy where sample results are not considered to be satisfactory.
- 12.8 The Authority shall, where appropriate, ensure a Public Analyst, and/or Agricultural Analyst is appointed to carry out examinations and analyses of food and feed samples. In making these appointments all relevant legal requirements and Codes of Practice shall be satisfied. All samples for examination should be submitted to a Food Examiner at a laboratory accredited for the purpose of examination.

13 Control and Investigation of Outbreaks and Food Related Infectious Disease

- 13.1 The Authority shall set up, maintain and implement a documented procedure which has been developed in association with all relevant organisations in relation to control of outbreaks of food related infectious disease in accordance with relevant central guidance.
- 13.2 The Authority shall set up, maintain and implement a documented procedure which has been developed in accordance with centrally issued guidance, and in association with all relevant organisations for the investigation of notifications of food related infectious disease.

- 13.3 All records relating to the control and investigation of outbreaks and food related infectious disease shall be kept for at least 6 years.

14 Feed and Food Safety Incidents

- 14.1 The Authority shall set up, maintain and implement a documented procedure for initiating and responding to feed and food alerts, in accordance with the relevant Codes of Practice. For UK points of entry, this procedure should also address RASFF notifications and relevant EC decisions. This procedure shall also include out of hours contact arrangements.
- 14.2 The Authority shall maintain a computer system capable of receiving feed and food alerts.
- 14.3 The Authority shall document its response to and the outcome of each feed and food alert.
- 14.4 The Authority shall set up, maintain and implement a documented procedure for responding to feed and food safety incidents.

NOTE: Feed and food safety incidents might be notified as part of the feed and food alert warning systems (see 14.1 above) or as separate notifications from the Food Standards Agency.

- 14.5 The Authority shall notify the Food Standards Agency of any serious localised incident or a wider feed/food safety problem in accordance with the relevant Codes of Practice.

15 Enforcement

- 15.1 The Authority shall set up, maintain and implement a documented enforcement policy, in accordance with the relevant Codes of Practice and other official guidance. This policy shall be approved by the relevant Local Authority Member forum or, where approval and management of service delivery plans has been delegated to senior officers, by the relevant senior officer

NOTE: The enforcement policy or an accurate summary should be readily available to the public and food businesses in the Authority's area.

- 15.2 The Authority shall set up, maintain and implement documented procedures for follow up and enforcement actions in accordance with the relevant Codes of Practice and official guidance.
- 15.3 The Authority shall carry out food law enforcement in accordance with the relevant Codes of Practice and centrally issued guidance.
- 15.4 All decisions on enforcement action shall be made following consideration of the Authority's enforcement policy. The reasons for any departure from the criteria set out in the enforcement policy shall be documented.

16 Records and Interventions/Inspections Reports

- 16.1 The Authority shall maintain up to date accurate records in retrievable form on all food and feed establishments in its area, and for all relevant checks on imported food and feed, in accordance with Codes of Practice and centrally issued guidance. These records shall include reports of all interventions/inspections, the determination of compliance with legal requirements made by the authorised officer, details of action taken where non-compliance was identified, details of any enforcement action taken, results of any sampling, details of any complaints and any action taken, and also relevant food and/or feed registration and approval information. The authority should also record, with reasons, any deviations from set procedures.
- 16.2 All records shall be kept for at least 6 years unless they have been marked for longer retention because of litigation or Local Government Ombudsmen review.

17 Complaints About the Service

- 17.1 The Authority shall set up, maintain, implement and make readily available to the public and the food and feed businesses in its area, a documented complaints procedure regarding complaints about the service.
- 17.2 The Authority shall investigate complaints received in accordance with the relevant centrally issued guidance.
- 17.3 A record shall be made of all complaints received and of the actions taken by the Authority in response to those complaints.

18 Liaison with Other Organisations

- 18.1 The Authority shall put in place liaison arrangements with neighbouring authorities and any other appropriate body, to facilitate efficient, effective and consistent enforcement in accordance with the relevant Codes of Practice and centrally issued guidance.
- 18.2 The Authority shall also put in place liaison arrangements with other official control bodies or government organisations, aimed at rationalising enforcement and reducing burdens on businesses.

19 Internal Monitoring

- 19.1 The Authority shall set up, maintain and implement documented internal monitoring procedures in accordance with Article 8 of Regulation (EC) 882/2004 (Official Feed and Food Controls), the relevant Codes of Practice and centrally issued guidance.
- 19.2 The Authority shall verify its conformance with this Standard, relevant legislation, the relevant Codes of Practice, relevant centrally issued guidance and the Authority's own documented policies and procedures.

- 19.3 A record shall be made of all internal monitoring. This should be kept for at least 2 years.

20 Third Party or Peer Review

- 20.1 The Authority shall participate in any appropriate third party or peer review process against the Standard.
- 20.2 Where the Authority participates in such processes, this should include the implementation of effective remedial actions to address non-conformances with the Standard identified through the processes.

21 Food and Feed Safety and Standards Promotion

- 21.1 The Authority shall promote food and feed safety and standards. For example this may include:
- * food safety and standards awards or competitions;
 - * participation in co-ordinated food and feed safety and standards `` campaigns;
 - * partnerships with voluntary organisations, the community and other agencies with a view to targeting specific groups;
 - * targeted dissemination of information on food and feed safety and standards issues;
 - * supporting food safety and standards training in schools and colleges; and
 - * raising awareness of imported food controls (this applies to all authorities, not solely those covering ports of entry).
- 21.2 The Authority shall maintain records of its food and feed safety and standards promotions.

Chapter Three: Monitoring of Local Authorities

Introduction

1 As part of its duties under the Food Standards Act 1999, and in accordance with the requirements of Regulation (EC) No 882/2004 on official controls, the Food Standards Agency is responsible for monitoring and reporting the performance of enforcement authorities in enforcing relevant legislation on feed and food safety.

2 The Agency therefore collects key data on how each local authority is delivering feed and food law enforcement, on an annual basis. This is achieved through the Local Authority Enforcement Monitoring System (LAEMS) which was introduced in April 2008, and is applicable from the financial year 2008/09 onwards.

Key Documents

3 The relevant documents to guide local authorities on how to implement LAEMS are available on the Agency's website:
<http://food.gov.uk/enforcement/>

Areas of data collected

- 4 The areas of data collected by LAEMS include:
- the number of feed, and of food establishments, categorised by types;
 - the numbers of interventions/inspections due, in accordance with the Codes of Practice, and the number of interventions/inspections carried out;
 - the rating scores awarded:
 - (a) for food hygiene:
 - compliance with the law, hygiene;
 - compliance with the law, structure;
 - confidence in management/control systems;
 - (b) for food standards:
 - level of current compliance; and
 - confidence in management/control systems
 - (c) for feed law:
 - level of current compliance; and
 - confidence in management/control systems.
 - the number of food samples taken for analysis, categorised by type of analysis;
 - the number of feed samples categorised by type of analysis;
 - the number of enforcement actions taken, categorised by type of action, and type of reason for that action.

5 LAEMS collects data for each feed/food establishment in the authority's area, and provides overall summaries which the Authority is required to amend, validate and agree.

Uses of the data

6 The Agency will use the data provided to assess both the levels of authorities' actions to deliver official controls, and the outcomes (in terms of business compliance levels) achieved by those actions. The outcome measure being applied from 2008/09 is the percentage of food establishments for which the Authority is responsible that are deemed to be "broadly compliant" with food law, based on the detailed rating scores awarded by the Authority's authorised officers. Further details are set out in relevant documents on LAEMS on the Agency's website, and in the Food Law Codes of Practice.

7 The data collected via LAEMS will be used by the Agency for the following purposes:

- to report feed and food control activities for the UK to the European Union, as part of the annual reports on the implementation of the UK's National Control Plan under Regulation (EC) No 882/2004;
- to report national data on feed and food control activities, trends and (for food businesses) compliance levels to the FSA Board;
- to identify levels of business compliance achieved (a key issue for the Agency) and of food control activity, by individual authority, to:
 - ensure effective feed and food law services are in place locally;
 - inform the Agency's audit programmes;
 - provide benchmarks for LAs; and
 - help inform the UK enforcement strategy.
- for English LAs, to assess performance against NI 184, the National Indicator for business compliance levels – which forms part of the CAA performance framework.

Details of the monitoring data submitted by each LA will be published annually on the FSA website.

8 The Agency will consult Authorities and other stakeholders, over any proposed changes to the use made of monitoring data.

Key definitions

9 The key definitions used in LAEMS, and in its analyses, are set out in guidance available on the Agency website at <http://www.food.gov.uk/enforcement/>

10 These definitions include:

- categories of feed/food establishments;
- categories of interventions;
- types of enforcement action;
- reasons for enforcement actions;
- types of samples;
- types of advisory and educational work.

Chapter Four: Audit Scheme for Local Authorities

Introduction

1 As part of its duty under the Food Standards Act 1999 of monitoring the performance of enforcement authorities, the Food Standards Agency has the powers to request information relating to enforcement action, and to make reports to any enforcement authority on their performance in enforcing relevant legislation. The Agency is also required to audit enforcement authorities in accordance with Regulation (EC) No 882/2004, and to follow relevant EC regulations, decisions and guidance.

2 The Framework Agreement audit scheme sets out the arrangements through which the Agency will audit local authorities' enforcement activities, to help ensure that local authorities are providing an effective service to protect public health and animal health.

Aims

3. The aims of the audit scheme are to:

- help to protect public health and animal health by promoting effective local enforcement of feed and food law;
- maintain and improve consumer confidence;
- carry out risk-based audit programmes that provide a means to identify under performance in local authority feed and food law enforcement;
- assist in the identification and dissemination of good practice to aid consistency;
- provide information to aid the formulation of Agency policy;
- promote conformance with the "Feed and Food Law Enforcement – Standard" (the Standard) and any relevant central guidance or statutory Codes of Practice;
- promote self regulation and Peer Review such as Inter Authority Auditing (IAA); and
- identify continuous improvement and good practice for wider dissemination.

Scope

4 The audit programme will cover all local authorities. The audit scheme will assess a local authority's conformance against the Standard and any associated guidance. The arrangements will cover the full range of local authority feed and food law enforcement activity i.e. food standards, food safety, animal feed and imported food, both at ports of entry at which imported feed and food is handled and checks made by inland authorities.

Key Documents

5 The key documents on the detailed operation of the Agency's audit scheme, including process timetables and audit report publication arrangements are available on the Agency's website at:

<http://www.food.gov.uk/enforcement/auditscheme/>

Complaints and disputes

6 Mechanisms are in place for resolving complaints and disputes by local authorities arising from feed and food service audits undertaken by the Agency. Details are available on the Agency's website.

Publication of audit reports

7 Information on local authority enforcement performance will be placed in the public domain. Audit reports will be issued to local authorities with the expectation that the reports will be presented to elected members within the appropriate local public forum. Copies of final audit reports will be placed on the Food Standards Agency website.

Follow-up action

8 Food Standards Agency follow-up action to Agency audits will depend on the level and type of non-conformance identified and the action plan produced by the local authority. Follow-up arrangements by the Agency will, in some circumstances, include revisits to local authorities. Where these arrangements identify a local authority failing to implement all or part of their action plan, subsequent Agency action will be considered on a case by case basis.

Contacts

9 Details of contact points in the Agency's offices in Aberdeen, Belfast, Cardiff and London are available on the Agency's website.

Review of the audit scheme

10 The Agency will keep the principles, operation and scope of the audit scheme under review.