

**PAPER FOR INFORMATION: LOCAL AUTHORITY MONITORING DATA ON FOOD LAW ENFORCEMENT, APRIL 2006 TO MARCH 2007****Executive Summary**

1. This paper reports food law enforcement activities by Local Authorities (LAs) for the financial year April 2006 to March 2007. Enforcement is part of the overall regulatory function.
2. The key messages are:
  - while total levels of LA activity continue to fall slightly, levels of activity in the higher risk premises have increased; and
  - LAs continue to take a more risk focussed approach, in line with the central government agenda.
3. This is the last full year set of data under the current monitoring system, based on LA activity. The new system, focussing more on the proportion of businesses considered to be broadly compliant with food law, will be introduced from 1 April 2008.
4. The Board is asked to:
  - **note** the national trends, and of the actions proposed to be taken with individual LAs.

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**Issue**

1. To report to the Board the monitoring data for food law enforcement (food safety and food standards)<sup>1</sup> work by local authorities (LAs) for 2006-07, and to give a strategic overview.

**Strategic aim**

2. Food law enforcement activity contributes to the Agency's Strategic Plan aim of improving food safety, through encouraging higher levels of compliance with food law by businesses.

**Previous Board Papers/Discussions**

3. The Board has received annual reports on monitoring data since 2001. The latest previous report was Paper INFO 07/02/03, presented to the Board meeting on 15 February 2007.

**Background and Context**

4. The data currently collected focuses mainly but not solely on actions by the LAs - on service inputs rather than on outcome measures. The main indicators are the percentage of planned inspections achieved (to show whether the LA is planning and delivering its work), and sampling levels.
5. The legal basis for collecting monitoring data lies in:
  - section 12 of the Food Standards Act 1999, which empowers the Agency to undertake the function of monitoring the performance of food law enforcement authorities; and
  - the European Union's Official Feed and Food Controls Regulation 882/2004, which requires all Member States to report relevant food law enforcement data to the European Commission.
6. Data is collected in order to:
  - identify national trends to aid policy development;

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<sup>1</sup> Food hygiene is concerned with the wholesomeness of the food, whereas food standards is concerned with composition and labelling, on the nature, substance and quality of the food.

- examine individual LA's figures to identify those LAs which require support and advice to drive up standards;
  - publish information on individual LAs, for use by consumers;
  - report data to the European Commission; and
  - provide benchmarking data for use by the LAs themselves.
7. This is the last full year set of data under the current monitoring system, which has run since 2001. LAs have been asked to provide nine months' data for 2007/08<sup>2</sup>, which will be reported to the Board later this year. A new monitoring system will come into operation from April 2008, which will strengthen the focus on outcomes rather than inputs, notably on the proportion of food premises deemed to be broadly compliant with the law. The data for 2008/09 will be the first reported under these new arrangements.

### **Data reliability**

8. Over the seven years that the Agency has been collecting monitoring data, there has been extensive work with the LAs to improve the quality and reliability of the data provided. Details of the issues on data accuracy, and of the actions taken, were reported in annexes B and C to Paper INFO 07/02/03.

### **Results**

9. A detailed discussion of the results is given in annexes 1 to 3. Discussion within this paper focuses on the key findings.

### **A. National Totals and Trends for the UK**

10. For 2006/07 compared to 2005/06, the main messages from the national (UK) picture are:
- a. premises: The number of food establishments has risen by 1.5% to 582,167, driven by a 2.6% rise in the 'Restaurants and Other Caterers' sector;
  - b. inspections and other visits: food hygiene:
    - the total number of full inspections has fallen, by 3%, but the total number of other visits (revisits, advisory and sampling, and "other" visits) has increased by 8%;

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<sup>2</sup> Data will be provided for April to December 2007. LAs will, of course, continue their enforcement work during January to March 2008, but their IT managers will be able to use this window to clear the last return under the old system, and load the new software applications for the new system.

- the percentage of planned inspections to higher risk premises (risk categories A and B) achieved has increased from 92% to 95%; and
  - the number of LAs achieving 90% or more of their planned inspections to higher risk premises has increased from 77% to 80% (of LAs responsible for food hygiene).
- c. inspections and other visits: food standards:
- the total of all inspections and other visits has fallen, by 14%;
  - the percentage of planned inspections to higher risk premises (risk category A) has risen slightly, from 94% to 96%; and
  - the number of LAs achieving 90% or more of their planned inspections to higher risk premises has increased from 56% to 70% (of LAs responsible for food standards).
- d. food sampling: the total number of food samples<sup>3</sup> tested has fallen by 8.5%. This is part of a consistent decline over recent years, although more marked this time. However, within this total, the number of formal food samples tested (ie. those sent to an accredited laboratory) fell by 1.8%;
- e. formal enforcement actions<sup>4</sup>: the total number of premises subject to enforcement action is up 4.5%, at 166,513<sup>5</sup>. Written warnings form 96% of all reported enforcement actions, which is consistent with previous years; and
- f. the number of prosecutions has fallen, from 538 to 443.

## **Key conclusions**

11. These figures indicate that:

- LAs continue to follow an enhanced risk based approach to regulation, shown by the higher levels of achievement for inspections of the higher risk premises;

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<sup>3</sup> the number of food samples taken will be slightly lower, as a sample is counted for each type of test carried out (eg. contamination, composition or labelling).

<sup>4</sup> formal enforcement actions include written warnings, improvement notices, prosecutions, formal cautions, prohibition orders, emergency prohibition notices or orders, suspension or revocation of approval or licence, seizure or surrender of food, and voluntary closures.

<sup>5</sup> the number of premises subject to enforcement action is not the same as the number of enforcement actions taken. A single premises may receive more than one written warning, but will only be recorded once. By contrast, a premises which is subject to two types of enforcement action – say, a written warning and a prosecution – will be recorded under each type of action.

- for food hygiene, LAs are adopting a more varied pattern of working with businesses, as shown by the rise in “other visits”;
  - while total levels of sampling have fallen, there is a stronger, focus on targeted, intelligence-based sampling.
12. These patterns are in line with the Government’s “better regulation agenda” (including the recommendations of the Hampton Review on regulatory inspections), and with enhanced targeting of resources.
13. Annexes 1 to 3 give further analysis, including a breakdown between the four parts of the UK. These figures do not indicate any significant overall difference between the different parts.

## **B. Individual LAs with low levels of service delivery**

14. Details of key enforcement data for individual LAs, along with the national summaries, are available on the FSA website on the enforcement page, at <http://www.food.gov.uk/enforcement/ocddata/> under the entry for “enforcement data 2006/07”.
15. The same “trigger levels” as in previous years have been used to identify those LAs with low levels of enforcement activity where further action by the Agency should be considered. Sixteen LAs have been identified for 2006/07. The “trigger levels” and numbers of LAs below them are:
- failure to provide any data: two LAs;
  - LAs reporting taking no samples: two;
  - LAs reporting achieving less than 50% of their planned higher risk Food Hygiene inspections: one;
  - LAs failing to supply an inspection plan for Food Hygiene: two;
  - LAs reporting achieving less than 50% of their planned higher risk Food Standards inspections: six; and
  - LAs failing to supply an inspection plan for Food Standards: four (one of which also failed to provide an inspection plan for food hygiene).
16. Details of the action proposed to be taken with these LAs can be found at Annex 4. Of the sixteen:
- nine have already taken action to resolve their problems;

- five are recommended for further agency scrutiny, including audit checks if appropriate; and
- two are currently subject to audit action from the Agency; and
- two were among those found to have had problems in 2005/06. One is recommended for further agency scrutiny (it has a different problem than in 2005/06); and the other has a recurring problem, and is currently subject to audit action.

17. As the majority (nine of sixteen) have already taken action, and the remainder are subject to follow up Agency action, none of these LAs has been named in the annex.

### **Impact**

18. The external impact of this information will be limited to those LAs where further action is pursued as proposed in Annex 4. The internal impact on the Agency will be the need to include the further action proposed in Annex 4 in the Agency's audit programme for 2008/09.

### **Board Action Required**

19. The Board is asked to:

- **note** the national trends, and of the actions proposed to be taken with individual LAs.

## **INSPECTIONS**

### **Comparing results for 2006/07 with those for 2005/06**

#### **Food Hygiene (FH)**

The drop in total food hygiene inspections (- 2.55%) is in keeping with the trend seen for previous years. However, there was a significant increase (8.35%) of the number of other visits, which reverses the recent trend. See Table 1.

The percentage of planned higher risk (rating A & B) inspections achieved rose to 95% from 92% in 2005/06. See Table 2.

The total number of all inspections and other visits has gone up by 1.5%.

80% of LAs with responsibility for FH reported achieving 90% or greater of their planned higher risk inspections compared with 77% for 2005/06. This continues a trend of improvement seen since 2003. See Table 3.

#### **Food Standards (FS)**

The drop in food hygiene inspections (- 13.65%) is more marked than in previous years. A fall was also seen in other visits. See Table 1

The percentage of planned high risk (rating A) inspections achieved rose to 96% from 94%. See Table 2.

The total number of all inspections and other visits has fallen by 11.1%.

70% of LAs with FS responsibility reported achieving 90% or greater of their planned high risk (rating A) inspections compared with 56% for 2005/06. This continues a steady trend of improvement seen since 2001. See Table 4.

Please note that some LAs have very few high risk premises, or even only one, which can make the figures deceptive. A number of LAs responsible for food standards report having no premises in the high risk category for food standards.

The total of all FH and FS inspections and other visits is down by 1.9%.

Please note that no data has been included for the year 2002. The Board decided, in February 2004, that no data for 2002 should be published, as it was not considered reliable.

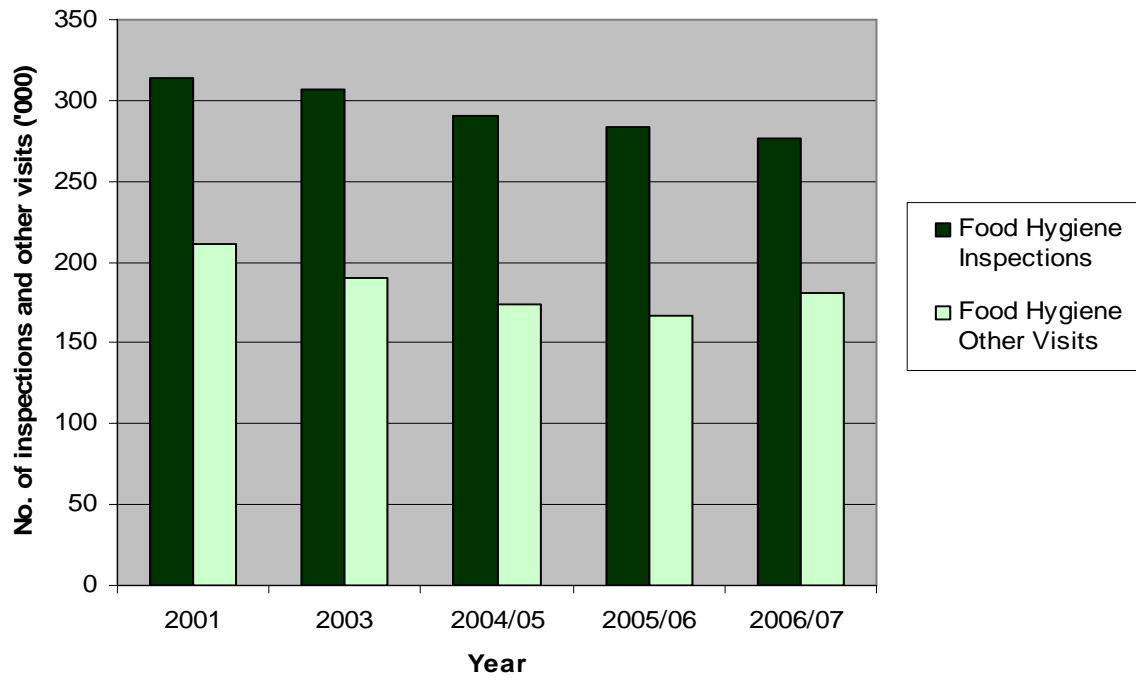
**Table 1**

| <b>Premises</b>                                     |                |                |                |                |                |                |
|---|----------------|----------------|----------------|----------------|----------------|----------------|
| <b>Premises</b>                                     | <b>2000</b>    | <b>2001</b>    | <b>2003</b>    | <b>2004/05</b> | <b>2005/06</b> | <b>2006/07</b> |
| <b>No. of food premises</b>                         | <b>603,328</b> | <b>576,934</b> | <b>571,433</b> | <b>580,967</b> | <b>573,362</b> | <b>582,167</b> |
| <i>Y/Y-1 % change</i>                               | -              | -4.37          | -              | 1.67           | -1.31          | 1.54           |
| <b>No. of premises subject to official control*</b> | <b>385,507</b> | <b>421,243</b> | <b>409,968</b> | <b>366,935</b> | <b>364,365</b> | <b>360,857</b> |
| <i>Y/Y-1 % change</i>                               | -              | 9.27           | -              | -10.50         | -0.70          | -0.96          |
| <b>Inspections</b>                                  |                |                |                |                |                |                |
| <b>Food Hygiene Inspections</b>                     | <b>2000</b>    | <b>2001</b>    | <b>2003</b>    | <b>2004/05</b> | <b>2005/06</b> | <b>2006/07</b> |
| <b>No of FH inspections</b>                         | <b>355,254</b> | <b>314,357</b> | <b>307,256</b> | <b>290,699</b> | <b>283,618</b> | <b>276,380</b> |
| <i>Y/Y-1 % change</i>                               | -              | -11.51         | -              | -5.39          | -2.44          | -2.55          |
| <b>No of FH other visits**</b>                      | -              | <b>210,894</b> | <b>190,038</b> | <b>173,429</b> | <b>167,174</b> | <b>181,126</b> |
| <i>Y/Y-1 % change</i>                               | -              | -              | -              | -8.74          | -3.61          | 8.35           |
| <b>No. of FH inspections and other visits</b>       | <b>355,254</b> | <b>525,251</b> | <b>497,294</b> | <b>464,128</b> | <b>450,792</b> | <b>457,506</b> |
| <i>Y/Y-1 % change</i>                               | -              | 47.85          | -              | -6.67          | -2.87          | 1.49           |
| <b>Food Standards Inspections</b>                   | <b>2000</b>    | <b>2001</b>    | <b>2003</b>    | <b>2004/05</b> | <b>2005/06</b> | <b>2006/07</b> |
| <b>No of FS inspections</b>                         | <b>189,586</b> | <b>130,569</b> | <b>121,961</b> | <b>115,763</b> | <b>115,811</b> | <b>100,005</b> |
| <i>Y/Y-1 % change</i>                               | -              | -31.13         | -              | -5.08          | 0.04           | -13.65         |
| <b>No of FS other visits **</b>                     | -              | <b>52,151</b>  | <b>45,617</b>  | <b>52,502</b>  | <b>51,279</b>  | <b>48,547</b>  |
| <i>Y/Y-1 % change</i>                               | -              | -              | -              | 15.09          | -2.33          | -5.33          |
| <b>No. of FS inspections and other visits</b>       | <b>189,586</b> | <b>182,720</b> | <b>167,578</b> | <b>168,265</b> | <b>167,090</b> | <b>148,552</b> |
| <i>Y/Y-1 % change</i>                               | -              | -3.62          | -              | 0.41           | -0.70          | -11.09         |
| <b>Totals (FH + FS)</b>                             | <b>2000</b>    | <b>2001</b>    | <b>2003</b>    | <b>2004/05</b> | <b>2005/06</b> | <b>2006/07</b> |
| <b>No. of inspections</b>                           | <b>544,840</b> | <b>444,926</b> | <b>429,217</b> | <b>406,462</b> | <b>399,429</b> | <b>376,385</b> |
| <i>Y/Y-1 % change</i>                               | -              | -18.34         | -              | -5.30          | -1.73          | -5.77          |
| <b>No. of other visits **</b>                       | -              | <b>263,045</b> | <b>235,655</b> | <b>225,931</b> | <b>218,453</b> | <b>229,673</b> |
| <i>Y/Y-1 % change</i>                               | -              | -              | -              | -4.13          | -3.31          | 5.14           |
| <b>No. of inspections and other visits</b>          | <b>544,840</b> | <b>707,971</b> | <b>664,872</b> | <b>632,393</b> | <b>617,882</b> | <b>606,058</b> |
| <i>Y/Y-1 % change</i>                               | -              | 29.94          | -              | -4.89          | -2.29          | -1.91          |

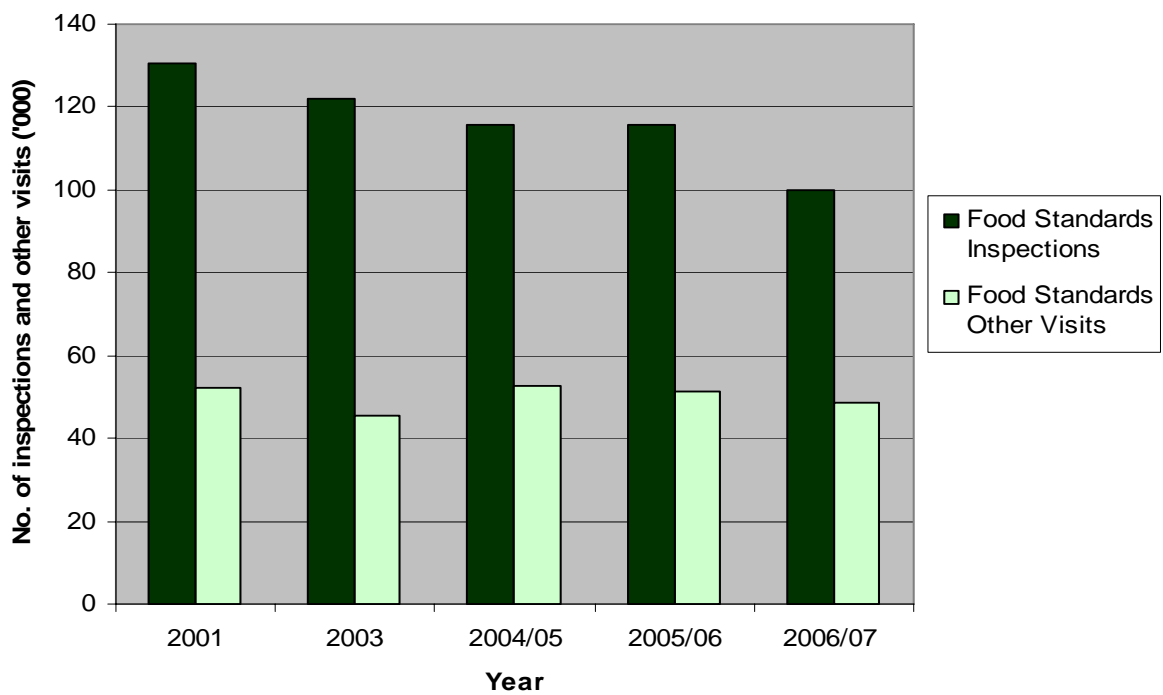
\* - Official controls are the monitoring categories inspections, other visits and revisits

\*\* - Other visits, revisits and advisory and sampling visits

### Food Hygiene Inspections & Other Visits



### Food Standards Inspections & Other Visits



**Table 2**

| <b>Food Hygiene - risk categories A &amp; B combined</b> |                                   |                                   |                                   |                                   |                                   |
|--|-----------------------------------|-----------------------------------|-----------------------------------|-----------------------------------|-----------------------------------|
|  | 2001                              | 2003                              | 2004/05                           | 2005/06                           | 2006/07                           |
|  | % of planned inspections achieved | % of planned inspections achieved | % of planned inspections achieved | % of planned inspections achieved | % of planned inspections achieved |
| England  | 86                                | 89                                | 92                                | 92                                | 95                                |
| Scotland   | 134                               | 90                                | 95                                | 95                                | 93                                |
| Wales  | 76                                | 93                                | 89                                | 93                                | 94                                |
| N Ireland  | 53                                | 85                                | 89                                | 91                                | 94                                |
| UK   | 88                                | 89                                | 92                                | 92                                | 95                                |

| <b>Food Hygiene - risk category A</b> |                                   |                                   |                                   |                                   |                                   |
|---------------------------------------|-----------------------------------|-----------------------------------|-----------------------------------|-----------------------------------|-----------------------------------|
|                                       | 2001                              | 2003                              | 2004/05                           | 2005/06                           | 2006/07                           |
|                                       | % of planned inspections achieved | % of planned inspections achieved | % of planned inspections achieved | % of planned inspections achieved | % of planned inspections achieved |
| England                               | 74                                | 80                                | 85                                | 86                                | 93                                |
| Scotland                              | 171                               | 90                                | 93                                | 90                                | 94                                |
| Wales                                 | 62                                | 86                                | 78                                | 93                                | 89                                |
| N Ireland                             | 44                                | 82                                | 83                                | 86                                | 93                                |
| UK                                    | 79                                | 82                                | 86                                | 87                                | 93                                |

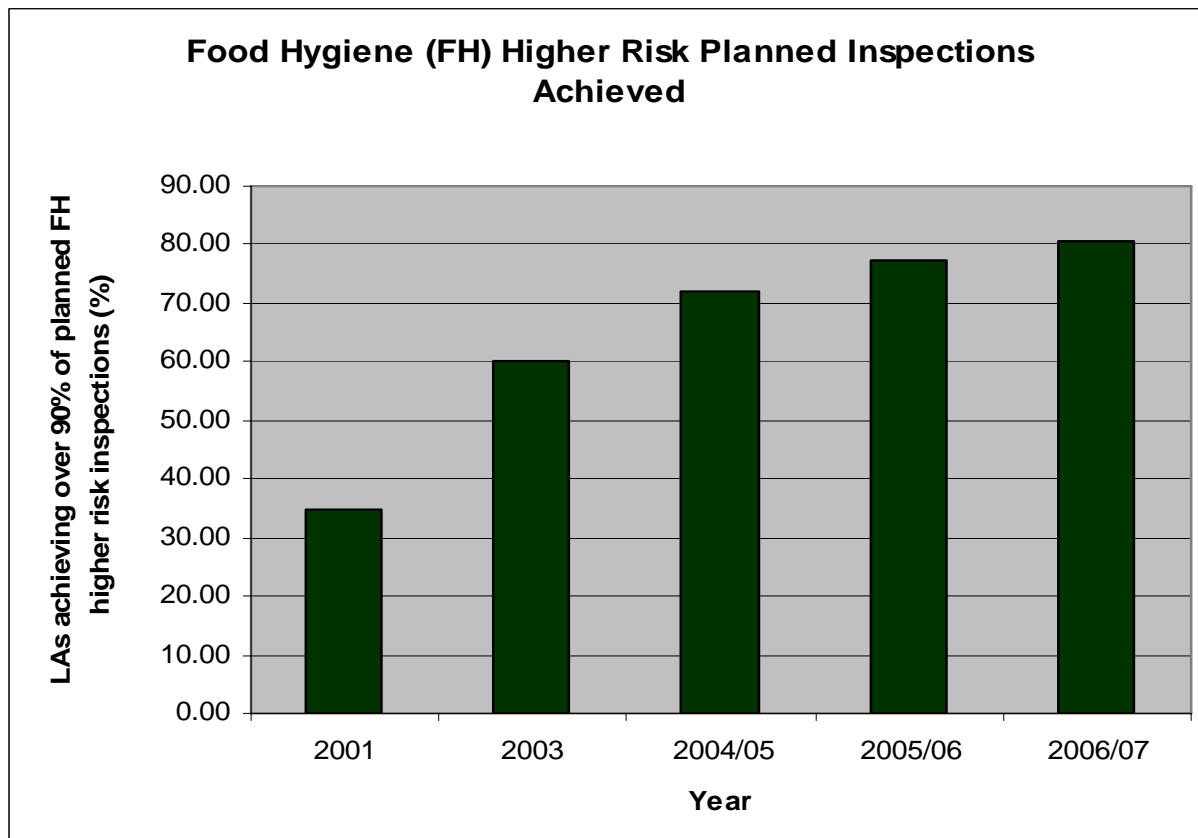
| <b>Food Hygiene - risk category B</b> |                                   |                                   |                                   |                                   |                                   |
|---------------------------------------|-----------------------------------|-----------------------------------|-----------------------------------|-----------------------------------|-----------------------------------|
|                                       | 2001                              | 2003                              | 2004/05                           | 2005/06                           | 2006/07                           |
|                                       | % of planned inspections achieved | % of planned inspections achieved | % of planned inspections achieved | % of planned inspections achieved | % of planned inspections achieved |
| England                               | 90                                | 91                                | 93                                | 93                                | 95                                |
| Scotland                              | 120                               | 91                                | 95                                | 96                                | 93                                |
| Wales                                 | 81                                | 95                                | 91                                | 93                                | 95                                |
| N Ireland                             | 63                                | 86                                | 92                                | 92                                | 95                                |
| UK                                    | 91                                | 91                                | 93                                | 93                                | 95                                |

| <b>Food Standards - High risk category</b> |                                   |                                   |                                   |                                   |                                   |
|--|-----------------------------------|-----------------------------------|-----------------------------------|-----------------------------------|-----------------------------------|
|  | 2001                              | 2003                              | 2004/05                           | 2005/06                           | 2006/07                           |
|  | % of planned inspections achieved | % of planned inspections achieved | % of planned inspections achieved | % of planned inspections achieved | % of planned inspections achieved |
| England                                    | 73                                | 88                                | 92                                | 94                                | 96                                |
| Scotland                                   | 143                               | 93                                | 91                                | 88                                | 86                                |
| Wales                                      | 82                                | 97                                | 96                                | 96                                | 96                                |
| N Ireland                                  | 236                               | 109                               | 73                                | 117                               | 82                                |
| UK   | 76                                | 90                                | 93                                | 94                                | 96                                |

**FOOD HYGIENE**  
**Table 3**

| <b>FH Higher Risk (A&amp;B) Planned Inspections</b> |               |            |            |            |            |
|---|---------------|------------|------------|------------|------------|
| % Achieved  | Number of LAs |            |            |            |            |
|   | 2001          | 2003       | 2004/05    | 2005/06    | 2006/07    |
| Over 100%   | 79            | 33         | 34         | 8          | 6          |
| Exactly 100%  | 2             | 79         | 128        | 160        | 194        |
| 90-99%  | 70            | 149        | 150        | 167        | 150        |
| 80-89%  | 88            | 97         | 59         | 47         | 48         |
| 70-79%  | 67            | 45         | 33         | 21         | 18         |
| 60-69%  | 40            | 16         | 20         | 16         | 7          |
| 50-59%  | 36            | 8          | 3          | 8          | 3          |
| Under 50%   | 20            | 6          | 3          | 1          | 1          |
| 0   | 2             | 1          | 1          | 0          | 0          |
| Unable to provide data                              | 19            | 0          | 2          | 0          | 2          |
| No FH Plan Submitted                                | 11            | 0          | 1          | 1          | 2          |
| No higher Risk Premises Recorded                    | 0             | 0          | 0          | 0          | 0          |
| Part of Retail Enforcement Project (1)              | 0             | 0          | 0          | 5          | 3          |
| <b>Total</b>  | <b>434</b>    | <b>434</b> | <b>434</b> | <b>434</b> | <b>434</b> |

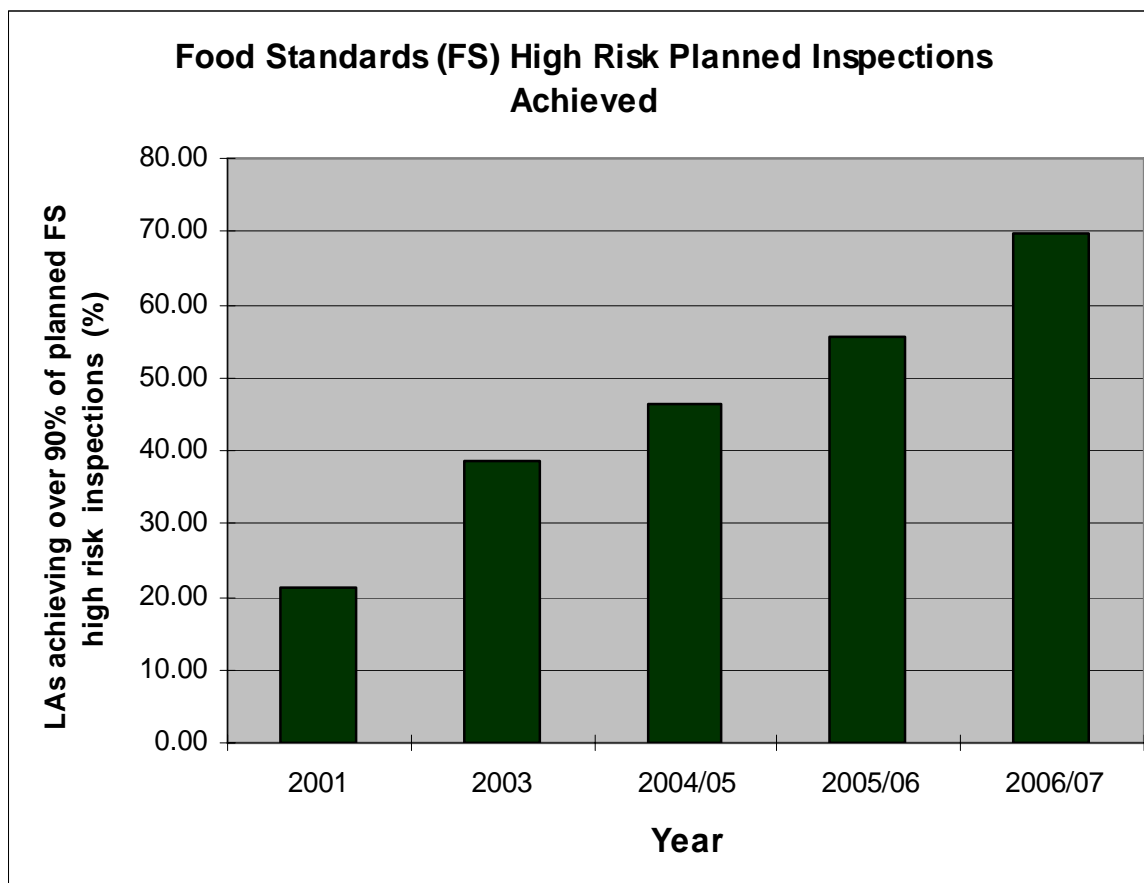
(1) – For LAs which are part of the Retail Enforcement Project (REP), there was no requirement to submit planned and achieved data until the REP arrangements are fully instituted.



**FOOD STANDARDS**  
**Table 4**

| <b>FS High Risk Planned Inspections</b> |               |            |            |            |            |
|---|---------------|------------|------------|------------|------------|
| % Achieved                              | Number of LAs |            |            |            |            |
|   | 2001          | 2003       | 2004/05    | 2005/06    | 2006/07    |
| Over 100%                               | 24            | 6          | 9          | 1          | 0          |
| Exactly 100%                            | 9             | 48         | 71         | 101        | 139        |
| 90-99%                                  | 16            | 35         | 27         | 23         | 19         |
| 80-89%                                  | 19            | 19         | 15         | 11         | 10         |
| 70-79%                                  | 11            | 11         | 11         | 5          | 6          |
| 60-69%                                  | 10            | 9          | 7          | 5          | 9          |
| 50-59%                                  | 11            | 10         | 5          | 5          | 10         |
| Under 50%                               | 25            | 10         | 4          | 2          | 5          |
| 0                                       | 10            | 9          | 5          | 1          | 1          |
| No FS Plan Submitted                    | 33            | 6          | 2          | 7          | 4          |
| No high risk premises reported          | 46            | 62         | 67         | 62         | 21         |
| Unable to provide data                  | 11            | 0          | 2          | 0          | 1          |
| Part of Retail Enforcement Project (1)  | 0             | 0          | 0          | 2          | 0          |
| <b>Total</b>                            | <b>225</b>    | <b>225</b> | <b>225</b> | <b>225</b> | <b>225</b> |

(1) – For LAs which are part of the Retail Enforcement Project (REP), there was no requirement to submit planned and achieved data until the REP arrangements are fully instituted.



## ENFORCEMENT

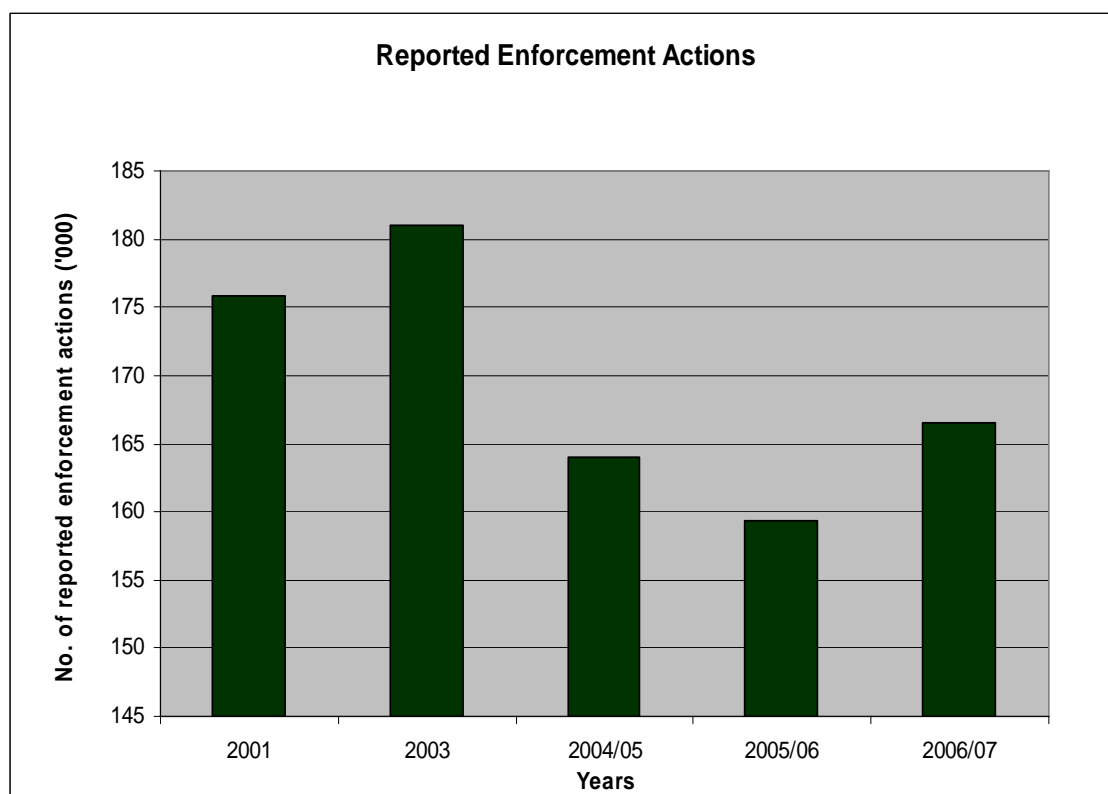
The total number of enforcement actions rose by 4% after two years of fall. See Table 5.

There was an 18% fall in the number of establishments subject to prosecution. The % of establishments prosecuted which resulted in conviction has fallen from 85% to 84%. See Table 6

Written warnings remain by far the most common form of enforcement action, accounting for 95.7% of all enforcement actions. See Table 7.

Table 5

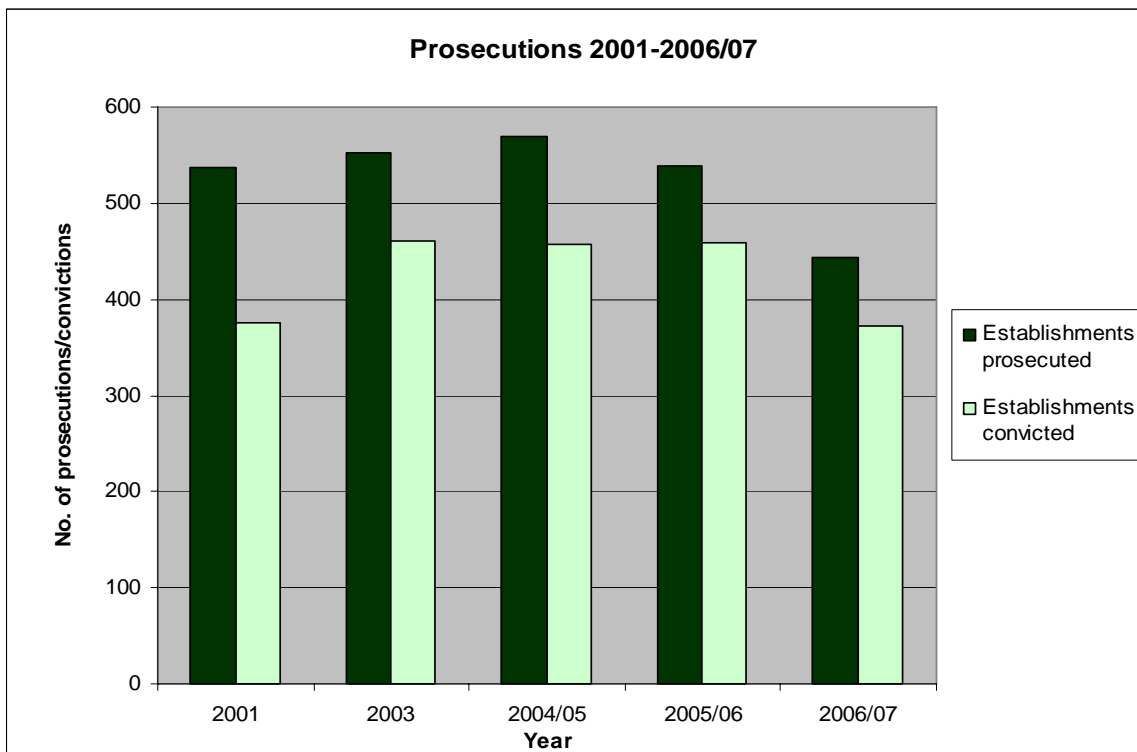
| Total Enforcement Actions | 2001           | 2003           | 2004/05        | 2005/06        | 2006/07        |
|---------------------------|----------------|----------------|----------------|----------------|----------------|
| <b>England</b>            | <b>142,716</b> | <b>142,496</b> | <b>131,274</b> | <b>126,300</b> | <b>131,885</b> |
| <i>Y/Y-1% change</i>      |                |                | -8             | -4             | 4              |
| <b>N Ireland</b>          | <b>6,234</b>   | <b>7,306</b>   | <b>5,511</b>   | <b>5,670</b>   | <b>5,380</b>   |
| <i>Y/Y-1% change</i>      |                |                | -25            | 3              | -5             |
| <b>Scotland</b>           | <b>16,464</b>  | <b>18,275</b>  | <b>15,200</b>  | <b>15,977</b>  | <b>16,684</b>  |
| <i>Y/Y-1% change</i>      |                |                | -17            | 5              | 4              |
| <b>Wales</b>              | <b>10,365</b>  | <b>12,902</b>  | <b>12,035</b>  | <b>11,410</b>  | <b>12,564</b>  |
| <i>Y/Y-1% change</i>      |                |                | -7             | -5             | 10             |
| <b>Total UK</b>           | <b>175,779</b> | <b>180,979</b> | <b>164,020</b> | <b>159,357</b> | <b>166,513</b> |
| <i>Y/Y-1% change</i>      |                |                | -9             | -3             | 4              |



## PROSECUTIONS

Table 6

| No. of establishments:  | 2001       | 2003       | 2004/05    | 2005/06    | 2006/07    |
|---|------------|------------|------------|------------|------------|
| <b>Prosecuted</b>   |            |            |            |            |            |
| <b>England</b>  | <b>480</b> | <b>491</b> | <b>487</b> | <b>480</b> | <b>378</b> |
| <i>Y/Y-1% change</i>  | -          | -          | -1         | -1         | -21        |
| <b>N Ireland</b>  | <b>16</b>  | <b>20</b>  | <b>15</b>  | <b>16</b>  | <b>9</b>   |
| <i>Y/Y-1% change</i>  | -          | -          | -25        | 7          | -44        |
| <b>Scotland</b>   | <b>26</b>  | <b>16</b>  | <b>22</b>  | <b>16</b>  | <b>12</b>  |
| <i>Y/Y-1% change</i>  | -          | -          | 38         | -27        | -25        |
| <b>Wales</b>  | <b>15</b>  | <b>25</b>  | <b>46</b>  | <b>26</b>  | <b>44</b>  |
| <i>Y/Y-1% change</i>  | -          | -          | 84         | -43        | 69         |
| <b>Total UK</b>   | <b>537</b> | <b>552</b> | <b>570</b> | <b>538</b> | <b>443</b> |
| <i>Y/Y-1% change</i>  | -          | -          | 3          | -6         | -18        |
| <b>Convicted</b>  |            |            |            |            |            |
| <b>England</b>  | <b>331</b> | <b>411</b> | <b>402</b> | <b>424</b> | <b>319</b> |
| <i>Y/Y-1% change</i>  | -          | -          | -2         | 5          | -25        |
| <b>N Ireland</b>  | <b>14</b>  | <b>18</b>  | <b>13</b>  | <b>14</b>  | <b>9</b>   |
| <i>Y/Y-1% change</i>  | -          | -          | -28        | 8          | -36        |
| <b>Scotland</b>   | <b>18</b>  | <b>9</b>   | <b>15</b>  | <b>3</b>   | <b>7</b>   |
| <i>Y/Y-1% change</i>  | -          | -          | 67         | -80        | 133        |
| <b>Wales</b>  | <b>13</b>  | <b>23</b>  | <b>28</b>  | <b>18</b>  | <b>37</b>  |
| <i>Y/Y-1% change</i>  | -          | -          | 22         | -36        | 106        |
| <b>Total UK</b>   | <b>376</b> | <b>461</b> | <b>458</b> | <b>459</b> | <b>372</b> |
| <i>Y/Y-1% change</i>  | -          | --         | -1         | 0          | -19        |
| <b>Prosecutions resulting in Conviction</b>                       |            |            |            |            |            |
| <b>% of establishment prosecuted resulting in conviction (UK)</b> | <b>78</b>  | <b>84</b>  | <b>80</b>  | <b>85</b>  | <b>84</b>  |
| <i>Y/Y-1% change</i>  | -          | -          | -4.76      | 6.25       | -1.18      |



## Enforcement Actions by type

Table 7

| <b>No. of establishments:</b>            | <b>2001</b>    | <b>2003</b>    | <b>2004/05</b> | <b>2005/06</b> | <b>2006/07</b> |
|--|----------------|----------------|----------------|----------------|----------------|
| <b>Prosecuted</b>                        |                |                |                |                |                |
| <b>England</b>                           | <b>480</b>     | <b>491</b>     | <b>487</b>     | <b>480</b>     | <b>378</b>     |
| <i>Y/Y-1% change</i>                     |                |                | -1             | -1             | -21            |
| <b>N Ireland</b>                         | <b>16</b>      | <b>20</b>      | <b>15</b>      | <b>16</b>      | <b>9</b>       |
| <i>Y/Y-1% change</i>                     | -              |                | -25            | 7              | -44            |
| <b>Scotland</b>                          | <b>26</b>      | <b>16</b>      | <b>22</b>      | <b>16</b>      | <b>12</b>      |
| <i>Y/Y-1% change</i>                     | -              |                | 38             | -27            | -25            |
| <b>Wales</b>                             | <b>15</b>      | <b>25</b>      | <b>46</b>      | <b>26</b>      | <b>44</b>      |
| <i>Y/Y-1% change</i>                     |                |                | 84             | -43            | 69             |
| <b>Total UK</b>                          | <b>537</b>     | <b>552</b>     | <b>570</b>     | <b>538</b>     | <b>443</b>     |
| <i>Y/Y-1% change</i>                     |                |                | 3              | -6             | -18            |
| <b>No of prosecutions</b>                |                |                |                |                |                |
| <b>England</b>                           | <b>581</b>     | <b>748</b>     | <b>786</b>     | <b>598</b>     | <b>586</b>     |
| <i>Y/Y-1% change</i>                     |                |                | 5              | -24            | -2             |
| <b>N Ireland</b>                         | <b>18</b>      | <b>44</b>      | <b>30</b>      | <b>22</b>      | <b>20</b>      |
| <i>Y/Y-1% change</i>                     |                |                | -32            | -27            | -9             |
| <b>Scotland</b>                          | <b>21</b>      | <b>18</b>      | <b>28</b>      | <b>15</b>      | <b>13</b>      |
| <i>Y/Y-1% change</i>                     |                |                | 56             | -46            | -13            |
| <b>Wales</b>                             | <b>34</b>      | <b>50</b>      | <b>58</b>      | <b>52</b>      | <b>60</b>      |
| <i>Y/Y-1% change</i>                     |                |                | 16             | -10            | 15             |
| <b>Total UK</b>                          | <b>654</b>     | <b>860</b>     | <b>902</b>     | <b>687</b>     | <b>679</b>     |
| <i>Y/Y-1% change</i>                     |                |                | 5              | -24            | -1             |
| <b>Convicted</b>                         |                |                |                |                |                |
| <b>England</b>                           | <b>331</b>     | <b>411</b>     | <b>402</b>     | <b>424</b>     | <b>319</b>     |
| <i>Y/Y-1% change</i>                     |                |                | -2             | 5              | -25            |
| <b>N Ireland</b>                         | <b>14</b>      | <b>18</b>      | <b>13</b>      | <b>14</b>      | <b>9</b>       |
| <i>Y/Y-1% change</i>                     |                |                | -28            | 8              | -36            |
| <b>Scotland</b>                          | <b>18</b>      | <b>9</b>       | <b>15</b>      | <b>3</b>       | <b>7</b>       |
| <i>Y/Y-1% change</i>                     |                |                | 67             | -80            | 133            |
| <b>Wales</b>                             | <b>13</b>      | <b>23</b>      | <b>28</b>      | <b>18</b>      | <b>37</b>      |
| <i>Y/Y-1% change</i>                     |                |                | 22             | -36            | 106            |
| <b>Total UK</b>                          | <b>376</b>     | <b>461</b>     | <b>458</b>     | <b>459</b>     | <b>372</b>     |
| <i>Y/Y-1% change</i>                     |                |                | -1             | 0              | -19            |
| <b>No. of convictions</b>                |                |                |                |                |                |
| <b>England</b>                           | <b>406</b>     | <b>629</b>     | <b>519</b>     | <b>388</b>     | <b>433</b>     |
| <i>Y/Y-1% change</i>                     |                |                | -17            | -25            | 12             |
| <b>N Ireland</b>                         | <b>8</b>       | <b>42</b>      | <b>27</b>      | <b>36</b>      | <b>18</b>      |
| <i>Y/Y-1% change</i>                     |                |                | -36            | 33             | -50            |
| <b>Scotland</b>                          | <b>8</b>       | <b>10</b>      | <b>15</b>      | <b>7</b>       | <b>10</b>      |
| <i>Y/Y-1% change</i>                     |                |                | 50             | -53            | 43             |
| <b>Wales</b>                             | <b>32</b>      | <b>40</b>      | <b>35</b>      | <b>28</b>      | <b>45</b>      |
| <i>Y/Y-1% change</i>                     |                |                | -13            | -20            | 61             |
| <b>Total UK</b>                          | <b>454</b>     | <b>721</b>     | <b>596</b>     | <b>459</b>     | <b>506</b>     |
| <i>Y/Y-1% change</i>                     |                |                | -17            | -23            | 10             |
| <b>No. of establishments subject to:</b> |                |                |                |                |                |
| <b>Written warning</b>                   |                |                |                |                |                |
| <b>England</b>                           | <b>136,530</b> | <b>135,897</b> | <b>125,315</b> | <b>121,329</b> | <b>126,508</b> |
| <i>Y/Y-1% change</i>                     |                |                | -8             | -3             | 4              |
| <b>N Ireland</b>                         | <b>5,985</b>   | <b>7,065</b>   | <b>5,287</b>   | <b>5,432</b>   | <b>5,216</b>   |
| <i>Y/Y-1% change</i>                     |                |                | -25            | 3              | -4             |
| <b>Scotland</b>                          | <b>14,360</b>  | <b>17,742</b>  | <b>14,646</b>  | <b>15,481</b>  | <b>15,767</b>  |
| <i>Y/Y-1% change</i>                     |                |                | -17            | 6              | 2              |
| <b>Wales</b>                             | <b>9,903</b>   | <b>12,310</b>  | <b>11,412</b>  | <b>10,848</b>  | <b>12,032</b>  |
| <i>Y/Y-1% change</i>                     |                |                | -7             | -5             | 11             |
| <b>Total UK</b>                          | <b>166,778</b> | <b>173,014</b> | <b>156,660</b> | <b>153,175</b> | <b>159,523</b> |
| <i>Y/Y-1% change</i>                     |                |                | -9             | -2             | 4              |

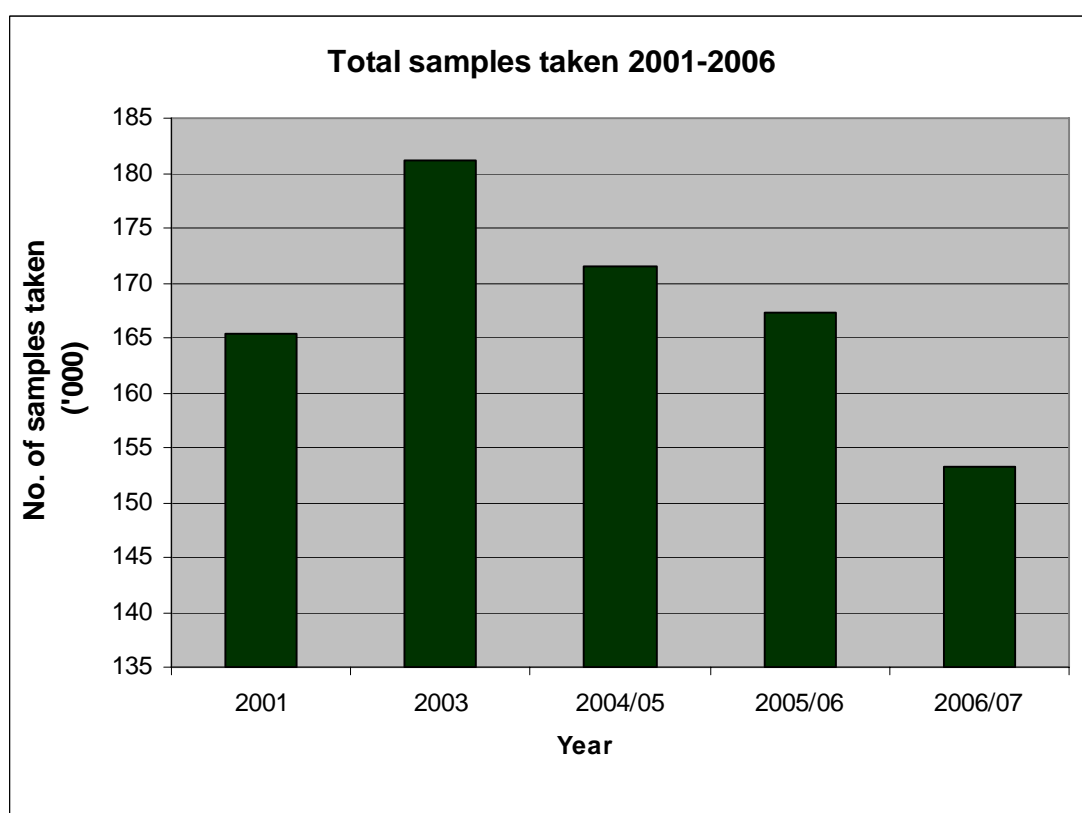


## SAMPLING

The number of samples taken has continued to decline. However, the fall into 2006/07 is more marked than for previous years. See table 8.

Table 8

| Sampling              |                |                |                |                |                |
|-----------------------|----------------|----------------|----------------|----------------|----------------|
| Total samples         | 2001           | 2003           | 2004/05        | 2005/06        | 2006/07        |
| <b>England</b>        | <b>120,950</b> | <b>132,834</b> | <b>127,875</b> | <b>123,488</b> | <b>114,864</b> |
| <i>Y/Y-1 % change</i> |                |                | -3.73          | -3.43          | -6.98          |
| <b>N Ireland</b>      | <b>11,495</b>  | <b>13,452</b>  | <b>12,186</b>  | <b>10,715</b>  | <b>10,026</b>  |
| <i>Y/Y-1 % change</i> |                |                | -9.41          | -12.07         | -6.43          |
| <b>Scotland</b>       | <b>22,781</b>  | <b>20,639</b>  | <b>19,080</b>  | <b>19,650</b>  | <b>16,590</b>  |
| <i>Y/Y-1 % change</i> |                |                | -7.55          | 2.99           | -15.57         |
| <b>Wales</b>          | <b>10,148</b>  | <b>14,254</b>  | <b>12,346</b>  | <b>13,514</b>  | <b>11,724</b>  |
| <i>Y/Y-1 % change</i> |                |                | -13.39         | 9.46           | -13.25         |
| <b>UK Total</b>       | <b>165,374</b> | <b>181,179</b> | <b>171,487</b> | <b>167,367</b> | <b>153,204</b> |
| <i>Y/Y-1 % change</i> |                |                | -5.35          | -2.40          | -8.46          |



**MONITORING DATA 2006/07****LAs WITH LOW LEVELS OF SERVICE DELIVERY****Of the 16 LAs with low levels of service delivery:**

|  |
|--|
| <ul style="list-style-type: none"> <li>• five reported major IT problems;</li> </ul>   |
| <ul style="list-style-type: none"> <li>• one reported the effects of internal re-organisation;</li> </ul>  |
| <ul style="list-style-type: none"> <li>• four reported significant staff absences or shortages;</li> </ul>   |
| <ul style="list-style-type: none"> <li>• one reported a lack of resources;</li> </ul>  |
| <ul style="list-style-type: none"> <li>• three had low levels of achievement of high risk inspections, but also reported internal re-organisations to resolve the problems; and</li> </ul> |
| <ul style="list-style-type: none"> <li>• two reported no planned programme for food standards work</li> </ul>  |

These are the typical types of problem seen in previous years, although not generally with these particular LAs.

Agency policy is to discuss matters with LAs with low levels of service delivery, or to audit them, if appropriate. However, action will not be taken where the LA has shown that it has already addressed the issue.

**Of the sixteen LAs:**

|   |
|---|
| <ul style="list-style-type: none"> <li>• nine have already taken action to address the problems;</li> </ul>   |
| <ul style="list-style-type: none"> <li>• five are recommended for further Agency scrutiny, including audit checks if appropriate, by the Agency; and</li> </ul> |
| <ul style="list-style-type: none"> <li>• two are the subject of continuing audit action, which will pick up the latest issues.</li> </ul>                       |

In detail:

**(A) LAs that have not supplied monitoring data for 2006/07**

| <b>LA</b>                   | <b>Reason</b>  | <b>Proposed action</b>                  |
|-----------------------------|--|---|
| <b>LA 1:</b> London Borough | Experienced major IT problems whilst upgrading software, and could not be confident that data had not been corrupted. However, LA is confident that data for 2007/08 will be OK. | No further action.                      |
| <b>LA 2:</b> English DC     | Major IT problems in 2006/07, possibly also affecting 2007/08 – it   | A follow up audit check on the database |

|  |  |  |
|--|--|--|
|  | cannot rely on data. LA is working on a solution with its IT supplier. LA audited, and an action plan completed in 2006. |  |
|--|--|--|

**(B) LAs which reported taking no samples in 2006/07**

| LA               | Reason   | Proposed action               |
|------------------|--|-------------------------------|
| LA 3: English DC | Took no samples, due to staff shortages. LA has confirmed that sampling has resumed in 2007/08.                          | No further action             |
| LA 4: English DC | Took no samples due to recruitment difficulties caused by constraints on available resources. Same reported for 2007/08. | LA to receive an early audit. |

**(C) LAs that reported achieving less than 50% of planned inspections to higher risk hygiene premises in 2006/07**

| LA                | Reason   | Proposed action                            |
|-------------------|--|--|
| LA 5: English MBC | Existing Agency audit action with the LA is continuing. Following internal re-organisation, which now prioritises higher risk premises, LA confident of improved performance from 2007/08 onwards. | Continue current audit action with the LA. |

**(D) LAs with no food hygiene plan for 2006/07, resulting in no percentage achieved figure**

| LA               | Reason   | Proposed action   |
|------------------|--|---|
| LA 6: NIDC       | No plan for 2006/07 due to IT problems. Problems now solved, and plan for 2007/08 has been provided.   | No further action   |
| LA 7: English DC | Unable to provide a hygiene inspection plan for 2006/07, or for 2007/08, due to long-term staff illness. LA has carried out inspections in 2006/07 (data provided) and in 2007/08. | Officials to check with LA that the long-term illness will not affect installation of the new monitoring system in April. |

**(E) LAs that reported achieving less than 50% of planned inspections to higher risk food standards premises**

| <b>LA</b>                   | <b>Reason</b>  | <b>Proposed action</b>    |
|-----------------------------|--|---------------------------|
| <b>LA8:</b> NIDC            | The figure relates to a single premises, where LA reported difficulty getting access as the business does not operate on a daily basis; however, the premises was inspected in 2007/08. Steps have now been taken to ensure that plans are made in advance to ensure such high risk inspections are completed.   | No further action.        |
| <b>LA 9:</b> English MBC    | <p>Inspections were missed because of the change in the way food standard risk ratings were recorded (A, B C ratings replaced H, M, L). This resulted in the inspection reports not recognising the code for a food standards inspection.</p> <p>The LA has since undertaken an extensive data cleansing exercise to rectify this problem.</p> <p>Of 5 premises due for inspection:</p> <ul style="list-style-type: none"> <li>- 1 was inspected,</li> <li>- 1 was reported as closed,</li> <li>- 2 premises effectively closed and re-opened as 1 new premises (this has been carried forward into this years programme),</li> <li>- 2 premises were carried forward into this years inspection programme.</li> </ul> | No further action needed. |
| <b>LA 10:</b> Welsh Council | <p>Where only two of the eight high risk standards premises inspections were achieved for 2006/07.</p> <p>There has since been a major re-organisation of food standards work, and action has been taken to carry out overdue inspections, and to improve the LA's own internal monitoring.</p>  | No further action.        |
| <b>LA 11:</b> London        | Low levels of inspection due to  | No further action         |

|                                |   |                    |
|--------------------------------|---|--------------------|
| Borough                        | <p>shortage of qualified staff to undertake high risk food standards inspections, and concentration of resources upon food safety inspections and implementation of "safer food better business" training within the borough.</p> <p>For 2007/8, LA has allocated funding for training for officers in food standards, and has employed qualified contract staff where necessary.</p> |                    |
| <b>LA 12:</b> London Borough   | Due to IT software problems, addresses cannot be identified for any risk category A premises. LA is addressing the problem with its software supplier.  | No further action  |
| <b>LA 13:</b> Scottish Council | Reports difficulties in recruiting and retaining staff, and some failures in the planning, delivery and monitoring of programmed work. LA is addressing these issues: additional staff recruited in 2007 and the authority has in place a recovery plan following audit in May 2007.  | No further action. |

**(F) LAs with no food standards plan for 2006/07, resulting in no percentage achieved figure for high risk premises**

| <b>LA</b>                        | <b>Reason</b>   | <b>Proposed action</b>                              |
|----------------------------------|---|---|
| <b>LA 6:</b> Northern Ireland DC | No plan for 2006/07 due to IT problems. Problems now solved, and plan for 2007/08 has been provided.  | No further action                                   |
| <b>LA 14:</b> Scottish Council   | For technical reasons, was unable to provide a plan, but reports that a current re-organisation will enable it to provide data in future. It has assured FSA Scotland that due inspections are being carried out. | FSA Audit in Scotland to keep in touch with the LA. |
| <b>LA 15:</b> English MBC        | LA reports that a plan for 2007/08 is in place.<br>In 2006/07, this LA was identified as  | FSA audit to check that current plan is appropriate |

|                              |  |   |
|------------------------------|--|---|
|                              | having achieved under 50% of planned inspections to both higher risk hygiene premises and higher risk standards premises.  |   |
| <b>LA 16:</b> London Borough | <p>LA was audited by FSA in 2007, and the action plan is currently being reviewed with the LA. In 2005/06, this LA was identified as having significant gaps in its data.</p> <p>No plan for food standards, as food standards inspections are carried out at the same time as food hygiene inspections for the majority of premises. LA did not provide a plan for food standards for 2005/06, for the same reasons. However, a plan for 2007/08 is now in place.</p> | Agency to check 2007/08 plan as part of current follow up to the audit. |