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**Annual report on UK
local authority food
law enforcement**

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1 April 2016 to 31 March 2017

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1. Introduction

The Food Standard Agency (FSA) is responsible for monitoring and reporting on the performance of local authority (LA) food law enforcement services. This responsibility is mirrored in Scotland by Food Standards Scotland (FSS) who continue to collect data using the UK LAEMS system. Data are collected annually from LAs on food law enforcement activity with food establishments.¹

This report is an official statistic and summarises data for the period 1 April 2016 to 31 March 2017. This report and supporting LA data and previous year's reporting are available at: www.food.gov.uk/enforcement/monitoring/laems/mondatabyyear/.

The arrangements for monitoring LA performance are set out in the 'Framework Agreement on the Delivery of Official Feed and Food Controls by Local Authorities'.² Data are collected electronically using a web-based system: the Local Authority Enforcement Monitoring System (LAEMS).

LAs provide returns for food hygiene (microbiological quality and contamination of food by micro-organisms or foreign matter) and food standards (composition, chemical contamination, adulteration and labelling of food).

A summary of the key findings is provided at Section 2. Section 3 outlines the levels of returns for this year, and Sections 4 to 10 provide data from these returns, together with comparative data from 2014/15 and 2015/16 and analysis of trends and variations. Section 11 provides information about imported food controls.

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

¹ Although port health authorities (PHAs) and inland LAs used LAEMS to report checks carried out during 2016/17 on food imports from countries outside the European Union (third countries), a decision was made not to include this data in the report. The FSA now regularly publishes datasets on imports, high-risk food from TRACES (an EU web-based data collection system), see data.food.gov.uk/catalog/datasets/71f9bee8-b68c-4ffc-813e-901d1ac20245
data.food.gov.uk/catalog/datasets/1a6ebd38-460e-4734-aa59-40fdd6b8e209

² Framework Agreement: www.food.gov.uk/enforcement/enforcework/frameagree

2. Summary of key findings

The FSA's strategic goal is 'Food We Can Trust'. Analysis of the 2016/17 monitoring data on LA performance helps us to understand how effectively and consistently official food controls are being delivered and how we are doing in reaching this goal.

2.1 Demands and resources

There were 419 LAs, employing 2,105 full time equivalent (FTE) professional staff which is down by 2.7% from 2015/16, out of 2,294 positions allocated.

2.2 How well are we doing compared with 2015/16?

Broad compliance

The percentage of food establishments across the UK achieving Broad Compliance was 89%. Food establishments which are 'broadly compliant' achieved an equivalent to the Food Hygiene Rating Scheme (FHRS) rating of 3 – 'generally satisfactory', or better. There were 6% of food establishments which were unsatisfactory, where improvements were necessary. In addition 5% of premises were not yet rated.

Interventions achieved

- Due food hygiene interventions achieved (85%) were up by one percentage point.
- Due food standards interventions achieved (44%) were down by 4 percentage points.

Enforcement actions

- There was a 1.4% decrease in formal food hygiene enforcement actions³ (6,543). There was little change in the number of establishments subject to written warnings (161,845), down 0.1%.
- There was a 62% increase in formal food standards enforcement actions (547). There was a 0.8% increase in the number of establishments subject to written warnings (23,044).

Official complaints

The total number of complaints about the safety and quality of food and the hygiene standards of food establishments investigated increased by 23.5%.

- Hygiene complaints investigated (73,806) increased by 31.7%
- Standards complaints investigated (11,414) decreased by 12.2%

Official samples

Total reported samples (59,583) decreased by 11.3%. The reduction was evident for all types of tests/analyses.

³ LAEMS records the number of establishments subject to each individual type of enforcement action. The total number of enforcement actions taken by LAs is likely to be higher.

3. Data return levels from local authorities

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

3.1 Food hygiene and food standards

There are 419 UK LAs with responsibility for food controls (354 in England, 22 in Wales, 11 in Northern Ireland and 32 in Scotland).

In England, County Councils (27) are responsible for food standards only, District Councils (201) for food hygiene only, while London Boroughs (33), Metropolitan Borough Councils (37) and Unitary Authorities (56) are responsible for both. In the other three countries, all authorities are responsible for both hygiene and standards.

All returns were received for food standards (211) and for food hygiene (387). Returns are lower than the number of LAs as some joint services submit single returns.

3.2 Data quality and methods

LAs submit data on LAEMS through the submission of an xml file which contains information at the level of individual food premises. Aggregate figures are produced from the xml file and Heads of Service at each LA, may adjust these final aggregate figures prior to signing them off. The FSA has applied primary and secondary analysis to the food hygiene and standards data. The primary analysis is based on the full aggregated data, as signed off by the LA Heads of Service.

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

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

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

Trend analyses compare data from 2014/15.⁴ There may be instances where the data reported in previous years has been subsequently amended.

⁴ Northern Ireland's returns for 2014/15 only covered the first three quarters of the reporting period, which was agreed in advance of local government reorganisation which reduced the number of district councils from 26 to 11 on 1 April 2015. In view of this Northern Ireland has been excluded from the secondary analysis of data for interventions and enforcement (see Annex A).

4. Food establishment profiles

The food establishment profiles provides a breakdown of the type of food business registered and the food hygiene risk category. The food hygiene risk rating is determined by both how compliant the food establishment is as well as the intrinsic risks associated with the type of food activity it is involved in. It determines how often the establishment should be subject to an inspection/audit or other intervention.

4.1 Registered food establishments

A total of 634,584 food establishments were registered with LAs in the UK at 31 March 2017. A breakdown of these establishments by premises type and food hygiene risk category is provided in Table 1 and by premises type and country in Table 2.⁵ The intervention rating or food hygiene risk category is based on a score given and it determines the frequency of intervention by LAs, where category A establishments pose the highest risk through to category E establishments that pose the lowest risk (see Annex A).

Table 1: UK registered food establishments profile by food hygiene risk category and premises type for 2016/17

Risk category	Primary producers	Manufacturers & Packers	Importers/ Exporters	Distributors/ Transporters	Retailers	Restaurants & Caterers	Total
A	17	470	0	15	236	1,999	2,737
B	57	2,456	16	97	2,086	23,735	28,447
C	135	3,562	43	352	12,762	113,296	130,150
D	722	4,273	257	1,811	37,013	157,540	201,616
E	2,558	7,270	739	6,239	75,273	126,753	218,832
NYR⁶	659	1,477	177	689	5,602	24,042	32,646
Outside⁷	1,588	471	231	905	4,102	12,859	20,156
Total	5,736	19,979	1,463	10,108	137,074	460,224	634,584

⁵ One LA was unable to extract a breakdown for premises risk ratings for 2016/17 from their own data management system. They were unable to provide resource to resolve this. Their risk ratings were apportioned on the basis of the data submitted by the LA for 2015/16.

⁶ Initial inspections of food establishments should normally take place within 28 days of registration or from when the authority becomes aware that the establishment is in operation. Some establishments still within the 28 days will be recorded as not yet rated (NYR).

⁷ LAs may assess some establishments as being outside the intervention programme, because any food provision is incidental to the main activity and is very low risk.

Table 2: UK registered food establishments profile by country for 2016/17

Country	Primary producers	Manufacturers & Packers	Importers/ Exporters	Distributors/ Transporters	Retailers	Restaurants & Caterers	Total
England	3,507	14,722	1,322	8,384	113,394	376,347	517,686
Northern Ireland	65	1,153	44	430	4,106	15,444	21,242
Scotland	1,817	3,007	76	922	12,155	43,024	61,001
Wales	347	1,097	11	372	7,419	25,409	34,655

The total number of food establishments increased by 0.2% compared with 2015/16 (633,638 food establishments).

A comparison of the split of risk ratings of food establishments⁸ indicates a reduction of 4.6% in higher risk establishments rated A to C (from 169,081 in 2015/16 to 161,334 in 2016/17) and an increase of 1.8% in lower risk establishments rated D and E (from 413,101 in 2015/16 to 420,448 in 2016/17). The shift to D and E rated establishments is a continuing trend which reflects the increasing compliance levels discussed further in section 10.

4.2 Establishments 'Not Yet Rated' for food hygiene

Initial inspections of food establishments should normally take place within 28 days of registration or from when the authority becomes aware that the establishment is in operation. Some establishments still within the 28 days will be recorded as not yet rated (NYR).

UK-wide, 5.1% of registered food establishments were NYR for food hygiene risk at 31 March 2017 (32,646 out of 634,584) - see Table 3. We will continue to use our approaches through audit and monitoring to follow up accordingly.

Table 3: Comparison of percentage of registered establishments NYR for food hygiene from 2014/15

	2014/15	2015/16	2016/17
Total number of establishments	627,425	633,638	634,584
Number of NYR establishments	30,949	31,659	32,646
Percentage NYR	4.9%	5.0%	5.1%

The distribution across LAs of the proportion of food establishments NYR for food hygiene risk at 31 March 2017, based on LAs for which comparable data are available for the past three years (334 out of 387), indicates:

- 2% of LAs had no food establishments awaiting an inspection

⁸ The system that LAs use to risk rate food establishments is set out in the Food Law Codes of Practice for England, Wales and Northern Ireland www.food.gov.uk/enforcement/codes-of-practice/food-law-code-of-practice and for Scotland at www.foodstandards.gov.scot/food-law-code-practice-2015.

- for the vast majority of LAs (93%) the proportion of food establishments awaiting a first inspection was under 10%.

4.3 Establishments 'Not Yet Rated' for food standards

Based on LAs for which comparable data are available for the past three years (178 out of 211), the 2016/17 data indicates for food establishments NYR at 31 March 2017:

- for 62% of LAs the proportion of food establishments awaiting an initial inspection was under 10%
- 21% of LAs had more than 20% of their food establishments yet to receive an initial inspection.

5. Local authority interventions

LAs carry out a range of proactive and reactive interventions at food establishments throughout the year as described in the Food Law Code of Practice.⁹ These include food hygiene and food standards inspections but also other activities such as sampling visits, full and partial audits and surveillance and intelligence gathering. Their purpose is to assess or investigate business compliance with relevant food legislation and centrally issued guidance, as well as offering advice and guidance to protect consumers.

5.1 Food hygiene interventions

A total of 394,192 food hygiene interventions were reported in 2016/17 (see Table 4), a decrease of 2.6% on the reported number carried out in 2015/16 (404,551). The figures in this section include interventions at establishments that have subsequently ceased trading.

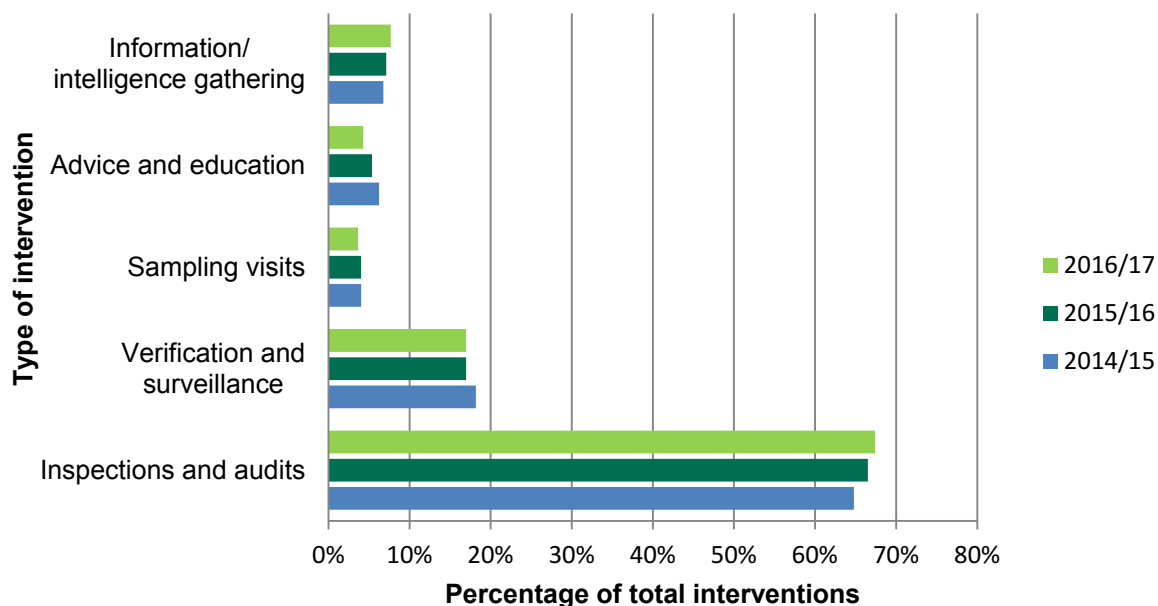
Table 4: Food hygiene interventions carried out in 2016/17

Country	Inspections and audits	Verification and surveillance	Sampling visits	Advice and education	Information/intelligence gathering	Total
England	211,935	46,092	9,089	12,756	26,774	306,646
Northern Ireland	10,667	4,039	2,677	1,376	666	19,425
Scotland	26,432	12,453	1,341	1,984	1,284	43,494
Wales	16,614	4,303	1,312	816	1,582	24,627
UK Totals	265,648	66,887	14,419	16,932	30,306	394,192
Intervention types as a % of total food hygiene interventions						
England	69.1%	15.0%	3.0%	4.2%	8.7%	100.0%
Northern Ireland	54.9%	20.8%	13.8%	7.1%	3.4%	100.0%
Scotland	60.8%	28.6%	3.1%	4.6%	3.0%	100.0%
Wales	67.5%	17.5%	5.3%	3.3%	6.4%	100.0%
UK Totals	67.4%	17.0%	3.7%	4.3%	7.7%	100.0%

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

⁹ Food Law Codes of Practice for England, Wales and Northern Ireland www.food.gov.uk/enforcement/codes-of-practice/food-law-code-of-practice and for Scotland at www.foodstandards.gov.scot/food-law-code-practice-2015

Figure 1: UK comparison of split between types of food hygiene interventions from 2014/15



The number of interventions due are based on the frequencies laid down in the Food Law Code of Practice (FLCoP)¹⁰ plus follow up visits and any outstanding interventions that were due before the start of the reporting year. Figure 2¹¹ and Table 5 show the trend for LAs to target higher risk establishments (Category A to C) for food hygiene intervention rather than undertaking planned interventions at lower risk establishments.

Table 5: Percentage of food hygiene due interventions achieved 2016/17

Country	A	B	C	D	E	NYR	Total
England	99.6%	99.0%	92.6%	81.8%	59.0%	89.4%	83.6%
Northern Ireland	100.0%	99.6%	97.2%	92.8%	82.4%	92.3%	93.1%
Scotland	99.5%	99.5%	93.3%	80.1%	71.3%	98.6%	91.5%
Wales	100.0%	99.6%	97.8%	82.4%	65.9%	95.4%	91.2%
UK Totals	99.6%	99.2%	93.4%	82.3%	61.0%	90.5%	85.3%

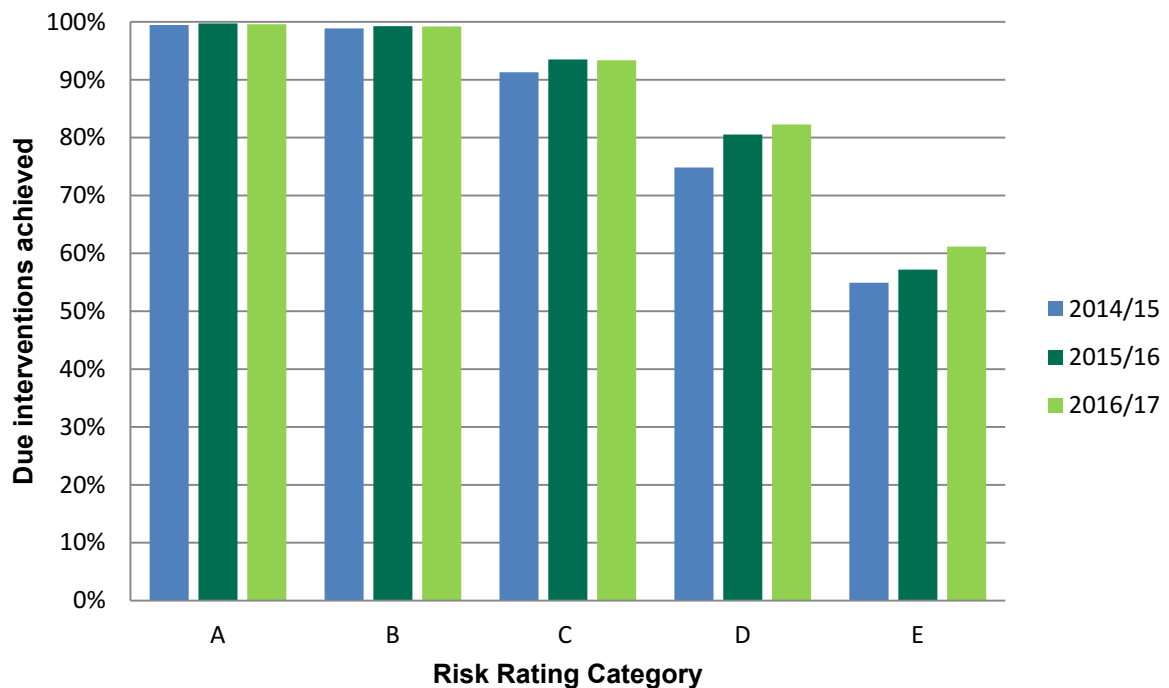
The figures in Table 5 are averages, but there is wide variation between individual LAs.¹²

¹⁰ Food Law Codes of Practice for England, Wales and Northern Ireland www.food.gov.uk/enforcement/codes-of-practice/food-law-code-of-practice and for Scotland at www.foodstandards.gov.scot/food-law-code-practice-2015

¹¹ Based on nine months data for Northern Ireland for 2014/15.

¹² Individual LA data are published at: www.food.gov.uk/enforcement/monitoring/laems/mondatabyyear/

Figure 2: Comparison of percentage of due food hygiene interventions achieved UK wide from 2014/15



5.2 Food standards interventions

Reported numbers of food standards interventions decreased, with a total of 117,971 interventions carried out in 2016/17, a decrease of 8.1% on the reported number carried out in 2015/16 (128,364). A breakdown is provided at Table 6.

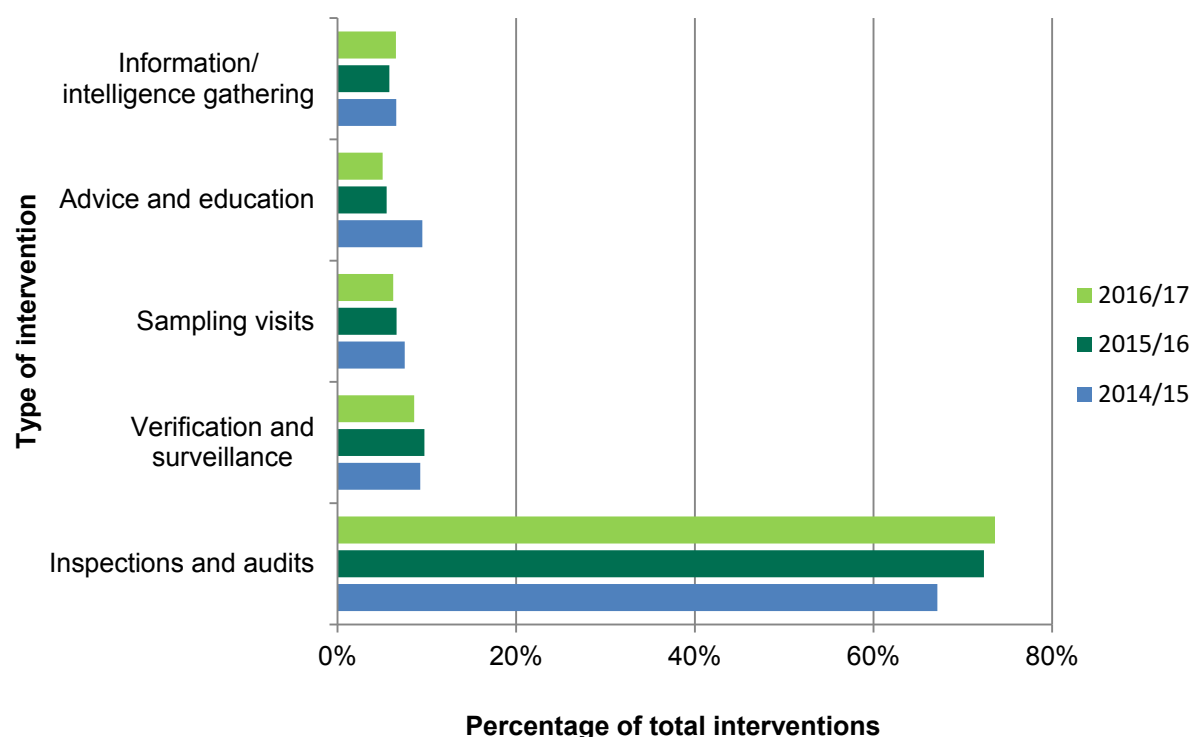
The split between food standards intervention types is fairly consistent with 2015/16 (see Figure 3).¹³ The percentage of inspections and audits increased to 73.6% of total reported interventions (from 72.4% in 2015/16).

¹³ Based on nine months data for Northern Ireland for 2014/15.

Table 6: Food standards interventions carried out in 2016/17

Country	Inspections and audits	Verification and surveillance	Sampling visits	Advice and education	Information/intelligence gathering	Total
England	57,723	7,066	3,562	4,288	5,345	77,984
Northern Ireland	4,584	765	1,086	791	546	7,772
Scotland	15,731	1,643	2,186	655	1,454	21,669
Wales	8,778	650	521	224	373	10,546
UK Totals	86,816	10,124	7,355	5,958	7,718	117,971
Intervention types as a % of total food standards interventions						
England	74.0%	9.1%	4.6%	5.5%	6.9%	100.0%
Northern Ireland	59.0%	9.8%	14.0%	10.2%	7.0%	100.0%
Scotland	72.6%	7.6%	10.1%	3.0%	6.7%	100.0%
Wales	83.2%	6.2%	4.9%	2.1%	3.5%	100.0%
UK Totals	73.6%	8.6%	6.2%	5.1%	6.5%	100.0%

Figure 3: UK comparison of split between types of food standards interventions from 2014/15



LAs have continued to target higher risk establishments (Category A) for food standards interventions across the UK (see Table 7 and Figure 4). The percentage of

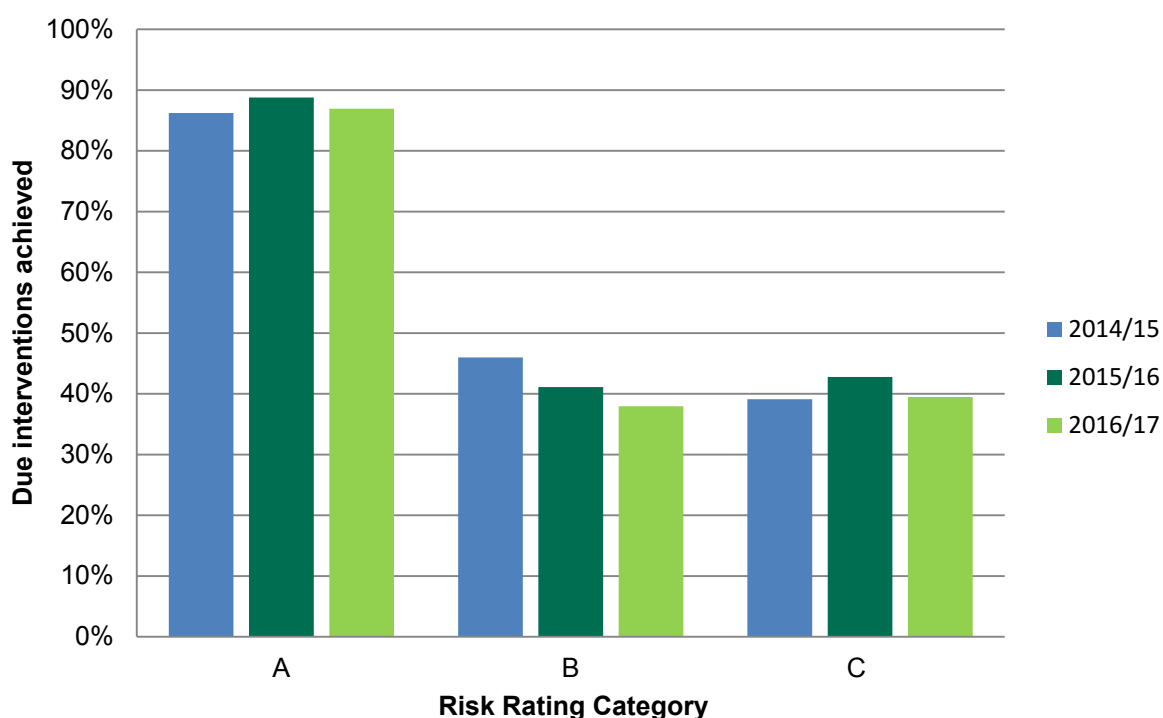
due interventions achieved has decreased for Category A to C establishments in all countries.¹⁴

The overall figure of 44.2% of due interventions achieved reflects the low levels in England compared with the other countries. We are aware from LA feedback that there is a continuing trend, particularly in food standards lower risk category establishments, for LAs to use more intelligence led approaches.

Table 7: Percentage of food standards due interventions achieved 2016/17

Country	A	B	C	NYR	Total
England	84.8%	30.5%	31.8%	54.8%	36.4%
Northern Ireland	94.1%	91.0%	77.7%	88.4%	83.8%
Scotland	91.7%	90.9%	76.0%	97.2%	84.1%
Wales	95.8%	62.9%	39.6%	83.0%	61.0%
UK Totals	86.9%	37.9%	39.5%	62.8%	44.2%

Figure 4: Comparison of percentage of due food standards interventions achieved UK wide from 2014/15



¹⁴ Based on nine months data for Northern Ireland for 2014/15.

Where food standards risk assessments are based on the National Trading Standards Risk Assessment Scheme,¹⁵ the intervention frequency for food standards purposes should not be less than would have been the case under the FLCoP scheme.¹⁶

Based on the LAs for which we can make comparisons over the past three years (161 out of 211), authorities using the FSA's Code of Practice guidance carried out around three times as many food standards interventions as those using the LACORS / NTSB schemes in 2014/15 and 2015/16 and this increased to nearly four times in 2016/17. The trend for less reported interventions under the National Trading Standards Risk Assessment Scheme corroborates with our intelligence that guidance regarding the intervention frequency required under the scheme may not be happening in practice.

¹⁵ Where the LA is responsible only for food standards, or where food hygiene and food standards enforcement is carried out by separate departments within the same food authority, e.g. Environmental Health and Trading Standards, the food standards risk assessment may be based on the National Trading Standards Risk Assessment Scheme (previously known as the LACORS scheme) guidance.

¹⁶ See Food Law Codes of Practice 2017, Frequency of controls for England, Northern Ireland and Wales: www.food.gov.uk/enforcement/codes-of-practice/food-law-code-of-practice and for Scotland: www.foodstandards.gov.scot/food-law-code-practice-2015

6. Enforcement actions

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

6.1 Food hygiene enforcement actions

The total number of establishments subject to at least one type of food hygiene enforcement action reported in 2016/17 was 168,388 compared with 168,663 in 2015/16. This represents a decrease of 0.2%.¹⁷ The figures in this section may include enforcement actions at premises that have subsequently closed.

Table 8: Number of establishments subject to food hygiene enforcement actions in 2016/17

	England	Northern Ireland	Scotland	Wales	UK Totals
Voluntary closure	873	5	154	81	1,113
Seizure, detention & surrender of food	307	33	97	52	489
Suspension/revocation of approval or licence	13	1	5	2	21
Hygiene emergency prohibition notice	317	1	10	9	337
Hygiene prohibition order	61	0	0	4	65
Simple caution ¹⁸	262	0	0	15	277
Hygiene improvement notices	2,959	19	342	220	3,540
Remedial action and detention notice ¹⁹	40	16	243	69	368
Prosecutions concluded	295	9	4	25	333
Total formal enforcement actions	5,127	84	855	477	6,543
Written warnings	128,693	6,002	15,128	12,022	161,845
Totals	133,820	6,086	15,983	12,499	168,388

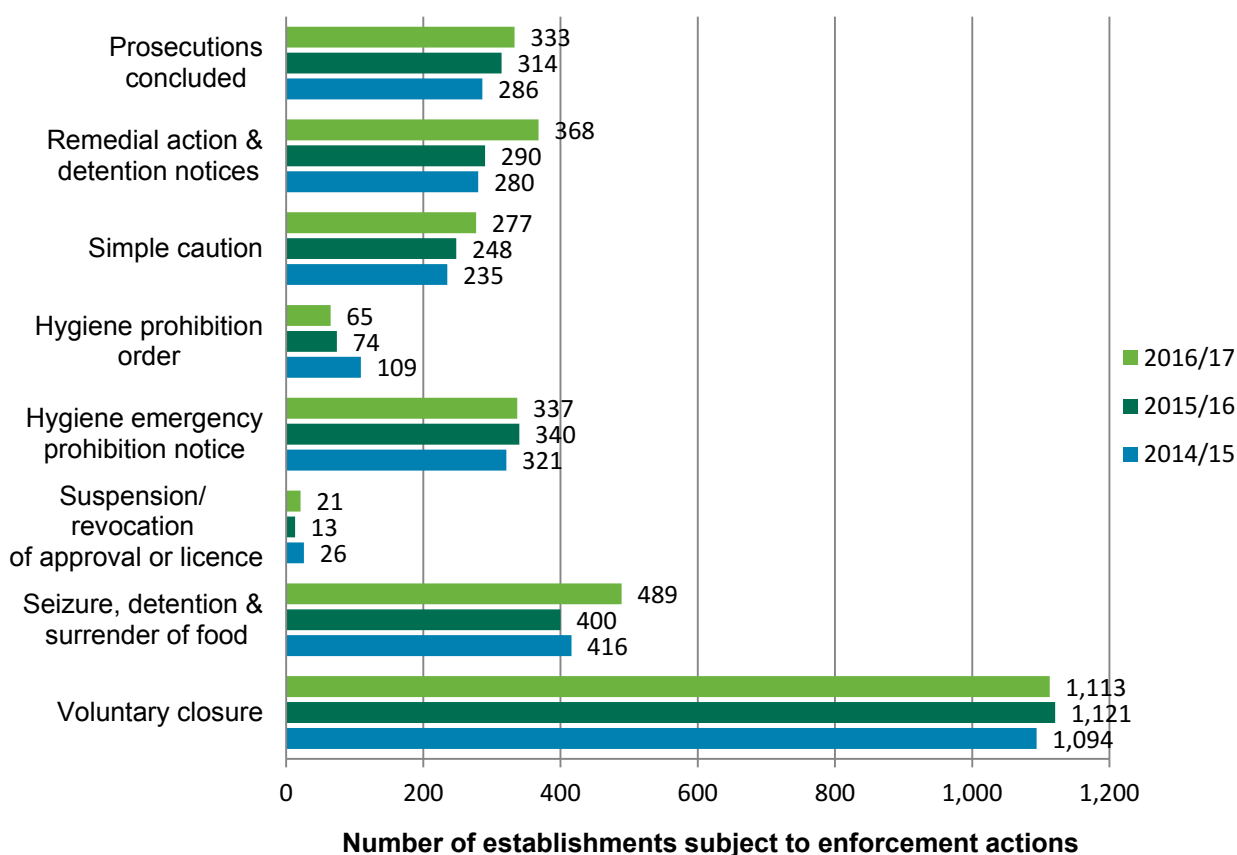
Table 8 shows that 161,845 establishments received written warnings (see glossary for more information) and 6,543 establishments received at least one type of formal enforcement action.

¹⁷ LAEMS records the number of establishments subject to the each type of enforcement action. The total number of enforcement actions taken by LAs is likely to be higher.

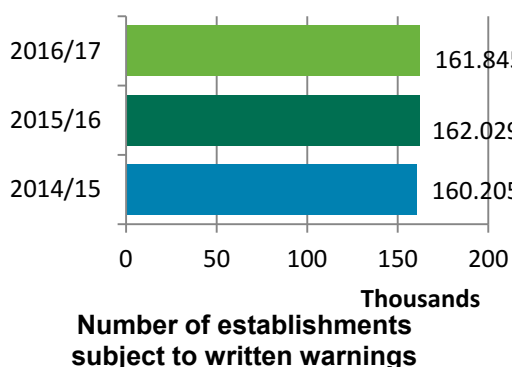
¹⁸ Simple cautions do not apply in Scotland.

¹⁹ Remedial action notices (RANs) only apply to a small percentage of establishments in England, i.e. those approved under EC Regulation 853/2004, whereas amendments to the domestic hygiene legislation in Scotland, Wales and Northern Ireland extended the scope of RANs into premises that are registered under Regulation 852/2004.

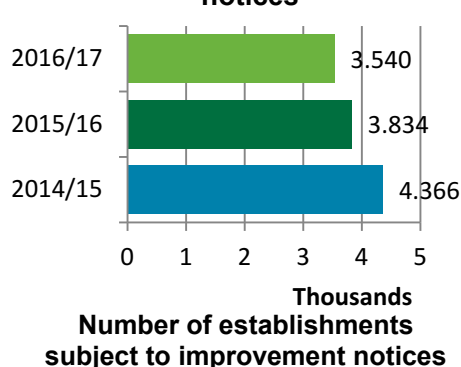
Figure 5: Comparison of food hygiene enforcement actions from 2014/15



Food hygiene written warnings



Food hygiene improvement notices



The enforcement actions for which there have been increases include prosecutions concluded, remedial action and detention notices, simple cautions, suspensions/revocations of approval or licence and seizure, detention and surrender of food (see Figure 5).²⁰

6.2 Food standards enforcement actions

The total number of establishments reported subject to at least one type of food standards enforcement action in 2016/17 was 23,591 (see Table 9), a small overall increase of 1.7% of the total number in 2015/16 (23,192) (see Figure 6)²¹. There were 547 establishments that received at least one type of formal enforcement action. There was a large increase in the number of simple cautions (126.4% from 129 in 2015/16 to 292 in 2016/17) and the number of standards improvement notices (70.8% from 72 in 2015/16 to 123 in 2016/17). There was also a small increase in the number of written warnings (0.8%), compared with the much higher increase evident across all countries the previous year (from 14,324 in 2014/15 to 22,853 in 2015/16).

LAs can now serve food standards improvement notices in relation to provisions in the EU Food Information for Consumers Regulation relating to allergens which came into force in December 2014.²² Our intelligence suggests the increase in simple cautions and standards improvement notices over the past year may primarily be due to actions following changes in the food allergen labelling regulations.²³

Table 9: Number of establishments subject to food standards enforcement actions 2016/17

	England	Northern Ireland	Scotland	Wales	UK totals
Seizure, detention & surrender of food	46	7	10	10	73
Simple caution ²⁴	269	0	0	23	292
Prosecutions concluded	36	3	1	19	59
Standards improvement notice	109	1	3	10	123
Total formal enforcement actions	460	11	14	62	547
Written warnings	15,721	1,613	3,745	1,965	23,044
Totals	16,181	1,624	3,759	2,027	23,591

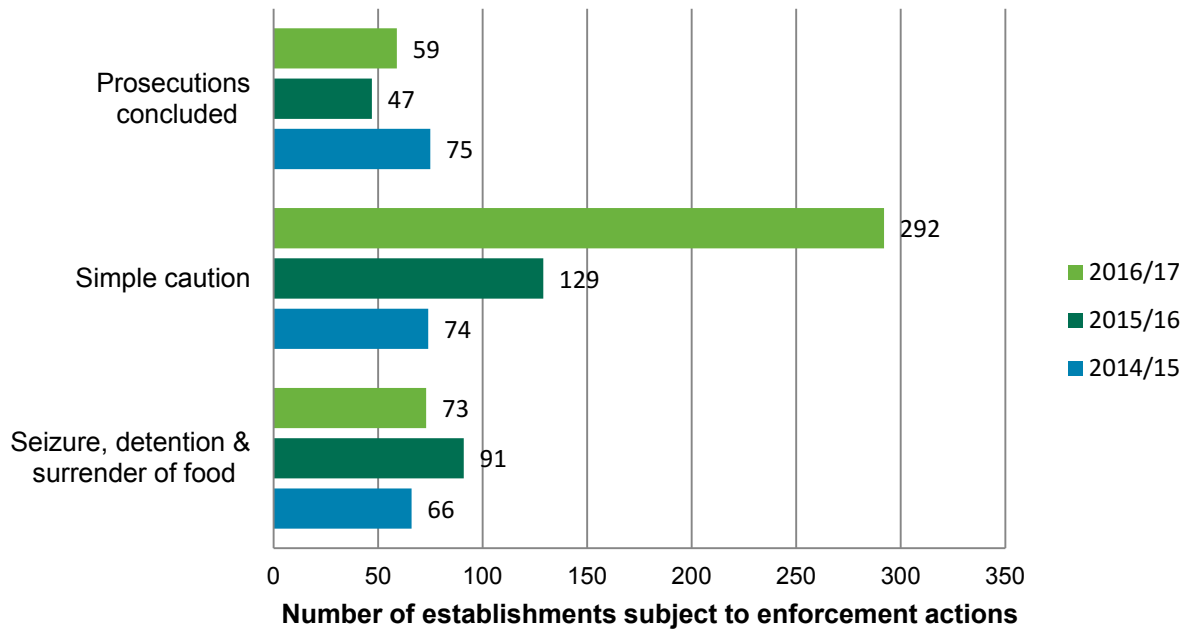
²¹ Based on nine months data for Northern Ireland for 2014/15.

²² See www.food.gov.uk/enforcement/regulation/fir

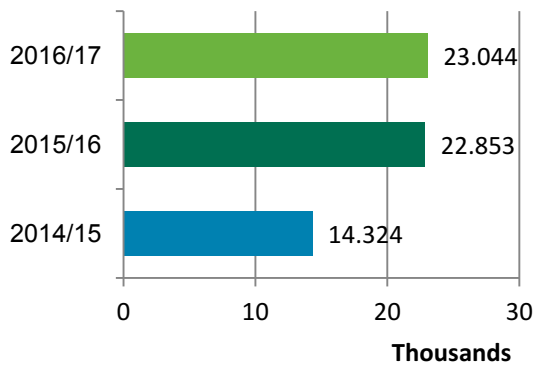
²³ The Food Information for Consumers Regulation (EU) No. 1169/2011, implemented in December 2014, introduced a new requirement for allergen information to be provided for foods sold non-packed or prepacked for direct sale. See www.food.gov.uk/science/allergy-intolerance/label

²⁴ Simple cautions do not apply in Scotland.

Figure 6: Comparison of food standards enforcement actions from 2014/15

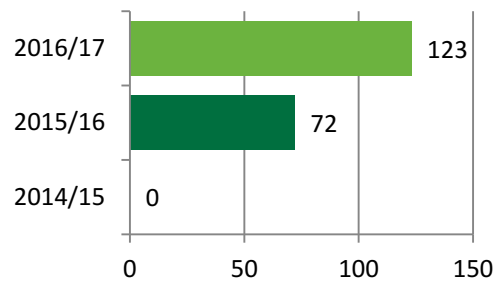


Food standards written warnings



Number of establishments subject to written warnings

Food standards improvement notices



Number of establishments subject to improvement notices

7. Official samples

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

A total of 59,583 official food samples²⁵ were reported to be taken in 2016/17 (see Table 10), a decrease of 11.3% from 2015/16 (67,165). There has been a reduction since 2015/16 for all types of analyses/tests (see Figure 7).²⁶

There were 14 District Councils that did not carry out any sampling during 2016/17. Some of these authorities reported they did not undertake sampling due to resource issues.

Table 10: Official samples 2016/17

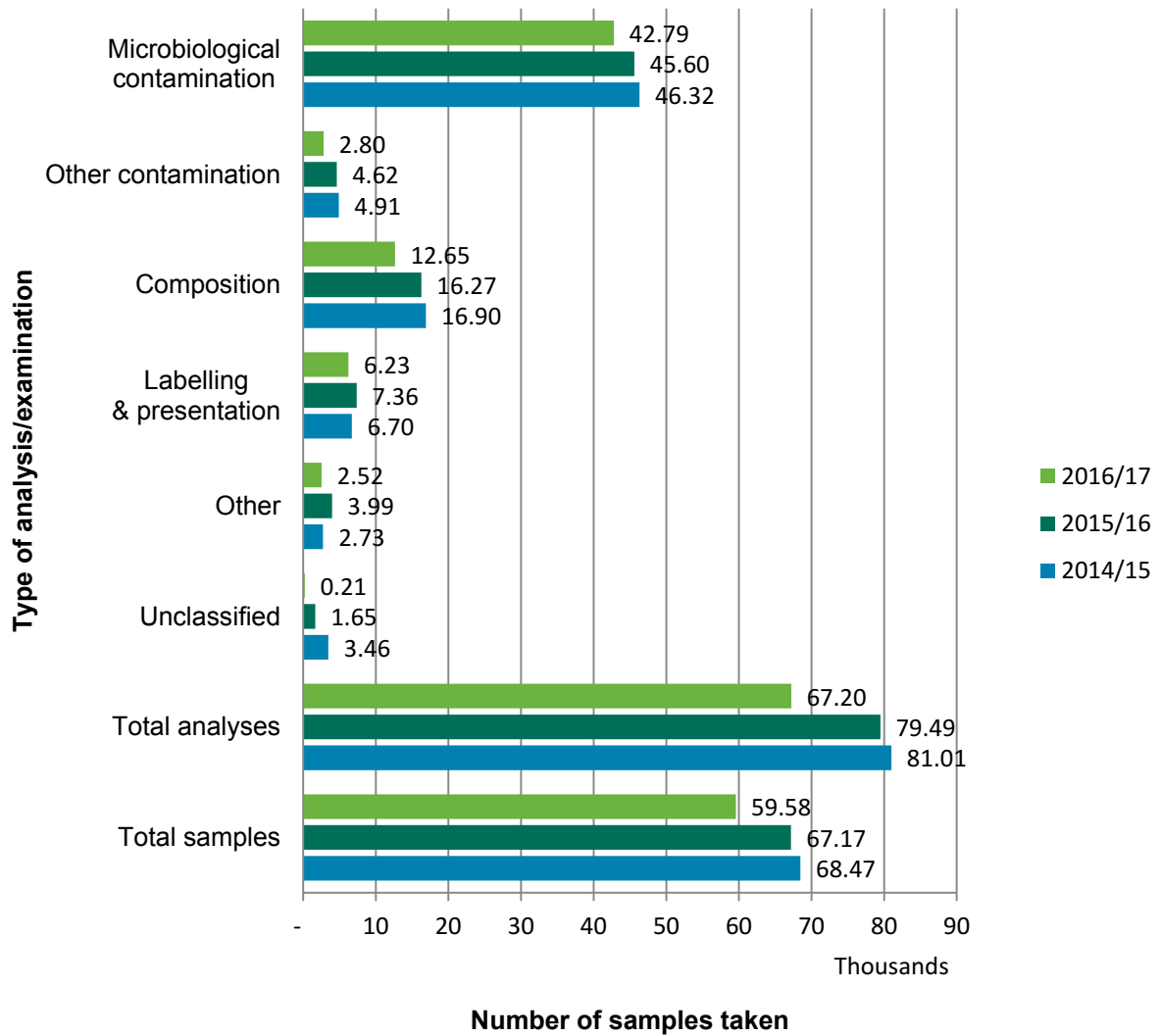
	England	Northern Ireland	Scotland	Wales	UK Totals
Microbiological contamination	27,339	6,616	5,345	3,488	42,788
Other contamination	1,884	29	773	116	2,802
Composition	6,102	1,971	3,423	1,153	12,649
Labelling & presentation	3,569	1,550	620	494	6,233
Other	585	0	1,905	32	2,522
Unclassified ²⁷	29	0	179	0	208
Total analyses/examinations	39,508	10,166	12,245	5,283	67,202
Total samples	36,622	8,909	9,271	4,781	59,583

²⁵ Official samples are those analysed/tested by official control laboratories. The FSA monitoring returns only collect data on official samples.

²⁶ Based on nine months data for Northern Ireland for 2014/15.

²⁷ In some cases the analysis type could not be mapped to the LAEMS analysis type and these samples have been identified as unclassified in Table 10.

Figure 7: Comparison of UK sampling data from 2014/15



8. Consumer complaints about food and food establishments

LAs are required to produce a documented risk based complaints policy and procedures outlining their intended approach to dealing with consumer complaints. LAs are responsible for investigating and dealing with complaints about food hygiene and standards and about the hygiene of food establishments.²⁸

LAs reported a total of 85,220 consumer complaints about food and food establishments dealt with during 2016/17 – details are provided at Table 11. This represents an increase of 23.5% from 69,031 in 2015/16 across the UK.

Table 11: Consumer complaints dealt with in 2016/17

Country	Food complaint - hygiene	Hygiene of food establishments	Food complaint - standards	Totals
England	24,098	39,522	9,254	72,874
Northern Ireland	368	946	566	1,880
Scotland	2,190	3,044	1,026	6,260
Wales	1,469	2,169	568	4,206
UK Totals	28,125	45,681	11,414	85,220

The reported number of consumer complaints dealt with by LAs increased across the four countries of the UK from 2015/16 to 2016/17 as follows:

- England: 24.1% increase (from 58,717 to 72,874)
- Northern Ireland: 23.8% increase (from 1,519 to 1,880)
- Scotland: 14.2% increase (from 5,483 to 6,260)
- Wales: 27.0% increase (from 3,312 to 4,206)

Our intelligence suggests the increase in consumer complaints may have been due to a service introduced on the FSA's website since February 2016 where a food problem in the UK can be reported to the business's LA.²⁹

²⁸ Framework Agreement: www.food.gov.uk/enforcement/enforcework/frameagree

²⁹ Service to report a food problem to the food establishment's LA – see www.food.gov.uk/enforcement/report-problem

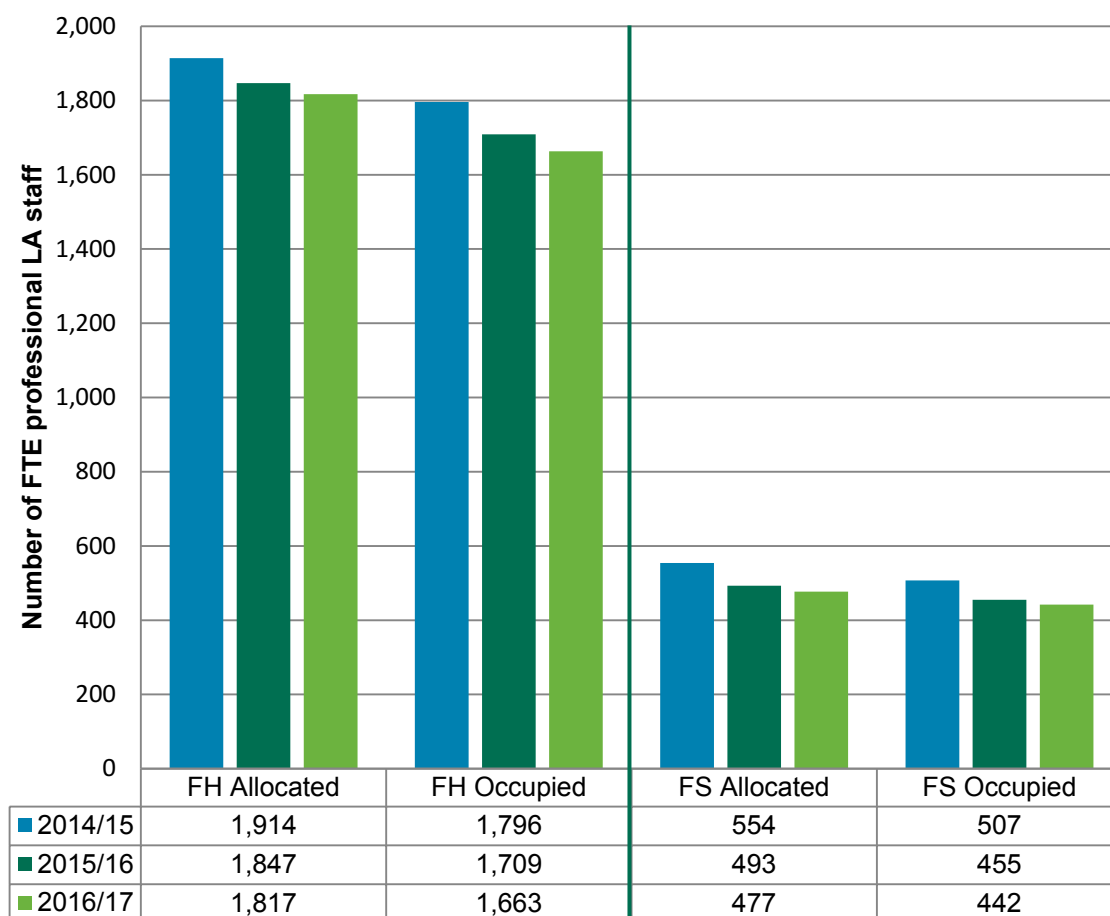
9. Full time equivalent (FTE) professional staff

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

A total of 2,105 FTE professional LA staff were reported as being in post at 31 March 2017, an overall reduction of 2.7% (from 2,164) in 2015/16. The proportional reduction was similar for both food hygiene (FH) and food standards (FS) (see Figure 8).

There is, however, no prescriptive guidance given on exactly how that time should be determined and the FSA recognises that figures supplied will often be 'educated estimates'. For this reason the data can only be considered in a generic way to compare year on year figures to look at overall trends in the number of FTE staff in LA food law enforcement services across the UK or in individual countries.

Figure 8: Number of FTE professional LA staff engaged in UK food law enforcement from 2014/15



The number of vacant FTE posts reported at 31 March 2017 was 189, an increase of 7.4% (from 176 in 2015/16).

Table 12 shows the variation of FTE professional staff in post per 1000 food establishments across the individual countries over the past three years. The UK figure reflects the lower pro-rata number from LAs in England.

Table 12: Number of professional FTE staff in post per 1000 food establishments

Number of FTEs in post per 1000 establishments	2014/15	2015/16	2016/17
England	3.2	3.0	2.9
Northern Ireland	5.7	4.5	4.2
Scotland	5.7	5.2	4.9
Wales	5.7	5.5	5.7
UK TOTAL	3.7	3.4	3.3

10. Food hygiene compliance

LAs assess food hygiene compliance in accordance with statutory guidance set out in the Food Law Code of Practice.³⁰ 'Broadly compliant' is equivalent to food hygiene ratings of 3 to 5 under the Food Hygiene Rating Scheme (FHRS) operating in England, Wales and Northern Ireland.³¹

When all food establishments are considered, including establishments not yet rated (NYR), the level of 'broad compliance' reported across the UK at 31 March 2017 was similar to the previous year (89% compared with 88.7%), see Table 13.

Table 13: UK food establishment food hygiene compliance levels 2016/17 (including NYR)

Country	% of establishments which are 'broadly compliant' or better		% of establishments which are below 'broadly compliant'		% of establishments which are not yet risk rated	
	2016/17	2015/16	2016/17	2015/16	2016/17	2015/16
England	89.8	89.2	5.2	5.8	5.0	5.0
Northern Ireland	91.2	93.0	1.8	3.3	7.0	3.7
Scotland	80.1	80.8	11.1	10.8	8.8	8.5
Wales	92.6	92.6	4.2	4.7	3.2	2.6
UK	89.0	88.7	5.6	6.2	5.3	5.2

When considering only rated establishments there was little change in the level of 'broad compliance' reported across the UK at 31 March 2017 of 94.1% compared with 93.5% in 2015/16.

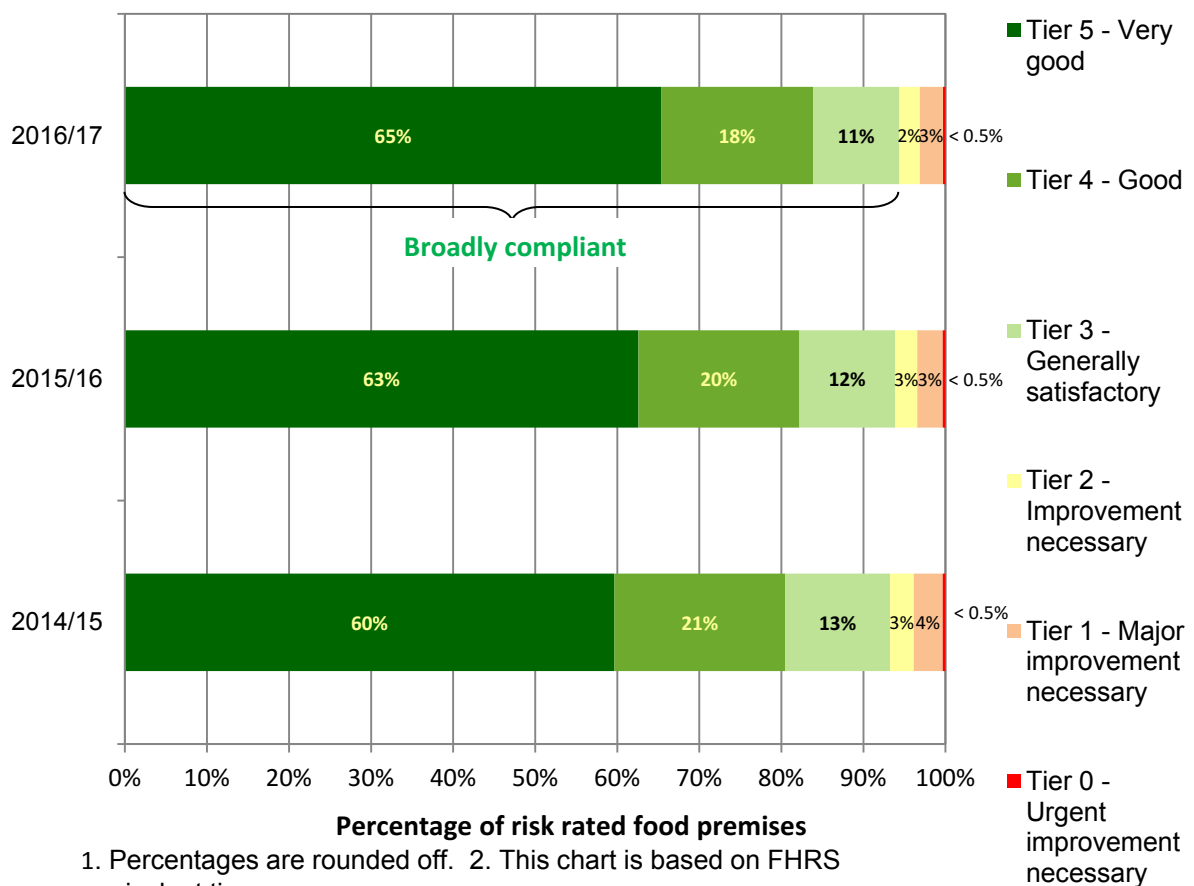
Based on LAs for which we are able to compare results over the past three years (302 out of 387 LAs), the reported LAEMS data indicates an improvement in compliance with food hygiene legislation from 2014/15 to 2016/17 (see Figure 9):

- the proportion of rated food establishments achieving 'broad compliance' (this is equivalent to food hygiene ratings of 3, 4 or 5 under the FHRS), increased over the three years from 93.3% in 2014/15 to 94.4% in 2016/17
- the proportion of rated food establishments that were considered either 'good' or 'very good' (this is equivalent to food hygiene ratings of 4 or 5 under the FHRS), increased from 80.5% to 83.9% over this period
- at the lower end of the food hygiene compliance scale, the proportion of rated food establishments which required 'urgent' or 'major improvement' (equivalent to food hygiene ratings of 0 or 1 under the FHRS) remained at under 3.5% over this period

³⁰ See information on intervention rating schemes: Food Law Code of Practice 2017 for England, Wales and Northern Ireland at www.food.gov.uk/enforcement/codes-of-practice/food-law-code-of-practice and for Scotland at www.foodstandards.gov.scot/food-law-code-practice-2015

³¹ A different scheme – the Food Hygiene Information Scheme – operates in Scotland.

Figure 9: Level of food hygiene compliance¹ of food establishments in the UK: 2014/15 to 2016/17



Basis: 302 out of 387 LAs

Figure 9 shows compliance levels as equivalent food hygiene ratings. The UK data includes Scotland and in considering this data it should be noted that the FHRs does not apply there. The outcomes used for the Food Hygiene Information Scheme operating in Scotland are assessed on a basis that does not map directly to the Code of Practice compliance scores used for the FHRs.

When considering the changes in broad compliance rates for different types of rated food establishments where comparable data are available (300 out of 387 LAs) over the past three years it is evident that:

- ‘primary producers’ and ‘transporters/distributors’ continued to have the highest levels of broad compliance in 2016/17 (99% and 96% respectively)
- ‘retailers’ which tend to have one of the lowest rates of broad compliance showed an improvement from 93% to 94% between 2014/15 and 2016/17
- take-away establishments continued to have the lowest rates of broad compliance among ‘restaurants and caterers’. The percentage of take-away premises which were broadly compliant in 2016/17 was 85%, an improvement from 82% in 2014/15.

11. Imported food controls

To protect consumers, Port Health Authorities at UK ports and airports as well as inland LAs are required by European law to carry out a range of official controls on products of animal origin, and certain foods not of animal origin arriving in to the UK from countries outside of the EU.³² The type and frequency of these controls are defined in the relevant EU legislation. Checks include documentary, identity and physical examinations (which may include sampling) and also appropriate traceability checks during interventions carried out by inland LAs.

The imported foods data collected on LAEMS does not provide precise data on the types of checks carried out. High risk imported food coming into the UK under EU restrictive measures is, however, recorded through the EU web based data collection system TRACES,³³ which allows analysis in depth on specific products imported from individual countries and establishments. The FSA now regularly publishes datasets on imports on high-risk food from TRACES.³⁴

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

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

³² For more information on import controls see, www.gov.uk/guidance/importing-live-animals-or-animal-products-from-non-eu-countries
www.food.gov.uk/business-industry/imports/importers/pointofentry
www.food.gov.uk/enforcement/enforcework/food-law/guidance-enforcement/offcqnnotes

³³ See TRACES: ec.europa.eu/food/animal/diseases/traces/index_en.htm

³⁴ See data.food.gov.uk/catalog/datasets/71f9bee8-b68c-4ffc-813e-901d1ac20245
data.food.gov.uk/catalog/datasets/1a6ebd38-460e-4734-aa59-40fdd6b8e209

Annex A: Explanatory notes for users of LAEMS statistics

Background

There are more than 600,000 food establishments operating in the UK. These are monitored by local authorities (LAs) to make sure they comply with food law in place to protect consumers from unsafe or fraudulent food practices. LAs report the results of their activity to the Food Standards Agency (FSA) via the Local Authority Enforcement Monitoring System (LAEMS). LAEMS is a web-based application, introduced in 2008, that allows LAs to upload data directly from their own local systems.³⁵

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

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

Statistical methodology and quality control issues

Primary analysis

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

The statistical methods used are straightforward and should be transparent from the tables/figures and commentary provided. As an example, the % of food establishments (FEs) which are 'broadly compliant' is calculated as:

$$100 \times (\text{number of 'broadly compliant' FEs in UK}) / \text{Total number of FEs in UK.}$$

The denominator includes all FEs, even those for which the most recent intervention was prior to 1 April 2016.³⁶ Thus % Broad Compliance is a status variable, reflecting the situation at 31 March 2017, using the most recent intervention (whenever conducted) on each FE.

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

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

³⁵ Information on LAEMS is available at www.food.gov.uk/enforcement/monitoring/laems/.

³⁶ Category C and D premises need only be inspected every 18 or 24 months respectively.

Secondary analysis

The secondary analysis is based on a cohort of LAs which appear to have consistent reliable data over a three year period. It makes use of both the aggregated figures, signed off by LA Heads of Service, and the underlying xml data on individual food establishments uploaded to LAEMS.³⁷

The following checks were taken into account in the secondary analysis to confirm metrics and comparisons were reliable.

LAs were excluded from this cohort where:

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

Sampling data

All LAs in England, Northern Ireland and Wales were asked to record their food samples data on LAEMS for 2016/17. Although most LAs followed this advice, a number did not and UK Food Surveillance System (UKFSS) sample reports were used. Food Standards Scotland agreed that for LAs in Scotland the sampling data would be taken from UKFSS. However, two Scottish authorities entered their data on LAEMS and one provided it separately.

³⁷ The xml data provides results at the level of individual establishments, including a breakdown of the elements comprising the overall establishment compliance score, the risk rating, and any interventions and enforcement actions undertaken in the reporting year.

Glossary

Note

This covers the main terms used in the report only. More detail can be found on the FSA website, including within the Food Law Code of Practice (FLCoP).³⁸

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

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

Food establishment: Has the same meaning as 'Establishment' in the FLCoP. It does not simply mean 'premises', but is directly linked to the business occupying the establishment.

Food Hygiene Information Scheme: This scheme operates in Scotland. It provides consumers with information on the hygiene standards in food establishments at the time of LA inspection. The inspection results are presented to the public as a 'Pass' or as 'Improvement required'.

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

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

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

³⁸ Food Law Codes of Practice for England, Wales and Northern Ireland at www.food.gov.uk/enforcement/codes-of-practice/food-law-code-of-practice-2015 and for Scotland at www.foodstandards.gov.scot/food-law-code-practice-2015.

Food Hygiene Rating Scheme (FHRS): This scheme operates in England, Northern Ireland and Wales. (Statutory schemes requiring food businesses to display a rating operate in Wales and was introduced in Northern Ireland in October 2016. The scheme is voluntary in England). It provides transparency to consumers about hygiene standards in individual food businesses at the time of LA inspection. Levels are presented on a simple numerical scale from '0' at the bottom to '5' at the top. Ratings are derived using three of the elements that are assessed to determine the Food Hygiene Intervention Rating. This is illustrated in the table below. All businesses that supply directly to consumers are included in the scheme with the exception of low risk establishments not generally recognised as being food businesses and certain establishments that operate from private addresses. The scheme in Wales also included businesses supplying other businesses.

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

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

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

Risk Category	Score	Intervention frequency
A	101 to 180	At least every 12 months
B	46 to 100	At least every 24 months
C	0 to 45	Alternative enforcement strategy or intervention every five years

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

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

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

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

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

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

Outside the intervention programme: LAs may assess some establishments as being outside the intervention programme, because any food provision is incidental to the main activity and is very low risk, for example, betting shops and hairdressers serving coffee.

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

Primary producer: A food business operator engaged in the production, rearing or growing of primary products (livestock, crops, etc.) including harvesting, milking and farmed animal production prior to slaughter.

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

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