



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

**For England, Northern Ireland
and Wales**

1 April 2017 to 31 March 2018

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1. Introduction

The Food Standards Agency (FSA) is responsible for monitoring and reporting on the performance of local authority (LA) food law enforcement services in England, Northern Ireland and Wales.¹ Data are collected annually from LAs on food law enforcement activity with food establishments. This responsibility is mirrored by Food Standards Scotland (FSS). During 2017 to 2018 data on food law enforcement activity undertaken in Scotland have been collected on the Scottish National database for the first time.²

This report is an official statistic and summarises data for England, Northern Ireland and Wales for the period 1 April 2017 to 31 March 2018. The report and supporting LA data and previous year's reporting are available at: www.food.gov.uk/about-us/local-authorities (see Local Authority Enforcement Monitoring System - data).

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'.³ 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 2015/16 and 2016/17 and analysis of trends and variations.

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 2017/18 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 A report will be published at www.foodstandards.gov.scot/publications-and-research/publications-and-research/food-law-report-2018 later in the year.

³ See www.food.gov.uk/about-us/local-authorities (Framework Agreement)

2. Summary of key findings

The FSA's strategic goal is 'Food We Can Trust'. Analysis of the 2017/18 monitoring data on LA performance in England, Northern Ireland and Wales helps us to understand how effectively and consistently official food controls are being delivered and how we are doing in reaching our goal.

2.1 Staff allocated to the delivery of food controls

There were 387 LAs, employing 1,793 full time equivalent (FTE) professional staff for the delivery of all food controls (1,455 for food hygiene and 338 for food standards), which is down by 1.3% from 2016/17. There was very little change in the number of allocated posts reported (1,960) (1,597 for food hygiene and 363 for food standards) compared with 1,956 in 2016/17.

2.2 How well are we doing compared with 2016/17?

Broad compliance

- The percentage of food establishments across the three countries achieving broad compliance was 90.2% compared with 90% in the previous year. In Food Hygiene Rating Scheme (FHRS) terms, 'broadly compliant' is equivalent to a hygiene rating of 3 (generally satisfactory) or above.
- A further 4.7% of all food establishments were rated as having an unsatisfactory level of compliance, where improvements were necessary, compared with 5.0% in the previous year. In FHRS terms that is equivalent to a hygiene rating of less than 3.
- The remaining 5.1% of premises were yet to be risk rated compared with 4.9% the previous year.

Interventions achieved

- Due food hygiene interventions achieved (86.8%) were up by 2.2 percentage points.
- Due food standards interventions achieved (42.3%) were up by 2.3 percentage points.

Enforcement actions

- There was a 6.4% decrease in formal food hygiene enforcement actions⁴ (5,322). There was a 2.6% increase in the number of establishments subject to written warnings (150,539).
- There was a 22.9% decrease in formal food standards enforcement actions (411). There was a 6.1% increase in the number of establishments subject to written warnings (20,483).

Official complaints

The total number of complaint investigations about the safety and quality of food and the hygiene standards of food establishments (77,627) decreased by 1.7%.

⁴ 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.

- Hygiene complaints investigated (66,241) decreased by 3.4%
- Standards complaints investigated (11,386) increased by 9.6%

Official samples

Total reported samples (45,210) decreased by 10.1%. The reduction was evident for all types of tests/analyses.

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

Delivery of food controls is the responsibility of 354 LAs in England, 22 in Wales and 11 in Northern Ireland.

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)⁵ and Unitary Authorities (56) are generally responsible for both. In the other two countries, all authorities are responsible for both hygiene and standards.

All returns were received for food standards (177) and for food hygiene (355).⁶ Returns for each responsibility type 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.

⁵ Includes West Yorkshire Joint Services

⁶ A small number of LAs reported local IT issues which may have resulted in under reporting of premises and food law enforcement activity.

The trend analyses compare data across the years 2015/16 to 2017/18.⁷ There may be instances where the data reported in previous years has been subsequently amended due to amendments reported by LAs.⁸

⁷ Data for Scotland are not included as Food Standards Scotland started to collect and report their own data from 2017/18.

⁸ Data for 2016/17 are generally as reported in the 2016/17 Annual report on UK local authority food law enforcement, but the figures have been adjusted to exclude Scottish data. However, the full time equivalent posts data have subsequently been revised, as two LAs amended their estimates for 2016/17 which has resulted in a significant change to the totals.

4. Food establishment profiles

The food establishment profiles provide a breakdown of the type of food business registered and the food hygiene risk category. The food hygiene risk rating is determined by the food establishment's level of compliance and the intrinsic risks associated with the type of food activity being carried out. The rating determines how often the establishment should be subject to an inspection/audit or other intervention.

4.1 Registered food establishments

A total of 571,804 food establishments were registered with LAs in England, Northern Ireland and Wales at 31 March 2018. 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. The intervention rating or food hygiene risk category is based on the score given, which determines the frequency of intervention by LAs. Category of risk ranges from an A rating for establishments posing the highest risk down to category E establishments that pose the lowest risk (see Annex A).

Table 1: Registered food establishments profile by food hygiene risk category and premises type for 2017/18

Risk category	Primary producers	Manufacturers & Packers	Importers/ Exporters	Distributors/ Transporters	Retailers	Restaurants & Caterers	Totals
A	7	335	4	14	207	1,353	1,920
B	47	1,850	7	71	1,719	17,944	21,638
C	92	2,973	40	308	10,185	96,145	109,743
D	241	3,449	227	1,513	31,885	151,011	188,326
E	1,549	6,563	740	6,002	71,994	113,296	200,144
NYR	370	1,163	186	692	4,742	21,025	28,178
Outside⁹	1,589	466	249	974	4,665	13,912	21,855
Totals	3,895	16,799	1,453	9,574	125,397	414,686	571,804

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 are still within the 28 days so are not overdue an inspection, but they are recorded as not yet rated (NYR).

A comparison of the split of risk ratings of food establishments¹⁰ indicates a reduction of 3.8% in higher risk establishments rated A to C (from 138,526 in 2016/17 to 133,301 in 2017/18).

⁹ 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.

¹⁰ 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/about-us/food-and-feed-codes-of-practice

Table 2: Registered food establishments profile by country for 2017/18

Country	Primary producers	Manufacturers & Packers	Importers/ Exporters	Distributors/ Transporters	Retailers	Restaurants & Caterers	Totals
England	3,448	14,443	1,388	8,746	114,102	373,344	515,471
Northern Ireland	106	1,252	49	432	4,030	15,781	21,650
Wales	341	1,104	16	396	7,265	25,561	34,683
Totals	3,895	16,799	1,453	9,574	125,397	414,686	571,804

The total number of food establishments decreased by 0.3% compared with 2016/17 (573,583 food establishments).

4.2 Establishments ‘Not Yet Rated’ for food hygiene

The distribution across LAs of the proportion of food establishments NYR for food hygiene risk at 31 March 2018, based on LAs for which comparable data are available for the past three years (325 out of 355), indicates:

- 2% of LAs had no food establishments awaiting an inspection (NYR)
- for the majority of LAs (90%) the proportion of food establishments NYR 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 (140 out of 177), the 2017/18 data indicates for food establishments NYR at 31 March 2018:

- 63% of LAs had under 10% of food establishments awaiting an initial inspection (NYR)
- 18% of LAs had more than 20% of their food establishments NYR.

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.¹¹ 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 protect consumers through the assessment or investigation of business compliance with relevant food legislation and centrally issued guidance, and/or to offer advice and guidance to businesses.

5.1 Food hygiene interventions

A total of 350,348 food hygiene interventions were reported in 2017/18 in England, Northern Ireland and Wales (see Table 3), similar to the reported number carried out in 2016/17 (350,698).

The figures in this section include interventions at establishments that have subsequently ceased trading.

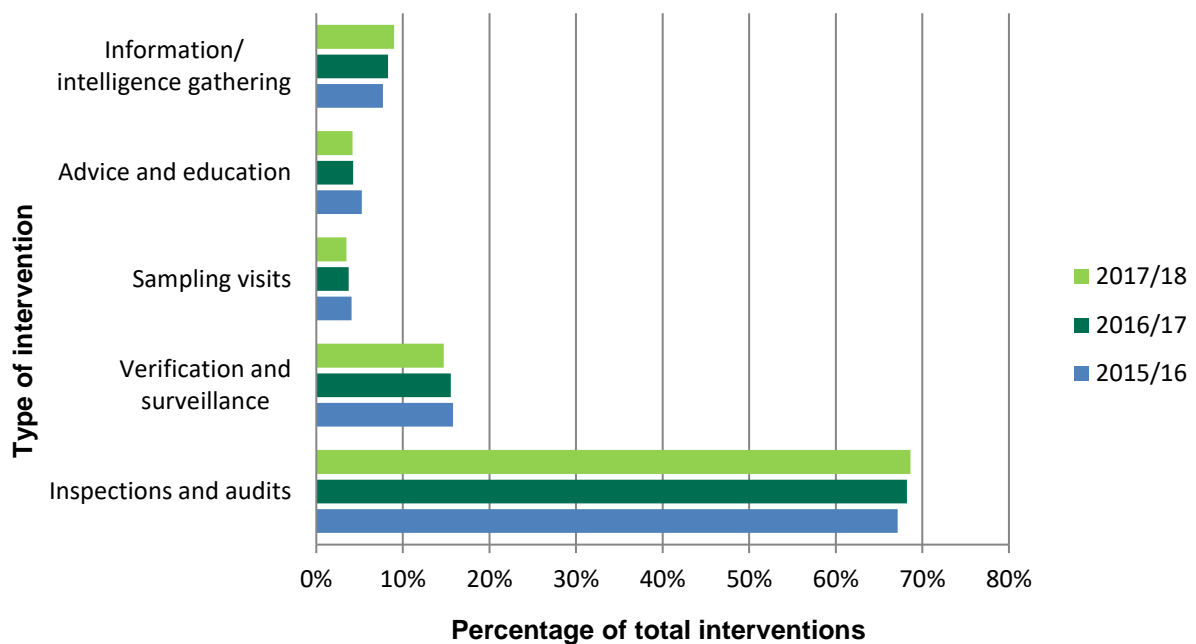
Table 3: Food hygiene interventions carried out in 2017/18

Country	Inspections and audits	Verification and surveillance	Sampling visits	Advice and education	Information/intelligence gathering	Totals
England	213,668	43,528	8,024	12,903	28,296	306,419
Northern Ireland	8,553	3,098	2,542	1,130	714	16,037
Wales	18,252	4,927	1,599	653	2,461	27,892
Totals	240,473	51,553	12,165	14,686	31,471	350,348
Intervention types as a % of total food hygiene interventions						
England	69.7%	14.2%	2.6%	4.2%	9.2%	100.0%
Northern Ireland	53.3%	19.3%	15.9%	7.0%	4.5%	100.0%
Wales	65.4%	17.7%	5.7%	2.3%	8.8%	100.0%
Totals	68.6%	14.7%	3.5%	4.2%	9.0%	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 interventions types (see Figure 1).

¹¹ Food Law Codes of Practice for England, Wales and Northern Ireland
www.food.gov.uk/about-us/food-and-feed-codes-of-practice

Figure 1: Comparison of split between types of food hygiene interventions from 2015/16



The number of interventions due are based on the frequencies laid down in the Food Law Code of Practice (FLCoP)¹² plus follow up visits and any outstanding interventions that were due before the start of the reporting year. Figure 2 and Table 4 show the trend for LAs to target higher risk establishments (Category A to C) for food hygiene interventions rather than undertaking planned interventions at lower risk establishments. However, compared with previous years there has been a rise in interventions at lower risk establishments (Category C, D and E). The percentage of food hygiene due interventions achieved at NYR food establishments fell slightly from 89.9% across the three countries in 2016/17 to 88.5% in 2017/18.

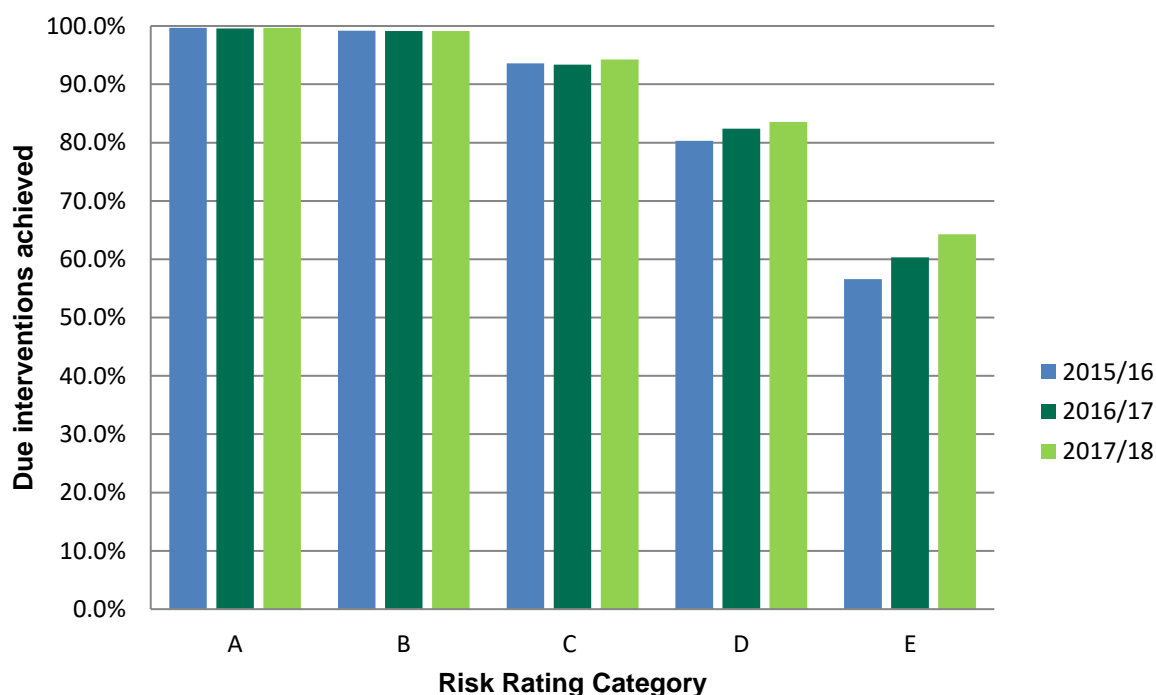
¹² Food Law Codes of Practice for England, Wales and Northern Ireland
www.food.gov.uk/about-us/food-and-feed-codes-of-practice

Table 4: Percentage of food hygiene due interventions achieved in 2017/18

Country	A	B	C	D	E	NYR	Totals
England	99.7%	99.1%	93.6%	83.2%	62.8%	87.9%	86.1%
Northern Ireland	100.0%	98.7%	92.3%	85.5%	80.3%	94.6%	90.1%
Wales	100.0%	100%	99.6%	91.8%	74.7%	93.1%	93.8%
Totals	99.7%	99.2%	94.3%	83.6%	64.3%	88.5%	86.8%

The percentages in Table 4 are averages, but there is wide variation between individual LAs.¹³

Figure 2: Comparison of percentage of due food hygiene interventions achieved from 2015/16



5.2 Food standards interventions

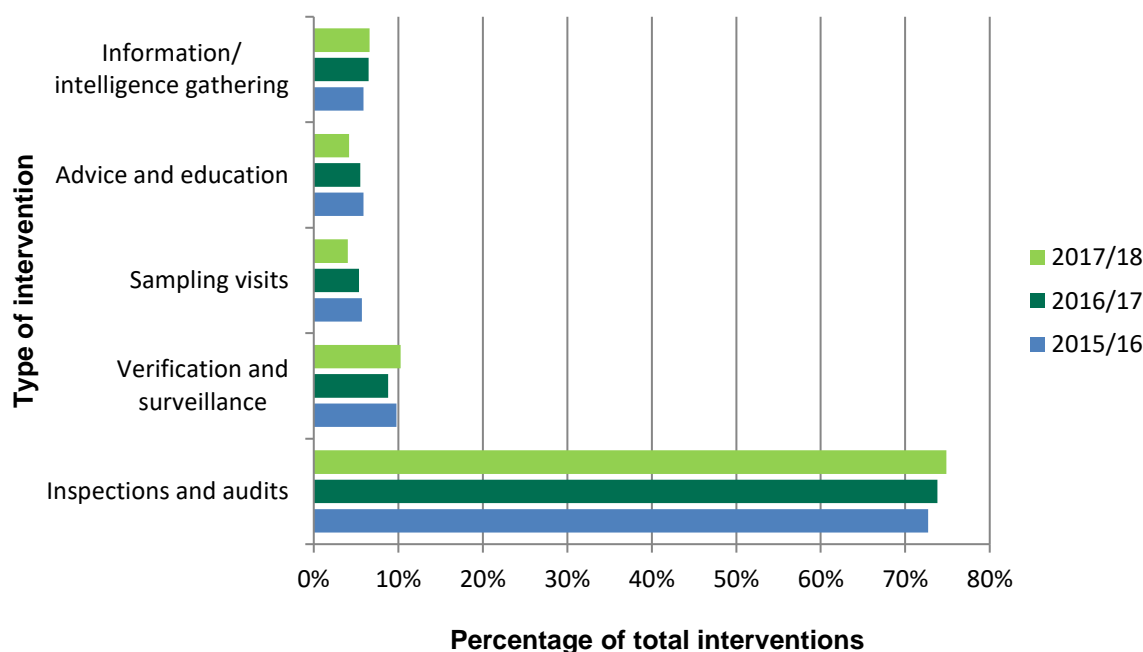
Reported numbers of food standards interventions in England, Northern Ireland and Wales increased, with a total of 102,582 interventions carried out in 2017/18, an increase of 6.5% on the reported number carried out in 2016/17 (96,302). A breakdown for 2017/18 by intervention type and country is provided at Table 5.

¹³ Individual LA data are published at: www.food.gov.uk/about-us/local-authorities (Local Authority Enforcement Monitoring System - data)

Table 5: Food standards interventions carried out in 2017/18

Country	Inspections and audits	Verification and surveillance	Sampling visits	Advice and education	Information/intelligence gathering	Totals
England	61,281	7,343	2,564	3,346	5,811	80,345
Northern Ireland	5,255	2,066	1,050	716	720	9,807
Wales	10,284	1,120	537	230	259	12,430
Totals	76,820	10,529	4,151	4,292	6,790	102,582
Intervention types as a % of total food standards interventions						
England	76.3%	9.1%	3.2%	4.2%	7.2%	100.0%
Northern Ireland	53.6%	21.1%	10.7%	7.3%	7.3%	100.0%
Wales	82.7%	9.0%	4.3%	1.9%	2.1%	100.0%
Totals	74.9%	10.3%	4.0%	4.2%	6.6%	100.0%

Figure 3: Comparison of split between types of food standards interventions from 2015/16



The split between food standards intervention types is fairly consistent with 2016/17 (see Figure 3). However, when considering individual countries there was a large increase in verification and surveillance visits as a percentage of all food standards interventions from 9.8% in 2016/17 to 21.1% in Northern Ireland in 2017/18 and a small increase in information and intelligence gathering while all other interventions decreased as a percentage of the total.

The total percentage of due interventions achieved has increased in all three countries. The highest increase was in Wales from 61.0% in 2016/17 to 75.9% in 2017/18. While LAs have continued to target higher risk establishments (Category A) for food standards

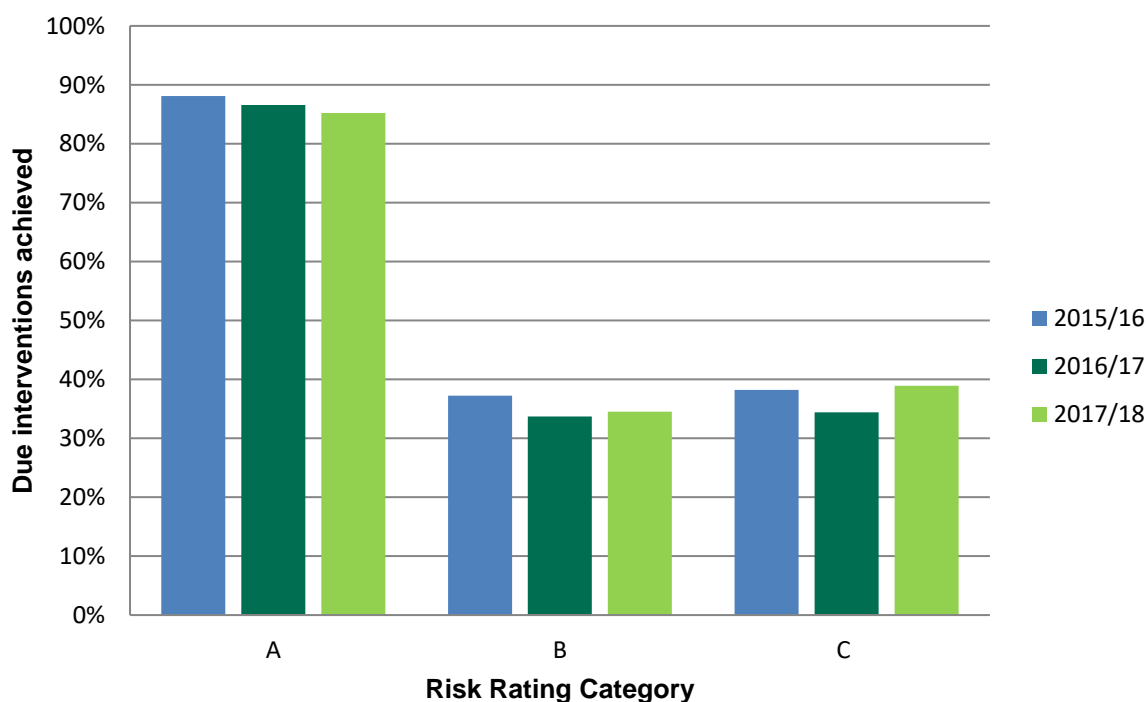
interventions (see Table 6 and Figure 4), there was a slight decrease in the proportion of interventions at A-rated establishments from 86.6% in 2016/17 to 85.2% in 2017/18.

The overall figure of 42.3% of due interventions achieved reflects the low levels in England compared with the two other countries. We are aware from LA feedback that there is a continuing trend for LAs to use more intelligence led approaches for food standards, particularly for establishments in the lower risk categories.

Table 6: Percentage of food standards due interventions achieved 2017/18

Country	A	B	C	NYR	Totals
England	82.3%	30.3%	33.8%	57.1%	37.4%
Northern Ireland	95.9%	89.9%	86.2%	90.6%	88.1%
Wales	99.1%	79.1%	71.9%	73.6%	75.9%
Totals	85.2%	34.5%	38.9%	60.9%	42.3%

Figure 4: Comparison of percentage of due food standards interventions achieved from 2015/16



Where food standards risk assessments are based on the National Trading Standards Risk Assessment Scheme,¹⁴ the intervention frequency for food standards purposes should not be less than would have been the case under the FLCoP scheme.¹⁵

However, based on the LAs for which we can make comparisons over the past three years (128 out of 177), authorities using the FSA's Code of Practice guidance carried out around four times as many food standards interventions as those using the LACORS / NTSB schemes. 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.

¹⁴ 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.

¹⁵ See Food Law Codes of Practice 2017, Frequency of controls for England, Northern Ireland and Wales: www.food.gov.uk/about-us/food-and-feed-codes-of-practice

6. Enforcement actions

Enforcement actions are the steps, measures and sanctions an LA can take in response to a food establishment's failure to comply with food law. 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 England, Northern Ireland and Wales in 2017/18 was 155,861 compared with 152,405 in 2016/17. This represents an increase of 2.3%.¹⁶ The figures in this section may include enforcement actions at premises that have subsequently closed.

Table 7: Number of establishments subject to food hygiene enforcement actions in 2017/18

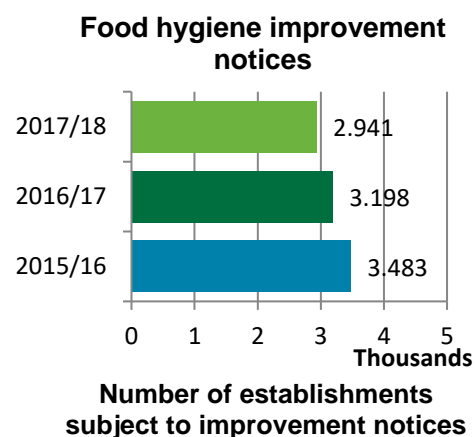
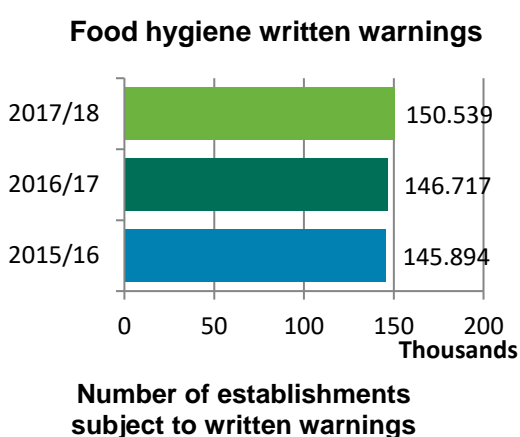
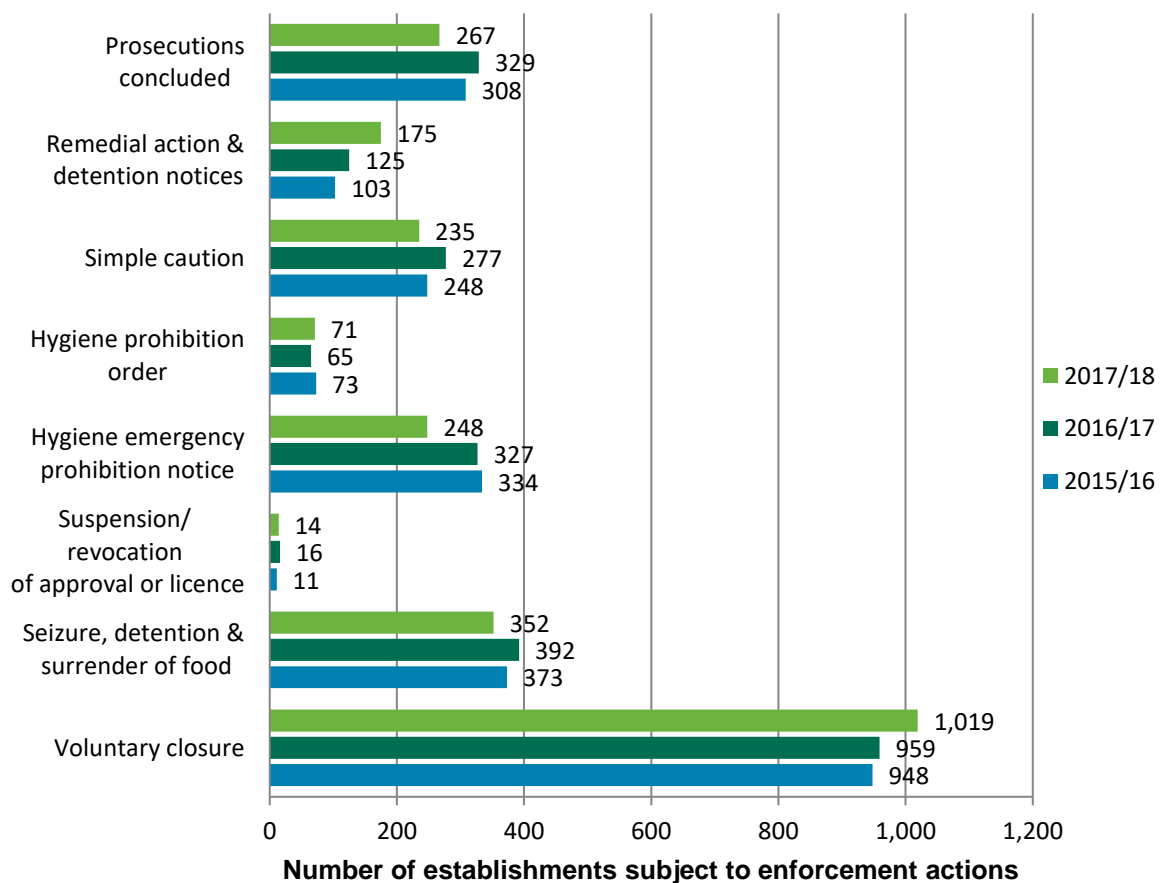
	England	Northern Ireland	Wales	Totals
Voluntary closure	912	13	94	1,019
Seizure, detention & surrender of food	289	31	32	352
Suspension/revocation of approval or licence	13	0	1	14
Hygiene emergency prohibition notice	240	1	7	248
Hygiene prohibition order	66	1	4	71
Simple caution	222	2	11	235
Hygiene improvement notices	2,720	14	207	2,941
Remedial action and detention notice ¹⁷	96	7	72	175
Prosecutions concluded	251	3	13	267
Total formal enforcement actions	4,809	72	441	5,322
Written warnings	130,707	6,367	13,465	150,539
Totals	135,516	6,439	13,906	155,861

¹⁶ 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.

¹⁷ 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 Wales and Northern Ireland extended the scope of RANs into premises that are registered under Regulation 852/2004.

Table 7 shows that 150,539 establishments received written warnings (see glossary for more information) and 5,322 establishments received at least one type of formal enforcement action.

Figure 5: Comparison of food hygiene enforcement actions from 2015/16



The enforcement actions for which there have been increases include remedial action and detention notices, hygiene prohibition orders and voluntary closures (see Figure 5).

6.2 Food standards enforcement actions

The total number of establishments reported in England, Northern Ireland and Wales subject to at least one type of food standards enforcement action in 2017/18 was 20,894 (see Table 8 and Figure 6), an overall increase of 5.4% of the total number in 2016/17 (19,832). There were 411 establishments that received at least one type of formal enforcement action.

However, in England there was an overall decrease of 19.8% in the reported number of formal enforcement actions reported (from 460 in 2016/17 to 369 in 2017/18), but with an increase of over 100% in improvement notices from 109 in 2016/17 to 240 in 2017/18. The number of establishments subject to written warnings in England remained stable (15,721 in 2016/17 compared with 15,780 in 2017/18). The numbers increased in the other two countries, by 23.3% in Wales from 1,965 in 2016/17 to 2,423 in 2017/18 and by 41.4% in Northern Ireland from 1,613 in 2016/17 to 2,280 in 2017/18.

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 2014.¹⁸ Our intelligence suggests the continued increase in standards improvement notices over the past year may primarily be due to actions following changes in the food allergen labelling regulations.¹⁹

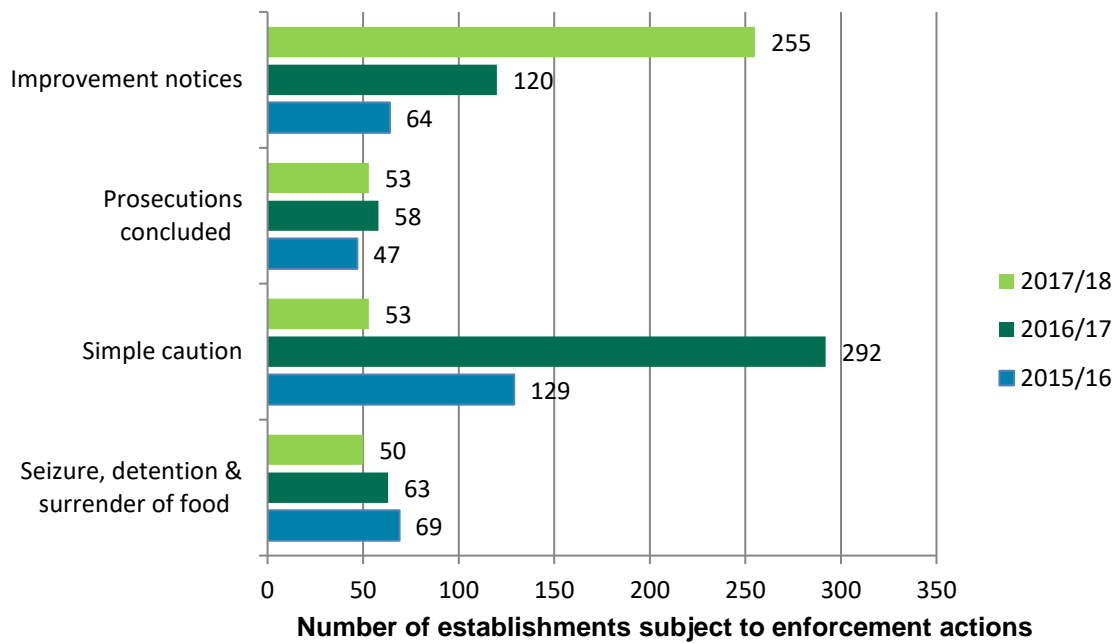
Table 8: Number of establishments subject to food standards enforcement actions 2017/18

	England	Northern Ireland	Wales	Totals
Seizure, detention & surrender of food	44	2	4	50
Simple caution ²⁰	43	2	8	53
Prosecutions concluded	42	2	9	53
Standards improvement notice	240	0	15	255
Total formal enforcement actions	369	6	36	411
Written warnings	15,780	2,280	2,423	20,483
Totals	16,149	2,286	2,459	20,894

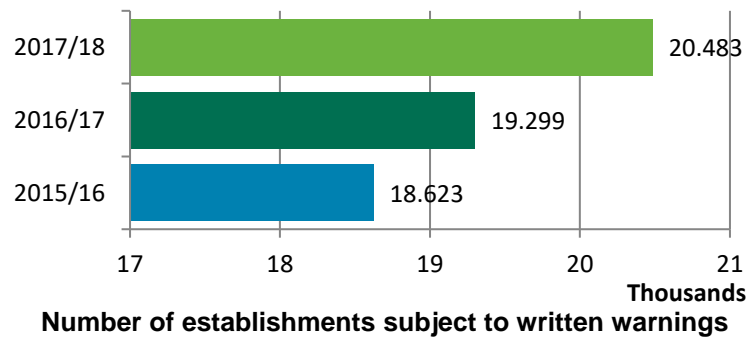
¹⁸ See www.food.gov.uk/business-guidance/allergen-labelling

¹⁹ 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.

Figure 6: Comparison of food standards enforcement actions from 2015/16



Food standards written warnings



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 45,210 official food samples²¹ were reported to be taken in England, Northern Ireland and Wales in 2017/18 (see Table 9), a decrease of 10.1% from 2016/17 (50,312). Figure 7 provides a comparison of sampling data since 2015/16.²² The decrease in reported sampling in the past year was greatest in England, with a decrease of 14.2% from 36,622 samples in 2016/17 to 31,413 samples in 2017/18. There was a smaller decrease of 2.4% for Northern Ireland from 8,909 samples in 2016/17 to 8,693 in 2017/18, while in Wales there was an increase of 6.7% from 4,781 samples in 2016/17 to 5,104 in 2017/18. In England the reduction since 2016/17 was for all types of analyses/tests.

There were 16 English authorities that reported no sampling data during 2017/18, 10 of which were district councils. Of those authorities that responded to our request to confirm zero sampling, the reason provided was resource issues.

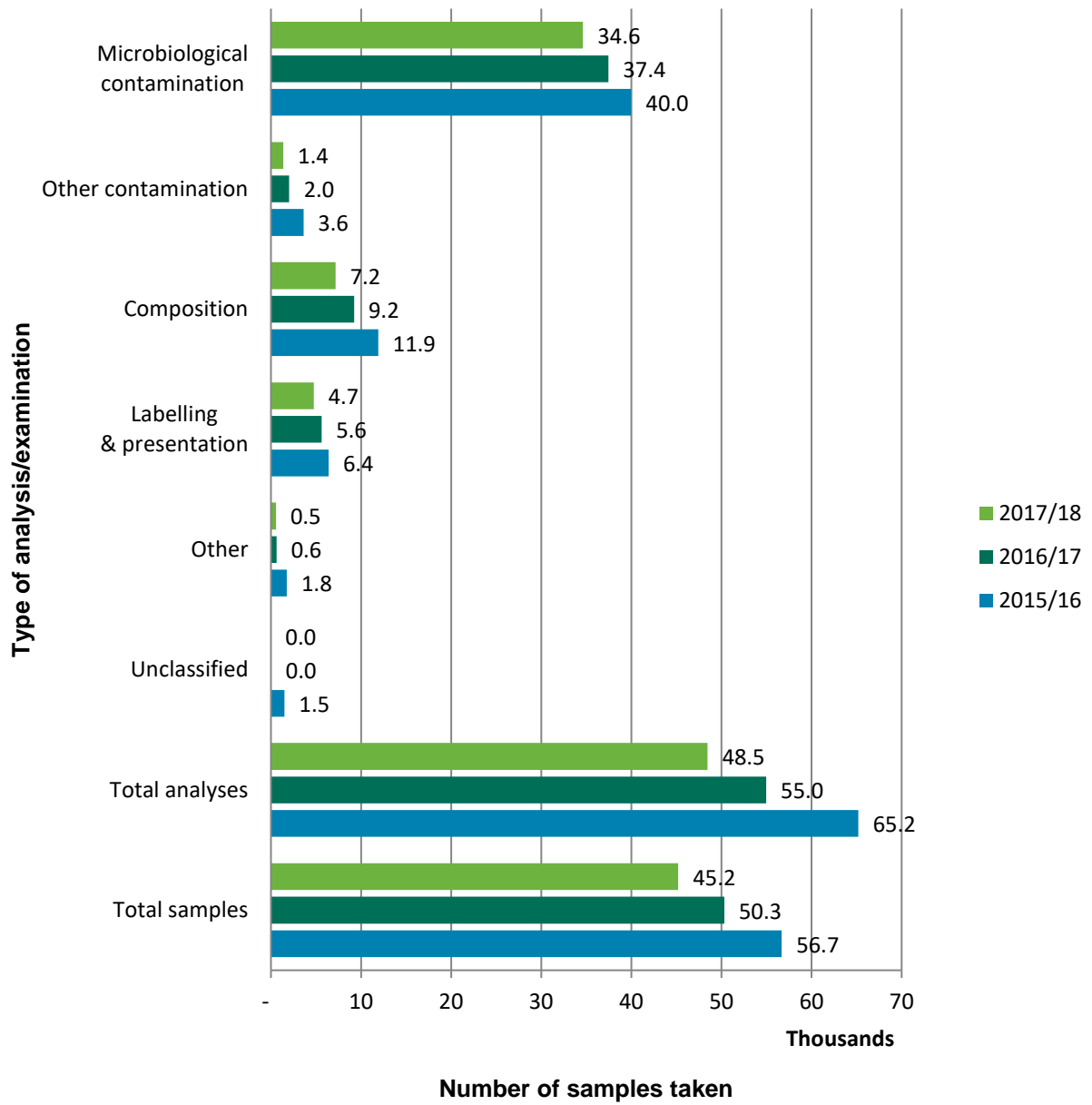
Table 9: Official samples in 2017/18

	England	Northern Ireland	Wales	Totals
Microbiological contamination	24,639	6,059	3,929	34,627
Other contamination	1,194	29	150	1,373
Composition	4,007	2,142	1,014	7,163
Labelling & presentation	2,526	1,839	379	4,744
Other	342	184	21	547
Total analyses/ examinations	32,708	10,253	5,493	48,454
Total samples	31,413	8,693	5,104	45,210

²¹ Official samples are those analysed/tested by official control laboratories. The FSA monitoring returns only collect data on official samples.

²² In 2017/18 all LAs were asked to record their sampling return on LAEMS. In previous years LAs' that used the UK Food Surveillance System could use the sampling reports from that system but where it was not possible to map the analysis type to the LAEMS analysis type, samples were identified as unclassified.

Figure 7: Comparison of sampling data from 2015/16



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.²³

LAs in England, Northern Ireland and Wales reported a total of 77,627 consumer complaints about food and food establishments dealt with during 2017/18 – details are provided at Table 10.²⁴ This represents an overall decrease of 1.7% from 78,960 in 2016/17 across the three countries.

Table 10: Consumer complaints dealt with in 2017/18

	Food complaint - hygiene	Hygiene of food establishment	Food complaint - standards	Totals
England	21,887	39,141	10,004	71,032
Northern Ireland	327	1,186	685	2,198
Wales	1,276	2,424	697	4,397
Totals	23,490	42,751	11,386	77,627

The reported number of consumer complaints dealt with by LAs changed from 2016/17 to 2017/18 as follows:

- England: 2.5% decrease (from 72,874 to 71,023)
- Northern Ireland: 16.9% increase (from 1,880 to 2,198)
- Wales: 4.5% increase (from 4,206 to 4,397)

²³ See www.food.gov.uk/about-us/local-authorities (Framework Agreement)

²⁴ A service was introduced on the FSA's website in February 2016 where a food problem can be reported to the business's LA, see www.food.gov.uk/contact/consumers/report-problem

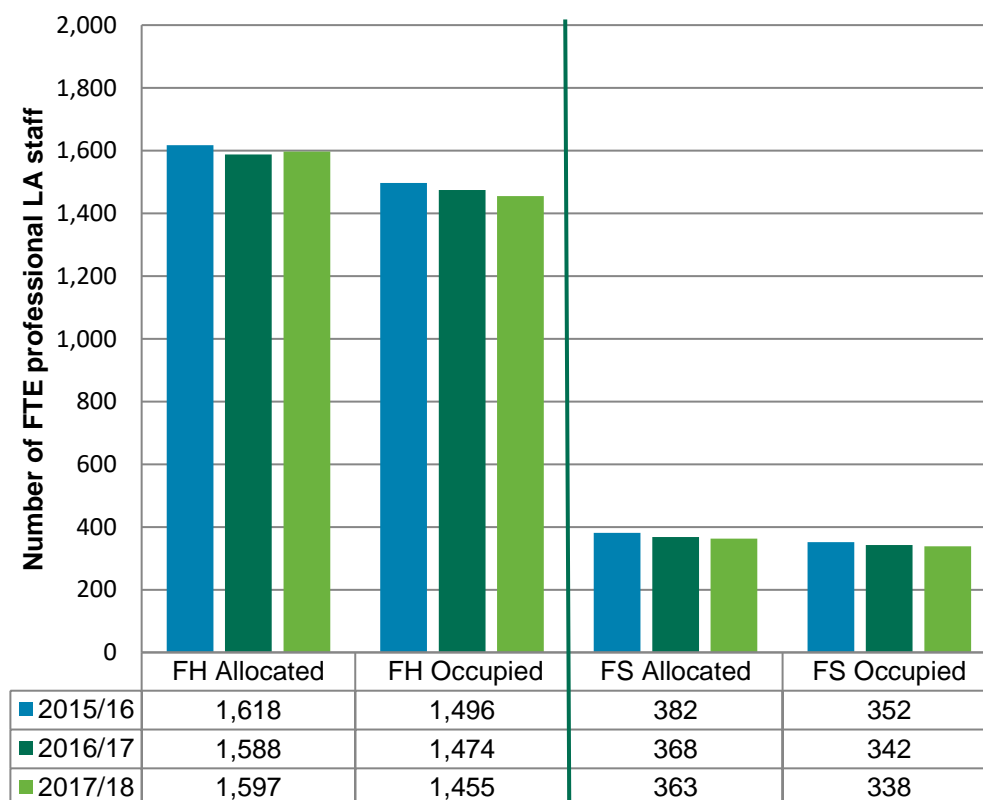
9. Full time equivalent (FTE) professional staff

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 1,793 FTE professional LA staff were reported as being in post at 31 March 2018, an overall reduction of 1.3% from 1,816 in 2016/17 (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’.²⁵ 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 food law enforcement from 2015/16



²⁵ The FSA’s guidance to LAs advises that contractors should be included in estimates of posts occupied and where a staff member only spends a proportion of their time on food hygiene and/or food standards issues, the calculation should reflect this.

The number of vacant FTE posts reported at 31 March 2018 was 167, an increase of 19.3% (from 140 in 2016/17).

Table 11 shows the variation of FTE professional staff in post per 1000 food establishments across the individual countries over the past three years. The total figure reflects the lower pro-rata number from LAs in England.

Table 11: Number of professional FTE staff in post per 1000 food establishments

Number of FTEs in post per 1000 establishments	2015/16	2016/17	2017/18
England	3.0	3.0	2.9
Northern Ireland	4.5	4.2	4.3
Wales	5.5	5.7	6.0
Totals	3.2	3.2	3.1

10. Food hygiene compliance

LAs assess food hygiene compliance in accordance with statutory guidance set out in the Food Law Code of Practice.²⁶ For England, Wales and Northern Ireland, in Food Hygiene Rating Scheme (FHRS) terms 'Broadly compliant' is equivalent to a food hygiene ratings of 3 (generally satisfactory) or above.

When all food establishments are considered, including establishments not yet rated (NYR), the level of 'broad compliance' reported in LAEMS data across England, Northern Ireland and Wales at 31 March 2018 was similar to the previous year (90.2% compared with 90.0%), see Table 12. The decrease in NYR food establishments from 7.0% to 2.8% in Northern Ireland may relate to the statutory FHRS there and requests for an initial rating.²⁷

Table 12: Food establishment food hygiene compliance levels 2017/18 (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	
	2017/18	2016/17	2017/18	2016/17	2017/18	2016/17
England	89.8	89.8	4.8	5.2	5.4	5.0
Northern Ireland	95.4	91.2	1.8	1.8	2.8	7.0
Wales	93.5	92.6	4.2	4.2	2.4	3.2
Totals	90.2	90.0	4.7	5.0	5.1	4.9

When considering only rated establishments in the three countries there was little change in the level of 'broad compliance' at 31 March 2018 of 95.1% compared with 94.7% in 2016/17.

Based on LAs in the three countries for which we are able to compare results over the past three years (291 out of 355 LAs), the reported LAEMS data indicates an improvement in compliance with food hygiene legislation from 2015/16 to 2017/18 (see Figure 9):²⁸

- the proportion of all rated food establishments achieving 'broad compliance' (in FHRS terms this is equivalent to a food hygiene rating of 3 or above), increased over the three years from 94.3% in 2015/16 to 95.3% in 2017/18

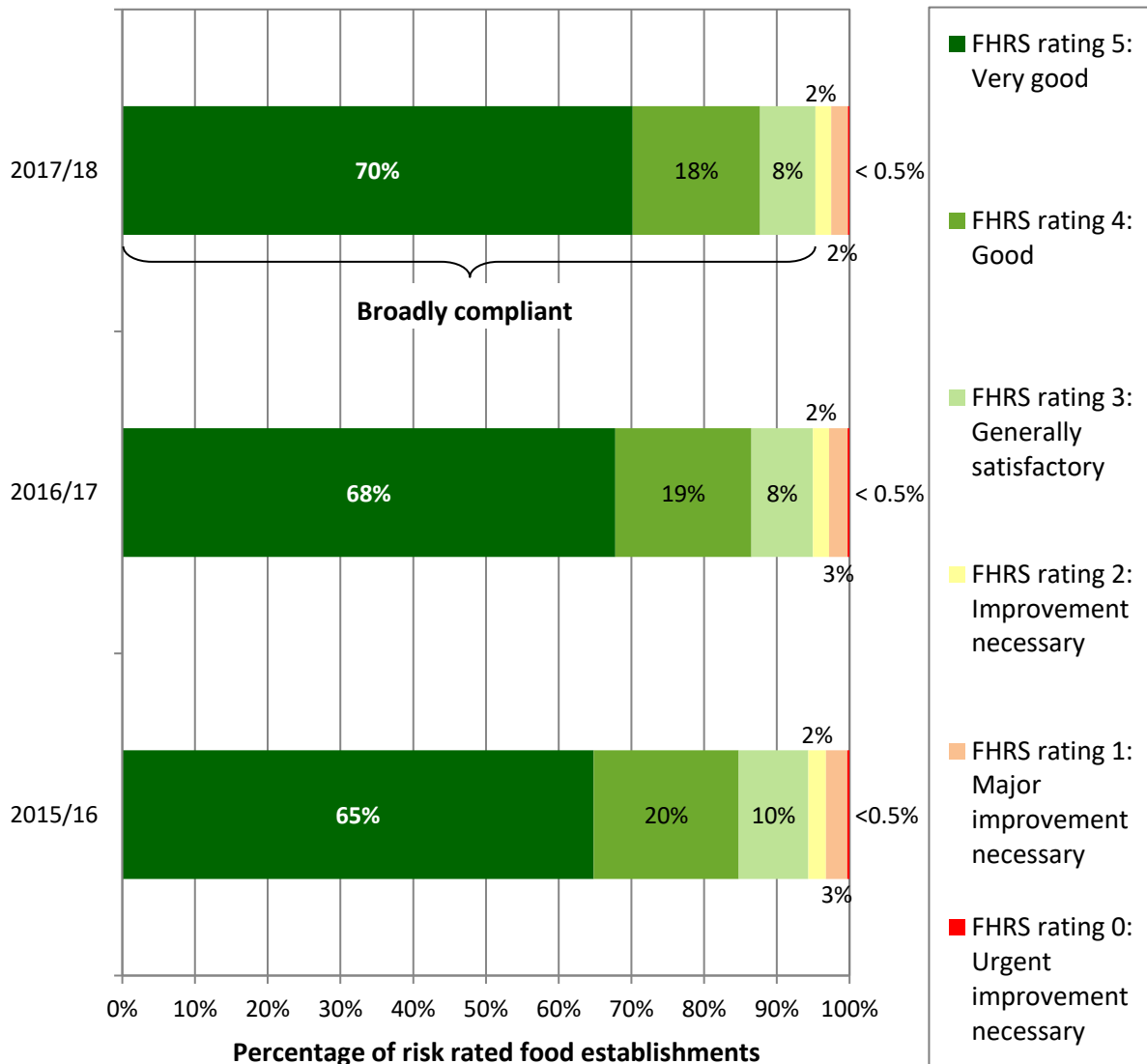
²⁶ See information on intervention rating schemes: Food Law Code of Practice 2017 for England, Wales and Northern Ireland at www.food.gov.uk/about-us/food-and-feed-codes-of-practice

²⁷ FHRS became statutory in Northern Ireland in October 2016.

²⁸ The LAEMS data includes all rated establishments. For FHRS, all businesses that supply food 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 includes businesses supplying other businesses.

- the proportion of all rated food establishments that were considered either ‘good’ or ‘very good’ (in FHRs terms this is equivalent to food hygiene ratings of 4 or 5), increased from 84.8% to 87.7% over this period
- at the lower end of the food hygiene compliance scale, the proportion of all rated food establishments which required ‘urgent’ or ‘major improvement’ (in FHRs terms this is equivalent to food hygiene ratings of 0 or 1) decreased from 3.2% to 2.5% over this period.

Figure 9: Level of food hygiene compliance of food establishments: 2015/16 to 2017/18



Basis: 291 out of 355 LAs

When considering the changes in broad compliance rates for different types of rated food establishments where comparable data are available (286 out of 355 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 2017/18 (98% and 97% respectively)

- 'retailers' showed an improvement in levels of broad compliance from 94% to 95% between 2015/16 and 2017/18
- 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 2017/18 was 87%, an improvement from 85% in 2015/16.

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.²⁹ 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,³⁰ 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.³¹

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 changes in control requirements and foods subject to enhanced consignment checks, meaningful comparisons cannot be made about imported food activity at ports from one year to another.

²⁹ For more information on import controls see, www.food.gov.uk/business-guidance/importing-high-risk-foods
www.food.gov.uk/business-guidance/imported-food-trade-information
www.food.gov.uk/business-guidance/port-designations#designated-points-of-entryimporters-must-notify-designated-points-of-entry-dpes-at-least-one-wor

³⁰ See TRACES: ec.europa.eu/food/animal/diseases/traces/index_en.htm

³¹ 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 over 550,000 food establishments operating in England, Northern and Wales. 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.³²

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:

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

The denominator includes all FEs, even those for which the most recent intervention was prior to 1 April 2017.³³ Thus % Broad Compliance is a status variable, reflecting the situation at 31 March 2018, 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

³² Information on LAEMS is available at <https://www.food.gov.uk/about-us/local-authorities>

³³ 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.³⁴

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 sampling data for on LAEMS since 2016/17. Although most LAs have followed this advice, a number did not and data from UK Food Surveillance System (UKFSS) were used.

³⁴ 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).³⁵

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. In Food Hygiene Rating Scheme (FHRS) terms 'broadly compliant' is equivalent to a rating of 3 ('Generally satisfactory'), or above.

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 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 3 years

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

Food Hygiene Rating Scheme (FHRS): This scheme operates in partnership with all LAs across England, Northern Ireland and Wales. (Statutory schemes requiring food businesses to display a rating operate in Wales and Northern Ireland, while 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

³⁵ Food Law Codes of Practice for England, Wales and Northern Ireland at:

www.food.gov.uk/about-us/food-and-feed-codes-of-practice

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, as illustrated in the table below. All businesses that supply food 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 includes 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 interventions 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	A programme of alternative enforcement strategies or intervention every 5 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) should be 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 boroughs, metropolitan and county boroughs and city councils which are generally 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: For the purposes of LAEMS examples of primary producers include:

- Fruit and vegetable growers
- Pick your own farms
- Egg producers
- Potato growers
- Fish farms
- Beekeepers
- Vineyards

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.