

**Report on the Audit of Official Controls on Feed of  
Non-Animal Origin (FNAO) and Feed  
Establishments, Including Primary Producers**

Buckinghamshire County Council  
20-21 September 2011



## Foreword

Audits of local authorities' feed and food law enforcement services are part of the Food Standards Agency's arrangements to improve consumer protection and confidence in relation to food and feed. These arrangements recognise that the enforcement of UK food and feed law relating to food safety, hygiene, composition, labelling, imported food and feeding stuffs is largely the responsibility of local authorities. These local authority regulatory functions are principally delivered through their Environmental Health and Trading Standards Services. The Agency's website contains enforcement activity data for all UK local authorities and can be found at:

[www.food.gov.uk/enforcement/auditandmonitoring](http://www.food.gov.uk/enforcement/auditandmonitoring).

This programme of focused audits in England and Wales has been specifically developed to address two of the priorities identified in the Food Standard Agency's Strategy for 2010-2015 in meeting the outcomes that feed meets the legislative requirements for animal consumption and is safe to enter the human food chain and that regulation is effective, risk-based and proportionate. The strategic priority is to ensure risk-based, targeted checks at inland feed establishments and effective local authority monitoring throughout the feed chain. The audits will also be an opportunity for the Agency to establish the level of controls being implemented by Local Authorities (LAs) following the FVO Mission to the United Kingdom on animal feed controls which took place from 16-26 June 2009. The report entitled 'The Implementation of Measures Concerning Official Controls on Feed Legislation' is available from the Europa website at:

[http://ec.europa.eu/food/fvo/rep\\_details\\_en.cfm?rep\\_id=2335](http://ec.europa.eu/food/fvo/rep_details_en.cfm?rep_id=2335).

The programme examined local authority (LA) systems and procedures for control of feed at inland authorities, in 10 geographically representative LAs in England and 2 in Wales. The audits were confined to feed not of animal origin (FNAO). A similar audit programme in Scotland is being scheduled later in 2011.

Agency audits assess local authorities' conformance against the Feed and Food Law Enforcement Standard ("The Standard"), which was published by the Agency as part of the Framework Agreement on Official Feed and Food Controls by Local Authorities (amended April 2010) and is available on the Agency's website at: [www.food.gov.uk/enforcement/auditandmonitoring](http://www.food.gov.uk/enforcement/auditandmonitoring).

It should be acknowledged that there will be considerable diversity in the way and manner in which local authorities may provide their feed enforcement services reflecting local needs and priorities.

The main aim of the audit scheme is to maintain and improve consumer protection and confidence by ensuring that local authorities are providing an effective feed law enforcement service. The scheme also provides the opportunity to identify and disseminate good practice and provide information to inform Agency policy on feeding stuffs. Parallel local authority audit

schemes are implemented by the Agency's offices in all devolved countries comprising the UK.

For assistance, a glossary of technical terms used within the audit report can be found at Annexe C.

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## **1. Introduction**

- 1.1 This report records the results of an audit of Buckinghamshire County Council with regard to feed law enforcement, under relevant headings of the Food Standards Agency Feed and Food Law Enforcement Standard. The audit focused on the Service's arrangements for inland controls of feed of non-animal origin. The audit was undertaken as part of the Agency's focused audit programme of feed controls in England and Wales. This report has been made publicly available on the Agency's website at:

[www.food.gov.uk/enforcement/auditandmonitoring/auditreports](http://www.food.gov.uk/enforcement/auditandmonitoring/auditreports)

Hard copies are available from the Food Standards Agency's Local Authority Audit and Liaison Division at Aviation House, 125 Kingsway, London WC2B 6NH, Tel: 020 7276 8428.

### ***Reason for the Audit***

- 1.2 The power to set standards, monitor and audit local authority feed and food law enforcement services was conferred on the Food Standards Agency by the Food Standards Act 1999 and the Official Feed and Food Controls (England) Regulations 2009. This audit of Buckinghamshire County Council was undertaken under section 12(4) of the Act as part of the Food Standards Agency's annual audit programme. Regulation (EC) No. 882/2004 on official controls performed to ensure the verification of compliance with feed and food law includes a requirement for competent authorities to carry out internal audits or to have external audits carried out. The purpose of these audits is to verify whether official controls relating to feed and food law are effectively implemented. To fulfil this requirement, the Food Standards Agency, as the central competent authority for feed and food law in the UK has established external audit arrangements. In developing these, the Agency has taken account of the European Commission guidance on how such audits should be conducted.<sup>1</sup>
- 1.3 Buckinghamshire County Council was included in the Food Standards Agency's programme of audits of local authority feed law enforcement services to be representative of a geographical mix of 12 feed law enforcement LAs across England and Wales.

### ***Scope of the Audit***

- 1.4 The audit examined Buckinghamshire County Council's systems and procedures for the control of feed not of animal origin (FNAO).
- 1.5 The audit scope included the assessment of local arrangements for service planning, delivery and review, provision and adequacy of

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<sup>1</sup> Commission Decision of 29 September 2006 setting out the guidelines laying down criteria for the conduct of audits under Regulation (EC) No. 882/2004 of the European Parliament and of the Council on official controls to verify compliance with feed and food law, animal health and animal welfare rules (2006/677/EC)

officer training, authorisations, implementation and effectiveness of feed control activities, including inspection, sampling and enforcement. Maintenance and management of appropriate records in relation to feed and internal service monitoring arrangements were also covered.

- 1.6 The on-site element of the audit took place at the Authority's offices at Walton Street, Aylesbury, Buckinghamshire on 20-21 September 2011. The audit included a reality check to assess the effectiveness of official controls implemented by the Service and more specifically, the checks carried out by the Service's officers to verify compliance with feed law requirements.
- 1.7 The information gained during this programme will be incorporated into a summary report on the feed inspection and control activities audit programme.

### ***Background***

- 1.8 Buckinghamshire is a large rural area close to London and covers approximately 156,509 hectares. The population is around 479,000 (2001 census). The north of the County is predominantly rural, with small market towns, whilst the south is more urbanised. Aylesbury and High Wycombe are the two largest centres of population and these urban areas accommodate nearly 40% of the total population. Over a quarter of Buckinghamshire is included within the Chilterns Area of Outstanding Beauty and a further third is protected as Metropolitan Green Belt, mostly in the south of the County. Overall, Buckinghamshire is relatively wealthy with the average household income 24% higher than the UK average (CACI 2006).
- 1.9 The County Council covers four district council areas and is responsible across the County for the trading standards function. The Trading Standards Service enforces legislation covering animal health and welfare, food standards and weights and measures, and is responsible for monitoring the labelling, compositional standards, and nutritional claims of food and animal feed and for enforcing legislation dealing with the movement, licensing and welfare of livestock.
- 1.10 Feed Law enforcement was carried out by officers of the Trading Standards Service.

## 2. Executive Summary

- 2.1 The Authority had developed a Food Enforcement Plan for 2011/12 which included reference to feed law enforcement together with a draft Localities and Safer Communities Service Plan 2011/12.
- 2.2 The Food Enforcement Plan was generally in accordance with the Service Planning Guidance in the Framework Agreement, however, it could be further improved to include key information such as feed demands on the service including full feed premises profiles and a feed premises interventions programme. The Plan would also benefit from a realistic comparison of the resources required to deliver the feed law enforcement service against the resources available to the Authority, based on the full range of statutory demands placed upon it, taking account of the National Enforcement Priorities for feed authorities.
- 2.3 The Plan also confirmed that the Authority based their operational approach on systems thinking and officers follow the principles established by this method. Auditors were advised that the Authority took account of customer demands and legal obligations in delivering services however there was limited evidence of recent proactive implementation of official feed controls in accordance with the Feed Law Enforcement Code of Practice (FLECP) and the National Enforcement Priorities.
- 2.4 As part of their approach the Service had determined that it could operate satisfactorily with limited documented policies and procedures. Key policies and procedures such as feed establishment inspections/interventions, feed enforcement and follow-up, feed sampling, internal monitoring and database control required by Regulation (EC) No. 882/2004 and the Framework Agreement had not been developed.
- 2.5 The Service had a system for the authorisation of officers however this was not based on any documented procedures. The Authority had a generic authorisation for all officers which covered the full range of feed law enforcement powers. Auditors discussed limiting key formal enforcement powers to certain officers in accordance with their individual levels of competence, training and experience.
- 2.6 Officer training needs were identified as part of an appraisal performance review and thereafter on an on-going basis. Records of training confirmed that key feed officers had generally acquired the 10 hours of on-going training in accordance with the requirements of the FLECP. Auditors discussed the benefits of appropriate feed HACCP training for these officers and more general feed training for other officers. It was noted that investigative skills training was due to be undertaken shortly.

- 2.7 The Authority had an electronic database for the recording of feed law enforcement activities, which was capable of providing information necessary for official returns. It was not clear whether the most recent returns were entirely accurate as there was some difficulty in extracting feed inspection data for verification purposes.
- 2.8 There were some inaccuracies between the public 'hard copy' register of feed establishments and the electronic register held on the database. The Authority was reviewing the database for feed premises to ensure that an accurate list of registered feed premises could be submitted to the Agency. Auditors discussed further data cleansing work and checks that could be carried out to update the database. A procedure for updating and maintaining the accuracy of the database had not been developed. Audit database checks on a random selection of feed businesses from a commercial directory and websites confirmed that not all were recorded on either the database or the register of feed establishments, nor were these establishments included in any interventions/inspections programme.
- 2.9 Audit record checks confirmed that all complaints and referrals had been dealt with appropriately and all feed business operators had been contacted post enquiry or referral. However, the Authority had not developed a documented procedure for dealing with complaints and referrals.
- 2.10 Auditors were advised that the Trading Standards Service concentrated on the inspection of premises that they had identified as high risk, and that no high risk feed establishments had been identified by the Service. The Authority had not implemented a programme of feed establishments interventions/inspections for all risk categories of feed establishments which meant that medium and low risk feed premises had not been inspected at the required frequencies of the FLECP. The Authority had recently applied successfully for an Agency grant to carry out a programme of official feed controls. The Service had identified three feed establishments that were in the scope of the Agency grant funded programme, and intended to inspect these by the end of 2011.
- 2.11 Auditors discussed the benefit of using the Agency's newly issued feed inspection aide-memoire to assist in feed manufacturer inspections to ensure that comprehensive information on feed is captured.
- 2.12 Some historical reactive feed sampling had taken place, however there was no current animal feed sampling programme that took account of the National Enforcement Priorities for feed authorities.
- 2.13 The Authority had developed and implemented an appropriate Enforcement Policy. No formal feed enforcement activity beyond advice had been deemed necessary by the Authority in recent years. The development of feed enforcement procedures and documentation was discussed with the Authority.



- 2.14 Officers attended the Trading Standards South East Group meetings where feed matters were discussed, and had access to relevant feed related information. There was some liaison with the Inspections and Investigations Team (IIT - formerly the Animal Medicines Inspectorate - AMI), however, auditors discussed the benefits of closer liaison with this team and with the relevant district councils to gather intelligence on feed and for further development of official feed controls.
- 2.15 There was evidence of internal monitoring in the form of annual appraisals and team challenge. In addition measures of performance and service delivery were evaluated on a monthly basis. The Service had not developed a documented procedure for qualitative or quantitative monitoring in relation to feed law enforcement in accordance with the Standard in the Framework Agreement.
- 2.16 An officer with responsibility for feed law enforcement was interviewed and auditors were satisfied with his general knowledge of animal feed law enforcement. A reality check visit to a feed wholesaler/retailer was also carried out. The officer had recently visited the feed business and had focused on feed composition and labelling issues. The officer understood the key operations and risks at the establishment. Auditors discussed future inspections particularly in relation to the necessary assessment of feed safety management systems and general feed hygiene requirements.

### **3. Audit Findings**

#### **3.1 Organisation and Management**

##### *Strategic Framework, Policy and Service Planning*

- 3.1.1 The Trading Standards Service within the Localities and Safer Communities Service was responsible for the delivery of the feed law enforcement service. A draft Localities and Safer Communities Service Plan 2011/12 had been developed, however this had not yet been signed off due to a change in political leadership. The Trading Standards Service was described in the Plan:

*'Keeping local people/ their animals safe/ free from harm. Keeping local people financially secure. Supporting the most vulnerable to resolve their individual trading disputes, and tackling wider issues that affect local consumers and businesses.'*

- 3.1.2 The Service had also developed a Food Enforcement Plan for 2011/12, which had been approved by Members. The Plan was generally in line with the Service Planning Guidance in the Framework Agreement, although it did not include all key information such as the likely level of feed demands on the service including full feed premises profiles and an interventions programme. Figures were included for numbers of farms and on farm mixers were the same as those provided in the Plan for 2010/11. The Plan advised that there were just over 2,300 farms in the County and approximately 1,700 farms kept livestock that could form part of the food chain. Around 475 primary producers and 182 on farm mixers had been identified whilst no figures or risk ratings were provided for other feed businesses such as feed manufacturers or premises handling surplus food or co-products. Whilst the Plan included a feed staffing resource allocation of 0.3 full time equivalents (FTE) it did not include a realistic comparison of the resources required to deliver the feed law enforcement service against the resources available to the Authority, based on the full range of statutory feed demands placed upon it and taking account of the National Feed Enforcement Priorities.

- 3.1.3 The Plan had recognised a challenge in respect of feed work that *'given the number of farms with livestock, there will be a need to promote the control of feedingstuffs to provide accountability for its quality in order to maintain the credibility of the farming community and integrity of the food chain.'*

- 3.1.4 The Food Standards Agency produces annual guidance on the National Enforcement Priorities to assist feed authorities in better targeting of their official control activities on animal feed. The Agency expects these priorities to be taken into consideration and used to inform both inspection and sampling programmes undertaken at feed businesses.

3.1.5 Auditors were advised that a systems thinking approach had been followed by the Authority for over four years which takes account of customer demands and legal obligations. The service purpose in customer terms was to: *'Keep me/my animals safe/free from harm. Keep me financially secure'* or alternatively *'Solve my problem/Do it quickly/Stop it happening to someone else'*. Measures and data recorded were reviewed by the Service and the typical and predictable demands were refreshed on an annual basis, with the top 80% of typical and predictable demands identified and responded to through a duty type system for allocation of work to the two generic teams. Auditors were advised that in relation to feed work, three officers plus the Lead Feed Officer had been identified as having specialist training, competency and experience in this area and would respond to feed demands as appropriate through a risk-based and intelligence led approach. Auditors were advised that feed law enforcement work could potentially fall into a number of typical and predictable demands as identified in the 2010/11 review, in particular:

- *'Visit this animal market*
- *Visit this high risk food or non-food premises*
- *High risk farm visit*
- *I am an animal keeper please tell me what I need to do?'*

3.1.6 Auditors were advised that preventative work was focused through a Tactical Tasking Group that considered information and intelligence coming into the Service and focused resources on matters that have widest impact, which could be in terms of numbers, amount or severity of detriment. Targeted projects were carried out where the need was identified and staff trained when appropriate. Auditors were further advised that the Authority's approach focused on high risk and that this approach had been followed for several years prior to adopting systems thinking. Systems thinking principles followed by the Authority were to:

- *'Only do the value work*
- *Customer sets the nominal value*
- *Pull expertise/train on demand*
- *Single piece flow*
- *Use the most immediate form of communication*
- *Work as one person – Think Team Act Team*
- *Design against demand*
- *Record once –use many'*

3.1.7 Auditors discussed with the Authority the 2009 Food and Veterinary Office (FVO) Report of Official Controls on Feed Law in the United Kingdom and the Service had identified one feed establishment for a programmed visit.

### ***Recommendation***

#### 3.1.8 The Authority should:

Further develop the Service Plan for Food Enforcement in accordance with the Service Planning Guidance in the Framework Agreement, to include all feed demands on the Service, including feed premises profiles and a feed interventions/inspections programme together with a comparison of the resources required to carry out the full range of statutory feed law enforcement activities against the resources available to the Service. [The Standard – 3.1]

### *Documented Policies and Procedures*

- 3.1.9 Although the Authority was able to demonstrate some systems in place relating to certain aspects of feed law enforcement, the Service operated with very few documented policies and procedures. Some policy documents were controlled, however, procedures for key activities such as feed establishment interventions/inspections, feed sampling, feed enforcement and follow up, internal monitoring and database accuracy had not been developed to provide relevant guidance for officers. The Authority was of the view that officers were competent and would refer to relevant legislation, the Feed Law Enforcement Code of Practice (FLECP) and would follow official guidance when carrying out feed law enforcement work; auditors were also advised that process mapping was undertaken to inform efficient and effective service delivery and that procedures would only be developed where they added value to the Service.
- 3.1.10 It is the Agency's view that appropriate and proportionate documented procedures should be developed and implemented covering all aspects of the feed law enforcement service, and in particular for those key activities requiring further improvement, in accordance with Article 8 of Regulation (EC) No. 882/2004, the FLECP and the Standard in the Framework Agreement.
- 3.1.11 Up to date copies of appropriate documentation including legislation and guidance was available to officers.

### **Recommendations**

3.1.12 The Authority should:

- (i) Set up, maintain and implement a document control system to ensure that documented feed law enforcement procedures reflect current operational practices and are reviewed and updated regularly in line with current legislation and centrally issued guidance.  
[The Standard – 4.1 and 4.2]
- (ii) Develop, maintain and implement documented feed law enforcement procedures as required by the Standard in the Framework Agreement.  
[The Standard– 5.1, 7.4, 8.1, 11.2, 12.5, 14.1, 15.2, and 19.1]

### *Authorised Officers*

3.1.13 The Head of Service had delegated powers to appoint and authorise officers in line with the Authority's scheme of delegation. The Service had a system for authorisation of officers based on a documented competency framework which considered core competencies, including technical and professional expertise and legislative knowledge at particular levels. Competency assessments were carried out at annual appraisals. Auditors were advised that feed was not specifically covered in the legislation section of the documented competency framework however it would be included alongside assessments for 'values and behaviours' in 2012.

3.1.14 The Authority had not developed a documented procedure for the authorisation of officers for feed law enforcement that set out the means by which officers were authorised based on their individual qualifications, training, experience and competency, together with confirmation of their individual levels of authorisation. The Authority had generally authorised all officers generically across the full range of feed law enforcement activities. Auditors discussed limiting feed law enforcement powers to certain officers to reflect their individual levels of experience, training and competence. Officers performing duties under the Feed (Hygiene and Enforcement) (England) Regulations 2005 and the Official Feed and Food Controls Regulations 2009 were not separately and specifically authorised to deal with matters arising under these implementing Regulations in accordance with the FLECP. Auditors were advised that the Authority followed the Local Government Regulation (formerly LACORS) view

on authorisations, having consulted the Service's Legal Department who were content with that approach.

- 3.1.15 In practice, three officers in addition to the Lead Officer had responsibility for carrying out the full range of feed law enforcement activities. The Authority advised that officers were supervised by management and duties were limited to their level of qualifications, training and competency. The lead officer for feed was appropriately qualified and experienced and their contact details had been provided to the Agency.
- 3.1.16 Officer training needs were identified as part of an appraisal performance review and on an on-going basis. Records of training confirmed that the feed officers had generally acquired the 10 hours minimum training based on Continuing Professional Development (CPD), in accordance with the requirements of the FLECP. However, auditors discussed the benefits of appropriate feed HACCP training for these officers and more general feed training for other officers if they became involved in feed law enforcement activities. It was noted that investigative skills training was due to be undertaken shortly.
- 3.1.17 An officer who would carry out feed law enforcement activities was interviewed as part of the audit. The officer was able to demonstrate a satisfactory working knowledge of animal feed enforcement.
- 3.1.18 The Authority had advised in the pre-visit audit questionnaire that the following FTE officers were available to carry out feed law enforcement:

<b>Officer Designation</b>	<b>Number of staff*</b>
Team Leader	0.05
Senior Trading Standards Officer	0.06
Trading Standards Officers (2)	0.12
<b>TOTAL</b>	<b>0.23</b>

\*Full time equivalent

- 3.1.19 The Food Enforcement Plan 2011/12 stated that a resource of 0.3FTE was available for 'farm feedingstuffs' activities. It was not clear whether this included all the duties required of the Service to meet FLECP requirements and to take account of National Enforcement Priorities, including an inspections/interventions programme and feed sampling.

### ***Recommendations***

3.1.20 The Authority should:

- (i) Review current authorisations to ensure that all officers are appropriately authorised to the appropriate individual level under relevant legislation in line with their qualifications, training, experience and competencies. [The Standard – 5.3]
- (ii) Review resources to ensure that there are a sufficient number of authorised officers to carry out feed law enforcement activities. [The Standard – 5.3]
- (iii) Ensure that key officers involved in feed law enforcement have received training in the inspection of hazard analysis and critical control point (HACCP) based feed safety management systems. [The Standard – 5.4]

### ***Facilities and Equipment***

3.1.21 The Service had access to suitable equipment for sampling a range of feed products.

3.1.22 The Service had an electronic database for recording feed law enforcement activities which was capable of providing information necessary for official annual returns, and a return had been provided to the Agency for 2010/2011. It was not clear whether the most recent returns were entirely accurate as there was some difficulty in extracting feed inspection data for the database for verification purposes. No food businesses had been identified as selling co-products or surplus food on the 2010/2011 return, however there was one surplus food premises.

3.1.23 There were some inaccuracies with regard to the number of premises held on the public 'hard copy' register of feed establishments and those on the electronic register held on the database. The Authority was reviewing the database for feed premises to ensure that an accurate and complete list of registered feed premises could be submitted to the Agency in the appropriate format. Further data cleansing was discussed with the Authority together with checks that could be carried out to update the database.

3.1.24 Auditors discussed with the Authority the need to ensure that food premises placing food co-products on the market as animal feed were registered in accordance with the legislation and the FLECP. Auditors

discussed the importance of asking relevant questions during food standards inspections/interventions of food businesses. In addition, auditors had discussed information gained as part of routine checks on food businesses being made by district council environmental health colleagues in relation to surplus food and co-products which could potentially enter the feed chain, in particular from premises such as supermarkets, breweries, bakeries, flour mills and other food premises.

- 3.1.25 The Service confirmed that they were aware of the representatives in the area covering third country establishments. These had made applications in the United Kingdom in accordance with the requirements of Directive 98/51/EC. The Authority planned to visit one representative as part of an Agency grant funded project.

**Recommendation**

3.1.26 The Authority should:

Ensure that accurate information of all registered feed establishments in the area is maintained, and feed law enforcement activity is reported in official returns to the Agency. Ensure that the feed premises database is accurate, reliable and up to date.

[The Standard – 6.3, 11.1 and 11.2]

*Liaison with Other Organisations*

- 3.1.27 Officers attended the Trading Standards South East Group meetings where feed matters were discussed, and had access to relevant feed related information. There was some liaison with the Inspections and Investigations Team (formerly AMI) however auditors discussed the benefits of closer liaison with this team, in line with the national Memorandum of Understanding agreed between the Local Government Regulation and the Veterinary Medicines Directorate, and also with the four district councils to gather intelligence on feed and for further development of official feed controls.

**Recommendation**

3.1.26 The Authority should:

Ensure that accurate information of all registered feed establishments in the area is maintained, and feed law enforcement activity is reported in official returns to the Agency. Ensure that the feed premises database is accurate, reliable and up to date.

[The Standard – 6.3, 11.1 and 11.2]



## **3.2 Feed Control Activities**

### *Feed Establishments Interventions and Inspections*

- 3.2.1 Auditors were advised that the Trading Standards Service concentrated on the inspection of premises that they had identified as high risk and that no feed establishments had been identified as high risk by the Service. The Authority had not implemented a proactive programme of feed premises inspections/interventions for all categories of feed premises, which meant that medium and low risk feed premises had not been inspected at the required frequencies of the FLECP, including several manufacturers.
- 3.2.2 Auditors were advised that no primary inspections had been carried out on any feed establishments in the area over the past six months. Some checks had been carried out on reactive visits such as inter-authority referrals, service requests and animal health visits but these were not primary feed inspections. Enforcement monitoring returns for 2009/10 and 2010/11 had advised that a total of 22 feed premises inspections had been carried out over this two year period. Auditors were unable to verify this or to confirm whether inspections had included a full assessment of the business as inspection records could not be retrieved by the Authority from the database.
- 3.2.3 Auditors were advised that a new 'keepers project' had been carried out during 2010. Almost 100 new livestock keepers (excluding new keepers of poultry) had been identified and contacted by the Authority. Responses to the Service's questionnaire were considered and followed up by the Authority. The project focused primarily on animal health issues including reporting of animal movements. It was confirmed that around 36% of keepers were keeping animals for human consumption and a number of feed business operators had not registered their feed business establishments.
- 3.2.4 Documented procedures for feed business registration and approval and interventions/inspections had not been developed. The Authority had developed a visit report form for reporting on a range of trading standards inspections and visits and used this for recording findings, details of which were subsequently recorded on the Authority's database. Audit record checks on a selection of feed premises indicated that there was not enough information recorded during interventions to determine whether feed businesses had been correctly risk assessed or that a full assessment of compliance with Regulation (EC) No. 183/2005 had been carried out. Information on the size and scale of the feed business and main activities being carried out was not generally available.
- 3.2.5 The Service had applied successfully for a grant from the Agency to carry out a programme of official feed controls. The Authority had identified three feed establishments that were in the scope of the

grant funded programme, and intended to inspect these by the end of 2011. The adoption of the Agency's recently issued template aide-memoire was discussed as a means of prompting adequate records of HACCP assessments. This is essential to:

- demonstrate that feed businesses comply with the law
- ensure subsequent inspecting officers are aware of establishment compliance histories
- to inform each step of a graduated enforcement approach
- to permit effective internal qualitative monitoring.

### ***Recommendations***

3.2.6 The Authority should:

- (i) Ensure that feedingstuffs establishments interventions/inspections are carried out at a frequency which is not less than that determined under the relevant inspection rating system, giving priority to higher risk establishments and in accordance with the legislation, the FLECP and centrally issued guidance. [The Standard – 7.1]
- (ii) Carry out interventions/inspections and approve or register feed establishments in accordance with relevant legislation, the FLECP and centrally issued guidance. [The Standard – 7.2 and 7.3]
- (iii) Ensure that inspections of feed establishments adequately assess the compliance of establishments and systems to legally prescribed standards and records are retrievable. [The Standard – 7.5]

### *Verification Visit*

3.2.7 A verification visit was carried out to a feed wholesaler/retailer. The purpose of the visit was to assess the effectiveness of the officer's evaluation of the compliance of the feed business with legislative requirements. The officer was familiar with the feed business and had concentrated on feed composition and labelling issues during the visit. The officer understood the key operations and risks at the establishment. Auditors discussed future inspections particularly in relation to necessary assessments of feed safety management systems and general feed hygiene requirements.

### *Feed Inspection and Sampling*

- 3.2.8 The Food Enforcement Plan 2011/12 did not set out the Service's animal feed sampling policy or a feed sampling programme. A sampling resource of 0.5FTE had been identified in the Plan for food and feed sampling. Auditors were advised that feed sampling requirements would be determined by the trading standards teams and would be undertaken to meet a demand if considered appropriate. There was no current animal feed sampling programme taking account of the National Enforcement Priorities for feed authorities. Auditors were advised that the Authority had not developed documented procedures for feed sampling but would follow the FLECP and official guidance when taking samples.
- 3.2.9 Audit checks confirmed that some historical reactive feed sampling had taken place. Records of five informal samples were examined and the one unsatisfactory sample result had been followed up appropriately.
- 3.2.10 The Authority, as part of Trading Standards South East (TSSE) had successfully bid for and secured funding from the Agency for feed sampling however auditors were advised that the Authority had not taken any samples as part of this project.
- 3.2.11 The Agricultural Analyst appointed by the Service was designated an Official Control Laboratory for animal feed analysis and properly accredited.

#### ***Recommendation***

3.2.12 The Authority should:

Develop a documented feed sampling policy and feed sampling programme and carry out risk based feed sampling taking into account the National Enforcement Priorities for feed and the FLECP. [The Standard – 12.4]

### *Enforcement*

- 3.2.13 The Authority had developed and implemented an appropriate Enforcement Policy. No formal feed enforcement activity beyond advice had been deemed necessary by the Authority in recent years. Auditors discussed the development of feed enforcement procedures for follow up and enforcement actions to ensure that officers have clear, useful guidance should they need to exercise their statutory powers, for example dealing with the service of notices, detention and seizure and voluntary surrender of feed as required by the Framework

Agreement. Auditors were advised that officers would follow the FLECP and official guidance when carrying out feed law enforcement follow-up and actions.

*Feed Complaints, Primary Authority Scheme and Home Authority Principle*

- 3.2.14 The Authority's Food Enforcement Plan had identified that a resource of 0.4FTE was allocated to dealing with food and feedingstuffs complaints. Auditors were advised that there were no specified response times to feed complaints and that it would depend on the circumstances. Auditors were advised that the principles outlined in para. 3.1.6 as part of a systems thinking approach were followed by officers, and any feed complaints were managed and tracked as 'demands on the Service' through documented performance monitoring.
- 3.2.15 The Authority had not developed a documented procedure dealing with complaints and referrals however records relating to complaints, service requests and advice were held on the database. Auditors were advised that the Authority received very few feed complaints and requests for service or advice primarily related to feed registration issues. Audit record checks confirmed that all of five complaints, service requests and referrals examined had been dealt with appropriately and all feed business operators had been contacted post enquiry or referral.
- 3.2.16 Auditors were advised that referrals from other enforcement authorities were dealt with in accordance with the Home Authority Principle. There was evidence of liaison with relevant authorities during investigations.

*Feed Safety Incidents*

- 3.2.17 Whilst the Authority had not developed a documented procedure for initiating and responding to feed alerts, auditors were advised that a system was in place for receiving and dealing with these. All alerts would be received electronically by the Lead Officer and also received at a trading standards mailbox. Auditors were advised that the duty team would respond to any feed alerts that required a rapid response, with any request treated as a demand and the response recorded on the Authority's database.
- 3.2.18 The Service operated out of hours cover arrangements to respond to emergencies, linked to emergency planning arrangements. This included a list of relevant officers together with their contact details who could be contacted in an emergency as required.
- 3.2.19 The Authority had responded appropriately to an Agency request for sampling of animal feed as part of a wider incident investigation.

*Advice to Business*

- 3.2.20 It was evident that advice was being offered when requested and during interventions. This included advice to feed business operators on feed premises registration, composition and labelling of animal feed.

### 3.3 Internal Monitoring and Third Party or Peer Review

#### *Internal Monitoring*

- 3.3.1 The Service had not developed and implemented a documented internal monitoring procedure in accordance with Regulation (EC) No. 882/2004 (Official Feed and Food Controls) and the FLECP.
- 3.3.2 In practice there was evidence of some internal monitoring in the form of annual appraisals and team/peer challenge. Auditors were advised that competency and capability were assessed at annual appraisals. Day to day activities were challenged and monitored within the teams, with an overview by the Team Leader. Team meetings and team discussions were held however there were limited records of any team meetings and discussions. There was evidence of process mapping documentation, use of flip charts and white boards to map process steps, consider options and to record actions, but there were limited records of internal monitoring checks on animal feed law enforcement activities.
- 3.3.3 Measures of trading standards performance and service delivery were evaluated on a monthly basis. The Authority was addressing how it could improve through the monitoring of a number of measures including:
- Demand first time fixed (increase)
  - End to End times (reduce)
  - Stop it happening again
  - Number of demands resolved (increase).

#### ***Recommendation***

3.3.4 The Authority should:

Implement appropriate internal monitoring checks to effectively verify the Service's conformance with relevant legislation, official guidance and the Standard. Records of monitoring checks should be maintained. [The Standard - 19.2 and 19.3]

#### *Records*

- 3.3.5 Records of feed law enforcement activity were maintained on a combination of electronic and hard copy visit form records. However records of feed premises inspections carried out over the past two years could not be retrieved by the Authority from the database or from hard copy records. Audit checks on feed premises database records confirmed that there were limited records of recent official feed controls. The lack of detailed records of checks meant that auditors could not confirm the adequacy of the detail of

inspections/interventions, the assessments carried out by officers or adequate information about the business and its operations as required by the FLECP.

***Recommendation***

3.3.6 The Authority should:

Maintain up to date, accurate and comprehensive records in retrievable form for all feed establishments and other relevant checks in accordance with the FLECP, including all records of inspections and determinations of compliance carried out by authorised officers. [The Standard – 16.1]

*Third Party or Peer Review*

3.3.7 The Service had not participated in any inter-authority audit, third party or peer review process relating to feed law enforcement in the last two years.

**Auditors: Sally Hayden**  
Hannah Evans

Food Standards Agency

Local Authority Audit and Liaison Division

**Action Plan for Buckinghamshire County Council**

Audit date: 20-21 September 2011

<b>TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)</b>	<b>BY (DATE)</b>	<b>PLANNED IMPROVEMENTS</b>	<b>ACTION TAKEN TO DATE</b>
3.1.8 Further develop the Service Plan for Food Enforcement in accordance with the Service Planning Guidance in the Framework Agreement, to include all feed demands on the Service, including feed premises profiles and a feed interventions/inspections programme together with a comparison of the resources required to carry out the full range of statutory feed law enforcement activities against the resources available to the Service. [The Standard – 3.1]	31/05/12	The Service Plan will be reviewed for 2012/13 in accordance with the Guidance provided	Data has been reviewed and more work will be undertaken with regard to nature of demand with regard to feeding stuffs being placed on the Service.
3.1.12(i) Set up, maintain and implement a document control system to ensure that documented feed law enforcement procedures reflect current operational practices and are reviewed and updated regularly in line with current legislation and centrally issued guidance. [The Standard – 4.1 and 4.2]	30/06/12	We will review with the auditors if such a system will add value to our existing approach.	Following a meeting with FSA representatives on 02/02/12 it was agreed that we will ensure that all documents, e.g. guidance to officers, training given etc, relating to feedstuffs work will be kept in a way that is easily retrievable for audit purposes and will form a “procedure” for this purpose.



<b>TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)</b>	<b>BY (DATE)</b>	<b>PLANNED IMPROVEMENTS</b>	<b>ACTION TAKEN TO DATE</b>
3.1.12(ii) Develop, maintain and implement documented feed law enforcement procedures as required by the Standard in the Framework Agreement. [The Standard– 5.1, 7.4, 8.1, 11.2, 12.5, 14.1, 15.2 and 19.1]	30/06/12	We will review with the auditors if such procedures will add value to our existing approach.	Following a meeting with FSA representatives on 02/02/12 it was agreed that we will ensure that all documents, e.g. guidance to officers, training given etc, relating to feedstuffs work will be kept in a way that is easily retrievable for audit purposes and will form a “procedure” for this purpose.
3.1.20(i) Review current authorisations to ensure that all officers are appropriately authorised to the appropriate individual level under relevant legislation in line with their qualifications, training, experience and competencies. [The Standard – 5.3]	30/04/12		We have reviewed officers authorisations and believe that they are appropriate to their qualifications, experience and competence.
3.1.20(ii) Review resources to ensure that there are a sufficient number of authorised officers to carry out feed law enforcement activities. [The Standard – 5.3]	30/06/12	We will review the resources we put into this work vs the demands for it to ensure the resources we have meet our commitment.	We have assessed the reactive feed law demands being placed on the service.
3.1.20(iii) Ensure that key officers involved in feed law enforcement have received training in the inspection of hazard analysis and critical control point (HACCP) based feed safety management systems. [The Standard – 5.4]	31/05/12	We will look at the most appropriate training to ensure officers competence is improved and maintained.	Training on feed hygiene issues will be attended by the two lead officers in April 2012. Training relating to on farm feed issues will form part of a training day about farm visits in May 2012.
3.1.26 Ensure that accurate information of all registered feed establishments in the area is maintained, and feed law enforcement activity is reported in official returns to the Agency. Ensure that the feed premises database is accurate, reliable and up to date. [The Standard – 6.3, 11.1 and 11.2]	31/10/12	We will ensure database is updated when information/intel is received or obtained. We will carry out one proactive project in this area with the purpose of ensuring our database is up to date at the time of the project.	This is ongoing.

<b>TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)</b>	<b>BY (DATE)</b>	<b>PLANNED IMPROVEMENTS</b>	<b>ACTION TAKEN TO DATE</b>
3.1.28 Further develop liaison arrangements with the Inspections and Investigations Team and with the relevant district councils to facilitate effective and efficient enforcement, and to rationalise feed enforcement activities at relevant feed premises. [The Standard -18.1 and 18.2]	30/09/12	We will work with our colleagues to develop potential rationalisation of activities at relevant feed premises.	
3.2.6(i) Ensure that feeding stuffs establishments interventions/inspections are carried out at a frequency which is not less than that determined under the relevant inspection rating system, giving priority to higher risk establishments and in accordance with the legislation, the FLECP and centrally issued guidance. [The Standard – 7.1]	30/04/12	Priority will be given to high risk premises.	Amendments have been made as necessary to risk assessments of premises.
3.2.6(ii) Carry out interventions/inspections and approve or register feed establishments in accordance with relevant legislation, the FLECP and centrally issued guidance. [The Standard – 7.2 and 7.3]	30/09/12	Priority will be given to high risk premises.	Inspections undertaken recently have been carried out using the model inspection form.
3.2.6(iii) Ensure that inspections of feed establishments adequately assess the compliance of establishments and systems to legally prescribed standards and records are retrievable. [The Standard – 7.5]	30/09/12	Inspections will do this.	Inspections undertaken recently have been carried out using the model inspection form.

<b>TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)</b>	<b>BY (DATE)</b>	<b>PLANNED IMPROVEMENTS</b>	<b>ACTION TAKEN TO DATE</b>
3.2.12 Develop a documented feed sampling policy and feed sampling programme and carry out risk based feed sampling taking into account the National Enforcement Priorities for feed and the FLECP. [The Standard – 12.4]	30/06/12	We will review with the auditors if such procedures will add value to our existing approach.  Following meeting 02/02/12 training will also include awareness of FSA national enforcement priorities.	Following a meeting with FSA representatives on 02/02/12 it was agreed that we will ensure that all documents, e.g. guidance to officers, training given etc, relating to feedstuffs work will be kept in a way that is easily retrievable for audit purposes and will form a “procedure” for this purpose.
3.3.4 Implement appropriate internal monitoring checks to effectively verify the Service’s conformance with relevant legislation, official guidance and the Standard. Records of monitoring checks should be maintained. [The Standard - 19.2 and 19.3]	30/07/12	We will review with the auditors if such procedures will add value to our existing approach.  Following meeting on 02/02/12 - Records of internal monitoring checks will be maintained.	Following a meeting with FSA representatives on 02/02/12 it was agreed that we will ensure that all documents, e.g. guidance to officers, training given etc, relating to feedstuffs work will be kept in a way that is easily retrievable for audit purposes and will form a “procedure” for this purpose.
3.3.6 Maintain up to date, accurate and comprehensive records in retrievable form for all feed establishments and other relevant checks in accordance with the FLECP, including all records of inspections and determinations of compliance carried out by authorised officers. [The Standard – 16.1]	30/04/12	Records will be maintained.	Records are being maintained.

## **Audit Approach/Methodology**

The audit was conducted using a variety of approaches and methodologies as follows:

*(1) Examination of LA policies, procedures and other documents.*

The following LA policies, procedures and linked documents were examined before and during the audit:

- Food Enforcement Service Plan 2011/12
- Draft Localities and Safer Communities Service Plan 2011/12
- Trading Standards 2011 in a nutshell
- 2010 Typical and Predictable Demands
- Relevant County Council minutes
- Systems thinking summary, process maps and associated documentation
- New keepers 2010 summary
- Authorisation of Officers competency framework
- Constitution Article 12 –Officers
- Trading Standards Service Enforcement Policy
- Relevant reports to Cabinet Member for Community Services
- Examples of minutes from the Trading Standards South East meetings
- Performance monitoring monthly reports

*(2) File reviews – the following LA file records were reviewed during the audit:*

- Authorisation, qualification and training files
- Liaison records
- Feed establishments records
- Feed inspection and sampling records
- Feed complaint, service request and advice records

*(3) Interviews – the following officers were interviewed:*

- Audit Liaison Officer – Team Leader
- Trading Standards Officer

Opinions and views raised during officer interviews remain confidential and are not referred to directly within the report.

*(4) On-site verification check:*

A visit to a feed wholesaler/retailer was carried out as part of the audit. The purpose of the visit was to assess the effectiveness of the officer's evaluation of the compliance of the business with legislative requirements.

## Glossary

Agricultural Analyst	A person, holding the prescribed qualifications, who is formally appointed by a local authority to analyse feed samples.
Airways bills	Commercial documents providing a general description of cargo items.
Authorised officer	A suitably qualified officer who is authorised by the local authority to act on its behalf in, for example, the enforcement of legislation.
Border Inspection Post	Point of entry into the UK from non-EU countries for products of animal origin.
CEDs	Common Entry Documents which must accompany certain food products to designated points of entry or import.
Codes of Practice	Government Codes of Practice issued under Section 40 of the Food Safety Act 1990 as guidance to local authorities on the enforcement of food legislation.
Consignment	A unit of cargo that can consist of one or a number of different products.
County Council	A local authority whose geographical area corresponds to the county and whose responsibilities include food standards and feeding stuffs enforcement.
DPE	Designated point of entry. A port that has been designated for the entry of certain high risk feed and food products subject to enhanced checks.
DPI	Designated point of import. A port that has been designated for the entry of certain products subject to safeguard controls due to aflatoxin contamination.
Defra	The Department for Environment, Food and Rural Affairs. The Government Department designated as the central competent authority for products of animal origin in England.
District Council	A local authority of a smaller geographic area and situated within a County Council whose responsibilities include food hygiene enforcement.
ERTS	Enhanced remote transit shed. An HM Customs and Excise designated warehouse where goods are held in temporary storage pending Customs clearance and release for free circulation.
Environmental Health Officer (EHO)	Officer employed by the local authority to enforce food safety legislation.

FNAO	Feed not of animal origin. Products that do not fall under the requirements of the veterinary control regime.
Feeding stuffs	Term used in legislation on feed mixes for farm animals and pet food.
Food Examiner	A person holding the prescribed qualifications who undertakes microbiological analysis on behalf of the local authority.
Food hygiene	The legal requirements covering the safety and wholesomeness of food.
Food standards	The legal requirements covering the quality, composition, labelling, presentation and advertising of food, and materials in contact with food.
Formal samples	Samples taken in accordance with the requirements of the Feed Law Code of Practice in accordance with the relevant sampling regulations and submitted to an accredited laboratory on the official list.
Framework Agreement	<p>The Framework Agreement consists of:</p> <ul style="list-style-type: none"> <li>• Service Planning Guidance</li> <li>• Food and Feed Law Enforcement Standard</li> <li>• Monitoring Scheme</li> <li>• Audit Scheme</li> </ul> <p>The <b>Standard</b> and the <b>Service Planning Guidance</b> set out the Agency's expectations on the planning and delivery of food and feed law enforcement.</p> <p>The <b>Monitoring Scheme</b> requires local authorities to submit annual returns to the Food Standards Agency on their food law enforcement activities i.e. numbers of inspections, samples and prosecutions.</p> <p>Under the <b>Audit Scheme</b> the Food Standards Agency will be conducting audits of the food and feed law enforcement services of local authorities against the criteria set out in the Standard.</p>
Full Time Equivalent (FTE)	A figure which represents that part of an individual officer's time available to a particular role or set of duties. It reflects the fact that individuals may work part-time, or may have other responsibilities within the organisation not related to food enforcement.
Home Authority	An authority where the relevant decision making base of an enterprise is located and which has taken on the responsibility of advising that business on food safety/food standards issues. Acts as the central contact point for other enforcing authorities' enquiries with regard to that company's food related policies and procedures.
Informal samples	Samples that have not been taken in accordance with the appropriate sampling regulation (e.g. samples for screening purposes) and/or not sent to an accredited laboratory.

LAEMS	Local Authority Enforcement Monitoring System is an electronic system used by local authorities to report their food law enforcement activities to the Food Standards Agency.
Member forum	A local authority forum at which Council Members discuss and make decisions on food and feed law enforcement services.
Metropolitan Authority	A local authority normally associated with a large urban conurbation in which the County and District Council functions are combined.
POAO	Products of animal origin. Animal derived products that fall under the requirements of the veterinary control regime.
Port Health Authority (PHA)	An authority specifically constituted for port health functions including imported food control.
Primary Authority	An authority that has formed a partnership with a business.
Public Analyst	An officer, holding the prescribed qualifications, who is formally appointed by the local authority to carry out chemical analysis of food samples.
RASFF	Rapid alert system for food and feed. The European Union system for alerting port enforcement authorities of food and feed hazards.
Regulators' Compliance Code	Statutory Code to promote efficient and effective approaches to regulatory inspection and enforcement which improve regulatory outcomes without imposing unnecessary burdens on businesses.
Risk rating	A system that rates feed premises according to risk and determines how frequently those premises should be inspected. For example, high risk premises should be inspected annually.
Service Plan	A document produced by a local authority setting out their plans on providing and delivering a food or feed service to the local community.
Trading Standards	The Department within a local authority which carries out, amongst other responsibilities, the enforcement of food standards and feed legislation.
Trading Standards Officer (TSO)	Officer employed by the local authority who, amongst other responsibilities, may enforce food standards and feed legislation.
Unitary Authority	A local authority in which the County and District Council functions are combined, examples being Metropolitan District/Borough Councils, and London Boroughs. A Unitary Authority's responsibilities will include food hygiene, food standards and feed enforcement.