

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

Barnsley Council
21-22 August 2013



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/monitoring.

This programme of focused audits in England 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 provide an opportunity for the Agency to establish the level of improvement in the delivery of official 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 and the subsequent follow-up visit to check on progress in November 2011. 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.

Agency audits assess LAs 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 and is available on the Agency's website at: www.food.gov.uk/enforcement/enforcework.

The programme examined local authority (LA) systems and procedures for control of feed at inland authorities, in 10 geographically representative LAs in England. The audits were confined to feed of non-animal origin (FNAO).

It should be acknowledged that there will be considerable diversity in the way and manner in which LAs 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 LAs 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 Annex C.

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1.0 Introduction

- 1.1 This report records the results of an audit at Barnsley 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 Authority's arrangements for inland controls of feed of non-animal origin. The report has been made publicly available on the Agency's website at www.food.gov.uk/enforcement/auditandmonitoring/auditreports. Hard copies are available from the Food Standards Agency's Operations Assurance 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 Barnsley Council was undertaken under section 12(4) of the Act as part of the Food Standards Agency's annual audit programme.
- 1.3 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.¹
- 1.4 The Authority was included in the Food Standards Agency's programme of audits of local authority feed law enforcement services, as it had not been audited in the last five years in relation to animal feed and was representative of a geographical mix of 10 feed law enforcement LAs across England.

Scope of the Audit

- 1.5 The audit examined Barnsley Council's systems and procedures for the control of feed of non-animal origin (FNAO).

¹ 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)

- 1.6 The audit scope included the assessment of local arrangements for service planning, delivery and review, provision and adequacy of 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.
- 1.7 The on-site element of the audit took place at the Authority's office at Westgate Plaza One, Westgate, Barnsley on 21-22 August 2013. The audit included a reality check at a feed establishment 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.

Background

- 1.8 The Metropolitan Borough of Barnsley forms part of the county of South Yorkshire. The area covers approximately 329 square kilometres bisected by the M1 motorway, bordering Wakefield to the north and Sheffield to the south. The area is largely rural to the west with a number of small more urban towns and villages to the east, and approximately 68% of the area forming part of the green belt. The population is estimated at 231,900 people.
- 1.9 Following a number of recent organisational restructures, responsibility for the delivery of feed law enforcement activities fell under the remit of the Commercial Regulation Team, carried out by one FTE food standards and agriculture officer and one other senior officer who also had other managerial responsibilities.
- 1.10 The profile of Barnsley Council's feed businesses according to figures submitted to the Agency for 2012/13 was as follows:

Type of Feed Premises	Number
Arable Farms	20
Livestock Farms	208
Manufacturers	8
Food businesses selling co-products/surplus food	34
Importers	0
Distributors/Transporters	3
Stores	0
Retailers	23
Total Number of Feed Premises	296

2.0 Executive Summary

2.1 Barnsley Council was selected for audit as it had not been audited by the Food Standards Agency (FSA) in the past five years in relation to animal feed. Auditors acknowledged that the audit had taken place at a time following a re-organisation of the Service. Despite significant financial pressures, the Authority confirmed its commitment to a risk-based animal feed service and intervention programme.

2.2 **Strengths:**

Advice to businesses: It was evident that the Service had been proactive in providing local businesses with information and guidance on animal feed and waste food issues. The Authority had also attempted to identify local farms using a questionnaire sent to relevant businesses.

Liaison with other teams: There was evidence of effective liaison with other enforcement officers from within the council. The Service had discussed the issues of animal feed and food waste with other team members and the Service had utilised multi-site visit forms to gather intelligence on a range of regulatory activities which could include animal feed issues.

Feed sampling: The Authority had developed and implemented a feed sampling programme which had been compiled taking account of the National Enforcement Priorities. Record checks showed that in all cases the Authority had taken effective action in regard to unsatisfactory sample results.

2.3 **Key areas for improvement:**

Feed premises database: During the audit a number of anomalies and inconsistencies were noted between the Authority's database and the data submitted to the FSA. Auditors recommended that the Authority review current FSA guidance on the submission of monitoring data and liaise with the FSA if needed, to ensure the submission of accurate enforcement data. Auditors also recommended the development of a documented procedure and work instructions to provide guidance for officers in the use of the database system.

Feedingstuffs establishments interventions and inspections: The Authority needed to review its policy on contact with businesses after each inspection and to ensure that all communications are recorded appropriately on the inspection database.

Internal monitoring: There was some evidence that qualitative monitoring was being undertaken through annual appraisals and file checks on inspections and associated records. However the Authority

should review its internal monitoring procedures to ensure that all feed law enforcement activities are monitored and that corrective actions are implemented where necessary.

3.0 Audit Findings

3.1 Organisations and Management

Strategic Framework, Policy and Service Planning

- 3.1.1 The Authority had produced a Food and Feed Operational Unit Plan 2013/14 which provided useful details of the Service, including its scope, numbers of full time equivalent (FTE) officers available, responsibilities and objectives. The Plan largely consisted of a number of performance indicators for food and feed delivery, linked to the wider corporate objectives, including indicators such as the number of inspections achieved.
- 3.1.2 The Plan had not been appropriately approved by members or senior management at the time of the audit but auditors were informed that this process should be concluded in the near future.
- 3.1.3 As a result of the recent financial constraints placed upon the Authority and an FSA visit regarding food standards monitoring returns to the Agency, the Authority had produced an additional report for Members on its operational priorities, which provided details of the shortfall in resources needed to deliver services, including feed aspects of the Service, strictly in accordance with the Feed Law Enforcement Code of Practice (FLECP). The report provided a range of delivery options, but in each case, aided by funding from the FSA, feed law enforcement in the short term would be continued with high, medium and unrated businesses receiving an appropriate intervention. Although no interventions at low risk businesses were carried out at the time of this audit, auditors were informed that this would be subject to further review with the possibility that some form of relevant intervention would be introduced in the near future. Auditors advised that future service planning arrangements should include information regarding resource shortfalls in relation to feed law activities and risk-based intervention strategies to clearly inform Members and relevant senior management.
- 3.1.4 The Agency provides guidance to local authorities on current national feed enforcement priorities to enable better targeting of official control activities. Auditors were advised that these priorities had been considered during the development of the Operational Unit Plan 2013/14 and associated report.

Documented Policies and Procedures

- 3.1.5 The Authority had developed a number of procedures linked to feed law enforcement which generally contained up to date legal references and contained evidence of regular review and updates.

Auditors did however acknowledge that it had become increasingly difficult for the team to find the time to review and develop procedures and suggested that this is reported in future Service Plans. Auditors discussed the importance of suitable procedures to ensure continuity and consistency through re-organisations and changes in personnel, including the potential for officers currently unfamiliar with feed law enforcement working in that area.

Officer Authorisations

- 3.1.6 The Authority provided evidence of a scheme of delegation and appropriate service managers held delegated powers to appoint and authorise officers in line with the Council's Constitution. Auditors were advised that the Group Leader and Head of Service liaised with each other prior to authorisation to confirm that the officer had appropriate qualifications and experience for the level of authorisation conferred.
- 3.1.7 The Authority had developed a detailed authorisation procedure describing the process for authorising officers undertaking feed law enforcement and the criteria for determining the appropriate level of authorisation. Auditors did however discuss the benefits of linking this procedure with the identification of officer training and competency requirements. Officers carrying out feed law enforcement activities were specifically authorised under all relevant aspects of feed hygiene legislation, with the exception of the Animal Feed (England) Regulations 2010. Auditors advised that legislation containing specific enforcement powers should be considered by the Council's legal department to ensure that officers were appropriately authorised.
- 3.1.8 The Authority had appointed an appropriately qualified Lead Officer for feed law enforcement who had been notified to the Agency.
- 3.1.9 The Authority had no documented system to identify officer training requirements. In practice, officers' on-going training needs were identified through discussions with the Group Leader. Auditors discussed the benefits of developing a documented system to assess officer competency and training needs on a regular basis and linking this to their level of authorisation.
- 3.1.10 File checks showed that officers currently involved in feed law enforcement were receiving a range of training relevant to their role and were generally achieving the minimum 10 hours of training based on continuing professional development (CPD) required by the FLECP. However, it was identified that some officers would benefit from further update training in specialist areas such as feed sampling.

Recommendations

3.1.11 The Authority should:

- (i) Review its documented procedure for the authorisation of officers to include a suitable method of assessing officer competencies, linking this to the identification of officer training needs. [The Standard – 5.1]
- (ii) Review and update current authorisations to ensure that all officers are appropriately authorised under relevant legislation, consistent with their qualifications, training and experience. [The Standard – 5.3]
- (iii) Ensure that all authorised officers receive the training needed to deliver the work that they are involved with in accordance with the Feed Law Enforcement Code of Practice. [The Standard – 5.4]

3.1.12 An officer who regularly carried out feed law enforcement was interviewed to determine if they were able to demonstrate an appropriate level of competency and knowledge of the Service's procedures. The officer was able to show a good working knowledge of animal feed enforcement and the procedures for carrying out their duties.

Facilities and Equipment

3.1.13 The Authority maintained an electronic database for the recording of feed law enforcement activities that was capable of providing information necessary for official returns. Checks on the Authority's database highlighted some inconsistencies in the Local Authority Enforcement Monitoring System (LAEMS) data submitted to the FSA. Auditors recommended that the Authority liaise with the FSA if needed and review current FSA guidance on the submission of monitoring data via LAEMS. The Service was currently supported by an officer with IT skills who was able to extract a range of useful reports on the numbers and types of establishments on the database to aid the delivery of the intervention programme. However auditors recommended that the Authority produce operational procedures and guidance on the maintenance of the database, submission of relevant monitoring data to the FSA and the extraction of such reports to aid consistency and enable wider understanding and access to the database.

Recommendations

3.1.14 The Authority should:

- (i) Ensure accurate information on feed law enforcement activity is reported in official returns to the Agency. [The Standard - 6.3]
- (ii) Set up maintain and implement a documented procedure to ensure that its feed premises database is accurate, reliable and up to date. [The Standard - 11.2]

Liaison with Other Organisations

- 3.1.15 The Authority had established liaison arrangements on animal feed matters with central government and local enforcement bodies across the region. The Lead Officer chaired the South Yorkshire Food Group and evidence was noted of discussions that had taken place regarding feed enforcement issues including the FLECP and HACCP training. The operation of other regional feed liaison groups such as the Yorkshire and Humber Regional Group had been reviewed recently and now formed part of a virtual group via the Knowledge Hub. It was also evident that the Service had liaison arrangements with AHVLA. Auditors were informed that there were no relevant establishments in the area subject to medicated animal feed legislation and therefore no joint visits had taken place with the Inspections and Investigations Team (formerly Animal Medicines Inspectorate).
- 3.1.16 The Service had also closely liaised with other internal teams such as animal health and environmental health officers to provide further intelligence on potential feed issues. The Service provided evidence of a multi-visit inspection form used by other enforcement officers from other teams to collect relevant business information which could be developed to identify any potential animal feed activities whilst on site.

3.2 Feed Control Activities

Feed Establishments Interventions and Inspections

- 3.2.1 The Service had developed a basic documented procedure and inspection report pro forma relating to the inspection of feed establishments. Auditors discussed the Authority's policy on unannounced visits and highlighted the FSA's guidance on such matters issued recently to local authorities.
- 3.2.2 File checks showed that high risk feed manufacturers had been inspected at the frequency required by the FLECP. However, the Authority acknowledged that in recent years it had not been able to maintain the frequency of inspection for all medium and low risk feed premises due to limited resources.
- 3.2.3 The Authority had successfully applied for a grant from the Agency to carry out a programme of official feed controls. This involved carrying out audits at a variety of feed businesses and the completion of a comprehensive aide-memoire to record the outcome of each audit.
- 3.2.4 File checks on inspection records carried out during the audit showed that officers were undertaking comprehensive inspections, including a detailed assessment of the businesses' compliance with HACCP requirements, using the appropriate FSA's standard template aide-memoire. Inspections also included a detailed traceability exercise as part of the inspection, based on a relevant product or ingredient.
- 3.2.5 Officers provided businesses with detailed inspection findings and guidance in most cases and took follow-up actions including the service of improvement notices where appropriate. Auditors did however have difficulty in retrieving the inspection findings from the database relating to the previous inspection of a local farm and in a small number of cases the Service could not demonstrate that businesses had been contacted following past inspections.
- 3.2.6 The Service did not routinely record evidence in every case that businesses had been contacted following inspections unless serious contraventions had been recorded. In addition the Authority did not routinely leave evidence such as inspection reports with Feed Business Operators (FeBOs) following inspections. Auditors therefore recommended that some form of signed notice or pro forma be introduced following all inspections to provide a basic record of the inspection having taken place and to inform businesses of any possible follow-up actions by the Authority. Auditors recommended further review and development of the Service's feed inspection procedure to provide more detailed guidance for officers on animal feed interventions, follow-up actions and relevant references to the National Enforcement Priorities in accordance with the FLECP.

3.2.7 The Authority had no approved establishments under Feed Hygiene Regulation (EC) No 183/2005.

Recommendations

3.2.8 The Authority should:

- (i) Review its documented inspection procedure to ensure that it provides appropriate guidance for officers on all matters relating to feed interventions, including a relevant policy and approach to unannounced visits, inspection and visit reports and the recording of all communications with Feed Business Operators on the Authority's database. [The Standard – 7.4]
- (ii) Ensure that feeding stuffs premises inspections are carried out at a frequency which is not less than that determined under the relevant inspection rating system and in accordance with the legislation, Feed Law Enforcement Code of Practice or centrally issued guidance. [The Standard – 7.1]
- (iii) Ensure that all observations and/or data obtained in the course of an inspection are recorded and that the records are legible and stored in such a way to prevent loss of relevant information, in accordance with the Feed Law Enforcement Code of Practice. [The Standard – 7.5]

Verification Visit to a Feed Premises

3.2.9 During the audit, a verification visit was undertaken to a feed manufacturer processing waste food products such as bakery produce, with an officer from the Authority, who had carried out the last feed inspection of the premises. The main objective of the visit was to assess the effectiveness of the Authority's assessment of feed business compliance with feed law requirements.

3.2.10 The accompanying officer was able to demonstrate extensive feed law enforcement knowledge, and the ability to carry out a thorough assessment of the manufacturing systems including HACCP, compliance with feed compositional requirements and general feed hygiene requirements in accordance with the relevant legislation.

Feed Inspection and Sampling

- 3.2.11 The Agricultural Analyst appointed by the Service was designated as an Official Control Laboratory for animal feed analysis and was properly accredited. Auditors were advised that the Service liaised with the Agricultural Analyst individually and at regional group meetings in relation to feed sampling to discuss and agree the feed sampling programme.
- 3.2.12 The Authority had developed a feed sampling documented policy outlining its approach and commitment to risk-based sampling. A feed sampling programme had been developed based upon local liaison group sampling surveys. The Authority was part of a joint regional grant funding bid to the FSA and used the funds to undertake sampling of various feed constituents.
- 3.2.13 Records of four feed sample results were examined, three of which were formal samples. These had been taken by a suitably qualified and experienced officer. Records of the samples and the results were retained on file and demonstrated that the business had been informed of the result and appropriate action had been taken by the Authority where necessary.
- 3.2.14 The Authority reported sample results to the FSA through the UK Food Surveillance System (UKFSS). However auditors noted that the Authority had some difficulty in retrieving some sampling records using UKFSS and the Authority's own database. However in all cases records were finally retrieved. To aid consistency auditors recommended the development of a suitable documented procedure or work instructions covering all aspects of sampling, including the entry of data on both UKFSS and its own database.

Recommendation

3.2.15 The Authority should:

Set up, maintain and implement a sampling documented procedure covering all aspects of sampling in accordance with the FLECP, and including the entry and recording of sampling data. [The Standard - 12.4 and 12.5]

Enforcement

- 3.2.16 The Authority had developed and implemented a suitable Enforcement Policy outlining the Authority's commitment to a proportionate and graduated approach to enforcement.

- 3.2.17 The Authority had developed enforcement procedures relating to prosecutions including the use of simple cautions. The Service would however benefit from the development of procedures which covered the full range of enforcement options available for feed law enforcement activity, particularly in view of the potential for officers unfamiliar with feed law enforcement taking up such duties or new officers joining the Service.
- 3.2.18 Auditors examined the one improvement notice that had been served by the Authority. This was found to be appropriate given the circumstances and had been drafted in accordance with the FLECP.

Recommendation

3.2.19 The Authority should:

Set up, maintain and implement documented procedures for the full range of formal enforcement actions in accordance with the Feed Law Enforcement Code of Practice and official guidance. [The Standard – 15.2]

Feed Complaints, Primary Authority Scheme and Home Authority Principle

- 3.2.20 The Authority had developed and implemented a feed complaints procedure, including reference to the Primary Authority scheme, providing detailed instructions for officers in the handling and processing of feed complaints. The Authority had no formal Primary Authority responsibilities in relation to animal feed, but did have informal Home Authority arrangements in place with some local businesses.
- 3.2.21 The records for three feed complaints or referrals from other local authorities were examined and these demonstrated that they had been dealt with effectively, in accordance with the Authority's policy and that all relevant parties had been contacted and kept informed of progress of the complaint.

Feed Safety Incidents

- 3.2.22 The Authority had not developed a procedure on feed alerts and incidents. In practice alerts were received and assessed by the food team, who would forward any relevant alerts for action to a relevant officer of the feed team. A delegated officer could access and action the emails in the absence of the Lead Officer.

3.2.23 A corporate out of hours contact system was in place which was utilised to cover the receipt of notifications from the Agency on feed alerts and incidents. Auditors were advised about one potential feed incident 18 months ago that had resulted in an appropriate incident report being submitted to the FSA.

Advice to Business

3.2.24 The Service had been proactive in identifying feed establishments in their area, sending letters and questionnaires in the past to all potential businesses and farms affected by feed legislation, informing them of the need to register with the Authority. The Service had also taken steps to identify all food businesses potentially supplying waste food to the feed industry, recently hosting and running a comprehensive waste food seminar to inform businesses about the dangers and hazards associated with the supply of such waste to the feed chain.

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 for feed law enforcement activities in accordance with Regulation (EC) No. 882/2004 (Official Feed and Food Controls) and the FLECP.
- 3.3.2 In practice there was some evidence that a range of routine qualitative and quantitative monitoring was taking place, which included annual appraisals and monitoring of inspection records. Intervention records received a specific code on the database to indicate that they had been monitored. Auditors recommended the development of a documented risk based and proportionate internal monitoring procedure covering all aspects of the Service including sampling and complaints to ensure consistency amongst officers and the appropriate escalation of enforcement where necessary.

Recommendation

3.3.3 The Authority should:

Develop and implement a documented internal monitoring procedure to include quantitative and qualitative monitoring of feed law enforcement activities across all areas of the Standard. The procedure should reflect the monitoring activities already undertaken in practice and should be aimed at verifying the Service's conformance with relevant legislation, official guidance and the Standard. Records of monitoring checks should be maintained. [The Standard - 19.1, 19.2 and 19.3]

Records

- 3.3.4 Records of feed law enforcement activities were maintained electronically with some hard copy paper records. Records in relation to interventions, complaints, referrals and feed sampling activities were generally up to date and accurate. Auditors did note some difficulties in the retrievability of some intervention and sampling records as discussed previously.

Recommendation

3.3.5 The Authority should:

Maintain up to date accurate records in retrievable form for all feed establishments and relevant checks in accordance with the Feed Law Enforcement Code of Practice, including all records of inspection and determinations of compliance carried out by authorised officers. [The Standard – 16.1]

Third Party or Peer Review

3.3.6 The Authority had not participated in any inter-authority audit, third party or peer review process relating to the feed service in the last two years.

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Food Standards Agency

Operations Assurance Division

ANNEX A Action Plan for Barnsley Council

Audit date: 21-22 August 2013

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
<p>3.1.11(i) Review its documented procedure for the authorisation of officers to include a suitable method of assessing officer competencies, linking this to the identification of officer training needs. [The Standard – 5.1]</p>	<p>Completed</p>	<p>Authorisation procedure has been reviewed to include assessing officers' competencies linking to identification of training needs. Relevant officers to sign to say they have read and fully understood it.</p> <p>Training matrix has been developed and will be used during our personal development and review (PDR) process. Full PDR's are carried out annually with a six month review. This will help identify any gaps in required training.</p>	
<p>3.1.11(ii) Review and update current authorisations to ensure that all officers are appropriately authorised under relevant legislation, consistent with their qualifications, training and experience. [The Standard – 5.3]</p>	<p>Completed</p>	<p>All officers are authorised under the relevant legislation. We have received confirmation from our Solicitor that she is happy with the legislation that officers are authorised under.</p>	

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.1.11(iii) Ensure that all authorised officers receive the training needed to deliver the work that they are involved with in accordance with the Feed Law Enforcement Code of Practice. [The Standard – 5.4]	Completed	Officers receive relevant training at the moment. Training opportunities are regularly identified by authorised officers and the Group Leader and it is linked to the training matrix.	.
3.1.14(i) Ensure accurate information on feed law enforcement activity is reported in official returns to the Agency. [The Standard - 6.3]	28/02/14 Awaiting confirmation by database administrator	To be able to produce an accurate report from our feed premises database that can be used for the FSA annual return. Senior management to be made aware of any ongoing issues.	Discussions regarding a suitable and accurate report format have been ongoing with our feed premises database administrators for over 15 months with regular requests for updates on progress. Restructures within BMBC have impacted on their capacity to carry out database management.
3.1.14(ii) Set up maintain and implement a documented procedure to ensure that its feed premises database is accurate, reliable and up to date. [The Standard - 11.2]	28/02/14	Produce and implement a documented procedure in consultation with the database administrator on keeping the database up to date and as accurate as possible. Senior officer for Food Hygiene also to be consulted.	Discussions between Senior Officer and Group Leader

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
<p>3.2.8(i) Review its documented inspection procedure to ensure that it provides appropriate guidance for officers on all matters relating to feed interventions, including a relevant policy and approach to unannounced visits, inspection and visit reports and the recording of all communications with Feed Business Operators on the Authority's database. [The Standard – 7.4]</p>	<p>Completed</p>	<p>Procedure has been reviewed and amended.</p> <p>Relevant officers signed to say they have read and fully understood it.</p>	
<p>3.2.8(ii) Ensure that feeding stuffs premises inspections are carried out at a frequency which is not less than that determined under the relevant inspection rating system and in accordance with the legislation, Feed Law Enforcement Code of Practice or centrally issued guidance. [The Standard – 7.1]</p>	<p>Not known</p>	<p>The current level of staff resources does not allow inspections to be carried out at the required frequency in accordance with the Feed Law Enforcement Code of Practice. The decision on what inspections are achievable with the current or planned resources has to come from Senior Management. There are ongoing discussions with the new Assistant Director.</p>	<p>The resource issue was highlighted to the Head of Service in May 2013 following the previous FSA Audit visit on Food Standards in August 2012.</p>

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.2.8(iii) Ensure that all observations and/or data obtained in the course of an inspection are recorded and that the records are legible and stored in such a way to prevent loss of relevant information, in accordance with the Feed Law Enforcement Code of Practice. [The Standard – 7.5]	Completed	New report pads have been developed and printed on which the officer indicates issues which are recommendations and issues that are legal contraventions. A copy is left at the time of every inspection. Additional correspondence may be sent later. The report is scanned and attached to the inspection visit on the feed premises database.	
3.2.15 Set up, maintain and implement a sampling documented procedure covering all aspects of sampling in accordance with the FLECP, and including the entry and recording of sampling data. [The Standard - 12.4 and 12.5]	Completed	Documented sampling procedure has been produced which includes entry and recording of sampling data. Relevant officers signed to say they have read and fully understood it.	
3.2.19 Set up, maintain and implement documented procedures for the full range of formal enforcement actions in accordance with the Feed Law Enforcement Code of Practice and official guidance. [The Standard – 15.2]	Completed	Procedures have been produced. New procedures been written for: Improvement notices; Emergency prohibition notices; Seizure, detention and forfeiture. We now have procedures for the full range of formal enforcement actions Relevant officers signed to say they have read and fully understood it.	

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
<p>3.3.3. Develop and implement a documented internal monitoring procedure to include quantitative and qualitative monitoring of feed law enforcement activities across all areas of the Standard. The procedure should reflect the monitoring activities already undertaken in practice and should be aimed at verifying the Service's conformance with relevant legislation, official guidance and the Standard. Records of monitoring checks should be maintained. [The Standard - 19.1, 19.2 and 19.3]</p>	28/02/14	Produce and implement a documented internal monitoring procedure.	Discussion between Group Leader and Senior Officers. Monitoring does take place - but there is not a documented procedure at the moment.
<p>3.3.5 Maintain up to date accurate records in retrievable form for all feed establishments and relevant checks in accordance with the Feed Law Enforcement Code of Practice, including all records of inspection and determinations of compliance carried out by authorised officers. [The Standard – 16.1]</p>	28/02/14	The implementation of the new documented auditing procedure and database management procedure will hopefully lead to fewer officer errors on the database including attaching relevant documents. The new report sheets are to be attached to each inspection record.	There has been an issue with UKFSS dropping all the data into our feed premises database records. This has been referred to BMBC IT section. All the information required by FSA is however available on UKFSS.

ANNEX B Audit Approach/Methodology

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

(1) Examination of LA policies and procedures.

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

- Regulatory Services Food/Feed Service Operational Unit Plan 2013/14
- Food and Feed Standards Section Operation Plan Priorities Report April 2013
- Authorisation of Officers procedure 2012
- Food Standards/Feeding Stuffs Inspections procedure 2012
- Feed standards inspection forms
- Multi- site visit form
- Food standards and feeding stuffs complaints procedure 2012
- Feeding Stuffs Sampling Programme 2013/14
- Enforcement Policy
- Cabinet Minutes (various)
- Minutes of Liaison Group Meetings (various)
- Management Team and Team Meeting minutes (various).

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

- Records of Inspection
- Sampling Records
- Complaint/Referral Records.

(3) Officer interviews – the following officers were interviewed:

- Senior Officer (Feed Lead Officer)
- Field Officer
- Group Leader (Commercial Regulation Unit).

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 local feed manufacturer 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 feed business with legislative requirements.

ANNEX C Glossary

Agricultural Analyst	A person, holding the prescribed qualifications, who is formally appointed by a local authority to analyse feed samples.
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.
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 and feed legislation.
County Council	A local authority whose geographical area corresponds to the county and whose responsibilities include food standards and feeding stuffs enforcement.
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 geographical area and situated within a County Council whose responsibilities include food hygiene enforcement.
Environmental Health Officer (EHO)	Officer employed by the local authority to enforce food safety legislation.
FNAO	Feed non-animal origin. Products that do not fall under the requirements of the veterinary control regime.
FVO	Food and Veterinary Office, part of the European Commission, based within the Directorate General for Health and Consumers.
Feed Law Enforcement Code of Practice	Government Codes of Practice issued under the Official Feed and Food Control Regulations.
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/feed hygiene	The legal requirements covering the safety and wholesomeness of food/feed.
Food/feed standards	The legal requirements covering the quality, composition, labelling, presentation and advertising of food/feed, and materials in contact with food.
Framework Agreement	<p>The Framework Agreement consists of:</p> <ul style="list-style-type: none"> • Food and Feed Law Enforcement Standard • Service Planning Guidance • Monitoring Scheme • Audit Scheme <p>The Standard and the Service Planning Guidance set out the Agency's expectations on the planning and delivery of food and feed law enforcement.</p> <p>The Monitoring Scheme requires local authorities to submit yearly returns via LAEMS to the Agency on their food enforcement activities i.e. numbers of inspections, samples and prosecutions.</p> <p>Under the Audit Scheme 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 and feed enforcement.
HACCP	Hazard Analysis and Critical Control Point – a food/feed safety management system used within food/feed businesses to identify points in the production process where it is critical for food/feed safety that the control measure is carried out correctly, thereby eliminating or reducing the hazard to a safe level.
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 and feed safety/ standards issues. Acts as the central contact point for other enforcing authorities' enquiries with regard to that company's

food/feed 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.
Member forum	A local authority forum at which Council Members discuss and make decisions on food 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.
Port Health Authority (PHA)	An authority specifically constituted for port health functions including imported food and feed control.
Primary Authority	An authority that has formed a formal partnership with a business in accordance with the Regulatory Enforcement and Sanctions Act 2008.
Public Analyst	An officer, holding the prescribed qualifications, who is formally appointed by the local authority to carry out chemical analysis of food and feed 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 food/feed premises according to risk and determines how frequently those premises should be inspected. For example, high risk premises should be inspected at least every 6 months.
Service Plan	A document produced by a local authority setting out their plans on providing and delivering a food/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 feeding stuffs

legislation.

Trading Standards
Officer (TSO)

Officer employed by the local authority who, amongst other responsibilities, may enforce food standards and feeding stuffs 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 feeding stuffs enforcement.