

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

Central Bedfordshire Council
10-11 September 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/auditandmonitoring.

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 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 and is available on the Agency's website at: www.food.gov.uk/enforcement/auditandmonitoring.

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 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 Annex C.

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1.0 Introduction

- 1.1 This report records the results of an audit at Central Bedfordshire 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 Central Bedfordshire 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, because it had not been audited in the past by the Agency and was representative of a geographical mix of 10 feed law enforcement LAs across England.

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)

Scope of the Audit

- 1.5 The audit examined Central Bedfordshire Council's arrangements for systems and procedures for the control of feed of non-animal origin (FNAO).
- 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 Priory House, Monks Walk Chicksands, Shefford, Bedfordshire on 10-11 September 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 Central Bedfordshire is a Unitary Authority formed in 2009 covering around 716 square kilometres, from Leighton Linsdale and Dunstable in the west, to Sandy and Arlesy in the east, with a population of approximately 254,400. The area is diverse, with a number of small villages and towns as well as numerous industrial estates. Retail is the most common employment sector, followed by education and manufacturing. Substantial development is expected in future years, the area being part of the Milton Keynes and South Midlands growth areas.
- 1.9 The feed law enforcement function was part of the Public Protection Service, which also dealt with Emergency Planning, Occupational Health and Safety, Animal Health and Welfare, Pollution Reduction, Licensing and Trading Standards. The Service operated under the direction of the Assistant Director Environmental Services, who was accountable to the Community Services Director.
- 1.10 The profile of Central Bedfordshire's feed businesses according to figures submitted to the Food Standards Agency for 2012/13 was as follows:

Type of Feed Premises	Number
Arable Farms	29
Livestock farms	117
Manufacturers and Packers	3
Food businesses selling co-products/surplus foods	26
Importers	2
Distributors/Transporters	2
Stores	0
Retailers	7
Total Number of Feed Premises	186

2.0 Executive Summary

2.1 The Authority was selected for inclusion in the audit programme as it had not been previously audited by the Food Standards Agency (FSA). Auditors noted that following a significant reduction in staffing, the Service was highly reliant on a small number of officers to deliver the feed service, limiting the amount of feed law enforcement activity undertaken. However the Authority had adopted an intelligence led risk-based intervention strategy in accordance with the National Enforcement Priorities developed by the FSA. The Authority had recognised the future resilience of the Service as an issue and was considering possible measures to build more long term capacity into the Service.

2.2 Key areas for improvement:

Officer authorisations: Authorisation arrangements required review to ensure that officers had appropriately defined levels of authorisation in accordance with their individual qualifications, experience, training and competencies, and to ensure they were properly authorised under all relevant current feed legislation.

Feed premises database: Issues were identified with the retrievability of key enforcement and business information on the current feed premises database. The Authority was reliant on a previous database to retrieve certain key business information, however the Authority was unable to confirm how long access to the older database would continue. Auditors discussed the need for the Authority to ensure records were appropriately retained for a period of six years, in accordance with the Feed Law Enforcement Code of Practice (FLECP).

Inspection records: Officers needed to ensure that they provided a complete record of inspection findings, including a detailed breakdown of their risk assessment following inspection. It is important to record business compliance against various elements of the FLECP to inform future decisions on any follow up actions that may be required.

Internal monitoring: Although there was some evidence that qualitative monitoring was being undertaken as part of the annual appraisal and file checks for inspections relating to FSA grants, the Authority should review its internal monitoring activities to ensure that all elements of feed law enforcement are covered 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 Public Protection Service had developed a Food Law Enforcement Service Plan for 2013/14 which set out the details of how the Service would contribute to Central Bedfordshire Council's 'Delivering your Priorities' Medium Term Plan 2012-2016. Public Protection was focussed on contributing to three of the Council's six key priorities. These were: Enhancing Central Bedfordshire, Promoting Health and Wellbeing and Great Universal Services.
- 3.1.2 Whilst the Service Plan had been discussed with the Executive Member there was no formal process for the approval of the Plan or practice of recording these discussions. The Plan made reference to links with other corporate plans and reflected the Council's vision of creating a great place to live and work through its support for businesses and interventions to reduce ill health.
- 3.1.3 In seeking to realise this vision, the Plan set out a number of objectives which included:
- Achieving effective intelligence-led risk based interventions.
 - To take risk-based and intelligence led enforcement action where necessary.
 - To improve communication to small businesses on food and feedingstuffs.
 - To work in partnership with central bodies and other agencies to reduce burdens on businesses whilst still improving food and feedingstuffs safety.
- 3.1.4 The Plan made some reference to feedingstuffs and provided a breakdown of the total number of feed premises in the area according to risk but did not state the number due an intervention. The Plan also stated that feedingstuffs premises would be visited as a result of any intelligence received and may be targeted for sampling, taking into account direction from the Food Standards Agency (FSA). Targeted enforcement was also planned at those livestock farms registered for feed hygiene whilst carrying out animal health visits.
- 3.1.5 The Plan would benefit from the addition of further information including the priorities for the feed service, a breakdown of a risk based intervention programme, specific reference to the national enforcement priorities for feed authorities issued by the FSA and a realistic comparison of the resources required to deliver the feed law enforcement service in accordance with the Feed Law Enforcement Code of Practice (FLECP) compared to the resources available to the

Authority. The Authority also needed to identify and record any variances in respect of its planned feed activities throughout the year.

- 3.1.6 Auditors were advised that since the formation of the Unitary Authority the numbers of staff involved in feed enforcement had been significantly reduced, and the Service was highly reliant on a small number of staff to deliver the feed service. Auditors discussed their concerns regarding the resilience of the Service, which was an issue acknowledged by the Authority. Auditors were informed that the Authority was considering the issue with a view to building more capacity and contingency measures into the Service.

Recommendations

3.1.7 The Authority should:

- (i) Further develop the Food and Feed Plan in accordance with the Service Planning Guidance in the Framework Agreement, to include all demands on the Feed Service, feed premises profiles and a feed interventions/inspections programme. The Plan should also include 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. Ensure that the Plan is approved by the appropriate Member forum or senior delegated officer. [The Standard - 3.1 and 3.2]
- (ii) Carry out an annual performance review based on the service delivery plan and ensure that any variances identified are addressed in subsequent years' service planning. [The Standard – 3.2 and 3.3]

Documented Policies and Procedures

- 3.1.8 The Authority had not developed any specific procedures for feed law enforcement. The Authority would benefit from the development and implementation of appropriate procedures for the range of feed activities carried out by the Service. Auditors discussed the importance of such procedures to ensure continuity and consistency through re-organisations and changes in personnel. In addition an overarching system was required to ensure that policies and procedures were controlled with regard to their issue, review and amendment.

Recommendations

3.1.9 The Authority should:

- (i) Ensure that documented policies and procedures for the feed law enforcement service are reviewed at regular intervals and whenever there are changes to legislation or centrally issued guidance.
[The Standard - 4.1]
- (ii) Set up, maintain and implement a control system for all documentation relating to its enforcement activities.
[The Standard - 4.2]

Officer Authorisations

- 3.1.10 The Authority had not developed a documented procedure to describe the process for authorising officers to undertake feed law enforcement or the criteria for determining the appropriate level of authorisation, based on their qualifications, experience and competence.
- 3.1.11 The Council Constitution contained a scheme of delegation, which outlined the arrangements for delegation of specific functions to specified officers by the Council Leader. Officers carrying out feed law enforcement were authorised generically under the main Acts. Relevant legislation originating from European Union directives including the Official Feed and Food (England) Regulations 2009 and the Feed (Hygiene and Enforcement) (England) Regulations 2005 had not been included on officer authorisations. Auditors advised that legislation containing specific enforcement powers should be considered by the Council's legal department to ensure that officers were appropriately authorised.
- 3.1.12 The Authority had appointed an appropriately qualified Lead Officer for feed law enforcement and had notified the FSA appropriately.
- 3.1.13 Officers' training needs were identified as part of the Corporate Career Development Framework which was discussed annually with the line manager and signed off by the Head of Service. Auditors discussed the need to ensure that the competencies required to deliver feed law enforcement activities are routinely considered and recorded as part of this process.
- 3.1.14 Officers involved in feed law enforcement were generally receiving a wide range of training relevant to their role and were achieving the

minimum 10 hours of training required. Some gaps in continuing professional development (CPD) records were identified and the use of FSA courses to maintain officer competencies was discussed. Not all training records and course details had been held by the Authority.

Recommendations

3.1.15 The Authority should:

- (i) Set up, maintain and implement a documented procedure for the authorisation of officers based on their competence and in accordance with the Feed Law Enforcement Code of Practice. [The Standard - 5.1]
- (ii) Review current authorisations to ensure that all officers are authorised to the appropriate level under relevant legislation, in line with their individual qualifications, training, experience and competencies. [The Standard – 5.3]

Facilities and Equipment

- 3.1.16 The Authority confirmed that the Service had suitable equipment available for sampling a range of feed products.
- 3.1.17 Auditors were advised that following the formation of the unitary authority a new premises database had been introduced in 2011 and the Authority was still in discussions with the provider regarding its functionality.
- 3.1.18 Auditors identified that there were issues regarding the transfer of key premises history data from the Authority's old database to the new system. To overcome this problem, the Service was reliant on read only access to the previous database to retrieve historic data. Auditors were informed this access may be terminated as the contract with the previous provider had ceased and auditors discussed the importance of retaining this key historical information.
- 3.1.19 Auditors were advised that due to the current difficulties with the database, the Lead Officer for Feed maintained the feed premises register on a separate spreadsheet.
- 3.1.20 The Authority had been proactive in trying to identify potential food businesses which may supply waste food or co-products to feed businesses, and had contacted relevant businesses via a mailshot

requesting them to either register or sign a declaration that they were not involved in this process. The letter and subsequent findings had been shared with colleagues at the regional East of England Trading Standards Association (EETSA) agriculture group for other LA's to adopt.

- 3.1.21 Auditors discussed the need for the development of operational procedural guidance for the management and maintenance of the database and to provide appropriate training for officers.
- 3.1.22 The annual feed enforcement return was completed manually by the lead officer and auditors discussed the benefits of having this data validated by management before submission.

Good Practice – Identifying food co-products suppliers

The Authority had sent an informative letter to relevant food businesses which advised of the requirement to be registered if supplying food co-products or surplus food waste for animal feed.

Recommendation

3.1.23 The Authority should:

Develop, maintain and implement a documented procedure to ensure that the feed premises database is accurate, reliable and up to date and to ensure that accurate information on feed law enforcement activity is reported in official returns to the Agency.

[The Standard – 11.2]

Liaison with Other Organisations

- 3.1.24 Effective animal feed liaison arrangements had been established with central government and local enforcement bodies across the region. The Authority was actively involved in the EETSA regional group and regularly attended meetings of the Agriculture Focus Group which included representatives of the Animal Health and Veterinary Laboratories Agency, the Veterinary Medicines Directorate and the FSA. This enabled the Authority to have access to specialist information and support when needed. The Authority was familiar with

the current national Memorandum of Understanding in relation to the enforcement of EC regulations relating to animal feed.

3.2 Feed Control Activities

Feed Establishments Interventions and Inspections

- 3.2.1 The Authority had not developed and implemented an intervention and inspection procedure. Auditors were advised due to the limited resources the Service was unable to maintain interventions at the frequency required by the FLECP. However the Authority had implemented a risk based intervention strategy targeting high risk feed establishments for intervention in accordance with National Enforcement Priorities. Animal health inspections at lower risk establishments also considered animal feed law enforcement activities.
- 3.2.2 The Lead Officer assessed the proposed National Enforcement Priorities before determining the annual animal feed enforcement programme and there was evidence that the Authority had carried out a targeted programme of official controls at feed business operators across all relevant commercial feed business operators. This included approved establishments, manufacturers and haulage transporters, following receipt of specific funding from the FSA for the period 2012/13. Further similar interventions were planned in 2013/14 largely dependent upon a specific funding application made to the FSA.
- 3.2.3 The Service had adopted relevant inspection aides-memoire for the types of businesses inspected, allowing officers to demonstrate that businesses had been assessed against all relevant feed hygiene legislation. Auditors were advised that visits to livestock farms for animal health purposes also considered some animal feed issues.
- 3.2.4 Auditors identified that elements of the inspection database were not being fully utilised. Whilst total risk scores were allocated following some inspections, no detailed breakdown of the risk scores was available as required by Annex 5 of the FLECP. This key information is essential to record an officer's judgement of business risk and regulatory compliance following an intervention. It provides the Service with a complete premises compliance history and forms the basis of the intervention programme as well as helping to inform future decisions as to appropriate enforcement action to be taken. Auditors were therefore unable to establish that interventions had always taken place at the correct frequency prescribed by the FLECP, due to the lack of detailed risk rating information.
- 3.2.5 In most cases appropriate follow-up action had been taken following interventions. Businesses were provided with comprehensive letters confirming the officers' findings, however there was a need to provide greater clarity between legal contraventions and observations in correspondence. Auditors highlighted one case where assessment of compliance following a routine inspection had not been achieved despite repeated attempts by the officer to visit the premises. The

Authority needs to ensure there is timely follow-up action in every case in accordance with its enforcement policy.

- 3.2.6 Auditors discussed and clarified the Authority's policy on unannounced visits and confirmed that where possible all visits should be unannounced. The Authority was referred to the latest guidance on this matter issued by the Agency.

Recommendations

3.2.7 The Authority should:

- (i) Ensure that feeding stuffs premises inspections are both risk rated and carried out at appropriate frequencies as specified by the Feed Law Enforcement Code of Practice. [The Standard - 7.1]
- (ii) Carry out interventions and inspections in accordance with the relevant legislation, Feed Law Enforcement Code of Practice and centrally issued guidance and the Authority's own policies and procedures. The Authority should take appropriate follow up action on any non-compliance found in accordance with its enforcement policy. [The Standard - 7.2 and 7.3]
- (iii) Set up, maintain and implement documented procedures for the range of interventions/ inspections carried out. [The Standard - 7.4]

Verification Visit to a Feed Premises

- 3.2.8 During the audit, a verification visit was undertaken to a food manufacturer placing co-products on the market 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. The officer was clearly familiar with the operations carried out at the establishment, able to demonstrate extensive feed law enforcement knowledge and had effectively assessed compliance with feed law requirements.

Feed Inspection and Sampling

- 3.2.9 The Agricultural Analyst appointed by the Service was designated as an Official Control Laboratory for animal feed analysis and was appropriately 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.

- 3.2.10 The Authority had developed an appropriate sampling policy outlining its approach and commitment to risk-based sampling. However no specific sampling procedure had been developed.
- 3.2.11 The Authority had been proactive in applying for funding as part of both joint local authority and independent grant funding bids to the Agency, having successfully applied for FSA sampling grants in 2011/12 and 2012/13. The Authority had applied for a further grant for 2013/14, and if successful the Authority intended to submit five animal feed samples as part of the programme.
- 3.2.12 Sampling records checked during the audit generally confirmed that appropriate follow-up actions had been taken, including letters to businesses informing them of the sample results. However auditors discussed the need to ensure consistent data entry onto the feed premises database.

Recommendation

3.2.13 The Authority should:

Set up, maintain and implement documented procedures for the inspection and sampling of feeding stuffs.
[The Standard - 12.3]

Enforcement

- 3.2.14 The Authority had developed a generic enforcement policy which was in the process of being approved by the relevant Member. The policy outlined its commitment to proportionate and graduated enforcement in relation to food and auditors advised that specific reference was also made to animal feed.
- 3.2.15 Although the Authority had not found it necessary to take any formal enforcement action relating to feed in the previous two years, auditors discussed the benefits of developing suitable procedures and guidance for officers covering the full range of enforcement options available, including the drafting and service of improvement notices, seizure and detention of products and voluntary and emergency prohibition notices.

Recommendation

3.2.16 The Authority should:

Set up, maintain and implement documented procedures for the full range of 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

3.2.17 The Authority did not have a feed complaints policy or procedure in place but provided details of a generic Citizens Advice referral protocol for complaints received from the public which included reference to animal health and feeding stuffs. The Authority had not had any feed related complaints or referrals in the last two years.

3.2.18 The Service Plan made reference to the Authority being the Primary Authority for one food business and being supportive of the Home Authority Principle, and partnerships had been established with a range of businesses.

Recommendation

3.2.19 The Authority should:

Develop, maintain and implement a documented policy and procedures in relation to complaints about feed and feed establishments. Procedures should include guidance on referral arrangements to other authorities.
[The Standard – 8.1]

Feed Safety Incidents

3.2.20 The Authority had not developed a procedure on feed alerts and incidents. In practice the Lead Officer received feed alerts by email for assessment to determine if further action was required. Auditors discussed the need to ensure cover was provided in the absence of the Lead Officer and the Authority agreed to make arrangements for

alerts to be also sent to a generic mailbox. An appropriate corporate out of hours contact system was in place within the Authority.

Advice to Business

- 3.2.21 The Authority was able to provide an example of an advisory guidance document issued to livestock farms in the last five years. The letter sent to relevant businesses concerning co-products contained useful information on feed law requirements. Appropriate advice was also provided to feed businesses on inspection, on the provision of feed sampling results and through information published on the Authority's website.

3.3 Internal Monitoring and Third Party or Peer Review

Internal Monitoring

- 3.3.1 The Service had not developed a documented procedure for qualitative or quantitative monitoring in relation to animal feed enforcement. However evidence was provided of a quantitative assessment of feed activities undertaken as part of an individual officer's performance review and evidence was provided of file checks carried out by a senior manager on FSA funded inspections.
- 3.3.2 The Authority needed to develop a risk-based and proportionate internal monitoring procedure covering all aspects of the Service including database management, complaints, sampling, officer authorisations and follow up enforcement actions. More targeted internal monitoring would help ensure consistency amongst officers and the appropriate escalation of enforcement where necessary.

Recommendation

3.3.3 The Authority should:

Set up, maintain and implement documented internal monitoring procedures 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 along with some hard copy paper records. Relevant enforcement documents were not automatically linked to the premises database and officers had to retrieve data from folders held on a shared drive on the Council's database. The process of retrieving key feed information was complex and could hinder the management and delivery of the feed intervention programme.
- 3.3.5 Feed businesses registration forms had only been retained from March 2011. Auditors discussed the need to retain up to date accurate records in retrievable form including feed premises registration forms for all relevant feed businesses.

- 3.3.6 In addition auditors discussed the need for the Authority to ensure the appropriate retention of records for a period of six years in accordance with the Feed Law Enforcement Code of Practice.

Recommendation

- 3.3.7 The Authority should:

Maintain up to date accurate records in retrievable form for all feed establishments in accordance with the Feed Law Enforcement Code of Practice These records shall include relevant feed registration documents and be retained for a minimum six year period.
[The Standard – 16.1 and 16.2]

Third Party or Peer Review

- 3.3.8 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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Operations Assurance Division

ANNEX A Action Plan for Central Bedfordshire Council

Audit date: 10-11 September 2013

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
<p>3.1.7(i) Further develop the Food and Feed Plan in accordance with the Service Planning Guidance in the Framework Agreement, to include all demands on the Feed Service, feed premises profiles and a feed interventions/inspections programme. The Plan should also include 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. Ensure that the Plan is approved by the appropriate Member forum or senior delegated officer. [The Standard - 3.1 and 3.2]</p>	<p>31/03/14</p>	<p>Food and Feed Plan to be reviewed and developed, where necessary, for 2014/15 to include detailed information relating to the feed law Service.</p> <p>The Plan is also to be approved by the Executive Member – Sustainable Communities – Services.</p>	
<p>3.1.7(ii) Carry out an annual performance review based on the service delivery plan and ensure that any variances identified are addressed in subsequent years' service planning. [The Standard – 3.2 and 3.3]</p>	<p>30/04/14</p>	<p>Quarterly reviews will be carried out of performance against the plan. Where issues are noted these will be addressed during the lifetime of the plan. This will be a standing indicator going forward.</p>	

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.1.9(i) Ensure that documented policies and procedures for the feed law enforcement service are reviewed at regular intervals and whenever there are changes to legislation or centrally issued guidance. [The Standard - 4.1]	31/08/14	<p>Existing policies and procedures to be reviewed and new policies and procedures to be developed as necessary.</p> <p>All policies and procedures to be reviewed annually thereafter and following any changes in legislation or guidance.</p>	<p>Authority is currently participating in regionally (EETSA) coordinated work whereby template procedures and policies are to be developed and shared between Authorities.</p> <p>(EETSA Senior Managers Group has agreed the Agriculture Group should pursue further. Discussed at Agriculture Group and each Authority agreed to 'adopt' a procedure to develop draft template).</p>
3.1.9(ii) Set up, maintain and implement a control system for all documentation relating to its enforcement activities. [The Standard - 4.2]	30/04/14	<p>Feed Lead Officer (FLO) to review current documentation to ensure still relevant and updated where necessary.</p> <p>FLO will control relevant documents by making sure current electronic issues are only available to officers in PDF/Read-Only format.</p> <p>Documents to be reviewed annually and amended where necessary.</p>	Documentation already made available to relevant officers in "shared" folder on Authority's computer system.

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.1.15(i) Set up, maintain and implement a documented procedure for the authorisation of officers based on their competence and in accordance with the Feed Law Enforcement Code of Practice. [The Standard - 5.1]	31/08/14	Procedure to be developed as necessary.	A Career Development Framework already exists where by officers have to evidence their competency over a range of measures associated with the role they undertake. Review meetings are held every six months to ensure that competency is being maintained and a training log is held showing training undertaken.
3.1.15(ii) Review current authorisations to ensure that all officers are authorised to the appropriate level under relevant legislation, in line with their individual qualifications, training, experience and competencies. [The Standard – 5.3]	31/01/14	Current authorisations to be reviewed for all relevant officers. Authorisations to then be reviewed as part of annual Service review.	<p>Relevant officers warrants currently being amended, with authorisation letters being reissued accordingly.</p> <p>Officer competency is already regularly assessed as part of the Career Development Framework, as outlined above.</p> <p>FLO to direct and limit officer(s) enforcement activities to those appropriate to relevant authorisation level, as outlined in Code of Practice.</p>

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.1.23 Develop, maintain and implement a documented procedure to ensure that the feed premises database is accurate, reliable and up to date and to ensure that accurate information on feed law enforcement activity is reported in official returns to the Agency. [The Standard – 11.2]	31/08/14	Procedure to be developed as necessary. Official returns to the Agency to be checked and signed off by FLO and Service Manager.	(see above – in line with regional work) Premises history for all relevant feed businesses is being migrated from previous database to current database.
3.2.7(i) Ensure that feeding stuffs premises inspections are both risk rated and carried out at appropriate frequencies as specified by the Feed Law Enforcement Code of Practice. [The Standard - 7.1]	30/04/14	All relevant premises to be risk-rated and inspected at appropriate frequency with reference to new risk-scoring system in upcoming Feed Law Code of Practice (2014) and provision for 'earned recognition'.	Authority is currently participating in a regional "Earned Recognition" pilot exercise, coordinated by Norfolk CC for the FSA.

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
<p>3.2.7(ii) Carry out interventions and inspections in accordance with the relevant legislation, Feed Law Enforcement Code of Practice and centrally issued guidance and the Authority's own policies and procedures. The Authority should take appropriate follow up action on any non-compliance found in accordance with its enforcement policy. [The Standard - 7.2 and 7.3]</p>	<p>On-Going</p>	<p>Interventions/inspections are already carried out in accordance with relevant legislation, Code of Practice, centrally issued guidance and Authority's Enforcement Policy, although other relevant policies and procedures are yet to be reviewed or developed. FLO to monitor any follow-up action required for any non-compliance(s) and ensure it is carried out in a timely manner and in accordance with the Authority's Enforcement Policy. (Where FLO is the inspecting Officer, the appropriate Service Manager will monitor any follow-up action for any non-compliance(s) found).</p>	<p>Case highlighted during audit whereby timely action had not been carried out, has now been concluded. Business in question has now demonstrated compliance and no further action is required.</p>
<p>3.2.7(iii) Set up, maintain and implement documented procedures for the range of interventions/ inspections carried out. [The Standard - 7.4]</p>	<p>31/08/14</p>	<p>Procedures to be developed and implemented. (EETSA Agriculture Group currently looking at developing a range of template procedures / work instructions as part of coordinated Regional work).</p>	<p>(see above – in line with regional work)</p>

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.2.13 Set up, maintain and implement documented procedures for the inspection and sampling of feeding stuffs. [The Standard - 12.3]	31/08/14	Procedures to be developed and implemented.	(see above – in line with regional work)
3.2.16 Set up, maintain and implement documented procedures for the full range of enforcement actions in accordance with the Feed Law Enforcement Code of Practice and official guidance. [The Standard - 15.2]	31/08/14	Procedure to be developed and implemented.	(see above – in line with regional work)
3.2.19 Develop, maintain and implement a documented policy and procedures in relation to complaints about feed and feed establishments. Procedures should include guidance on referral arrangements to other authorities. [The Standard – 8.1]	31/08/14	Existing policies and procedures to be reviewed and new policies and procedures to be developed as necessary.	(see above – in line with regional work)

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
<p>3.3.3 Set up, maintain and implement documented internal monitoring procedures 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>	<p>31/08/14</p>	<p>A monitoring system is to be put in place for all activities undertaken in Public Protection to ensure compliance with standards etc. relevant to the area of work. Feed law enforcement will be one of the areas tested for compliance with all areas of the Standard.</p>	

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
<p>3.3.7 Maintain up to date accurate records in retrievable form for all feed establishments in accordance with the Feed Law Enforcement Code of Practice These records shall include relevant feed registration documents and be retained for a minimum six year period. [The Standard – 16.1 and 16.2]</p>	<p>31/08/14</p>	<p>Mostly in place at time of the audit. Improvements to take place to ensure all visit and sample records are up-to-date and relevant information is migrated from old database to the new current database. Missing registration forms were destroyed due to movement of offices and into a 'paper-less environment'. A mail-merge is to be developed and sent to those businesses where no registration form currently exists, to ensure registration/approval activities, premises details are details are still relevant and applicable.</p>	<p>Premises history data is currently being migrated from old database to new database.</p>

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:

- Public Protection Service Plan 2013/14
- Food Law Enforcement Service Plans 2011/12 and 2012/13
- Public Protection Animal Feed Sampling Policy
- Central Bedfordshire Council Enforcement Policy
- Central Bedfordshire Council Constitution and Scheme of Delegation of Functions to Officers
- Various minutes of the East of England Trading Standards Association meetings
- Memorandum of Understanding between Animal Feed law Regulatory and Enforcement Bodies in the UK.

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

- Evidence of authorisations and qualifications
- Feed establishments records
- Feed inspection and sampling records.

(3) Review of database records:

- Audit Liaison officer(Lead Feed Officer)
- Senior Enforcement Officer
- Public Protection Service Manager.

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

A verification visit was made with the Authority's officers to a local food manufacturer supplying co-products onto the market. 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 of 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 Equivalents (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.