

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

Cornwall Council  
3-4 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](http://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](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](http://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 Cornwall 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. This report has been made publicly available on the Agency's website at:  
[www.food.gov.uk/enforcement/auditandmonitoring/auditreports](http://www.food.gov.uk/enforcement/auditandmonitoring/auditreports)  
Hard copies are available from the Food Standards Agency's 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 Cornwall 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.<sup>1</sup>
- 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 past by the Agency and was representative of a geographical mix of 10 feed law enforcement LAs across England.

### Scope of the Audit

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

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

- 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 offices at Unit 6 Threemilestone Industrial Estate, Truro, Cornwall on 3-4 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 Cornwall Council lies in the south west of England, with a population estimated to be around 536,000 and occupies an area of 3,546 km<sup>2</sup>. The area includes the city of Truro, which features as the administrative centre, and also the large town of St. Austell. From 1 April 2009 the County Council and district councils amalgamated to form the new unitary authority. The County's economy relies predominantly on tourism, along with fishing and agriculture and china clay extraction.
- 1.9 Feed law enforcement was part of the responsibilities of the Quality Standards and Animal Health Team which also encompassed other Trading Standards disciplines such as weights and measures, animal health and welfare, food standards, fair trading, and product safety. These services were within the Business Compliance Unit within the Public Health and Protection Service which is part of the Community Safety and Protection Directorate.
- 1.10 The profile of Cornwall Council's feed businesses according to figures submitted to the Agency for 2010/11 was as follows:

Type of Feed Premises	Number
Arable Farms	21
Livestock Farms	6,390
Manufacturers	7
Food businesses selling co-products/surplus food	25
Importers	1
Distributors/Transporters	33
Stores	5
Retailers	230
<b>Total Number of Feed Premises</b>	<b>6,712</b>

## 2.0 Executive Summary

2.1 Cornwall Council was selected for audit as it had not been previously audited by the Food Standards Agency (FSA). Auditors acknowledged that the Service was currently in the process of assessing and strengthening its feed law enforcement activities across all areas of feed business operations. This process followed a 2010 meeting with representatives of the FSA Animal Feed Unit to discuss the Food and Veterinary Office (FVO) recommendations, which identified shortfalls in inspection visits carried out and levels of competent officers across the United Kingdom. Subsequently a comprehensive review of feed delivery had been carried out and the findings submitted to senior management. An action plan had been compiled in 2011 to address the issues identified. The process was ongoing and a number of projects for 2013/14 had been scheduled.

### 2.2 Strengths:

**Project development, implementation and monitoring:** The Authority had developed and implemented a number of projects for 2013/14 with the aim of improving feed law enforcement across all feed business activities, including improving data quality on the feed database, updating the feed register, enabling sampling data to be uploaded to the United Kingdom Food Surveillance System (UKFSS) and improving feed enforcement activities at the local ports. These projects were regularly monitored through the Authority's internal monitoring system.

**Training:** It was clear that the Authority had a commitment to ensuring staff were well trained. A number of Animal Health Officers (AHOs) had received feed training and had subsequently passed the Trading Standards Institute Certificate of Competence in Agriculture for feed enforcement. File checks showed that all officers had the requisite 10 hours continuing professional development (CPD) required by the Feed Law Enforcement Code of Practice. Training records were well maintained.

**Liaison:** The Authority was part of the South West of England Regional Co-ordination of Trading Standards (SWERCOTS) liaison group and was represented at National Animal Feed Ports Panel, the Animal Feed Law Enforcement Group and the National Agriculture Panel. Work with SWERCOTS included a lead role in the development and implementation of the Inter-Authority Audit scheme.

**Advice to business:** It was clear that the Authority placed importance in providing clear and helpful advice to feed businesses. There was evidence of thorough advice being provided in response to service requests and referrals regarding animal feed, advice on compliance following interventions, and written advice in regard to complying with the legislation issued with registration documents. In addition the

Service had developed a documented basic feed safety management system for use by farmers with on-farm mixing operations incorporating additives.

### 2.3 **Key areas for improvement:**

**Officer authorisations:** Authorisation arrangements required review to ensure that officers have appropriately defined levels of authorisation in accordance with their individual qualifications, experience, training and competencies and to ensure they contained all relevant current feed legislation. An authorisation procedure should be developed and linked to officer levels of competency.

**Database and feed register:** The Authority should continue to register feed premises to bring the feed register and the database up to date.

**Feed establishment interventions programme:** All feeding stuffs premises should be both risk rated and inspected at appropriate frequencies, as specified in the Feed Law Enforcement Code of Practice.

**Inspections:** There was some variation in the effectiveness of inspections. File checks showed that traceability, supplier information and imported feed had not always been adequately covered and contraventions of legislation identified had not always been effectively followed up in accordance with the Feed Law Enforcement Code of Practice.

**Records:** The maintenance of records of feed premises interventions and sampling activities required improvement to ensure that relevant business information and follow-up actions were recorded in accordance with the Feed Law Enforcement Code of Practice.

## **3.0 Audit Findings**

### **3.1 Organisations and Management**

#### Strategic Framework, Policy and Service Planning

3.1.1 The Authority had developed a draft 'Food and Feed Hygiene and Standards Plan 2013-2014' ('the Service Plan'), which had been linked to the higher level strategic plans: the 'Public Health and Protection Service Business Compliance Unit Plan 2013-16' and the 'Public Health and Protection Service Plan 2013-16'. The Service Plan was generally in accordance with the requirements of the service planning guidance in the Framework Agreement and had taken account of Food Standards Agency (FSA) National Enforcement Priorities. Future plans would benefit from further development to separate feed and food expenditure and to provide a comparison of the financial and staff resources required to deliver the feed law enforcement service against resources available to the Authority, based upon the full range of demands placed upon it. The Service Plan had been scheduled to be submitted for appropriate Cabinet approval in October 2013.

3.1.2 Auditors were informed that the Service was in the process of assessing and strengthening its feed law enforcement activities across all areas of feed business operations. This process followed a 2010 meeting with the FSA to discuss Food and Veterinary Office (FVO) recommendations, which identified shortfalls in inspection visits carried out and levels of competent officers across the UK. Following the meeting a comprehensive review of feed delivery had been carried out and the findings submitted to senior management. Consequently an action plan had been compiled in 2011 to address the issues identified. This process was ongoing and a number of projects for 2013/14 had been implemented which were detailed in the Service Plan. These included:

- improvement of feed data quality on the Authority's database and the associated feed register, along with improved checks on the quality of data to be submitted to the Agency
- an alternate enforcement strategy for bringing the accuracy of the feed register up to date
- updating the database to enable feed sampling data to be uploaded to UKFSS
- improvements to the delivery of feed law enforcement at local ports
- Training of animal health officers to undertake feed hygiene inspections on-farm.

## **Recommendation**

### 3.1.3 The Authority should:

Further develop the Food and Feed Plan in accordance with the Service Planning Guidance in the Framework Agreement, to 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.

[The Standard – 3.1]

## Documented Policies and Procedures

- 3.1.4 The Service had recently developed and implemented a 'Document Control Protocol' and following a review most of the key feed law enforcement procedures required by the Framework Agreement had been recently updated. However procedures continue to be under review to ensure that effective changes are made once the new Feed Law Enforcement Code of Practice has been finalised and issued.
- 3.1.5 In addition the Authority had in place a 'Document Retention Policy' which specified how long specific records relating to feed law enforcement were to be retained.

## Officer Authorisations

- 3.1.6 An effective Scheme of Delegation was in place, which outlined the arrangements for delegation of specific functions under relevant legislation to specified officers by the Head of Public Health and Protection. However, authorisations, which in some cases included the full range of feed law enforcement powers, had been issued to a number of officers who were not involved in day to day feed law enforcement and were unable to fulfil the continuing professional development (CPD) requirements. Although auditors were assured that officers were limited by the inspection and enforcement protocols in exercising delegated authority, it was suggested that key enforcement powers should be limited to reflect individuals' qualifications, experience, training and competence. The benefits were also discussed of developing an authorisation procedure to administer the issuing of authorisation documents and to better link authorisation levels to CPD requirements. Authorisations required review to ensure they contained all relevant feed legislation, including the European Communities Act 1972.
- 3.1.7 The Authority had provided the Agency with details of the Lead Officer for feed who was appropriately qualified and experienced.

- 3.1.8 The Authority was able to demonstrate a commitment to ensuring officers were well trained and developed. Officer training needs were identified through the Performance Development System and these were reviewed on a six monthly and annual basis. Training requirements could be identified at any stage of the process. The majority of officer training was delivered in-house by the Lead Officer for feed who was also the Trading Standards Institute (TSI) Joint Lead Officer for Agriculture and TSI DCATS Examiner for Agriculture and Food Standards. Auditors discussed how competency levels for the Lead Officer could be effectively evidenced including the use of peer review with neighbouring Authorities.
- 3.1.9 The Authority had trained a number of Animal Health Officers (AHO) in feed law enforcement and they had recently passed the Trading Standards Institute Certificate of Competence in Agriculture.
- 3.1.10 Generally officers carrying out feed law enforcement had the requisite 10 hours CPD per annum required by the Feed Law Enforcement Code of Practice. Some officers had not received recent HACCP training but the Authority was able to show that the appropriate training had been scheduled for November 2013. Recently a number of Animal Health Officers (AHOs) had taken the Trading Standards Institute Certificate of Competence in Agriculture, enabling the Authority to increase its resource commitment to feed law enforcement.
- 3.1.11 Comprehensive qualification and training records had been effectively maintained by the Authority and were easily retrievable.

### **Recommendations**

3.1.12 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

- 3.1.13 Auditors confirmed that the Service had suitable equipment available for sampling a range of feed products.
- 3.1.14 The Authority had an electronic database for the recording of feed law enforcement activities, which was capable of providing information necessary for official returns. The Authority reported that it had not yet set up the database to carry out validation checks for official returns in the same way as for food data and that currently data was submitted manually. Although database checks showed that the database was generally accurate, validation reports run during the audit showed that there were some anomalies to the data submitted and it was clear that written warnings had been substantially under reported.
- 3.1.15 Auditors were informed of an ongoing project to improve data quality across the Authority's database which included a number of areas relating to feed data and the accuracy of the feed register. The Authority was able to report that significant progress had been made with this task and it was scheduled for completion by the end of March 2014.

### **Good Practice – Updating the Database and Feed Register**

The Authority's project to improve the accuracy of the database and the feed register included innovative methods to acquire the necessary information. These included:

- Acquiring lists of premises from farm and feed assurance schemes to better target premises requiring registration.
- Contacting farms at set times during the morning and evenings to have a better chance of talking to the feed business operator.
- Modifying registration documents to ensure farmers register under the correct category code for their premises.

- 3.1.16 The Authority had developed and implemented a number of database input and retrieval procedures to aid data accuracy and these had been issued to officers. Monitoring of the accuracy of the data inputted by officers was carried out at monthly 1 to 1 meetings. In addition the database system had been configured with user privileges which meant that officers were unable to create or delete premises.

### **Recommendation**

3.1.17 The Authority should:

Ensure that the feed premises database is operated in such a way so as to be able to provide required information requested by the Food Standards Agency.  
[The Standard – 6.3]

### Liaison with Other Organisations

- 3.1.18 The Authority was actively involved in the South West of England Regional Co-ordination of Trading Standards (SWERCOTS) liaison group and was able to demonstrate representation on the National Animal Feed Ports Panel, the Animal Feed Law Enforcement Group and the National Agriculture Panel. In addition the Authority had recently attended an FSA feed meeting at Taunton to discuss regionally co-ordinated feed law enforcement activities.
- 3.1.19 Auditors were advised of on-going liaison arrangements in relation to imported feed consignments arriving at Falmouth Docks and other small ports where there was no evidence of feed imports at present.

## **3.2 Feed Control Activities**

### Feed Establishments Interventions and Inspections

- 3.2.1 The Authority had developed a documented procedure for the inspection of feed premises. The Service advised that both announced and unannounced inspections were carried out taking into account the compliance history of the establishment, the need to ensure appropriate personnel were present on inspection, and logistical considerations with regard to the geographical size of the district. At present the period of notice before inspection varied between two days and a week. Auditors discussed the need to keep prior notice, where necessary, down to a minimum to ensure that the inspection captures a fair reflection of feed businesses normal operating standards.
- 3.2.2 It was acknowledged that since the change in legislation in 2006, and due to a lack of staff resources, a large number of livestock farms remained unregistered and unrated. Therefore not all feed premises had been inspected at the frequency required by the Feed Law Enforcement Code of Practice. The Service had developed and implemented a feed business approval/registration flowchart and had recently developed a system of efficiently contacting feed businesses, with the aim of ensuring that all premises are registered under current legislation and that their category of registration was accurate.
- 3.2.3 At the time of the audit, the Authority's risk rating system did not take into account assurance schemes for the purposes of earned recognition. Risk ratings were based purely on the activities carried out and included a mixture of assured and non-assured premises, many of which had not been inspected previously. The transition to the National Trading Standards Board (NTSB) Risk Assessment Scheme would replace the Authority's rating system and would change the feed premises risk rating profile and inspection demands upon the service. The Authority planned to desktop risk rate a number of unrated premises using the NTSB scheme to bring them within the inspection programme and to correct all risk assessment anomalies that conflicted with FSA category codes.
- 3.2.4 Whilst the Service Plan acknowledged that the Authority was unable to fulfil the Feed Law Enforcement Code of Practice's criteria for frequency of inspections due to a lack of staff resources, a risk-based annual inspection programme across all types of feed premises and across all risk categories had been developed. Feed premises inspections were to be targeted using the National Enforcement Priorities and had increased from 136 the previous year to 195, with help from FSA funding.
- 3.2.5 A Food and Feed Hygiene Intervention Protocol had been developed and implemented and the Service had used FSA aides-memoire, covering all feed business sectors when carrying out inspections. File

checks showed that there was some variation in the effectiveness of inspections. In particular traceability, supplier information and imported feed had not been always adequately addressed on the inspection forms. In addition, there were contraventions of legislation identified that had not been effectively followed up in accordance with the Feed Law Enforcement Code of Practice. In other areas covered by the feed inspections a good level of detail in regard to officer observations on site had been recorded. There was no evidence of internal monitoring observed during file checks.

3.2.6 The Authority operated the Memorandum of Understanding with Veterinary Medicines Directorate (VMD) who carried out inspections in the area under Regulation 183/2005. As the Authority did not undertake any joint inspections with the VMD auditors discussed the benefits of obtaining and retaining copies of the inspection reports.

3.2.7 The Authority had one port that was importing up to 30,000 tonnes of feed per annum and a number of smaller ports which were not at present importing any feed. The Authority had made it a priority for this year to strengthen controls at its ports including:

- reviewing the information held regarding feed importers and agents
- identifying and recording individual consignments
- carrying out documentary, identity and physical checks at the ports along with sampling.

An 'Imported Feed Controls Action Plan' had been developed and included in the draft Service Plan.

### **Recommendations**

3.2.8 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, giving priority to higher risk feed establishments. [The Standard - 7.1]
- (ii) Inspect and continue to register relevant feed establishments in accordance with relevant legislation, the Feed Law Enforcement Code of Practice and centrally issued guidance. [The Standard 7.2]
- (iii) Assess the compliance of premises and systems to legally prescribed standards. [The Standard 7.3]

## Verification Visit to a Feed Premises

- 3.2.9 A 'reality check' visit was carried out to Falmouth Docks which was undertaking the storage of feeds which had been imported. 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. During the visit an outstanding issue from a previous inspection was found to be unresolved. The need to carry out timely follow-up was discussed to ensure problems are resolved before the next inspection.

## Officer Interview

- 3.2.10 As part of the normal audit process an officer interview was carried out with an animal health officer. The main objective was to assess their knowledge and ability to take proportionate enforcement action as well as their familiarity with the Service's systems. All opinions and views raised during officer interviews and any discussions that take place are taken into account when considering the overall findings of the audit but remain confidential and are not referred to directly within the report.

## Feed Inspection and Sampling

- 3.2.11 The Authority had a documented policy and procedure for feed sampling and had produced, in consultation with the Agricultural Analyst, a feed sampling programme which gave due consideration to the National Enforcement Priorities. The Authority, as part of a regional SWERCOTS bid, had successfully applied for a sampling grant from the Food Standards Agency for 2013/14.
- 3.2.12 A project to enable the food and feed premises database to upload sampling data to UKFSS had been implemented and this was due for completion by the end of March 2014.
- 3.2.13 Examination of three records of feed sampling activities confirmed that samples had been taken by a suitably authorised officer in accordance with the sampling programme. However, in some cases sampling records were incomplete and in one case it appeared that the sampling process had not been carried out in accordance with the Feed Law Enforcement Code of Practice. There was no evidence that feed business operators (FeBOs) had been informed of the results and there was no internal monitoring observed.

## **Recommendations**

3.2.14 The Authority should:

- (i) Carry out sampling in accordance with the documented sampling policies and procedures. [The Standard – 12.6]
- (ii) Take appropriate action in accordance with the enforcement policy where sample results are not considered to be satisfactory. [The Standard – 12.7]

## **Enforcement**

- 3.2.15 The Authority had developed a new enforcement policy which was due to be submitted to the appropriate Member Forum in October. The policy did not make specific reference to feed law enforcement options, but it had been developed in accordance with centrally issued guidance.
- 3.2.16 All the procedures required for the enforcement of the Feed (Hygiene and Enforcement) Regulations 2005 had been developed and implemented and auditors were informed that additional procedures would be developed for the Official Feed and Food (England) Regulations 2009 as part of the project to introduce more effective interventions at ports within the area.
- 3.2.17 In addition the Authority had developed in conjunction with SWERCOTS an Investigatory Officers Manual which was to be followed in any investigations which were anticipated to result in a simple caution or prosecution.
- 3.2.18 Auditors discussed the circumstances where it would be appropriate to escalate enforcement action and were shown specific examples of where enforcement action had been considered, although ultimately had not been necessary due to FeBO compliance. At the time of the audit the Authority had not taken any formal enforcement action relating to feed in the previous two years.

## **Recommendation**

3.2.19 The Authority should:

Continue to 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

- 3.2.20 The Authority had developed a Food and Feed Complaints Protocol which provided procedural guidance for officers undertaking service requests, complaints and referrals. Auditors were advised that there were few complaints received in relation to feed.
- 3.2.21 In the absence of any recent feed related complaints or referrals received by the Service within the last two years, audit record checks on service requests relating to food confirmed that these had been dealt with appropriately. There was no evidence of internal monitoring observed.

## Feed Safety Incidents

- 3.2.22 The Authority had developed and implemented the 'Food and Feed Alert Protocol' which established the process for responding to and initiating feed alerts and Rapid Alert System for Food and Feed (RASFF) notifications. The Authority had not had any incidents that could be classed as a serious localised incident or a wider feed safety problem within the last two years.
- 3.2.23 The Authority had out of hour's arrangements to deal with serious incidents with the Lead Officer on full time standby and a senior officer as coverage in their absence. A rota for the AHOs had also been implemented to ensure that there was enough staff on call.

## Advice to Business

- 3.2.24 The Business Advice and Consumer Support Unit had recently been formed and officers were currently reviewing the Authority's policy on providing advice to businesses. It was estimated that the Service received around 157 feed service requests per annum.
- 3.2.25 As part of the Authority's process for the approval and registration of feed businesses, template correspondence had been developed entitled 'The Feed Hygiene Regulations – Is your business affected?' which provided useful advice to FeBOs regarding compliance with the legislation.

**Good Practice – Implementation of Feed Safety Management Systems on Farms**

The Authority had developed a simple feed safety management system for implementation by farmers carrying out on-farm mixing activities incorporating additives. Template documents and a checklist to enable farmers to set-up control systems across all feed activities had been included in the documentation. Officers gave advice and support in setting up the systems on routine intervention visits.

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

#### Internal Monitoring

- 3.3.1 The Authority had developed an Internal Monitoring Procedure which covered most aspects of feed law enforcement. This included the monitoring of the inspection programme and the quality of interventions. Monitoring was delivered at monthly 1 to 1 meetings. Progress against inspection and sampling targets were also discussed at monthly team meetings. However, not all monitoring activities had been effectively recorded or carried out against the full range of feed law enforcement activities, and in particular there was a need to ensure that sampling outcomes and follow-up were more effectively monitored.
- 3.3.2 The monitoring procedure provided for carrying out accompanied inspections and this had been scheduled for 2013/14. Accompanied visits had been carried out with AHOs in support of their DCATS training.

#### **Good Practice – Monitoring of the Service Plan**

The Service Plan priorities such as ongoing feed related projects and performance indicators were monitored through an internal system which was carried out monthly and quarterly and was reported to senior management.

#### **Recommendation**

3.3.3 The Authority should:

Continue to implement the documented internal monitoring procedures to include qualitative monitoring of feed law enforcement activities across all areas of the Standard. Records of monitoring checks should be maintained.  
[The Standard - 19.1 and 19.3]

#### Records

- 3.3.4 Records of feed law enforcement activities were maintained electronically and in paper files. The quality of records of feed premises interventions and sampling required improvement. File checks showed that there were often no records in relation to the size, scale and type of feed business and records left with the FeBO often

did not contain the time of the visit, areas inspected, officer contact details, senior officer details or the Authority's name and address. In one case the Authority was unable to retrieve the record of the previous inspection. The maintenance of sample records was also variable, particularly relating to follow-up actions. Other records such as complaints and referrals were generally up to date, accurate, and easily retrievable.

**Recommendation**

3.3.5 The Authority should:

Maintain up to date accurate records in easy retrievable form for all feed establishments and other relevant checks. [The Standard - 16.1]

Third Party or Peer Review

- 3.3.6 An inter-authority audit (IAA) had been carried out in November 2011 in relation to food and feed law enforcement which had covered database management, high risk inspections and internal monitoring. However, although within the scope of the audit, feed had not been adequately covered and most of the recommendations related to food. The Authority had compiled and completed an Action Plan in regard to the recommendations.
- 3.3.7 The Authority was currently, in conjunction with SWERCOTS, analysing the regional results of all the IAAs carried out so far to identify trends in recommendations, which will be used improve local and regional delivery of food and feed law enforcement activities.

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Operations Assurance Division

## ANNEX A Action Plan for Cornwall Council

Audit date: 3-4 September 2013

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.1.3 Further develop the Food and Feed Plan in accordance with the Service Planning Guidance in the Framework Agreement, to 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. [The Standard – 3.1]	Completed	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 as well as an approximate value of the financial allocation for feed enforcement work.	Changes made to Service Plan which has now received Member approval.
3.1.12(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]	31/01/14	Produce and implement a documented procedure on the authorisation of officers.	
3.1.12(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]	28/02/14	Undertake review and de-authorise those officers not actively engaged in feed enforcement activities. Issue new authorisations based on the documented authorisation procedure.	



<b>TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)</b>	<b>BY (DATE)</b>	<b>PLANNED IMPROVEMENTS</b>	<b>ACTION TAKEN TO DATE</b>
3.2.8(ii) Inspect and continue to register relevant feed establishments in accordance with relevant legislation, the Feed Law Enforcement Code of Practice and centrally issued guidance. [The Standard - 7.2]	30/09/14	Participate in the FSA Earned Recognition Pilot which will enable us to accurately register all feed businesses in Cornwall.	
3.2.8(iii) Assess the compliance of premises and systems to legally prescribed standards. [The Standard - 7.3]	31/03/14	Accompanied inspections to be undertaken by the Lead Officer for feed and all authorised feed officers to ensure the effectiveness of inspections, appropriate and consistent enforcement action is being taken by all officers.	

<b>TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)</b>	<b>BY (DATE)</b>	<b>PLANNED IMPROVEMENTS</b>	<b>ACTION TAKEN TO DATE</b>
3.2.13(i) Carry out sampling in accordance with the documented sampling policies and procedures. [The Standard – 12.6]	28/02/14  31/03/14	Review, update and implement the Feed Sampling Policy and documented Feed Sampling procedure.  Deliver feed sampling training to relevant officers in light of the changes to Annex I of EC Regulation 152/2009 implemented by EC 691/2013 amending Regulation (EC) No 152/2009 as regards methods of sampling and analysis and communicate the changes to the systems and processes. This will include a review of sampling equipment held by the Service and the need to purchase necessary items in light of the bulk sampling from ships that may be required at the docks periodically.	
3.2.13(ii) Take appropriate action in accordance with the enforcement policy where sample results are not considered to be satisfactory. [The Standard – 12.7]	28/02/14  31/03/14	Review, update and implement the Feed Sampling Policy and documented Feed Sampling procedure.  Review of the Services' internal monitoring procedure to improve data quality recorded on sampling forms as well as ensuring a consistent enforcement action is being taken by all officers including actions taken on adverse results.	

<b>TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)</b>	<b>BY (DATE)</b>	<b>PLANNED IMPROVEMENTS</b>	<b>ACTION TAKEN TO DATE</b>
3.2.18 Continue to 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]	30/09/14	Full review of documented procedures to be undertaken in the next financial year 2014/15. Amend, implement and communicate changes to relevant officers.	
3.3.3 Continue to implement the documented internal monitoring procedures to include qualitative monitoring of feed law enforcement activities across all areas of the Standard. Records of monitoring checks should be maintained. [The Standard - 19.1 and 19.3]	31/03/14	Review the internal monitoring procedure to ensure it adequately covers ensuring the effectiveness of inspections, appropriate investigation of complaints and adverse feed sample results, appropriate and consistent approach to enforcement action in accordance with the Service's Enforcement Policy. Implement accompanied inspections as part of the Service's qualitative monitoring of feed law enforcement activities.	
3.3.5 Maintain up to date accurate records in easy retrievable form for all feed establishments and other relevant checks. [The Standard - 16.1]	31/03/14	Review the internal monitoring procedure to ensure it adequately covers both quantitative and qualitative monitoring of feed law enforcement activities as well as the ability to produce an accurate animal feed return to the FSA.	

## **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:

- Draft Food and Feed Hygiene and Standards Plan 2013 /2014
- Food and Feed Hygiene and Standards Delivery Plan 2012/ 2013
- Public Health and Protection Business Compliance Unit Plan 2013-16
- Public Health and Protection Service Plan 2013-16
- Document Control Protocol
- Document Retention Policy
- Scheme of Delegation
- Interim Skills and Qualification Analysis
- SWERCOTS Project Proposal – Official feed controls at points of entry in the south-west of England 2013-14
- Food and Feed Complaints Protocol
- Approval/Registration of Premises Flow Chart
- Food and Feed Hygiene Interventions Protocol
- Feed Intervention Aide(s) Memoire x9
- Food and Feed Sampling Policy
- Feed Sampling Protocol
- Sampling Plans 2012-13 and 2013-14
- Food and Feed Alert Protocol.

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

- Evidence of authorisations and qualifications
- Liaison records
- Feed establishments records
- Feed inspection and sampling records
- Feed complaint/referral/service request records.

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

- Audit Liaison Officer (Senior Trading Standards Officer and Lead Feed Officer)
- Assistant Head of Service
- Animal Health Inspector
- Database Support.

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

(4) On-site verification check:

A verification visit was made with the Authority's officers to a local feed establishment. 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 not of 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"> <li>• Food and Feed Law Enforcement Standard</li> <li>• Service Planning Guidance</li> <li>• Monitoring Scheme</li> <li>• Audit Scheme</li> </ul> <p>The <b>Standard</b> and the <b>Service Planning Guidance</b> set out the Agency's expectations on the planning and delivery of food and feed law enforcement.</p> <p>The <b>Monitoring Scheme</b> requires local authorities to submit yearly returns via LAEMS to the Agency on their food enforcement activities i.e. numbers of inspections, samples and prosecutions.</p> <p>Under the <b>Audit Scheme</b> the Food Standards Agency will be conducting audits of the food and feed law enforcement services of local authorities against the criteria set out in the Standard.</p>
Full Time 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.