

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

Cumbria County Council
6-7 September 2011



Foreword

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

www.food.gov.uk/enforcement/auditandmonitoring

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

http://ec.europa.eu/food/fvo/rep_details_en.cfm?rep_id=2335.

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

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

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

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

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

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

CONTENTS

	Page
1.0 Introduction	5
<i>Reason for the Audit</i>	5
<i>Scope of the Audit</i>	5
<i>Background</i>	6
2.0 Executive Summary	7
3.0 Audit Findings	9
3.1 <i>Organisation and Management</i>	9
- <i>Strategic Framework, Policy and Service Planning</i>	9
- <i>Documented Policies and Procedures</i>	10
- <i>Authorised Officers</i>	10
- <i>Facilities and Equipment</i>	12
- <i>Liaison with Other Organisations</i>	12
3.2 <i>Feed Control Activities</i>	14
- <i>Feed Establishments Interventions and Inspections</i>	14
- <i>Verification Visit</i>	15
- <i>Feed Sampling</i>	15
- <i>Enforcement</i>	16
- <i>Feed Complaints, Primary Authority Scheme and Home Authority Principle</i>	16
- <i>Feed Safety Incidents</i>	17
- <i>Advice to Business</i>	17
3.3 <i>Internal Monitoring and Third Party or Peer Review</i>	18
- <i>Internal Monitoring</i>	18
- <i>Records</i>	18
- <i>Third Party or Peer Review</i>	19
Annexe A - Action Plan for Cumbria County Council	20
Annexe B – Audit Approach/Methodology	23
Annexe C – Glossary	25

1. Introduction

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

www.food.gov.uk/enforcement/auditandmonitoring/auditreports.

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

Reason for the Audit

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

Scope of the Audit

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

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)

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

- 1.6 The on-site element of the audit took place at the Authority's offices at 13 Earl Street, Carlisle, Cumbria on 6-7 September 2011.
- 1.7 The audit also afforded the opportunity for discussion with officers involved in feed law enforcement with the aim of exploring key issues and gaining opinions to inform Agency policy.
- 1.8 The information gained during this programme will be incorporated into a summary report on the feed inspection and control activities audit programme.

Background

- 1.9 Cumbria County Council is situated in the North West region of England. The low density population of Cumbria, mainly situated in rural communities, is around 500,000 and it is the second largest County in England. Cumbria is mainly a rural county, with much of the land devoted to pasture, with around 7,616 livestock farms, making farming and the associated agricultural industries significantly important to the local economy. The County also has a vibrant tourist industry centered on the Lake District National Park, an area of outstanding natural beauty.
- 1.10 Cumbria Trading Standards' feed law enforcement responsibilities were carried out jointly by the Trading Standards and Animal Health and Welfare Teams. The teams were organised geographically and in addition to carrying out feed law enforcement activities had responsibility for animal health and welfare duties and a wide range of other statutory Trading Standards duties.
- 1.11 A number of officers were in the process of completing their Diploma in Consumer Affairs and Trading Standards (DCATS) qualification, including the Certificate of Competence for Agricultural Standards.

2. Executive Summary

- 2.1 The Authority had developed a 'Trading Standards Feed and Food Controls Service Plan for 2011/12' that was broadly in line with Service Planning Guidance in the Framework Agreement. The benefits of including a comparison of the resources required to deliver the feed law enforcement service against resources available to the Authority were discussed, together with a more detailed annual review of feed enforcement activities. The Authority had also developed a Food/Feed Improvement Plan for 2011/12.
- 2.2 The Authority had recently developed a number of procedures for the Service's feed law enforcement activities which were up to date with current legislation, the Feed Law Enforcement Code of Practice and centrally issued guidance. Further procedures should be developed and implemented to cover the full range of feed law enforcement activity.
- 2.3 The Authority should implement the recently developed officer authorisation procedure, linking the procedure to officer qualifications and competency. Generally officers had received training in accordance with Continuing Professional Development requirements and those officers interviewed were able to demonstrate a good working knowledge of feed legislation controls.
- 2.4 The Authority had not developed and implemented a procedure to ensure the feed premises database was accurate and up to date, although some useful work instructions were being utilised by officers.
- 2.5 The Authority had developed an annual feed premises inspection programme for 2011/12. Historically only inspections on high risk premises had been routinely carried out, although there was some evidence that some medium risk premises such as on-farm mixers were being inspected on an 'eyes and ears' basis with significant problems reported to qualified officers to action. However, the 'eyes and ears' interventions were not always effectively documented. Consequently medium and low risk feed premises had not been routinely inspected at the frequency required by the Feed Law Enforcement Code of Practice. There was some evidence that some inspection activity at the lower risk premises was being carried out by officers carrying out project work and in the course of reactive work such as sampling and dealing with referrals. However, these checks did not meet the minimum criteria of a full primary inspection. In addition the inspection aide memoire in use did not provide sufficient prompts for officers to record details such as Hazard Analysis and Critical Control Point (HACCP) assessments and other information required by the Feed Law Enforcement Code of Practice.

- 2.6 The Authority had effective liaison arrangements in place both locally and nationally and had set up a system for receiving consignment records from a local port operator in receipt of imported feed.
- 2.7 Record checks were carried out on unsatisfactory feed samples and in all cases it was found that the Authority had taken appropriate action and ensured feed business operators had been informed of the results.
- 2.8 Record checks were also carried out in regard to a number of complaints and referrals that had been made to the Authority regarding feed businesses in the area. In all cases examined it was found that the Authority had dealt effectively with these enquiries and had made appropriate contact with the feed business operators.
- 2.9 The Authority had developed and implemented a procedure for the receipt of feed incidents and Rapid Alert System for Food and Feed (RASFF) notifications in accordance with the Feed Law Enforcement Code of Practice.
- 2.10 Records in relation to samples and complaints/referrals had been effectively maintained, were up to date and easily retrievable. However, premises records and records of other feed law enforcement activities such as inspections provided insufficient information for auditors to fully assess whether these activities had been carried out in accordance with Feed Law Enforcement Code of Practice. Consequently, it was also not clear that the Authority recorded and retained sufficient information to determine appropriate intervention decisions and to facilitate effective internal monitoring.
- 2.11 The Authority had not developed and implemented a documented procedure on internal monitoring. However, there was evidence that both qualitative and quantitative monitoring had been undertaken in the past, although this was not routinely recorded or documented. Auditors discussed the benefits of developing and implementing a documented monitoring procedure to ensure risk-based and proportionate monitoring to cover the full range of enforcement activities in relation to feed controls.

3. Audit Findings

3.1 Organisation and Management

Strategic Framework, Policy and Service Planning

- 3.1.1 The Authority had developed a 'Trading Standards Feed and Food Controls Service Plan 2011/12' ('the Service Plan'). Future plans would benefit from providing 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 approved by a relevant delegated senior officer.
- 3.1.2 The previous year's Service Plan had been reviewed and improvements identified. However, the variations from the Service Plan were generic to both food and feed and no improvements had been identified in relation to feed law enforcement activity. Auditors discussed the benefits of further improving the annual review to focus on relevant feed activities and the identification of areas for improvement. Separate to the Service Plan auditors noted that the Authority had drawn up a Food/Feed Improvement Plan 2011/12 which had identified some of the issues highlighted in this audit report. The Improvement Plan had documented areas for improvement and set dates for their implementation.
- 3.1.3 Auditors discussed the 2009 FVO Report with the Authority. The Authority had discussed the Report at the Trading Standards North West Agriculture sub-group. The Authority had not taken any specific action to address the findings of the Report.

Recommendation

3.1.4 The Authority should:

Further develop the Service Delivery Plan in full accordance with the Service Planning Guidance in the Framework Agreement. The Plan should include a comparison of the resources required to deliver the feed law enforcement service against the resources available to the Authority and a more detailed review of annual feed law enforcement activities, including any variation from the previous year's Plan and identified improvements. [The Standard - 3.1]

Documented Policies and Procedures

- 3.1.5 The Authority had developed and implemented a 'Document Control' procedure. Feed law enforcement procedures had been reviewed and recently updated, including inspection, sampling and some enforcement procedures. The Service Plan stated that these procedures were to be reviewed annually. However, further enforcement procedures relevant to the size and scope of the Service needed to be developed and implemented across the full range of enforcement activities.
- 3.1.6 The Quality Control Manager was responsible for ensuring that all documents are approved prior to issue. Access to relevant sources of information, including procedures, and legislation was available to officers through the database management system.

Recommendation

3.1.7 The Authority should:

Continue to develop, review and update documented policies and procedures relating to all feed enforcement activities at regular intervals and whenever there are changes to legislation or centrally issued guidance.

[The Standard - 4.1]

Authorised Officers

- 3.1.8 The Director of Safer Stronger Communities had delegated powers to appoint and authorise officers in line with the Authority's scheme of delegation. Auditors were advised that officer qualifications and training were considered by the Trading Standards Service Manager when assessing competency for authorisation.
- 3.1.9 The Authority had recently developed a 'Agriculture – Authorisation of Officers' documented procedure for feed law enforcement that set out the means by which officers were authorised based on their individual qualifications, training, experience and competency. However, the procedure had not been implemented at the time of the audit. The Authority's officers had been authorised across the full range of feed law enforcement activities and although they all held the required qualifications a significant proportion had not fulfilled the required 10 hours continuing professional development (CPD), contrary to the requirements of the Feed Law Enforcement Code of Practice. The Authority informed auditors that in practice the extent to which authorised officers were allowed to exercise their statutory powers under feed legislation was supervised by management and limited to

their level of qualifications, training or competency. Auditors discussed the benefit of developing a suitable method of linking officer authorisations to assessments of officer competence to ensure that all officers are authorised in accordance with the Feed Law Enforcement Code of Practice.

- 3.1.10 The Authority had appointed a Lead Officer and notified their name to the Agency. However, auditors were informed that the role of Lead Officer had recently been reallocated and the name of the new officer would be notified to the Agency in due course. Auditors discussed the importance of ensuring the new Lead Officer received the necessary CPD training and specialist knowledge specified by the Feed Law Enforcement Code of Practice.
- 3.1.11 Officer training needs were identified as part of an annual performance review process and six monthly interim reviews. Generally, officers had received training in feed enforcement activities and had maintained the minimum ongoing 10 hours of feed related training per year, based on CPD in accordance with the Feed Law Enforcement Code of Practice. In addition, the Authority had taken advantage of the Agency's feed training courses. Training records were generally easily retrievable and effectively maintained.
- 3.1.12 A Senior Trading Standards Service Officer interviewed during the audit was able to demonstrate a good knowledge of legislation and enforcement across the full range of feed law enforcement activities.
- 3.1.13 The Authority was able to confirm that 1 FTE officer was available to carry out feed law enforcement. Auditors discussed whether this was sufficient resource committed to feed law enforcement activities in relation to the number of agricultural premises in the County. Auditors were informed that the Authority had previously been implementing the Defra Animal Health and Welfare Framework and Animal Health Service Delivery Plan, but were now in the process of shifting their focus to ensure feed law enforcement activities are also included. Additionally, auditors were advised that a number of Animal Health Inspectors were due to take Diploma in Consumer Affairs and Trading Standards qualifications within the next year, which would give the Authority greater capacity to take up feed law enforcement duties, with the aim of combining interventions to employ the most efficient working methods and reduce the regulatory burden on businesses.

Recommendation

3.1.14 The Authority should:

Implement the documented procedure for the authorisation of officers and ensure that the level of authorisation is linked to the level of qualifications and competence required by the Feed Law Enforcement Code of Practice and centrally issued guidance. [The Standard – 5.1]

Facilities and Equipment

- 3.1.15 The Authority had ensured access to suitable equipment for the sampling of feeding stuffs. The equipment was maintained in good condition and retained in a separate storage facility.
- 3.1.16 The Authority had an electronic database for recording feed law enforcement activities which was capable of providing information necessary for official returns to the Agency. The Authority had not developed and implemented a documented procedure to ensure that the database was accurate and up to date. However, there were a number of database entry instruction sheets in use that gave staff useful guidance to help keep data entry accurate. Auditors were informed that the data entry had been previously handled by administration staff, but the Authority was in the process of switching to data entry by authorised officers and that training would be developed and implemented. Auditors discussed the benefit of extending the data input procedure to include the maintenance of an accurate and up to date premises database.
- 3.1.17 Auditors were advised that database cleansing had been carried out on an adhoc basis. Recently the Authority had implemented an ongoing system of re-coding feed premises to ensure that the feed establishment's database was accurate and fully up to date.

Liaison with Other Organisations

- 3.1.18 The Authority had developed liaison arrangements with central government, other enforcement bodies, professional organisations, and external stakeholders.
- 3.1.19 The Authority had established liaison arrangements with a port operator known to be in receipt of imported feed and had arranged to receive daily shipping notifications to ensure that relevant consignments were regularly monitored.
- 3.1.20 Locally the Authority was a member of Trading Standards North West Agriculture Sub-Group. Through the group the Authority had access

to feedback from national liaison groups such as the Advisory Committee of Animal Feedingstuffs (ACAF) and the Animal Feed Law Enforcement Liaison Group (AFLELG). The Authority also liaised with the local IIT representative for the area at the local liaison group, although at present there were no relevant feed premises in the area manufacturing feed for medicinal purposes.

3.2 Feed Control Activities

Feed Establishments Interventions and Inspections

- 3.2.1 The Authority had developed and implemented an inspection procedure 'Agriculture – Inspection'. The procedure was up to date, taking account of current legislation, the Feed Law Enforcement Code of Practice and contained useful guidance for officers.
- 3.2.2 In addition the Authority had developed and implemented an up to date 'Agriculture – Registration and Approval' procedure. A project had recently been developed to ensure that all farms in the Authority's area had been appropriately registered in accordance with the legislation and this was ongoing at the time of the audit.
- 3.2.3 Auditors were advised that there were no feed premises in the area carrying out activities requiring approval under the legislation.
- 3.2.4 The Authority's inspection programme in the Service Plan 2011/12 stated that all 13 feed establishments in the highest risk category subject to Regulation 183/2005 Annex II requirements would receive an inspection visit. A further 200 planned visits for medium risk premises and an unspecified number of alternative enforcement strategy interventions were included in the inspection programme for low risk premises. There was evidence that high risk inspections had been routinely carried out. However, historically file checks showed that medium risk farm premises had not been routinely inspected at the frequencies set out in the Feed Law Enforcement Code of Practice, although there was some evidence that on-farm mixers were monitored by staff on an 'eyes and ears' basis, with any significant problems reported to qualified officers for action. Some low risk inspection checks had been carried out on reactive visits such as inter-authority referrals, but these had not been recorded as primary inspections. Auditors discussed the need to ensure that all inspections and interventions were effectively documented.
- 3.2.5 The Authority's feed premises inspection aide-memoire was in the form of a checklist and did not include sufficient detail of inspection findings, in particular officers' HACCP assessments, or sufficient information such as the size of the premises and the main activities being carried out. Auditors discussed the adoption of the Agency's recently issued template aide-memoire which includes greater opportunity for officers to record HACCP assessments. This is essential to:
- demonstrate that feed businesses comply with the law
 - ensure subsequent inspecting officers are aware of individual business compliance histories
 - to inform each step of a graduated enforcement approach
 - and to permit effective internal qualitative monitoring.

Inspection reports were not routinely left with feed business operators, except in the cases where the feed checks had been combined with animal health visits. However, the inspection reports left with the feed business operators on these occasions did not adequately cover all areas of the feed enforcement checks carried out.

Recommendations

3.2.6 The Authority should:

- (i) Carry out feeding stuffs inspections at a frequency which is not less than that determined under the relevant inspection rating system and in accordance with the legislation, Feed Law Enforcement Code of Practice or centrally issued guidance. [The Standard – 7.1 and 7.2]
- (ii) Assess the compliance of feed premises and systems to legally prescribed standards and ensure that observations made during inspections are recorded in a timely manner to prevent the loss of relevant information. Records should be legible and retrievable [The Standard - 7.3 and 7.5]

Verification Visit

- 3.2.7 As part of the audit programme a verification visit was carried out at a local feed mill with an officer from the Authority who had carried out the last feed hygiene inspection. The purpose of the visit was to determine the effectiveness of the Authority's assessment and application of feed controls in accordance with the legislation, Feed Law Enforcement Code of Practice and the Authority's own procedures. The officer who had conducted the inspection was able to demonstrate an extensive knowledge of the business and a thorough assessment of the manufacturing systems including HACPP in accordance with the Feed Law Enforcement Code Practice.

Feed Sampling

- 3.2.8 The feed sampling policy was contained within the Service Plan 2010/11 and an annual sampling plan had been developed with due consideration of National Priorities and in consultation with the Agricultural Analyst.
- 3.2.9 The Authority had developed an 'Agriculture - Sampling' procedure. The procedure was up to date and took account of new legislation, the Feed Law Enforcement Code of Practice and centrally issued guidance.

- 3.2.10 The Authority took a mixture of formal and informal samples. File checks for samples taken indicated in all cases that samples had been taken in accordance with the Feed Law Enforcement Code of Practice and centrally issued guidance. All unsatisfactory samples had been dealt with appropriately and feed business operators and any relevant authorities had been informed of the results.
- 3.2.11 The official laboratory used by the Authority for feed sampling activities had been properly accredited.

Enforcement

- 3.2.12 The Authority had developed and implemented the 'Trading Standards Enforcement Policy' which had been approved at the appropriate Member forum. The Policy confirmed that the Authority was committed to implementing the Enforcement Concordat and the Regulators' Compliance Code in all enforcement activities.
- 3.2.13 No feed enforcement activity beyond advice had been deemed necessary by the Authority in recent years. Although some feed law enforcement procedures had been developed and implemented, the Authority should develop and implement further procedures and documentation to cover the full range of feed enforcement activities in accordance with the Feed Law Enforcement Code of Practice to ensure that officers have useful guidance should they need to exercise their statutory powers.

Recommendation

3.2.14 The Authority should:

Set up, maintain and implement documented enforcement procedures for the range of enforcement actions and follow up action for feed law enforcement in accordance with the relevant legislation, the relevant Code of Practice and centrally issued guidance. [The Standard – 15.2]

Feed Complaints, Primary Authority Scheme and Home Authority Principle

- 3.2.15 The Authority had developed and implemented the 'Agriculture – Investigation of Feed Complaints' procedure. File checks showed that all complaints and referrals examined had been dealt with effectively in accordance with the Feed Law Enforcement Code of Practice and

the relevant feed business operators had been contacted and appropriate advice had been issued.

- 3.2.16 The Authority confirmed support for the Home Authority Principle and the Primary Authority Scheme. The Service did not formally act as Home or Primary Authority for any feed businesses but did have informal Originating Authority arrangements for some of the larger feed manufactures in their area.

Feed Safety Incidents

- 3.2.17 The Authority had developed and implemented the 'Agriculture – Feed Incidents and Hazards' procedure. The Authority had a computer that was capable of receiving feed alerts and RASFF notifications. The response to feed alerts was documented and all notifications were retained as records. Out of hours response arrangements had been set up.

Advice to Business

- 3.2.18 The Service Plan stated that business advice was given through:
- *'on the spot advice during routine visits and inspections*
 - *advice to new businesses*
 - *business information/advice sheets*
 - *responding to general enquiries*
 - *providing training/seminars'.*
- 3.2.19 Specific examples of feed advice noted during the audit included advice provided during premise visits, follow-up e-mails and correspondence in relation to sampling results and referrals, letters relating to the registrations of feed premises, a specific leaflet developed to encourage farmers to register, which also included feed hygiene advice and a guidance note regarding the Feed (Hygiene & Enforcement) (England) Regulations 2005.

3.3 Internal Monitoring and Third Party or Peer Review

Internal Monitoring

- 3.3.1 The Service had not developed and implemented an internal monitoring procedure in accordance with Regulation (EC) No. 882/2004 and the Feed Law Enforcement Code of Practice.
- 3.3.2 Qualitative monitoring was generally carried through the Authority's annual corporate officer appraisal scheme with six monthly reviews which were recorded. In addition, the Authority had undertaken monthly one-to-one meetings between managers and operational staff to monitor workloads and discuss any issues which may have arisen in regard to individual cases. Generally the monthly one to one monitoring was not documented. However, issues of any significance were recorded to be reviewed at future meetings.
- 3.3.3 Accompanied inspections were not a routine activity for the Authority, although these were regularly carried out with officers studying for qualifications. However these visits had not been formally documented for monitoring purposes.
- 3.3.4 In addition some quantitative monitoring was being carried out in the form of statistical analysis of ongoing inspection targets, which were also discussed with officers at their monthly one to one meetings.
- 3.3.5 Auditors discussed the benefit of developing and implementing risk-based monitoring procedures to ensure all areas of feed law enforcement activity were monitored to verify conformance with the Standard. The monitoring should be routinely recorded.

Recommendation

3.3.6 The Authority should:

Set up, maintain and implement documented internal monitoring procedures in accordance with Article 8 of Regulation (EC) No. 882/2004 (Official Feed and Food Controls), the Feed Law Enforcement Code of Practice and centrally issued guidance. Internal monitoring should be recorded. [The Standard - 19.1 and 19.3]

Records

- 3.3.7 Records of feed law enforcement activity were maintained electronically and in paper files. Records in relation to sampling and

the handling of complaints and referrals were easily retrievable, up to date and accurate. Records of inspection were available. However, the records were not sufficiently detailed for auditors to determine whether officers had made effective determinations of compliance with legal requirements and enable effective internal monitoring. There were no recent records for enforcement activity as the Authority had not deemed it necessary to carry out any enforcement actions.

- 3.3.8 Premises records contained insufficient detail to ascertain the enforcement history of the business and did not include all of the information required by the Feed Law Enforcement Code of Practice.

Recommendation

3.3.9 The Authority should:

Maintain up to date accurate records for all feed establishments in its area in accordance with the Feed Law Enforcement Code of Practice. Records should include reports of all interventions/inspections, the determination of compliance with legal standards, and details of any action taken. [The Standard – 16.1]

Third Party or Peer Review

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

Auditors: **Robert Hutchinson**
Marion McArthur

Food Standards Agency

Local Authority Audit and Liaison Division

ANNEXE A

Action Plan for Cumbria County Council

Audit date: 6-7 September 2011

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.1.4 Further develop the Service Delivery Plan in full accordance with the Service Planning Guidance in the Framework Agreement. The Plan should include a comparison of the resources required to deliver the feed law enforcement service against the resources available to the Authority and a more detailed review of annual feed law enforcement activities, including any variation from the previous year's Plan and identified improvements. [The Standard - 3.1]	31/03/12	Develop the Service Delivery Plan to include a comparison of resources required to deliver the feed law enforcement service against the resources available and a more detailed review of annual feed law enforcement activities.	The Service has produced a Trading Standards Feed and Food Controls Service Plan 2011/12 in line with the Service Planning Guidance in the Framework Agreement. The Service Delivery Plan need to be further developed for 2012 /13.
3.1.7 Continue to develop, review and update documented policies and procedures relating to all feed enforcement activities at regular intervals and whenever there are changes to legislation or centrally issued guidance. [The Standard - 4.1]	31/12/11	To develop, review and update documented procedures relating to feed enforcement activities.	Procedures have already been reviewed and updated but these need to be developed further.
3.1.14 Implement the documented procedure for the authorisation of officers and ensure that the level of authorisation is linked to the level of qualifications and competence required by the Feed Law Enforcement Code of Practice and centrally issued guidance. [The Standard – 5.1]	31/12/11	Implement the documented procedure on authorisation of officers and ensure the level of authorisation is linked to the level of competence.	A documented procedure for authorisation is in place but the level of authorisation is not linked to CPD.

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.2.6(i) Carry out feeding stuffs inspections at a frequency which is not less than that determined under the relevant inspection rating system and in accordance with the legislation, Feed Law Enforcement Code of Practice or centrally issued guidance. [The Standard – 7.1 and 7.2]	31/03/12	To implement and review an inspection programme for medium risk inspections to increase the frequency to not less than that determined under the relevant inspection programme, in accordance with the Feed Law Enforcement Code of Practice.	All high risk inspections are carried out at the required frequency. Animal Health Inspectors are currently studying for the recognised qualification to enable them to carry out both Feeding stuffs and Animal Health and Welfare inspections at medium risk farms in accordance with the Better Regulation agenda.
3.2.6(ii) Assess the compliance of feed premises and systems to legally prescribed standards and ensure that observations made during inspections are recorded in a timely manner to prevent the loss of relevant information. Records should be legible and retrievable.[The Standard - 7.3 and 7.5]	31/03/12	To review and improve the feeding stuff inspection forms and aide memoire to ensure that the observations made during the inspections are recorded.	
3.2.14 Set up, maintain and implement documented enforcement procedures for the range of enforcement actions and follow up action for feed law enforcement in accordance with the relevant legislation, the relevant Code of Practice and centrally issued guidance. [The Standard – 15.2]	31/12/11	To set up, maintain and implement documented enforcement procedures for the range of enforcement actions.	
3.3.6 Set up, maintain and implement documented internal monitoring procedures in accordance with Article 8 of Regulation (EC) No. 882/2004 (Official Feed and Food Controls), the Feed Law Enforcement Code of Practice and centrally issued guidance. Internal monitoring should be recorded. [The Standard - 19.1 and 19.3]	31/12/11	Set up, maintain and implement documented internal monitoring procedures to ensure risk-based and proportionate monitoring to cover the full range of enforcement activities in relation to feed controls.	Qualitative and quantitative monitoring is being undertaken but is not routinely recorded or documented.

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.3.9 Maintain up to date accurate records for all feed establishments in its area in accordance with the Feed Law Enforcement Code of Practice. Records should include reports of all interventions/inspections, the determination of compliance with legal standards, and details of any action taken. [The Standard – 16.1]	31/01/12	To ensure the current electronic records contain sufficient detail to ascertain the enforcement history and all of the information required by the Feed Law Enforcement Code of Practice.	Records of feed law enforcement activity are maintained electronically and in paper files.

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

- Trading Standards Feed and Food Controls Service Plan 2011-12
- Food and Feed Improvement Plan
- Document Control procedure
- Agriculture – Authorisation of Officers procedure
- Database procedures
- Agriculture – Investigations of Feed Complaints procedure
- Agriculture – Registration and Approval procedure
- Agriculture – Inspection procedure
- Agriculture - Sampling procedure
- Agriculture – Feed Incidents and Hazards procedure
- Trading Standards Enforcement Policy
- Agriculture – Inspection, Detention and Seizure of Feed procedure
- Employee Appraisal Scheme procedures
- Minutes of Trading Standards North West Agriculture Meetings
- Cumbria County Council Meeting Minutes
- Information for business leaflets

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

- Authorisation, qualification and training files
- Feed premises and registration records
- Feed sampling and complaint records
- Internal monitoring records.
- E-mail records

(3) Interviews – the following officers were interviewed:

- Audit Liaison Officer (Animal Health Team Leader (North))
- Technical Officer.

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

(4) On-site verification check:

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

Glossary

Agricultural Analyst	A person, holding the prescribed qualifications, who is formally appointed by a local authority to analyse feed samples.
Airways bills	Commercial documents providing a general description of cargo items.
Authorised officer	A suitably qualified officer who is authorised by the local authority to act on its behalf in, for example, the enforcement of legislation.
Border Inspection Post	Point of entry into the UK from non-EU countries for products of animal origin.
CEDs	Common Entry Documents which must accompany certain food products to designated points of entry or import.
Codes of Practice	Government Codes of Practice issued under Section 40 of the Food Safety Act 1990 as guidance to local authorities on the enforcement of food legislation.
Consignment	A unit of cargo that can consist of one or a number of different products.
County Council	A local authority whose geographical area corresponds to the county and whose responsibilities include food standards and feeding stuffs enforcement.
DPE	Designated point of entry. A port that has been designated for the entry of certain high risk feed and food products subject to enhanced checks.
DPI	Designated point of import. A port that has been designated for the entry of certain products subject to safeguard controls due to aflatoxin contamination.
Defra	The Department for Environment, Food and Rural Affairs. The Government Department designated as the central competent authority for products of animal origin in England.
District Council	A local authority of a smaller geographic area and situated within a County Council whose responsibilities include food hygiene enforcement.
ERTS	Enhanced remote transit shed. An HM Revenue and Customs designated warehouse where goods are held in temporary storage pending Customs clearance and release for free circulation.
Environmental Health Officer (EHO)	Officer employed by the local authority to enforce food safety legislation.
FNAO	Feed not of animal origin. Products that do not fall under the requirements of the veterinary control regime.
Feeding stuffs	Term used in legislation on feed mixes for farm animals and

	pet food.
Food Examiner	A person holding the prescribed qualifications who undertakes microbiological analysis on behalf of the local authority.
Food hygiene	The legal requirements covering the safety and wholesomeness of food.
Food standards	The legal requirements covering the quality, composition, labelling, presentation and advertising of food, and materials in contact with food.
Formal samples	Samples taken in accordance with the requirements of the Feed Law Code of Practice in accordance with the relevant sampling regulations and submitted to an accredited laboratory on the official list.
Framework Agreement	<p>The Framework Agreement consists of:</p> <ul style="list-style-type: none"> • Service Planning Guidance • Food and Feed Law Enforcement Standard • 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 annual returns to the Food Standards Agency on their food law enforcement activities i.e. numbers of inspections, samples and prosecutions.</p> <p>Under the 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 enforcement.
Home Authority	An authority where the relevant decision making base of an enterprise is located and which has taken on the responsibility of advising that business on food safety/food standards issues. Acts as the central contact point for other enforcing authorities' enquiries with regard to that company's food related policies and procedures.
Informal samples	Samples that have not been taken in accordance with the appropriate sampling regulation (e.g. samples for screening purposes) and/or not sent to an accredited laboratory.
LAEMS	Local Authority Enforcement Monitoring System is an electronic system used by local authorities to report their food law enforcement activities to the Food Standards Agency.

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