

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

Darlington Borough Council
1-2 October 2013



Foreword

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

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

This programme of focused audits in England has been specifically developed to address two of the priorities identified in the Food Standard Agency's Strategy for 2010-2015 in meeting the outcomes that feed meets the legislative requirements for animal consumption and is safe to enter the human food chain and that regulation is effective, risk-based and proportionate. The strategic priority is to ensure risk-based, targeted checks at inland feed establishments and effective local authority monitoring throughout the feed chain. The audits will also provide an opportunity for the Agency to establish the level of improvement in the delivery of official controls being implemented by local authorities (LAs) following the FVO Mission to the United Kingdom on animal feed controls which took place from 16-26 June 2009 and the subsequent follow-up visit to check on progress in November 2011. The report entitled 'The Implementation of Measures Concerning Official Controls on Feed Legislation' is available from the Europa website at: http://ec.europa.eu/food/fvo/rep_details_en.cfm?rep_id=2335.

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

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

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

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

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

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

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1.0 Introduction

- 1.1 This report records the results of an audit at Darlington Borough 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 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 Darlington Borough Council was undertaken under section 12(4) of the Act as part of the Food Standards Agency's annual audit programme.
- 1.3 Regulation (EC) No. 882/2004 on official controls performed to ensure the verification of compliance with feed and food law includes a requirement for competent authorities to carry out internal audits or to have external audits carried out. The purpose of these audits is to verify whether official controls relating to feed and food law are effectively implemented. To fulfil this requirement, the Food Standards Agency, as the central competent authority for feed and food law in the UK has established external audit arrangements. In developing these, the Agency has taken account of the European Commission guidance on how such audits should be conducted.¹
- 1.4 The Authority was included in the Food Standards Agency's programme of audits of local authority feed law enforcement services, as it had not been audited in the past five years 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 Darlington Borough Council's systems and procedures for the control of feed of non-animal origin (FNAO).

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

- 1.6 The audit scope included the assessment of local arrangements for service planning, delivery and review, provision and adequacy of officer training, authorisations, implementation and effectiveness of feed control activities, including inspection, sampling and enforcement. Maintenance and management of appropriate records in relation to feed and internal service monitoring arrangements were also covered.
- 1.7 The on-site element of the audit took place at the Authority's offices at Central House, Gladstone Street, Darlington on 1-2 October 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 Darlington Borough Council is a Unitary Authority situated in the north east of England and covers an area of approximately 19,745 hectares with a population of 105,600. Darlington is a market town with a thriving livestock auction market and a centre for employment, shopping, and culture with 90% of the population living in the urban area. The town has excellent connections with the national transport network on the east coast mainline and Durham Tees Valley airport is within the Borough.
- 1.9 The Trading Standards team was responsible for the delivery of feed law enforcement and animal health and welfare. The team's Licensing, Trading Standards and Car Parking Enforcement Manager reported to the Head of Regulatory Services and the Assistant Director (Policy and Regeneration Division) within the Services for Place Group.
- 1.10 According to the 2013/14 Service Plan, the profile of Darlington Borough Council's feed businesses at April 2012 was as follows:

Type of Feed Premises	Number
Arable Farms	18
Livestock Farms	241
Manufacturers	2
Food businesses selling co-products/surplus food	6
Importers	0
Distributors/Transporters	4
Stores	2
Retailers	26
Total Number of Feed Premises	299

2.0 Executive Summary

2.1 Darlington Borough Council was selected for audit as it had not been audited in the past five years by the Food Standards Agency (FSA). The Authority advised that staffing resources to the feed law enforcement service had been significantly reduced in recent years, including loss of administrative and IT support staff.

2.2 Strengths:

Provision of advice: It was clear that the front line officers had extensive local knowledge of the Borough and the Authority placed importance in providing helpful advice to its service users. This also extended to Feed Business Operators (FeBOs) attending the Darlington Farmers' Auction Mart from other areas.

Documented procedures: Key procedures had been recently developed or reviewed to provide relevant operational guidance for officers.

2.3 Key areas for improvement:

Database: The database was not capable of providing accurate monitoring returns to the Agency and officers were unable to retrieve inspection records as they could not be saved against appropriate premises recorded on the database. Officers had attempted to circumnavigate these difficulties but in doing so were duplicating work eg creating spreadsheets of feed establishments to deliver the inspection programme, and storing records in personal files which could not be easily retrieved by the Service.

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

Records: With the exception of FSA grant funded interventions, more detailed records were required to confirm key activities at feed businesses and all feed law enforcement activity was undertaken in accordance with the Feed Law Enforcement Code of Practice (FLECP). The future adoption of appropriate standard aides-memoire may prompt officers to record more detailed and consistent records of business compliance.

Feed establishment interventions programme: Historically the Authority had not implemented a full programme of risk-based feed inspections in accordance with the FLECP and the National Enforcement Priorities.

Internal monitoring: Although the Authority had recently developed a documented procedure for internal monitoring this had not been implemented and the qualitative and quantitative monitoring checks that were being carried out of feed law enforcement activities were limited and not always recorded.

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 Safety Enforcement Plan 2013/14 which at the time of the audit had not been formally approved by the appropriate cabinet member or senior delegated officer.
- 3.1.2 The Service Plan fed into the Policy and Regeneration Division Service Plan which informed the Community Plan; 'One Darlington: Perfectly Placed'. Examples of how the Food Safety Enforcement Plan contributed to the priorities of the Community Plan included:
- 'Monitoring levels of compliance by visiting premises used for preparation, storage and sale of animal feed to check on labelling, composition and hygiene.
 - Ensuring animal feed is safe and will not cause harm to animals or to human health if the animal enters the food chain'.
- 3.1.3 The format of the Service Plan was generally in accordance with the requirements of the Service Planning Guidance in the Framework Agreement and included the financial and staff resource allocation for the provision of the Service. The feed intervention programme proposed in the Service Plan included the inspection of 100% of overdue high risk premises (four premises in total) and 100% of medium risk premises (51 premises in total).
- 3.1.4 The Plan would benefit from being further developed to include all aspects of feed law as well as food law enforcement activities undertaken, for example, feed complaints, feed alerts, feed sampling, staff development etc. taking account of official guidance and the National Enforcement Priorities for feed authorities. The Plan would also benefit from an annual review and include any variances from the planned delivery of the previous year's activities and areas for improvement.
- 3.1.5 Auditors were advised that Trading Standards performance figures reported corporately did not currently include feed law enforcement activities.

Recommendations

3.1.6 The Authority should:

- (i) Further develop the Food Safety Enforcement Plan in accordance with the Service Planning Guidance in the Framework Agreement, to include all feed law enforcement demands on the Service.
[The Standard – 3.1]
- (ii) Ensure that a full documented performance review of the service is carried out at least once a year and submitted to the relevant forum or, where approval of service delivery plans has been delegated, to the relevant senior officer. Any variances identified should be addressed in subsequent years' service planning.
[The Standard – 3.2 and 3.3]

Documented Policies and Procedures

- 3.1.7 The Authority had identified missing and out of date procedures during a recent compliance review. Consequently, with the exception of the database procedure, new procedures had been developed and implemented, and others had been brought up to date, in accordance with the requirements of the Feed Law Enforcement Code of Practice (FLECP).
- 3.1.8 Auditors were advised that electronic documented procedures were protected as 'read only' and stored on a shared computer drive for access by officers.

Officer Authorisations

- 3.1.9 The Authority had developed a documented procedure for the authorisation of officers based on their qualifications and experience. This should be further developed to include arrangements for assessing officer competence. In addition, the scheme of delegation process was not clearly linked to the authorisation process, and trading standards legislation would benefit from some amendments and further inclusion of legislation such as the Official Feed and Food (England) Controls Regulations 2009 and Animal Feed (England) Regulations 2010.
- 3.1.10 Generic authorisations had been issued to all officers that included the full range of feed law enforcement powers. Auditors discussed limiting key enforcement powers to reflect individual officers'

qualifications, experience, training and competence, having regard to the potential flexibilities in the proposed new FLECP currently out for consultation.

- 3.1.11 The Authority had provided the Agency with details of the Lead Officer for feed who was appropriately qualified and experienced. The Authority was able to provide clear evidence of officers' continuing professional development (CPD) certificates. Officer training needs were identified as part of on-going performance reviews.
- 3.1.12 From records maintained it was clear that adequate provision had been made for feed law enforcement training based on 10 hours CPD for the fair trading officers but the lead officer would benefit from more specialist feed training in accordance with the FLECP. The Authority advised that they had prioritised feed training for 'front-line' staff.

Recommendations

3.1.13 The Authority should:

- (i) Further develop the documented procedure for the authorisation of officers to include assessment of officer competence. The allocation of delegated powers should be updated to include all relevant feed legislation in accordance with the Feed Law Enforcement Code of Practice and centrally issued guidance and more clearly linked to the authorisation procedure. [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]
- (iii) Ensure that the lead feed officer receives the training needed to be competent to deliver all relevant aspects of the feed law enforcement service in accordance with their level of authorisation and the Feed Law Enforcement Code of Practice. [The Standard – 5.4]

Facilities and Equipment

- 3.1.14 The documented procedure for establishing and maintaining the premises database required further development. The procedure should provide guidance and clarity to officers for inputting data, appropriate coding for recording activities, opening and ceased trading establishments, database cleansing, and internal monitoring of the database for data accuracy.
- 3.1.15 The Authority had an electronic database for the recording of feed law enforcement activities. The Authority was not able to run reports from the database requested by auditors which would assist in the delivery of the service. However, as an adjunct to the database, a supporting spreadsheet of feed establishments had in practice enabled delivery of the inspection programme. Annual monitoring returns requested by the Agency were made manually as they could not be uploaded using the current computer database.
- 3.1.16 Audit database checks on a random selection of feed businesses from a commercial directory and websites confirmed that these were present on the database.

Recommendation

3.1.17 The Authority should:

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

[The Standard – 11.2]

Liaison with Other Organisations

- 3.1.18 The Authority was a regular attendee of the North East Trading Standards Association Animal Health Group meetings which also included representatives from Defra.
- 3.1.19 Although auditors were advised no feed consignments had been received at Durham Tees Valley airport, auditors discussed the benefits of re-establishing links with relevant government organisations or official control bodies at the airport to ensure any feed was reported through the correct channels. The Service should also liaise with the Veterinary Medicines Directorate regarding joint

inspections at the high risk feed manufacturers as necessary, in line with the national Memorandum of Understanding.

Recommendation

3.1.20 The Authority should:

Put in place liaison arrangements with any other government organisations or official control bodies to facilitate efficient, effective and consistent enforcement, for example at the airport and high risk feed manufacturers, and which is aimed at rationalising enforcement and reducing burdens on businesses.

[The Standard – 18.1 and 18.2]

3.2 Feed Control Activities

Feed Establishments Interventions and Inspections

- 3.2.1 Historically the Authority had not fully implemented a programme of risk-based feed premises inspections in accordance with the FLECP and the National Enforcement Priorities. Auditors were provided with a spreadsheet list of establishments used to deliver the feed inspection programme and it was noted that 239 premises were overdue for inspection at the time of audit.
- 3.2.2 The Authority had developed a documented procedure for inspection/interventions of feed premises, and an annual inspection programme for 2013/14 prioritising high risk feed establishments together with a number of medium and low risk rated establishments. The programme was further amended after receiving confirmation of a successful application for grant funding from the Food Standards Agency (FSA) for carrying out a programme of official controls in a further 20 premises, to be completed by March 2014.
- 3.2.3 The Authority had developed a documented procedure for the approval or registration of feed establishments. It was noted from information provided by the Authority that the majority of feed premises had been registered and the Agency had recently been updated with this list. There were no establishments approved by the Authority in the Borough, although the high risk feed manufacturers were approved by the Veterinary Medicines Inspectorate.
- 3.2.4 The Service had used the FSA aide-memoire when carrying out high risk inspections of the two feed manufacturers and records maintained of these visits were generally comprehensive and detailed.
- 3.2.5 Audit record checks on a selection of other feed establishments indicated that there was not enough information recorded during interventions to determine whether feed businesses had been correctly risk assessed or that a full assessment of compliance, including HACCP assessment, in accordance with Regulation (EC) No 1831/2003, had been carried out. Information on the size and scale of the feed business and main activities being undertaken at these establishments was not generally available.
- 3.2.6 Auditors noted a lack of consistency in completing the aides-memoire used by different officers to record inspection details and records were generally maintained by tick box 'exception' reporting. Comprehensive records are essential for informing enforcement decisions, providing information for future inspections, and to provide the foundation of internal monitoring activities.
- 3.2.7 The Authority advised they would review the current inspection forms with a view to adopting FSA template report forms containing

appropriate prompts for officers undertaking inspections. This would enable them to clearly document and demonstrate the detail and extent of future inspections having regard to feed safety management systems based on HACCP principles.

- 3.2.8 In the files examined, there was no evidence of written notification to the Feed Business Operator (FeBO) of the outcome of the visit. The report of visit form for FeBOs should be amended to include the information required by the FLECP.

Recommendations

3.2.9 The Authority should:

- (i) Ensure that feed establishments inspections are 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) Carry out inspections in accordance with relevant legislation, the Feed Law Enforcement Code of Practice and centrally issued guidance. [The Standard - 7.2]
- (iii) Review and consolidate the inspection aides-memoire and ensure that inspections of feed establishments adequately assess the compliance of establishments and systems to legally prescribed standards. [The Standard – 7.3]
- (iv) Ensure that all observations and/or data obtained in the course of an inspection are noted in sufficient detail to provide an adequate record of the assessment and determination of business compliance with relevant feed legislation. [The Standard - 16.1]

Verification Visit to a Feed Premises

- 3.2.10 During the audit, a verification visit was undertaken to a feeding stuffs manufacturer with an officer from the Authority, who had carried out the last feed inspection of the premises. The main objective of the visit was to assess the effectiveness of the Authority's assessment of feed business compliance with feed law requirements. The officer was clearly familiar with the operations carried out at the establishment, able to demonstrate good feed law enforcement knowledge and had effectively assessed compliance with feed law enforcement requirements.

Feed Inspection and Sampling

- 3.2.11 The policy for feed inspection and sampling contained within the Service Plan was not sufficiently clear. The Authority had a documented procedure for feed sampling but due to service budgetary constraints there had been no proactive feeding stuffs sampling undertaken in the last two years, except as part of a successful bid for FSA regional grant funding.
- 3.2.12 The Authority proposed to take five feed samples in 2013/14 for composition and labelling. The Service Plan also stated that the Authority would participate in any regional sampling programme for animal feeds.
- 3.2.13 Examination of four records of feed sampling activities confirmed that samples had been taken by an authorised officer and there had been no recent unsatisfactory sampling results. FeBOs had been advised of the outcomes in person during follow-up visits and these had been recorded on the database.
- 3.2.14 The sampling records examined showed they had also been recorded and submitted through UKFSS. Auditors noted a slight lack of consistency in completing the UKFSS data fields and this was discussed during the audit.

Enforcement

- 3.2.15 The Authority had developed a generic enforcement policy for the Services for Place Group which auditors were advised had been approved by Members. This policy did not make any specific reference to feed law enforcement options, but it had been developed in accordance with centrally issued guidance and made references to the aims of the Enforcement Concordat and Regulators' Compliance Code.
- 3.2.16 Supplementary to the generic enforcement policy, the Authority had also developed procedures 'Formal Enforcement Actions - Feed Safety' in accordance with the Framework Agreement to ensure that officers have useful guidance should they need to exercise their statutory powers.
- 3.2.17 The Authority had not undertaken any formal enforcement action in the two years prior to the audit.

Feed Complaints, Primary Authority Scheme and Home Authority Principle

- 3.2.18 The Authority had developed documented procedures for requests for service and feeding stuffs complaints. Officers were to have regard to any home/originating authority or primary authority agreements during investigations. Auditors were advised that few complaints were received in relation to feed. In discussion with the Authority it was clear that officers provided substantial advice in regard to service requests from FeBOs whilst on site, eg at Darlington Farmers Auction Mart. However, this work was often not recorded.
- 3.2.19 File checks on records of four requests for service confirmed that appropriate action had been undertaken in each case. In all cases, FeBOs and complainants had been contacted and advised of the final outcome, and where applicable, appropriate advice had been provided.
- 3.2.20 The Authority had informal Home Authority agreements with its two large feed manufacturers but had not established any formal Primary Authority partnerships.

Feed Safety Incidents

- 3.2.21 The Authority had developed a documented procedure for feed incidents and alerts. Feed officers' mailboxes were set up to receive feed alerts but since the recent office move, the Authority was considering setting up alerts to be sent to a generic trading standards mailbox. The Authority advised that there had been no recent feed alerts which had been applicable to the Service and the Authority had not had any feed incidents that could be classified as a serious localised incident or a wider feed safety problem.
- 3.2.22 The Civil Contingencies Unit provides the Authority's out of hours emergency contact cover. In the event of any out of hours feed incident requiring a response, the Civil Contingencies Unit would contact the lead feed officer.

Advice to Business

- 3.2.23 The Authority had not recently instigated any feed specific business advice initiatives. However it was clear that the officers had a close working relationship with farmers and feed businesses.

Good Practice – Advice to Businesses

Auditors were advised that the officers attending the Darlington Farmers' Auction Mart were available to give face to face advice to Feed Business Operators (FeBOs), including FeBOs who were attending the Mart from outside of the Borough.

3.3 Internal Monitoring and Third Party or Peer Review

Internal Monitoring

- 3.3.1 An internal monitoring procedure had been recently developed which included the key activities in accordance with Article 8 of Regulation (EC) No. 882/2004 (Official Feed and Food Controls), the relevant codes of practice and centrally issued guidance and was awaiting implementation. The monitoring review was to include a monthly check of response times, appropriate documentation used, and database data entry, with initially 100% of work to be examined. Auditors discussed that internal monitoring should be risk-based and proportionate.
- 3.3.2 In practice, auditors were advised of annual appraisals, with six monthly reviews and regular 1 to 1s carried out to discuss performance objectives, training requirements, and any on-going, out of the ordinary, cases. Auditors noted the close team working between the officers, who had substantial local knowledge and experience of working together, with day to day discussion regarding current issues of concern.
- 3.3.3 Shadow/peer review visits had been undertaken at the recent high risk feed establishment inspections and the aides-memoire had been countersigned by the principal officer. However, auditors were advised that accompanied visits were carried out infrequently. No internal monitoring was noted for records examined of feed sampling and complaints/service requests.

Recommendation

3.3.4 The Authority should:

Implement the documented internal monitoring procedure to include quantitative and qualitative monitoring of feed law enforcement activities across all areas of the Standard. Monitoring should be risk based and proportionate and aimed at verifying the Service's conformance with the Standard. Records of monitoring checks should be maintained. [The Standard - 19.1, 19.2, and 19.3]

Records

- 3.3.5 Records of feed law enforcement activities were maintained electronically and in paper files. Whilst the quality of records of feed premises interventions was variable, records such as complaints, referrals and samples were generally up to date and accurate.
- 3.3.6 It was noted that the database system did not enable attachments to be made to electronic establishments' file records, eg inspection reports or email communications, and were therefore not easily retrievable. The records had been stored electronically by individual officers and auditors discussed the benefits of the documents being stored on a shared drive to ensure they could be easily retrieved by the Service. This would assist officers not familiar with the establishment in establishing a historic record of feed business compliance, obtaining evidence to implement a graduated approach to enforcement if necessary, inform future inspections, and assist internal monitoring.

Recommendation

3.3.7 The Authority should:

Maintain up to date, retrievable and accurate records for all feed establishments and other relevant checks in relation to feed law enforcement activities in accordance with the Feed Law Enforcement Code of Practice, including all records of inspections and determinations of compliance carried out by authorised officers. [The Standard - 16.1 and 7.5]

Third Party or Peer Review

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

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ANNEX A Action Plan for Darlington Borough Council

Audit date: 1-2 October 2013

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.1.6(i) Further develop the Food Safety Enforcement Plan in accordance with the Service Planning Guidance in the Framework Agreement, to include all feed law enforcement demands on the Service. [The Standard – 3.1]	31/05/14	A separate Feed Service Plan will be produced for 2014/15, rather than Feed being part of the Food Safety Plan. The Feed Service Plan will include all feed law enforcement demands on the service.	Food Safety Plan for 2013/14 submitted to Cabinet Member for approval.
3.1.6(ii) Ensure that a full documented performance review of the service is carried out at least once a year and submitted to the relevant forum or, where approval of service delivery plans has been delegated, to the relevant senior officer. Any variances identified should be addressed in subsequent years' service planning. [The Standard – 3.2 and 3.3]	31/05/14	A performance review of the Service will be undertaken and included as part of the Feed Service Plan for 2014/15. This will enable any variances identified in the performance review to be addressed in the Service Plan.	

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
<p>3.1.13(i) Further develop the documented procedure for the authorisation of officers to include assessment of officer competence. The allocation of delegated powers should be updated to include all relevant feed legislation in accordance with the Feed Law Enforcement Code of Practice and centrally issued guidance and more clearly linked to the authorisation procedure. [The Standard - 5.1]</p>	30/06/14	<p>Allocation of delegated powers to be amended to include all relevant feed legislation. The procedure for authorising officers is to be further developed and amended, in line with the proposed new FLECP, to include an assessment of the officer's qualifications, training, experience and competencies to ensure that they are authorised to the appropriate level.</p>	EU legislation identified to be included in delegated powers.
<p>3.1.13(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]</p>	30/06/14	All officer's current authorisations will be reviewed under the amended Authorisation of Officers procedure in 3.1.13(i) above and the proposed new FLECP.	
<p>3.1.13(iii) Ensure that the lead feed officer receives the training needed to be competent to deliver all relevant aspects of the feed law enforcement service in accordance with their level of authorisation and the Feed Law Enforcement Code of Practice. [The Standard – 5.4]</p>	30/06/14	Lead feed officer to receive appropriate training (FSA and other suppliers) to ensure that they are competent to deliver the feed law service. Training to be booked, and undertaken when it is available.	Appropriate training identified.

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.1.17 Further develop, maintain and implement the documented procedure to ensure that the feed premises database is accurate, reliable and up to date. Ensure that accurate information on feed law enforcement activity can be reported in official returns to the Agency. [The Standard – 11.2]	31/03/14	The Establishing and Maintaining the Premise Database procedure is to be reviewed and updated. Uniform management information reports are to be developed to ensure that information on feed law enforcement activity can be reported in official returns to the FSA.	Information required in Uniform management information reports identified and passed to IT System Support for development.
3.1.20 Put in place liaison arrangements with any other government organisations or official control bodies to facilitate efficient, effective and consistent enforcement, for example at the airport and high risk feed manufacturers, and which is aimed at rationalising enforcement and reducing burdens on businesses. [The Standard – 18.1 and 18.2]	31/03/14	Liaison arrangements to be established and documented with Durham Tees Valley Airport, VMD and other appropriate bodies or organisations.	MOU between the National Agriculture Panel and the VMD in relation to the enforcement of EC Regulation 183/2005 identified.
3.2.9(i) Ensure that feed establishments inspections are 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]	30/06/14	Implement a change from the LACORS Risk Assessment Scheme to the FLECP Risk Assessment Scheme in the proposed new FLECP for feed premises. Implement an inspection programme for 2014/15 taking in to account the FLECP Risk Assessment Scheme.	Priority given to higher risk feed establishments in this years (2013/14) inspection programme.

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.2.9(ii) Carry out inspections in accordance with relevant legislation, the Feed Law Enforcement Code of Practice and centrally issued guidance. [The Standard - 7.2]	Completed	All feed inspections from 01/0813 have been undertaken using the appropriate FSA model forms supplied as part of the grant funded additional inspections. All inspections will be carried out in accordance with legislation, FLECP and centrally issued guidance.	All feed inspections from 01/0813 have been undertaken using the appropriate FSA model forms supplied as part of the grant funded additional inspections.
3.2.9(iii) Review and consolidate the inspection aides-memoire and ensure that inspections of feed establishments adequately assess the compliance of establishments and systems to legally prescribed standards. [The Standard – 7.3]	Completed	All feed inspections from 01/0813 have been undertaken using the appropriate FSA model forms supplied as part of the grant funded additional inspections. All inspections will be carried out in accordance with legislation, FLECP and centrally issued guidance.	All feed inspections from 01/0813 have been undertaken using the appropriate FSA model forms supplied as part of the grant funded additional inspections.
3.3.4 Implement the documented internal monitoring procedure to include quantitative and qualitative monitoring of feed law enforcement activities across all areas of the Standard. Monitoring should be risk based and proportionate and aimed at verifying the Service's conformance with the Standard. Records of monitoring checks should be maintained. [The Standard - 19.1, 19.2, and 19.3]	31/03/14	Internal Monitoring procedure to be implemented to ensure compliance with the requirements of the Standard. Records of monitoring checks will be maintained for a period of six years.	Internal Monitoring procedure implemented 01/10/13

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
<p>3.3.7 Maintain up to date, retrievable and accurate records for all feed establishments and other relevant checks in relation to feed law enforcement activities in accordance with the Feed Law Enforcement Code of Practice, including all records of inspections and determinations of compliance carried out by authorised officers. [The Standard - 16.1 and 7.5]</p>	<p>31/03/14</p>	<p>A central electronic folder will be created to enable electronic documents, that cannot be attached to Uniform records, to be filed. This will enable all relevant documents to be held in a central area that is accessible by all officers. Management information reports are to be developed to ensure that information on feed law enforcement activity can be easily retrievable.</p>	<p>A central electronic folder has been created for the storage of electronic files. Information required in Uniform management information reports identified and passed to IT System Support for development.</p>

ANNEX B Audit Approach/Methodology

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

(1) Examination of LA policies and procedures.

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

- Darlington Borough Council Food Safety Enforcement Plan 2013/14
- Darlington Borough Council Enforcement Policy 2012
- Various formal enforcement procedures
- Internal monitoring procedure revised
- Document and Data Control procedure revised
- Authorisation of Officers Procedure revised
- Establishing and Maintaining the Premises Database
- Community Request for Service revised
- Feeding stuffs complaints revised
- Approval and Registration procedure
- Inspections/Interventions procedure revised
- Feeding stuffs sampling procedure revised
- Feed Incidents and Hazards
- Minutes from the North East Trading Standards Association (NETSA) meetings
- NETSA newsletters.

(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 (Lead Feed Officer)
- Fair Trading Officer (Animal Health)

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

ANNEX C Glossary

Agricultural Analyst	A person, holding the prescribed qualifications, who is formally appointed by a local authority to analyse feed samples.
Authorised officer	A suitably qualified officer who is authorised by the local authority to act on its behalf in, for example, the enforcement of legislation.
Codes of Practice	Government Codes of Practice issued under Section 40 of the Food Safety Act 1990 as guidance to local authorities on the enforcement of food and feed legislation.
County Council	A local authority whose geographical area corresponds to the county and whose responsibilities include food standards and feeding stuffs enforcement.
Defra	The Department for Environment, Food and Rural Affairs. The Government Department designated as the central competent authority for products of animal origin in England.
District Council	A local authority of a smaller geographical area and situated within a County Council whose responsibilities include food hygiene enforcement.
Environmental Health Officer (EHO)	Officer employed by the local authority to enforce food safety legislation.
FNAO	Feed of non- animal origin. Products that do not fall under the requirements of the veterinary control regime.
FVO	Food and Veterinary Office, part of the European Commission, based within the Directorate General for Health and Consumers.
Feed Law Enforcement Code of Practice	Government Codes of Practice issued under the Official Feed and Food Control Regulations.
Feeding stuffs	Term used in legislation on feed mixes for farm animals and pet food.
Food Examiner	A person holding the prescribed qualifications who undertakes microbiological analysis on behalf of the local authority.

Food/feed hygiene	The legal requirements covering the safety and wholesomeness of food/feed.
Food/feed standards	The legal requirements covering the quality, composition, labelling, presentation and advertising of food/feed, and materials in contact with food.
Framework Agreement	<p>The Framework Agreement consists of:</p> <ul style="list-style-type: none"> • Food and Feed Law Enforcement Standard • Service Planning Guidance • Monitoring Scheme • Audit Scheme <p>The Standard and the Service Planning Guidance set out the Agency's expectations on the planning and delivery of food and feed law enforcement.</p> <p>The Monitoring Scheme requires local authorities to submit yearly returns via LAEMS to the Agency on their food enforcement activities i.e. numbers of inspections, samples and prosecutions.</p> <p>Under the Audit Scheme the Food Standards Agency will be conducting audits of the food and feed law enforcement services of local authorities against the criteria set out in the Standard.</p>
Full Time Equivalents (FTE)	A figure which represents that part of an individual officer's time available to a particular role or set of duties. It reflects the fact that individuals may work part-time, or may have other responsibilities within the organisation not related to food and feed enforcement.
HACCP	Hazard Analysis and Critical Control Point – a food/feed safety management system used within food/feed businesses to identify points in the production process where it is critical for food/feed safety that the control measure is carried out correctly, thereby eliminating or reducing the hazard to a safe level.
Home Authority	An authority where the relevant decision making base of an enterprise is located and which has taken on the responsibility of advising that business on food and feed safety/ standards issues. Acts as the central contact point for other enforcing authorities' enquiries with regard to that company's food/feed related policies and procedures.

Informal samples	Samples that have not been taken in accordance with the appropriate sampling regulation (e.g. samples for screening purposes) and/or not sent to an accredited laboratory.
Member forum	A local authority forum at which Council Members discuss and make decisions on food law enforcement services.
Metropolitan Authority	A local authority normally associated with a large urban conurbation in which the County and District Council functions are combined.
Port Health Authority (PHA)	An authority specifically constituted for port health functions including imported food and feed control.
Primary Authority	An authority that has formed a formal partnership with a business in accordance with the Regulatory Enforcement and Sanctions Act 2008.
Public Analyst	An officer, holding the prescribed qualifications, who is formally appointed by the local authority to carry out chemical analysis of food and feed samples.
RASFF	Rapid alert system for food and feed. The European Union system for alerting port enforcement authorities of food and feed hazards.
Regulators' Compliance Code	Statutory Code to promote efficient and effective approaches to regulatory inspection and enforcement which improve regulatory outcomes without imposing unnecessary burdens on businesses.
Risk rating	A system that rates food/feed premises according to risk and determines how frequently those premises should be inspected. For example, high risk premises should be inspected at least every 6 months.
Service Plan	A document produced by a local authority setting out their plans on providing and delivering a food/feed service to the local community.
Trading Standards	The Department within a local authority which carries out, amongst other responsibilities, the enforcement of food standards and feeding stuffs legislation.

Trading Standards
Officer (TSO)

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

Unitary Authority

A local authority in which the County and District Council functions are combined, examples being Metropolitan District/Borough Councils, and London Boroughs. A Unitary Authority's responsibilities will include food hygiene, food standards and feeding stuffs enforcement.