

**Report on the Audit of Local Authority Feed Law  
Enforcement Controls of Imported Feed  
Not of Animal Origin**

Lancashire County Council  
23-24 March 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](http://www.food.gov.uk/enforcement/auditandmonitoring).

This Great Britain (GB) wide programme of focused audits 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 ports and effective local authority monitoring of imports 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) and Port Health Authority's (PHAs) 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](http://ec.europa.eu/food/fvo/rep_details_en.cfm?rep_id=2335).

The audits examined Port Health Authority (PHA) and Local Authority (LA) systems and procedures for control of imported feed and where relevant inland imported feed, at ports of entry (sea and air) and at inland authorities, in 10 geographically representative PHAs and LAs in GB. The audits were confined to feed not of animal origin (FNAO). As part of the programme, meetings have been organised with four additional authorities to further establish whether appropriate imported feed checks and liaison between ports and inland LAs are being undertaken.

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 (amended April 2010) and is available on the Agency's website at: [www.food.gov.uk/enforcement/auditandmonitoring](http://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
<b>1.0 Introduction</b>	5
<i>Reason for the Audit</i>	5
<i>Scope of the Audit</i>	5
<i>Background</i>	6
<b>2.0 Executive Summary</b>	8
<b>3.0 Audit Findings</b>	10
3.1 <i>Organisation and Management</i>	10
- <i>Strategic Framework, Policy and Service Planning</i>	10
- <i>Documented Policies and Procedures</i>	11
- <i>Authorised Officers</i>	12
- <i>Facilities and Equipment Including Verification Visit</i>	13
- <i>Liaison with Other Organisations</i>	14
3.2 <i>Imported Feed Control Activities</i>	15
- <i>Feed Inspection and Sampling</i>	15
- <i>Feed Establishments Interventions and Inspections</i>	16
- <i>Enforcement</i>	17
- <i>Feed Complaints, Primary Authority Scheme and Home Authority Principle</i>	18
- <i>Feed Safety Incidents</i>	18
- <i>Advice to Business</i>	19
3.3 <i>Internal Monitoring and Third Party or Peer Review</i>	20
- <i>Internal Monitoring</i>	20
- <i>Records</i>	21
- <i>Third Party or Peer Review</i>	21
<b>Annexe A - Action Plan for Lancashire County Council</b>	22
<b>Annexe B – Audit Approach/Methodology</b>	25
<b>Annexe C – Glossary</b>	27

## **1. Introduction**

- 1.1 This report records the results of an audit of Lancashire 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 controls of imported feed of non-animal origin at the Ports of Fleetwood, Glasson and Heysham and at inland premises. The audit was undertaken as part of the Agency's focused GB audit programme of imported feed controls. This report has been made publicly available on the Agency's website at:

[www.food.gov.uk/enforcement/auditandmonitoring/auditreports](http://www.food.gov.uk/enforcement/auditandmonitoring/auditreports).

Hard copies are available from the Food Standards Agency's 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 Lancashire 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.<sup>1</sup>

- 1.3 Lancashire 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 10 PHAs and LAs across Great Britain.

### ***Scope of the Audit***

- 1.4 The audit examined Lancashire County Council's arrangements for imported feed controls in respect of imported feed not of animal origin (FNAO). Products of animal origin (POAO) are subject to veterinary control checks and separate auditing regimes.

---

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

- 1.5 The audit scope included the assessment of local arrangements for service planning, delivery and review, provision and adequacy of officer training on imports and authorisations, implementation and effectiveness of imported feed control activities, including inspection, sampling and enforcement. Maintenance and management of appropriate records in relation to imported feed and internal service monitoring arrangements were also covered.
- 1.6 The on-site element of the audit took place at the Authority's County Hall, Pitt Street, Preston on 23-24 March 2011. The audit included a reality check to assess the effectiveness of official controls implemented by the Authority at a feed business and, more specifically, the checks carried out by the Authority's officers to verify compliance with imported feed law requirements.
- 1.7 The audit also afforded the opportunity for discussion with officers involved in imported feed law enforcement with the aim of exploring key issues and gaining opinions to inform Agency policy. A set of structured questions were used as the basis for discussions which sought views and information on areas related to imported feed controls such as:
- service planning and the strategic framework of controls
  - training and support
  - criteria used to determine the level of checks
  - issues affecting the imported food control programme
  - sampling, surveillance and enforcement approaches.
- 1.8 The information gained during interviews will be incorporated into a summary report on the imported feed inspection and control activities audit programme.

### ***Background***

- 1.9 Lancashire County Council is situated in the North West of England and has a large and varied agricultural industry, with around 6,000 livestock and arable farms covering an area of 217, 600 hectares. There are three distinct areas of agricultural use in the County. The East is mainly upland with small sheep and cattle farms. The North West includes the coast and has high quality grassland which supports more intensive beef and dairy production. The South West has high quality arable land with some pig and poultry units utilising grain production.
- 1.10 There are three small ports in Lancashire at Fleetwood, Glasson and Heysham, each capable of importing feed from third countries, however, auditors were advised that the only feed which was landed comes in at Glasson and is either transhipped through European ports or actually originates from a European country.

- 1.11 The audit therefore concentrated mainly on inland controls of imported feed at feed businesses throughout the County, but consideration was also given to arrangements in place in regard to controls for any imported feed from third countries, potentially arriving at one of these ports.
- 1.12 The ports were not designated as points of entry for certain high risk food and feed products nor as a Border Inspection Post for certain imported products of animal origin.
- 1.13 The Trading Standards Service had a dedicated Animal Health and Agriculture Team covering all aspects of enforcement on agricultural holdings in the County.

## 2. Executive Summary

- 2.1. The Authority had developed an Agriculture Service Plan for 2010/2011 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 imported feed law enforcement service against resources available to the Authority were discussed.
- 2.2. In practice, only a very small proportion of officer time was spent on imported feed activities by the Authority. There had been no known consignments of imported feed from third countries shipped to any of the three ports in Lancashire. A number of manufacturers in the County utilised imported feed in their ingredients and the Authority undertook imported feed controls as an integral part of their feed law enforcement activities at these premises.
- 2.3. The Authority had developed a number of procedural work instructions for the Service but these were mainly generic in nature and did not always contain sufficient detailed guidance for officers undertaking feed law, including feed law enforcement activities, for example, feed business inspections, imported feed sampling, feed incidents, and formal enforcement actions.
- 2.4. The Authority should develop and implement an officer authorisation procedure including a review of current legislation, officer authorisations and qualifications as part of this process. 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 imported feed legislation controls.
- 2.5. The Authority had recently re-risk rated feed premises having taken farm assurance schemes into account. Audit checks confirmed that feed interventions were being carried out at the correct frequency determined by the Feed Law Code of Practice. The Authority acknowledged that a recently developed aide-memoire did not provide sufficient opportunity for officers to record details such as HACCP assessments, type and size of business and that they would review the use of this form.
- 2.6. The Authority had developed good working relationships with the shipping agent at Glasson Dock and the relevant local authorities in the County. Auditors discussed the benefits of formalising these arrangements to ensure adequate and appropriate notification of potential high risk third country imported feeds arriving at the ports.
- 2.7. As part of the audit a reality visit was carried out at a feed mill to assess the effectiveness of the Authority's assessment and application of imported feed controls in relation to third country imports. The visit



confirmed that the Authority was carrying out robust risk based inspection activities in accordance with the Feed Law Enforcement Code of Practice. The visit also confirmed the Authority's re-risk rating of the business, taking into account their industry accreditation scheme, had been appropriate.

- 2.8 Records in relation to imported feed were maintained, up to date and easily retrievable.
- 2.9 The Authority had a documented procedure on internal monitoring. Both qualitative and quantitative monitoring was being undertaken. Auditors discussed the benefits of reviewing the monitoring procedure to ensure risk-based and proportionate monitoring to cover the full range of enforcement activities in relation to feed and imported feed controls.

### 3. Audit Findings

#### 3.1 Organisation and Management

##### *Strategic Framework, Policy and Service Planning*

- 3.1.1 The Authority had developed an 'Agriculture Service Plan' 2010/2011 which was generally in line with the Service Planning Guidance in the Framework Agreement. Future plans would benefit from providing a comparison of the financial and staff resources required to deliver the feed law enforcement service, including imported feed law enforcement, against resources available to the Authority based upon the full range of demands placed upon it. The Authority did not provide evidence to show that the Service Plan had been approved by an appropriate Member Forum or relevant senior officer.
- 3.1.2 A review of the Service was carried out through regular team and officer meetings and progress was reported to the senior management team by a senior manager. The Service Plan was reviewed by means of quarterly monitoring meetings of the Senior Management Team. Auditors discussed the benefits of an annual 'overriding' review in addition to quarterly reviews.
- 3.1.3 The main duties of the Authority in relation to imported feed were as an integral part to their feed inspection/interventions and sampling programmes. They estimated that 0.05 full time equivalent (FTE) officer time was spent on imported feed controls.
- 3.1.4 The Authority was able to confirm that the following FTE officers were available to carry out feed law enforcement and related matters including imported feed:

<b>Officer Designation</b>	<b>Number of staff*</b>
Lead Officer Animal Health and Agriculture	0.5
Trading Standards Service Officers	1.5
Technical/Admin support staff	0.5
<b>TOTAL</b>	<b>2.5</b>

\*Full Time Equivalent

***Recommendation***

3.1.5 The Authority should:

Further develop the Service Delivery Plan in 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 (including imported feed) against the resources available to the Authority.

Ensure the Service Plan has been approved by the relevant Member forum or senior officer.  
[The Standard - 3.1]

*Documented Policies and Procedures*

- 3.1.6 The Authority did not maintain all relevant procedures for each of the enforcement activities covered by the scope of the audit and in accordance with the Feed Law Code of Practice. The provision of procedural guidance across all enforcement activities including procedures for the inspection of feed premises, would provide a useful reference for officers, particularly in the absence of key specialist officers.
- 3.1.7 The system for the control of documents required review; auditors noted that a number of work instructions were undated and contained no review dates.
- 3.1.8 Access to relevant sources of information, including procedures, legislation and the feed establishments database, was available to officers.

### ***Recommendations***

3.1.9 The Authority should:

- (i) Ensure that policies and procedures relating to all feed enforcement activities are documented and adequately provide guidance on all areas of feed law enforcement, including those related to imported feed controls.  
[The Standard - 4.1]
- (ii) A document control system should be implemented and maintained to ensure relevant policies and procedures are reviewed at regular intervals and whenever there are changes to legislation or centrally issued guidance.  
[The Standard - 4.2]

### *Authorised Officers*

- 3.1.10 The Head of Trading Standards 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 when assessing competency and authorisation.
- 3.1.11 There was no documented procedure for the authorisation of officers for feed law enforcement that set out the means by which officers were authorised based on their qualifications, training, experience and competency together with confirmation of their individual levels of authorisation. The Authority was developing an 'officers skills analysis assessment' for evaluating and recording staff competencies and training.
- 3.1.12 The Authority discussed their arrangement for having two lead officers appointed with complementing qualifications and specialist knowledge to have lead responsibility for feed legislation. The Authority was taking steps to ensure that all officers carrying out feed law enforcement duties were appropriately qualified.
- 3.1.13 The existing officer authorisation schedules needed to be reviewed and considered by the Authority's Legal Department to ensure that officers were appropriately authorised for the duties they were expected to carry out, for example, authorisation under the Official Feed and Food Control (England) Regulations 2009.
- 3.1.14 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, including imported feed, and had maintained the minimum

ongoing 10 hours of feed related training per year, based on Continuing Professional Development in accordance with the Feed Law Enforcement Code of Practice. However, training records were not all easily retrievable and the Authority should ensure that all qualification records are maintained.

- 3.1.15 A Senior Trading Standards Service Officer was interviewed during the audit, and was able to demonstrate a good knowledge of feed law enforcement including imported feed law.

***Recommendations***

3.1.16 The Authority should:

- (i) Develop, maintain and implement a 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]
- (ii) Review, update and maintain records of officer authorisation documents to ensure that they include references to all relevant and up to date legislation. [The Standard – 5.1 and 5.5]

*Facilities and Equipment Including Verification Visit*

- 3.1.17 During the audit a verification visit was carried out at a local feed mill which utilised imported feed, with officers 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 imported feed controls in relation to third country imported feed.
- 3.1.18 During the visit, it was evident that the officers were aware of the official controls required for high risk feeds not of animal origin from third countries. There was no evidence to confirm that evaluation of these controls had formed part of the previous inspection as at that time the scope of the inspection had not included an assessment of imported feed. During the visit, the officers made appropriate enquiries about the imported feed products which were noted. Practical issues surrounding problems of sampling from bulk were discussed.

- 3.1.19 The Authority was able to demonstrate that they had facilities and equipment for the sampling of imported feeding stuffs. The equipment was maintained in good condition and retained in a separate storage facility.
- 3.1.20 The Authority had an electronic database for recording feed law enforcement activities which was capable of providing information necessary for official returns. Most recent annual feed returns had been provided to the Agency for 2009/2010. An anomaly with the figure for the total number of livestock farms was being addressed.
- 3.1.21 Auditors were advised that the Authority had recently undertaken a database trawl to ensure that their list of registered premises was accurate and up to date. The Authority was satisfied that most feed premises which should be registered had been captured on their database but were continuing to review the situation.

*Liaison with Other Organisations*

- 3.1.22 The Authority had liaison arrangements with central government, other enforcement bodies, professional organisations and other external stakeholders. The Authority was pro-active in liaising with the Animal Medicines Inspectorate and the Department for Environment, Food and Rural Affairs (Defra) Animal Health.
- 3.1.23 Locally the Authority was a member of the North West Agriculture Sub Group. The Authority had effective liaison arrangements with other Lancashire Environmental Health Departments. There was evidence of regular communication with the shipping agent at Glasson Port to facilitate the sharing of information about shipping consignments.
- 3.1.24 The arrangements for liaison in relation to imported feed controls between the Authority and the other organisations were not documented or referenced in relevant policies and procedures.

***Recommendation***

3.1.25 The Authority should:

Formalise arrangements with the shipping agent at Glasson, and the local authorities, to further enhance the effectiveness of the monitoring arrangements in relation to imported feed controls to help facilitate efficient, effective and consistent enforcement. [The Standard – 18.1]

## **3.2 Imported Feed Control Activities**

### *Feed Inspection and Sampling*

- 3.2.1 Information provided by the Authority prior to the audit indicated that consignments of feed only arrived at Glasson Port and these were from European countries or transhipped through European ports.
- 3.2.2 The Authority advised that no designated high risk products from certain third countries specified in Regulation (EC) No. 669/2009 or products subject to enhanced safeguard measures had been received at the Port.
- 3.2.3 Consignments of maize were received at Glasson from the European Union (EU) in ships of up to 3,000 tonnes, mainly from South West France and occasionally Poland. Maize arrived on average 1- 2 times per month. About once a year locust beans from Cyprus or Portugal were shipped to the Port. Sugar beet was landed very rarely, but always from EU countries.
- 3.2.4 The Authority had an arrangement with the Shipping Administrator at Glasson Grain Shipping Services to notify them, along with other governmental departments, about all consignments due into the Port. This notification was received by email giving details of the name of the vessel, the International Maritime Organisation number, the load port, the cargo carried and the estimated time of arrival. Although recent emails of these notifications provided evidence of this arrangement, the Authority agreed to maintain a recording system for these notifications.
- 3.2.5 Information provided prior to the audit indicated that imported feed received by inland manufactures mainly comprised of palm kernel from Indonesia, soya products from Brazil or Argentina, maize products from the USA and citrus pulp also from the USA. The Authority advised that these products were purchased from dealers and or agents, none were imported directly.
- 3.2.6 The Authority was aware of manufacturers which utilised imported feed but did not record these separately.
- 3.2.7 The food sampling policy and sampling plan were contained within the Service Plan 2010/2011. The sampling plan only included figures for informal sampling to be undertaken. It was also stated in the Service Plan that an integral part of an inspection was to obtain samples of feedingstuffs during the visit. Although there was no specific reference made to sampling of imported feed, pre-audit checks confirmed that the Authority had participated in a regional bid for an imported feed sampling programme funded by a Food Standards Agency grant.

- 3.2.8 The Authority had developed a work instruction 'Formal Agriculture Sampling' for feed and fertiliser. There was no reference within this document to the sampling of imported feed. Auditors discussed the need to develop and implement procedures to cover the examination and sampling of imported feed in accordance with the Feed Law Enforcement Code of Practice and centrally issued guidance.

**Recommendation**

3.2.9 The Authority should:

Review and expand the work instruction for sampling to include risk-based imported feed sampling.  
[The Standard –12.5]

- 3.2.10 From the files examined, all the imported feed sampling carried out had been undertaken utilising an imported feed grant awarded by the Agency where formal guidance had been issued, rather than as part of the sampling plan. The results of all the samples examined had been satisfactory. File and record checks indicated that only informal samples had been taken, and Auditors discussed with the Authority the merits of formal sampling by appropriately authorised officers. The practical issues surrounding sampling from bulk was also recognised.
- 3.2.11 The official laboratory that was used by the Authority for feed sampling activities was properly accredited but on occasion there had been considerable delay in receiving results from the Analyst.

*Feed Establishments Interventions and Inspections*

- 3.2.12 The Authority had developed a generic procedure 'Business Inspections' dated October 2009 '*to ensure business processes are capable of achieving compliance with trading standards legislation*'. There were no specific documented procedures relating to feed premises inspections, including those for imported feed inspection in accordance with the Framework Agreement and the Feed Law Enforcement Code of Practice.
- 3.2.13 The Authority had entered into the LACORS/Veterinary Medicines Directorate Memorandum of Understanding in relation to the enforcement of Regulation (EC) No. 183/2005. Manufacturers producing medicated feeds were therefore the enforcement responsibility of the Animal Medicines Inspectorate (AMI), although the Authority remained responsible for carrying out sampling visits including imported feed at these premises.



- 3.2.14 Auditors were advised that the Authority did not have enforcement responsibility for any approved feed premises.
- 3.2.15 With effect from April 2010, the feed premises in Lancashire had been re-risk rated by the Authority to take account of industry accreditation schemes.
- 3.2.16 Audit checks were carried out on five recent inspections files. Where it could be ascertained from the details recorded on file records, in all cases the inspections had been correctly risk assessed and inspections had been carried out at the required frequency over the last three inspections.
- 3.2.17 After a recent revision of the feed premises inspection aide-memoire, most records of interventions did not include sufficient detail of inspection findings, in particular HACCP assessments, or sufficient information such as the size of the premises and the main activities being carried out. Historically a more detailed aide-memoire had been in use and Auditors discussed further developing this document to include more 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.
- 3.2.18 There was no evidence of internal monitoring noted on the files examined.

#### *Enforcement*

- 3.2.19 The Authority's Trading Standards Service had a generic Enforcement Policy updated in August 2010. Auditors were advised that the Policy had been approved by the Chief Trading Standards Officer in a delegated capacity through the Council's constitution. The Policy confirmed that the Authority was committed to implementing the Enforcement Concordat in all enforcement action, and the Service Plan documented that the Service will also seek to ensure that any enforcement activity has regard to the Regulators' Compliance Code.
- 3.2.20 Process decision flow charts had been developed for the Simple Caution process and for enforcement action relating to 'Suspect Feed not of Animal Origin' however, procedures dealing with the full range of enforcement actions to control feed, including imported feed, needed to be developed.

- 3.2.21 Pre-audit information supplied by the Authority indicated that no formal enforcement had been carried out in relation to imported feed controls by the Authority in the last two years. The absence of any enforcement action by the Authority was further confirmed by audit record checks and discussions with officers.

***Recommendation***

- 3.2.22 The Authority should:

Develop formal enforcement procedures for the range of enforcement actions and follow up action available to control imported feed 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*

- 3.2.23 The Authority had no official procedure for dealing with imported feed complaints and referrals. Auditors were advised prior to the audit that no complaints involving imported FNAO had been received. The Authority confirmed that complaints and referrals would be dealt with in line with their generic enforcement complaint procedures.
- 3.2.24 The Authority confirmed support for the Home Authority Principle and the Primary Authority Scheme, referenced in the Service Plan. The Service did not formally act as Home or Primary Authority for any feed businesses utilising imported feed but did have informal Home Authority arrangements for some of the larger feed manufactures in their area. Auditors were advised that historically the Authority had carried out a survey asking manufacturers if they had wanted to formalise the Home Authority arrangements but the responses had indicated that existing arrangements worked well.

*Feed Safety Incidents*

- 3.2.25 The Authority had developed a work instruction 'Food/Feed & Feed Hazard Warnings' about receiving and processing food/feed hazard warnings from the Agency. The work instruction did not include guidance on the initiating and handling of feed incidents, how to address RASFF notifications, or out of hours contact arrangements.
- 3.2.26 In practice the lead officer received RASFF notifications and Agency alerts. Auditors were advised that there were arrangements for out of hours contacts through a standby officer rota covered between the Animal Health and Petroleum Teams. There was also a standby rota for senior officers.

**Recommendation**

3.2.27 The Authority should:

Expand, maintain and implement the work instruction procedure for initiating and responding to feed incidents and RASFF notifications, including imported feed, in accordance with the Feed Law Code of Practice. [The Standard - 14.1]

*Advice to Business*

- 3.2.28 The Service Plan stated that *'It is the policy of the Authority to make all reasonable attempts to provide advice and education to businesses that can be applied by them in a practical and cost effective manner. The intention is to equip businesses with information for them to help themselves in similar situations.'*
- 3.2.29 Due to the scale of imported feed relevant to the scope of the audit relatively little formal business advice had been carried out. The Authority demonstrated during the reality visit that they were actively engaged with their feed businesses, providing ongoing advice upon requests for service about feed matters.

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

#### *Internal Monitoring*

- 3.3.1 The Service had developed a generic 'Workload Monitoring' work instruction to cover all aspects of the trading standards service functions. This work instruction included the scope, types and frequency of monitoring. Both quantitative and qualitative monitoring were being undertaken and records were generally kept.
- 3.3.2 Quantitative monitoring was undertaken monthly through one-to-one meetings between managers and operational staff and was known as 'workload monitoring'. Details completed on the workload monitoring record included numbers of inspections carried out, numbers of complaints pending and numbers of service requests. This meeting was also an opportunity for discussion of more complex activities, for example formal enforcement actions being undertaken. The Authority explained that since a recent office move there had been some 'slippage' in this area of monitoring though Auditors did see evidence of some workload monitoring still being carried out.
- 3.3.3 Qualitative monitoring was termed 'operational review' by the Authority. Operational reviews were undertaken quarterly, were set by the Senior Management Team and were theme based, for example, operational review of investigations or complaints recording. This enabled the management team to look at trends and outcomes in service performance. Operational checklist records were maintained and operational reviews documented and circulated.
- 3.3.4 The senior management team also reviewed the Service Plan quarterly using a quarterly monitoring report, recent evidence of these detailed reports were provided to Auditors.
- 3.3.5 The Authority agreed the benefits of reviewing the qualitative monitoring 'operational review' procedure to ensure more specific areas of feed law enforcement, including imported feed, and enforcement activities were monitored to verify conformance with the Standard. Auditors were advised that historically two feed law enforcement activities had been monitored by the Authority each month.
- 3.3.6 There was evidence of other qualitative and quantitative internal monitoring being carried out, including:
- Annual officer performance reviews
  - Regular Animal Health and Welfare Team meetings were held and minutes maintained.

***Recommendation***

3.3.7 The Authority should:

Review the internal monitoring procedure to ensure all enforcement activities of the feed law enforcement service, including imported feed law enforcement are adequately and proportionately monitored 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. [The Standard - 19.1]

*Records*

3.3.8 Records of feed activity, of which imported feed controls were an integral part, were maintained electronically. Records on the database system were easily retrievable, up to date and accurate and auditors were able to confirm the level of monitoring, inspection and sampling undertaken by the Authority.

*Third Party or Peer Review*

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

**Auditors:** **Jane Tait**  
Robert Hutchinson

Food Standards Agency

Local Authority Audit and Liaison Division

## Action Plan for Lancashire County Council

## ANNEXE A

Audit date: 23-24 March 2011

<b>TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)</b>	<b>BY (DATE)</b>	<b>PLANNED IMPROVEMENTS</b>	<b>ACTION TAKEN TO DATE</b>
<p>3.1.5 Further develop the Service Delivery Plan in 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 (including imported feed) against the resources available to the Authority.</p> <p>Ensure the Service Plan has been approved by the relevant Member forum or senior officer. [The Standard -3.1]</p>	31/05/11	<p>The Feed Plan 2011/12 to be revised to include financial information regarding resources available to the service and the resource required for delivery of the feed Service Plan. This will include the level of resource allocated to imported feed controls.</p> <p>The revised plan will be submitted for approval to the Head of Service who has delegated responsibility for food and feed law enforcement.</p>	2011/12 Feed Plan has been revised and will be submitted to Head of Service by 29/05/11.
<p>3.1.9(i) Ensure that policies and procedures relating to all feed enforcement activities are documented and adequately provide guidance on all areas of feed law enforcement, including those related to imported feed controls. [The Standard - 4.1]</p>	30/10/11	<p>Policies and procedures relating to feed enforcement to be reviewed and where necessary additional procedures developed. Guidance documents to be included in the management system.</p>	<p>Guidance documents relating to imported feed procedures have been compiled and placed in the management system. Additional documents relating to general feed law will be developed.</p>
<p>3.1.9(ii) A document control system should be implemented and maintained to ensure relevant policies and procedures are reviewed at regular intervals and whenever there are changes to legislation or centrally issued guidance. [The Standard - 4.2]</p>	30/06/11	<p>The service operates a management system to ISO 9001. Documents within the service management system are currently reviewed annually. The Principal Officer Animal Health and Agriculture will ensure that changes in legislation are included in documentation between reviews.</p>	<p>Documents are currently being reviewed. They will be reviewed annually and when legislative changes are to take place.</p>
<p>3.1.16(i) Develop, maintain and implement a 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]</p>	31/10/11	<p>A documented procedure relating to officer authorisations to be produced by the Training and Development Officer and the Legal Officer, relating to all service activities.</p>	<p>Only officers deemed competent under the Feed Law Code of Practice are allowed to undertake duties relating to feed law enforcement. This will continue until the documented procedure is implemented.</p>

<b>TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)</b>	<b>BY (DATE)</b>	<b>PLANNED IMPROVEMENTS</b>	<b>ACTION TAKEN TO DATE</b>
3.1.16(ii) Review, update and maintain records of officer authorisation documents to ensure that they include references to all relevant and up to date legislation. [The Standard – 5.1 and 5.5]	31/07/11	In addition to their general Trading Standards authorisations, Feed officers are to be specifically and appropriately authorised in relation to Feed Hygiene, and Feed and Food Controls.	Specific authorisations are being drafted for approval by Legal Officer.
3.1.25 Formalise arrangements with the shipping agent at Glasson, and the local authorities, to further enhance the effectiveness of the monitoring arrangements in relation to imported feed controls to help facilitate efficient, effective and consistent enforcement. [The Standard – 18.1]	31/08/11	The service will build on the existing good relationship with the port operators and port health and will formalise and document notification arrangements in relation to imported feeds.	
3.2.9 Review and expand the work instruction for sampling to include risk based imported feed sampling. [The Standard –12.5]	31/10/11	The work instruction relating to the sampling of feedstuffs will be reviewed to specifically include risk assessment criteria to assist in selecting feed materials for sampling. This will also include guidance on imported feed sampling.	
3.2.23 Develop formal enforcement procedures for the range of enforcement actions and follow up action available to control imported feed in accordance with the relevant legislation, the relevant Code of Practice and centrally issued guidance. [The Standard – 15.2]	Completed	Procedures relating to enforcement actions in relation to imported feed to be produced and included on the management system.	Procedure had been drafted and uploaded to the management system.

<b>TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)</b>	<b>BY (DATE)</b>	<b>PLANNED IMPROVEMENTS</b>	<b>ACTION TAKEN TO DATE</b>
3.2.28 Expand, maintain and implement the work instruction procedure for initiating and responding to feed incidents and RASFF notifications, including imported feed, in accordance with the Feed Law Code of Practice. [The Standard - 14.1]	30/09/11	Current Food/Feed work instruction relating to incidents and RASFF notifications to be reviewed and implemented and separate instructions to be produced to include imported feed alerts.	
3.3.7 Review the internal monitoring procedure to ensure all enforcement activities of the feed law enforcement service, including imported feed law enforcement are adequately and proportionately monitored 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. [The Standard - 19.1]	Completed	The current monitoring procedure has been reviewed and enables adequate and proportionate monitoring of feed law enforcement activities. Specific instructions have been issued to the Animal Health and Agriculture Team Managers to ensure that the process includes all aspects of work, including feed law enforcement.	The Animal Health and Agriculture Team Managers have received instruction to ensure that all aspects of workload are monitored proportionately, including feed law activities.



**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:

- Agriculture Service Plan 2010/11
- Lancashire County Council Trading Standards Department Scheme of Delegation 10/08/10
- Work instruction- complaints investigation
- Work instruction- formal agriculture sampling
- Work instruction- food/feed hazard warnings
- Work instruction- workload monitoring
- Work instruction- operational reviews 06/06/10
- Work instruction- input monitoring for APP 11/05/10
- Business Inspection procedure 23/10/09
- Feed Business Establishment/Feed Premises Inspection Report checklist
- Decision process flow charts for Enforcement Action- Feed not of Animal Origin, and Simple Caution Process
- Lancashire County Council Trading Standards Service Enforcement Policy 05/08/10
- Monitoring reports including; Quarterly monitoring report against service Plan 2009/2010 Quarter 4, Operational review reports 2010
- Operational review checklist
- Minutes of Team Meetings.

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

- Authorisation, qualification and training files
- Feed premises registration records
- Feed inspection and sampling records
- Internal monitoring records.

*(3) Interviews – the following officers were interviewed:*

- Audit Liaison Officers (Unit Manager and Principal Officer)
- Senior Trading Standards Service 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 verification visit was made with the Authority's officers to a feed mill utilising imported feed. The purpose of the visit was to determine the effectiveness of the Authority's assessment and application of imported feed controls in relation to third country imports.

## 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"> <li>• Service Planning Guidance</li> <li>• Food and Feed Law Enforcement Standard</li> <li>• Monitoring Scheme</li> <li>• Audit Scheme</li> </ul> <p>The <b>Standard</b> and the <b>Service Planning Guidance</b> set out the Agency's expectations on the planning and delivery of food and feed law enforcement.</p> <p>The <b>Monitoring Scheme</b> requires local authorities to submit 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 <b>Audit Scheme</b> the Food Standards Agency will be conducting audits of the food and feed law enforcement services of local authorities against the criteria set out in the Standard.</p>
Full Time Equivalents (FTE)	A figure which represents that part of an individual officer's time available to a particular role or set of duties. It reflects the fact that individuals may work part-time, or may have other responsibilities within the organisation not related to food 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.
Third Country	Countries outside the European Union.
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.