

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

Leicestershire County Council
24-25 August 2011



Foreword

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

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

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

Agency audits assess local authorities' conformance 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.

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.

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1. Introduction

- 1.1 This report records the results of an audit of Leicestershire County Council with regard to feed law enforcement, under relevant headings of the Food Standards Agency Feed and Food Law Enforcement Standard. The audit focused on the Authority's arrangements for inland controls of feed of non-animal origin. The audit was undertaken as part of the Agency's focused audit programme of feed controls in England and Wales. This report has been made publicly available on the Agency's website at: www.food.gov.uk/enforcement/auditandmonitoring/auditreports
Hard copies are available from the Food Standards Agency's Local Authority Audit and Liaison Division at Aviation House, 125 Kingsway, London WC2B 6NH, Tel: 020 7276 8428.

Reason for the Audit

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

Scope of the Audit

- 1.4 The audit examined Leicestershire County Council systems and procedures for the control of feed not of animal origin (FNAO).
- 1.5 The audit scope included the assessment of local arrangements for service planning, delivery and review, provision and adequacy of officer training, authorisations, implementation and effectiveness of feed control activities, including inspection, sampling and enforcement. Maintenance and

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)

management of appropriate records in relation to feed and internal service monitoring arrangements were also covered.

- 1.6 The on-site element of the audit took place at the Authority's offices at County Hall, Glenfield, Leicester, on 24-25 August 2011. The audit included a reality check to assess the effectiveness of Official Controls implemented by the Authority and more specifically, the checks carried out by the Authority's officers to verify compliance with feed law requirements.
- 1.7 The information gained during this programme will be incorporated into a summary report on the feed inspection and control activities audit programme.

Background

- 1.8 Leicestershire County Council is located in the heart of England in the East Midlands, covers an area of 804 square miles and has a growing population of around 644,800. The eastern side of the county is predominantly rural, with small villages and market towns, whilst the north and north-west is more urban. The county is supported by excellent transport links, including East Midlands airport, and has a successful economy with higher than national average wage levels, low rates of unemployment and a relatively diverse mix of industries, including a long history of livestock farming.
- 1.10 The County Council covers seven district council areas and is responsible across the County for the trading standards function as well as education, social services, libraries, main roads, public transport policy and fire services, waste disposal and strategic planning. The Trading Standards Service enforces legislation covering animal health and welfare, food and weights and measures, and is responsible for monitoring the labelling, compositional standards, and nutritional claims of food and animal feed and for enforcing the law dealing with the movement, licensing and welfare of livestock.
- 1.13 Feed law enforcement was carried out by officers in the Agricultural Standards Team within the Trading Standards Service.

2. Executive Summary

- 2.1 The Authority had developed a Service Plan for Food Standards Enforcement which was an annexe to the overarching Trading Standards Service Plan and covered the key elements of feed law enforcement. The Plan generally was in line with the Service Planning Guidance in the Framework Agreement. However, it would benefit from being further developed to include a realistic comparison of the resources required to deliver the feed law enforcement service against resources available to the Authority, based on the full range of demands placed upon it. The Service carried out quarterly reviews of its progress against key service performance indicators.
- 2.2 The Service operated a process of regular review and improvement in relation to their documented operational processes and a robust control system was in place.
- 2.3 The Authority needed to develop and implement a documented procedure for the authorisation of officers for feed enforcement, to set out the means by which officers were authorised based on their qualifications, training, experience and competency. The existing generic authorisations needed to be reviewed and considered by the Council's legal department to ensure that officers were appropriately authorised under relevant legislation to include specific enforcement powers and at a level which reflects their individual level of experience, training and competence. Whereas it was clear that the Lead Officer for Feed had received an appropriate level of relevant training, other officers currently carrying out feed law enforcement or authorised to do so as part of contingency measures, had not received sufficient training relevant to feed law enforcement.
- 2.4 The Authority had an electronic database for the recording of feed law enforcement activities, which was capable of providing information necessary for official returns.
- 2.5 Although the Authority had recently provided the Agency with their updated feed premises register, the Service had recognised that a significant number of farm premises had still not been registered and was addressing this matter. Audit database checks on a random selection of agricultural premises in a commercial directory confirmed that these were generally present on the database.
- 2.6 The Service had developed a concise and clear documented procedure for the inspection of feed establishments and it was evident from audit checks that all high risk premises were being inspected annually. Although some medium risk premises had also been inspected each year, medium and low risk establishments were not included or targeted as part of a risk based inspection programme. Officers left inspection reports with feed business operators after inspections, but it was not clear which part of the business processes had been examined during the visit or how compliance was assessed. In general, both hard copy and electronic records of premises

inspections did not include sufficient detail of the inspection, any assessment or adequate information about the premises and its operations.

- 2.7 The Authority carried out feed sampling during every inspection of high risk establishments and additionally on an ad hoc basis. However, the Service would benefit from developing a feed sampling policy and sampling programme to ensure that feed sampling activity is appropriately targeted at areas of highest risk in accordance with the National Enforcement Priorities. It was not always clear from available records whether appropriate follow-up action had been taken following the receipt of unsatisfactory sampling results.
- 2.8 The Authority had developed a comprehensive Trading Standards enforcement policy together with additional useful and concise formal enforcement procedures. Audit file checks on improvement notices served confirmed that these had been an appropriate course of action and due legal process had been followed with timely follow-up checks carried out.
- 2.9 The Authority had not developed a feed complaints procedure, including referral arrangements. However, audit record checks confirmed that, in practice, appropriate investigations had been undertaken with relevant advice given to businesses and effective liaison and communication undertaken with other local authorities. Records were easily retrievable, detailed and up to date and internal monitoring was noted during and on completion of each investigation.
- 2.10 Whilst it was evident that the lead officer was monitoring the investigation of complaints and referrals and was carrying out quantitative monitoring against performance targets, there were no records to show that feed inspection activities and formal enforcement were subject to internal monitoring by the Service.
- 2.11 An officer who regularly carries out feed law enforcement was interviewed to determine if they were able to demonstrate an appropriate level of competency and knowledge of the service's procedures. The officer was able to show a satisfactory working knowledge of animal feed enforcement.
- 2.12 A visit to a local feed manufacturer was carried out as part of the audit. The purpose of the visit was to assess the effectiveness of the officer's evaluation of the compliance of the feed business with legislative requirements. The officer was familiar with the operations taking place at the business. The visit demonstrated that the officer clearly understood the key operations and risks at the establishment.

3. Audit Findings

3.1 Organisation and Management

Strategic Framework, Policy and Service Planning

- 3.1.1 The Agricultural Standards Team within the Trading Standards Service was responsible for the delivery of the feed law enforcement service. The Trading Standards Service was located within Regulatory Services and contributed to the achievement of the County Council's Corporate and Community objectives. These were detailed in the Trading Standards Service Plan together with the Service's priorities and key performance indicators. The Plan was approved by the Lead Member for Regulatory Services and Planning. Regular briefing notes were also produced to update the Lead Member on feed hygiene enforcement.
- 3.1.2 The Service Plan for Food Standards Enforcement was an annexe to the overarching Trading Standards plan, covered the key elements of feed law enforcement and included clear service delivery commitments specifically relating to feed. The Plan generally was in line with the Service Planning Guidance in the Framework Agreement and indicated how many officers had appropriate qualifications to undertake feed law enforcement. However, it did not include a realistic comparison of the resources required to deliver the feed law enforcement service against resources available to the Authority, based on the full range of demands placed upon it.

Recommendation

3.1.3 The Authority should:

Further develop the Service Plan for Food Standards Enforcement in accordance with the Service Planning Guidance in the Framework Agreement, to include a comparison of the resources required to carry out the full range of statutory feed law enforcement activities against the resources available to the Authority.

[The Standard – 3.1]

- 3.1.4 In addition to the Service Standards and delivery commitments in the Service Plan a detailed documented Agricultural Standards Team Work Programme had been produced for 2011/2012. This described the activities of the team linked to desired outcomes and indicators. The Work Programme confirmed that the team's contribution to the overall purpose of the Service was:

'Responsibility for ensuring compliance with Trading Standards legislation on farms, when livestock are in transit, at animal gatherings, at

slaughterhouses and at feed and fertiliser bulk wholesalers supplying to the farm industry.'

3.1.5 Auditors discussed with the Authority the 2009 Food and Veterinary Office (FVO) Report of Official Controls on Feed Law in the United Kingdom. The Service had considered the report and advised the auditors that the following service measures had been implemented in response to the recommendations raised:

- Advice was given to co-products manufacturers about the legal requirement to have no packaging in products put into circulation for use as a feeding stuff.
- The Service has a greater awareness that any food premises that places waste food into the feed chain must be registered. As a result food standards enforcement officers have been asked to make the Agricultural Standards Team aware of any such potential premises.
- The Service has become more aware of traceability issues and the implementation of appropriate HACCP based feed safety management systems when undertaking feed premises inspections.

3.1.6 The Service carried out a full annual review of its Service Plan commitments against its Key Performance Indicators and part of the following year's service planning process, and the results of the review was reported within the following year's Plan. In addition, quarterly reviews of service performance were carried out and the results compiled in '*Dashboard Reports*' and regularly discussed with the Lead Member at minuted meetings.

Documented Policies and Procedures

3.1.7 The Service operated a process of regular review and improvement in relation to their documented operational processes, although the previous scheduled annual audit system was no longer in place. Documents were available to all officers with 'read only' access and a robust control system was in place to ensure that documents could only be amended by a nominated member of staff in corporate internal communications, following a written request by the Service.

3.1.8 All relevant documents were electronically available to officers on a read only basis on the Service's intranet and any changes to procedures required the agreement of the Quality Manager.

Authorised Officers

3.1.9 The Head of Regulatory Services had delegated powers to appoint and authorise officers in line with the Authority's scheme of delegation. Auditors were advised that officer qualifications and experience were considered when assessing competency and authorisation.

- 3.1.10 The Authority had not developed a documented procedure which described the process for authorising officers to undertake feed law enforcement. However the Service had developed an Agriculture Competence Record currently used to compile evidence for the purpose of career progression assessment. This document could be adapted and further developed to form the means by which the competence of officers, both existing and new to the Service, could be assessed for the purpose of deciding the appropriate level of officer authorisation based on their qualifications, training, experience and competency.
- 3.1.11 The Lead Officer for feed was appropriately qualified and experienced and his details had been provided to the Agency. Officers carrying out feed law enforcement were authorised generically under the main Acts. Auditors advised that these generic authorisations needed to be reviewed and considered by the Council's legal department to ensure that officers were appropriately authorised under relevant legislation to include specific enforcement powers.
- 3.1.12 The Lead Officer and one other Senior Trading Standards Officer (STSO) were acting as specialists in food and agriculture, although other Senior Trading Standards Officers with the appropriate qualifications but no recent experience in feed law enforcement were also authorised to do this work. The Authority stated that, in practice, the extent to which authorised officers were allowed to exercise their statutory powers under feed legislation was supervised by management and officers would not carry out feed law enforcement without refresher training and assessment.
- 3.1.13 Officer training needs were identified in their personal development plans. It was clear that the lead officer for feed had, in the last two years, received a broad range of relevant training and had attended some specific courses provided by the Agency on feed matters. Records of training were routinely maintained and demonstrated that the officer had achieved more than the ongoing minimum 10 hours of feed related training per year based on Continuing Professional Development (CPD) in accordance with the Feed Law Enforcement Code of Practice. However, other officers currently carrying out feed law enforcement or authorised to do so as part of contingency measures, had not received sufficient training relevant to feed law enforcement.

Recommendations

3.1.14 The Authority should:

- (i) Set up, 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 any centrally issued guidance. [The Standard – 5.1]
- (ii) Review and update current authorisations to ensure that all officers are appropriately authorised under relevant current legislation and consistent with their qualifications and training. [The Standard – 5.3]
- (iii) Ensure all officers authorised to carry out feed law enforcement complete the necessary 10 hours Continuing Professional Development training in accordance with the Feed Law Enforcement Code of Practice. [The Standard – 5.4]

3.1.15 An officer who regularly carries out feed law enforcement was interviewed to determine if they were able to demonstrate an appropriate level of competency and knowledge of the service's procedures. The officer was able to show a satisfactory working knowledge of animal feed enforcement.

Facilities and Equipment

3.1.16 The Authority advised the auditors that it had access to suitable equipment for the sampling of feeding stuffs.

3.1.17 The Authority had an electronic database for the recording of feed law enforcement activities which was capable of providing information necessary for official returns and annual feed returns had been provided to the Agency for 2010/2011. The Authority had reported that no written warnings had been issued during that year. However, the auditors were advised that administrative changes would be made and officers would receive training to ensure that future returns reflected the actual number of written warnings issued as part of the Service's feed law enforcement activities.

3.1.18 There were also discrepancies in the number of inspections of feed premises reported as having been completed in 2010/2011. In the returns to the Agency the reported figure was 53 inspections completed, compared to 103 in the Service Plan review and 40 in the end of financial year 'Dashboard Report.'

- 3.1.19 The Service had not developed a documented procedure to ensure that its feed premises database was accurate, although the auditors were advised that the feed premises register was regularly updated following information received from other agencies dealing with agricultural premises. Audit database checks on a random selection of agricultural premises in a commercial directory confirmed that these were generally present on the database and on the Authority's feed premises register.
- 3.1.20 The Service had not routinely been adding feed businesses, particularly farms, on to the register of animal feed establishments. Although the Authority has recently provided the Agency with the Authority's updated feed premises register, the Service was aware that numerous farm premises still required registration. The auditors were advised that Animal Health Officers had been checking which premises required registration while carrying out routine animal health visits and the authorised feed officers had been gradually updating the register and the database. However, the importance of an up to date register was recognised and the Service undertook to ensure that the register would be promptly updated with all relevant premises.
- 3.1.21 The Authority were also aware that there may be some food premises, placing food co-products on the market as animal feed, which had not yet registered. The Trading Standards food team had therefore been requested to question food business operators during food standards inspections with regard to their methods of disposal for waste food and to report back to the Agricultural Standards Team.
- 3.1.22 The Service confirmed that they were aware of one representative covering two third country establishments in the Authority's area. These had made applications in the United Kingdom in accordance with the requirements of Directive 98/51/EC. The representative was a pet food business operator and the auditors were advised that the applications related to the importation of pet food.

Recommendations

3.1.23 The Authority should:

- (i) Ensure accurate information of feed law enforcement activity is reported in official returns to the Agency. [The Standard – 6.3]
- (ii) Develop, maintain and implement a procedure to ensure that the feed premises database is accurate, reliable and up to date. [The Standard – 11.2]

Liaison with Other Organisations

- 3.1.24 The Authority had liaison arrangements on animal feed matters with central government and local enforcement bodies across the region. In particular, the Service participated in the food and agricultural sub-group meetings linked to the Trading Standards East Midlands group. and attended meetings of the Leicestershire Food Liaison Group.
- 3.1.25 It was evident that the Service had contacted the Inspections and Investigations Team (formerly Animal Medicines Inspectorate) with a view to establishing liaison in relation to premises inspections where there were joint enforcement responsibilities, in line with the national Memorandum of Understanding.

3.2 Feed Control Activities

Feed Establishments Interventions and Inspections

- 3.2.1 The Service had developed a documented Feed Business Registration and Approval procedure with clearly defined officer responsibilities, record keeping requirements and timescales. In addition, a concise process document for the inspection of feed producers, mixers and hauliers had been produced, which detailed the decision making procedure officers should follow when carrying out inspections of feed establishments. The Service usually contacted businesses before inspections to ensure appropriate personnel were available at the premises. However, the auditors discussed amending the inspection procedure to direct officers to carry out unannounced inspections, where this was practicable. Separate feed hygiene report forms for Annexe 1 and Annexe 2 premises, as defined in Article 5 of Regulation (EC) No 1831/2003 which lays down requirements for feed hygiene, were also developed for the purpose of recording inspection findings and informing the feed business operator.
- 3.2.2 The Authority had categorised 10 feed manufacturing premises and wholesalers as high risk and it was evident from audit checks that these premises were subject to annual feed inspections as required by the Feed Law Enforcement Code of Practice.
- 3.2.3 The Authority's inspection programme for medium risk premises, as stated in the 2011/2012 Trading Standards Service Plan, indicated that these premises will receive *'as a minimum, some form of intervention, which may include an inspection'* once every 6 years. Although some medium risk premises were being inspected each year, the inspection intervals were not in accordance with the Feed Law Enforcement Code of Practice and these premises were not included or targeted as part of a risk based inspection programme. In the 2011/2012 Service Plan for Food Standards Enforcement, there was a commitment to undertake feed inspections at 80 farm premises, in addition to the 10 programmed inspections of high risk premises. The Plan also confirmed that a total of 103 inspections of feed premises were completed in 2010/2011.
- 3.2.4 Audit record checks on five premises indicated that, in general, the establishments rated as high risk had been inspected at the correct frequency. However, there was not enough information recorded during interventions to determine the basis of the risk assessments.
- 3.2.5 The Service had developed separate hygiene report forms for Annexe 1 and Annexe 2 premises and used these for recording the findings from inspections. However, the records often consisted of the use of a tick box to confirm that a particular issue had been looked at without any supporting details and omitted which parts of the business processes had been examined during the visit or how compliance was assessed.
- 3.2.6 The Authority had successfully applied for a grant to carry out a programme of official feed controls. This involved carrying out audits at a

variety of feed businesses and the completion of a comprehensive aide-memoire to record the outcome of each audit. Auditors discussed the adoption of the Agency's recently issued template aide-memoire which includes greater opportunity for officers to record HACCP assessments. This is essential to:

- demonstrate that feed businesses comply with the law
- ensure subsequent inspecting officers are aware of individual business compliance histories
- to inform each step of a graduated enforcement approach
- to permit effective internal qualitative monitoring.

Recommendations

3.2.7 The Authority should:

- (i) Ensure that feeding stuffs premises inspections are carried out at a frequency which is not less than that determined under the relevant inspection rating system and in accordance with the legislation, Feed Law Enforcement Code of Practice or centrally issued guidance. [The Standard – 7.1]
- (ii) Carry out interventions/inspections and approve or register feed establishments in accordance with relevant legislation, the Feed Law Enforcement Code of Practice and centrally issued guidance. [The Standard – 7.2 and 7.3]
- (iii) Ensure that all observations and/or data obtained in the course of an inspection are recorded and that the records are legible and stored in such a way that they are retrievable to prevent loss of relevant information, in accordance with the Feed Law Enforcement Code of Practice. [The Standard – 7.5]

Verification Visit

3.2.8 A visit to a local feed manufacturer was carried out as part of the audit. The purpose of the visit was to assess the effectiveness of the officer's evaluation of the compliance of the feed business with legislative requirements. The officer was familiar with the operations taking place at the business and the visit demonstrated that the officer clearly understood the key operations and risks at the establishment.

3.2.9 *Feed Inspection and Sampling*

The Service Plan for Food Standards Enforcement 2011/20112 set out the Authority's feed sampling programme for the year as consisting of 100 samples for analysis. The auditors were advised that feed sampling was being targeted in accordance with the Feed Law Enforcement Code of Practice, but audit checks indicated that, in general, samples were taken on an ad hoc basis and as part of inspections of feed premises assessed as being high risk. The Authority, as part of Trading Standards East Midlands, successfully bid for and secured funding from the Agency for feed sampling in 2010/2011 and 2011/2012, but the auditors were advised that the Authority had not taken any samples as part of this project.

3.2.10 The Agricultural Analyst appointed by the Service was designated an Official Control Laboratory for animal feed analysis and properly accredited. Auditors were advised that the Service liaised with the Agricultural Analyst on an ad hoc basis in relation to feed sampling.

3.2.11 The Authority had developed a documented procedure for feed sampling. However, the Service would benefit from developing a feed sampling policy and annual sampling programme in order to ensure that feed sampling activity is appropriately targeted at areas of highest risk

3.2.12 The Authority mainly took informal samples, although a formal sample had been taken in response to a complaint. Records of five unsatisfactory feed sample results were examined. These had been taken by a suitably qualified and experienced officer and in four out of five cases the results were retained on the file. However, the records were not sufficiently detailed and consequently it was not always evident how the samples had been taken, whether any follow-up action was appropriate or had been taken or whether the business had been informed of the results.

Recommendations

3.2.13 The Authority should:

- (i) Set up and implement a sampling policy and programme for feed sampling and carry out risk based feed sampling in accordance with the policy, programme and the National Enforcement Priorities. [The Standard – 12.4 and 12.6]
- (ii) Take appropriate action in accordance with its enforcement policy where sampling results are not considered to be satisfactory. [The Standard – 12.7]

Enforcement

- 3.2.14 The Authority had developed a comprehensive Trading Standards enforcement policy covering all aspects of the Trading Standards Service, including feed law enforcement. In addition, the Service had developed a range of concise formal enforcement procedures, which contained links to official guidance and relevant documentation for the service of formal notices.
- 3.2.15 Audit file checks were carried out in relation to three business improvement notices served by the Authority. In each case, this had been an appropriate course of action and due legal process had been followed in accordance with the Feed Law Enforcement Code of Practice, with timely follow-up checks carried out.

Feed Complaints, Primary Authority Scheme and Home Authority Principle

- 3.2.16 The Service Plan for Food Standards Enforcement 2011/2012 stated that very few complaints regarding feed were received by the Authority. Auditors were advised that referrals from other enforcement authorities were dealt with in accordance with the Home Authority Principle or the Service's enforcement policy as appropriate.
- 3.2.17 The Authority had not developed a specific feed complaints procedure, including referral arrangements, although responding to complaints was included as part of the process detailed in the feed premises inspection procedure. The auditors discussed the benefits of developing a separate operational procedure in relation to complaints about feed to include relevant referral arrangements. In practice, audit record checks on three complaints and referrals confirmed that appropriate investigations had been undertaken with relevant advice given to businesses and effective liaison and communication with other local authorities. Records were easily retrievable, detailed and up to date, and internal monitoring was noted during and on completion of each investigation.

Feed Safety Incidents

- 3.2.18 The Authority had developed a documented generic Food Incident and Alerts procedure which was also relevant to feed incidents. The auditors were advised that there had been no feed incidents affecting the Authority's area in the last two years. Whilst the documented procedure did not provide reference to action relating to rapid alerts system on food and feed (RASFF), auditors were advised that in practice routine checks were made on RASFF relating to both feed and food.
- 3.2.19 All feed alerts would be referred directly from the Agency to the Agricultural Standards Team leader and in his absence to the other animal feed specialist. The Service had no formal out of hours cover arrangements in place. However, auditors were advised that any emergency would be notified through the County Council's 24 hour emergency number. The

emergency service had access to relevant managers' telephone numbers and would contact the specialist manager as required.

Advice to Business

3.2.20 Auditors were advised that initiatives providing advice to feed businesses were not being actively pursued. It was however evident that advice was being offered where requested and during inspections. The auditors were advised that advice had recently been provided on the following relevant subject areas:

- Feed premises registration
- Failed feed samples
- Packaging in animal feed
- Incorrect labelling
- Storage of animal feed.

3.3 Internal Monitoring and Third Party or Peer Review

Internal Monitoring

- 3.3.1 The Service had not developed and implemented a documented internal monitoring procedure for feed law enforcement activities in accordance with Regulation (EC) No. 882/2004 and the Feed Law Enforcement Code of Practice.
- 3.3.2 In addition to the production of quarterly 'Dashboard Reports' on key performance indicators, quantitative monitoring was being undertaken in relation to performance targets in the Service Plan. Monthly team meetings and one to one meetings with officers provided a useful forum for the team leader to discuss workloads and individual cases with officers.
- 3.3.3 It was also evident that the lead officer was monitoring the investigation of complaints and referrals. However, there were no records to show that feed inspection activities and formal enforcement were subject to internal monitoring by the Service. The auditors were advised that the documented procedures for feed business inspections, formal enforcement and feed sampling would be reviewed and expanded to reflect the internal monitoring activities being undertaken by the Service.

Recommendation

3.3.4 The Authority should:

Develop and implement a documented internal monitoring procedure(s) to include quantitative and qualitative monitoring of feed law enforcement activities across all areas of the Standard. The procedure(s) should reflect the monitoring activities already undertaken in practice and should be aimed at verifying the Service's conformance with relevant legislation, official guidance and the Standard. Records of monitoring checks should be maintained.

[The Standard - 19.1, 19.2 and 19.3]

Records

- 3.3.5 Records of feed law enforcement activity were maintained electronically with some hard copy paper records. Records in relation to complaints, referrals and business improvement notices were easily retrievable, up to date and accurate. However, both hard copy and electronic records relating to feed premises inspections and sampling did not include sufficient detail of the inspection, any assessment or adequate information about the premises and its operations, as required by the Feed Law Enforcement Code of Practice.

Recommendation

3.3.6 The Authority should:

Maintain up to date accurate records in retrievable form for all feed establishments and relevant checks in accordance with the Feed Law Enforcement Code of Practice, including all records of inspection and determinations of compliance carried out by authorised officers. [The Standard – 16.1]

Third Party or Peer Review

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

Auditors: Christina Walder

Jane Tait

Food Standards Agency

Local Authority Audit and Liaison Division

Action Plan for Leicestershire County Council

Audit date: 24-25 August 2011

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.1.3 Further develop the Service Plan for Food Standards Enforcement in accordance with the Service Planning Guidance in the Framework Agreement, to include a comparison of the resources required to carry out the full range of statutory feed law enforcement activities against the resources available to the Authority. [The Standard – 3.1]	30/04/12	Service Plan for Food Standards Enforcement (2012/2013) to be updated to include a comparison of the resources required to carry out the full range of statutory feed law enforcement activities against the resources available.	Target date relates to the publishing of the new plan.
3.1.14(i) Set up, 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 any centrally issued guidance. [The Standard – 5.1]	30/04/12	Procedure to be documented in the Service Plan for Food Standards Enforcement for 2012/2013.	Target relates to possible movement of staff between teams.
3.1.14(ii) Review and update current authorisations to ensure that all officers are appropriately authorised under relevant current legislation and consistent with their qualifications and training. [The Standard – 5.3]	31/12/11	Officer authorisations to be reviewed.	This area is already under review by the Service and a consultant has been commissioned to give a legal opinion on officer authorisations.

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.1.14(iii) Ensure all officers authorised to carry out feed law enforcement complete the necessary 10 hours Continuing Professional Development training in accordance with the Feed Law Enforcement Code of Practice. [The Standard – 5.4]	30/04/12	A pro-active approach to be taken for obtaining the necessary CPD.	FSA courses being considered by the Service after liaison with the auditors. Also the issue is being discussed regionally with consideration being given to applying for training for the TSEM Region.
3.1.23(i) Ensure accurate information of feed law enforcement activity is reported in official returns to the Agency. [The Standard – 6.3]	31/03/12	Administrative changes to be implemented to ensure that any relevant written advice on legal requirements is recorded as a written warning. This will give a more accurate figure for the work undertaken by the Service.	Inspection forms are currently being reviewed to enable officers to do this efficiently.
3.1.23(ii) Develop, maintain and implement a procedure to ensure that the feed premises database is accurate, reliable and up to date. [The Standard – 11.2]	30/04/12	Procedure to be developed and documented in the Service plan for Food Standards Enforcement.	
3.2.7(i) Ensure that feeding stuffs premises inspections are carried out at a frequency which is not less than that determined under the relevant inspection rating system and in accordance with the legislation, Feed Law Enforcement Code of Practice or centrally issued guidance. [The Standard – 7.1]	30/04/12	Annual inspection programme to be produced and Service Plan for Food Standards Enforcement to be reviewed in this area.	List of all medium and low risks premises has been produced with details of their last inspection. Inspections being considered where necessary for this year (2011/12).
3.2.7(ii) Carry out interventions/inspections and approve or register feed establishments in accordance with relevant legislation, the Feed Law Enforcement Code of Practice and centrally issued guidance. [The Standard – 7.2 and 7.3]	30/04/12	As above in 3.2.7(i).	

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.2.7(iii) Ensure that all observations and/or data obtained in the course of an inspection are recorded and that the records are legible and stored in such a way that they are retrievable to prevent loss of relevant information, in accordance with the Feed Law Enforcement Code of Practice. [The Standard – 7.5]	Completed	Inspection forms to be reviewed to ensure that all information / data being recorded.	FSA forms are currently being used to undertake audits.
3.2.13(i) Set up and implement a sampling policy and programme for feed sampling and carry out risk based feed sampling in accordance with the policy, programme and the National Enforcement Priorities. [The Standard – 12.4 and 12.6]	31/01/12	Quarterly sampling meetings to be undertaken from which a sampling plan can be produced. This will be risk based and consider the national enforcement priorities.	The Service has recently tendered for and contracted with external laboratories to undertake our feed and food analysis. The due date reflects when the new system will be fully operational.
3.2.13(ii) Take appropriate action in accordance with its enforcement policy where sampling results are not considered to be satisfactory. [The Standard – 12.7]	Completed	All samples now recorded on FSS net. For all incorrect samples an incident form will be created on the Services database and details of all actions taken will be fully recorded.	
3.3.4 Develop and implement a documented internal monitoring procedure to include quantitative and qualitative monitoring of feed law enforcement activities across all areas of the Standard. The procedure should reflect the monitoring activities already undertaken in practice and should be aimed at verifying the Service's conformance with relevant legislation, official guidance and the Standard. Records of monitoring checks should be maintained. [The Standard - 19.1, 19.2 and 19.3]	31/03/12	There are regular discussions with staff (one to ones, team meetings and appraisals) where we monitor staff and the work they have undertaken. All complaints and visits have a record which verifies any advice given and compliance with relevant legislation. All complaints are signed off by Team leaders. Relevant operational procedures to be expanded to include the internal monitoring activities already undertaken.	

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.3.6 Maintain up to date accurate records in retrievable form for all feed establishments and relevant checks in accordance with the Feed Law Enforcement Code of Practice, including all records of inspection and determinations of compliance carried out by authorised officers. [The Standard – 16.1]	Completed	Inspection forms to be reviewed to ensure that all information/data being recorded.	FSA forms are currently being used to undertake audits.

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:

- Service Plan for Food Standards Enforcement 2011/2012
- Trading Standards Service Plan 2011/2012
- Trading Standards Service Work Programme 2011/2012
- Cabinet Member Reports
- 'Dashboard' performance reports
- Competence Record-Agriculture
- Feed Inspection Procedure
- Feed Premises Inspection Forms
- Animal Feed Sampling Procedure
- Food Standards Premises Inspection Forms
- Agriculture – Inspection of Feed Producers /Mixers and Hauliers
- Agriculture – Sampling of Fertilisers and Feeding Stuff
- Agriculture – Feed Business Registration/Approval
- Food Incidents and Alerts
- Prosecution Administration – Reporting for Criminal Enforcement Action
- Warning/Cautioning of Offenders
- Trading Standards Enforcement Policy
- Minutes of the Trading Standards East Midlands Agricultural Meetings
- Minutes of Agricultural Standards Team Meetings

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

- Authorisation, qualification and training files
- Liaison records
- Feed premises inspection records
- Feed business notices
- Feed complaints/referral records
- Feed inspection and sampling records.

(3) Interviews – the following officers were interviewed:

- Audit Liaison Officer – Team Leader - lead officer for feed
- Senior Trading Standards Officer

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

(4) *On-site verification check:*

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

Glossary

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

Feeding stuffs	Term used in legislation on feed mixes for farm animals and pet food.
Food Examiner	A person holding the prescribed qualifications who undertakes microbiological analysis on behalf of the local authority.
Food hygiene	The legal requirements covering the safety and wholesomeness of food.
Food standards	The legal requirements covering the quality, composition, labelling, presentation and advertising of food, and materials in contact with food.
Formal samples	Samples taken in accordance with the requirements of the Feed Law Code of Practice in accordance with the relevant sampling regulations and submitted to an accredited laboratory on the official list.
Framework Agreement	<p>The Framework Agreement consists of:</p> <ul style="list-style-type: none"> • Service Planning Guidance • Food and Feed Law Enforcement Standard • Monitoring Scheme • Audit Scheme <p>The Standard and the Service Planning Guidance set out the Agency's expectations on the planning and delivery of food and feed law enforcement.</p> <p>The Monitoring Scheme requires local authorities to submit annual returns to the Food Standards Agency on their food law enforcement activities i.e. numbers of inspections, samples and prosecutions.</p> <p>Under the Audit Scheme the Food Standards Agency will be conducting audits of the food and feed law enforcement services of local authorities against the criteria set out in the Standard.</p>
Full Time Equivalents (FTE)	A figure which represents that part of an individual officer's time available to a particular role or set of duties. It reflects the fact that individuals may work part-time, or may have other responsibilities within the organisation not related to food enforcement.
Home Authority	An authority where the relevant decision making base of an enterprise is located and which has taken on the responsibility of advising that business on food safety/food standards issues. Acts as the central contact point for other enforcing authorities' enquiries with regard to that company's food related policies and procedures.
Informal samples	Samples that have not been taken in accordance with the appropriate sampling regulation (e.g. samples for screening purposes) and/or not sent to an accredited laboratory.
LAEMS	Local Authority Enforcement Monitoring System is an electronic system used by local authorities to report their food law enforcement activities to the Food Standards Agency.

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