

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

Newport City Council  
16-17 February 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 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 Authorities (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 the 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.

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## 1. Introduction

1.1 This report records the results of an audit of Newport City 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 Newport. 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 (Wales) Regulations 2009. This audit of Newport City 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 Newport City Council (NCC) was included in the Food Standards Agency's programme of audits of local authority feed law enforcement services, because the port of Newport which is within the Authority's area received imported feed and was not a designated point of entry for certain high risk feed products. In addition, the Authority was selected to be representative of a geographical mix of 10 PHAs and LAs selected across Great Britain.

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

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

- 1.4 The audit examined NCC'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.
- 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 imports activity at the port and internal service monitoring arrangements were also covered.
- 1.6 The on-site element of the audit took place at the Trading Standards Office at Stephenson Street, Newport on 16-17 February 2011. The audit included a reality check to assess the effectiveness of official controls implemented by the Authority at the port 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 feed 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 Newport is situated in the South East of Wales within a few miles of the second Severn crossing along the M4 corridor. Newport is the newest city in Wales and covers 73.5 square miles. It has a population of around 137,000 residents and is the second most ethnically diverse city in Wales.
- 1.10 The Port of Newport is a general cargo port and imports approximately 1 million tonnes of cargo per annum. Main imports include coal, steel, timber and timber products. The remainder

includes clay products, agribulks and animal feed. Around 45,730 tonnes of animal feed was imported through the port in 2010.

- 1.11 At the time of the audit, auditors were advised that no imported food was being received at the Port. Bulk imported feed commodities received at the Port included soya, palm kernel, sunflower, organic wheat, dried peas and olive cake pellets. The countries of origin varied but included USA, Malaysia, Argentina, Russia and consignments from countries within the European Union.
- 1.12 The Port at Newport was not designated as a point of entry for certain high risk feed and food products nor as a Border Inspection Post for certain imported products of animal origin. The Port Operator had achieved accreditation under the Trade Assurance Scheme for Combinable Crops for the storage of grain and wheat and had facilities to handle organic and non organic animal feed materials.
- 1.13 Imported feed law enforcement at Newport was carried out by officers of the Trading Standards Service of NCC. A formal out of hours service was not provided. Ad hoc emergency out of hours cover was provided by the Trading Standards Manager.

## 2. Executive Summary

- 2.1 The Authority had developed a Strategic Assessment which included the Trading Standards Service Plan 2010/2011 which was generally in line with the Service Planning Guidance in the Framework Agreement. This was a higher level document and was supported by planned tactical assessments based on the National Intelligence Model. The Plan contained general references to imported feed arrangements and other general feed enforcement priorities. The benefits of including a realistic comparison of the resources required to deliver the imported feed law enforcement service against resources available to the Authority were discussed.
- 2.2 The Authority had identified imported feed control at the Port as an area for service improvement and had begun to develop systems and arrangements for the monitoring and control of imported feed. A specific procedure on imported animal feed control arrangements, including systematic monitoring of feed at the port, was being developed.
- 2.3 The system for control of documented procedures required review to ensure that documents were adequately controlled and to ensure they were kept up to date with current legislation and centrally issued guidance and were easily accessible to all relevant staff.
- 2.4 Auditors discussed the need to develop and implement documented procedures to cover the examination and sampling of imported feed in accordance with the Feed Law Enforcement Code of Practice and centrally issued guidance, together with the full range of enforcement procedures.
- 2.5 The Authority needed to develop and implement a documented procedure for the authorisation of officers for feed enforcement which should set out the means by which officers were authorised based on their qualifications, training, experience and competency. Existing authorisations needed to be reviewed and considered by the Council's Legal Department to ensure that officers were appropriately authorised for the duties they were expected to carry out.
- 2.6 Improvements to the arrangements for out of hours and leave cover, and to ensure that officers nominated to carry out feed enforcement receive an appropriate level of training based on Continuing Professional Development (CPD) in accordance with official guidance and the Feed Law Enforcement Code of Practice were discussed.
- 2.7 The Authority had an electronic database for the recording of feed law enforcement activities which was capable of providing information necessary for official returns. The Authority had recognised that the feed premises register was not up to date and that a significant number



of premises required registration which was currently being addressed. A procedure for updating and maintaining the accuracy of the database needed to be developed.

- 2.8 Audit checks confirmed that records of interventions/inspections did not include sufficient detail of any assessments or sufficient information about the premises. The Authority needed to expand the trader assessment and inspection procedure or develop a procedure for inspection of feed premises including associated record keeping. Record checks on inspections and sampling confirmed that there were limited records of official controls in relation to imported feed. The lack of detailed records of checks meant auditors could not confirm the level of imported feed monitoring, inspection and sampling undertaken by the Authority at the port and inland.
- 2.9 An effective imported feed sampling policy and programme should be developed to ensure that appropriate official controls were carried out on third country imported feed. File checks indicated that only a few informal samples had been taken and that there had been a considerable delay in receiving results from the Analyst. The benefits of considering formal sampling and setting up a Service Level Agreement with the Public/Agricultural Analyst had been discussed.
- 2.10 The Authority had an Enforcement Policy which was to be reviewed to ensure that it was up to date with current legislation and centrally issued guidance.
- 2.11 Feed Alerts and notifications through the Rapid Alerts System for Food and Feed (RASSF) were received by the Service, however, the Authority needed to develop a documented procedure for the handling of feed safety incidents and RASSF alerts.
- 2.12 Auditors discussed the benefit of improving liaison arrangements with the Port Operator, importers, other Local Authorities and Port Health Authorities and other bodies to improve the accuracy and quality of information on third country imported feed arriving at Newport and to assist consistent enforcement.
- 2.13 Whilst there was monitoring of service requests auditors found no evidence of the monitoring of imported feed activities and there was no procedure for qualitative or quantitative monitoring in relation to imported feed control.

### 3. Audit Findings

#### 3.1 Organisation and Management

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

3.1.1 The Trading Standards Strategic Assessment 2010/2011 had considered national, regional and local threats and issues concerning Newport. It took account of national and regional priorities and set out key performance targets and strategic priority objectives for Newport relating to Trading Standards and Public Protection legislation. This included the Authority's Service Plan for 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 resources required to deliver the imported feed (and food) law enforcement service including inland feed enforcement against resources available to the Authority based upon the full range of demands placed upon it. Business profiles had been broken down by risk type however the detailed profiles for categories of feed establishments such as importers and farms were not clear from the Assessment.

3.1.2 The document set out Strategic Priorities for the Trading Standards Service which included:

- *'Maintaining a fair and safe trading environment for consumers and traders*
- *Ensure that the food chain is robust from farm to fork and improve information about food health and nutrition*
- *Prevent animal disease and welfare and enhance animal movement control and traceability*
- *Protecting People from being the victim of commercial crime in their own home*
- *Disrupting traders in the informal economy and reduce intellectual property crime*
- *Preventing harm to children and nuisance caused by young people from access to restricted goods*
- *Protect Newport's Environment.'*

3.1.3 A key operational activity had been identified in the assessment, that the Section would respond to the new Animal Feed Enforcement Priorities issued by the Agency and increase its activities in the City's docks. Core responsibilities relating to agricultural standards had also been detailed, in particular:

- *To ensure that agricultural products such as feeding stuffs and fertilisers are produced and sold to minimum standards that include compositional and labelling requirements. To ensure that agricultural holdings where feeds are mixed on site are correctly registered*

- *Enforcement is carried out by inspection, complaint investigation, sampling and analysis of agricultural products on farms, and at retailers, wholesalers and importers – businesses are also offered advice and guidance to ensure compliance.*

- 3.1.4 Feed sampling at Newport docks had been identified as a service improvement for 2010/2011 together with ensuring that officers met feed competency requirements and that the Section complied with Feed Law Enforcement Code of Practice requirements.
- 3.1.5 This higher level Strategic Assessment was supported by planned Tactical Assessments based on the National Intelligence Model. The aim of this assessment was to examine current tactical activity and to highlight emerging trends and patterns in order to assist with business planning and resource allocation within the region. Operational updates were provided on key issues such as service planning and updating of the feed register.
- 3.1.6 The 2010/2011 Assessment had been agreed by the Cabinet Member for Environment and Community Safety.
- 3.1.7 Information supplied prior to the audit confirmed that imported feed control at the Port was primarily the responsibility of one Principal Trading Standards Officer who spent 0.37 full time equivalent on imported feed enforcement. Animal Health Officers carried out low risk interventions/inspections at farms where potentially imported feed might be handled. It was understood that part of the funding for the two Animal Health Inspectors (1.6 Full Time Equivalent) currently provided by the Welsh Assembly Government is being significantly reduced and there are further reductions planned for the future.

***Recommendation***

3.1.8 The Authority should:

Further develop the service planning arrangements, in accordance with the Service Planning Guidance in the Framework Agreement. The Plan should include a comparison of the resources required to deliver the imported feed (and inland feed) law enforcement service against the resources available to the Authority. [The Standard – 3.1]

### *Documented Policies and Procedures*

- 3.1.9 The Authority had developed a range of Trading Standards procedures which were electronically available to officers. The system for control of documented procedures required review to ensure that documents were adequately controlled, such as 'read only' access with date of issue and review, to ensure they were kept up to date with current legislation and centrally issued guidance and were easily accessible to staff.
- 3.1.10 A specific procedure was being developed for imported animal feed control arrangements including the systematic monitoring of feed at the port. Other procedures needed to be reviewed to take account of feed law enforcement.
- 3.1.11 Access to relevant sources of information, including legislation and the database, was available to officers.

#### ***Recommendations***

3.1.12 The Authority should:

- (i) Review and expand the draft imported feed control procedure to include arrangements for systematic, risk based monitoring at the port. Other procedures should be reviewed to take account of imported feed activities.  
[The Standard – 4.1]
- (ii) Review the document control system for all documentation relating to the Authority's imported feed law enforcement activities to ensure that documents are adequately controlled.  
[The Standard– 4.2]

### *Authorised Officers*

- 3.1.13 The Trading Standards Manager had delegated powers to appoint and authorise officers in line with the Authority's scheme of delegation and auditors were advised that officer qualifications and training were considered when assessing competency and authorisation. There was no documented procedure for the authorisation of officers for feed law enforcement which should set out the means by which officers were authorised based on their qualifications, training, experience and competency together with the levels of authorisation. 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, such as authorisation under Official Feed and Food Control (Wales) Regulations 2009 and for specific feed legislation including Feed (Hygiene and Enforcement) (Wales) Regulations 2005 and other animal feed Regulations.

3.1.14 Officer training needs were identified through annual performance reviews and were documented in personal development plans. Auditors were advised that a new 'Your Review' system was being implemented from April 2011. Audit checks confirmed that officer qualification and training records were generally maintained.

3.1.15 The lead officer for feed law enforcement (including imported feed) had received a minimum 10 hours specialist feed training required by the Feed Law Enforcement Code of Practice. The Agency had offered a variety of feed related training to local authorities in Wales, all of which had been widely communicated. However, the lead officer was not aware of the current training and attendance on Agency feed sampling training was arranged during the audit. The need for further up to date formal enforcement training was also discussed. Limited recent feed law enforcement training had been undertaken by other officers who were involved in feed (including imported feed) law enforcement. The availability of appropriate training for Animal Health Officers who dealt with inland feed enforcement at low risk establishments was also discussed. In addition improvements to the arrangements for cover for import controls at the Port when the Principal Trading Standards Officer (PTSO) was on leave and during out of hours should be considered alongside associated training implications.

**Recommendations**

3.1.16 The Authority should:

- (i) Develop 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 and update the authorisation documents to ensure that they include references to all relevant and up to date legislation. [The Standard – 5.1]
- (iii) Ensure that all officers involved in imported feed enforcement complete the necessary 10 hours CPD training in accordance with the Feed Law Enforcement Code of Practice. [The Standard – 5.4]

### *Facilities and Equipment Including Verification Visit*

- 3.1.17 A verification visit was carried out at the Port's imported feed inspection facilities. The purpose of the visit was to verify that appropriate risk based, proportionate checks are carried out on consignments of imported feed at the Port. Auditors were generally satisfied that appropriate facilities and equipment were available. Auditors were advised that work was in hand to improve pest proofing/control in one storage shed as there were damaged plastic door flaps and considerable rodent activity was noted on site. The officer accompanying the auditors had confirmed that limited documentary, identity and physical checks had been carried out on consignments and that a system of monitoring imports was being developed. Feed sampling equipment had generally been provided by the Authority.
- 3.1.18 The Authority had an electronic database for recording feed law enforcement activities which was capable of providing information necessary for official returns. Annual feed returns had been provided to the Agency for 2008/2009 and 2009/2010.
- 3.1.19 The Authority had recognised that the feed premises register was not up to date and that a significant number of premises required registration, which was currently being addressed. Auditors were advised that this data cleansing exercise also included liaison with the Food Hygiene Team on cross-compliance issues such as co-products. A procedure for updating and maintaining the accuracy of the database needed to be developed.

#### **Recommendation**

3.1.20 The Authority should:

Complete the exercise to update the feed establishment database. Develop and implement a procedure to ensure that the database is accurate, reliable and up to date.  
[The Standard – 11.1 and 11.2]

### *Liaison with Other Organisations*

- 3.1.21 The Authority had liaison arrangements with central government and with other enforcement bodies across Wales which included the Welsh Heads of Trading Standards Group and Food and Agriculture Sub Group. Auditors were advised that a Glamorgan Feed Group also met on an ad hoc basis. An officer had attended some meetings of the National Animal Feed Port Panel where imported feed control was discussed with representatives from other local and port health authorities, the Agency and other enforcement bodies.

3.1.22 The Authority had recently begun to develop links with individual local and port health authorities that received consignments, part of which were destined for Newport. Liaison arrangements were in place with the port operator and communication channels with importers and agents were being further developed. A recent request for detailed information on particular consignments had been made to major importers. The benefits of improving liaison arrangements with the port operator, importers, agents and other local authorities and port health authorities was discussed to improve the accuracy and quality of information on third country imported feed arriving at Newport.

***Recommendation***

3.1.23 The Authority should:

Further develop liaison arrangements with other port authorities, local authorities, the port operator and importers with the aim of ensuring that all imported feed consignments are identified, origin and status confirmed and 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 third country FNAO consignments imported through the port included bulk soya, palm kernel, sunflower, organic wheat, dried peas and olive cake pellet. The countries of origin varied but mainly included USA, Malaysia, Argentina and Russia. Consignments had also been received from the European Union including Spain and France. Auditors were advised that consignments generally varied from 2,000 to 4,500 tonnes.
- 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. This was confirmed by auditor record checks on available manifests.
- 3.2.3 The Authority had arrangements with the port operator for a weekly excel spreadsheet to be sent to an officer in NCC which was forwarded to the lead feed PTSO for consideration. This provided information on consignments due to arrive at the port including details on the vessel, date, cargo, tonnage, agent and to/from which country or port. In practice the feed PTSO was carrying out checks on these spreadsheets and had begun to gather intelligence to inform the development of the control system. The Authority had advised auditors that the status and country of origin of consignments was not always clear. However from the subsequent discussion with the port operator during the reality check it was evident that the port operator held detailed data which could be provided on request and that importers and agents could provide further information and clarification on consignments including HMRC status, country of origin and trans-shipments. It was confirmed that the port operator could also provide live access to the ships' file to assist imported feed officers where necessary.
- 3.2.4 The feed PTSO had recently begun to develop the systems and arrangements for monitoring and control of imported feed at the port. A specific procedure on imported feed control arrangements including the systematic monitoring of feed was being developed. In practice contact had been made with the main importers and their home authorities to obtain information on feed safety management systems, compliance history and imported feed controls to inform officer decisions on risk based, proportionate enforcement at the port. Further development of the procedure was discussed including consideration and implementation of appropriate risk based, proportionate documentary, identity and physical checks for consignments arriving from outside the European Union. The



consideration of effective informal detention/holding arrangements for consignments was also suggested.

- 3.2.5 The Authority had not yet developed an appropriate imported feed sampling policy and programme to ensure that effective official controls were carried out on third country imported feed at the port. Auditors discussed the need to develop and implement documented procedures to cover the examination and sampling of imported feed, including maintenance of the integrity of samples, in accordance with the Feed Law Enforcement Code of Practice and centrally issued guidance together with the full range of enforcement procedures.
- 3.2.6 File and record checks indicated that there had only been informal samples taken at the port and that there had been considerable delay in receiving results from the Analyst for two samples which were still unreported at the time of the audit. The benefits of considering formal sampling and the setting up of a service level agreement with the Public and Agricultural Analyst had been discussed.
- 3.2.7 Five samples had been taken over the past two years and where results had been received these were satisfactory. The samples had been taken by a trained, authorised officer. However records of samples were incomplete. In several cases there were no details of the consignment dates, quantities, rationale for sampling, and country of origin. The benefits of a pro forma for feed samples were discussed.
- 3.2.8 The Authority had successfully bid for and secured funding from the Agency for imported feed sampling funding during 2010/2011. The Authority had thought that imported feed that met the criteria for the sampling project had not been imported through the port, however this did not appear to be the case.
- 3.2.9 The official laboratories used by the Authority for feed sampling activities were properly accredited.
- 3.2.10 The Authority did not levy a charge for imported feed work where there was provision to do so in the legislation.

### ***Recommendations***

3.2.11 The Authority should:

- (i) Review and expand the draft imported feed control procedure to include arrangements for systematic, risk based monitoring of imported feed from third countries at the port and ensure that systematic risk based checks are carried out at the port. [The Standard – 4.1, 12.1 and 12.3]
- (ii) Set up and implement a sampling policy, programme and procedure/work instructions for imported feed sampling. [The Standard – 12.4 and 12.5]

### ***Feed Establishments Interventions and Inspections***

3.2.12 The Authority had identified the feed importers that operated at the port within Newport and there was evidence of interventions/inspections of importers however records of these checks were incomplete. It was not clear from available records whether any inland feed establishments were in receipt of imported feed from third countries, as the country of origin had not been identified in records. The port had been subject to a recent inspection, however, there were limited records of the inspection to confirm the level of checks carried out. Records of previous inspections at the port were not readily available. Auditors were advised that importers did not have a permanent presence at the port and might change depending on trade requirements and feed demands.

3.2.13 The (then) LACORS risk rating scheme was used to determine the intervention rating of feed establishments rather than the Feed Law Enforcement Code of Practice risk rating scheme. This approach had an impact in terms of intervention frequencies and a risk based approach to feed enforcement as the scheme was generic.

3.2.14 The Authority had a generic Trader Assessment and Inspection Procedure and an associated checklist for animal feed inspections on farms. However, this did not provide sufficient details on the inspection of feed establishments, including those handling imported feed. The use of a pro forma or designated form for the inspection process would ensure that consistent and sufficient information is obtained and recorded.

***Recommendation***

3.2.15 The Authority should:

Ensure that interventions/inspections of feed establishments include all the elements appropriate to the type of business being inspected and that appropriate associated records are made of checks undertaken. Expand the existing generic inspection procedure or develop and implement a procedure on interventions/inspections of feed establishments (including imported feed) in accordance with the Feed Law Enforcement Code of Practice.  
[The Standard – 7.2, 7.3 and 7.4]

*Enforcement*

- 3.2.16 NCC had a statement of general enforcement policy. The policy had been agreed by the Cabinet Member for Community Safety in November 2002. Auditors were advised that it was to be reviewed to ensure that it was up to date with current legislation and centrally issued guidance.
- 3.2.17 A detailed report on formal enforcement action taken by the Trading Standards Section during 2009/2010 and presented to the Cabinet Member showed no specific actions related to imported feed control. The absence of any enforcement action in the past two years in relation to imported feed controls was further confirmed by audit record checks and discussions with officers.
- 3.2.18 Some procedures and detailed work instructions had been developed for formal enforcement action including those on evidence, cautioning and interviewing suspects. However, procedures dealing with the full range of enforcement actions available to control imported feed needed to be developed.

### ***Recommendations***

3.2.19 The Authority should:

- (i) Review and update the enforcement policy to include up to date legislation and relevant imported feed enforcement activities in line with centrally issued guidance. [The Standard – 15.1]
- (ii) 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*

3.2.20 The Authority's Strategic Assessment Service Plan made reference to the policy on dealing with general complaints. A 'Service Requests' procedure outlined the process for dealing with enquiries and complaints made to the service. This included requests to take action on food safety alerts and this included feed. Auditors were advised that no complaints had been received during the past two years relating to imported feed.

3.2.21 NCC's Strategic Assessment Service Plan confirmed that the Authority supported the Home Authority Principle and would check whether the business was subject to any Primary Authority agreement prior to a visit to a national chain. Auditors were advised that the Authority did not act as Home Authority or Primary Authority for any local imported feed businesses.

3.2.22 There was clear evidence of officers contacting home authorities regarding information on feed importers who were based outside Newport but whose goods were being handled at the port.

### *Feed Safety Incidents*

3.2.23 NCC did not have a procedure for initiating and responding to feed notifications in relation to the Rapid Alert System for Food and Feed (RASFF) or feed incidents. Officers were aware of the requirements and had systems in place that were capable of receiving notifications.

3.2.24 In practice, the Trading Standards Manager would regularly check notifications including RASFFs of relevance to the port and inland. The lead feed PTSO also checked RASFFs for relevance at the port.

Auditors were advised that if action was required by the Authority a service request would be generated and actioned. The Authority advised that they had not had any serious localised incident or wider feed safety issue relating to the port or inland in the past two years. Improvements to cover arrangements in the absence of key officers were also discussed.

***Recommendation***

3.2.25 The Authority should:

Set up and implement a procedure for initiating and responding to feed (and food) alerts and RASFF notifications and where relevant EC decisions. The procedure should consider out of hours contact arrangements and cover for absences.

[The Standard – 14.1]

*Advice to Business*

3.2.26 NCC's Strategic Assessment Service Plan 2010/2011 stated that the Authority would provide all necessary advice to business. The plan stated that advice was to be provided on request to food and feed producers and importers on 250 occasions. There was no written evidence that any such advice had been requested or delivered recently on imported feed issues. Auditors discussed the provision of information on controls for certain feeds such as high risk products and those subject to safeguard measures, which would be helpful to the port operator, agents and importers.

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

#### *Internal Monitoring*

- 3.3.1 Whilst the Authority systematically monitored service requests, there was no evidence of any specific monitoring of imported feed activities and there was no procedure for qualitative or quantitative monitoring in relation to imported feed control. The process for monitoring of service requests was detailed in the service requests procedure. In practice each PTSO would carry out a weekly review of the database for officer responses to service requests including timeliness and action taken. The Trading Standards Manager oversaw this monitoring and was updated by PTSOs on a regular basis. The lead feed PTSO was not subject to any peer review or verification.
- 3.3.2 The Trading Standards Tactical Assessments also included updates on key issues. Where appropriate this included quantitative and qualitative reporting on progress with business plan implementation.

#### ***Recommendation***

3.3.3 The Authority should:

Develop and implement a documented internal monitoring procedure to include imported feed law enforcement activities at the Port and inland. Implement the procedure to verify 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*

- 3.3.4 Records of imported feed activity were generally held electronically. Audit checks on inspections and sampling confirmed that there were limited records of official controls in relation to imported feed. The lack of detailed records of checks meant that auditors could not confirm the level of imported feed monitoring, inspection and sampling undertaken by the Authority at the Port and inland.

***Recommendation***

3.3.5 The Authority should:

Maintain up to date, accurate and comprehensive records in retrievable form for all imported feed activities.

[The Standard – 16.1]

*Third Party or Peer Review*

3.3.6 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:** **Sally Hayden**  
Hannah Evans  
Christina Walder  
Gail Jones (observer)

Food Standards Agency

Local Authority Audit and Liaison Division

**Action Plan for Newport City Council**

Audit date: 16-17 February 2011

Action Plan updated: 31 January 2012

<b>TO ADDRESS RECOMMENDATION (INCLUDING STANDARD PARAGRAPH)</b>	<b>BY (DATE)</b>	<b>PLANNED IMPROVEMENTS</b>	<b>PROGRESS</b>	<b>ACTION TAKEN TO DATE</b>
3.1.8 Further develop the service planning arrangements, in accordance with the Service Planning Guidance in the Framework Agreement. The Plan should include a comparison of the resources required to deliver the imported feed (and inland feed) law enforcement service against the resources available to the Authority. [The Standard – 3.1]	31/12/11	Increased Official Controls planned to be implemented for imported feed. To assess the impact of this process as far as resource is concerned can only be obtained when implemented.  Service Plan 2011/2012 documentation to include resource considerations.	Revised date for completion: 30/04/12	Draft Service Plan 2012/13 produced for approval via strategic assessment depending on level of resource for 2012/13. Plan to include resources required against resources available to deliver the service in accordance with annual national feed enforcement priorities, financial and staffing allocation to be included. Cover arrangements to be considered.  Increased checks undertaken on consignments received at docks since audit. FTE requirement is variable depending upon imports estimate 0.25FTE.



<b>TO ADDRESS RECOMMENDATION (INCLUDING STANDARD PARAGRAPH)</b>	<b>BY (DATE)</b>	<b>PLANNED IMPROVEMENTS</b>	<b>PROGRESS</b>	<b>ACTION TAKEN TO DATE</b>
3.1.12(i) Review and expand the draft imported feed control procedure to include arrangements for systematic, risk based monitoring at the port. Other procedures should be reviewed to take account of imported feed activities. [The Standard – 4.1]	30/09/11	Work instructions to be produced and procedures to be amended to reference these documents.	Completed	Imported feed control work instruction has been reviewed to include arrangements for systematic, risk based checks at the port. Other work instructions being reviewed to take account of imported feed.
3.1.12(ii) Review the document control system for all documentation relating to the Authority's imported feed law enforcement activities to ensure that documents are adequately controlled. [The Standard– 4.2]	31/07/11	Relevant procedures to be given read only status and given revision number if updated.	Completed	Document control system has been reviewed and a new system is now in place, which is password protected and officers have 'read only' access. Document control work instruction developed and work instructions to be reviewed annually and as/when changes necessary.  Work instructions are being produced as process is being progressed, to be finalised by Trading Standards Manager.

TO ADDRESS RECOMMENDATION (INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	PROGRESS	ACTION TAKEN TO DATE
3.1.16 (i) Develop 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]	30/09/11	Update of delegation and authorisation process.	Revised date for completion: 30/04/12	<p>Process being updated for whole of Public Protection. List of Regulations obtained and to be cross checked against authorisation documents. Requirements to be assessed then checked with Legal Department.</p> <p>Role of Animal Health Officers on feed law enforcement is to be further considered.</p> <p>A documented procedure including a competency matrix is to be developed.</p>
3.1.16(ii) Review and update the authorisation documents to ensure that they include references to all relevant and up to date legislation. [The Standard – 5.1]	31/07/11	Documentation to be checked, however the documents are general and not specific to Regulations. Officers individual authorisation documents to be checked and amended as required.	Revised date for completion: 30/04/12	Documents were updated however further updating now required.

<b>TO ADDRESS RECOMMENDATION (INCLUDING STANDARD PARAGRAPH)</b>	<b>BY (DATE)</b>	<b>PLANNED IMPROVEMENTS</b>	<b>PROGRESS</b>	<b>ACTION TAKEN TO DATE</b>
3.1.16(iii) Ensure that all officers involved in imported feed enforcement complete the necessary 10 hours CPD training in accordance with the Feed Law Enforcement Code of Practice. [The Standard – 5.4]	30/09/2011	Attend training courses to ensure CPD is up to date.	Completed	All available courses attended. CPD requirements completed for PTSO-lead.  It is recognised that further training may be necessary for other officers once feed roles and responsibilities agreed.



TO ADDRESS RECOMMENDATION (INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	PROGRESS	ACTION TAKEN TO DATE
<p>3.1.23 Further develop liaison arrangements with other port authorities, local authorities, the port operator and importers with the aim of ensuring that all imported feed consignments are identified, origin and status confirmed and to help facilitate efficient, effective and consistent enforcement. [The Standard – 18.1]</p>	<p>Completed  Completed  31/12/11</p>	<p>Working relationship with importers, home authority officers, other local authorities and Port Health to be expanded.</p>	<p>Completed</p>	<p>Direct contact made with importers for consignments. Procedures being implemented in conjunction with Port Health.</p> <p>Attendance at National Ports Panel meetings. Contact made with port operator, shipping agents and importers. Further liaison with inland LAs being considered, including a traceability exercise.</p> <p>Consideration of the development of a 'Greater Gwent' feed group. Feed sampling liaison/buddying exercise with another Wales LA.</p>









TO ADDRESS RECOMMENDATION (INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	PROGRESS	ACTION TAKEN TO DATE
3.2.19(i) Review and update the enforcement policy to include up to date legislation and relevant imported feed enforcement activities in line with centrally issued guidance. [The Standard – 15.1]	31/12/11	The Enforcement Policy is to be re-drafted by the Public Protection Manager.	Revised date for completion: 30/06/12	
3.2.19(ii) 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]	31/12/11	Pack to be produced for Officers with notices etc.	Completed  Revised date for completion: 30/04/12	Enforcement toolkit produced including notices etc. Notices include Newport City Council details. Work instructions on evidence, cautioning and interviewing suspects in place.  Draft work instruction on animal feed enforcement to be expanded.  Full range of Notices to be included in pack and local Magistrates Court details on Notices.

TO ADDRESS RECOMMENDATION (INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	PROGRESS	ACTION TAKEN TO DATE
3.2.25 Set up and implement a procedure for initiating and responding to feed (and food) alerts and RASFF notifications and where relevant EC decisions. The procedure should consider out of hours contact arrangements and cover for absences. [The Standard – 14.1]	Completed  31/07/11	Alerts to be actioned on an individual basis, relevant alerts to be sent to Associated British Ports.  Procedure/work instructions to be developed.	Completed          Revised date for completion: 30/04/12	Food and Feed alert instruction in place in relevant work instructions. RASFF checked for products as received from outside EU. Alerts checked.  References to initiating and responding to RASFFs, alerts and relevant EC decisions to be pulled together into a work instruction and include out of hours, cover for absences.

<b>TO ADDRESS RECOMMENDATION (INCLUDING STANDARD PARAGRAPH)</b>	<b>BY (DATE)</b>	<b>PLANNED IMPROVEMENTS</b>	<b>PROGRESS</b>	<b>ACTION TAKEN TO DATE</b>
<p>3.3.3 Develop and implement a documented internal monitoring procedure to include imported feed law enforcement activities at the Port and inland. Implement the procedure to verify 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]</p>	<p>31/12/11</p>	<p>Meetings to be scheduled to update progress of checking process. Notes to be produced.</p> <p>Procedure to be developed and implemented</p>	<p>Revised date for completion: 30/04/12</p>	<p>Internal monitoring of all service requests being undertaken by Trading Standards Manager. Overview of farm work undertaken by PTSO. Team monthly meeting reports produced and considered.</p> <p>Service request procedure covers enquiries and complaints however a specific procedure/work instruction should be developed and implemented on internal monitoring to include qualitative and quantitative monitoring to verify conformance with legislation, official guidance and the Standard.</p>

<b>TO ADDRESS RECOMMENDATION (INCLUDING STANDARD PARAGRAPH)</b>	<b>BY (DATE)</b>	<b>PLANNED IMPROVEMENTS</b>	<b>PROGRESS</b>	<b>ACTION TAKEN TO DATE</b>
3.3.5 Maintain up to date, accurate and comprehensive records in retrievable form for all imported feed activities. [The Standard – 16.1]	31/07/11	Checklist for each visit and consignment to be produced with detailed information. Records to be scanned on to Uniform database.	Completed	Checklist for imported feed consignments with detailed information and risk assessment in use. Records being scanned onto database. Sampling and feed inspection records being maintained.

## **Audit Approach/Methodology**

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

*(1) Examination of LA policies and procedures.*

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

- Trading Standards Strategic Assessment Service Plan 2010/2011
- Trading Standards Tactical Assessment May-July 2010
- Feeding stuffs risk assessment
- Reports to Cabinet Member for Environment and Community Safety
- Scheme of delegation -record of delegation to Trading Standards Manager
- Procedures file summary
- Rader Assessment and Inspection Procedure
- Animal Feedingstuff Inspection Checklist
- Service Request Procedure
- Registration forms and letter
- Draft Imported Feed Control Procedure
- Test Purchasing and Sampling Procedure
- Statement of General Enforcement Policy
- Report to Cabinet Member for Community Safety
- Cautioning and Interviewing Suspects Procedure
- Infringement Report Procedure
- Work Instructions –tape recorded interviews
- Work Instructions- officer notebook interviews
- Minutes of the National Animal Feed Ports Panel meetings.

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

- Authorisation, qualification and training files
- Manifest and consignment records
- Imported feed documentation
- Feed inspection and sampling records.

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

- Audit Liaison Officer – PTSO lead in Feed
- Another PTSO.

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 the feed inspection facilities at Newport. The purpose of the visit was to verify that appropriate risk based, proportionate checks are carried out on consignments of imported food and feed at the Port.

## 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"> <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.