

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

Norfolk County Council
11-12 October 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 has been specifically developed to address two of the priorities identified in the Food Standard Agency's Strategy for 2010-2015 in meeting the outcomes that feed meets the legislative requirements for animal consumption and is safe to enter the human food chain and that regulation is effective, risk-based and proportionate. The strategic priority is to ensure risk-based, targeted checks at inland feed establishments and effective local authority monitoring throughout the feed chain. The audits will also 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 Norfolk 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 Service'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 Norfolk 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 Norfolk County Council was included in the Food Standards Agency's programme of audits of local authority feed law enforcement services as the Authority has a large number of feed businesses in its area and 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 Norfolk County Council's (NCC) systems and procedures for the control of feed not of animal origin (FNAO).

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

- 1.5 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 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, Martineau Lane, Norwich on 11-12 October 2011. The audit included a reality check to assess the effectiveness of official controls implemented by the Service and more specifically, the checks carried out by the Service's officers to verify compliance with feed law requirements.
- 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 Norfolk is located in the East of England, is largely rural and covers an area of 537,085 hectares with much of the land devoted to primary production of food such as cereals and vegetables. The population of Norfolk is around 862,000 (mid 2010) and almost 40% of the population live in the three main built up areas of Norwich, Great Yarmouth and King's Lynn. Norfolk's economy is characterised by its broad range of activities and a lack of a single dominant sector.
- 1.9 The County Council covers seven district council areas and is responsible across the County for the trading standards function as well as other services such as education, social services, libraries, transport including main roads, waste disposal, fire and rescue and strategic planning. The Trading Standards Service enforces legislation covering animal health and welfare, fair trading, food, product safety and weights and measures. It is responsible for monitoring the labelling, compositional standards, safety and nutritional claims of food and animal feed and for enforcing legal requirements dealing with feed hygiene, movement, licensing and welfare of livestock.
- 1.10 Feed law enforcement is carried out by officers in the Farming Team within the Trading Standards Service of the Public Protection Group.

2. Executive Summary

- 2.1 The Authority had developed an overarching Trading Standards Service Plan for 2010-2013 and a Food and Feed Law Enforcement Plan 2011/2012 that covered the key elements of the feed law enforcement service. The Plan generally was in line with the Service Planning Guidance in the Framework Agreement. However, it would benefit from further development to include a reasoned comparison of the resources required to deliver all aspects of the feed law enforcement service against the resources available to the Authority, based on the full range of demands placed upon it. The Service carried out monthly reviews of performance and every two months the Public Protection extended management team held an Impact Review meeting, which considered any variance from targets and the measures required to address any variance.
- 2.2 The Service operated a process of regular review and improvement in relation to their documented operational procedures and work instructions. Documents were readily available to all officers with 'read only' access and a control system was in place to ensure that documents could only be amended by a nominated member of staff, following a formal written request.
- 2.3 The Authority had developed and implemented a documented procedure for the issue of credentials and warrants. Allocated powers for feed law enforcement in individual officer authorisations were limited in accordance with the officer's qualifications, experience and competency. However, it was noted that an unqualified officer had carried out formal sampling and had served a statutory notice, under the supervision of an authorised officer. Officers carrying out feed official controls had received an appropriate level of relevant training based on Continuing Professional Development in accordance with official guidance and the Feed Law Enforcement Code of Practice (FLECP). Although the Service was maintaining training and qualification records, auditors discussed the development of a system whereby the course content was recorded in conjunction with the relevant training certificates.
- 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. However, it was evident that the Authority was inadvertently under-reporting the written warnings issued as part of their feed law enforcement activities. The auditors were advised that the feed premises register had been recently updated following information received from other agencies and ongoing database cleansing checks were being carried out on feed premises. Auditors discussed the need to include all relevant farms in the Register and to ensure that the correct activity codes were used such as for food businesses placing waste food in to the animal feed chain or selling co-products of the food industry which are destined as feed materials.

Audit database checks on a random selection of agricultural premises in a commercial directory confirmed that these were generally present on the database. Auditors were advised that the Authority was in the process of ensuring that all food businesses placing waste food into the animal feed chain and co-products establishments were identified, registered and included in the inspection programme.

- 2.5 The Service had developed a procedure for Enforcement Visits to Businesses and guidance on the receipt and handling of feed hygiene business registration requests. It was evident from audit checks that high risk premises were generally being inspected at the appropriate frequencies determined by the LACORS risk rating scheme which included a local element. Although some medium and low risk premises were being inspected each year on a risk and intelligence led basis, other medium and low risk businesses were not included in a risk-based intervention programme. An Agency premises inspection audit form was being used at recent inspections of feed manufacturers. These provided sufficient information to demonstrate that the officer had carried out a detailed assessment of feed safety management systems and their implementation by the operators, and whether any follow-up actions were required. Auditors discussed the development of a feed premises inspection aide-memoire for use at lower risk premises to include more details about the nature, size and scale of the operations being carried out and the products produced. In all cases checked, written report of inspection forms were left at businesses to inform them of what had been discussed and what remedial actions were appropriate. However, the reports needed to have a clear separation between advice and legal requirements and the consistent provision of timescales for the completion of any works deemed necessary. Clear details of any proposed follow-up action to be taken by the Authority, such as revisits were also required.
- 2.6 The Authority had developed a documented work instruction on agricultural sampling and had implemented a feed sampling programme. In addition, some reactive sampling had been undertaken during inspections. File checks confirmed that appropriate action had been taken in relation to all sample records examined.
- 2.7 The Authority had developed a comprehensive Enforcement Policy, in conjunction with the Norfolk Better Regulation Partnership together with a range of formal enforcement procedures and work instructions. File checks on a sample caution and statutory notices confirmed that an appropriate course of action had been followed with timely follow-up.
- 2.8 The Authority had developed a food and feeding stuffs complaints procedure. Audit record checks confirmed that appropriate investigations had been undertaken with relevant advice given. Records were easily retrievable, detailed and up to date. It was clear that the Authority was providing helpful advice to businesses on compliance with feed law.

2.9 The Authority routinely attended meetings of the East of England Trading Standards Association Agriculture Focus Group which included attendance by a representative of the Inspections and Investigations Team, formerly the Animal Medicines Inspectorate. Officers also attended the Norfolk Food Liaison Group and there was evidence of useful liaison with relevant trade organisations.

2.10 It was evident that there was an established structure for the monitoring of officer performance. The process for this was outlined in an Appraisals and Supervision Meetings procedure and a Supervision policy. A range of qualitative and quantitative monitoring was being carried out although checks were not always documented.

3. Audit Findings

3.1 Organisation and Management

Strategic Framework, Policy and Service Planning

- 3.1.1 The Authority had developed a Public Protection Operational Service Plan 2011-2014 which included the Food and Feed Law Enforcement Plan 2011/2012 that covered the key elements of the feed law enforcement service. An overarching Trading Standards Service Plan for 2010-2013 had also been developed. The Operational Plan formed part of the Authority's policy framework by setting out key actions that the Trading Standards Service proposed to take during 2011/2012. Members had approved the Plans.
- 3.1.2 The Food and Feed Enforcement Plan generally was in line with the Service Planning Guidance in the Framework Agreement and confirmed the Service's overall objective to '*empower and protect consumers and businesses*'. The Plan included a detailed breakdown of food, agricultural and feed activities and indicated staffing allocation to key activities in terms of full time equivalents. However it required further development to include a reasoned comparison of the resources required to deliver all aspects of the feed law enforcement service against the resources available to the Authority, based on the full range of demands placed upon it.
- 3.1.3 The Monitoring Return made to the Agency for 2010/2011 and information supplied by the Authority prior to the audit indicated that there were 1.85 full time equivalent (FTE) officers carrying out feed law enforcement duties. However Auditors were advised that an officer had been transferred to meet urgent demands elsewhere within Trading Standards. This led to a temporary 0.3FTE reduction but another officer was undergoing training to meet the shortfall. The Service was also facing a decrease in budget for the next financial year and the impact of this on service delivery would need to be carefully considered.
- 3.1.4 Auditors discussed with the Authority the recommendations of the 2009 Food and Veterinary Office (FVO) Report of Official Controls on Feed Law in the UK. The Service had considered the report and advised auditors that action was being taken on this together with ongoing service development work on feed law enforcement that had been identified by the Service following the publication of the FLECP. This was referenced in past Service Plans, including those for 2010/2011 and 2011/2012, to incorporate the requirements of the FLECP into normal working procedures by means of routine audits on farm team activities and processes. An additional resource of 0.15 FTE had been allocated for this work. Auditors were advised that NCC's service planning cycle commenced in October and as the national enforcement priorities were published later in the following

March they would subsequently be taken into account. The ongoing work has included:

- expansion of feed establishment inspections to include feed hygiene and HACCP assessment in addition to compositional and labelling considerations
- contact with a number of farms to identify on farm mixers and ongoing updating of the register
- action to identify food premises that place waste food into the feed chain and co-products establishments with planned targeted follow-up with certain businesses
- ongoing review and updating of feed establishments register including registration activity codes
- work associated with on-line feed retailers.

3.1.5 The Service carried out monthly performance reviews and every two months the Public Protection extended management team held an Impact Review meeting, which considered any variance from targets and the measures required to address any issues highlighted/raised. Information on specified performance targets and targeted outcomes including past performance was set out in a 'Delivering Outcomes' section of the Public Protection Service Plan. Whilst there were no specific performance indicators for feed law enforcement, this work contributed to a number of outcome based Trading Standards performance indicators such as the '*percentage of businesses brought to broad compliance with trading standards, focusing on those that are high risk*'. From April 2010 to June 2011 of all those businesses visited for trading standards purposes 91.8% were found to be broadly compliant. The specific performance figure for animal feed for the same period was 88.9%.

Recommendation

3.1.6 The Authority should:

Further develop the Service Plan for Food and Feed Law 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, based on the full range of demands placed upon it including the national enforcement priorities. [The Standard – 3.1]

Documented Policies and Procedures

- 3.1.7 The Service operated a process of regular review and improvement in relation to their documented operational procedures and work instructions. Documents were readily available to all officers with 'read only' access and a control system was in place to ensure that documents could only be amended by a nominated member of staff following a formal written request.

Authorised Officers

- 3.1.8 The Authority had developed and implemented a documented procedure for the issue of credentials and warrants. An Operational Skills and Attributes document for the Farming Team had been developed which listed all the essential competencies for effective service delivery. Each officer was assessed against this list and the records were maintained on their personal files. This document formed the basis on which each officer's training requirements were assessed during annual appraisals, mid-year reviews and the monthly 1-1 meetings.
- 3.1.9 Allocated powers for feed law enforcement in individual officer authorisations were limited in accordance with the officer's qualifications, experience and competency. However it was noted that an unqualified officer had carried out formal sampling and had served a statutory notice, under the supervision of an authorised officer. Auditors were advised that this had been carried out for the officer's personal development and training to gain experience for a professional qualification.
- 3.1.10 An officer learning and development spreadsheet detailed training and development carried out and planned for the current year which included planned feed training for certain staff. Officers carrying out feed official controls had received an appropriate level of relevant training based on Continuing Professional Development, in accordance with official guidance and the FLECP. Although training and qualification records were being maintained by the Service auditors discussed the development of a system whereby the course content was recorded in conjunction with the relevant training certificate. In addition it was noted that certain operational officers were currently completing relevant professional qualifications to meet FLECP requirements.
- 3.1.11 An officer who regularly carried out feed law enforcement activities was interviewed as part of the audit to determine their level of competency and knowledge of the Service's procedures. The officer was clearly able to demonstrate a good practical working knowledge of animal feed law enforcement.

Recommendation

3.1.12 The Authority should:

Ensure that all officers only carry out those duties consistent with their qualifications and level of authorisation. [The Standard – 5.3]

Facilities and Equipment

- 3.1.13 The Service advised that it had access to suitable equipment for sampling a range of feed products.
- 3.1.14 The Authority had an electronic database for recording feed law enforcement activities which was capable of providing information necessary for official annual returns, and a return had been provided to the Agency for 2010/2011. However it was evident that the Authority was inadvertently under reporting the written warnings issued as part of their feed law enforcement activities. The Service had advised that several feed business operators had received a visit report highlighting a non-compliance which needed rectification but as these had been for minor non-compliance the Authority had not considered them as written warnings.
- 3.1.15 The Service had not developed a documented procedure for updating and maintaining the accuracy of the database. However auditors were advised that the feed premises register had been recently updated following information received from other agencies. The Authority was also carrying out ongoing database cleansing checks on feed premises including contact with certain farms which may mix feeds with additives and premixtures to confirm the business activity. Auditors discussed the use of information collected by other Trading Standards staff such as Animal Health Officers and liaison with Environmental Health staff to update the database. The Service had recently provided the Agency with the Authority's updated feed premises register. Auditors discussed the need to include all relevant farms in the register and to ensure that the correct activity codes were used for food businesses placing waste food in to the animal feed chain and for co-products establishments. The importance of an up to date register was recognised by the Authority. Auditors were advised that the Authority was in the process of ensuring that all food businesses placing waste food into the animal feed chain and co-products establishments were identified, registered and included in the inspection programme.
- 3.1.16 Audit database checks on a random selection of agricultural premises in a commercial directory confirmed that these were generally present

on the database, registered and included in the Authority's interventions/inspection programme.

Recommendation

3.1.17 The Authority should:

Develop, maintain and implement a documented procedure to ensure that the database is complete and up to date and that accurate information of feed law enforcement activity is reported in official returns to the Agency. Monitoring of the database and records of these checks should also be included.

[The Standard – 6.3, 11.2, 19.1 and 19.3]

Liaison with Other Organisations

3.1.18 The Authority had developed liaison arrangements with a wide range of organisations including central government, local and regional enforcement bodies, Local Government Regulation and other external stakeholders. In particular an officer from Norfolk routinely attended and chaired meetings of the East of England Trading Standards Association (EETSA) Agriculture Focus Group. Some meetings included attendance by a representative of the Inspections and Investigations Team (IIT) (formerly the Animal Medicines Inspectorate). The Service also participated in EETSA's regional information exchange facility with the aim of ensuring that local feed enforcement activity is consistent with neighbouring authorities. Auditors were advised that a web based regional intelligence database was being refreshed.

3.1.19 The Service ensured co-ordination and liaison with the District Council Environmental Health Services through the Norfolk Better Regulation Partnership and through attendance at the Norfolk Food Liaison Group meetings. There was also evidence of useful liaison with relevant trade organisations such as the National Farmers Union and with small holders.

3.2 Feed Control Activities

Feed Establishments Interventions and Inspections

- 3.2.1 The Service had developed a procedure for Enforcement Visits to Businesses and guidance on the receipt and handling of feed hygiene business registration requests. In addition, standard report of visit forms had been developed for the purpose of recording inspection/visit findings and informing the feed business operator.
- 3.2.2 Auditors were advised that the Service generally carried out unannounced visits to smaller businesses and where the intervention is related to a complaint or resulted from received intelligence. However larger feed businesses were usually contacted before routine inspections in particular where records were to be examined to ensure specific key personnel were available on site and also where there might be foreseen practical difficulties. Auditors discussed carrying out unannounced official controls where this was practicable.
- 3.2.3 Auditors were advised that the Authority had approval responsibilities for one feed establishment. The Authority's Service Plan had confirmed that 24 high risk agriculture businesses were programmed for inspection during 2011/2012. The plan advised that this included feed mills, fertiliser manufacturers, importers and selected farms in conjunction with Animal Health and the IIT. The plan advised that inspections were to ensure compliance with requirements on feed labelling/packaging, stock rotation/storage, feed hygiene, record keeping/traceability and sale or use of prohibited materials. It was evident from audit checks that premises identified as high risk at the beginning of the financial year by the Authority were generally being inspected at the appropriate frequencies determined by the LACORS risk rating scheme which had been adjusted to include a local element. Past annual performance monitoring records advised that the Authority had completed 100% of programmed high risk inspections. Auditors were advised that historically certain establishments had been inspected by IIT in accordance with the Memorandum of Understanding however some feed inspections had been undertaken recently by NCC officers to follow up on particular issues at the establishments.
- 3.2.4 Although some medium and low risk premises were being inspected or subject to other interventions each year on a risk and intelligence led basis, other medium and low risk premises were not included in a pro-active risk based interventions/inspection programme.
- 3.2.5 The Service had been awarded a grant from the Agency to support official controls at targeted feed business operators. This involved carrying out audits at feed establishments, and the completion of a comprehensive aide-memoire to record the outcome of the audits.

This premises inspection audit form was being used at recent inspections of feed manufacturers. The completed forms provided sufficient information to demonstrate that the officer had carried out a detailed assessment of feed safety management systems and their implementation by the operators and whether any follow-up actions were required.

- 3.2.6 In all cases examined including the reality visit, written report of inspection forms were left at businesses to inform them of what had been discussed and what remedial actions were appropriate. However, the reports needed to have a clear separation between advice and legal requirements and the consistent provision of timescales for the completion of any works deemed necessary. Clear details of any proposed follow-up action to be taken by the Authority, such as revisits were also required. Auditors were advised that a new visit form was being trialled.
- 3.2.7 Auditors discussed the development of a feed premises aide-memoire for use at lower risk premises to include more details about the nature, size and scale of the operations being carried out and the products produced. Premises records of some co-products establishments and livestock farms were examined however, limited information had been recorded to be able to assess the depth of inspection in relation to feed law enforcement or how compliance was assessed. Auditors were advised that planned project work was being undertaken on co-product premises and on establishments that were placing food waste into the animal feed chain to ensure such premises were identified, registered and included in the feed inspection programme. Feed importers and businesses handling imported feed had also been identified as a target area for further investigation and some historical enquiries had been carried out.

Verification Visit

- 3.2.8 A verification visit was carried out to a local feed mill that was manufacturing a variety of feed for different species. 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 and confirmed that the officer was providing timely and helpful advice to assist compliance. A traceability exercise had not yet been undertaken by the officer however auditors were advised that a previous incident had involved traceability checks. Relevant issues had been identified by the officer to be followed up with the business.

Recommendations

3.2.9 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 scheme, giving priority to higher risk establishments and in accordance with the legislation, Feed Law Enforcement Code of Practice and centrally issued guidance. [The Standard – 7.1]
- (ii) Carry out interventions/inspections and register feed establishments in accordance with relevant legislation, the Feed Law Enforcement Code of Practice and centrally issued guidance. [The Standard – 7.2]

Feed Inspection and Sampling

3.2.10 The Food and Feed Law Enforcement Plan 2011/2012 set out the Service's feed sampling policy. Proactive sampling was targeted at locally produced animal feed, those products/ingredients from companies that manufacture in, are based in, or import into Norfolk. The Plan advised that animal feed causing current local and national concerns was targeted and that these were identified through communication with the Agency, Department of the Environment, Food and Rural Affairs and through local, regional and national intelligence and consultation with the Analyst. Planned feed sampling projects were detailed in the Plan:

- Sampling during the investigation of complaints
- Feed ingredients for undeclared GM
- Finished feed to test 'GM free' claims
- Moisture sampling of wheat and barley
- Veterinary medicines residue levels in unmedicated feed
- Salmonella presence in feed ingredients and compound feeds
- Feeding stuffs –compliance with statutory statement.

3.2.11 Auditors were advised that the national enforcement priorities came out later in Norfolk's service planning cycle and were therefore not referenced in the Plan. A budget of £17,000 had been allocated for sample purchase and analysis costs during 2011/2012. The Authority, as part of EETSA, successfully bid for and secured funding from the Agency for feed sampling and analysis in 2011/2012 and funding had also been secured for GM feed sampling.

- 3.2.12 The Service had developed a procedure on Agriculture sampling which included guidance on the procurement, division, and sealing of feed samples for analysis and examination together with the administrative process and follow-up action. Auditors were advised that historically officers could decide whether to take an informal or formal sample, however, from the current year a policy decision had been made that informal samples would only be taken as an exception and the Authority's procedure made reference to formal sampling. Auditors were advised that if further investigation was required an investigation record was raised and follow-up would be dealt with in accordance with a Control of Investigations operating procedure.
- 3.2.13 The Agricultural Analyst appointed by the Service was designated an Official Control Laboratory for animal feed analysis and was properly accredited.
- 3.2.14 Records of four unsatisfactory feed samples were examined. Qualified and experienced officers had taken all informal samples. However an unqualified officer under the supervision of a qualified, authorised officer had taken the one formal sample. Records including results were retained on the database and checks confirmed that appropriate action had been taken in relation to all sample records examined.

Enforcement

- 3.2.15 The Authority had developed a comprehensive Enforcement Policy in conjunction with the Norfolk Better Regulation Partnership together with a range of formal enforcement procedures and work instructions relating to criminal investigations and service of notices used in feed and feed hygiene enforcement. File checks on a sample caution and statutory notices confirmed that an appropriate course of action had been followed with timely follow-up. However an unqualified officer under the supervision of a qualified, authorised officer had served a statutory notice. Whilst the notice template referred to the local magistrates court, it would have benefited from inclusion of the details of the name and address of the Court.

Feed Complaints, Primary Authority Scheme and Home Authority Principle

- 3.2.16 The Food and Feed Law Enforcement Plan 2011/2012 stated that the number of agriculture complaints/contacts was anticipated to be 200 which required a 0.8FTE staffing resource. In addition to feed complaints this figure included animal health, pet food and other agricultural complaints and was based on figures for previous years. In addition to reactive complaints work, information and advice was also provided to consumers.

- 3.2.17 The Service dealt with feed complaints in accordance with a Food and Feeding stuff complaints work instruction. The document included some out of date references and auditors were advised that it would be updated as part of the programme of document review.
- 3.2.18 Audit checks on three complaints confirmed appropriate investigations had been undertaken with relevant advice given. Records were easily retrievable, detailed and up to date.
- 3.2.19 The Authority confirmed support for the Home Authority Principle and the Primary Authority Scheme which was referenced in the Service Plan. The Service had a home or originating authority relationship with 16 feed manufacturers. Each business had been allocated a designated officer who would deal with service requests and any complaints/referrals associated with the business. There was evidence of contact with the Primary or Home Authority where appropriate on complaint and sampling records and of appropriate and timely advice to Home Authority businesses.

Feed Safety Incidents

- 3.2.20 The Authority had developed a feed incident and hazards work instruction and this activity was referenced in the current Food and Feed Law Enforcement Plan. The Service had a computer system that was capable of receiving feed alerts. Auditors were advised that responses to alerts were recorded as complaints or service requests where appropriate. The Service operated an Out of Hours Duty Rota that could respond to emergencies. Incidents relating to ZON (a mycotoxin) in wheatbran and dioxins in trace elements had been followed up in liaison with the Agency and a referral relating to salmonella in supplied additives had been appropriately investigated.

Advice to Business

- 3.2.21 It was clear that the Authority was providing helpful advice to businesses on compliance with feed law. Proactive information and advice was being offered:
- where requested and during inspections
 - on-line via the Authority's website
 - in response to service requests.
- 3.2.22 There was evidence of detailed, tailored advice on specific feed issues with the aim of helping businesses to comply with trading standards and to encourage the use of good practice. Specific business advice fact sheets were available electronically via the Authority's website; subjects included for example: labelling of animal feed, on-line retailing of animal feed, animal feed record keeping requirements, and advice for small poultry keepers.

3.3 Internal Monitoring and Third Party or Peer Review

Internal Monitoring

- 3.3.1 The Service carried out internal monitoring through 1-1s and individual performance reviews. Quantitative and qualitative issues were considered during reviews. Service activity was reported within the Department through individual performance review reports, which included feed work. Auditors were advised that accompanied visits were carried out with officers for observational purposes and findings were fed into individual performance reviews together with the ongoing monitoring of letters and reports and of the sampling programme although not all checks were documented.
- 3.3.2 A documented supervision policy and an appraisals and supervision meetings work instruction detailed the processes for corporate performance appraisal and 1-1 meetings. Standard forms were used to record performance review activities. The work instruction on the issue of credentials and warrants also made reference to this process to ensure authorisations were appropriately issued based on competency. Other operational documents referred to a review process by the Team manager such as review of action on unsatisfactory samples and service of notices. Monitoring of investigations was considered in the Procedure on Criminal Proceedings that set out the process to be followed. There was evidence that this internal monitoring was being undertaken. Monthly documented farm team meetings took place and it was clear that officers discussed qualitative and quantitative feed activity.
- 3.3.3 There was evidence of quantitative monitoring of achievement against annually set targets and performance indicators, which incorporated those relating to feed. Monthly impact performance monitoring reports were also considered by managers and included updates on work carried out to targets such as projects, programmed work and complaints/service requests.

Records

- 3.3.4 Records of feed law enforcement activity were maintained on a combination of electronic and paper records. Records for complaints and service requests, sampling and formal enforcement action were easily retrievable, up to date and accurate. Audit checks on inspections/interventions confirmed that there were limited records of feed official controls for some lower risk feed establishments and for some food establishments that were supplying waste food or co-products to the feed chain. The records did not include sufficient detail of any inspection/intervention, any assessments carried out by officers or adequate information about the business and its feed operations, as required by the FLECP or records of any monitoring of the work. The Service had advised that they were trialling a revised report of

visit form and were considering the development of an aide-memoire that would capture the information.

Recommendation

3.3.5 The Authority should:

Maintain up to date, accurate and comprehensive 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 inspections and determinations of compliance carried out by authorised officers and monitoring records.
[The Standard – 16.1 and 19.3]

Third Party or Peer Review

3.3.6 The Service 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: **Sally Hayden**
Christina Walder

Food Standards Agency

Local Authority Audit and Liaison Division

Action Plan for Norfolk County Council

Audit date: 11-12 October 2011

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.1.6 Further develop the Service Plan for Food and Feed Law 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, based on the full range of demands placed upon it including the national enforcement priorities. [The Standard – 3.1]	09/02/12	(1) 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 in the Food & Feed Law Enforcement Plan for 2012/13.	(1) Completed: Included in Section 4.1 of the Food & Feed Law Enforcement Plan for 2012/13.
3.1.12 Ensure that all officers only carry out those duties consistent with their qualifications and level of authorisation. [The Standard – 5.3]	31/01/12	(2) An officer undergoing training had carried out formal sampling and had served a statutory notice, under the supervision of an authorised officer for competency demonstration purposes. Remind all staff within Trading Standards that, during training, any official documentation will be signed by the authorised officer and countersigned by the trainee (to meet competency demonstration requirements).	(2) Completed: <ul style="list-style-type: none"> • Farming Team members were reminded at their November team meeting and this reminder was reiterated via email on 21/02/12. • All Trading Standards Team Managers were reminded as per minutes of TSTM meeting of 13/12/11, and were asked to remind their team members in their team meetings.

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
<p>3.2.9 (ii) Carry out interventions/inspections and register feed establishments in accordance with relevant legislation, the Feed Law Enforcement Code of Practice and centrally issued guidance. [The Standard – 7.2]</p>	<p>01/04/12</p>	<p>[See (3) above for planned improvements for registration of feed establishments.]</p> <p>[See (5) above for planned improvements to our approach to unannounced inspections.]</p> <p>(7) Strengthen our records of feed inspections, including the information provided for businesses on visit reports.</p>	<p>(7) Completed: Prior to the audit, visit reports had been comprehensively revised. The new sheets have been launched, with officer guidance, with farming team training conducted on 21/02/12.</p>
<p>3.3.5 Maintain up to date, accurate and comprehensive 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 inspections and determinations of compliance carried out by authorised officers and monitoring records. [The Standard – 16.1 and 19.3]</p>	<p>01/03/12</p>	<p>[See (7) above for planned improvements in relation to records.]</p> <p>(8) Provide training for officers who undertake food inspections/interventions on identifying/taking enforcement action at those food business operators who are also feed business operators.</p>	

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:

- Food and Feed Law Enforcement Plan 2010/2011 and 2011/12
- Trading Standards Service Plan 2010/13
- Reports to Cabinet and Council related to the Service Plans
- Minutes of Fire and Community Protection Overview and Scrutiny Panel
- Public Protection Group Outcome Based Performance Measures 2011/12
- Reports of overall compliance of businesses visited
- Issue of credentials and warrants work instruction
- Warrants register
- Operational Officers Skills and Attributes –Farming Team
- Farming Team Learning and Development
- Extracts from scheme of delegation
- Food and Feedingstuff complaints work instruction
- Business advice fact sheets and master list
- Enforcement Visits to businesses operating procedure
- Trading Standards visit templates
- Feed Hygiene Registration requests guidance
- Agriculture Samples work instruction
- Sampling schedules 2011/2012, 2010/2011 and 2009/2010
- Feed Incidents and hazards work instruction
- Norfolk Better Regulation Partnership Enforcement Policy
- Notices used in feed and feed hygiene enforcement work instruction
- Criminal Investigations operating procedure
- Minutes of EETSA Agriculture Focus Group meetings
- Appraisals and Supervision meetings work instruction
- Monthly Farm Team meeting notes
- Supervision policy
- Performance Appraisal and Development scheme forms

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

- Authorisation, qualification and training files
- Liaison records
- Feed premises inspection and registration records
- Feed inspection and sampling records
- Feed complaint and referral records

(3) Interviews – the following officers were interviewed:

- Audit Liaison Officer – Principal Trading Standards Officer
- Lead Feed Officer
- 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 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 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.