

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

Northamptonshire County Council  
23-24 August 2011



## Foreword

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

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

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

[http://ec.europa.eu/food/fvo/rep\\_details\\_en.cfm?rep\\_id=2335](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 with the Feed and Food Law Enforcement Standard ("The Standard"), which was published by the Agency as part of the Framework Agreement on Official Feed and Food Controls by Local Authorities (amended April 2010) and is available on the Agency's website at: [www.food.gov.uk/enforcement/auditandmonitoring](http://www.food.gov.uk/enforcement/auditandmonitoring).

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

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

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

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

# CONTENTS

	Page
<b>1.0 Introduction</b>	<b>5</b>
<i>Reason for the Audit</i>	5
<i>Scope of the Audit</i>	5
<i>Background</i>	6
<b>2.0 Executive Summary</b>	<b>7</b>
<b>3.0 Audit Findings</b>	<b>9</b>
3.1 <i>Organisation and Management</i>	9
- <i>Strategic Framework, Policy and Service Planning</i>	9
- <i>Documented Policies and Procedures</i>	10
- <i>Authorised Officers</i>	10
- <i>Facilities and Equipment</i>	12
- <i>Liaison with Other Organisations</i>	13
3.2 <i>Feed Control Activities</i>	14
- <i>Feed Establishments Interventions and Inspections</i>	14
- <i>Verification Visit</i>	15
- <i>Feed Inspection and Sampling</i>	15
- <i>Enforcement</i>	16
- <i>Feed Complaints, Primary Authority Scheme and Home Authority Principle</i>	17
- <i>Feed Safety Incidents</i>	17
- <i>Advice to Business</i>	18
3.3 <i>Internal Monitoring and Third Party or Peer Review</i>	19
- <i>Internal Monitoring</i>	19
- <i>Records</i>	20
- <i>Third Party or Peer Review</i>	20
<b>Annexe A - Action Plan for Northamptonshire County Council</b>	<b>22</b>
<b>Annexe B – Audit Approach/Methodology</b>	<b>26</b>
<b>Annexe C – Glossary</b>	<b>28</b>

## 1. Introduction

- 1.1 This report records the results of an audit of Northamptonshire County Council with regard to feed law enforcement, under relevant headings of the Food Standards Agency Feed and Food Law Enforcement Standard. The audit focused on the Authority's arrangements for inland controls of feed of non-animal origin. The audit was undertaken as part of the Agency's focused audit programme of feed controls in England and Wales. This report has been made publicly available on the Agency's website at:

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

Hard copies are available from the Food Standards Agency's Local Authority Audit and Liaison Division at Aviation House, 125 Kingsway, London WC2B 6NH, Tel: 020 7276 8428.

### ***Reason for the Audit***

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

- 1.3 Northamptonshire County Council was included in the Food Standards Agency's programme of audits of local authority feed law enforcement services to be representative of a geographical mix of 12 feed law enforcement LAs across England and Wales.

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

- 1.4 The audit examined Northamptonshire County Council's systems and procedures for the controls of feed not of animal origin (FNAO).
- 1.5 The audit scope included the assessment of local arrangements for service planning, delivery and review, provision and adequacy of

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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)

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 Wootton Hall Park, Northampton on 23-24 August 2011. Several senior Council personnel attended the audit Opening and Closing Meetings including, the Trading Standards Manager, the Director of Highways Infrastructure and Transport, and the Cabinet Member holding the Portfolio for Environment, with responsibility for Trading Standards.
- 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 Northamptonshire County Council is situated in the East Midlands region of England. The population of the County is around 683,800 (mid-2009 census). Northamptonshire is a mixed urban and rural county with much of the land devoted to a varied agricultural industry, with around 2,000 livestock and 700 arable farms.
- 1.9 The Food and Health Section of Trading Standards Service had recently been reorganised and now has responsibility for Animal Health & Welfare, Feed Standards and Hygiene, Primary Production Standards & Hygiene and Age Restricted Sales and Food Standards. In addition the Section was tasked with enforcing all other trading standards legislation in premises designated primarily as food premises.
- 1.10 The Food and Health Section comprised a Section Manager, two Team Leader Trading Standards Officers, a Senior Authorised Officer, three Authorised Officers and two Operational Support Officers (Operational Support Officers are not professionally qualified officers and are unable to exercise feed law enforcement powers under the relevant legislation). One of the Authorised Officers was in the process of completing their Diploma in Consumer Affairs and Trading Standards (DCATS) qualification.

## 2. Executive Summary

- 2.1 The Authority had developed a 'Food and Feed Standards Enforcement Service Plan for 2011/12' that was broadly in line with the Service Planning Guidance in the Framework Agreement. The benefits of including a comparison of the resources required to deliver the feed law enforcement service against resources available to the Authority were discussed, together with a more detailed annual review of feed enforcement activities. Auditors discussed with the Authority the level of resources committed to feed law enforcement activities and recommended that a review of resources allocated to these activities should be carried out.
- 2.2 The Authority had developed a number of procedural work instructions for the Service which required updating to take account of new legislation, the Feed Law Enforcement Code of Practice and centrally issued guidance.
- 2.3 The Authority should develop and implement an officer authorisation procedure, linking the procedure to officer qualifications and competency. Generally officers, including the Lead Officer for feed, had received training in accordance with Continuing Professional Development requirements and those officers interviewed were able to demonstrate a good working knowledge of feed legislation controls.
- 2.4 Auditors were not able to verify that the feed premises database was accurate and up to date, and the authority lacked a procedure to help ensure it was maintained.
- 2.5 The Authority had not recently undertaken an annual feed premises inspection programme. Consequently feed premises had not been inspected at the frequency required by the Feed Law Enforcement Code of Practice. Some inspection activity was being carried out by officers in the course of reactive work such as sampling and dealing with referrals. However, these checks did not meet the minimum criteria of a full primary inspection. In addition the inspection aide- memoire in use did not provide sufficient prompts for officers to record details such as HACCP assessments and other information required by the Feed Law Enforcement Code of Practice. A feed premises inspection programme had been developed for 2011/12.
- 2.6 The Authority had effective liaison arrangements in place both locally and nationally and had recently discussed the arrangements for implementing joint inspections with the Inspections and Investigations Team (IIT) (formerly the Animal Medicines Inspectorate).
- 2.7 Record checks were carried out on unsatisfactory feed samples and in all cases it was found that the Authority had taken appropriate action and ensured feed business operators had been informed of the results.

- 2.8 Record checks were also carried out in regard to a number of complaints and referrals that had been made to the Authority regarding feed businesses in the area. In all cases examined it was found that the Authority had dealt effectively with these enquiries and had made appropriate contact with the feed business operators.
- 2.9 Whilst auditors were informed that an informal system was in place for dealing with any feed incidents in the area, auditors recommended that the Authority develop and implement a documented procedure to ensure that feed incidents are dealt with and recorded in accordance with the Feed Law Enforcement Code of Practice.
- 2.10 Records in relation to samples and complaints/referrals had been effectively maintained, were up to date and easily retrievable. However, premises records and records of other feed law enforcement activities such as inspections provided insufficient information for auditors to fully assess whether these activities had been carried out in accordance with the Feed Law Enforcement Code of Practice.
- 2.11 The Authority had not developed and implemented a documented procedure on internal monitoring. However, there was evidence that both qualitative and quantitative monitoring had been undertaken in the past, although this was not routinely recorded or documented. Auditors discussed the benefits of developing and implementing a documented monitoring procedure to ensure risk-based and proportionate monitoring to cover the full range of enforcement activities in relation to feed controls.

### 3. Audit Findings

#### 3.1 Organisation and Management

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

- 3.1.1 The Authority had developed a 'Food and Feed Standards Enforcement Plan 2011/12' ('the Service Plan'). Future plans would benefit from providing a comparison of the financial and staff resources required to deliver the feed law enforcement service against resources available to the Authority based upon the full range of demands placed upon it. The Service Plan had not been approved by an appropriate Member Forum or relevant senior officer at the time of the audit. The Service Plan had been approved by the appropriate Cabinet Member.
- 3.1.2 Auditors were informed that the Service Plan was to be reviewed monthly at the Senior Managers Meeting with an annual review in April 2012. The 2010/11 Service Plan had been reviewed and details were contained in Appendix 2 of the Plan. However, the only feed law enforcement work referenced related to samples taken and no variations or improvements had been identified. Auditors discussed the benefits of further improving the annual review to include more relevant feed activities and the identification of areas for improvement.
- 3.1.3 Auditors discussed the recommendations of the 2009 Food and Veterinary Office (FVO) Report of Official Controls on Feed Law in the UK with the Authority. The Authority had discussed the report at the Trading Standards East Midlands agriculture sub-group. However, the Authority had not taken any specific action to address the findings of the Report.

#### ***Recommendation***

3.1.4 The Authority should:

Further develop the Service Delivery Plan in accordance with the Service Planning Guidance in the Framework Agreement. The Plan should include a comparison of the resources required to deliver the feed law enforcement service against the resources available to the Authority and a more detailed review of annual feed law enforcement activities, including any variation from the previous year's Plan and identified improvements. [The Standard - 3.1]

*Documented Policies and Procedures*

- 3.1.5 The Authority had developed and implemented a 'Document and Data Control' procedure as part of its ISO9001 Operating Procedures. However, the procedure had not been recently updated with regard to the relevant feed procedures in accordance with the Feed Law Enforcement Code of Practice. Generally the feed law enforcement procedures examined were out of date and further procedures relevant to the size and scope of the Service needed to be developed and implemented across the full range of enforcement activities.
- 3.1.6 Access to relevant sources of information, including procedures, and legislation was available to officers through a data management system. This included a 'Controlled Document Master List'.

***Recommendation***

3.1.7 The Authority should:

Ensure that documented policies and procedures relating to all feed enforcement activities are reviewed at regular intervals and whenever there are changes to legislation or centrally issued guidance. [The Standard - 4.1]

*Authorised Officers*

- 3.1.8 The Trading Standards Manager had delegated powers to appoint and authorise officers in line with the Authority's scheme of delegation. Auditors were advised that officer qualifications and training were considered when assessing competency and authorisation.
- 3.1.9 The Authority had not developed a documented procedure for the authorisation of officers for feed law enforcement that set out the means by which officers were authorised based on their individual qualifications, training, experience and competency, together with confirmation of their individual levels of authorisation. Officers had been authorised across the full range of feed law enforcement activities regardless of their documented qualifications and levels of competency, contrary to the requirements of the Feed Law Enforcement Code of Practice. The Authority informed auditors that in practice the extent to which authorised officers were allowed to exercise their statutory powers under feed legislation was supervised by management and limited to their level of qualifications, training or competency. Auditors discussed the benefit of developing a suitable method of linking officer authorisations to assessments of officer

competence to ensure that all officers are authorised in accordance with the Feed Law Enforcement Code of Practice.

- 3.1.10 The Authority had appointed a Lead Officer and notified their name to the Agency. Records checks confirmed that the Lead Officer had the necessary qualification, competency and specialist knowledge specified by the Feed Law Enforcement Code of Practice.
- 3.1.11 Officer training needs were identified as part of an annual performance review process and six monthly interim reviews. Generally, officers had received training in feed enforcement activities and had maintained the minimum ongoing 10 hours of feed related training per year, based on Continuing Professional Development in accordance with the Feed Law Enforcement Code of Practice. In addition, the Authority planned to take advantage of the Agency's feed training courses and had commissioned on site HACCP training. Training records were generally easily retrievable and effectively maintained.
- 3.1.12 A Senior Trading Standards Service Officer interviewed during the audit was able to demonstrate a good knowledge of legislation and enforcement across the full range of feed law enforcement activities.
- 3.1.13 The Authority was able to confirm that the following full time equivalent (FTE) officers were available to carry out feed law enforcement:

<b>Officer Designation</b>	<b>Number of staff*</b>
Section Manager(s)	0.002
Team Leader(s)	0.002
Senior Authorised Officer	0.2
Authorised Officers	0.1
<b>TOTAL</b>	<b>0.304</b>

\*Full Time Equivalent

- 3.1.14 The 'Trading Standards Budget Proposal 2011/12' proposed that the Authority's net budget should be reduced by 25%. Although a full impact analysis across the service had not been carried out, the Authority reported that they were likely to have an effect on feed law enforcement activities. The main duties of the Authority in regard to feed law enforcement related to the feed inspection/interventions and sampling programmes and they estimated that 0.304 FTE officer time was spent on these controls. Auditors discussed the benefit of implementing a review of available resources to determine the sufficiency of the FTE officer allocation to statutory feed law enforcement duties.

### ***Recommendations***

3.1.15 The Authority should:

- (i) Develop, maintain and implement a documented procedure for the authorisation of officers and ensure that the level of authorisation is linked to the level of qualifications and competence required by the Feed Law Enforcement Code of Practice and centrally issued guidance. [The Standard – 5.1]
- (ii) Review the resources allocated to feed law enforcement and ensure that a sufficient number of appropriately authorised officers are appointed to carry out work set out in the feed service delivery plan. [The Standard - 5.3]

### *Facilities and Equipment*

- 3.1.16 The Authority had ensured that it had access to suitable equipment for the sampling of feeding stuffs. The equipment was maintained in good condition and retained in a separate storage facility.
- 3.1.17 The Authority had an electronic database for recording feed law enforcement activities which was capable of providing information necessary for official returns to the Agency. The most recent annual feed returns had been provided to the Agency for 2010/11 which stated that the Authority had enforcement responsibility for 499 feed premises. However, the Authority's Service Plan stated that the demands on the service arose from 364 feed premises. The Authority reported that the discrepancy was caused either by the database codes for feed premises not being compatible with reporting information to the Agency, or an error in the way the verification report for the Service Plan data had been produced. The Authority had not developed and implemented a documented procedure to ensure that the database was accurate and up to date. Auditors were informed that the maintenance of the database had been carried out by the Database Administrator; however, this post had been deleted due to the reduction in resources.
- 3.1.18 Auditors were advised that the Authority did not proactively ensure that all feed premises, and in particular farms, were entered on the database as it was the duty of the feed business operator to apply for registration. The Authority had been carrying out ad hoc local directory checks and reviews of the feed business register, although these had not been documented. Recently, and to ensure these premises were registered in accordance with the legislation and the Feed Law Enforcement Code of Practice, the Authority had instructed officers to

ask food businesses routinely if they were producing co-products or sending surplus food to the feed industry.

***Recommendation***

3.1.19 The Authority should:

Set up, maintain and implement documented procedures to ensure that the feed premises database is accurate, reliable and up to date. [The Standard - 11.2]

*Liaison with Other Organisations*

- 3.1.20 The Authority had developed liaison arrangements with central government, other enforcement bodies, professional organisations and other external stakeholders. Recently the Authority has been liaising with the IIT in accordance with the LACORS Memorandum of Understanding and was in the process of arranging to carry out joint inspections at the relevant feed mills in the area.
- 3.1.21 Locally the Authority was a member of Trading Standards East Midlands Agriculture Sub-Group. Through the group the Authority had access to feedback from national liaison groups such as the Advisory Committee of Animal Feedingstuffs (ACAF) and the Animal Feed Law Enforcement Liaison Group (AFLELG).

## 3.2 Feed Control Activities

### *Feed Establishments Interventions and Inspections*

- 3.2.1 The Authority had developed an inspection procedure 'Inspection of Establishment and Intermediaries under Feeding Stuffs Legislation'. However the procedure had not been updated to take account of current legislation, the Feed Law Enforcement Code of Practice or recently issued central guidance.
- 3.2.2 The feed business registration and approval process was described in the inspection procedure but related to out of date legislation. In practice, the Authority implemented a reactive registration process in which registration visits would be carried out following new applications from feed business operators or where an unregistered premises is discovered in the course of routine enforcement duties.
- 3.2.3 Auditors were advised that the Authority had approval responsibilities for two feed premises.
- 3.2.4 The Authority's inspection programme in the Service Plan 2011/12 stated that 31 feed establishments subject to Regulation 183/2005 Annex II requirements would receive an inspection visit. The Authority stated that its policy was to focus on high risk premises inspections due to resource restrictions. Auditors were informed that prior to the audit no recent full primary inspections had been carried out on any feed establishments in the area, contrary to the inspection frequencies set out in the Feed Law Enforcement Code of Practice. Some inspection checks had been carried out on reactive visits such as inter-authority referrals, but these had not been recorded as primary inspections.
- 3.2.5 The Authority's feed premises inspection aide-memoire was in the form of a checklist and did not include sufficient detail of inspection findings, in particular officers' HACCP assessments, or sufficient information such as the size of the premises and the main activities being carried out. Auditors discussed the adoption of the Agency's recently issued template aide-memoire which includes greater opportunity for officers to record HACCP assessments. This is essential to:
- demonstrate that feed businesses comply with the law
  - ensure subsequent inspecting officers are aware of individual business compliance histories
  - to inform each step of a graduated enforcement approach
  - to permit effective internal qualitative monitoring.

### ***Recommendations***

3.2.6 The Authority should:

- (i) Carry out feeding stuffs inspections at a frequency which is not less than that determined under the relevant inspection rating system and in accordance with the legislation, Feed Law Enforcement Code of Practice or centrally issued guidance. [The Standard – 7.1 and 7.2]
- (ii) Develop, maintain and implement a documented inspection procedures for the range of inspections carried out. [The Standard – 7.4]
- (iii) Assess the compliance of feed premises and systems to legally prescribed standards and ensure that observations made during inspections are recorded in a timely manner to prevent the loss of relevant information. Records should be legible and retrievable. [The Standard - 7.3 and 7.5]

### *Verification Visit*

3.2.7 As part of the audit programme each Authority was scheduled to have a verification visit carried out at a local feed mill with officers from the Authority who had carried out the last feed hygiene inspection. The purpose of the visit was to determine the effectiveness of the Authority's assessment and application of feed controls in accordance with the legislation, Feed Law Enforcement Code of Practice and the Authority's own procedures. However, in this case it was decided not to undertake the verification visit as there had been no recent full inspections carried out.

### *Feed Inspection and Sampling*

3.2.8 The food sampling policy and sampling plan were contained within the Service Plan 2010/11. The Authority stated that National Priorities had been considered during the formalisation of the feed sampling programme. However, the Authority reported that it often found it difficult to source product on the National Priority list due to the inconsistency in supply.

3.2.9 The Authority had developed a 'Sampling Procedure for Official Agriculture Samples'. The procedure had not been recently updated to take account of new legislation, the Feed Law Enforcement Code of

Practice and centrally issued guidance. The Authority also had a 'Sampling and Test Purchasing' procedure which was not feed specific but gave useful guidance on the transport and storage of samples as well as post result procedures.

3.2.10 The Authority took a mixture of formal and informal samples. File checks for samples taken indicated in all cases that samples had been taken in accordance with the Feed Law Enforcement Code of Practice and centrally issued guidance. All unsatisfactory samples had been dealt with appropriately and feed business operators and any relevant authorities had been informed of the results.

3.2.11 The official laboratory used by the Authority for feed sampling activities had been properly accredited.

***Recommendation***

3.2.12 The Authority should:

Set up, maintain and implement documented procedures for the procurement of feed samples in accordance with the Feed Law Enforcement Code of Practice and centrally issued guidance. [The Standard - 12.5]

*Enforcement*

3.2.13 The Authority had developed and implemented the 'Trading Standards Service Statement of Enforcement Policy' which had been approved at the appropriate Member forum. The Policy was supported by the 'Trading Standards Service Infringement/Prosecution Policy'. The Policy confirmed that the Authority was committed to implementing the Enforcement Concordat and the Regulators' Compliance Code in all enforcement activities.

3.2.14 No feed enforcement activity beyond advice had been deemed necessary by the Authority in recent years. However the Authority should develop and implement feed enforcement procedures and documentation in accordance with the Feed Law Enforcement Code of Practice to ensure that officers have useful guidance should they need to exercise their statutory powers.

**Recommendation**

3.2.15 The Authority should:

Set up, maintain and implement documented enforcement procedures for the range of enforcement actions and follow up action for feed law enforcement in accordance with the relevant legislation, the Feed Law Enforcement Code of Practice and centrally issued guidance.  
[The Standard – 15.2]

*Feed Complaints, Primary Authority Scheme and Home Authority Principle*

3.2.16 The Authority had developed and implemented the 'Trading Standards Service Policy for Dealing with Complaints and Enquiries from Consumers and Businesses' which included feed complaints and referrals. File checks showed that all complaints and referrals examined had been dealt with effectively in accordance with the Feed Law Enforcement Code of Practice and the relevant feed business operators had been contacted and appropriate advice had been issued.

3.2.17 The Authority confirmed support for the Home Authority Principle and the Primary Authority Scheme, referenced in the Service Plan. The Service did not formally act as Home or Primary Authority for any feed businesses but did have informal Originating Authority arrangements for some of the larger feed manufactures in their area.

*Feed Safety Incidents*

3.2.18 The Authority had not developed a procedure for dealing with feed incidents. The Authority had a dedicated email address for the receipt of communications from the Agency and this is monitored for food and feed alerts. The response to feed alerts was not documented but all notifications were retained as records. Telephone numbers had been designated for out of hours contact.

**Recommendation**

3.2.19 The Authority should:

Set up, maintain and implement a documented procedure for initiating and responding to feed alerts in accordance with the Feed Law Enforcement Code of Practice.  
[The Standard - 14.1]

*Advice to Business*

3.2.20 The Service Plan stated that business advice was given through:

- *'inspections*
- *visits*
- *telephone enquiries*
- *leaflets, press releases*
- *the website and*
- *talks'.*

3.2.21 Specific examples of feed advice noted during the audit included advice provided during premises visits, follow-up e-mails and correspondence, detailed letters relating to the registrations of feed premises, and a specific leaflet developed for on-farm mixers.

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

#### *Internal Monitoring*

- 3.3.1 The Service had not developed and implemented an internal monitoring procedure in accordance with Regulation (EC) No. 882/2004 and the Feed Law Enforcement Code of Practice.
- 3.3.2 Quantitative monitoring was undertaken monthly through one-to-one meetings between managers and operational staff to monitor workloads and discuss any issues which may have arisen in regard to individual cases. Issues of any significance were recorded and reported to management meetings for further discussion if necessary. The Authority explained that not everything discussed at monthly one-to-one meetings was recorded and that there was little evidence of monitoring as few enforcement problems had been highlighted in relation to feed.
- 3.3.3 There was some documented evidence of the monitoring of programmed work such as sampling which was conducted by e-mail, and it was noted that monitoring procedures had been built into the prosecution process. Monitoring of specific complaints, samples, and investigations were recorded on the relevant file records.
- 3.3.4 In addition some qualitative monitoring was being carried out in the form of accompanied visits. The Authority stated that line managers would accompany officers on visits where there were complex issues or difficult enforcement problems. However, this rarely happened in regard to feed as there had been no recent enforcement issues identified. Officers training for qualifications had also been accompanied on visits. However these visits had not been formally documented for monitoring purposes.
- 3.3.5 Auditors discussed the benefit of developing and implementing monitoring procedures to ensure all areas of feed law enforcement and feed enforcement activities were monitored to verify conformance with the Standard.

**Recommendation**

3.3.6 The Authority should:

Set up, maintain and implement documented internal monitoring procedures in accordance with Article 8 of Regulation (EC) No. 882/2004 (Official Feed and Food Controls), the Feed Law Enforcement Code of Practice and centrally issued guidance. Internal monitoring should be recorded and records retained for two years.  
[The Standard - 19.1 and 19.3]

*Records*

- 3.3.7 Records of feed law enforcement activity were maintained electronically and in paper files. Records in relation to sampling and the handling of complaints and referrals were easily retrievable, up to date and accurate. There were few records of inspection to examine. Those that were available were partial inspections carried out during reactive work and had insufficient detail. There were no recent records for enforcement activity.
- 3.3.8 Premises records contained insufficient detail to verify compliance with the relevant legislation and ascertain the enforcement history of the business and did not include all of the information required by the Feed Law Enforcement Code of Practice.

**Recommendation**

3.3.9 The Authority should:

Maintain up to date accurate records for all feed establishments in its area in accordance with the Feed Law Enforcement Code of Practice. Records should include reports of all interventions/inspections, the determination of compliance with legal standards, and details of any action taken.  
[The Standard – 16.1]

*Third Party or Peer Review*

- 3.3.10 The Authority had been subject to external third party audits from the British Standards Institute to monitor the performance of the ISO9001:2008 quality standard. However, these audits had been discontinued due to the recent pressure on resources. The last audit

report had been issued in 2010 and had not included any elements specific to feed law enforcement.

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

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Food Standards Agency

Local Authority Audit and Liaison Division

## ANNEXE A

### Action Plan for Northamptonshire County Council

Audit date: 23-24 August 2011

<b>TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)</b>	<b>BY (DATE)</b>	<b>PLANNED IMPROVEMENTS</b>	<b>ACTION TAKEN TO DATE</b>
3.1.4 Further develop the Service Delivery Plan in accordance with the Service Planning Guidance in the Framework Agreement. The Plan should include a comparison of the resources required to deliver the feed law enforcement service against the resources available to the Authority and a more detailed review of annual feed law enforcement activities, including any variation from the previous year's Plan and identified improvements. [The Standard - 3.1]	31/03/12	During 2011/12 the authority will be carrying out inspection visits to registered and approved feed businesses. This will be used to assess the resources required to deliver the feed law enforcement service. The Service Delivery Plan 2012/13 will then set out a more accurate estimate of the resources required compared to the resources available.	
3.1.7 Ensure that documented policies and procedures relating to all feed enforcement activities are reviewed at regular intervals and whenever there are changes to legislation or centrally issued guidance. [The Standard - 4.1]	30/09/12	The authority plans to update and revise policy and procedures to align with current legislation. It is anticipated that this will be completed over the next 12 months.	
3.1.15(i) Develop, maintain and implement a documented procedure for the authorisation of officers and ensure that the level of authorisation is linked to the level of qualifications and competence required by the Feed Law Enforcement Code of Practice and centrally issued guidance. [The Standard – 5.1]	30/04/12	The authority will develop a more detailed authorisation procedure to ensure that officers clearly understand the constraints on them regarding powers of enforcement and do not act outside their levels of competence.	

<b>TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)</b>	<b>BY (DATE)</b>	<b>PLANNED IMPROVEMENTS</b>	<b>ACTION TAKEN TO DATE</b>
3.1.15(ii) Review the resources allocated to feed law enforcement and ensure that a sufficient number of appropriately authorised officers are appointed to carry out work set out in the feed service delivery plan. [The Standard - 5.3]	30/09/12	A pre-requisite of this is to update and improve the database, and obtain more clarity on the activities of feed premises registered and unregistered and a risk re-assessment also needs to be carried out. An estimate will be obtained in the next month and reviewed at the close of the financial year and as further work is done.	
3.1.19 Set up, maintain and implement documented procedures to ensure that the feed premises database is accurate, reliable and up to date. [The Standard - 11.2]	30/09/12	The authority plans to update and revise policy and procedures to align with current legislation. It is anticipated that this will be completed over the next 12 months. Updating premises will be a longer term process and form part of the ongoing work programme for 2012/13 and subsequent years.	
3.2.6(i) Carry out feeding stuffs inspections at a frequency which is not less than that determined under the relevant inspection rating system and in accordance with the legislation, Feed Law Enforcement Code of Practice or centrally issued guidance. [The Standard – 7.1 and 7.2]	31/03/12	The Food and Feed Service Plan 2012/13 will set out targets for inspections based around risk. The database will be updated and registrations will be reassessed for risk.	
3.2.6(ii) Develop, maintain and implement a documented inspection procedures for the range of inspections carried out. [The Standard – 7.4]	31/03/12	The authority will carry out wholesale revision and update procedures taking account of existing good practice.	
3.2.6(iii) Assess the compliance of feed premises and systems to legally prescribed standards and ensure that observations made during inspections are recorded in a timely manner to prevent the loss of relevant information. Records should be legible and retrievable. [The Standard - 7.3 and 7.5]	31/03/13	The revision of the documentation and database will enable compliance assessment to be carried out on the basis of risk. The work will be commenced this financial year and completed over the following year as inspections are carried out.	

<b>TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)</b>	<b>BY (DATE)</b>	<b>PLANNED IMPROVEMENTS</b>	<b>ACTION TAKEN TO DATE</b>
3.2.12 Set up, maintain and implement documented procedures for the procurement of feed samples in accordance with the Feed Law Enforcement Code of Practice and centrally issued guidance. [The Standard - 12.5]	31/03/12	Feed sampling procedures will be reviewed and amended as required	
3.2.15 Set up, maintain and implement documented enforcement procedures for the range of enforcement actions and follow up action for feed law enforcement in accordance with the relevant legislation, the Feed Law Enforcement Code of Practice and centrally issued guidance. [The Standard – 15.2]		The Feed Law Enforcement Code of Practice already sets out much of this. Reference will be made to the code in the Enforcement procedures. See below.	
3.2.19 Set up, maintain and implement a documented procedure for initiating and responding to feed alerts in accordance with the Feed Law Enforcement Code of Practice. [The Standard - 14.1]	01/10/11	The monitoring and response to Alerts from the Food Standards Agency Incidents Branch has been in operation from its inception, and updated as circumstances alter. This will continue. The enforcement procedure will be revised to ensure officers refer to the dedicated email inbox from the Agency.	
3.3.6 Set up, maintain and implement documented internal monitoring procedures in accordance with Article 8 of Regulation (EC) No. 882/2004 (Official Feed and Food Controls), the Feed Law Enforcement Code of Practice and centrally issued guidance. Internal monitoring should be recorded and records retained for two years. [The Standard - 19.1 and 19.3]	01/10/11  31/03/12	Internal monitoring is active and operating as an integral part of the management of the Service. This will continue. Records of review work are made on relevant documentation such as visits, complaints or samples on the database which records the activities of the Service. The records are retained for at least 6 years.  Consideration will be given to reviewing the food and feed enforcement procedure which records these aspects relevant to 3.2.15, 3.2.19, 3.3.6 to ensure clarity.	

<b>TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)</b>	<b>BY (DATE)</b>	<b>PLANNED IMPROVEMENTS</b>	<b>ACTION TAKEN TO DATE</b>
3.3.9 Maintain up to date accurate records for all feed establishments in its area in accordance with the Feed Law Enforcement Code of Practice. Records should include reports of all interventions/inspections, the determination of compliance with legal standards, and details of any action taken. [The Standard – 16.1]	31/10/11	The database currently in operation is able to record all actions and activities. The issues of up to date accurate records is addressed in 3.1.19 above.	

**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 Standards Enforcement Service Plan 2011/12
- Trading Standards Outcome Plan
- Trading Standards Budget Proposal 2011/12
- Document and Data Control procedure
- Trading Standards Service Policy for dealing with Complaints and Enquiries from consumers and businesses
- Complaints and Enquiries procedure
- Inspection of Establishments & Intermediaries under Feeding Stuffs Legislation
- Aide memoir for inspection of registered on farm mixers producing compound feeds using premixtures
- Feed Checklists
- Sampling and Test Purchasing procedure
- Sampling Procedure for Official Agriculture Samples
- Trading Standards Service Statement of Enforcement Policy
- Trading Standards Service Infringement/Prosecution Policy
- Prosecution procedures
- Seizure of Goods, Documents, etc. procedure
- Minutes of Trading Standards East Midlands Agriculture Meetings
- BSI Assessment Report 01/07/2010

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

- Authorisation, qualification and training files
- Feed premises and registration records
- Feed sampling and complaint records
- Feed Business notices
- Internal monitoring records.
- E-mail records

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

- Audit Liaison Officers (Section Manager – Food & Health)
- Senior Authorised Officer.

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

*(4) On-site verification check:*

As part of the audit programme each Authority was scheduled to have a verification visit carried out at a local feed mill with officers from the Authority who had carried out the last feed hygiene inspection. However, in this case it was decided not to undertake the verification visit as there had been no recent full inspections carried out.

## Glossary

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

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

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