

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

Nottinghamshire County Council
22-23 September 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 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 Nottinghamshire 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 Nottinghamshire 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 Nottinghamshire 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 Nottinghamshire County Council's systems and procedures for the control of feed not of animal origin (FNAO).
- 1.5 The audit scope included the assessment of local arrangements for service planning, delivery and review, provision and adequacy of

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)

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 County House, Chesterfield Road South, Mansfield, Nottinghamshire on 22-23 September 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 The County of Nottinghamshire covers an area of 805 square miles with a population of just under 766,400 people. The largest concentration of the population is found in the Greater Nottingham conurbation, the suburbs of which lie mostly in the county. The other main towns are Mansfield, Kirkby-in-Ashfield, Sutton-in-Ashfield, Newark-on-Trent, Worksop and Retford. About a fifth of the population live outside these areas, mostly in small towns and villages.
- 1.9 Nottinghamshire County Council is part of the two tier system of local government in the County which divides responsibilities between the County Council and seven District Councils. As part of this division, the Feed Service is the responsibility of the County Council.
- 1.10 Feed law enforcement was carried out by officers of the Trading Standards Service, within the Adult Social Care and Health Directorate. Officers enforce the full range of Trading Standards legislation.

2. Executive Summary

- 2.1 The Authority had recently undergone substantial operational and staffing restructures and was committed to a systems thinking approach to their Service. As a result of a recent review of their Quality Manual they were undertaking a complete review of their food and feed law enforcement activities.
- 2.2 The Authority had developed a Food and Feed Law Service Plan for 2011/12, which generally contained service delivery information in line with the Service Planning Guidance in the Framework Agreement. The Plan would benefit from being further developed to highlight the staff and financial resources available to the Authority compared with the resources required to deliver the Service. Further details and confirmation of the feed inspection programme for the year based on the findings of the review, together with a breakdown of the premises profile in the area, including known unrated premises, would also be essential.
- 2.3 The Quality Manual contained a range of feed policies and procedures in accordance with the Standard in the Framework Agreement and the Feed Law Enforcement Code of Practice (FLECP). All documents examined for the audit were up to date and contained reference to appropriate legislation and centrally issued guidance.
- 2.4 Authorisations should be reviewed by the Council's Legal Department to ensure that officers were appropriately authorised under all relevant legislation. The Authority also needed to ensure that individual officers were appropriately authorised at a level which reflected their individual level of experience, training and competence.
- 2.5 Training needs were identified as part of an annual performance review process. Officers would benefit from additional training, for example in the assessment of feed safety management systems, and to maintain competency training in accordance with the FLECP.
- 2.6 The Authority had an electronic database for the recording of feed law enforcement activities, which was capable of providing information necessary for official returns. The Authority could not confirm with certainty the number of feed premises which needed to be registered or the registration activity codes of those premises which had been registered, although these issues were being addressed as part of the ongoing review.
- 2.7 The Service had identified feed establishments that it considered to be high risk and had undertaken to inspect these on an annual basis. Auditors discussed the requirement to undertake relevant interventions in medium and low risk premises in accordance with the FLECP.

- 2.8 Audit file checks on a number of high risk feed establishments confirmed that there was not always sufficient detail of inspection findings, in particular the officers' assessment of feed safety management systems based on Hazard Analysis and Critical Control Point (HACCP) principles. The Authority had recently been awarded a grant from the Agency to support official controls at targeted feed businesses and subsequently, with the addition of prompts on the inspection form, were recording more comprehensive details.
- 2.9 The Authority had developed a documented policy and procedure for feed sampling, based upon officers using individual discretion during visits at high risk establishments. Auditors advised that, following the review of the feed premises in the area, the Service would benefit from developing a proactive sampling programme to ensure that feed sampling activity was targeted at areas of highest risk in accordance with the National Enforcement Priorities. Files examined showed that sampling results had been followed up where necessary and in accordance with the FLECP, that feed business operators had been advised of the outcomes and appropriate advice had been issued.
- 2.10 The Service had developed a generic enforcement policy but would benefit from the development of further procedures covering the full range of enforcement options available to officers. Auditors were advised that there had been no formal enforcement actions in the past two years.
- 2.11 The Service had developed a feed complaints procedure. Audit record checks confirmed that in general appropriate investigations had been undertaken with relevant advice provided to businesses. Feed complaint records were easily retrievable, detailed and up to date.
- 2.12 There was evidence of an established structure of annual, six monthly and monthly staff development reviews. The Authority would benefit from also developing and implementing a flexible and risk-based internal monitoring procedure to cover the full range of feed law enforcement activities, in accordance with the requirements of the Standard in the Framework Agreement.
- 2.13 An officer who regularly carried out feed law enforcement was interviewed to determine if they were able to demonstrate an appropriate level of competency and knowledge of the Service's procedures. The officer was able to demonstrate a satisfactory working knowledge of animal feed enforcement.
- 2.14 A visit to a large manufacturer co-producing feed 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 feed businesses compliance with legislative requirements. The officer was familiar with the operations taking place at the business, although further detailed investigation of business processes was suggested for future

inspections, particularly in relation to key feed hygiene requirements and the HACCP assessment.

3. Audit Findings

3.1 Organisation and Management

Strategic Framework, Policy and Service Planning

- 3.1.1 Auditors were advised that Nottinghamshire County Council Trading Standards had experienced substantial operational and staffing restructures in recent years. In January 2011 the Authority had identified that the existing Quality Manual was not 'fit for purpose' when measured against the new operational structure, Codes of Practice and the Framework Agreement. A complete overhaul was undertaken of the food aspect of the service and at the time of the audit the review of the feed service was ongoing. Auditors were informed that the newly updated Quality Manual was now due to be implemented.
- 3.1.2 The Service had developed a Food and Feed Law Enforcement Plan 2011/12 which was contained as an appendix in the new Quality Manual. The Plan covered the key elements of feed law and included service delivery commitments specifically relating to feed. Future plans would benefit from providing a comparison of the financial and staff resources required to deliver the feed law enforcement service against the resources available to the Authority based upon the full range of demands placed upon it. In addition, the Authority should highlight the feed inspection programme for the year together with a breakdown of the premises risk profiles including known unrated premises.

Recommendation

3.1.3 The Authority should:

Further develop the Service Plan, in accordance with the Service Planning Guidance in the Framework Agreement, to include:

- A comparison of the resources required to deliver the feed law enforcement service against the resources available to the Service
- The feed inspection programme together with a feed premises profile including unrated establishments
[The Standard – 3.1]

- 3.1.4 Auditors were informed that the Service Plan was approved by the Service Director of Adult Health Care and Public Protection. Performance against the Plan was assessed during quarterly review meetings by the Team Manager Countermeasures, in discussion with

the Group Manager Trading Standards. Any variation from the Plan or areas of improvement identified would be documented in the Services Business Action Plan and incorporated in the following year's Food and Feed Law Enforcement Plan. The Group Manager Trading Standards compiled monthly reports to the Portfolio Holder, which included feed service activities when applicable.

- 3.1.5 The Agency produces annual guidance on National Enforcement Priorities to assist feed authorities in better targeting their official control activities on animal feed. The Agency expects these priorities to be taken into consideration and used to inform both inspection and sampling programmes undertaken at feed businesses. The Authority was currently undertaking a systematic review to identify all feed business operators (FeBOs) in their area, including food businesses placing surplus food and co-products into the feed chain, to include them in their register of FeBOs and future inspection programmes.

Documented Policies and Procedures

- 3.1.6 The Quality Manual identified the organisation of the Authority, its scope and staff responsibilities, and also defined procedures to ensure that the quality policy objectives were met. The Manual contained a range of feed policies and procedures in accordance with the Framework Agreement and the Feed Law Enforcement Code of Practice (FLECP).
- 3.1.7 The Quality Manager (Trading Standards Group Manager) was responsible for approving the Manual and any amendments, and the Deputy Quality Manager (Team Manager, Countermeasures) was responsible for overseeing and implementing the Manual and any amendments. The Manual was to be reviewed annually at a quality review meeting. Access to relevant sources of information, including procedures, legislation and the database was available to officers. Master copies of documents were maintained by the Quality Manager. Auditors noted that all documents examined within the scope of the audit were up to date.

Authorised Officers

- 3.1.8 The Authority had developed a document for the 'Authorisation of Officers for Food and Feed Enforcement'. The Trading Standards Group 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.
- 3.1.9 In practice, the lead officer role was shared between the Team Manager Countermeasures, in a managerial capacity, and another appropriately qualified and experienced officer who provided the necessary specialist feed knowledge for the Team.

- 3.1.10 Officers carrying out feed law enforcement had been issued with generic authorisations under the main legislative Acts. Auditors advised that these generic authorisations needed to be reviewed and considered by the Council's legal department to ensure that officers were appropriately authorised under relevant legislation to include specific enforcement powers.
- 3.1.11 The Authority also needed to ensure that individual officers authorised to carry out feed law enforcement activities were appropriately authorised at a level which reflected their individual level of experience, training and competence in accordance with the FLECP, centrally issued guidance and their own procedures. Auditors were advised that all officers carrying out feed law enforcement duties were being trained and mentored by the specialist feed officer to qualify for their level two authorisations in accordance with the FLECP.

Recommendations

3.1.12 The Authority should:

- (i) Implement the documented procedure for the authorisation of officers to ensure that the level of authorisation is linked to the level of qualifications and competence required by the Feed Law Enforcement Code of Practice and any centrally issued guidance. [The Standard – 5.1]
- (ii) Review current authorisations to ensure that all officers are appropriately authorised under relevant current legislation and consistent with their qualifications and training. [The Standard – 5.3]

- 3.1.13 Officer training needs were identified and discussed as part of an annual performance review process. Due to recent budget cuts, a recent moratorium on external training had been imposed corporately within the Authority. In order to address this, the Service had used alternative funding methods to undertake training. For example, they had developed a reciprocal agreement scheme with another neighbouring Authority for an officer from that Authority to provide feed training update.
- 3.1.14 Officers would still benefit from further training in certain specific areas such as the evaluation of feed safety management systems based on HACCP principles and feed sampling in accordance with the requirements of the FLECP. Minimum ongoing training should be

10 hours a year based on the principles of continuing professional development.

Recommendation

3.1.15 The Authority should:

Ensure all officers authorised to carry out feed law enforcement activities receive relevant ongoing training and complete the necessary 10 hours continuing professional development training in accordance with the Feed Law Enforcement Code of Practice. [The Standard – 5.4]

3.1.16 Officers' qualification and training records were held electronically and were easily retrievable.

3.1.17 An officer who regularly carried out feed law enforcement activities was interviewed to determine if they were able to demonstrate an appropriate level of competency and knowledge of the Service's procedures. The officer was able to demonstrate an appropriate working knowledge of animal feed enforcement and the Authority's internal procedures.

Facilities and Equipment

3.1.18 The Service evidenced that it had access to suitable equipment for sampling a range of feed products.

3.1.19 The Service was closely supported by an Information Manager who had a clear understanding of the service requirements, produced database guidance for officers and undertook adhoc monitoring checks. The electronic database for recording feed law enforcement activities was capable of providing information necessary for official annual returns, and a return had been provided to the Agency for 2010/11.

3.1.20 The accuracy of the database was being reviewed to ensure for example, registration activity codes were correct and all premises requiring feed registration were listed. Auditors noted 200 unrated premises.

3.1.21 The Authority should develop a documented procedure to verify the content and accuracy of its feed premises database in accordance with the Standard in the Framework Agreement.

Recommendation

3.1.22 The Authority should:

Develop, maintain and implement a documented procedure to ensure that the feed premises database is complete and up to date and that accurate information of feed law activity is reported in official returns to the Agency. [The Standard – 11.2]

3.1.23 Audit database checks based on a random selection of agricultural premises in a commercial directory showed they were generally present on the database.

3.1.24 The Service confirmed that they were aware of the representatives in the area covering third country establishments which had made applications in the United Kingdom in accordance with the requirements of Directive 98/51/EC. These were outside the scope of the audit, as they dealt in pet feed.

Liaison with Other Organisations

3.1.25 The Authority had liaison arrangements on animal feed matters with central government and local enforcement bodies across the region. In particular, the Service participated in the food and agricultural sub-group meetings linked to the Trading Standards East Midlands group.

3.1.26 Auditors were advised that the Service had contacted the Inspections and Investigations Team (IIT, formerly the Animal Medicines Inspectorate) with a view to establishing liaison in relation to establishments where there were joint enforcement responsibilities, in line with the national Memorandum of Understanding agreed between Local Government Regulation and the Veterinary Medicines Directorate.

3.2 Feed Control Activities

Feed Establishments Interventions and Inspections

- 3.2.1 The Service Plan stated; *'Our programmed inspections will be carried out with a risk based approach. We will conduct 100% inspections at food and feed premises rated as high risk. In addition premises may be targeted as a result of intelligence from complaints received, local and national food audits, food alerts and advice from the FSA.'*
- 3.2.2 Prior to their review of feed establishments, the Authority had no effective system for the identification of feed premises and until the review was completed, not all feed premises in the County had been identified with certainty. During their on-farm visits, Animal Health Officers were also acting as 'eyes and ears' surveillance to report back to Trading Standards Officers where any problems were identified that may impact on feed law enforcement activities.
- 3.2.3 At the time of the audit there were eight establishments that had been categorised as high risk and two establishments which had been approved. It was evident from audit checks that in general these premises were subject to annual feed inspections at the correct frequency as required by the FLECP. Premises that were categorised as medium or low risk were not subject to routine inspections as required by the FLECP.
- 3.2.4 The Authority were currently reviewing new registration forms and appropriately inputting new registration applications, but historically self-declarations of registration activities submitted from FeBOs had been accepted.
- 3.2.5 The Authority acknowledged it to be likely that they had registered too many feed businesses with a registration activity of R10 (mixing feeds on farms, with additives and pre-mixtures). These 'medium risk' premises should be inspected every two years but no inspections had been carried out during the two years prior to audit. The Authority advised auditors that these premises would now be prioritised in order to establish their feed activities and to update the inspection programme as part of their review.
- 3.2.6 Officers recorded the findings from inspections onto a feed inspection report pro-forma, however historically these reports frequently contained insufficient details. A new inspection aide-memoire had been recently developed by the Service with more scope for officer comments. Auditors discussed that the new form still contained a lack of prompts in particular to assist officers in their HACCP assessments.
- 3.2.7 The Service had recently received a grant from the Agency enabling them to carry out detailed audits in 12 feed premises using report

forms developed by the Agency. This grant was part of similar funding provided to sixty Local Authorities in England. The Authority had commenced this programme at the time of audit and comprehensive details were being recorded on these report forms. The adoption or adaptation of this template aide-memoire was discussed as a means of prompting adequate records of future HACCP assessments.

- 3.2.8 The Service had developed a documented 'Animal Feedingstuffs Interventions' procedure and also a procedure for the 'Registration of Food and Feed Businesses'. The Authority would benefit from developing appropriate guidance procedures for the formal approval of feed establishments.

Recommendations

3.2.9 The Authority should:

- (i) Ensure that inspections of feed establishments are carried out a frequency which is not less than that determined under the relevant inspection rating scheme, continuing to give 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 approve or register feed establishments in accordance with relevant legislation, the Feed Law Enforcement Code of Practice and centrally issued guidance. [The Standard – 7.2 and 7.3]
- (iii) Ensure that all observations and/or data obtained during the course of an inspection are recorded in accordance with the Feed Law Enforcement Code of Practice. [The Standard – 7.5]

- 3.2.10 Auditors were advised that for practical purposes the Service usually contacted feed business operators before inspections to ensure appropriate personnel were available at the premises. Auditors discussed amending this practice to carry out unannounced inspections where this was practicable in line with the requirements of Regulation (EC) No. 882/2004.

- 3.2.11 There was no evidence of internal service monitoring on the inspection files examined.

Verification Visit

- 3.2.12 A verification visit was carried out to a large manufacturer co-producing large volumes of animal feed as part of its operations. 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.
- 3.2.13 It was clear the officer was familiar with the business and was able to demonstrate a knowledge of the operations carried out, however it was recommended that the inspection process took a more structured approach to the evaluation of the adequacy of the HACCP system in place at the establishment and the assessment of all relevant feed hygiene issues.

Feed Inspection and Sampling

- 3.2.14 The Authority had developed documented procedures and a policy for feed sampling. The Service Plan stated that '*sampling is intelligence led, in line with our purpose and strategic aims. Intelligence is based on a variety of sources including consumer complaints and notifications from other agencies. Sampling also takes place as part of a high risk inspection where the officer considers it necessary*'.
- 3.2.15 There was no formal sampling programme in place and the National Enforcement Priorities had not been taken into consideration with regard to sampling. Auditors were advised of three feed samples taken in the two years prior to audit.
- 3.2.16 Following the review of feed establishments in the area, the Service would also benefit from developing an annual sampling programme in order to ensure that feed sampling activity was appropriately targeted at areas of highest risk and in accordance with the National Enforcement Priorities.

Recommendation

3.2.17 The Authority should:

Set up and implement a sampling programme that is risk based and takes full account of the National Enforcement Priorities for feed. [The Standard – 12.4 and 12.6]

- 3.2.18 Records of three feed samples were examined. All samples were informal and had been taken by a suitably qualified and experienced officer and results were retained on the file. Sampling records and

associated documentation had all been produced in accordance with centrally issued guidance.

- 3.2.19 The Agricultural Analyst appointed by the Service was designated an Official Control Laboratory for animal feed analysis and was appropriately accredited.

Enforcement

- 3.2.20 The Authority had developed a documented generic Enforcement Policy in conjunction with Trading Standards East Midlands (TSEM) and also a prosecution policy. There were some procedural references to formal enforcement actions in other Quality Manual procedures but these needed to be further developed to provide clearer guidance for officers on the implementation and follow-up actions of the enforcement activities.

- 3.2.21 The Authority confirmed that no formal enforcement actions had been carried out in relation to feed issues in the two years preceding the audit.

Recommendation

- 3.2.22 The Authority should:

Develop formal enforcement procedures for the full range of enforcement actions and follow up actions available in relation to feed 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

- 3.2.23 The Service Plan for Food and Feed Law Enforcement stated that complaints would be investigated as part of the Authority's intelligence led approach to enforcement.

- 3.2.24 The Service had developed a documented policy and procedure for the receipt and investigation of feed complaints.

- 3.2.25 Audit record checks on three complaints and referrals confirmed that appropriate investigations had been undertaken with relevant advice given to businesses and effective liaison and communication with other local authorities where applicable. Records were easily retrievable, detailed and up to date.

3.2.26 The Service Plan also stated that the Service had traditionally committed significant resources to the Home Authority Principle. During 2011, the Authority was ending its Home Authority service to Nottinghamshire businesses and moving to the statutory Primary Authority Scheme. The Authority did not currently have any feed businesses within the scheme.

Feed Safety Incidents

3.2.27 The Authority had developed a concise Feed Hazard Warning and Feed Incidents Procedure with a feed incident report form. Auditors were advised that there had been no feed incidents affecting the Authority's area in the last two years.

3.2.28 The email addresses for the Technical Manager and Trading Standards service were set up to receive feed safety incident notifications from the Agency. Any emergency would be referred from the Agency to an out of hours telephone number for emergency planning who would then contact a Trading Standards Team Manager.

Advice to Business

3.2.29 Auditors were advised that there had been no recent proactive initiatives to provide advice to feed businesses. The Service Plan stated that the Service would continue to provide businesses with free basic legal compliance advice. Where more in-depth information was required, this would be on a charged-for basis to recover costs incurred. These new approaches to business support had received local Cabinet approval.

3.2.30 The Authority provided evidence of reactive advisory work on feed undertaken in the 12 months prior to the audit including advice on labelling, registration queries, sampling, feed hygiene and out of date feed.

3.3 Internal Monitoring and Third Party or Peer Review

Internal Monitoring

- 3.3.1 The Service's newly reviewed Quality Manual contained procedures for 'Quality Audits' and for 'Management Review and Feedback for Corrective Actions'. Auditors were advised that periodic and more process orientated internal quality audits against the Quality Manual were to be recommenced to measure the impact of Service issues.
- 3.3.2 There was evidence of quantitative and qualitative monitoring being carried out in the form of annual performance reviews, six monthly reviews, team meetings, and one to one monthly 'supervisions'. Evidence was noted of a detailed 'supervision' monitoring record and although this did not include any feed related issues, auditors recognised that this meeting could be used to inform and monitor officers' feed duties.
- 3.3.3 Day to day monitoring at an operational level was ad hoc with experienced specialist officers mentoring less experienced staff. Auditors advised that monitoring procedures for feed law enforcement activities needed to be reviewed and implemented to verify conformance with the Standard in the Framework Agreement. For example, proportionate monitoring of inspection reports, follow-up actions for sampling and complaints, database accuracy etc.

Recommendation

3.3.4 The Authority should:

Review and implement the internal monitoring procedure to ensure all enforcement activities of the feed law enforcement service are adequately and proportionately monitored in accordance with Article 8 of Regulation (EC) No. 882/2004 (Official Feed and Food Controls), the relevant codes of practice and centrally issued guidance. Records of monitoring checks should be maintained.
[The Standard - 19.1, 19.2 and 19.3]

Records

- 3.3.5 Records of feed law enforcement activity were maintained electronically and were easily retrievable. The historic lack of detailed records of inspections meant that auditors could not confirm the adequacy of previous officer assessments and determinations of business' compliance with relevant feed legislation as required by the FLECP.

- 3.3.6 The Authority should ensure that a comprehensive list is maintained of all registered feed establishments in the area.

Recommendation

3.3.7 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 also a complete and accurate register of feed business establishments. [The Standard – 16.1]

Third Party or Peer Review

- 3.3.8 A comprehensive peer review of the Service had recently been undertaken by an officer from a neighbouring County. This covered a broad scope of feed law enforcement activities being carried out by the Authority and the review had measured performance against the FLECP and the Standard in the Framework Agreement. The Authority was awaiting the findings of the FSA audit before implementing corrective actions.

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Local Authority Audit and Liaison Division

ANNEXE A

Action Plan for Nottinghamshire County Council

Audit date: 22-23 September 2011

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
<p>3.1.3 Further develop the Service Plan, in accordance with the Service Planning Guidance in the Framework Agreement, to include;</p> <ul style="list-style-type: none"> • A comparison of the resources required to deliver the feed law enforcement service against the resources available to the Service • The feed inspection programme together with a feed premises profile including unrated establishments [The Standard – 3.1] 	31/03/12	Incorporate recommendations in the 2012/13 Service Plan.	Current plan has been reviewed to identify the relevant sections to be amended in next year's plan.
<p>3.1.12(i) Implement the documented procedure for the authorisation of officers to ensure that the level of authorisation is linked to the level of qualifications and competence required by the Feed Law Enforcement Code of Practice and any centrally issued guidance. [The Standard – 5.1]</p>	31/03/12	At the time of the audit there was only one Level 2 qualified officer within the Authority. It is the intention of the authority to bring all feed officers currently qualified to Level 1 up to Level 2 by the end of 2011/12 financial year.	Since the audit two further officers have become qualified to Level 2 (total of 3 out of 5 officers now Level 2).
<p>3.1.12(ii) Review current authorisations to ensure that all officers are appropriately authorised under relevant current legislation and consistent with their qualifications and training. [The Standard – 5.3]</p>	Completed	The Authority is reviewing the current method of authorisation with their legal department to ensure that all officers are appropriately authorised.	The Legal department have given their opinion and are satisfied that current method of authorisation is appropriate.

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.1.15 Ensure all officers authorised to carry out feed law enforcement activities receive relevant ongoing training and complete the necessary 10 hours continuing professional development training in accordance with the Feed Law Enforcement Code of Practice. [The Standard – 5.4]	Ongoing	Current CPD hours are monitored through the Authority's EPDR/supervision process. This is covered in Section 5 of the Quality Manual. CPD hours will be maintained through training provided both internally and externally. The Lead Officer for Feed (Deputy Quality Manager) will ensure that the CPD requirements of the feed qualified officers are identified and incorporated into their training plan.	An update training course was held for feed qualified officers both within the Authority and neighbouring regional authorities. Regional training has been organised (02/03/12) to refresh officer's knowledge on HACCP. Further training is planned for the region later in the year.
3.1.22 Develop, maintain and implement a documented procedure to ensure that the feed premises database is complete and up to date and that accurate information of feed law activity is reported in official returns to the Agency. [The Standard – 11.2]	30/09/12	It has been recognised by the Authority that the self declaration requirement of the activity code by the applicant may have caused some inaccuracies to occur. This is believed to have been caused due to the misunderstandings of the FSA guidance, by the applicants. To prevent future inaccuracies procedure OP405 now requires officer contact with the applicant to discuss the actual activities they are performing thus ensuring accurate additions to the register. Due to the numbers involved and the resource implications the review of registrations that pre-date this change will have to be carried over into 2012/13. To increase the level of accuracy of current premises that require a registration a systematic search and cross referencing of our database against other data sources will be undertaken.	Whilst the procedure will ensure accuracy of future applications it is recognised that a retrospective review of historical registrations is needed. This will be done by a systematic review of all registered premises through contact with the Feed Business Operator (FeBO). Premises currently declared as carrying out R10 activities are being prioritised due to the nature of the activity.

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
<p>3.2.9(i) Ensure that inspections of feed establishments are carried out a frequency which is not less than that determined under the relevant inspection rating scheme, continuing to give 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]</p>	<p>31/03/12</p>	<p>The Authority will continue to maintain a risk-based intervention programme in line with the Service's intelligence led approach to work. This will ensure that the resource available to the service is targeted appropriately. Currently this includes 100% inspection at all High Risk premises and other premises targeted as a result of intelligence from complaints and information received from other feed Authorities and agencies and this will continue to be reviewed. In order to increase the level of intelligence received regarding non high risk premises, the authority will task their Animal Health Officers to gather information from on farm visits. All issues identified will be recorded on the services database. In addition interventions will be carried out at a sample of lower risk premises to ensure that they are still appropriately risked.</p>	<p>Training is planned to enable the Authority's Animal Health officers to have the appropriate level of knowledge to carry out proactive observations at farm premises. This will enable them to identify and report any issues that raise concerns to the Service's authorised feed officers for further investigation.</p>
<p>3.2.9(ii) Carry out interventions/inspections and approve or register feed establishments in accordance with relevant legislation, the Feed Law Enforcement Code of Practice and centrally issued guidance. [The Standard – 7.2 and 7.3]</p>	<p>Completed</p>	<p>The service will maintain the requirements of procedure OP405 which stipulates that every application for approval is followed up with an inspection and that all applicants for registrations are contacted in person to ascertain the accuracy of their declaration.</p>	<p>OP405 is in place and being followed. An internal audit planned February 2012 will verify compliance.</p>
<p>3.2.9(iii) Ensure that all observations and/or data obtained during the course of an inspection are recorded in accordance with the Feed Law Enforcement Code of Practice. [The Standard – 7.5]</p>	<p>31/03/12</p>	<p>The Service plans to adapt the forms used during the FSA Feed Grant work to ensure that sufficient detail is captured to enable officers to assess the adequacy or otherwise of the business's systems. A debrief will occur at the end of the current grant work where the reporting officers can recount their negative and positive experiences of the forms used. The learning from this will enable amendments into a more appropriate form.</p>	<p>The FSA forms have been stored in an appropriate format that will enable any required amendments to be made on completion of the grant work.</p>

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
<p>3.2.17 Set up and implement a sampling programme that is risk based and takes full account of the National Enforcement Priorities for feed. [The Standard – 12.4 and 12.6]</p>	<p>Completed</p>	<p>The Service adopts an intelligence led approach to sampling based on information from a variety of sources and taking account of the national enforcement priorities. An approach will be made to the FSA to carry out feed sampling analysis which reflects identified priorities and the level of funding available. Officers will be made specifically aware of the FSA national priorities following publication each year so that they can take them into consideration when carrying out an inspection or intervention.</p>	<p>All officers have received information on what the current FSA enforcement priorities are and these will be taken into consideration during the remaining inspections for this year and any other interventions that are required. Informal discussions have taken place with the Public Analyst regarding funding opportunities for the next financial year. Consideration will also be given to funding opportunities direct from the FSA each financial year.</p>
<p>3.2.22 Develop formal enforcement procedures for the full range of enforcement actions and follow up actions available in relation to feed in accordance with the relevant legislation, the Feed Law Enforcement Code of Practice and centrally issued guidance. [The Standard – 15.2]</p>	<p>Completed</p>	<p>The Authority has procedures that cover the full range of follow-up actions in procedure OP527. The procedure refers to the comprehensive Feed Law Enforcement Code of Practice (FLECP) procedures. This approach ensures that our procedures are always up to date with current FSA guidance. It also reduces duplications and unnecessary use of resource in amending the authority's procedure. The current procedure is not detrimental to the ability of officers to take appropriate action. It will be the responsibility of the Deputy Quality Manager to ensure that the FSA FLECP on their website is the current version.</p>	<p>A review has been undertaken as to the value that would be added in incorporating extra procedures for each enforcement action and it has been concluded that the procedure in place is sufficient.</p>

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
<p>3.3.4 Review and implement the internal monitoring procedure to ensure all enforcement activities of the feed law enforcement service are adequately and proportionately monitored in accordance with Article 8 of Regulation (EC) No. 882/2004 (Official Feed and Food Controls), the relevant codes of practice and centrally issued guidance. Records of monitoring checks should be maintained. [The Standard - 19.1, 19.2 and 19.3]</p>	Ongoing	<p>This will be covered by the management review that is carried out throughout the year to ensure that the officers are completing the records correctly. The assistance of the technical manager will be sought where it is believed that specialist knowledge to verify compliance is required. Any corrective actions will be carried out within an appropriate timescale. Any overall trends or issues will be reviewed during the annual review meeting. In addition to this an annual internal audit of the whole quality system will be carried out. The outcome of the audit and any corrective actions will be considered at the annual review meeting.</p>	<p>The internal audit has been scheduled for February 2012.</p>
<p>3.3.7 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 also a complete and accurate register of feed business establishments. [The Standard – 16.1]</p>	29/02/12	<p>The improvement in the accuracy of the register is dealt with in actions relating to point 3.1.22 above. The issue of the level of detail recorded with regard to inspections is dealt with in actions relating to point 3.2.9 (iii) above.</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 Service Plan 2011/2012
- Quality Manual 07/09/11
- Food and Agricultural Standards Delivery (FASD) Organisation and Management 07/09/11
- Peer Review document 24/08/11
- Document Control procedure 07/09/11
- Authorisation of Officers procedure 07/09/11 and associated job descriptions
- FASD Training 07/09/11
- Purchasing procedure 07/09/11
- Registration of Food and Feed Business procedure 07/09/11
- Receipt and Investigation of Feed Complaints procedure 07/09/11
- Animal Feeding Stuffs Interventions 07/09/11
- Purchase and Disposal of Food and Agricultural Samples procedure 07/09/11
- FASD Sampling policy 07/09/11
- Feeding Stuffs Sampling procedure 07/09/11
- Feed Hazard Warnings and Feed Incidents procedure 07/09/11
- Trading Standards Enforcement Policy last updated 07/09/11
- Trading Standards Prosecution last updated 07/09/11
- Quality Audits 07/09/11
- Management Review and Feedback for Corrective Actions 07/09/11
- FASD Quality Audits and Review
- Examples of minutes from the Trading Standards East Midlands Food & Agriculture Group
- Example of monthly update report to the Community Safety Portfolio holder

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

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

(3) Interviews – the following officers were interviewed:

- Audit Liaison Officers- Team Manager and Trading Standards 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 large manufacturer co- producing feed 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.