

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

North Yorkshire County Council  
19-21 July 2016



## Foreword

The audit of local authority feed and food law enforcement services forms 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 (LAs). The LA regulatory functions for animal feed controls are principally delivered through their Trading Standards Services.

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), a Feed Law Code of Practice (England) (published May 2014) and a Feed Law Practice Guidance (England) (updated June 2014).

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 food safety, standards and feeding stuffs. Parallel local authority audit schemes are implemented by the Agency's offices in Wales and Northern Ireland.

Following a review of the delivery of official controls for feed law enforcement the FSA introduced a new feed delivery model (NFDM)<sup>1</sup> in April 2014 to promote consistency, efficiency and value for money in the delivery of feed official controls. This delivery model has been implemented in association with the National Trading Standards (NTS) and it promotes a regional approach to delivery, coordinated by NTS.

An innovation of the NFDM was the introduction of a system of 'earned recognition' whereby Feed Business Operators (FeBOs) who demonstrably maintained high standards of feed safety by taking appropriate steps to comply with the law, may have these standards recognised by LAs when determining the frequency of their official controls.

This programme of focused audits is being undertaken to provide assurance to the FSA that the new feed delivery model has been effectively implemented by local authorities and that official controls, as laid down in the Agency's Feed Law Enforcement Code of Practice, Practice Guidance and Framework Agreement, in

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[https://khub.net/documents/portlet\\_file\\_entry/5524476/New+Feed+Delivery+Model+06.07.2016.pdf/2e8585ff-3e92-4362-928a-5d1b6da2f594?download=true](https://khub.net/documents/portlet_file_entry/5524476/New+Feed+Delivery+Model+06.07.2016.pdf/2e8585ff-3e92-4362-928a-5d1b6da2f594?download=true)

regard to FNAO are being carried out by LAs, in order to safeguard animal and public health.

This audit forms part of the programme of audits across a number of animal feed authorities and the findings will be incorporated into a summary report on the outcomes of the overall focused animal feed audit programme.

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

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## **1.0 Introduction**

- 1.1 This report records the results of an audit at North Yorkshire County Council with regard to feed law enforcement. The audit was undertaken as part of the Agency's focused audit programme on feed controls in England. 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 FSA's Regulatory Delivery Division, please email [LAAudit@foodstandards.gsi.gov.uk](mailto:LAAudit@foodstandards.gsi.gov.uk) or phone 01904 232116.

### **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 North Yorkshire County Council was undertaken under section 12(4) of the Act as part of the Food Standards Agency's annual audit programme. The Agency has taken account of the European Commission guidance<sup>2</sup> on how such audits should be conducted.
- 1.3 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 focused audits is to provide assurance to the FSA that the new feed delivery model has been effectively implemented by local authorities. The Agency has taken account of the European Commission guidance on how such audits should be conducted.
- 1.4 North Yorkshire County Council was included in the Food Standards Agency's programme of audits of local authority feed law enforcement services, having not been audited for feed service delivery by the Agency in the past five years and was representative of a geographical mix of 11 local authorities selected across England.

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<sup>2</sup> Commission Decision of 29 September 2006 setting out the guidelines laying down criteria for the conduct of audits under Regulation (EC) No. 882/2004 of the European Parliament and of the Council on official controls to verify compliance with feed and food law, animal health and animal welfare rules (2006/677/EC)

## **Scope of the Audit**

- 1.5 The audit examined North Yorkshire County Council's systems and procedures for the control of feed of non- animal origin (FNAO).
- 1.6 The audit scope included an assessment of local arrangements for implementing the NFDM and included:
- Feed service planning, delivery and review
  - Competence of officers
  - Implementation and effectiveness of feed control activities
  - Maintenance and management of appropriate feed premises database and records in relation to official controls at feed business premises
  - Effectiveness of the Lead Officer role for feed
  - Effectiveness of the Regional Lead role for feed
  - Accuracy and delivery of official reports to the Agency
- 1.7 The on-site element of the audit took place at the Authority's office at Thornfield Business Park, Standard Way, Northallerton, North Yorkshire from 19-21<sup>st</sup> July 2016. The audit included a reality check at a feed establishment to assess the effectiveness of official controls implemented by the Service.

## **Background**

- 1.8 The county of North Yorkshire is the largest geographical county in England, covering an area of 3200 square miles, spanning three quarters of the breadth of England. The county is highly rural, with a population of approximately 600,000 people. The main centres of population are Harrogate and Scarborough with populations of 69000 and 52000 respectively. The county has a diverse economy with the service sector, especially tourism, making up the majority of employment. There is a growing financial and business sector and manufacturing, including food and drink manufacturing remains a feature of the county. High levels of self-employment and employment in SME's are vital to the rural areas of the county.
- 1.9 The Authority had approximately 8899 registered feed businesses and nine approved establishments. All businesses had been risk rated however in accordance with relevant guidance 6,042 premises were allocated a LOC score of 40, as they have not had an inspection in recent years.
- 1.10 Trading Standards and Planning Services were responsible for the delivery of feed hygiene within the county, which was delegated to the

Head of Farming, Food and Health. Duties were carried out by approximately 2.0 FTE officers, using 50% of one experienced “specialist” feed officers time and a much smaller proportion of nine other trading standards and food officers overall time. The Authority’s lead feed officer also acted as the Regional Feed officer for YAHTS (Yorkshire and Humber Trading Standards Group).

- 1.11 The scale of the Authority and its range duties can pose practical challenges to delivering the Service within the available resources. The Authority is currently exploring innovative ways of working including the greater use of digital processes such as electronic tablets and digital pens to help improve the efficiency of its Service delivery. In addition the Authority is exploring possible commercial options to help ensure the financial sustainability of the Service moving forward into the future.
- 1.12 The profile of North Yorkshire County Council’s feed businesses reported to the Agency on the 31 October 2015 was as follows:

<b>Type of Feed Premises</b>	<b>Number</b>
Manufacturers and packers	34
Distributors and transporters	68
Retailers	34
Co products and surplus foods	76
Stores	13
Arable Farms	845
Livestock farms	7198
Importers	0
<b>Total Number of Feed Premises</b>	<b>8268</b>

## 2.0 Executive Summary

2.1 The Authority was generally delivering risk-based inspection planning and performing both its lead and regional feed lead officer roles well in terms of liaison, training planning and communication. A number of potential improvements in the overall arrangements and controls for feed service delivery were identified. The key strengths and areas for improvement for the LA are set out below.

### 2.2 Strengths:

#### **Service Planning & Delivery**

2.2.1 The Authority had a risk based approach to feed inspection planning and delivery. The Service is able to draw upon the expertise of senior management and their detailed knowledge of national feed issues and the National Trading Standards Scheme (formerly ACTSO) to help deliver its feed service in accordance with relevant guidance.

2.2.2 In 2015/16 the Service had delivered a successful NTS commissioned project examining the traceability of waste food products entering the feed chain, the findings of which had been shared nationally.

#### **Lead Feed Officer Roles – Liaison & Communication**

2.2.3 The liaison and communication roles of the Lead Feed Officer and Regional Lead Feed Officer were being carried out effectively, and expertise and advice was routinely shared with other feed authorities.

### 2.3 Key areas for improvement:

#### **Officer Authorisation**

2.3.1 Officer authorisations required review to ensure that they referenced all relevant and up to date animal feed and enforcement legislation.

### **Alternative Enforcement**

- 2.3.2 The Authority needs to develop, document and implement an alternative enforcement strategy and procedure to explain how it will conduct official controls at premises where the use of AES is appropriate.

### **Internal Monitoring**

- 2.3.3 The Authority would benefit from further targeted internal monitoring of the risk scores allocated to businesses following inspections to help ensure they are consistent with relevant national guidance.

## **3.0 Audit Findings**

### **3.1 Feed service planning, delivery and review**

#### **Implementation of the Agency's National Feed Priorities document**

- 3.1.1 The Authority had developed a Service Plan for 2016/17 that detailed how it would deliver official controls within its area and the resources required. The Service Plan was developed in accordance with the Service Planning Guidance in the Framework Agreement and included detailed information on the demands on the Service and the Services' annual programme of official controls. In previous years the Plan had been approved by the appropriate Member forum. However, following a recent review, the Service had decided to alter the scheme of delegation in relation to sign off of the Plan, the Director of Business and Environmental Services to sign off the Service Plan in future. The Plan provided details of how these controls would be delivered and included the number of FTE officers available to deliver official controls.
- 3.1.2 The Service Plan referenced the FSA's National Priorities document but did not provide any specific detail as to how the document will be integrated into the work of the Service. Auditors were informed that the Lead Officer for feed considers the document to see how the stated priorities will influence the delivery of the Services' annual programme of official controls and there was clearly a level of awareness of these priorities within the senior management. Based upon discussions and interviews with staff during the audit there also appeared to be a detailed awareness amongst staff of how the priorities influenced the day to day execution of their duties.

### **Recommendation 1 - Service planning**

[The Standard 3.1]

[The National Feed Enforcement Priorities 2016/17]

Provide more detailed reference to the National Feed Enforcement Priorities and how the Service plans to incorporate the priorities into the service delivery for the year. In addition, provide details of how alternative feed control methods available under the new feed delivery model will be used in the County to provide an equivalent level of feed safety assurance.

In 2015/16 the Authority had delivered over 100% of its funded inspections. The Authority had agreed a revised work plan with NTS during 2015/16 to ensure that non assured premises were targeted in line with the earned recognition principles. The Authority had taken a risk-based approach to bidding for and delivering feed inspections in line with the principles of the NTS Feed Delivery Programme.

- 3.1.3 The Service had made use of the findings and outputs from various NTS Projects including the Coccidiostat project and the NETSA officer competency project from which the Authority now used the competency template as its guidance document for assessing the competency of its own officers. The Authority also intends to use the SWERCOTS AES toolkit as the template as part of its future approach to AES.
- 3.1.4 The feed service had no planned service sharing arrangements with other local authorities in the region however it did carry out some feed work for a neighbouring urban authority with a small number of feed premises on a contractual basis.
- 3.1.5 The Authority reported that it operated a policy of routinely updating registration data on receipt of registration forms from approved assurance schemes (AAS) and any promotional events around the County.
- 3.1.6 It was evident that the Authority shared feed intelligence through the YAHTS Regional Feed Group.
- 3.1.7 The Authority had carried out a project on behalf of NTSB on traceability of waste food products entering the feed chain.

### **Effectiveness of the implementation and monitoring of earned recognition for feed establishments**

- 3.1.8 The Authority had produced useful guidance note for officers on earned recognition. Following pre-audit database checks and further discussions and assessments during the audit auditors were able to confirm that the Authority was committed to the implementation of the scheme of Earned Recognition for feed establishments. The Lead Feed officer had attended appropriate training and cascaded training to all feed officers. The Authority advised auditors that no feed premises had yet become due an alternative type of intervention (Tier 1) under earned recognition. The Authority was aware of the guidance published by ACTSO and the National Agriculture Panel on implementing earned recognition.
- 3.1.9 The Authority's database and risk scoring system was capable of identifying primary production premises who were members of FSA's approved assurance schemes (AAS). For non-primary production feed establishments, manual assessments were being carried out, although the Authority informed auditors that there were plans in place to carry out further work on the database to allow all other types of feed businesses to be appropriately tagged against relevant assurance scheme membership.
- 3.1.10 The Authority's database system was capable of identifying premises suitable for both Type 1 and Type 2 earned recognition and appropriate likelihood of compliance scores had been calculated on the system. The Authority had signed up to the Agricultural Industries Confederation (AIC) and Red Tractor (RT) websites and reported that it was checking AIC and RT updates regularly.

### **Promotion of the importance of feed hygiene**

- 3.1.11 The Authority had not planned any promotional events for feed for 2016/17 but officers added that their approach to feed promotion was an *ad hoc* one which did not exclude the possibility.
- 3.1.12 Auditors were advised that officers also discussed food waste and feed arrangements with relevant food businesses during food standards inspections as a matter of course, to promote awareness of feed requirements in this sector in accordance with the National Enforcement Priorities.
- 3.1.13 The Authority did not carry out any direct analysis of the impact of specific promotional activities, but advised auditors that it sent a general customer satisfaction questionnaire to a percentage of feed businesses each month.

## 3.2 Competence of officers

- 3.2.1 There was an appropriate scheme of delegation in place for feed enforcement which the Authority. The Authority had relied on the Chartered Trading Standards Institute (CTSI) website to act as its method of assuring that officers were authorised under the latest applicable legislation. However it was noted that officer authorisations included reference to two pieces of old or superseded legislation which had not been updated from 2015. Upon making enquiries the Authority identified that the CTSI website no longer provided this Service. Auditors therefore recommended a review of officer authorisations and the introduction of a more suitable method of ensuring officers are authorised under relevant and current legislation.
- 3.2.2 Authorisations were appropriately signed, however file checks indicated that they did not define the extent and limitations of officers' powers in relation to their feed duties under the Animal Feed (Hygiene, Sampling and Enforcement) Regulations 2015, contrary to advice from the Food Standards Agency and the Standard in the Local Authority Framework Agreement on Feed and Food.
- 3.2.3 The Service had developed a competency and authorisation procedure that included a guide outlining the competency requirements for each type of feed officer. A system of annual staff appraisal identified and monitored staff training needs, including those specific to feed law enforcement. Any training needs identified were then incorporated into a staff development plan. Auditors discussed the benefits of developing a more objective method of linking staff competency requirements to the identification of training needs, possibly using a training and competency matrix. This point had already been identified and acknowledged by the Lead officer during their recent annual staff appraisal.

### **Recommendation 2 – Officer Authorisations**

[The Standard, paragraph 5.3]

Review and amend the schedule of authorisation for feed officers, to ensure that officers are appropriately authorised under all relevant animal feed related legislation. The extent and limitations of officers' powers in relation to their feed duties under the Animal Feed (Hygiene, Sampling and Enforcement) Regulations 2015 should be part of this process, ensuring that the level of authorisation and duties of officers is consistent with their qualifications, training, experience and the Feed Law Code of Practice.

- 3.2.4 The training records and authorisations of five feed officers were checked by auditors, including those of the Lead Feed Officer. File checks demonstrated that officers had received appropriate training for feed law enforcement in accordance with their level of authorisation. Generally all officers had received at least 10 hours annual training based on the principles of continuous professional development (CPD), including HACCP training where appropriate, and general enforcement training. Generally officer qualifications and training records had been maintained by the Authority and staff.
- 3.2.5 A number of officers were registered on the Agriculture Community Knowledge Hub forum. Officers were able to demonstrate their use of the Hub and suitable information exchange mechanisms were in place.

### **3.3 Implementation and effectiveness of feed control activities**

#### **Inspection**

- 3.3.1 The Service had produced its own documented feed premises inspection procedure which provided basic guidance for officer on the risk scoring scheme and links assurance scheme websites.
- 3.3.2 The Authority had completed all of its planned inspections based on the new feed delivery model in 2015/16.
- 3.3.3 The Service had been utilising model template inspection forms developed by the FSA for carrying out inspections and was using the Trading Standards Risk Assessment Scheme risk (formerly ACTSO) and the database had been configured to allocate the likelihood of compliance (LOC) risk score.
- 3.3.4 Auditors discussed how the Service selected the establishments to be inspected in its intervention programme based on the new feed delivery model. Auditors were informed by the lead officer that this was generally done on the basis of time since the last inspection unless other intelligence was available.
- 3.3.5 The Authority was able to demonstrate compliance with the memorandum of understanding between the National Agriculture Panel (NAP) and the Veterinary Medicines Directorate (VMD) at feed businesses regulated by both organisations.
- 3.3.6 File checks on a sample of inspection records including some approved feed establishments showed that in every case detailed and

comprehensive inspection findings had been recorded to help support and justify the risk scores allocated. Records were easily retrievable and with one exception, feed businesses had been risk rated appropriately. The Authority had developed a series of useful and easily accessible onscreen work instructions for officers to give them a step by step instruction on how to enter their risk scores correctly for various types of businesses, under the risk assessment scheme.

- 3.3.7 File checks on approved feed establishments in the area did show that there was no approval documentation readily available on approved premises files. Auditors were informed that this was largely due to the length of time since the initial approval documents had been issued to businesses and the Authority's six year data retention policy.

**Recommendation 3 – Approved Feed Establishments**

[The Standard, paragraph 16.1& Feed Law Practice Guidance 2.6.9]

Ensure that appropriate original or copied records relating to approved feed establishments are retained. These would include any approval documentation and any other relevant business information in accordance with the Feed Law Practice Guidance.

- 3.3.8 Businesses were routinely provided with details of inspection findings. The Authority had implemented a self-certification system for businesses to sign and confirm that any works required were completed. We were however informed that any serious contraventions found during inspections or FEBO's not returning self-certification forms could or would be followed up by a more formal revisit. Auditors also discussed the need for the Authority to ensure that all advice offered to business is also captured in its annual return to the Agency.

**Sampling**

- 3.3.9 The Service had developed a documented feed sampling policy and programme co-ordinated regionally, agreed with NTS and compiled with due consideration to National Enforcement Priorities. Although the key officer responsible for sampling was unavailable during the audit, auditors were able to confirm that the programme met the national enforcement priorities, and included a number of appropriate carry over samples for coccidiostats.

3.3.10 The records of five sample results were checked. All the samples taken had been recorded and documented with analytical results being kept on file. In all cases appropriate follow up action had been taken to address the concerns found, including detailed contact and advice to businesses.

#### **Alternative enforcement**

3.3.11 The Authority had produced a useful guidance document for officers on the principles of AES. Type 1 Alternative Enforcement Strategies (AES) had not yet been implemented by the Authority although some inspections had been carried out as part of their current Type 2 AES approach. Auditors were advised that no AES visits had yet been carried out, with full inspections being maintained for the present time due to the large volume of farm premises yet to be inspected. Also the Authority explained its approach that an AES strategy had not yet been implemented to date as it was awaiting the FSA Autumn Feed Review 2016 findings which may make recommendations regarding the AES strategy national approach to which the Service would respond accordingly. Auditors recommended the development of a more formal AES strategy, preferably referenced in its Service Plan, to describe its current and future plans for AES interventions. The lead feed officer had begun to consider using AES toolkits to help deliver appropriate AES interventions.

#### **Recommendation 4 – Alternative enforcement**

[The Feed Law Code of Practice, paragraph 5.4 & 5.6]

[The Standard, paragraph 7.2]

[The new feed delivery model]

Develop, document and implement an alternative enforcement strategy and procedure to explain how it will conduct official controls at premises where the use of AES is prescribed by Annex 2 of the Feed Law Code of Practice.

#### **Enforcement**

3.3.12 The Authority had a suitable Enforcement Policy in place but had not found it necessary to carry out any formal enforcement activities in the last two years.

## **Imports and 3rd Country Representatives**

- 3.3.13 The Authority had no ports within its administrative area. The Authority was aware of the requirements surrounding imports and 3<sup>rd</sup> Country Representatives. In the past the Authority had had one such business in its area that acted as a 3<sup>rd</sup> country representative but following recent contact with the business it was found that the business no longer operates in the area. Auditors discussed the need to inform the FSA of any changes.

## **Verification Visit to a feed establishment**

- 3.3.14 During the audit, a verification visit was undertaken to a small scale brewery supplying spent grain to a local farmer with an officer from the Authority who had carried out the last feed inspection of the premises. The main objective of the visit was to assess the effectiveness of the Authority's assessment of feed business compliance with feed law requirements. It was clear from the visit that the officer had a good working relationship with the business, was familiar with the processes involved and had a good knowledge of the relevant legislation.

## **3.4 Maintenance and management of appropriate feed premises database and records**

- 3.4.1 The Authority had a well-established feed register and feed establishment database and identified any new and existing feed businesses not on the register via a number of methods. These included notification of all new food businesses via Environmental Health Teams, the use of assurance scheme databases, other local knowledge and updates from the Animal and Plant Health Agency (APHA) of new livestock keepers in the area.
- 3.4.2 The Service had developed a suitable procedure to ensure the accuracy and completeness of the feed premises database and evidence was noted of regular cross checks and reports being carried out to help verify the accuracy of the feed premises database. Audit checks on the Authority's database prior to the audit did not reveal any significant issues.
- 3.4.3 Access to the database was managed by appropriate log-in requirements and user privileges. Personnel restrictions were imposed in respect of changing premises details. Feed inspectors were only permitted to enter visit details. The database server was backed up on a daily basis.
- 3.4.4 The Authority did not cross-reference its data on a frequent routine basis with any other database within or without the Authority, but had made attempts to do so in the past. It reported that it had encountered

difficulties in attempting to share information with other regulators. Despite that, officers reported that alerts and notifications from VMD and APHA were received as expected and the database updated accordingly.

3.4.5 The NTS annual desktop exercise appeared to be accurate based on database checks, as was the NTS quarterly monitoring return.

### **3.5 Lead Officer role for feed**

3.5.1 Lead officer arrangements were discussed in detail in terms of the responsibilities of the role for:

- feed programme bidding,
- internal reporting,
- ensuring staff training and competency,
- liaison with other feed leads in the regions,
- consistency, and
- dissemination of information to staff.

3.5.2 The knowledge of the Lead Feed officer of the requirements of the new feed delivery model was extensive and auditors identified no areas for improvement in respect of liaison, the assessment of training needs and the planning and delivery of training, with the Authority able to demonstrate compliance in these areas.

3.5.3 The Lead Feed Officer for the Service also sits on the National Agricultural Panel (NAP) and acts as the Regional Feed Officer for the area, liaising and channelling intelligence and information to 10 other neighbouring local authorities. The Officer had prompt and effective liaison arrangements in place, with the FSA, APHA, and VMD and the team's own feed officers. New guidance and NAP updates were circulated to feed officers by the Lead Officer and followed up verbally where important.

3.5.4 The Service had a documented procedure for the monitoring of feed law enforcement. A number of monitoring activities were being carried out which included routine checks on inspection aides memoire, monthly "1 to 1" meetings, regular team meetings and accompanied inspections for new officers, although these were not always formally recorded. Auditors did discuss the benefits of carrying out some more targeted internal monitoring of officer risk scores given the audit findings.

3.5.5 In addition quantitative aspects of the Service, including the delivery of the desktop model in relation to interventions and sampling were monitored regular via delivery of the quarterly return to the FSA. Feed

service requests and complaints were also monitored for numbers and content to help inform the demands on the service.

**Recommendation 5 – Internal monitoring**

[The Standard, paragraph 19.1 & 19.2]

[See also paragraph 3.5.4 of this report]

Carry out further targeted monitoring of risk scores allocated by officers following inspections.

Records of all internal monitoring, including any shadowed/accompanied inspection visits, shall be made and kept for at least 2 years.

### **3.6 Regional Lead role for feed**

3.6.1 The Lead Feed Officer for the Authority was also the Regional Lead Feed Officer (RLFO) and chaired the Regional Feed Group for the YAHTS region. Arrangements were discussed in detail in terms of the responsibilities of the role for:

- Bidding and allocation,
- Regional training needs assessment and delivery,
- Regional reporting to the FSA,
- Liaison with other feed leads and regulators in the region and nationally,
- Consistency and the dissemination of information from the NAP representative and to other feed leads.

Auditors identified suitable and effective systems in place regarding the above roles with no areas for improvement identified.

3.6.2 Auditors noted that the RLFO had been proactive in supporting other local authorities in the region with their own expertise.

3.6.3 The RLFO reported that no formal consistency exercises, peer review or internal audit had been carried out by the region.

### **3.7 Accuracy and delivery of official feed reports to the Agency**

3.7.1 The Service does not have any specific documented procedures for assessing the accuracy of official feed reports to the Agency. In practice annual feed returns are subject to a number of validation reports built into

the database, whilst NTS returns are checked manually to ensure data is in the correct fields. UKFSS submission codes are checked before they are sent to the Public Analyst and generally error messages are given if the incorrect fields are filled in.

- 3.7.2 The lack of written warnings reported via the Authority's feed return to the FSA was discussed. It was agreed that the anomaly was possibly caused by a misinterpreting the FSA's definition of a written warning as any legislative non-compliance brought to a FeBOs attention in writing. The Authority agreed to review and discuss appropriate recording and coding of written warnings for feed with relevant officers. The NTS annual desktop exercise appeared accurate as was the NTS quarterly monitoring return. There were no reported technical issues with the uploading and submission of the returns.

**Auditors:**                    **Andrew Gangakhedkar**  
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Food Standards Agency  
Regulatory Delivery Division

## ANNEX A - Action Plan for North Yorkshire County Council

Audit date: 19-21 July 2016

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
<p><b>Recommendation 1 - Service planning</b> [The Standard 3.1] [The National Feed Enforcement Priorities 2016/17]</p> <p>Provide more detailed reference to the National Feed Enforcement Priorities and how the Service plans to incorporate the priorities into the service delivery for the year. In addition, provide details of how alternative feed control methods available under the new feed delivery model will be used in the County to provide an equivalent level of feed safety assurance</p>	30/04/17	Incorporate more detailed reference to the National Feed Enforcement Priorities and the AES approach into the 2017/18 Food and Feed Service Plan.	Target date takes into account the annual review of the Food and Feed Service Plan.
<p><b>Recommendation 2 – Officer Authorisations</b> [The Standard, paragraph 5.3]</p> <p>Review and amend the schedule of authorisation for feed officers, to ensure that officers are appropriately authorised under all relevant animal feed related legislation. The extent and limitations of officers’ powers in relation to their feed duties under the Animal Feed (Hygiene, Sampling and Enforcement) Regulations 2015 should be part of this process, ensuring that the level of authorisation and duties of officers is consistent with their qualifications, training, experience and the Feed Law Code of Practice.</p>	Completed	Update the relevant points in respect to officer authorisations.	Legislation has been updated.

<p><b>Recommendation 3 – Approved Feed Establishments</b>  [The Standard, paragraph 16.1&amp; Feed Law Practice Guidance 2.6.9]</p> <p>Ensure that appropriate original or copied records relating to approved feed establishments are retained. These would include any approval documentation and any other relevant business information in accordance with the Feed Law Practice Guidance.</p>	<p>Completed and ongoing</p>	<p>Retain any new approval records.</p>	<p>Noted action point to retain future records.</p>
<p><b>Recommendation 4 – Alternative enforcement</b>  [The Feed Law Code of Practice, paragraph 5.4 &amp; 5.6]  [The Standard, paragraph 7.2]  [The new feed delivery model]</p> <p>Develop, document and implement an alternative enforcement strategy and procedure to explain how it will conduct official controls at premises where the use of AES is prescribed by Annex 2 of the Feed Law Code of Practice.</p>	<p>31/3/17</p>	<p>Implement an AES procedure once the NTS/FSA Autumn 2016 review has been completed and published.</p>	<p>Target date takes into account Autumn 2016 timetable.</p>
<p><b>Recommendation 5 – Internal monitoring</b>  [The Standard, paragraph 19.1 &amp; 19.2]  [See also paragraph 3.5.4 of this report]</p> <p>Carry out further targeted monitoring of risk scores allocated by officers following inspections.</p> <p>Records of all internal monitoring, including any shadowed/accompanied inspection visits, shall be made and kept for at least 2 years.</p>	<p>31/12/16</p>	<p>Implement an enhanced targeted monitoring approach to monitor risk scores subject to available resources.</p> <p>Introduce a more robust record retention approach for internal monitoring.</p>	<p>Record retention approach introduced.</p>

## **ANNEX B - Audit Approach/Methodology**

Audit resource was targeted at the key risk areas. We examined any relevant records, instructions, documents, and evaluated procedures and outcomes. We also conducted appropriate audit testing to form an opinion on the controls in place.

The approach consisted of desktop reviews of information requested from the LA in a pre-visit questionnaire, and a 2 day onsite audit consisting of:

- Examination of plans, policies and procedures.
- Examination of file records.
- Review of database records
- Interviews with local authority officers - opinions and views raised during officer interviews remain confidential and are not referred to directly within the report.
- On-site verification check:  
A visit to a local brewery was carried out as part of the audit. The purpose of the visit was to assess the effectiveness of the officer's evaluation of the compliance of the feed business with legislative requirements.

## **ANNEX C – Glossary**

Agricultural Analyst	A person, holding the prescribed qualifications, who is formally appointed by a local authority to analyse feed samples.
Authorised officer	A suitably qualified and competent officer who is authorised by the local authority to act on its behalf in, for example, the enforcement of food and feed law.
Feed Law Code of Practice	Government Code of Practice issued under regulation 6 of the Official Feed and Food Controls Regulations 2009 as guidance to local authorities on the execution and enforcement of feed law.
County Council	A local authority whose geographical area corresponds to the county and whose responsibilities include food standards, food hygiene at the level of primary production and feeding stuffs enforcement.
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 geographical area and situated within a County Council whose responsibilities include food hygiene enforcement.
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.
The DG Health and Food Safety - Audit and Analysis	Part of the European Commission, formerly known as the Food and Veterinary Office (FVO).
Feed Law Enforcement	Government Code of Practice issued under the

Code of Practice	Official Feed and Food Control Regulations 2009.
Feeding stuffs	Term used in legislation meaning feed, including additives and pet food, whether processed, partially processed or unprocessed, intended to be used for oral feeding to animals.
Food/feed hygiene	The legal requirements covering the measures and conditions necessary to control hazards to ensure fitness for human consumption of a foodstuff/animal consumption of a feed, taking into account its intended use.
Food/Feed standards	The legal requirements covering the quality, composition, labelling, presentation and advertising of food/feed
Framework Agreement	<p>The Framework Agreement consists of:</p> <ul style="list-style-type: none"> <li>• Food and Feed Law Enforcement Standard</li> <li>• Service Planning Guidance</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 yearly returns to the Agency on their feed enforcement activities .e. numbers of inspections, samples, prosecutions and notices.</p> <p>Under the <b>Audit Scheme</b> the Food Standards Agency conduct 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 and feed

enforcement.

HACCP	Hazard Analysis and Critical Control Point – a feed safety management system used within feed businesses to identify points in the production process where it is critical for food/feed safety that the control measure is carried out correctly, thereby eliminating or reducing the hazard to a safe level.
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 and feed safety/ standards issues. Acts as the central contact point for other enforcing authorities' enquiries with regard to that company's food/feed related policies and procedures.
Informal samples	Samples that have not been taken in the prescribed manner laid down in Regulation EC. No 152/2009 laying down the methods of sampling and analysis for the official control of feed.
Member forum	A local authority forum at which Council Members discuss and make decisions on food 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.
New Feed Delivery Model (NFDM)	NFDM is a multi-faceted solution to improve the effectiveness of official feed controls, delivered in partnership with key stakeholders, ensuring timely, appropriate, proportionate and consistent delivery of controls to secure compliance with feed law.
Port Health Authority (PHA)	An authority specifically constituted for port health functions including imported food and feed control.
Primary Authority	An authority that has formed a formal partnership with a business in accordance with the Regulatory Enforcement and Sanctions Act 2008.

Public Analyst	An officer, holding the prescribed qualifications, who is formally appointed by the local authority to carry out chemical analysis of food and feed samples.
RASFF	Rapid alert system for food and feed. The European Union system for alerting port enforcement authorities of food and feed hazards.
Risk rating	A system that rates food/feed premises according to risk and determines how frequently those premises should be inspected.
Service Plan	A document produced by a local authority setting out their plans on providing and delivering a food/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, food hygiene at the level of primary production and feeding stuffs legislation.
Trading Standards Officer (TSO)	Officer employed by the local authority who, amongst other responsibilities, may enforce food standards, food hygiene at the level of primary production and feeding stuffs 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 (including at the level of primary production), food standards and feeding stuffs enforcement.