

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

Suffolk County Council
22-23 March 2011



Foreword

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

www.food.gov.uk/enforcement/auditandmonitoring.

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

http://ec.europa.eu/food/fvo/rep_details_en.cfm?rep_id=2335

The audits examined Port Health Authority (PHA) and Local Authority (LA) systems and procedures for the control of imported feed and where relevant inland imported feed, at ports of entry (sea and air) and at inland authorities, in 10 geographically representative PHAs and LAs in GB. The audits were confined to feed not of animal origin (FNAO). As part of the programme, meetings have been organised with four additional authorities to further establish whether appropriate imported feed checks and liaison between ports and inland LAs are being undertaken.

Agency audits assess local authorities' conformance against the Feed and Food Law Enforcement Standard ("The Standard"), which was published by the Agency as part of the Framework Agreement on Official Feed and Food Controls by Local Authorities (amended April 2010) and is available on the Agency's website at: www.food.gov.uk/enforcement/auditandmonitoring.

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 Suffolk County Council with regard to feed law enforcement, under relevant headings of the Food Standards Agency Feed and Food Law Enforcement Standard. The audit focused on the Authority's arrangements for controls of imported feed of non-animal origin at the Port of Felixstowe, at all points of entry within its boundary and also at inland premises. The audit was undertaken as part of the Agency's focused GB audit programme of imported feed controls. This report has been made publicly available on the Agency's website at: www.food.gov.uk/enforcement/auditandmonitoring/auditreports
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 Suffolk 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 Suffolk County Council (SCC) was included in the Food Standards Agency's programme of audits of local authority feed law enforcement services, because the points of entry within the Port of Felixstowe that were within the Authority's area received imported feed and was a designated point of entry for certain high risk feed products. In addition, the Authority was selected to be representative of a geographical mix of 10 PHAs and LAs across Great Britain.

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)

Scope of the Audit

- 1.4 The audit examined SCC's arrangements for imported feed controls in respect of imported feed not of animal origin (FNAO). Products of animal origin (POAO) are subject to veterinary control checks and separate auditing regimes.
- 1.5 The audit scope included the assessment of local arrangements for service planning, delivery and review, provision and adequacy of officer training on imports and authorisations, implementation and effectiveness of imported feed control activities, including inspection, sampling and enforcement. Maintenance and management of appropriate records in relation to imports activity at the Port and internal service monitoring arrangements were also covered.
- 1.6 The on-site element of the audit took place at Endeavour House, 8 Russell Road, Ipswich on 22-23 March 2011. The audit included a reality check to assess the effectiveness of official controls implemented by the Authority at the Port and, more specifically, the checks carried out by the Authority's officers to verify compliance with imported feed law requirements.
- 1.7 The audit also afforded the opportunity for discussion with officers involved in imported feed law enforcement with the aim of exploring key issues and gaining opinions to inform Agency policy. A set of structured questions were used as the basis for discussions which sought views and information on areas related to imported feed controls such as:
 - service planning and the strategic framework of controls
 - training and support
 - criteria used to determine the level of checks
 - issues affecting the imported feed control programme
 - sampling, surveillance and enforcement approaches.
- 1.8 The information gained during interviews will be incorporated into a summary report on the imported feed inspection and control activities audit programme.

Background

- 1.9 Suffolk County Council is a large rural county, covering approximately 3,798 square kilometres, with a population of approximately 700,000 residents. The area included a mix of towns and villages, Ipswich being the largest town in the area. The county borders Norfolk to the north, Essex to the south and Cambridgeshire to the west. The area is home to many farms and smaller food and feed producers, as well as a number of larger manufacturers of such products.
- 1.10 The Port of Felixstowe, the largest in the country, and one of the largest in Europe is located within the County, receiving large

volumes of imported food and feed. The Port forms part of Suffolk Coastal District Council, which acted as the Port Health Authority (PHA). This Council was also responsible for the full range of Environmental Health Services, including food safety for food establishments within its area. Over 40% of the UK's import and export trade passes through Felixstowe, the Port handling over three million containers a year notably from China. The Port has extensive road and rail connections, allowing movement of containers throughout the UK and beyond.

- 1.11 In addition to its status as a Border Inspection Post (BIP), the Port of Felixstowe was a designated point of entry (DPE) for certain high risk food and feed products, in accordance with Regulation (EC) No. 669/2009.
- 1.12 Imported feed law enforcement in the area was the responsibility of the official feed authority, Suffolk County Council and was carried out by officers of Suffolk Trading Standards Service, part of the wider Public Protection, Social Inclusion & Diversity Service. The Authority had also authorised three officers to perform official controls related to imported feeding stuffs at the Port. Although there was an emergency out of hours contact number for the Authority, there was no formal out of hours service provided. Ad hoc emergency out of hours cover was provided by the Trading Standards Manager.

2. Executive Summary

- 2.1 It was evident from audit data that a significant amount of animal feed material from outside the EU was imported into the United Kingdom through points of entry for which Suffolk County Council (SCC) had enforcement responsibility.
- 2.2 The Authority had developed a Food and Feed Law Enforcement Service Plan 2010/2011 and a more specific animal feed guidance document based upon guidance on national priorities for feed authorities issued by the FSA. The Plan contained service delivery information in line with the Service Planning Guidance in the Framework Agreement and references to imported feed. However, auditors discussed the benefits of further developing the Service Plan to include a comparison of the resources required to deliver the imported feed law enforcement service against resources available to the Authority.
- 2.3 In line with general Council policy, the Service had developed few documented procedures specifically for its feed law enforcement service. Auditors recommended the development of suitable and proportionate documented procedures to provide guidance for officers across all areas of the Service, particularly those areas identified as requiring further improvement and development. A suitable system of document control needed to be developed and implemented to ensure that procedures are regularly kept up to date and accurately reflect the work carried out by the team.
- 2.4 The Authority had not developed a documented officer authorisation procedure to ensure that all officers carrying out feed law enforcement were appropriately authorised, based on their individual qualifications, training, experience and competency. Existing authorisations needed to be reviewed and considered by the Council's Legal Department to ensure that officers were duly authorised for the duties they were expected to undertake. It was evident from record checks that officers nominated to carry out feed enforcement had received some animal feed training in accordance with official guidance and the Feed Law Enforcement Code of Practice.
- 2.5 The Authority had an electronic database for the recording of feed law enforcement activities, which was capable of providing information necessary for official returns. However audit checks revealed some difficulties in retrieving an accurate estimate of the number of feed importers and feed establishments in the area. A procedure for updating and maintaining the accuracy of the database needed to be developed to ensure that the feed premises register was accurate and kept up to date.
- 2.6 In conjunction with the PHA and Suffolk Coastal District Council (SCDC), the Authority had agreed a formal Memorandum of

Understanding (MOU) concerning arrangements for imported animal feed monitoring and delivery of official controls. This document detailed the arrangements for the identification of vessels and potential feed consignments. There were liaison arrangements in place with the PHA to carry out monitoring of high risk feed consignments entering the Port, in accordance with Regulation (EC) No. 669/2009. However, there were no formal arrangements in place for the routine identification of other types of feed and associated products including those products not subject to additional controls under Regulation (EC) No. 669/2009. Auditors recommended that SCC developed further arrangements with the PHA to ensure that adequate official controls are carried out on all possible feeding stuffs consignments in accordance with Regulation (EC) No. 882/2006.

- 2.7 Auditors made a reality visit to the Port of Felixstowe to assess facilities for sampling and monitoring of imported feed arriving at the Port. Auditors were satisfied that the facilities, equipment, infrastructure and PHA procedures met the requirements needed for designated point of entry (DPE) status. In addition, auditors had discussions with an officer authorised by SCC to undertake and supervise sampling on behalf of SCC at the Port. The officer was able to demonstrate a detailed and thorough knowledge of imported feed legislation, and relevant sampling techniques.
- 2.8 Audit checks confirmed that records of interventions at inland establishments handling imported feed did not always include sufficient detail of any inspection findings, assessments or sufficient information about the nature, size and scale of relevant establishments. In addition some records of inspections and findings were not available at the time of the audit.
- 2.9 SCC had carried out some sampling of animal feeding stuffs, aided by an FSA sampling grant. However auditors recommended that the sampling programme should be reviewed and if necessary expanded to take into account the findings from the Authority's review of its feed premises database and any further liaison with the PHA.
- 2.10 The Authority had a generic Departmental Enforcement Policy. Under the MOU the PHA had agreed to undertake all necessary enforcement and follow-up actions in liaison with, and on behalf of, SCC. The PHA had developed a range of suitable procedures for the detention of feed consignments and seizure if necessary. Auditors recommended a review of any existing enforcement procedures to also reference all possible enforcement actions on other feeding stuffs and associated products falling outside the remit of Regulation (EC) No. 669/2009.
- 2.11 The Service had an appropriate system in place for the handling of feed safety incidents and Rapid Alert System for Food and Feed (RASFF) alerts. There was an emergency out of hours contact number for the Authority, and audit checks confirmed that the Authority had

liaised with the appropriate authorities in response to a recent imported feed incident.

2.12 The Authority had undertaken some ad hoc qualitative monitoring of feed inspections and officer competency. However auditors recommended that the Authority develop and implement a documented flexible and risk based internal monitoring procedure to review and assess all relevant areas of the feed law enforcement service.

3. Audit Findings

3.1 Organisation and Management

Strategic Framework, Policy and Service Planning

- 3.1.1 The Authority had developed a Food and Feed Law Enforcement Service Plan 2010/2011, formally approved by Members, which confirmed the Service's commitment to ensuring that food standards legislation is complied with, to give consumers confidence that the food they buy is safe. The Authority had also developed an additional document concerning the Service's specific feed control activities, based upon *Guidance on Enforcement Priorities for Feed Authorities in Great Britain 2009/2010*, issued by the FSA. This additional document provided more specific details of the Authority's responsibilities and duties under relevant feed hygiene legislation and centrally issued guidance.
- 3.1.2 The Trading Standards Animal Feed Plan 2010/2011, approved by the Portfolio Holder, set out the aims of the animal feed service:
- *Identify and visit 20 high risk feed establishments*
 - *To take, subject to funding, 20 samples of imported feed*
 - *To take 20 formal samples from high risk premises*
 - *Subject to funding, monitoring and if necessary sampling 4 ammonium nitrate samples*
 - *The identification and analysis of 800 premises to check whether they are still active and the need for visits, farm assurance schemes etc.*
 - *Of all the farm assured premises identified, will need to visit 2%*
 - *In addition we will visit 25% of premises that do not fall into the above categories*
 - *We will perform test purchases/take notes of any packer/manufacturer of pet food or feed operating in Suffolk and not on the database.*
 - *Attempt to interrogate the information on importers received from Felixstowe to identify Suffolk based importers/packers, to form part of an effective port surveillance programme.*
- 3.1.3 The Service Plan, underpinned by the additional feed control activity document generally contained service delivery information in line with the Service Planning Guidance in the Framework Agreement. The Service Plan had appropriate references to imported feed, including sampling, incident response, partnership working and other feed enforcement priorities.
- 3.1.4 The Service Plan detailed the staffing resources available to the Service, indicating that there were seven authorised feed officers. However, the Plan did not confirm whether the staffing allocation was sufficient to meet the demands of the Service including animal feed

responsibilities, and did not provide details of how the staffing allocation would be distributed. Future Service Plans would therefore benefit from the inclusion of a comparison of resources required to deliver the imported and inland feed law enforcement service against resources available to the Authority, based upon the full range of demands placed upon it.

Recommendation

3.1.5 The Authority should:

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

3.1.6 In addition to the authorisation of officers to undertake feed enforcement at inland feed establishments, the Authority had authorised three officers based at the Port to undertake checks and sampling on imported food and feed at the Port of Felixstowe.

3.1.7 The Service Plan indicated that quantitative monitoring of targets would be undertaken on a quarterly basis, with findings reported to the Senior Management Team. In addition, auditors were advised that ad hoc reviews of the plan would take place throughout the year to ensure that the plan was still relevant and reflected any changes throughout the year. Although no evidence of recent Service Plan reviews was provided during the audit, Auditors noted that the plan identified areas of improvement for 2010/2011, including the need to review and redesign their approach to food and feed work to ensure that it was risk based and resources were targeted effectively, in line with other aspects of the Trading Standards Service.

Documented Policies and Procedures

3.1.8 Although the Authority was able to demonstrate some systems in place relating to certain aspects of its feed law enforcement service, very few documented policies and procedures had been developed to provide relevant guidance for officers. Auditors were informed that the Council had a general policy of minimising, and where necessary avoiding, the use of documented procedures. However auditors recommended that as part of its service review the Authority should develop appropriate and proportionate documented procedures and

guidance for officers, covering all areas of the Service, particularly those requiring further improvement to meet statutory requirements.

- 3.1.9 In addition, the Authority needed to develop and implement a suitable method of ensuring that all policies and procedures are regularly reviewed and updated in response to changes in legislation and centrally issued guidance.

Recommendations

3.1.10 The Authority should:

- (i) Ensure that all documented policies and procedures relating to its enforcement activities, including those relevant to imported feed control activities, reflect the Authority's operational practices and are reviewed at regular intervals and whenever there are changes to legislation and centrally issued guidance. [The Standard – 4.1]
- (ii) Set up, maintain and implement a control system for all documentation relating to its enforcement activities to ensure that documents are adequately controlled. [The Standard– 4.2]

Authorised Officers

- 3.1.11 Auditors were unable to verify that officers enforcing feed safety legislation had been appropriately authorised under all relevant legislation. The existing generic officer authorisations needed to be considered by the Authority's Legal Department to ensure that officers were appropriately authorised for the duties they were expected to carry out.
- 3.1.12 The Authority needed to develop and implement a documented officer authorisation procedure to ensure that all officers carrying out feed law enforcement were appropriately authorised based upon their qualifications, training, experience and competency. The procedure should include the means by which existing authorisations and officer competencies can be regularly reviewed and assessed.
- 3.1.13 Officer training needs were identified and discussed at routine annual performance review meetings. The Authority was able to demonstrate a comprehensive system for identifying and recording officer training needs and training based on Continuing Professional Development requirements, including arrangements in 2011 for animal feed related training.

3.1.14 It was evident from records and audit discussions that officers nominated to carry out inland feed enforcement had received some training on feed issues, and further arrangements were in place to provide additional training in the future. Staff working at the Port of Felixstowe authorised to carry out checks and sampling on behalf of SCC under the supervision of a qualified officer had also received relevant structured training on imported feed issues. Discussions with a Port Health Officer (PHO) at the Port of Felixstowe also demonstrated their comprehensive knowledge of sampling methods and imported food and feed legislation.

Recommendations

3.1.15 The Authority should:

- (i) Develop and fully implement a documented procedure for the authorisation of officers and ensure that the level of authorisation is linked to the level of qualifications and competence required by the Feed Law Enforcement Code of Practice and centrally issued guidance. [The Standard – 5.1]
- (ii) Review and update the authorisation documents to ensure that they include references to all relevant and up to date legislation. [The Standard – 5.1]
- (iii) Maintain records in retrievable form of relevant academic qualifications, training and experience of each authorised officer, in accordance with the Feed Law Enforcement Code of Practice. [The Standard – 5.5]

Facilities and Equipment Including Verification Visit

3.1.16 A verification visit was carried out at the Port of Felixstowe's imported feed inspection facilities. The purpose of the visit was to verify that appropriate risk based, proportionate checks are carried out on consignments of imported feed at the Port. Auditors were able to confirm that the facilities within the Port were suitable for the examination and sampling of containerised animal feed.

3.1.17 In addition, auditors visited the offices of the PHA to observe the system for collecting and identifying ships data and manifests. The PHA received these through the Port's electronic cargo data management system, *Port Health Interactive Live Information System*

(PHILIS). Auditors were satisfied that the PHA was able to accurately identify and record likely consignments of feed entering the Port.

- 3.1.18 The Authority had an electronic database for recording feed law enforcement activities which was capable of providing information necessary for official returns. However audit checks revealed some difficulties in retrieving an accurate estimate of the number of feed importers and feed establishments in Suffolk. Audit checks indicated that the database required further review and analysis to ensure that it contained accurate details of feed establishments in the area. The Authority also needed to develop and implement a documented procedure for updating and maintaining the accuracy of the feed premises database. An annual feed return had been provided to the Agency for 2009/2010.
- 3.1.19 The Authority had not developed a documented procedure to ensure that its feed premises database was accurate. The Authority was in the process of carrying out a data cleansing exercise and updating the feed premises register.

Recommendations

3.1.20 The Authority should:

- (i) Review and update the feed establishment database to ensure that it contains relevant details of all feed establishments in the area. [The Standard – 11.1]
- (ii) Develop and implement a documented procedure to ensure that the database is accurate, reliable and up to date. [The Standard – 11.2]

Liaison with Other Organisations

- 3.1.21 The Authority had liaison arrangements on animal feed matters with central government and local enforcement bodies across the region, through their attendance at meetings of the East of England Trading Standards Association (EETSA) Agriculture Focus Group. An officer had attended some meetings of the National Animal Feed Port Panel (NAFPP) where imported feed control was discussed with representatives from other local and port health authorities, the Agency and other enforcement bodies.
- 3.1.22 In liaison with the PHA, the Authority had developed and implemented a documented Memorandum of Understanding (MOU) outlining arrangements and responsibilities between the two authorities, for

monitoring and sampling of imported food and feeding stuffs. Auditors noted evidence of past routine liaison between SCC and the PHA regarding information relating to imports of feeding stuffs and related additives through the Port.

- 3.1.23 Auditors also noted evidence of effective liaison with other PHAs and the Agency regarding the control imports of trace elements such as iron oxide, associated with animal feed.

3.2 Imported Feed Control Activities

Feed Inspection and Sampling

- 3.2.1 Information provided by the Authority prior to the audit indicated that third country feed not of animal origin (FNAO) consignments imported through the Port included groundnuts, palm kernel, safflower and various feed supplements. The countries of origin varied but included China, India, Ghana, Nicaragua, Colombia and the USA.
- 3.2.2 The MOU between SCC and the PHA primarily outlined the responsibilities and arrangements for the identification and sampling of high risk food and feed not of animal origin (FNAO) arriving at the Port, in accordance with Regulation (EC) No. 669/2009. The PHA had agreed to undertake the identification, monitoring and sampling of high risk feeding stuffs and associated products on behalf of the County Council. SCC acknowledged that other feeding stuffs and associated products falling outside the remit of Regulation (EC) No. 669/2004 had not been considered as part of the MOU. The Authority therefore recognised the need to review, develop and implement similar arrangements for the routine identification, monitoring and sampling of feed and associated products such as additives and trace elements, in accordance with Regulation (EC) No. 882/2006. Evidence was provided to demonstrate that the Authority had already begun to consider a risk based and proportionate system of checks for such products.

Recommendation

3.2.3 The Authority should:

Ensure that systematic, risk based, proportionate monitoring of imported animal feeding stuffs and associated products is carried out to ensure that all relevant imported feeding stuffs consignments are identified and appropriate and proportionate official control activity is undertaken. [The Standard –12.1]

- 3.2.4 The imported food and feed MOU referenced detailed procedures and arrangements developed by the PHA for the identification of vessels, feed consignments and those products suspected to be animal feed, and the procedures by which the Authority could place a hold on containers to prevent them being removed from the docks.

- 3.2.5 Audit checks confirmed that satisfactory arrangements between the Authority and the PHA were in place for the monitoring and delivery of official controls of high risk imported feed. The PHA daily monitored the ships' manifests through the Port's electronic cargo data management system and made appropriate arrangements for the sampling and monitoring of such consignments.
- 3.2.6 Whilst there was evidence of some inland imported feed sampling being undertaken, largely funded by a grant from the Food Standards Agency, auditors recommended that the Authority further review and develop its feed sampling programme taking into account any change in the monitoring arrangements relating to animal feeding stuffs at the Port of Felixstowe. In addition the programme should also take into account the findings from the Authority's continuing project to identify all establishments handling or processing imported feed in the area.

Recommendation

3.2.7 The Authority should:

Further develop the sampling programme for imported feeding stuffs and associated products following appropriate liaison with the Port Health Authority and taking into account the findings from the review of the Authority's database. Carry out risk based imported feeding stuffs sampling in accordance with the Authority's sampling policy and programme.
[The Standard 12.4 and 12.6]

- 3.2.8 The official laboratories used by the Authority for feed sampling activities were properly accredited. The PHA levied a charge for sampling where there was provision to do so in the legislation.

Feed Establishments Interventions and Inspections

- 3.2.9 The Authority had recently used questionnaires to attempt to identify businesses in their area involved in the processing, storage and use of imported feeding stuffs.
- 3.2.10 The Authority had not developed a documented procedure for the inspection and assessment of feed business establishments. Records of inspection at such premises were often incomplete or not retained in the Council offices. Where records were available, there was insufficient detail recorded to confirm the scope of the interventions or the nature of the inspection findings, any assessments, including

Hazard Analysis and Critical Control Point (HACCP) assessment by the officer, or sufficient information about the nature, size and scale of relevant establishments.

- 3.2.11 It was therefore not possible in every case for auditors to confirm that feed establishments had been routinely assessed against all areas of relevant legislation, or that establishments had been inspected at the correct frequency over the last three inspections. In addition, based upon a selection of premises files, there was insufficient information recorded during interventions to determine whether the businesses were correctly risk assessed.

Recommendation

- 3.2.12 The Authority should:

Ensure that interventions/inspections of feed establishments include all the elements appropriate to the type of business being inspected and that appropriate associated records are made and maintained of checks undertaken in accordance with the Feed Law Enforcement Code of Practice.

[The Standard – 7.2 and 7.3]

Enforcement

- 3.2.13 The Authority had a generic Department Enforcement Policy, which had been approved by the appropriate Member Forum. This policy took into account the Regulator's Compliance Code, and contained details of the range of enforcement options available to officers.
- 3.2.14 Enforcement matters relating to the control of imported feed arriving at the Port of Felixstowe were referenced in the MOU. The PHA would notify SCC and undertake all necessary actions, including the service of relevant notices, to ensure that unsatisfactory feeding stuffs subject to control measures specified in Regulation (EC) No. 669/2009 did not enter the feed chain. Where formal enforcement was warranted, the PHA would notify and liaise with SCC, who would make the final decision.
- 3.2.15 The PHA had developed a range of extensive food and feed detention and seizure procedures which included operational guidance on imported feed consignments to ensure that non-compliant feed from third countries does not enter into circulation in the EU.
- 3.2.16 Auditors discussed the benefit of reviewing any existing formal enforcement procedures including those developed by SCC and the PHA, to ensure they make reference to the full range of enforcement options available for imported feed law enforcement activity, with

reference to possible enforcement options for unsatisfactory products falling outside the remit of Regulation (EC) No. 669/2009.

- 3.2.17 Auditors were advised that no other formal enforcement actions had been required in the past two years in relation to imported feed controls.

Feed Complaints, Primary Authority Scheme and Home Authority Principle

- 3.2.18 The Animal Feed Plan 2010/2011 confirmed that the Service would investigate any complaints reported by the public or businesses. In addition, any infringements or suspected infringements would be investigated and appropriate action taken.

- 3.2.19 The Authority had no official procedure for dealing with imported feed complaints and referrals. However, there was a Trading Standards Duty Officer System in place to ensure that the Authority's database was routinely interrogated for any complaints allocated to the Service. The rota system ensured that complaints were considered for appropriate action and investigation.

- 3.2.20 The Authority confirmed support for the Home Authority Principle and the Primary Authority Scheme. Auditors were informed that the Service acted as Home or Primary Authority for seven feed establishments in the area.

- 3.2.21 Audit checks confirmed that officers actioned complaints and referrals regarding imported feed and contacted home authorities, where appropriate, regarding feed importers who were based outside SCC.

Recommendation

- 3.2.22 The Authority should:

Develop and implement a suitable documented procedure for dealing with relevant imported feeding stuffs complaints and referrals. The procedure should make appropriate reference to the Council's Enforcement Policy and any associated procedures. [The Standard – 8.1]

Feed Safety Incidents

- 3.2.23 The Authority had developed an appropriate system for the handling of feed safety incidents and Rapid Alert System for Food and Feed (RASFF) notifications. Officers were aware of the requirements and had systems in place that were capable of receiving notifications.

Auditors discussed the benefits of formalising and documenting these arrangements.

- 3.2.24 Audit checks confirmed that the PHA and SCC had taken appropriate and effective action in response to a recent incident concerning a consignment of iron oxide which required sampling, having arrived at another Port without the required DPE status.

Advice to Business

- 3.2.25 Advice to businesses regarding feed hygiene legislation and good practice generally took the form of letters to businesses following inspections. Auditors were provided with examples of such letters, illustrating the provision of advice on issues such as sampling, composition, labelling and HACCP.

3.3 Internal Monitoring and Third Party or Peer Review

Internal Monitoring

- 3.3.1 There was little evidence of quantitative or qualitative monitoring regarding the feed law enforcement service. Auditors did note documented evidence of shadowed inspections, including inspections at feed mills, to assess the quality of inspections, and officer competency. Auditors were advised that officers' casework was also discussed during performance reviews and 1 to 1 meetings, but records of this were not always maintained.

Recommendations

3.3.2 The Authority should:

- (i) Develop and implement a documented internal monitoring procedure to include all imported feed law enforcement activities including officer authorisations and feed inspections. [The Standard - 19.1]
- (ii) Routinely verify the Service's conformance with relevant legislation, official guidance and the Standard. [The Standard - 19.3]

Records

- 3.3.3 Records of imported feed activity were maintained on a combination of electronic records and hard copy paper records. Audit checks on inspections and sampling confirmed that there were limited records of official controls in relation to imported feed. The lack of detailed records of checks meant that auditors could not fully confirm the level of imported feed monitoring, inspection and sampling undertaken by the Authority at the Port and inland.

Recommendation

3.3.4 The Authority should:

Maintain up to date, accurate and comprehensive records in retrievable form for all imported feed activities.
[The Standard – 16.1]

Third Party or Peer Review

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

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Local Authority Audit and Liaison Division

Action Plan for Suffolk County Council

Audit date: 22-23 March 2011

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.1.5 Further develop the service planning arrangements, in accordance with the Service Planning Guidance in the Framework Agreement, to include a comparison of the resources required to deliver the imported feed (and inland feed) law enforcement service against the resources available to the Authority. [The Standard – 3.1]	31/07/11	Service Plan document will determine the amount of time needed and the resources available.	Have instigated a data search as to the frequency of inspections, premises visited etc to determine the service's level of commitment.
3.1.10(i) Ensure that all documented policies and procedures relating to its enforcement activities including those relevant to imported feed control activities, reflect the Authority's operational practices and are reviewed at regular intervals and whenever there are changes to legislation and centrally issued guidance. [The Standard – 4.1]	31/01/12	To be reviewed by auditors as part of re-visit, in light of Authority's systems approach.	
3.1.10 (ii) Set up, maintain and implement a control system for all documentation relating to its enforcement activities to ensure that documents are adequately controlled. [The Standards – 4.2]	31/01/12	To be reviewed by auditors as part of re-visit.	Documents and procedures have already been examined under our ST approach to eliminate waste and an excess of procedural steps.
3.1.15(i) Develop and fully implement a documented procedure for the authorisation of officers and ensure that the level of authorisation is linked to the level of qualifications and competence required by the Feed Law Enforcement Code of Practice and centrally issued guidance. [The Standard – 5.1]	31/01/12	To be reviewed by auditors as part of re-visit.	

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.1.15(ii) Review and update the authorisation documents to ensure that they include references to all relevant and up to date legislation. [The Standard – 5.1]	31/01/12	To be reviewed by auditors as part of revisit.	
3.1.15(iii) Maintain records in retrievable form of relevant academic qualifications, training and experience of each authorised officer, in accordance with the Feed Law Enforcement Code of Practice. [The Standard – 5.5]	Completed	Also instructions to staff to maintain these records and to establish a paper trail of relevant qualifications.	
3.1.20(i) Review and update the feed establishment database to ensure that it contains relevant details of all feed establishments in the area. [The Standard -11.1]	30/11/11	Currently exists as a combination of paper and electronic copies- under review.	Have started to review with the purpose of identifying and coding relevant business.
3.1.20(ii) Develop and implement a documented procedure to ensure that the database is accurate, reliable and up to date. [The Standard – 11.2]	31/01/12	To be reviewed by auditors as part of re-visit.	
3.2.3 Ensure that systematic, risk based, proportionate monitoring of imported animal feeding stuffs and associated products is carried out to ensure that all relevant imported feeding stuffs consignments are identified and appropriate and proportionate official control activity us undertaken. [The Standard – 12.1]	Ongoing	Taking a risk based approach, intelligence led, subject to resources available.	
3.2.7 Further develop the sampling programme for imported feedings tuffs and associated products following appropriate liaison with the Port Health Authority and taking into account the findings from the review of the Authority’s database. Carry out risk based imported feeding stuffs sampling in accordance with the Authority’s sampling policy and programme. [The Standard – 12.4 and 12.6]	Ongoing	Further risk based sampling, dependent upon gaining additional resources.	Reviewed current actions.

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.2.12 Ensure that interventions/inspections of feed establishments include all the elements appropriate to the type of business being inspected and that appropriate associated records are made and maintained of checks undertaken in accordance with the Feed Law Enforcement Code of Practice. [The Standard – 7.2 and 7.3]	Ongoing	High risk inspections are maintained in accordance with enforcement priorities, as are the records associated with these visits.	Officers have been advised to maintain accuracy and appropriate date base coding to ensure this recommendation is complied with
3.2.22 Develop and implement a suitable documented procedure for dealing with relevant imported feeding stuffs complaints and referrals. The procedure should make appropriate reference to the Council's Enforcement Policy and any associated procedures. [The Standard – 8.1]	31/01/12	To be reviewed by auditors as part of revisit.	
3.3.2(i) Develop and implement a documented internal monitoring procedure to include all imported feed law enforcement activities including officer authorisations and feed inspections [The Standard – 19.1]	31/01/12	To be reviewed by auditors as part of revisit.	
3.3.2(ii) Routinely verify the Service's conformance with relevant legislation, official guidance and the Standard. [The Standard – 19.3]	31/01/12	To be reviewed by auditors as part of revisit.	
3.3.4 Maintain up to date, accurate and comprehensive records in retrievable form for all imported feed activities. [The Standard – 16.1]	Ongoing	Officers to be advised to maintain up to date, accurate and comprehensive records and to transfer any written records in retrievable form for all imported feed activities .Data base is capable producing the relevant reports.	

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 2010/2011
- Cabinet Member Reports
- Imported Animal Feed Monitoring Procedures (SCDC/PHA)
- Departmental Enforcement Policy
- Feed Detention and Seizure Procedures (SCDC/PHA)
- Minutes of Trading Standards/Port Health Animal Feed Liaison Meetings
- Minutes of the National Animal Feed Ports Panel meetings
- Minutes of the Agriculture Focus Group Meetings.

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

- Authorisation, qualification and training files
- Liaison records
- Feed premises inspection records
- Feed inspection and sampling records.

(3) Interviews – the following officers were interviewed:

- Audit Liaison Officer – Senior TSO lead officer for imported feed
- Enforcement officer at Port of Felixstowe
- Port of Felixstowe management representatives.

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

(4) On-site verification check:

A verification visit was made with the Authority's officers to the Port of Felixstowe. The purpose of the visit was to verify that appropriate risk based, proportionate checks are carried out on consignments of imported feed at the Port and to examine the facilities and equipment available.

Glossary

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

Feeding stuffs	Term used in legislation on feed mixes for farm animals and pet food.
Food Examiner	A person holding the prescribed qualifications who undertakes microbiological analysis on behalf of the local authority.
Food hygiene	The legal requirements covering the safety and wholesomeness of food.
Food standards	The legal requirements covering the quality, composition, labelling, presentation and advertising of food, and materials in contact with food.
Formal samples	Samples taken in accordance with the requirements of the Feed Law Code of Practice in accordance with the relevant sampling regulations and submitted to an accredited laboratory on the official list.
Framework Agreement	<p>The Framework Agreement consists of:</p> <ul style="list-style-type: none"> • 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 Equivalent (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.
Third Country	Countries outside the European Union.
Trading Standards	The Department within a local authority which carries out, amongst other responsibilities, the enforcement of food standards and feed legislation.
Trading Standards Officer (TSO)	Officer employed by the local authority who, amongst other responsibilities, may enforce food standards and feed legislation.
Unitary Authority	A local authority in which the County and District Council functions are combined, examples being Metropolitan District/Borough Councils, and London Boroughs. A Unitary Authority's responsibilities will include food hygiene, food standards and feed enforcement.