

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

Vale of Glamorgan Council
13-14 September 2011



Foreword

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

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

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

The programme examined local authority (LA) systems and procedures for control of feed at inland authorities, in 10 geographically representative LAs in England and 2 in Wales. The audits were confined to feed not of animal origin (FNAO). A similar audit programme in Scotland is being scheduled later in 2011.

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

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

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

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

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

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1. Introduction

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

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

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 (Wales) Regulations 2009. This audit of Vale of Glamorgan 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 The Vale of Glamorgan Council was included in the Food Standards Agency's programme of audits of local authority feed law enforcement services to be representative of a geographical mix of 12 feed law enforcement LAs across England and Wales.

Scope of the Audit

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

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

officer training, authorisations, implementation and effectiveness of feed control activities, including inspection, sampling and enforcement. Maintenance and management of appropriate records in relation to feed and internal service monitoring arrangements were also covered.

- 1.6 The on-site element of the audit took place at the Authority's offices at the Civic Offices, Holton Road, Barry on 13-14 September 2011. The audit included a reality check to assess the effectiveness of Official Controls implemented by the Authority and more specifically, the checks carried out by the Authority's officers to verify compliance with feed law requirements.
- 1.7 The information gained during this programme will be incorporated into a summary report on the feed inspection and control activities audit programme.

Background

- 1.8 The Vale of Glamorgan Council is the most southern unitary authority in Wales, bounded to the north by the M4 motorway and to the south by the Severn Estuary. It covers 33,097 hectares and has a population of approximately 119,300. The area is predominantly rural in area, but contains several urban areas of note, namely Barry, Penarth, Dinas Powys and the historic towns of Cowbridge and Llantwit Major. Barry is the largest town with a population of nearly 47,000. It is a key employment area providing job opportunities for the whole of the Vale, with most Council offices based in the town. The rural part of the Vale provides a strong agricultural base and the Authority's area attracts many visitors with tourism providing a significant source of employment. The Council's area encompasses the Barry Port Health Authority, including the Barry Docks area and also Cardiff International Airport. Neither the port nor the airport are Border Inspection Posts and there was no importation of food or feed through these facilities.
- 1.9 As a Unitary Authority the Council was responsible for enforcing legislation relating to food hygiene, food standards and animal feed as well as primary production, which included the health and welfare of livestock.
- 1.10 Feed law enforcement was carried out by officers in the Trading Standards Service.

2. Executive Summary

- 2.1 The Authority had developed a Food Law Enforcement Service Plan which contained references to the key elements of feed law enforcement. The Plan was generally in line with the Service Planning Guidance in the Framework Agreement. However, it would benefit from being further developed to include a realistic comparison of the resources required to deliver all aspects of the feed law enforcement service against the resources available to the Authority, based on the full range of demands placed upon it. The Service's annual review of progress against key service performance indicators did not include specific feed enforcement targets. However, a detailed Animal Feeding Stuffs Action Plan was developed in January 2011, which was thoroughly reviewed and updated in August 2011.
- 2.2 The Service had recently developed a range of documented procedures covering the feed law enforcement service and a robust document control system was in place.
- 2.3 The Authority had developed a documented procedure for the appointment and authorisation of officers for feed enforcement, to set out the rationale for authorisations. The procedure required expansion to include the means by which the competence of officers could be assessed for the purpose of deciding the appropriate level of authorisation and to inform officer training needs.
- 2.4 Although the appointed lead officer for feed had not yet completed the necessary specialist training as prescribed by the Feed Law Enforcement Code of Practice (FLECP), a formal arrangement has been put in place with a neighbouring authority to cover formal enforcement requirements and to provide support on any technical matters should this be required. The operational officers currently carrying out feed law enforcement were in the process of completing relevant professional qualifications and were undertaking extensive specialist training to extend their knowledge and experience of feed related issues. It was evident that officers were encouraged to attend an appropriate level of relevant feed law enforcement training.
- 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, it was evident that the Authority was under-reporting the written warnings issued as part of officers' feed law enforcement activities.
- 2.6 Although the Authority has recently provided the Agency with their updated feed premises register, which now included all relevant farms, the Service was still in the process of ensuring that all food businesses placing waste food into the animal feed chain were identified, registered and included in the inspection programme. Audit database checks on a random selection of agricultural premises selected from a

commercial directory confirmed that these were present on the Authority's database.

- 2.7 The Service had developed a documented procedure for the inspection of all relevant feed premises and it was evident from audit checks that the Authority was identifying the highest risk premises and had started to develop and implement a risk based inspection programme in accordance with the FLECP. An inspection aide-memoire was consistently used at every inspection. However, there was often insufficient information to indicate the extent of the officers' assessment of feed safety management systems or their implementation by feed business operators. Businesses were informed of inspection findings and legal contraventions in letters. These would benefit from a clearer separation between advice and legal requirements and more detail regarding any necessary remedial action with associated timescales and further action proposed by the Authority.
- 2.8 In accordance with the Authority's Service Plan and national feed enforcement priorities issued by the Agency, the Service had started implementing a feed sampling programme developed in conjunction with the Glamorgan Farm Compliance Group.
- 2.9 The Authority had developed a comprehensive Food Safety, Standards and Feeding Stuffs Enforcement Policy and a range of useful formal enforcement procedures.
- 2.10 The Authority had developed a comprehensive feed complaints procedure. Audit record checks confirmed that appropriate investigations had been undertaken with relevant advice given. Records were easily retrievable, detailed and up to date.
- 2.11 The Service had recently developed an internal monitoring procedure and quantitative and qualitative, informal, ad hoc monitoring of ongoing feed law enforcement activities was being carried out, though not recorded.
- 2.12 An officer who regularly carries out feed law enforcement was interviewed to determine if they were able to demonstrate an appropriate level of competency and knowledge of the service's procedures. The officer was able to show a satisfactory working knowledge of feed law enforcement.
- 2.13 A visit to a local farm that was carrying out on farm mixing of feed was carried out as part of the audit. The purpose of the visit was to assess the effectiveness of the officer's evaluation of the compliance of the feed business with legislative requirements. The visit demonstrated that the officer was familiar with the operations taking place at the business and clearly understood the key operations and risks at the establishment.

3. Audit Findings

3.1 Organisation and Management

Strategic Framework, Policy and Service Planning

- 3.1.1 The Council's Director of Legal, Public Protection and Housing Services had overall responsibility for food safety and feed enforcement. The Service Plan for Public Protection 2011/2012 identified how the Service planned to deliver the Council's overarching corporate priorities. A Memorandum of Understanding had recently been drawn up with Bridgend Council in respect of joint working between the two authorities. The aim of this initiative was *'To deliver and commission shared and collaborative services based upon agreed business cases to facilitate improvement, value for money, innovation and a better customer service.'* A Joint Programme Management Board was being established to oversee the work between the two Councils. One of the Board's functions was *'to identify those service areas with most potential for delivering savings and/or improving the quality of service.'* Although all Council services were potentially open to joint delivery the Trading Standards Service had been identified as one of the initial areas to be considered. The auditors were advised that an initial joint strategic management initiative aimed at identifying key service priorities was commencing in October 2011.
- 3.1.2 Trading Standards officers, managed by the Head of Public Protection, were responsible for the day to day operational delivery of the feed law enforcement service. The Food Law Enforcement Plan 2011/2012, formally approved by the Council's Cabinet, detailed how the Service was going to meet the aims, objectives and targets outlined in the Public Protection Service Plan in respect of both feed and food law enforcement. The Food Law Enforcement Plan 2011/2012 covered the key elements of feed law enforcement and was generally in line with the Service Planning Guidance in the Framework Agreement. It was estimated in the Plan that 1 Full Time Equivalent (FTE) officer was required to undertake feeding stuffs premises inspections and sampling and the inspections of primary production premises. The Plan also confirmed that 0.9 FTE officers were available to carry out this work. Audit discussions confirmed that, based on the full range of demands placed upon the Service in relation to animal feed enforcement, the Plan would benefit from being further developed to include a realistic comparison of the resources required to deliver all aspects of the feed law enforcement service against the resources available to the Authority. The auditors were advised that the Service intended to develop a specific service plan for feed law enforcement.
- 3.1.3 A detailed *'Action Plan – Animal Feeding Stuff's'* had been developed as an appendix to the Food Law Enforcement Plan 2011/2012. This

detailed the planned feed law enforcement activities for the year, the officer responsible for their delivery and associated timescales for completion. The Action Plan had been thoroughly reviewed and updated in August 2011, with many items already completed. A further review against the set targets was scheduled for March 2012.

- 3.1.4 The Service carried out an annual review of its progress against key service performance indicators in the Food Law Enforcement Plan, though currently these did not include specific feed enforcement targets. Performance against these targets was also reported quarterly to the Corporate Resources Scrutiny Committee.
- 3.1.5 Auditors discussed with the Authority the 2009 Food and Veterinary Office (FVO) Report of Official Controls on Feed Law in the United Kingdom. The Service had considered the report and advised the auditors that no specific measures had been implemented in response to the recommendations raised. It was clear, however, from the detailed Action Plan for Animal Feeding Stuffs that had been developed, that the Authority had comprehensively reviewed their feed law enforcement service and had taken action to address key issues that required service improvements.

Documented Policies and Procedures

- 3.1.6 In accordance with the Action Plan for Animal Feeding Stuffs, the Service had recently developed a range of documented procedures covering the feed law enforcement service. In addition, an overarching document control procedure had been produced, with the aim of ensuring that procedures remained current and relevant and to prevent the unintended use of obsolete documents.
- 3.1.7 Documents were available to all officers and a control system was in place to ensure that documents could only be amended by a nominated member of staff, following an instruction from the Senior Trading Standards Officer managing the feed service.

Authorised Officers

- 3.1.8 The Director of Legal, Public Protection and Housing had delegated powers by virtue of the Council's Constitution to appoint and authorise officers in line with the Authority's scheme of delegation. This included the delegated authority to authorise officers for legislation specific to feed law enforcement, in accordance with the Feed Law Enforcement Code of Practice (FLECP).
- 3.1.9 The Authority had developed a documented procedure for the appointment and authorisation of officers for feed law enforcement to set out the rationale for level one and level two authorisations based on individual officers' qualifications, experience and competency. The auditors discussed expanding the procedure to include the means by

which the competence of officers, both existing and new to the Service, could be assessed for the purpose of deciding the appropriate level of authorisation for individual officers, and to inform officer training needs. Auditors were advised that in practice officer qualifications and experience had been considered when assessing competency and authorisation.

- 3.1.10 A Lead Officer for feed had been appointed by the Authority although the officer had not yet completed the necessary specialist training, as prescribed by the FLECP. To address this matter, a formal temporary shared service arrangement for the lead officer role had been put in place with Rhondda Cynon Taf County Borough Council to cover formal enforcement requirements and to provide support on any technical matters, should this be required. This arrangement was due to cease once the relevant officer achieved the necessary competencies. The operational officers currently carrying out feed law enforcement were in the process of completing relevant professional qualifications and were undertaking extensive specialist training to extend their knowledge and experience of feed related issues.
- 3.1.11 Officers carrying out feed law enforcement were authorised generically under the main Acts. Auditors advised that these generic authorisations needed to be reviewed and considered by the Council's legal department to limit the extent of specific enforcement powers delegated to officers, in accordance with individual qualifications and levels of competency. The Authority confirmed, however, that they had consulted their legal department who advised that, in their opinion, the existing generic authorisations were adequate.
- 3.1.12 Officer training needs were discussed in their personal development reviews and it was evident through discussions with officers that they were encouraged to attend relevant feed law enforcement training, including some specific courses provided by the Agency on feed matters. All officers had received an appropriate level of relevant training based on Continuing Professional Development in accordance with official guidance and the FLECP. Although some training and qualification records were being maintained by the Service, these were incomplete. The auditors discussed the development of a system whereby all relevant training and qualification records would be kept, to ensure they were available to inform future training needs.
- 3.1.13 An officer who regularly carried out feed law enforcement was interviewed to determine if they were able to demonstrate an appropriate level of competency and knowledge of the service's procedures. The officer was able to show a satisfactory working knowledge of animal feed enforcement.

Recommendations

3.1.14 The Authority should:

- (i) Further develop the documented procedure for the appointment and authorisation of officers to include the means by which officer competence is assessed. [The Standard – 5.1]
- (ii) Maintain records of relevant academic qualifications and training of each authorised officer in accordance with the Feed Law Enforcement Code of Practice. [The Standard – 5.5]

Facilities and Equipment

- 3.1.15 The Authority advised auditors that it had access to suitable equipment for the sampling of feeding stuffs.
- 3.1.16 The Authority had an electronic database for the recording of feed law enforcement activities which was capable of providing information necessary for official returns. Accurate returns on inspection activities and sampling had been provided to the Agency for 2010/2011. However, it was evident that the Authority was under-reporting the number of written warnings issued as part of their feed law enforcement activities.
- 3.1.17 The Service had not developed a documented procedure to ensure that its feed premises database was accurate, although the auditors were advised that the database had been recently updated in relation to agricultural premises following information requested and received from the Single Farm Payments Agency. Auditors were advised that the Authority was also taking measures to ensure that all food premises placing food co-products on the market as animal feed were registered and included in the feed premises inspection programme. In order to ensure that these premises were identified, the food hygiene premises inspection aide-memoire had been amended to ensure environmental health staff were questioning food business operators at every food hygiene inspection with regard to their methods of disposal for waste food. Any premises involved in such activities were then referred to Trading Standards officers for registration and inspection. There were no approved feed premises within the Authority's area.
- 3.1.18 The Authority had developed a documented procedure which laid down the conditions for the approval and registration of feed premises and operated a systematic process for registering primary producers

in its area. A business questionnaire was sent to all known agricultural premises, with a follow-up letter if no response was received. Visits were undertaken where postal contact was unsuccessful. The returned completed questionnaires were reviewed by the lead feed officer who instructed a nominated senior administrator to enter a feed code on the Authority's database against any identified feed premises. Auditors were advised that the updated feed premises register, recently provided to the Agency, included all the relevant farms known to the Authority. Audit database checks on a random selection of agricultural premises in a commercial directory confirmed that these were present on the database.

Recommendations

3.1.19 The Authority should:

- (i) Ensure accurate information of feed law enforcement activity is reported in official returns to the Agency. [The Standard – 6.3]
- (ii) Develop, maintain and implement a procedure to ensure that the feed premises database is accurate, reliable and up to date. [The Standard – 11.2]

Liaison with Other Organisations

3.1.20 The Authority had liaison arrangements on animal feed matters with central government and local enforcement bodies across the region. In particular, the Service participated in the Glamorgan Farm Compliance Group. In addition, the Authority held quarterly meetings with Rhonda Cynon Taf County Borough Council on feed enforcement matters.

3.1.21 The local inspector from the Inspections and Investigations Team (IIT) (formerly Animal Medicines Inspectorate) was a member of the Glamorgan Farm Compliance Group and regularly attended their meetings. There were two businesses in the Council's area which were under the jurisdiction of the IIT. One was a retail shop selling veterinary medicinal products and the other a fly-fishing farm. The auditors were advised that no specific arrangements had been made regarding joint inspections of these premises.

3.2 Feed Control Activities

Feed Establishments Interventions and Inspections

- 3.2.1 The Service had developed a detailed documented Feed Inspection Procedure with clear officer guidance, record keeping requirements and timescales. The Service usually contacted businesses before inspections to ensure appropriate personnel were available at the premises. However, the auditors discussed amending the inspection procedure to direct officers to carry out unannounced inspections, where this was practicable.
- 3.2.2 It was evident from audit checks that the Authority was reviewing all feed premises registration forms to identify the highest risk premises and on the basis of these findings, the Service had started to develop and implement a risk-based inspection programme in accordance with the FLECP. At the time of the audit, there was one feed business in the Authority's area which had been rated as high risk as a result of a recent inspection, 74 medium risk premises and around 200 premises which had received a desktop rating as low risk until they were inspected and re-rated.
- 3.2.3 In the 2011/2012 Food Law Enforcement Plan, there was a commitment to undertake a minimum of 74 feed inspections of the medium risk premises. In addition, as the Service carried out feed law enforcement at the same time as animal health work, if an animal health inspection was due then a feed inspection would also be carried out, irrespective of the business risk rating. Auditors were advised that premises that had been identified as placing food co-products on the market as animal feed, which included a flour mill and a brewery, would also be inspected as a priority. It was stated in the Plan that *'as feeding stuffs work has been identified as a priority for Trading Standards in 2011/2012, any additional capacity identified during the year will be used to target as many premises as possible.'* The Service had confirmed in its official returns to the Agency that 34 inspections of feed premises were completed in 2010/2011.
- 3.2.4 A Feed Hygiene Inspection aide-memoire had been developed and was used for recording the findings of every feed premises inspection. Audit record checks were carried out on five premises, four of which were medium risk and one was rated as high risk. Due to the absence of previous inspection records it was not possible to establish whether the establishments had been inspected at the correct frequency. The inspection records included general information about the areas that had been considered and some detailed descriptions of the processes and inspection findings, which generally confirmed the basis of the risk assessments. However, there was insufficient information in inspection records to indicate the extent of the officers' assessment of feed safety management systems or their implementation by the feed business operators. Feed business records would benefit from further

development to include more details about the nature, size and scale of the operations being carried out and the products produced.

- 3.2.5 In all cases businesses were informed of inspection findings and legal contraventions by letter, although the letters required a clearer separation between advice and legal requirements and the consistent provision of timescales for the completion of any works deemed necessary. It would also be beneficial to include clear details of any proposed follow-up action to be taken by the Authority, such as revisits.

Recommendations

3.2.6 The Authority should:

- (i) Ensure that feeding stuffs premises inspections are carried out at a frequency which is not less than that determined under the relevant inspection rating system and in accordance with the legislation, Feed Law Enforcement Code of Practice or centrally issued guidance. [The Standard – 7.1]
- (ii) Carry out interventions/inspections and approve or register feed establishments in accordance with relevant legislation, the Feed Law Enforcement Code of Practice and centrally issued guidance. [The Standard – 7.2 and 7.3]
- (iii) Ensure that all observations and/or data obtained in the course of an inspection are recorded in a timely manner to prevent loss of relevant information, in accordance with the Feed Law Enforcement Code of Practice. [The Standard – 7.5]

Verification Visit

- 3.2.7 A visit to a local farm 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. The officer was familiar with the operations taking place at the establishment and the visit demonstrated that the officer clearly understood the key operations and risks.

Feed Inspection and Sampling

- 3.2.8 In the Food Law Enforcement Plan 2011/2012, the Service confirmed the Authority's feed sampling policy as *'Feeding stuffs sampling will be carried out in accordance with the priorities identified by the Glamorgan Group of Local Authorities in their annual sampling programme, and by responding to intelligence or complaint led information.'* The Plan also confirmed that 'a minimum of 12 feed samples would be taken in 2011/2012 at premises assessed as representing the highest risk.'
- 3.2.9 The Agricultural Analyst appointed by the Service was designated an Official Control Laboratory for animal feed analysis and properly accredited. In addition, the Authority had recently sought and gained approval to appoint an additional Public and Agricultural Analyst to provide additional resilience in case of an incident.
- 3.2.10 The Authority, as part of the Glamorgan Farm Compliance Group successfully bid for and secured funding from the Agency for feed sampling in 2011/2012. The Service had started implementing a feed sampling programme developed in conjunction with the Group which took account of national feed enforcement priorities, although no documented sampling programme had been produced to reflect the Authority's local as well as centrally issued sampling priorities. In addition to proactive sampling, some reactive sampling had been undertaken during inspections.
- 3.2.11 The Authority had developed a documented procedure for fertiliser and feeding stuff sampling which provided detailed officer guidance on sampling methods and was being further developed to provide more detail on on-farm sampling and appropriate follow-up action.
- 3.2.12 The Authority had recently only taken informal feed samples and the results were satisfactory in all cases. Audit record checks confirmed that each sample had been taken by a suitably experienced officer and the results were retained by the Service.

Recommendation

3.2.13 The Authority should:

Develop a documented sampling programme for feed sampling to reflect the risk based feed sampling already undertaken in accordance with the National Enforcement Priorities. [The Standard – 12.4]

Enforcement

- 3.2.14 The Authority had developed a comprehensive Food Safety, Standards and Feeding Stuffs Enforcement Policy, which could usefully be expanded to contain relevant and specific references to feed law enforcement. The Service also had developed a range of useful formal enforcement procedures and a consolidating feed enforcement procedure. The latter established a uniform approach for the enforcement of feeding stuffs legislation with the aim of assisting officers in making appropriate and proportionate enforcement decisions.
- 3.2.15 The auditors were advised that no formal enforcement actions had been taken in relation to feed law enforcement within the last two years.

Feed Complaints, Primary Authority Scheme and Home Authority Principle

- 3.2.16 The Food Law Enforcement Plan 2011/2012 stated that it was the policy of the Authority to consider all complaints and service requests to determine the most appropriate course of action to be taken. The auditors were advised, however, that very few complaints regarding feed were received by the Authority.
- 3.2.17 The Council had no formal Primary Authority or Home Authority arrangements with feed businesses. However, as stated in the Food Law Enforcement Plan 2011/2012, it was Council policy to have regard to any information or advice received from Primary, Home and Originating authorities, and having initiated liaison with such an authority, to notify them of the outcome of any relevant case.
- 3.2.18 The Authority had developed a comprehensive feed complaints procedure and further officer guidance in relation to formal enforcement resulting from complaint investigations was contained in the feed enforcement procedure. Auditors were advised that very few complaints and referrals were received in relation to animal feed.
- 3.2.19 Audit record checks on two complaints relating to pet food referrals confirmed that appropriate investigations had been undertaken, with relevant advice given. Records were easily retrievable, detailed and up to date.

Feed Safety Incidents

- 3.2.20 The Authority had not developed a documented procedure for initiating and responding to feed alerts and Rapid Alert System for Food and Feed (RASFF) notifications. Whilst there was no formal procedure for considering RASFF alerts, the auditors were advised

that the Authority regularly liaised with Newport City Council on any issues relating to imported feed and food.

- 3.2.21 All feed alerts would be referred directly from the Agency to the lead feed officer and in their absence to other officers in the Trading Standards Service. The Service did not currently have formal arrangements for out of hours cover, although a recent implementation report had been produced by the Public Protection Service with the aim of introducing a sustainable out of hours emergency response service which would cover feed law enforcement work. The auditors were advised that currently the Principal Trading Standards Officer and the Lead Feed Officer provided emergency cover as necessary, on a voluntary basis. Any emergency would be notified through the Council's 24 hour emergency number. The emergency service had access to the officers' contact telephone numbers.
- 3.2.22 During the audit the Authority was notified of a large consignment of palm kernel expeller found to contain high levels of arsenic. This was being re-directed for use as bio-fuel in a power station located in the Authority's area. The Service effectively dealt with this feed safety incident which involved extensive liaison with other local authorities and the Agency.

Recommendation

3.2.23 The Authority should:

Set up, maintain and implement a documented procedure for initiating and responding to feed alerts in accordance with the Feed Law Enforcement Code of Practice and centrally issued guidance and to reflect the Service's current operational practices. This procedure should also include out of hours contact arrangements.

[The Standard – 14.1]

Advice to Business

- 3.2.24 Auditors were advised that initiatives providing advice to feed businesses were not being actively pursued. It was however evident that advice was being offered where requested and during inspections.

3.3 Internal Monitoring and Third Party or Peer Review

Internal Monitoring

- 3.3.1 The Service had recently developed a documented internal monitoring procedure for feed law enforcement activities in accordance with Regulation (EC) No. 882/2004 and the FLECP.
- 3.3.2 In addition to the performance monitoring carried out in relation to the Food Law Enforcement Plan and the Action Plan for Animal Feeding Stuffs, the auditors were advised that the lead feed officer carried out ongoing internal monitoring of officers work. Regular team meetings and one to one meetings with officers provided a useful forum to discuss workloads and progress with individual cases. The lead feed officer also informed auditors that she regularly looked at officers' outgoing letters and reviewed open cases on the database. However, no records had been kept in relation to the monitoring undertaken.

Recommendation

3.3.3 The Authority should:

Fully implement its documented internal monitoring procedure to ensure quantitative and qualitative monitoring of feed law enforcement activities is undertaken across all areas of the Standard. The procedure should reflect the monitoring activities already undertaken in practice and should be aimed at verifying the Service's conformance with relevant legislation, official guidance and the Standard. Records of monitoring checks should be maintained.

[The Standard -19.2 and 19.3]

Records

- 3.3.4 Feed law enforcement activity records were maintained both electronically and in hard copy. The records in relation to complaints, service requests and sampling were easily retrievable, up to date and accurate. However, both hard copy and electronic records relating to feed premises inspections did not include sufficient detail of the inspection and assessment or adequate information about the premises and its operations, as required by the FLECP.

Recommendation

3.3.5 The Authority should:

Maintain up to date accurate records for all feed establishments and relevant checks in accordance with the Feed Law Enforcement Code of Practice, including all records of inspection and determinations of compliance carried out by authorised officers. [The Standard – 16.1]

Third Party or Peer Review

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

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Food Standards Agency

Local Authority Audit and Liaison Division

ANNEXE A

Action Plan for Vale of Glamorgan Council

Audit date: 13-14 September 2011

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.1.14(i) Further develop the documented procedure for the appointment and authorisation of officers to include the means by which officer competence is assessed. [The Standard – 5.1]	31/03/12	Procedure to be written and approved.	Draft procedure which includes the means by which officer competency is assessed, has been written and will be implemented after internal approval process has been completed.
3.1.14(iii) Maintain records of relevant academic qualifications and training of each authorised officer in accordance with the Feed Law Code of Practice. [The Standard – 5.5]	31/03/12	Lead feed officer to maintain spreadsheet of officer training and qualifications.	Planned improvements in place and the spreadsheet is being completed and maintained by the lead feed officer.
3.1.19(i) Ensure accurate information of feed law enforcement activity is reported in official returns to the Agency. [The Standard – 6.3]	Completed	Auditor comments in relation to warning letters noted and will be reflected in next return.	Last 12 months return re done to reflect number of warning letters. All written communications with businesses, which contain legal requirements, are being recorded as written warnings.
3.1.19(ii) Develop, maintain and implement a procedure to ensure that the feed premises database is accurate, reliable and up to date. [The Standard – 11.2]	31/03/12	Procedure to be written and approved.	Procedure written and will be implemented after internal approval process has been completed.
3.2.6(i) Ensure that feeding stuffs premises inspections are carried out at a frequency which is not less than that determined under the relevant inspection rating system and in accordance with the legislation, Feed Law Enforcement Code of Practice or centrally issued guidance. [The Standard – 7.1]	31/03/12	Yearly inspection plan to be produced for next financial year. Lead feed officer to monitor visits undertaken by officers.	Planned improvements completed. The inspection plan is being implemented with internal monitoring of officers undertaken by the lead feed officer.

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.2.6(ii) Carry out interventions/inspections and approve or register feed establishments in accordance with relevant legislation, the Feed Law Enforcement Code of Practice and centrally issued guidance. [The Standard – 7.2 and 7.3]	31/03/12	Already being done by authority at time of audit, although additional detail required to demonstrate assessment of compliance.	Additional information is being recorded by officers in relation to interventions to clearly demonstrate the extent and scope of the inspections being undertaken.
3.2.6(iii) Ensure that all observations and/or data obtained in the course of an inspection are recorded in a timely manner to prevent loss of relevant information, in accordance with the Feed Law Enforcement Code of Practice. [The Standard – 7.5]	31/03/12	Existing checklist to be developed/reviewed to ensure further recording of information relating to inspections.	Planned improvements completed. The inspection checklist has been further developed to ensure officers fully record inspection findings.
3.2.13 Develop a documented sampling programme for feed sampling to reflect the risk based feed sampling already undertaken in accordance with the National Enforcement Priorities. [The Standard – 12.4]	31/03/12	Sampling programme to be developed.	Sampling programme has been developed and is being implemented.
3.2.23 Set up, maintain and implement a documented procedure for initiating and responding to feed alerts in accordance with the Feed Law Enforcement Code of Practice and centrally issued guidance and to reflect the Service's current operational practices. This procedure should also include out of hours contact arrangements. [The Standard – 14.1]	31/03/12	Lead feed officer to create procedure.	Feed alert procedure written and will be implemented after internal approval process has been completed.

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
<p>3.3.3 Fully implement its documented internal monitoring procedure to ensure quantitative and qualitative monitoring of feed law enforcement activities is undertaken across all areas of the Standard. The procedure should reflect the monitoring activities already undertaken in practice and should be aimed at verifying the Service's conformance with relevant legislation, official guidance and the Standard. Records of monitoring checks should be maintained. [The Standard -19.2 and 19.3]</p>	31/03/12	Procedure to be implemented.	Internal monitoring procedure has been implemented, with details of all the monitoring activities recorded.
<p>3.3.5 Maintain up to date accurate records for all feed establishments and relevant checks in accordance with the Feed Law Enforcement Code of Practice, including all records of inspection and determinations of compliance carried out by authorised officers. [The Standard – 16.1]</p>	31/3/2012	Already in place at time of audit although additional detail required to demonstrate assessment of compliance.	Additional information is being recorded by officers in relation to interventions to clearly demonstrate the extent and scope of the inspections being undertaken.

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:

- The Service Plan for Public Protection 2011/2012
- Food Law Enforcement Plan 2011/2012
- Action Plan –Animal Feeding Stuffs January 2011
- Cabinet Member Reports
- Bridgend and Vale of Glamorgan Councils Memorandum of Understanding
- Document Control Procedure
- Feed Law Enforcement Appointment and Authorisation Procedure
- Documentation regarding collaborative working with Rhondda Cynon Taf County Council
- Conditions for the Approval and Registration of Feed Premises Procedure
- Feed Inspection Procedure
- Environmental Health Food Hygiene Inspection Form
- Feed Premises Inspection Forms
- Fertiliser and Feeding Stuffs Sampling Procedure
- Food Safety, Standards and Feeding Stuffs Enforcement Policy
- Feed Enforcement Procedure
- Animal Feeding Stuffs Procedure in relation to Improvement Notices, Detention/Seizure and Voluntary Surrender
- Animal Feeding Stuffs Procedure – Prosecution
- Service of Emergency Prohibition Notices
- Animal Feeding Stuffs Procedure – Simple Cautions
- Glamorgan Farm Compliance Group Meetings minutes
- Feed Complaints Procedure
- Internal Monitoring Procedure

(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 complaints records
- Feed inspection and sampling records.

(3) Interviews – the following officers were interviewed:

- Audit Liaison Officer – Senior Trading Standards Officer - lead officer for feed

- Consumer Protection Officer

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

(4) *On-site verification check:*

A visit to a local farm 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.

Glossary

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

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

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