

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

Cheshire West and Chester Council  
29-30 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](http://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 Authority's (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](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 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](http://www.food.gov.uk/enforcement/auditandmonitoring).

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

The main aim of the audit scheme is to maintain and improve consumer protection and confidence by ensuring that local authorities are providing an effective feed law enforcement service. The scheme also provides the

opportunity to identify and disseminate good practice and provide information to inform Agency policy on feeding stuffs. Parallel local authority audit schemes are implemented by the Agency's offices in all devolved countries comprising the UK.

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

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## 1. Introduction

- 1.1 This report records the results of an audit of Cheshire West and Chester 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 Ellesmere Port and at inland premises. The audit was undertaken as part of the Agency's focused Great Britain 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](http://www.food.gov.uk/enforcement/auditandmonitoring/auditreports).

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

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

- 1.2 The power to set standards, monitor and audit local authority feed and food law enforcement services was conferred on the Food Standards Agency by the Food Standards Act 1999 and the Official Feed and Food Controls (England) Regulations 2009. This audit of Cheshire West and Chester Council was undertaken under section 12(4) of the Act as part of the Food Standards Agency's annual audit programme. Regulation (EC) No. 882/2004 on official controls performed to ensure the verification of compliance with feed and food law includes a requirement for competent authorities to carry out internal audits or to have external audits carried out. The purpose of these audits is to verify whether official controls relating to feed and food law are effectively implemented. To fulfil this requirement, the Food Standards Agency, as the central competent authority for feed and food law in the UK has established external audit arrangements. In developing these, the Agency has taken account of the European Commission guidance on how such audits should be conducted.<sup>1</sup>
- 1.3 Cheshire West and Chester Council was included in the Food Standards Agency's programme of audits of local authority feed law enforcement services because it had not been audited in the past by the Agency and was representative of a geographical mix of 10 PHAs and LAs selected across Great Britain.

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

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

- 1.4 The audit examined Cheshire West and Chester Council'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 the Authority's offices at Backford Hall, Chester on 29-30 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 food 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 Cheshire West and Chester Council was formed in 2009 replacing the boroughs of Ellesmere Port and Neston, Vale Royal and Chester District.
- 1.10 The Authority is located in the West of England and is bordered by Cheshire East, the Mersey Valley, Shropshire and the Welsh border. It covers approximately 91.5 hectares and has a population of around 327,500 people. The area includes the historic town of Chester and

the industrial towns of Northwich and Winsford, together with Ellesmere Port. The local economy is made up of the chemical and pharmaceutical industries, financial services and agriculture.

- 1.11 Cheshire West and Chester Council is a unitary authority and is responsible for all local government services in the area, except environmental health duties at Ellesmere Port (hereafter 'the Port'), which is the responsibility of Manchester Port Health Authority.
- 1.12 The Authority's Animal Health and Welfare Team was operated under the Compliance and Commercial Support Section within Regulatory Services and had responsibility for all feed law enforcement at the Port. This included the inspection of imported FNAO. However, in regard to feed imports, at present only transshipments from other European Union countries had been received and there was no FNAO third country imports arriving at the Port.
- 1.13 The Port did not have the status of a designated point of entry (DPE) for certain high risk food and feed products.
- 1.14 The Animal Health and Welfare Team operated on a 5 day a week basis from Backford Hall, Chester. However, the Authority also operated 24 hour 7 day a week emergency cover.

## 2. Executive Summary

- 2.1. The Authority had developed a Feed Service Plan for 2010-2011 that was broadly in line with Service Planning Guidance in the Framework Agreement. However, the Plan was a relatively recent document that had not been approved by the relevant delegated senior officer. The Authority had developed a Food Safety Plan for 2010-2011 that also included elements of feed law enforcement, which had been approved by the relevant delegated senior officer. The Feed Service Plan should be expanded to include imported feed monitoring activities at the Port and the Authority's financial allocation to imported feed work. The Food Service Plan had been approved by the appropriate Member Forum.
- 2.2 The Authority had recently updated their procedures for imported feed which provided useful guidance for officers. However, the Authority had not developed and implemented a procedure to ensure that imported feed procedures were reviewed and updated on a regular basis.
- 2.3 All officers, including the Lead Officer for feed, had completed a full 10 hours of Continuing Professional Development (CPD) training in accordance with the Feed Law Enforcement Code of Practice. However, the Lead Officer for feed would benefit from updated Hazard Analysis and Critical Control Points (HACCP) training in order to fulfil the Level 2 qualifications criteria in the Feed Law Code of Practice. Records of qualifications and CPD were generally available. However, not all training records had been retained by the Authority in line with the Framework Agreement.
- 2.4 There were systems and arrangements in place in relation to the control of imported feeds. The Authority had developed a system, in co-operation with the Port, for the identification of incoming consignments of feed through the systematic checking of ship arrival lists. Auditors discussed the benefit of formally documenting this process in a procedure or adding it to the current procedures in place.
- 2.5 As part of the audit a reality visit was carried out at the Port. Although there were no relevant FNAO imports from third countries arriving at the Port there were suitable facilities and equipment for the inspection and sampling of imported feed available should they be required.
- 2.6 No documentary checks, identity checks or random physical checks had been carried out on FNAO from third countries due to the lack of relevant imported feed activity at the Port.
- 2.7 Records in relation to imported feed were maintained and easily retrievable. However, some records would benefit from including useful information such as the size and scale of the business, product withdrawal procedures and greater detail of the company HACCP systems.



- 2.8 There were extensive liaison arrangements with central government, other enforcement bodies, professional organisations and other external stakeholders. The Authority had ensured that the Port and businesses using the Port facilities had been advised in regard to imported feed control requirements.
- 2.9 The Authority had carried out some quantitative and qualitative monitoring of its imported food and feed activities, annual officer performance and development appraisals, regular documented team meetings, and ad hoc officer 'one to one' meetings. However, much of this monitoring had not been documented. Auditors discussed the benefit of developing and implementing a monitoring procedure to ensure that risk based monitoring of all areas of imported feed enforcement was carried out on a regular basis. Records of such monitoring should be maintained.

### 3. Audit Findings

#### 3.1 Organisation and Management

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

- 3.1.1 The Authority had developed a 'Feed Service Plan 2010/2011', which was broadly in line with Service Planning Guidance in the Framework Agreement. Auditors were informed that the Feed Service Plan was a relatively new document and had yet to be approved by the relevant senior officer. The Authority had also developed a 'Food Safety Plan 2010/2011' which also made appropriate reference to feed activities and interventions. This Plan had been approved by the relevant delegated senior officer. Auditors discussed the benefits of further developing the Feed Service Plan to include more detailed imported feed monitoring arrangements at the Port and an indication of the financial resources allocated to feed law enforcement activities. The Feed Service Plan should be approved by an appropriate Member Forum or delegated senior officer.
- 3.1.2 The main duties and responsibilities of the Authority were to carry out monitoring checks for imported feed through the Port, and inspect port related feed premises. However, no FNAO imports from outside the EU had been received at the Port in the last two years.
- 3.1.3 Due to the lack of relevant product arriving at the Port the Authority's resource commitment to the port for FNAO duties was relatively small compared to their other duties. The Authority acknowledged that it would need to reassess Full Time Equivalent (FTE) numbers if the Port should start receiving an increased number of EU transshipments or FNAO imports from outside the EU. The Authority was able to confirm that the following FTE officers were available to carry out FNAO enforcement work as required:

<b>Officer Designation</b>	<b>Number of staff*</b>
TSO	0.03
<b>TOTAL</b>	<b>0.03</b>

\*Full Time Equivalent

**Recommendation**

3.1.4 The Authority should:

Further develop the Service Delivery Plan and ensure that it covers all areas of the Service Planning Guidance in the Framework Agreement, including the monitoring, inspection and enforcement arrangements and the financial allocation for imported feeds. Ensure the Plan is approved by the appropriated Member forum or delegated senior officer. [The Standard - 3.1]

*Documented Policies and Procedures*

- 3.1.5 The Authority had recently reviewed most of the operational feed procedures relevant to the scope of the audit. However, the Authority had not developed a procedure to ensure that its documented imported feed procedures are reviewed and revised regularly to ensure they are kept up to date with current legislation and centrally issued guidance. Auditors were informed that there had previously been a system of procedures being allocated to individual officers and that this system was to be re-introduced.

**Recommendation**

3.1.6 The Authority should:

Set up, maintain and implement a document control system to ensure that documented imported feed procedures are reviewed and updated regularly to ensure they reflect current legislation and centrally issued guidance. [The Standard - 4.1 and 4.2]

*Authorised Officers*

- 3.1.7 The Authority had a 'Delegated Powers and Authorisation of Officers' procedure which made reference to the Scheme of Delegation contained in the Council's Constitution. The Authority acknowledged that due to its formation in 2009 from a number of constituent authorities there was a need to review and update its authorisation procedures and documents to ensure they were up to date with current legislation and centrally issued guidance.
- 3.1.8 The current documented procedure for the authorisation of feed officers set out the means by which officers were authorised based on their individual qualifications, experience and competency. Auditors

discussed the benefit of linking the authorisation process to officer competency requirements to help ensure that Continuing Professional Development (CPD) is maintained and to identify gaps in officer training.

- 3.1.9 File checks showed that all officers, including the Lead Officer, authorised for feed law enforcement had completed the minimum ongoing 10 hours of feed related training per year based on CPD in accordance with the Feed Law Enforcement Code of Practice. However, it was identified that the Lead Officer for feed would benefit from updated HACCP training in order to fulfil the Level 2 qualifications criteria in the Feed Law Code of Practice. The level of the Lead Officer in the organisational structure of the Service was also discussed in relation to the maintenance of competency levels. The Authority acknowledged that it was difficult for the Lead Officer to maintain CPD levels due to wider managerial and organisational responsibilities.
- 3.1.10 Officer's training needs had been identified through the corporate Performance Review Scheme and when there were changes to legal requirements and centrally issued guidance. Audit checks confirmed that officer qualification and CPD records were generally available and most officer training records were accurate and retrievable. However, complete officer training records had not been maintained by the Authority in line with the Framework Agreement as the responsibility for this had been allocated to individual officers.
- 3.1.11 A Trading Standards Officer was interviewed during the audit, and was able to demonstrate a good knowledge of imported feed controls and feed sampling techniques, including those applied to FNAO. However, the officer was situated in another team which had, in effect, limited the officer's opportunities to keep up to date with the latest issues surrounding feed law enforcement including the National Priorities and products subject to enhanced checks.

### ***Recommendation***

3.1.12 The Authority should:

- (i) Review the 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 Code of Practice and any centrally issued guidance. [The Standard - 5.1]
- (ii) Develop and implement a suitable method of identifying and assessing officer competency and training requirements to ensure that all officers are appropriately authorised under relevant food and feed legislation. [The Standard - 5.4]
- (iii) Ensure all officers, including the Lead Officer, complete the necessary HACCP CPD training in accordance with the Feed Law Enforcement Code of Practice and ensure that records of qualifications and training are routinely retained. [The Standard - 5.4 and 5.5]

### ***Facilities and Equipment Including Verification Visit***

- 3.1.13 A verification visit was carried out at the Port to verify that required facilities were in place to carry out appropriate risk based proportionate checks on consignments of imported feed at the Port.
- 3.1.14 At the time of audit there were no consignments of FNAO being landed, although the Port did occasionally receive some feed transhipped from other EU ports. The Port had a storage facility that had been utilised for the storage of these shipments. The Authority indicated that any feed law enforcement activities required would be carried out at this facility.
- 3.1.15 Auditors were satisfied that the facilities were appropriate for feed law enforcement activities. In addition, the Authority was able to demonstrate that it had access to suitable feed sampling equipment to carry out a range of sampling activities at the Port.
- 3.1.16 As a result of the formation of the new Authority the Service had merged two databases which were not mutually compatible. However the Authority was confident that the database was capable of reporting accurate feed law enforcement activities to the Agency. File checks showed that inspection records had been maintained in accordance with the Feed Law Enforcement Code of Practice.

### *Liaison with Other Organisations*

- 3.1.17 The Authority had extensive liaison arrangements with central government, other enforcement bodies, professional organisations and other external stakeholders. Links to port management, to facilitate the imported feed monitoring regime, had been established and there was evidence of systematic communication.
- 3.1.18 The Authority was also pro-active in liaising with relevant central government organisations such as the Food Standards Agency, the Department for Environment, Food and Rural Affairs (Defra), HMRC and the UK Border Agency.
- 3.1.19 Locally the Authority was a member of the Trading Standards North West (TSNW) which also included representation from the Port Health Authority and the Animal Medicines Inspectorate. Additionally, there was an Animal Health Group which met three times a year and also discussed feed related matters concerning the monitoring role of Animal Health Officers.
- 3.1.20 The Authority also received intelligence from the Port Health Authority who visited the Port on a regular basis. Auditors discussed the benefit of formalising the arrangements for the exchange of information with the Port Health Authority.
- 3.1.21 The Authority had not attended National Animal Feeds Ports Panel (NAFPP) due to the lack of activity at the Port. Auditors discussed formalising arrangements with the Port Health Authority to access the advice and information issued by NAFPP on a regular basis.

## **3.2 Imported Feed Control Activities**

### *Feed Inspection and Sampling*

- 3.2.1 The Authority acknowledged that due to the formation of the new Authority and the subsequent reorganisation of the Service imported feed enforcement activities at the Port had not been a priority. However, although presently there was no FNAO product from third countries arriving at the Port the Authority had developed systems and arrangements in relation to the control of imported feed.
- 3.2.2 In practice the Authority systematically monitored and identified incoming consignments through the daily receipt of ship arrivals details received from the Port Operator. If further information was required officers visited the Port to examine the ship's manifest documents. In addition the Authority carried out regular inspections of the Port's feed storage facilities. Auditors discussed the benefit of formally developing and implementing a procedure to cover the ongoing monitoring arrangements.
- 3.2.3 The audit confirmed that feed controls, including documentary checks, identity checks and random physical checks had not been carried out in regard of FNAO from third countries due to the lack activity at the Port. However, the Authority had recently developed and implemented the necessary enforcement procedures should the need for more detailed enforcement checks be required in line with current legislation and centrally issued guidance.
- 3.2.4 The Authority had recently developed and implemented a 'Sampling of Fertilisers and Feeding Stuffs' procedure. The feed sampling policy was contained within the Service Plan.
- 3.2.5 The Authority had developed a feed sampling programme which had been compiled in consultation with other TSNW authorities and with due regard to the National Priorities issued by the Agency. Due to the lack of relevant feed product at the Port no samples of imported FNAO had been taken within the last two years.
- 3.2.6 An accredited laboratory for the analysis of samples had been appointed and all recent feed samples submitted had been reported as satisfactory.

### ***Recommendation***

3.2.7 The Authority should:

Update current procedures to include the systematic monitoring of imported animal feed at the relevant port in accordance with the Framework Agreement.  
[The Standard -12.3]

### *Feed Establishments Interventions and Inspections*

- 3.2.8 There were premises located at the Port which were currently being used for the storage of transhipped feeding stuffs from the EU, which had been registered under Regulation (EC) No. 183/2005 for these feed activities. The Authority had visited the facility to assess its suitability for registered premises status and it had been included in the annual inspection programme. However, there were no plans at present to use it for the storage of imported FNAO.
- 3.2.9 The Authority had a number of approved and registered feed premises under Regulation (EC) No.183/2005, some of which were in receipt of imported feed products. File checks showed that premises had generally been inspected in accordance with the frequencies specified in the Feed Law Enforcement Code of Practice.
- 3.2.10 Generally, inspections of feed premises had been effectively carried out and the FBO notified of the outcome. However, the Authority should review and update the inspection aide-memoire to include current legislation, provide a prompt for the checking of imported feed and provide the officer greater opportunity to record their observations, including those in relation to HACCP assessment contained in Annex 2 of the Feed Law Enforcement Code of Practice.

### *Enforcement*

- 3.2.11 The Authority had an 'Enforcement Policy' which had been approved by the appropriate Member Forum. The current Policy confirmed that the Authority was committed to implementing Enforcement Concordat and the Regulator's Compliance Code in all enforcement action.
- 3.2.12 No formal enforcement had been carried out due to the lack of imported FNAO activity at the Port. However, the Authority had recently developed and implemented a number of new procedures. Auditors discussed the need to develop further enforcement procedures to cover the full range of enforcement activities in accordance with current legislation and the Framework Agreement.



***Recommendation***

3.2.13 The Authority should:

Develop and implement enforcement procedures to cover the full range of feed law enforcement activities, including those related to imported feed in accordance with the Feed Law Enforcement Code of Practice.  
[The Standard -15.1]

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

3.2.14 The Authority had a generic 'Complaints and Service Requests' procedure for dealing with imported feed complaints and referrals. Auditors were informed that, due to the lack of activity in the Authority's area no complaints and referrals involving imported FNAO had been received.

3.2.15 The Authority confirmed support for the Home Authority Principle and the Primary Authority Scheme. The Service did not formally act as Home or Primary Authority for any imported feed businesses. However, the Authority had three feed importers situated in their area which imported animal feed through other points of entry in the UK. Auditors discussed the benefits of further developing the visits to these import agents to use them as an opportunity to identify the full range of products the agents were importing into the country and which ports in the UK they were being landed to assist UK wide intelligence in relation to the location and extent of feed imports, especially those from third countries.

*Feed Safety Incidents*

3.2.16 The Authority had not developed and implemented a procedure for handling food and feed notifications in relation to the Rapid Alert System for Food and Feed (RASFF), emergency control notices and safeguard measures. Auditors were informed that 24 hour emergency cover system was in place. Auditors discussed the need to develop and implement a formal procedure for the receipt and issuing of feed alerts and RASSF notifications. This should also incorporate the procedure for 24 hour emergency cover.

3.2.17 No complaints in regard of FNAO had been received by the Authority in the previous two years.

***Recommendation***

3.2.18 The Authority should:

Set up, maintain and implement a procedure for the initiating and responding to feed alerts and RASSF notifications. Document any response and any outcome of any feed alert. [The Standard - 14.1, 14.3 and 14.4]

*Advice to Business*

3.2.19 Due the lack of imported feed activity within the Authority's area relevant to the scope of the audit relatively little business advice had been carried out. However, the Authority demonstrated that they were actively engaged with the Port Operator on a regular basis to ensure they were provided with relevant information and guidance in regard to imported FNAO.

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

#### *Internal Monitoring*

- 3.3.1 There was evidence that some quantitative monitoring had been carried out in relation to the number of high risk inspections undertaken. In regard to qualitative monitoring the officer interview confirmed that ad hoc 'one to one' meetings and accompanied inspections were carried but were not routinely recorded. Auditors were informed that the operation of the small team meant that officer work was constantly being checked and peer reviewed. However, auditors discussed the benefit of extending the procedures to ensure that all areas of imported feed monitoring and enforcement activities are covered, and that formal monitoring is carried out routinely and formally documented.
- 3.3.2 The Authority had developed the 'Complaint and Service Requests – Monitoring' procedure. No complaints or service requests had been received relevant to the scope of the audit.
- 3.3.3 There was evidence of other qualitative and quantitative internal monitoring being carried out, including:
- Annual officer performance reviews
  - Documented team meetings that included discussion of issues of relevance at the Port.

#### ***Recommendation***

3.3.4 The Authority should:

Develop and implement documented risk based internal monitoring procedures to include imported feed law enforcement activities at the Port and imported feed monitoring activities in accordance with the Feed Law Enforcement Code of Practice.  
[The Standard - 19.1 and 19.3]

#### *Records*

- 3.3.5 Records of imported feed activity including port visits were maintained on a combination of electronic records and hard copy papers and included records of inspection. There were no records of sampling and formal enforcement action due to the lack of activity in these areas of work for FNAO from third countries. Records were generally retrievable and readily accessible.

3.3.6 There was some evidence of incomplete records. Information identified as missing included details of the size and scale of the businesses, supplier and customer details, traceability procedures and HACCP assessments. However, the Authority was effective at recording quality assurance assessments, chemical/ingredients suppliers and HACCP plans. Auditors discussed the benefits of compiling a company profile for each of the premises files to ensure that essential information was kept up to date.

***Recommendation***

3.3.7 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*

3.3.8 The Authority had not been subject to any external audits recently in relation to FNAO duties.

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Food Standards Agency

Local Authority Audit and Liaison Division

**Action Plan for Cheshire West and Chester Council**

Audit Date: 29-30 March 2011

<b>TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)</b>	<b>BY (DATE)</b>	<b>PLANNED IMPROVEMENTS</b>	<b>ACTION TAKEN TO DATE</b>
3.1.4 Further develop the Service Delivery Plan and ensure that it covers all areas of the Service Planning Guidance in the Framework Agreement, including the monitoring, inspection and enforcement arrangements and the financial allocation for imported feeds. Ensure the Plan is approved by the appropriate Member forum or delegated senior officer. [The Standards – 3.1]	31/08/11	Review Service Delivery Plan as suggested. Confirm approval of arrangements and financial allocation with the delegated senior officer.	
3.1.6 Set up, maintain and implement a document control system to ensure that documented imported feed procedures are reviewed and updated regularly and updated regularly to ensure they reflect current legislation and centrally issued guidance. [The Standard – 4.1 and 4.2]	31/10/11	Introduce a document management system based on the previous system - which was in compliance with ISO 9001 and externally accredited by BSI. Improvement date agreed with the Quality Assurance & Case Management Officer and to allow input from the (as yet to be appointed) new Animal Health/ Feed Lead Officer.	Quality Assurance & Case Management Officer appointed within Cheshire West and Chester Council Regulatory Services. It has been agreed that Feed Procedures will take priority and be developed in the first tranche of documentation. In-house Lead Auditor course scheduled for 12/09/11 to ensure sufficient staff are trained and competent to maintain a Service wide document control system.
3.1.12(i) Review the 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 Code of Practice and any centrally issued guidance. [The Standard – 5.1]	31/08/11	Ensure the documented procedures are in line with the relevant guidance and in the Feed Law Code of Practice.	Work on authorisations and competence across Regulatory Services is currently tasked to a Lead Officer within the Complaints and Investigations Team. This workstream is nearing completion and will reflect requirements across the whole range of regulatory duties including Feed.

<b>TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)</b>	<b>BY (DATE)</b>	<b>PLANNED IMPROVEMENTS</b>	<b>ACTION TAKEN TO DATE</b>
3.1.12(ii) Develop and implement a suitable method of identifying and assessing officer competency and training requirements to ensure that all officers are appropriately authorised under relevant food and feed legislation. [The Standards – 5.4]	31/12/11	Develop a skills matrix and competency records to ensure officers current competencies and future training needs are clearly documented and retained in a central location rather than with individual officers / in individual appraisal records.	Team Leader (Compliance and Commercial Support) has been tasked with developing a skills matrix across Regulatory Services. Food and Feed competencies are included within this tasking. Food competencies are already recorded by the appropriate Lead Officer to ensure all Food Officers maintain the required CPD hours and practical experience. Feed competencies to be incorporated into this as a matter of urgency prior to the development of the full cross-service skills matrix.
3.1.12(iii) Ensure all officers, including the Lead Officer complete the necessary HACCP CPD training in accordance with the Feed Law Enforcement Code of Practice and ensure that records of qualifications and training are routinely retained. [The Standard – 5.4 and 5.5]	Dependent on training availability	Records of qualifications and training to be incorporated into the documentation as detailed for 3.1.12(ii) and in accordance with the relevant Code of Practice.	A Lead Officer has been tasked to identify appropriate training and a commitment has been made to ensure all Officers maintain the necessary CPD as outlined in the Code of Practice.
3.2.7 Update current procedures to include the systematic monitoring of imported feed at the relevant port in accordance with the Framework Agreement. [The Standard – 12.3]	31/08/11	Procedures to be updated to include systematic monitoring of imported feed in accordance with the Framework Agreement.	Competent officer assigned to review the procedures and submit them for review to Team Leader.
3.2.13 Develop and implement enforcement procedures to cover the full range of feed law enforcement activities, including those related to imported feed in accordance with the Feed Law Enforcement Code of Practice. [The Standard – 15.1]	31/10/11	Enforcement procedures to be developed and implemented to cover the full range of feed law enforcement activities. This needs to be done under the supervision of the (as yet to be appointed) Lead Officer Animal Health/ Feed.	Comprehensive service wide enforcement policy in existence.

<b>TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)</b>	<b>BY (DATE)</b>	<b>PLANNED IMPROVEMENTS</b>	<b>ACTION TAKEN TO DATE</b>
3.2.18 Set up, maintain and implement a procedure for the initiating and responding to feed alerts and RASSF notifications. Document any response and any outcome of any feed alert. [The Standard – 14.1, 14.3 and 14.4]	31/08/11	Set up, maintain and implement a procedure for initiation and response to food alerts and RASSF notifications including the documentation of responses and outcomes.	Team manager (Compliance and Commercial Support) tasked with ensuring the necessary coding is applied to the current database to facilitate the effective and accurate recording of food alerts.
3.3.4 Develop and maintain documented risk based internal monitoring procedures to include imported feed law enforcement activities at the Port and imported feed monitoring activities in accordance with the Feed Law Enforcement Code of Practice. [The Standard – 19.1 and 19.3]	31/08/11	Document risk based internal monitoring procedures for all service areas including feed law enforcement.	Team Manager (Compliance and Commercial Support) and IT support Lead officer jointly tasked with ensuring the current database allows monitoring reports to accessed by all Team Leaders / Lead Officers.
3.3.7 Maintain up to date, accurate and comprehensive records in retrievable form for all imported feed activities. [The Standard – 16.1]	31/08/11	Maintain effective, retrievable records in relation to all imported feed activities.	Team manager (Compliance and Commercial Support) tasked with ensuring the necessary coding is applied to the current database to facilitate the effective and accurate recording of all activities including imported feed. Team Manager (Compliance and Commercial Support) and IT support Lead officer jointly tasked with ensuring the current database allows retrieval of all activity records.

## **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:

- Feed Service Plan 2010/2011
- Food Service Plan 2010/2011
- Executive Group Minutes
- Delegated Powers and Authorisation of Inspectors procedure
- Conduct of Feed/Fertiliser Inspections procedure
- Feeding Stuffs Inspection Report/Checklist
- Sampling of Fertilisers and Feeding Stuffs procedure
- Feed Law Enforcement Procedures
- Enforcement Policy
- Complaints and Service Requests procedure
- Complaints and Service Requests – Monitoring procedure
- Minutes of Team Meetings.

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

- Authorisation and training files
- Feed premises registration records
- Liaison records
- Internal monitoring records.

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

- Audit Liaison Officer (TSO)
- Team Leader – Animal Health
- TSO
- Ellesmere Port 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 Ellesmere Port. The purpose of the visit was to verify that appropriate risk based, proportionate checks are carried out to identify consignments of imported



feed at the Port and that facilities and equipment are adequate should they be required.

## 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"> <li>• Service Planning Guidance</li> <li>• Food and Feed Law Enforcement Standard</li> <li>• Monitoring Scheme</li> <li>• Audit Scheme</li> </ul> <p>The <b>Standard</b> and the <b>Service Planning Guidance</b> set out the Agency's expectations on the planning and delivery of food and feed law enforcement.</p> <p>The <b>Monitoring Scheme</b> requires local authorities to submit annual returns to the Food Standards Agency on their food law enforcement activities i.e. numbers of inspections, samples and prosecutions.</p> <p>Under the <b>Audit Scheme</b> the Food Standards Agency will be conducting audits of the food and feed law enforcement services of local authorities against the criteria set out in the Standard.</p>
Full Time Equivalents (FTE)	A figure which represents that part of an individual officer's time available to a particular role or set of duties. It reflects the fact that individuals may work part-time, or may have other responsibilities within the organisation not related to food enforcement.
Home Authority	An authority where the relevant decision making base of an enterprise is located and which has taken on the responsibility of advising that business on food safety/food standards issues. Acts as the central contact point for other enforcing authorities' enquiries with regard to that company's food related policies and procedures.
Informal samples	Samples that have not been taken in accordance with the appropriate sampling regulation (e.g. samples for screening purposes) and/or not sent to an accredited laboratory.
LAEMS	Local Authority Enforcement Monitoring System is an electronic system used by local authorities to report their food law enforcement activities to the Food Standards Agency.

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