

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

London Borough of Croydon
14-15th September 2016



Foreword

The audit of local authority feed and food law enforcement services forms part of the Food Standards Agency's arrangements to improve consumer protection and confidence in relation to food and feed. These arrangements recognise that the enforcement of UK food and feed law relating to food safety, hygiene, composition, labelling, imported food and feeding stuffs is largely the responsibility of local authorities (LAs). The LA regulatory functions for animal feed controls are principally delivered through their Trading Standards Services.

Agency audits assess local authorities' conformance against the Feed and Food Law Enforcement Standard 'the Standard', which was published by the Agency as part of the Framework Agreement on Official Feed and Food Controls by Local Authorities (amended April 2010), a Feed Law Code of Practice (England) (published May 2014) and a Feed Law Practice Guidance (England) (updated June 2014).

The main aim of the audit scheme is to maintain and improve consumer protection and confidence by ensuring that local authorities are providing an effective feed law enforcement service. The scheme also provides the opportunity to identify and disseminate good practice and provide information to inform Agency policy on food safety, standards and feeding stuffs. Parallel local authority audit schemes are implemented by the Agency's offices in Wales and Northern Ireland.

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

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

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

1

https://khub.net/documents/portlet_file_entry/5524476/New+Feed+Delivery+Model+06.07.2016.pdf/2e8585ff-3e92-4362-928a-5d1b6da2f594?download=true

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

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

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

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1.0 Introduction

- 1.1 This report records the results of an audit at the London Borough of Croydon with regard to feed law enforcement. The audit was undertaken as part of the Agency's focused audit programme on feed controls in England. This report has been made publicly available on the Agency's website at

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

Hard copies are available from the FSA's Regulatory Delivery Division, please email LAAudit@foodstandards.gsi.gov.uk or phone 01904 232116.

Reason for the Audit

- 1.2 The power to set standards, monitor and audit local authority feed and food law enforcement services was conferred on the Food Standards Agency by the Food Standards Act 1999 and the Official Feed and Food Controls (England) Regulations 2009. This audit of the London Borough of Croydon was undertaken under section 12(4) of the Act as part of the Food Standards Agency's annual audit programme. The Agency has taken account of the European Commission guidance² on how such audits should be conducted.
- 1.3 Regulation (EC) No. 882/2004, on official controls performed to ensure the verification of compliance with feed and food law, includes a requirement for competent authorities to carry out internal audits or to have external audits carried out. The purpose of these focused audits is to provide assurance to the FSA that the new feed delivery model has been effectively implemented by local authorities.
- 1.4 The London Borough of Croydon was included in the Food Standards Agency's programme of audits of local authority feed law enforcement services, having not been audited for feed service delivery by the Agency in the past five years, and was representative of a geographical mix of 11 local authorities selected across England.

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

Scope of the Audit

- 1.5 The audit examined the London Borough of Croydon's systems and procedures for the control of feed of non- animal origin (FNAO).
- 1.6 The audit scope included an assessment of local arrangements for implementing the NFDM and included:
- Feed service planning, delivery and review
 - Competence of officers
 - Implementation and effectiveness of feed control activities
 - Maintenance and management of appropriate feed premises database and records in relation to official controls at feed business premises
 - Effectiveness of the Lead Officer role for feed
 - Effectiveness of the Regional Lead role for feed
 - Accuracy and delivery of official reports to the Agency
- 1.7 The on-site element of the audit took place at the Authority's office at Mint Walk, Croydon from 14-15th September 2016.

Background

- 1.8 Croydon is one of the 33 London Boroughs. It is the southernmost borough of London and is situated adjacent to Wandsworth, Lambeth, Southwark and Lewisham to the North, Bromley to the East and Sutton and Merton to the West. It has a population of over 360,000 making it the largest London borough by population. The area is one of London's leading business and cultural centres and a large scale regeneration project, Croydon Vision 2020 is predicted to enhance this further by attracting more businesses and tourists to the area. The project is also a keen supporter of the bid for Croydon to become London's third city.
- 1.9 The Authority had approximately 32 registered feed businesses, most of which were supermarkets supplying surplus food, but also included a local brewery and the head office for a fruit and nut importer. An additional 10 premises had been identified but were not yet registered. The Authority had no approved feed establishments.
- 1.10 Croydon is a Unitary Authority which has responsibility for the provision of all local government services, including the delivery of feed hygiene official controls.

The Authority had contracted out feed hygiene work since 2014, to an inspector appointed by the Association of London Environmental Health Managers (ALEHM). ALEHM is the regional coordinator for delivery of

animal feed controls on behalf of the 33 London boroughs. An ALEHM drafted Animal Feed Protocol, outlining the aims of ALEHM, the feed work planned and division of responsibilities with LAs in the London region, was currently being considered by authorities and, if agreed, would be adopted and implemented across the region.

The contracting out of work by Croydon was overseen by the Food and Safety Manager within the Regulatory Services Division of the Place Department.

1.11 At the time of the audit, the Authority was facing financial pressures, with an extended three year period of austerity measures being declared recently.

1.12 The profile of the London Borough of Croydon's feed businesses according to their database as at 10th August 2016 was as follows:

| Type of Feed Premises | Number |
|--------------------------------------|---------------|
| R01 | 0 |
| R04 | 0 |
| R05 | 0 |
| R06 | 0 |
| R07 | 31 |
| R08 | 0 |
| R09 | 0 |
| R10 | 0 |
| R11 | 0 |
| R12 | 1 |
| R13 | 0 |
| R14 | 0 |
| Total Number of Feed Premises | 32 |

It is not possible to provide a breakdown of business risk ratings as many are yet to receive an initial inspection.

2.0 Executive Summary

2.1 It was clear from the audit that a much improved and more structured approach to feed intervention work had been introduced in Croydon, particularly through the work of ALEHM. However, there was still some way to go to fully meet the requirements of the Feed Law Code of Practice, National Enforcement Priorities Document and the New Feed Delivery Model.

The key strengths and areas for improvement for the LA are set out below.

2.2 Strengths:

Service Planning & Delivery

2.2.1 The Authority recognised that in-house staff did not hold the required competence or qualifications to undertake feed hygiene controls within the borough so had contracted the service out to an appointed competent officer, and had delegated responsibility to this officer to undertake official control work including interventions, sampling and enforcement, on their behalf.

2.2.2 The Authority had released funding to allow, where required additional interventions/sampling to be taken outside of the FSA funding provided through NTS and the programme delivered through ALEHM.

2.2.3 The Service had foreseen their database limitations and had devised a simple spreadsheet system for trying to capture key information relating to feed interventions.

2.3 Key areas for improvement:

Roles & Responsibilities

2.3.1 There was also a need to clearly define roles and responsibilities in key areas, including where action was required following the identification of non-compliance during an intervention and the completion of the feed register, eliminating the need for multiple versions of the same document to be in use.

Registration & Database Accuracy

- 2.3.2 The Authority had yet to complete initial intervention visits to a large number of establishments registered on its database. Some businesses were registered with the Service as far back as 2011/12.
- 2.3.3 The Authority had a significant number of anomalies in its database and a number of versions of the feed register were in use making it difficult to establish which was the most accurate.

Officer Authorisation

- 2.3.4 The Authority had a process for annually renewing the authorisation for the delegated Lead Feed Officer to act on their behalf. At the time of the audit, the authorisation for 2016/17 had not yet been issued.

Earned Recognition and AES Implementation

- 2.3.5 There was a need to implement a system for earned recognition and to devise an alternative enforcement strategy for feed businesses who are members of FSA approved assurance schemes, or are otherwise able to demonstrate a broad level of compliance. Initial inspections had been identified as the current ALEHM priority, with a view to devising a strategy for earned recognition once this task was complete.

3.0 Audit Findings

3.1 Feed service planning, delivery and review

Implementation of the Agency's National Feed Priorities document

- 3.1.1 ALEHM is the regional coordinator of animal feed in the London region. The region comprised the 33 London Boroughs. Auditors were provided with a copy of an Animal Feed Protocol for London, drawn up by ALEHM in 2014 (and subsequently updated as a result of this programme of audits) which laid down key roles and responsibilities in the delivery of animal feed controls across the region. The aim of the protocol was to provide a framework for London authorities to adopt, enabling them to meet their statutory obligations for the inspection of animal feed and to provide guidance for achieving a consistent approach to animal feed enforcement across London.

- 3.1.2 Auditors were informed that, in accordance with the regional organisation of feed delivery, ALEHM select the most appropriate feed businesses on a risk basis to be included in the annual intervention programme for the London region. This data was based on a feed register submitted to ALEHM by the service and was checked by the authority before the interventions are allocated to the ALEHM appointed feed inspector/s. Two inspectors had been appointed by ALEHM to carry out intervention and sampling work for the London boroughs as necessary, with one covering the boroughs to the North and East and the other covering the South and West. Auditors were informed that other inspectors were available as required.
- 3.1.3 The arrangement meant that boroughs were required to delegate authority to the ALEHM appointed inspector/s to undertake feed intervention work within their area.
- 3.1.4 The authority had a documented Food & Service Plan 2016/17. The plan outlined the main service aims and objectives and included an overview of the programme of work undertaken by the service, with a brief outline of the staff resource available. The plan was heavily weighted towards food hygiene, health and safety and health protection with only one reference to animal feed and the associated official controls; indicating that the authority had contracted out the feed intervention work to an inspector appointed by ALEHM.
- 3.1.5 The plan did not provide any detail about the extent of the delegated powers assigned to the inspector, which included all feed intervention, sampling and, subsequently confirmed enforcement activities on behalf of the authority. The service had also delegated Lead Feed Officer responsibilities to the inspector. This was made through a delegation by the Executive Director of the Place Department in 2014.
- 3.1.6 The plan made no reference to the division of responsibilities between ALEHM and the service, including how the national feed programme was delivered locally and how the Food Standards Agency's (FSA) national enforcement priorities for feed (NEPs) would be had regard to in the work of the service.
- 3.1.7 Auditors were informed that the plan underwent no formal annual review to identify how improvements or changes to the delivery of official feed controls could be delivered but the document did get updated annually.
- 3.1.8 There was limited awareness of the NEPs within the Service. The delegated ALEHM Feed Lead was up to date and knowledgeable in this area and advised auditors that any points of interest would be communicated to the service as necessary. It became apparent that the service had inadvertently been satisfying one of the identified priorities by

identifying businesses supplying co-products and surplus food into the feed chain, as part of their food hygiene interventions.

3.1.9 The service was not proactive in using local and/or regional intelligence sources to assist in the planning of official control activities. ALEHM had provided some intelligence to the service about potential new businesses which had relocated from other London boroughs to the area and were potentially supplying surplus food.

3.1.10 Auditors were informed that the Service had not engaged in any NTS improvement projects due to resource and budgetary issues but had acted upon the request of a UK point of entry to carry out bird nut traceability checks at a business address in the borough.

Recommendation 1 - Service planning

[The Standard 3.1]

Future service plans should provide the detail outlined in the Service Planning Guidance of the Framework Agreement, including:

- The scope and demands of the feed service, which should incorporate a brief statement outlining how the responsibilities for feed delivery are divided between the service and ALEHM and the delegated powers assigned to the appointed feed inspector. Examples of where clarification was required included responsibilities for follow up action upon the identification of non-compliance during an intervention; and the completion of the feed register to eliminate the need for multiple versions of the same document to be in use.
- The feed establishments profile including the number and type of establishments in the authority's area.
- An outline of how the national enforcement priorities (NEPs) fit into the work of the Service and in particular how they would influence the delivery of the annual programme of official controls.

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

- 3.1.11 The service had not developed or implemented a system for Earned Recognition (ER) and had not devised an Alternative Enforcement Strategy (AES) to explain how they would conduct official controls at relevant premises as outlined in Annex 2 of the Feed Law Code of Practice (FELCoP). Auditors were informed that the current ALEHM priority, as agreed with the service and wider London region was to undertake all initial inspections with a view to devising a strategy for ER once this task was complete.
- 3.1.12 There was a significant number of feed businesses registered with the authority that would now be subject to an AES due to their broad compliance score at the last inspection. Although the service's feed register and database did not specifically highlight these premises as now being subject to AES, auditors were advised that the delegated ALEHM Lead Officer was aware of the businesses and that these would be included in any future AES once established.
- 3.1.13 Pre-audit checks confirmed that there were no Red Tractor or AIC members within the borough. The service did not have access to the Red Tractor or AIC websites but the delegated ALEHM Lead Feed officer confirmed that he did and would cascade anything of relevance to the service for information/action. Auditors were advised that if required in the future, ALEHM would take the lead role as necessary in removing ER on receipt of notifications from the FSA.

Recommendation 2 – Implementation of Earned Recognition
[Feed Law Code of Practice, paragraph 5.3, 5.4 and Annex 2]
[New Feed Delivery Model]

Implement a system for Earned Recognition, and in particular devise a strategy for alternative enforcement to ensure that those businesses able to demonstrate broad compliance have their high standards recognised when determining the frequency of their controls.

Promotion of the importance of feed hygiene

- 3.1.14 The service had not undertaken any proactive feed hygiene promotion over the last two years.
- 3.1.15 In preparation for this audit, the service had drafted a briefing paper for members, outlining the Service's current position and possible implications

of the audit, complete with an action plan.

3.2 Competence of officers

3.2.1 A total of 7.8 full-time equivalent officers (FTE) worked in the Food & Safety team. This included a mix of Environmental Health Officers (EHOs) and Food and Safety Officers. No Trading Standards Officers were employed. The Service acknowledged the skills gap with their in-house officers and had made arrangements to delegate responsibility for feed official control work, including interventions, sampling and enforcement to the ALEHM appointed inspector as outlined in paragraphs 3.1.1, 3.1.2 and 3.1.3 above. As part of this arrangement, auditors discussed the need for the Service and ALEHM to consider future succession and contingency planning for this role.

3.2.2 Auditors discussed the current scheme of delegation for the ALEHM Lead Feed Officer drawn up by the authority, and the need to update and review some of the legislative references, including:

- The Official Feed and Food Control (England) Regulation is 2009 (as amended) not 2013;
- The Food Safety and Hygiene (England) Regulation is 2013 not 2015;
- The Animal By-Products (Enforcement) (England) Regulations is 2013 and not 2011.
- The Agriculture Act 1970 should reference the whole act not part.

Other legislative references to be considered for inclusion are:

- The Animal Feed (Hygiene, Sampling etc. and Enforcement) (England) Regulations 2015
- The Genetically Modified Organisms (Traceability and Labelling) (England) Regulation 2004
- Specific authorisation under The Animal Feed (Hygiene, Sampling etc. and Enforcement) (England) Regulations 2015; and
- The Trade in Animals and Related Products Regulations 2011

3.2.3 Auditors discussed the need to include more detail about the extent of the delegation, in particular the need for feed sampling to be included and for the extent of the enforcement powers to be better defined.

3.2.4 Auditors were advised by the delegated ALEHM Lead Feed officer that he was authorised by the authority on an annual basis, but had not received his authorisation for the current year's work programme. Audit checks confirmed that although the programme of work had been allocated to the delegated ALEHM Lead Feed officer, no feed interventions had taken place in the area. The lack of authorisation will need addressing as soon

as possible to ensure that the officer is able to act on behalf of the authority and certainly before any programmed interventions are undertaken.

- 3.2.5 File checks revealed that the delegated ALEHM Lead Feed officer was appropriately qualified to undertake this role and had completed 10 hours continuous professional development training in a range of relevant subjects over the past year. This included enforcement updates and ER. Auditors confirmed that the officer's continuous professional development (CPD) records were checked and validated annually by ALEHM, on behalf of the authority.
- 3.2.6 Work undertaken by the delegated ALEHM Lead Feed Officer was checked by the authority's Food and Safety Manager although no formal monitoring procedure was in place or records kept. This informal monitoring involved carrying out basic checks on the level of detail on inspection aide memoires and ensuring a next inspection date and level of compliance (LOC) score had been provided. Auditors saw evidence of checked work by the Food & Safety Manager. The feed register and other databases were not checked as part of the arrangement and auditors suggested broadening the current arrangement to ensure their inclusion.

Recommendation 3 – Competency Assessment

[The Standard, paragraph 5.3]

Review and update as necessary the current scheme of delegation to ensure that all relevant legislation references are included and the extent of the delegation is captured.

Ensure the delegated ALEHM Lead Feed officer is issued with an appropriate authorisation to undertake the duties required by the authority.

**3.3 Implementation and effectiveness of feed control activities,
Inspection**

- 3.3.1 The annual intervention programme was coordinated on behalf of the Service by ALEHM. Auditors were informed that ALEHM prioritise newly registered premises and higher risk businesses for intervention. The Service must agree the programme with ALEHM and highlight any other premises for inclusion. Auditors highlighted that, as part of this process, the Service could usefully flag to ALEHM businesses such as

supermarkets supplying surplus food that had been registered in the feed register/database for several years.

- 3.3.2 The Service was proactive in providing extra funding to the delegated Lead Feed Officer to enable follow up actions and/or revisits to take place where necessary.
- 3.3.3 The Service had no formal system in place to identify feed establishments in the borough, although the Food and Safety Manager did inform auditors that she occasionally ran internet searches for new supermarkets in the area. Auditors were informed that ALEHM had alerted the service to potential new businesses in the area and these had been followed up by the Service accordingly, as had information from a large UK point of entry.
- 3.3.4 Four intervention files were checked as part of the audit. These confirmed that, in general, inspections at feed businesses were being carried out on time and at the appropriate minimum frequencies set out in the Feed Law CoP. There was also a good assessment of compliance and most records were easy to retrieve.
- 3.3.5 The Service was using the FSA model inspection documents and an ALEHM report form was left with Feed Businesses Operators (FEBO) following an intervention. The inspection report left with feed business operators was generally compliant with the Feed Law Code of Practice, however it did not specify the name and address of the local authority. Auditors were informed that ALEHM were considering introducing a model form that could be used for AES interventions.
- 3.3.6 The feed register provided by the Service pre-audit confirmed that 17 of the 32 registered businesses had yet to receive an initial inspection, which in real terms equated to over 50% of the feed register. Auditors were provided with an updated version of the feed register during the audit which confirmed that at 15th September, the corrected figure was 12. Most of which had registered with the service as far back as 2011 and 2012. Auditors acknowledged that many of these were low risk premises and a number have been identified for inclusion in the 2016/17 intervention programme including 7 supermarkets and a head office for an importer of fruit and nuts.

Recommendation 4 – Initial inspections

[Feed Law Code of Practice, Section 5.7]

The Authority must agree an approach with the Agency and ALEHM to ensure that initial inspections of newly registered feed businesses, or businesses supplying surplus food to feed establishments undergo initial inspections in a timely manner.

- 3.3.7 Two of the four feed establishment files checked required more detail about the implementation of primary authority arrangements and company HACCP procedures, but auditors acknowledged that this has been recently rectified with the introduction of a Primary Authority and an ALEHM pre-populated inspection form. One establishment had been correctly designated an R12 registration code by the inspector but the database recorded it as an R7. In addition, one of the inspections had not been updated on the database despite the inspection taking place a year ago. Appropriate follow up action had not taken place in two of the files checked. It is likely that this was due to miscommunication about whether these revisits could have been undertaken by the Service's in-house officers or the delegated Feed Lead. Auditors discussed the need to clarify the roles and responsibilities of the Service and ALEHM where follow up action is necessary to avoid delays in the future.

Recommendation 5 – Action required following intervention

[The Standard, paragraph 7.3]

[The Feed Law Code of Practice]

Ensure timely follow up action is taken following interventions where non-compliance or further information is required. This will require discussion and agreement between the Service and ALEHM on roles and responsibilities when follow up action is required.

Sampling

- 3.3.8 Auditors were informed that ALEHM devised the annual sampling programme for the region. The programme was based on premises data provided to them by the authorities through the desktop models. The London Borough of Croydon did not feature in the programme for 2015/16 because the target premises were not based in the area.
- 3.3.9 The service had no documented feed sampling programme and had not undertaken any sampling in the last 2 years.

Enforcement

3.3.10 The Authority had a satisfactory Enforcement Policy and had developed a number of feed notice templates. No feed law enforcement activities had been carried out within the previous two years.

Imports and 3rd Country Representatives

3.3.11 Auditors were informed that the Service did not routinely carry out any checks for imported feed from 3rd countries. Officers did however record detail of, and if necessary act on, information sent through from UK points of entry regarding businesses in the borough.

3.3.12 Records held by the Agency suggested that a feed business, acting as a representative for a third country exporting establishment may have been operational in the area. The business was not registered with the Service and officers were not aware of it but undertook to carry out some enquiries and feed the information back to the Agency in line with the request in the recent ENF letter.

Recommendation 6 – Third country representatives

[The Feed Law Code of Practice]

Establish whether any third country representatives are operational in the borough, and ensure that where identified, these businesses are included within the feed programme and captured in the feed register. This should include updating the centrally held register of representatives if third country feed establishments as necessary.

3.4 Maintenance and management of appropriate feed premises database and records

3.4.1 The Service operated a three tiered approach to document control and storage. Feed registration forms and intervention records were uploaded, and organised in a database which was backed up daily. Auditors were informed about the limited search capability of the system – this was illustrated when trying to locate records for a business as part of the audit checks. The information was not easily retrievable.

3.4.2 Following an intervention, auditors confirmed that the delegated Lead Feed Officer forwarded completed intervention information (including the LOC score and inspection findings) to the Service and AHLEM. ALEHM use the information to generate the next inspection date on behalf of the Service. On receiving the information, the authority created a new record

in another, separate database. This system wasn't capable of identifying these visits as 'feed' interventions but the Service had devised a way of identifying them in the system as a short term measure until a new visit code could be created. Auditors noted that feed visits were also linked to a business address in the system. The two databases were not able to generate next inspection dates or provide a risk rating or LOC score.

- 3.4.3 In order to overcome this, the Service kept a manual spreadsheet record of all feed businesses in the borough. This document was the feed register. At the time of the audit, this register was incomplete and basic details such as the next inspection date, baseline and LOC scores had been omitted. The Service did however keep a separate list of inspections that had been undertaken since 2014, but the detail had not been merged with the feed register making it difficult to establish which interventions were due and when. This has since been rectified by the Service and the two spreadsheets merged with further detail relating to inspection dates having been requested from the delegated Lead Feed Officer.
- 3.4.4 It became apparent during the audit that separate versions of the feed register were held by ALEHM, the delegated Lead Feed Officer and the Service leading to confusion about who had overall control of the register, and which one was the most current version. To avoid further issues, auditors stressed the importance of clarifying these roles, in particular to identify responsibilities for updating the risk register with risk scores and next inspection dates.

Recommendation 7 – Database review

[The Standard, paragraph 11.2 and 16.1]

Introduce a system to ensure the accuracy and reliability of the feed register and databases, ensuring that they are kept up to date as the accuracy of such databases is fundamental to service delivery and monitoring. This will require discussion and agreement with ALEHM, in particular to avoid the existence of duplicate versions of the feed register.

- 3.4.5 The Service did not have a specific documented procedure to ensure that its database was complete and accurate for all relevant feed businesses in the area. It was confirmed that the food safety database procedure could usefully be expanded to capture this.

3.5 Lead Officer role for feed

- 3.5.1 As outlined in paragraph 3.1.5 above, the Authority had delegated the Lead Officer role to an ALEHM appointed contractor. The Service had no

documented procedure for the monitoring of the officers work, although auditors discussed the possibility of extending the current food monitoring procedure for this purpose.

- 3.5.2 Auditors were informed that all work undertaken by the delegated Feed Lead on behalf of the Service, undergoes limited monitoring by the Food and Safety Manager before scanning onto the database. This involved checking to ensure the next inspection date and LOC score were noted on the inspection protocol and the level of detail was appropriate.
- 3.5.3 As part of the wider London Region, another ALEHM appointed contractor was involved in delivering the feed intervention programme across some of the North London boroughs. The Service's delegated Feed Lead occasionally checks the work of this officer but this isn't formally documented or recorded. Auditors discussed the possible introduction of periodic exercises to ensure the consistency of the ALEHM appointed officers work. This could usefully be built in to the ALEHM drafted Animal Feed Protocol.

Recommendation 8 – Internal monitoring

[The Standard, paragraph 19.1 & 19.2]

Review and expand as necessary the existing internal monitoring arrangements to ensure that all aspects of the feed service are covered, including monitoring of the feed register and associated databases.

3.6 Regional Lead role for feed

- 3.6.1 The Service's delegated Lead Feed Officer carried out a dual role as he was also the Regional Feed Lead. There appeared to be good communication between the Regional Feed Lead and the ALEHM Regional Coordinator with roles and responsibilities being very clearly defined. Generally, the Coordinator communicated with the London authorities on matters relating to funding and allocations, with the Regional Lead communicating on the inspection and intervention programme.
- 3.6.2 See paragraph 3.5.3 on the regional approach to the feed intervention work and consistency between ALEHM inspectors.
- 3.6.3 Historically, the ALEHM Coordinator had attended National Agricultural Panel (NAP) meetings. From the next meeting in October, the Panel would be attended by both the Coordinator and the Regional Lead. Relevant information was disseminated mainly via email to the Authorities for information and/or action.

3.6.4 The Regional Lead and Coordinator are active members of the Knowledge Hub and the auditors were advised that they would share best practice and case studies of interest with the Authority as necessary.

3.7 Accuracy and delivery of official feed reports to the Agency

3.7.1 The Service did not have any specific documented procedure for assessing the accuracy of official feed reports to the Agency. The Agency had received an annual feed return for 2014/15, but there was some confusion around who had submitted this, with the Authority believing it had been submitted by ALEHM. The Authority has since confirmed to auditors that the return was submitted by them.

3.7.2 ALEHM was responsible for compiling the desktop model for the London region and submitting the quarterly updates on behalf of the Service and region. Auditors could not assess the accuracy of this model as the returns were compiled as a region rather than by authority.

3.7.3 No UKFSS return had been filed as no sampling had been carried out.

3.7.4 Auditors discussed a number of potential anomalies with apparent additional premises (importers and distributors) in the most recent annual return, which suggested that the total number of premises in the area could be higher than the number recorded in the feed register. It has since been confirmed that these were secondary codes for existing businesses rather than separate premises. Future returns will report only one code for each of the businesses.

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Food Standards Agency
Regulatory Delivery Division

ANNEX A - Action Plan for the London Borough of Croydon

Audit date: 14-15th September 2016

| TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH) | BY (DATE) | PLANNED IMPROVEMENTS | ACTION TAKEN TO DATE |
|---|-------------------|---|---|
| <p>Recommendation 1 - Service planning [The Standard 3.1]</p> <p>Future service plans should provide the detail outlined in the Service Planning Guidance of the Framework Agreement, including:</p> <ul style="list-style-type: none"> • The scope and demands of the feed service, which should incorporate a brief statement outlining how the responsibilities for feed delivery are divided between the service and ALEHM and the delegated powers assigned to the appointed feed inspector. Examples of where clarification was required included responsibilities for follow up action upon the identification of non-compliance during an intervention; and the completion of the feed register to eliminate the need for multiple versions of the same document to be in use. • The feed establishments profile including the number and type of establishments in the authority's area. • An outline of how the national enforcement priorities (NEPs) fit into the work of the Service and in particular how they would influence the delivery of the annual programme of official controls. | <p>31/04/2017</p> | <p>Croydon Council are completing a corporate review of Divisional and departmental service plans. This is to include a staff engagement process as well. The 2017-2018 service plan will incorporate the FSA recommendation.</p> <p>We will be guided by ALEHM and the lead feed officer to consider and implement the NEPs. We will review the FSA website and correspondence, and knowledge hub for future NEPs. We will respond to any alerts regarding feed or food businesses in Croydon.</p> | <p>Current service plans has been updated to include the number and type of feed premises currently within the borough.</p> |

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| <p>Recommendation 2 – Implementation of Earned Recognition and AES</p> <p>[Feed Law Code of Practice, paragraph 5.3, 5.4 and Annex 2] [New Feed Delivery Model]</p> <p>Implement a system for Earned Recognition, and in particular devise a strategy for alternative enforcement to ensure that those businesses able to demonstrate broad compliance have their high standards recognised when determining the frequency of their controls.</p> | 31/04/2017 | The implementation of ER and particular AES will be discussed with the Lead Feed Officer, ALEHM, other London Boroughs and the FSA and an initial approach agreed by end of March 2017. We will ensure that this will be on the agenda for ALEHM 2017-2018 inspections work plan (where they are appropriate). | The Food and Safety manager has written to ALEHM and the Lead Feed officer to consider and develop a work plan for ER schemes since first inspections have been completed on our Feed premises. |
| <p>Recommendation 3 – Competency Assessment</p> <p>[The Standard, paragraph 5.3]</p> <p>Review and update as necessary the current scheme of delegation to ensure that all relevant legislation references are included and the extent of the delegation is captured.</p> <p>Ensure the delegated ALEHM Lead Feed officer is issued with an appropriate authorisation to undertake the duties required by the authority.</p> | Completed 31/11/2016 | To be revised every year and in the event of new/amended legislation before authorisation is provided to the inspecting officer. | The authorisation for the lead feed officer/ inspector has been signed by the Chief Executive and has been given to the lead feed officer/inspector prior to undertaking inspections. |
| <p>Recommendation 4 – Initial inspections</p> <p>[Feed Law Code of Practice, Section 5.7]</p> <p>The Authority must agree an approach with the Agency and ALEHM to ensure that initial inspections of newly registered feed businesses, or businesses supplying surplus food to feed establishments undergo initial inspections in a timely manner.</p> | 31/03/2017 | The council will consider in agreement with ALEHM, the inspection of new premises within a timely manner. The Food and Safety Manager will ensure that those registered will be prioritised for their first inspection on the ALEHM allocation within 6 months. | All premises registered with the council are to be inspected in the year 16-17 through the ALEHM contract. |

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| <p>Recommendation 5 – Action required following intervention [The Standard, paragraph 7.3] [The Feed Law Code of Practice]</p> <p>Ensure timely follow up action is taken following interventions where non-compliance or further information is required. This will require discussion and agreement between the Service and ALEHM on roles and responsibilities when follow up action is required.</p> | 31/12/2016 | <p>The Food Safety Manager will review inspections once completed by contactor within 4 weeks of receipt. The Food and Safety Manager will decide and agree the person responsible for the revisit/review and the number and timescale of the revisits / reviews e.g. with the contractor or with a Food and Safety Officer/EHO.</p> <p>The agreement with ALEHM will be reviewed to ensure this undertaking is agreed.</p> | <p>The Feed inspector has reviewed the inspections completed in 2015. He has devised a plan to contact those which require follow up action. A budget has been agreed for further follow up work. The extra work cost will be provided through the ALEHM contract and paid by the authority through ALEHM.</p> |
| <p>Recommendation 6 – Third country representatives [The Feed Law Code of Practice]</p> <p>Establish whether any third country representatives are operational in the borough, and ensure that where identified, these businesses are included within the feed programme and captured in the feed register. This should include updating the centrally held register of representatives if third country feed establishments as necessary.</p> | Completed 31/10/16 | <p>FSA links will be checked every year, and as required to ensure that any representatives in the borough are registered.</p> | <p>Premises within the borough were checked and removed from the register as they are no longer trading.</p> <p>Feedback to the FSA has been provided.</p> |

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| <p>Recommendation 7 – Database review [The Standard, paragraph 11.2 and 16.1]</p> <p>Introduce a system to ensure the accuracy and reliability of the feed register and databases, ensuring that they are kept up to date as the accuracy of such databases is fundamental to service delivery and monitoring. This will require discussion and agreement with ALEHM, in particular to avoid the existence of duplicate versions of the feed register.</p> | 31/04/2017 | <p>Introduction of a new module in the existing Uniform database, to incorporate Feed premises registration and risk assessment. The system will also be able to record visits and actions taken against each premises. This Uniform database will create one record for each premises. The records will be controlled. The inspections and visits will be recorded on the database and cannot be overridden. The records can only be removed or amended by a super user so there will be concise data available for feed businesses. The entry of such information will be entered by the business Support officers to control the flow of information and remove the duplication and admittance of up-to-date information such as inspections carried out.</p> | <p>On 16/9/16 the current Feed Register was reviewed and updated to incorporate the correct data and inspections completed. The data has been sent to the FSA. The Food and Safety Manager has full responsibility for the register. One spreadsheet will be used for the recording of feed businesses.</p> |
| <p>Recommendation 8 – Internal monitoring [The Standard, paragraph 19.1 & 19.2]</p> <p>Review and expand as necessary the existing internal monitoring arrangements to ensure that all aspects of the feed service are covered, including monitoring of the feed register and associated databases.</p> | Ongoing - 31/4/17 | <p>The Food and Safety manager will review the Feed paperwork, notices and inspections every year or as and when the codes of practice change, in conjunction with the Lead Feed officer and ALEHM. A quarterly review of the feed premises database will take place.</p> <p>In addition, the Food and Safety Manager will continue to undertake internal monitoring checks on each inspection proforma submitted by the delegated Lead Feed Officer.</p> | <p>The 2015 inspection paperwork has been audited by the Food and Safety manager. Data has been recorded on the current database and stored electronically. There is ongoing monitoring of food business we visit during food inspections, to review their feed activities, and where necessary recorded on the inspection forms for further action to be taken by the Food and Safety Manager. We will monitor the web for further feed businesses /feed activities.</p> |

ANNEX B - Audit Approach/Methodology

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

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

- Examination of plans, policies and procedures.
- Examination of file records.
- Review of database records

ANNEX C – Glossary

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| Agricultural Analyst | A person, holding the prescribed qualifications, who is formally appointed by a local authority to analyse feed samples. |
| Authorised officer | A suitably qualified and competent officer who is authorised by the local authority to act on its behalf in, for example, the enforcement of food and feed law. |
| Feed Law Code of Practice | Government Code of Practice issued under regulation 6 of the Official Feed and Food Controls Regulations 2009 as guidance to local authorities on the execution and enforcement of feed law. |
| County Council | A local authority whose geographical area corresponds to the county and whose responsibilities include food standards, food hygiene at the level of primary production and feeding stuffs enforcement. |
| Defra | The Department for Environment, Food and Rural Affairs. The Government Department designated as the central competent authority for products of animal origin in England. |
| District Council | A local authority of a smaller geographical area and situated within a County Council whose responsibilities include food hygiene enforcement. |
| Environmental Health Officer (EHO) | Officer employed by the local authority to enforce food safety legislation. |
| FNAO | Feed not of animal origin. Products that do not fall under the requirements of the veterinary control regime. |
| The DG Health and Food Safety - Audit and Analysis | Part of the European Commission, formerly known as the Food and Veterinary Office (FVO). |
| Feed Law Enforcement | Government Code of Practice issued under the |

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| Code of Practice | Official Feed and Food Control Regulations 2009. |
| Feeding stuffs | Term used in legislation meaning feed, including additives and pet food, whether processed, partially processed or unprocessed, intended to be used for oral feeding to animals. |
| Food/feed hygiene | The legal requirements covering the measures and conditions necessary to control hazards to ensure fitness for human consumption of a foodstuff/animal consumption of a feed, taking into account its intended use. |
| Food/Feed standards | The legal requirements covering the quality, composition, labelling, presentation and advertising of food/feed |
| Framework Agreement | <p>The Framework Agreement consists of:</p> <ul style="list-style-type: none"> • Food and Feed Law Enforcement Standard • Service Planning Guidance • 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 yearly returns to the Agency on their feed enforcement activities .e. numbers of inspections, samples, prosecutions and notices.</p> <p>Under the Audit Scheme the Food Standards Agency conduct audits of the food and feed law enforcement services of local authorities against the criteria set out in the Standard.</p> |
| Full Time Equivalents (FTE) | A figure which represents that part of an individual officer's time available to a particular role or set of duties. It reflects the fact that individuals may work part-time, or may have other responsibilities within the organisation not related to food and feed |

enforcement.

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

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| Public Analyst | An officer, holding the prescribed qualifications, who is formally appointed by the local authority to carry out chemical analysis of food and feed samples. |
| RASFF | Rapid alert system for food and feed. The European Union system for alerting port enforcement authorities of food and feed hazards. |
| Risk rating | A system that rates food/feed premises according to risk and determines how frequently those premises should be inspected. |
| Service Plan | A document produced by a local authority setting out their plans on providing and delivering a food/feed Service to the local community. |
| Trading Standards | The Department within a local authority which carries out, amongst other responsibilities, the enforcement of food standards, food hygiene at the level of primary production and feeding stuffs legislation. |
| Trading Standards Officer (TSO) | Officer employed by the local authority who, amongst other responsibilities, may enforce food standards, food hygiene at the level of primary production and feeding stuffs legislation. |
| Unitary Authority | A local authority in which the County and District Council functions are combined, examples being Metropolitan District/Borough Councils, and London Boroughs. A Unitary Authority's responsibilities will include food hygiene (including at the level of primary production), food standards and feeding stuffs enforcement. |