

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

Hertfordshire County Council
27-28 September 2011



Foreword

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

www.food.gov.uk/enforcement/auditandmonitoring

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

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

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

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

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

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

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

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

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1. Introduction

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

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

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

Reason for the Audit

- 1.2 The power to set standards, monitor and audit local authority feed and food law enforcement services was conferred on the Food Standards Agency by the Food Standards Act 1999 and the Official Feed and Food Controls (England) Regulations 2009. This audit of Hertfordshire County Council was undertaken under section 12(4) of the Act as part of the Food Standards Agency's annual audit programme. Regulation (EC) No. 882/2004 on official controls performed to ensure the verification of compliance with feed and food law includes a requirement for competent authorities to carry out internal audits or to have external audits carried out. The purpose of these audits is to verify whether official controls relating to feed and food law are effectively implemented. To fulfil this requirement, the Food Standards Agency, as the central competent authority for feed and food law in the UK has established external audit arrangements. In developing these, the Agency has taken account of the European Commission guidance on how such audits should be conducted.¹
- 1.3 Hertfordshire County Council was included in the Food Standards Agency's programme of audits of local authority feed law enforcement services to be representative of a geographical mix of 12 feed law enforcement LAs across England and Wales.

Scope of the Audit

- 1.4 The audit examined Hertfordshire County Council's arrangements for feed law enforcement controls of feed not of animal origin (FNAO).
- 1.5 The audit scope included the assessment of local arrangements for service planning, delivery and review, provision and adequacy of

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

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

- 1.6 The on-site element of the audit took place at the Authority's offices at Mundells, Welwyn Garden City, Hertfordshire on 27-28 September 2011.
- 1.7 The audit also afforded the opportunity for discussion with officers involved in feed law enforcement with the aim of exploring key issues and gaining opinions to inform Agency policy.
- 1.8 The information gained during this programme will be incorporated into a summary report on the feed inspection and control activities audit programme.

Background

- 1.9 Hertfordshire County Council is situated inland to the North of Greater London. The population of Hertfordshire is around 1.1 million and mainly situated in urban areas. Hertfordshire is a mixed rural and urban county. Hertfordshire contains the headquarters of many large scale national companies and is economically dependent on the manufacturing and service industries. However, the County also has a significant number of agricultural premises, including around 800 livestock farms.
- 1.10 Hertfordshire Trading Standards Service was situated within the newly formed Community Protection Directorate and in addition to carrying out feed law enforcement activities had responsibility for food standards, animal health and welfare duties and weights & measures, as well as a number of other trading standards responsibilities.
- 1.11 Feed law enforcement activities were carried out by the Food Standards/Feed Lead Officer, a Senior Trading Standards Officer and an Animal Health Officer, overseen by the Community Protection Manager. Auditors were informed that the Service had been recently restructured with the loss of staff previously involved in feed law enforcement activities.

2. Executive Summary

- 2.1 The Authority had developed a 'Trading Standards Service Food and Feed Law Enforcement Service Plan 2011/12' that was broadly in line with the Service Planning Guidance in the Framework Agreement. The benefits of including a comparison of the resources required to deliver the feed law enforcement service against resources available to the Authority were discussed, together with a more detailed annual review of feed enforcement activities.
- 2.2 The Authority had recently developed and implemented a single document containing the procedures for the Service's feed law enforcement activities which were generally up to date with current legislation, the Feed Law Enforcement Code of Practice (FLECP) and centrally issued guidance. Further procedures should be developed and implemented to cover the full range of feed law enforcement activity.
- 2.3 The Authority had developed and implemented an officer authorisation procedure and had linked the procedure to officer qualifications and competency. However, the Authority should review the Scheme of Delegation to ensure that all relevant feed law enforcement legislation has been appropriately and unambiguously delegated. Generally officers had received training in accordance with Continuing Professional Development requirements and those officers interviewed were able to demonstrate a good working knowledge of feed legislation controls.
- 2.4 The Authority had developed and implemented a procedure to ensure the feed premises database was accurate and up to date. However, the Authority reported that some data had been lost during a recent transfer to a new database system, including feed premises usage codes. At the time of the audit the Authority had implemented a programme to contact feed businesses to update the database in regard to their current feed activities.
- 2.5 The Authority had developed an annual feed premises inspection programme for 2011/12, although historically only inspections of high risk premises had been routinely carried out and medium and low risk feed premises had not been inspected at the frequency required by the FLECP. There was some evidence of inspection activity at lower risk premises by officers carrying out animal health work and in the course of reactive work such as sampling and dealing with referrals, but these checks did not meet the minimum criteria of a full primary inspection. In addition the inspection aide-memoire in use did not provide sufficient prompts for officers to record details such as Hazard Analysis and Critical Control Point (HACCP) assessments and other information required by the FLECP.

- 2.6 The Authority had effective liaison arrangements in place both locally and nationally.
- 2.7 Record checks on unsatisfactory feed samples found in all cases that the Authority had communicated the results to the feed business operator. However, it was not always apparent from the records if any action had been taken or appropriate advice issued in respect of the results.
- 2.8 Record checks on a number of complaints and referrals made to the Authority regarding feed businesses in the area showed that the Authority had contacted the relevant feed business operator and carried out an investigation, but from the records, it was not always possible to establish the outcome.
- 2.9 The Authority had developed and implemented a procedure for the receipt of feed incidents in accordance with the FLECP.
- 2.10 Premises records and those of other feed law enforcement activities such as inspections, samples and complaints provided insufficient information for auditors to fully assess whether these activities had been carried out in accordance with FLECP. Consequently, it was also not clear that the Authority recorded and retained sufficient information to determine appropriate intervention decisions and to facilitate effective internal monitoring.
- 2.11 The Authority had developed and implemented a documented procedure on internal monitoring. There was evidence that both qualitative and quantitative monitoring had been undertaken in the past, although this was not routinely recorded or documented. Auditors discussed the benefits of ensuring that documented risk-based and proportionate monitoring was extended to cover the full range of enforcement activities in relation to feed controls.

3. Audit Findings

3.1 Organisation and Management

Strategic Framework, Policy and Service Planning

- 3.1.1 The Authority had developed a 'Trading Standards Service Food and Feed Law Enforcement Service Plan 2011/12' ('the Service Plan'). The Service Plan had been linked to the 'Hertfordshire County Council Corporate Plan 2009/12' and the 'Trading Standards Business Plan 2010-2013'. Future plans would benefit from a comparison of the financial and staff resources required to deliver the feed law enforcement service against resources available to the Authority, based upon the full range of demands placed upon it. The Service Plan had been approved by an appropriate delegated senior officer.
- 3.1.2 There was evidence that the previous year's Service Plan had been reviewed and improvements identified, although the Service Plan gave a statement of intent rather than details of the review and the identified variations. Auditors discussed the benefits of further improving the annual review to focus on relevant feed activities and the identification of areas for improvement.
- 3.1.3 Auditors discussed with the Authority the 2009 Food and Veterinary Office Report on Feed Law in the UK. The Authority had not taken any specific action to address the findings of the report.

Recommendation

3.1.4 The Authority should:

Further develop the Service Delivery Plan in full accordance with the Service Planning Guidance in the Framework Agreement. The Plan should include a comparison of the resources required to deliver the feed law enforcement service against the resources available to the Authority, and a more detailed review of annual feed law enforcement activities, including any variation from the previous year's Plan and identified improvements. [The Standard - 3.1]

Documented Policies and Procedures

- 3.1.5 The Authority's intervention and enforcement procedures were contained in a single document entitled 'Food and Feed Law Enforcement Policies' (FFLEP) and included 'Section 4: Review of Documented Policies'. The Lead Feed Officer had responsibility for updating policies and procedures and any changes were approved by the Community Protections Manager prior to being issued. Feed law enforcement procedures had been reviewed and recently updated. Procedures were reviewed annually and whenever there were changes to legislation. However, the enforcement procedures would benefit from being updated to include powers relevant to the Official Feed and Food (England) Regulations 2009.
- 3.1.6 Access to relevant sources of information, including procedures, and legislation was available to officers through the database management system which was 'read only' and only available to those with authorised access.

Recommendation

3.1.7 The Authority should:

Continue to develop, review and update documented policies and procedures relating to all feed enforcement activities at regular intervals and whenever there are changes to legislation or centrally issued guidance.
[The Standard - 4.1]

Authorised Officers

- 3.1.8 The Assistant Director (Community Protection) had delegated powers to appoint and authorise officers in line with the Authority's scheme of delegation. The documents linking authorisation to the scheme of delegation had been broadly drafted and legislation relevant to feed law enforcement, namely the Agriculture Act 1970 and the European Communities Act 1972 had not been referenced. It is important that there is no ambiguity in the delegation of officer authorisations to minimise legal challenges to any enforcement proceedings carried out by the Authority.
- 3.1.9 The Authority's documented procedure for authorisation was detailed in FFLEP 'Section 5: Authorised Officers' that set out the means by which officers were authorised based on their individual qualifications, training, experience and competency. The Authority had developed a suitable method of linking officer authorisations to assessments of officer competence to ensure that all officers are authorised in

accordance with the FLECP. The Assistant Director (Community Protection) only issued authorisations to officers on receipt of a letter of recommendation from the Community Protection Manager, and the Authority operated a system of temporary revocation if an officer was unable to fulfil the Continuing Professional Development (CPD) requirement of the FLECP.

- 3.1.10 The Authority had appointed a Lead Officer and notified their name to the Agency. Auditors were informed that the role of Lead Officer had recently been reallocated and the name of the new officer would be notified to the Agency in due course.
- 3.1.11 Officer training needs were identified as part of the corporate Performance Management Development System review process and six monthly interim reviews. Generally, officers had received training in feed enforcement activities and had maintained the minimum ongoing 10 hours of feed related training per year, based on CPD in accordance with the FLECP. Training records were generally easily retrievable and effectively maintained.
- 3.1.12 An Animal Health Officer, responsible for limited on farm feed law enforcement, was interviewed during the audit and was able to demonstrate a good knowledge of legislation and enforcement across the feed law enforcement activities covering their range of responsibility.
- 3.1.13 The Authority was able to confirm that 0.8 FTE officers were available to carry out feed law enforcement. Auditors discussed whether this was sufficient resource committed to feed law enforcement activities in relation to the number of agricultural premises in the County. Auditors were informed that the Authority had concentrated on high risk feed premises and reactive work such as responding to referrals and unsatisfactory samples, but had prioritised other trading standards activities, of local significance, ahead of medium and low risk feed premises interventions.

Recommendation

3.1.14 The Authority should:

Review the documented procedure for the authorisation of officers and the Council's scheme of delegation to ensure officers are appropriately and unambiguously authorised for all relevant feed law enforcement legislation in accordance with the Feed Law Enforcement Code of Practice and centrally issued guidance. [The Standard – 5.1]

Facilities and Equipment

- 3.1.15 The Authority had ensured access to suitable equipment for the sampling of feeding stuffs. The equipment was detailed in FFLEP 'Section 6: Facilities and Equipment' which also contained procedures for maintenance.
- 3.1.16 The Authority had an electronic database for recording feed law enforcement activities which was capable of providing information necessary for official returns to the Agency. The Authority's procedure for the maintenance of the accuracy of the database was contained in FFLEP 'Section 11: Food and Feed Premises Database'. The Authority reported that they had recently moved to a new database and not all of the information contained on the previous system had been successfully transferred, including feed premises usage codes which had caused difficulties in matching up data with the Agency monitoring return. The Authority had temporarily dealt with this problem by transferring the data to an Excel spreadsheet.
- 3.1.17 The Authority had recently implemented an ongoing project of contacting feed premises to ensure that the feed establishment database was accurate and fully up to date.

Liaison with Other Organisations

- 3.1.18 The Authority had developed liaison arrangements with central government, other enforcement bodies and professional organisations.
- 3.1.19 Locally the Authority was a member of East England Trading Standards Agriculture Sub-Group. Through the group the Authority had access to feedback from national liaison groups such as the Advisory Committee on Animal Feedingstuffs (ACAF) and the Animal Feed Law Enforcement Liaison Group (AFLELG). The Authority also liaised with the local Inspections and Investigations Team (IIT) (formerly the Animal Medicines Inspectorate) representative for the area at the local liaison group; although at present there were no relevant feed premises in the area manufacturing feed for medicinal purposes.

3.2 Feed Control Activities

Feed Establishments Interventions and Inspections

- 3.2.1 The Authority's feed inspection procedure was contained in FFLEP 'Section 7: Food Interventions and Feed Inspections'. The procedure was up to date, taking account of current legislation, the FLECP and contained useful guidance for officers. In addition FFLEP contained 'Appendix 7: Procedure for Registration and Approval of Feed Businesses' which was up to date with current legislation.
- 3.2.2 Auditors were advised that there were no feed premises in the area carrying out activities requiring approval under the legislation.
- 3.2.3 The Authority's inspection programme in the Service Plan 2011/12 stated that all feed establishments in the highest risk category subject to Regulation 183/2005 Annex II requirements would receive an inspection visit. Further planned visits for medium risk premises and low risk interventions were included in the inspection programme as 'project' work, although it was not specified what this would entail. File checks showed that medium risk feed premises had not been routinely inspected at the frequencies set out in the FLECP. Auditors discussed the necessity of keeping medium and low risk premises under surveillance so that changes in feed business activity from low to higher risk activities could be identified. The importance of this was demonstrated during a 'reality visit' to a local feed manufacturer detailed in paragraph 3.2.7.
- 3.2.4 The Authority's feed premises inspection aide-memoire did not include provision for sufficient detail of inspection findings, in particular officers' HACCP assessments, or for adequate information such as the size of the premises and the main activities being carried out. In addition, the inspection reports left with the feed business operators did not cover adequately all areas of the feed enforcement checks carried out. Consequently, it was not possible for auditors to ascertain whether effective enforcement had been undertaken. Auditors highlighted the Agency's recently issued template aide-memoire which includes greater opportunity for officers to record HACCP assessments. This is essential to:
- demonstrate that feed businesses comply with the law
 - ensure subsequent inspecting officers are aware of individual business compliance histories
 - to inform each step of a graduated enforcement approach
 - and to permit effective internal qualitative monitoring.

Generally, reports had been left with feed business operators following each inspection.

Recommendations

3.2.5 The Authority should:

- (i) Carry out feeding stuffs inspections at a frequency which is not less than that determined under the relevant inspection rating system and in accordance with the legislation, Feed Law Enforcement Code of Practice or centrally issued guidance. [The Standard – 7.1 and 7.2]
- (ii) Assess the compliance of feed premises and systems to legally prescribed standards and ensure that observations made during inspections are recorded in a timely manner to prevent the loss of relevant information. Records should be legible and retrievable [The Standard - 7.3 and 7.5]

Verification Visit

3.2.6 As part of the audit programme a verification visit was carried out at a local feed business with an officer from the Authority. The purpose of the visit was to determine the effectiveness of the Authority's assessment and application of feed controls in accordance with the legislation, FLECP and the Authority's own procedures. It was evident that the Authority had not been aware of the extent of the feed business activities at the premises or the level of control the feed business operator had over their operations, particularly in regard to HACCP systems. However, the officer who conducted the visit was able to demonstrate an extensive knowledge of feed legislation and a thorough assessment of the manufacturing systems including HACCP in accordance with the Feed Law Enforcement Code of Practice.

Feed Sampling

3.2.7 The feed sampling policy was contained within the Service Plan and an annual sampling plan had been developed. Sampling plans were developed with documented project protocols and with due consideration of National Priorities and in consultation with the Agricultural Analyst.

3.2.8 The Authority's sampling procedure was contained in FFLEP 'Section 12: Food and Feed Sampling'. The procedure was up to date and took account of new legislation, the FLECP and centrally issued guidance.

- 3.2.9 The Authority generally took informal samples and file checks indicated in all cases that samples had been taken in accordance with the FLECP and centrally issued guidance. There was evidence that all unsatisfactory sample results had been effectively communicated to feed business operators, but it was not always clear what actions the Authority had carried out in response to unsatisfactory samples or how any issues had been concluded.
- 3.2.10 The Authority had appointed an Agricultural Analyst for feed sampling activities and the laboratory used was appropriately accredited.

Enforcement

- 3.2.11 The Authority had developed and implemented a corporate enforcement policy entitled 'Our Enforcement Promise' which had been approved at the appropriate Member forum. The Policy confirmed that the Authority was committed to implementing the Enforcement Concordat and the Regulators' Compliance Code in all enforcement activities. The Authority's enforcement procedures were contained in FFLEP 'Section 15: Enforcement'. Generally, the procedures were up to date with current legislation and centrally issued guidance, but did not reference powers under the Official Feed and Food Controls (England) Regulations 2009.
- 3.2.12 No feed enforcement activity beyond advice had been deemed necessary by the Authority for a number of years.

Recommendation

3.2.13 The Authority should:

Extend the documented enforcement procedures to cover the full range of enforcement actions and follow-up action for feed law enforcement in accordance with the relevant legislation, the relevant Code of Practice and centrally issued guidance. [The Standard – 15.2]

Feed Complaints, Primary Authority Scheme and Home Authority Principle

- 3.2.14 The Authority's procedure for feed complaints was contained in FFLEP 'Section 8: Food, Feed and Food Premises Complaints'. File checks showed that all complaints and referrals examined had been investigated. However, it was not always apparent from the records what action had been taken in respect of the complaint or referral or the justification for closure.

3.2.15 The Authority confirmed support for the Home Authority Principle and the Primary Authority Scheme. The Service acted as Home Authority for a major supermarket retailer which had registered an extensive number of its retail premises for feed around the country. However, the Authority did not have a formal Primary Authority arrangement with the company for feed law.

Feed Safety Incidents

3.2.16 The Authority's feed incidents procedure was contained in FFLEP 'Section 14: Food and Feed Safety Incidents'. The Authority had a computer that was capable of receiving feed alerts. The response to feed alerts was documented, all notifications were retained as records and out of hours response arrangements had been set up.

3.2.17 The Authority recently dealt effectively with a feed safety incident which had involved a consignment of palm kernel expeller with high levels of arsenic. The batch had been re-directed for use as bio-fuel.

Advice to Business

3.2.18 The Service Plan stated that business advice was given through:

- *running courses or seminars...*
- *written advice provided to a particular sector...*
- *advice given during the course of inspections and other visits*
- *provision of advice leaflets and information over the Service's website*
- *responding to general enquiries*
- *support of national and local campaigns...'*

3.2.19 Generally, it was noted that feed advice was issued on a reactive basis. Specific examples included advice provided during premise visits, follow-up e-mails and correspondence in relation to sampling results and referrals, and letters relating to the registrations of feed premises.

3.3 Internal Monitoring and Third Party or Peer Review

Internal Monitoring

- 3.3.1 The Authority's procedure for the monitoring of feed enforcement activities was contained in FFLEP 'Section 19: Internal Monitoring'.
- 3.3.2 Qualitative monitoring was generally carried out through the Authority's annual corporate PDMS with six monthly recorded reviews. In addition, approximately every six weeks, the Authority had undertaken one-to-one meetings between managers, the Lead Feed Officer and operational staff to monitor workloads and discuss any issues which may have arisen in regard to individual cases. The monthly one-to-one monitoring had not always been fully documented; however, issues of any significance were recorded to review at future meetings.
- 3.3.3 Accompanied inspections were not a routine activity for the Authority, although these were regularly carried out with officers studying for qualifications, and these visits had not been formally documented for monitoring purposes.
- 3.3.4 In addition some quantitative monitoring was being carried out in the form of statistical analysis of ongoing inspection targets, which were also discussed with officers at their monthly one to one meetings and at team meetings.
- 3.3.5 Auditors discussed the benefit of ensuring risk-based monitoring covers all areas of feed law enforcement to verify conformance with the Standard. The monitoring should be routinely recorded.

Recommendation

3.3.6 The Authority should:

Ensure risk based internal monitoring covers all relevant areas of feed law enforcement activity in accordance with Article 8 of Regulation (EC) No. 882/2004 (Official Feed and Food Controls), the Feed Law Enforcement Code of Practice and centrally issued guidance. Internal monitoring should be recorded. [The Standard - 19.1 and 19.3]

Records

- 3.3.7 Records of feed law enforcement activity were maintained electronically and in paper files. Records of inspection, sampling and complaints were available. However, the records were not sufficiently detailed for auditors to determine whether officers had made effective determinations of compliance with legal requirements and to enable effective internal monitoring. There were no recent records for enforcement activity as the Authority had not deemed it necessary to carry out any enforcement actions.
- 3.3.8 Premises records contained insufficient detail to ascertain the compliance history of the business and did not include all of the information required by the FLECP.

Recommendation

3.3.9 The Authority should:

Maintain adequate, up to date accurate records for all feed establishments in its area in accordance with the Feed Law Enforcement Code of Practice. Records should include reports of all interventions/inspections, the determination of compliance with legal standards, and details of any action taken, including those in relation to unsatisfactory samples and complaints. [The Standard – 16.1]

Third Party or Peer Review

- 3.3.10 The Authority had an Inter Authority Auditing policy in place, however, they had not participated in any inter-authority audits or peer review processes relating to the feed service in the last two years.

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Food Standards Agency

Local Authority Audit and Liaison Division

ANNEXE A

Action Plan for Hertfordshire County Council

Audit date: 27-28 September 2011

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
<p>3.1.4 Further develop the Service Delivery Plan in full accordance with the Service Planning Guidance in the Framework Agreement. The Plan should include a comparison of the resources required to deliver the feed law enforcement service against the resources available to the Authority, and a more detailed review of annual feed law enforcement activities, including any variation from the previous year's Plan and identified improvements. [The Standard - 3.1]</p>	<p>31/03/12</p>	<p>The Service Delivery Plan will be improved for 2012/13 to incorporate a more detailed annual review as well as a comparison of staff resources available against the resource allocated to deliver.</p> <p>Look at best practice within EETSA region.</p> <p>Improve knowledge/competency of existing staff to provide greater capacity and flexibility in relation to feed law enforcement.</p>	<p>A Feed Specialist Officer was appointed on a temporary basis to assist the delivery of Feed related enforcement activities.</p> <p>Feed Hygiene Training and Imported Food/Feed Training arranged for all relevant members of staff.</p> <p>Via EETSA Agriculture Group request to work with authorities who have larger number of Feed premises to share their expertise.</p> <p>Recruitment of a TSO/Senior TSO underway, with an officer with Feed experience being a preferred option.</p>

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.1.7 Continue to develop, review and update documented policies and procedures relating to all feed enforcement activities at regular intervals and whenever there are changes to legislation or centrally issued guidance. [The Standard - 4.1]	31/03/12	Policies and procedures will be amended to incorporate Official Food and Feed (England) Regs 2009.	Review is an ongoing process. Amended policies and procedures will be in place by end of business year.
3.1.14 Review the documented procedure for the authorisation of officers and the Council's scheme of delegation to ensure officers are appropriately and unambiguously authorised for all relevant feed law enforcement legislation in accordance with the Feed Law Enforcement Code of Practice and centrally issued guidance. [The Standard – 5.1]	31/12/11	The authorisation process is part of a Countywide process administered by County Council Legal Services. Legal Services to give a clear and unambiguous answer on the validity of the current authorisations.	FSA draft audit report shared with Legal Services with request for clarification.
3.2.5(i) Carry out feeding stuffs inspections at a frequency which is not less than that determined under the relevant inspection rating system and in accordance with the legislation, Feed Law Enforcement Code of Practice or centrally issued guidance. [The Standard – 7.1 and 7.2]	31/03/12	Working in partnership with other agencies, including Rural Payment Agency and Assured Farm Scheme, develop an inspection plan that ensures that the department has improved awareness of the level of business compliance based upon risk.	Preparing a comprehensive questionnaire to be issued to all feed premises within the Local Authority area to reassess the number of high, medium and low premises and to prioritise resources accordingly.
3.2.5(ii) Assess the compliance of feed premises and systems to legally prescribed standards and ensure that observations made during inspections are recorded in a timely manner to prevent the loss of relevant information. Records should be legible and retrievable. [The Standard - 7.3 and 7.5]	31/12/11	Data recording procedures formalised as part of a wider departmental policy. Departmental paperwork amended to incorporate the Agency's recently issued template aide-memoire.	Staff informed by email of requirement to enter data within 3 working dates of visits taking place (date). Contacted FSA to have a copy of the new template provided.
3.2.13 Extend the documented enforcement procedures to cover the full range of enforcement actions and follow up action for feed law enforcement in accordance with the relevant legislation, the relevant Code of Practice and centrally issued guidance. [The Standard – 15.2]	31/03/12	Extend the range of documented procedures, specifically in relation to Official Controls and General Food Regs,	Review of available actions being undertaken, this will be completed by 31/12/11.

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
<p>3.3.6 Ensure risk based internal monitoring covers all relevant areas of feed law enforcement activity in accordance with Article 8 of Regulation (EC) No. 882/2004 (Official Feed and Food Controls), the Feed Law Enforcement Code of Practice and centrally issued guidance. Internal monitoring should be recorded. [The Standard - 19.1 and 19.3]</p>	<p>31/01/12</p>	<p>Review of Qualitative and Quantitative monitoring to take place for incorporation in monitoring of effective delivery of 2012/13 Service Plan. This will include the reintroduction of accompanied audits.</p>	<p>A program of accompanied audits has been prepared by Lead Feed Officer.</p>
<p>3.3.9 Maintain adequate, up to date accurate records for all feed establishments in its area in accordance with the Feed Law Enforcement Code of Practice. Records should include reports of all interventions/inspections, the determination of compliance with legal standards, and details of any action taken, including those in relation to unsatisfactory samples and complaints. [The Standard – 16.1]</p>	<p>31/01/12</p>	<p>Improvement in the accuracy of data held.</p> <p>Current procedures will be amended to detail what data/information must be included in accordance with Feed law Enforcement Code of Practice.</p> <p>This will be monitored via internal monitoring process for compliance.</p>	<p>Detail of data required and the capability of trader database to record information being examined.</p>

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:

- Trading Standards Service Food and Feed Law Enforcement Service Plan 2011/12
- Trading Standards Business Plan 2010-2013
- Hertfordshire County Council Corporate Plan 2009/12
- Scheme of Delegations to Officers
- Food and Feed Law Enforcement Policies
- Feeding Stuffs Sampling Project Protocols
- Hertfordshire County Council – Our Enforcement Promise (Enforcement Policy)
- Employee Appraisal Scheme procedures
- Minutes of East England Trading Standards Agriculture Focus Group Meetings
- Team Meeting Minutes
- 1 to 1 Officer Monitoring Records

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

- Authorisation, qualification and training files
- Feed inspection, premises and registration records
- Feed sampling and complaint records
- Internal monitoring records.
- E-mail records

(3) Interviews – the following officers were interviewed:

- Audit Liaison Officer (Lead Food/Feed Officer)
- Assistant Director (Public Protection)
- Community Protection Manager
- Animal Health Officer.

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

(4) On-site verification check:

A visit to a local feed manufacturer was carried out as part of the audit. The purpose of the visit was to assess the effectiveness of the officer's evaluation of the compliance of the feed business with legislative requirements.

Glossary

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

Feeding stuffs	Term used in legislation on feed mixes for farm animals and pet food.
Food Examiner	A person holding the prescribed qualifications who undertakes microbiological analysis on behalf of the local authority.
Food hygiene	The legal requirements covering the safety and wholesomeness of food.
Food standards	The legal requirements covering the quality, composition, labelling, presentation and advertising of food, and materials in contact with food.
Formal samples	Samples taken in accordance with the requirements of the Feed Law Code of Practice in accordance with the relevant sampling regulations and submitted to an accredited laboratory on the official list.
Framework Agreement	<p>The Framework Agreement consists of:</p> <ul style="list-style-type: none"> • Service Planning Guidance • Food and Feed Law Enforcement Standard • Monitoring Scheme • Audit Scheme <p>The Standard and the Service Planning Guidance set out the Agency's expectations on the planning and delivery of food and feed law enforcement.</p> <p>The Monitoring Scheme requires local authorities to submit annual returns to the Food Standards Agency on their food law enforcement activities i.e. numbers of inspections, samples and prosecutions.</p> <p>Under the Audit Scheme the Food Standards Agency will be conducting audits of the food and feed law enforcement services of local authorities against the criteria set out in the Standard.</p>
Full Time 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.
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.