

**Report on the Audit of Port Health Authority and Local  
Authority Food and Feed Law Enforcement Controls  
of Imported Food and Feed Not of Animal Origin  
at Grimsby and Immingham Port**

North East Lincolnshire Council  
27-28 January 2011



## Foreword

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

The attached audit report examines the Local Authority's Feed and Food Law Enforcement Service. The audit scope includes the assessment of local arrangements in place for service planning, delivery and review, provision and adequacy of officer training on imports and authorisations, and implementation and effectiveness of imported food and where applicable feed control activities, (including inspection, sampling and enforcement). Maintenance and management of appropriate records in relation to imports activity at ports and food businesses that handle imported food in inland local authorities (LAs) and internal service monitoring arrangements will also be examined.

This programme of focused audits has been specifically developed to address one of the main priorities identified in the Food Standard Agency's Strategy for 2010-2015 in meeting the outcomes that imported food is safe to eat and that regulation is effective, risk-based and proportionate. The strategic priority is to ensure risk-based, targeted checks at ports and local authority monitoring of imports throughout the food chain.

The audits examined Port Health Authority (PHA) and Local Authority (LA) systems and procedures for control of imported food and where relevant imported feed, at ports of entry (sea and air) and at inland authorities, in 15 geographically representative PHAs and LAs in England. The audits of PHAs were confined to food not of animal origin (FNAO), where relevant imported feed. However the audits of inland authorities covered products of animal origin (POAO) and FNAO. As part of the programme, other LAs with ports are also being contacted to establish whether liaison with ports and appropriate checks on imports are being undertaken.

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

It should be acknowledged that there will be considerable diversity in the way and manner in which local authorities may provide their food 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 food 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 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 at North East Lincolnshire Council with regard to food and 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 imported food and feed controls at Grimsby and Immingham Ports. The audit was undertaken as part of the Agency's focused audit programme of LA imported food and, where appropriate, feed controls. The report has been made publicly available on the Agency's website at:

***[www.food.gov.uk/enforcement/auditandmonitoring/auditreports](http://www.food.gov.uk/enforcement/auditandmonitoring/auditreports)***.

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

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

- 1.2 The power to set standards, monitor and audit local authority feed and food law enforcement services was conferred on the Food Standards Agency by the Food Standards Act 1999 and the Official Feed and Food Controls (England) Regulations 2009. This audit of North East Lincolnshire Council at Grimsby and Immingham Ports was undertaken under section 12(4) of the Act as part of the Food Standards Agency's annual audit programme. Regulation (EC) No. 882/2004 on official controls performed to ensure the verification of compliance with feed and food law includes a requirement for competent authorities to carry out internal audits or to have external audits carried out. The purpose of these audits is to verify whether official controls relating to feed and food law are effectively implemented. To fulfil this requirement, the Food Standards Agency, as the central competent authority for feed and food law in the UK has established external audit arrangements. In developing these, the Agency has taken account of the European Commission guidance on how such audits should be conducted.<sup>1</sup>
- 1.3 North East Lincolnshire Council was included in the Food Standards Agency's programme of audits of local authority food and feed law enforcement services to be representative of a geographical mix of 15 PHAs and LAs selected across England.

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

- 1.4 The audit examined North East Lincolnshire Council's arrangements for imported food controls in respect of imported food not of animal

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

origin (FNAO). Products of animal origin (POAO) are subject to veterinary control checks and separate auditing regimes. The Authority also had enforcement responsibilities for non POAO imported feed and arrangements for their examination were assessed during the audit.

- 1.5 The audit scope included the assessment of local arrangements for service planning, delivery and review, provision and adequacy of officer training on imports and authorisations, implementation and effectiveness of imported food and feed control activities, including inspection, sampling and enforcement. Maintenance and management of appropriate records in relation to imports activity at the port and internal service monitoring arrangements were also covered.
- 1.6 The on-site element of the audit took place at the Authority's Grimsby Dock Office, Fish Dock Road, Grimsby, North East Lincolnshire on 27-28 January 2011. The audit included a reality check to assess the effectiveness of official controls implemented by the Authority at Grimsby Port and, more specifically, the checks carried out by the Authority's officers to verify compliance with imported food and feed law requirements.
- 1.7 The audit also afforded the opportunity for discussion with officers involved in imported food and feed law enforcement with the aim of exploring key issues and gaining opinions to inform Agency policy. A set of structured questions were used as the basis for discussions which sought views and information on areas related to imported food and feed controls such as:
- service planning and the strategic framework of controls
  - training and support
  - criteria used to determine the level of checks
  - issues affecting the imported food control programme
  - sampling, surveillance and enforcement approaches.
- 1.8 The information gained during interviews will be incorporated into a summary report on the imported food inspection and control activities audit programme.

### ***Background***

- 1.9 North East Lincolnshire Council is located on the southern side of the Humber estuary and covers approximately 192 square kilometres. The area includes the towns of Grimsby, Cleethorpes and Immingham along with the Wolds villages, and has a population of around 158,000 people. The twin ports of Grimsby and Immingham are located on the Humber estuary and are major importers of fish and fish products. Consequently, the area has become a centre for fish

processors which are approved establishments, food and drink manufacturing and freight distribution.

- 1.10 North East Lincolnshire Council is a unitary authority and is responsible for all local government services in the area. The Council acts as the Port Health Authority.
- 1.11 Port Health formed part of Public Protection Service within the Community Services Directorate and had responsibility for all food and feed law enforcement at the port. This included the inspection of imported FNAO and all imported POAO originating from outside the European Union. The Service was also responsible for a range of other port health functions, including the inspection of vessels and work relating to environmental protection and infectious disease control.
- 1.12 The ports have been designated as a Border Inspection Post (BIP) for certain imported POAO. The ports are also a designated point of entry (DPE) for certain high risk food and feed products. The ports are not a designated point of import (DPI) for certain products subject to safeguard controls relating to aflatoxins.
- 1.13 North East Lincolnshire Port Health operated on a 5 day a week basis from a satellite office at Grimsby Docks. However, the Authority also operated 24 hour 7 day a week emergency cover.
- 1.14 Imported feed law enforcement at Grimsby and Immingham Ports, was the responsibility of Food Safety and Standards, which was also part of the Public Protection Service. However, this work was carried out by authorised Trading Standards Officers with Port Health fulfilling a monitoring role.

## 2. Executive Summary

- 2.1 The Authority had not developed a Food Service Plan for 2010/2011. The Authority stated that a Service Plan, in line with Service Planning Guidance in the Framework Agreement, would be developed for 2011/2012 and approved by the appropriate Member Forum or delegated senior officer.
- 2.2 The Authority was undergoing a prolonged period of reorganisation and acknowledged that most of its policies and procedures involving imported food and feed were no longer up to date. The Authority intended to review all policies and procedures, including those relating to imported food and feed, with a view to updating them in line with new legislation and centrally issued guidance. Auditors discussed the need to maintain a formal method of ensuring that policies, procedures and documents are reviewed and revised in line with changes in legislation, codes of practice and centrally issued guidance.
- 2.3 Generally, officers had been authorised in line with their qualifications, training and competency. However, there was evidence that authorisation documents also needed to be reviewed to ensure they were up to date with current legislation.
- 2.4 Although there was no formally documented procedure in place, the Authority had created a detailed information pack for officer reference, which included legislation and guidance relevant to Regulation (EC) No. 669/2009. There were well organised, effective systems and arrangements in place in relation to the control of imported foods. The Authority had developed a robust system for the identification of incoming consignments of containerised food through the systematic, detailed checking of every ship's manifest.
- 2.5 Facilities and equipment for the inspection and sampling of imported FNAO and feed were available and commensurate with the limited range and volume of such products arriving at the port at the time of the audit.
- 2.6 The ports had an effective consignment control system, which enabled the Authority to immediately hold any containerised consignment where further information or an inspection was required.
- 2.7 Imported FNAO and feed controls, including documentary checks, identity checks and random physical checks, were risk based and targeted in accordance with current legislation and officers' previous knowledge and experience.
- 2.8 Appropriate action had been taken on consignments and where necessary notices had been served requiring appropriate follow-up action on food consignments.

- 2.9 Records maintained in relation to imported food were detailed, accurate and easily retrievable.
- 2.10 There were extensive liaison arrangements with central government, other enforcement bodies, professional organisations and other external stakeholders. The Authority had ensured that businesses had been advised in regard to imported food control requirements, although there was scope for improving liaison arrangements with the HMRC Border Agency.
- 2.11 The Authority had carried out some quantitative and qualitative monitoring of its imported food and feed activities, including quarterly monitoring of relevant targets, annual officer performance and development appraisals, and regular documented team meetings. In addition there was other evidence of competency monitoring and supervision especially in relation to newly appointed officers. However, this monitoring was not routinely documented. Auditors discussed the need to develop and implement a procedure to ensure that risk based monitoring of all areas of imported food and feed enforcement, including officer authorisation, was carried out on a regular basis. Records of such monitoring should be maintained.
- 2.12 The Authority had made quarterly imported food returns and had submitted their annual 2009/2010 Local Authority Enforcement Monitoring Scheme (LAEMS) return.

### **3. Audit Findings**

#### **3.1 Organisation and Management**

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

- 3.1.1 The Authority was in a period of prolonged reorganisation and had not produced a documented Food Service Plan since 2008/2009. The Authority had developed and implemented a Service Improvement Plan 2010/2013, which was subject to an annual review. The Improvement Plan outlined work, targets and risks associated with port health. However, the document did not contain all the information required by the Service Planning Guidance in the Framework Agreement. The Authority informed auditors that there were plans to reintroduce a Food Service Plan in line with Service Planning Guidance for 2011/2012, which would include appropriate references to imported food and feed operations. The Service Plan should be approved by an appropriate Member Forum or delegated senior officer.
- 3.1.2 The main duties and responsibilities of Port Health were to maintain checks on imported food through the Border Inspection Post (BIP), inspect dock related food premises and carry out ship sanitation duties. However, in relation to imported food checks the vast majority of product arriving at the port was POAO. No FNAO imports had been received in the last two years other than one consignment that had been redirected from a non-DPE port.
- 3.1.3 Food Safety and Standards was responsible for enforcement of imported feed not of animal origin. However, there were no duties or targets documented in the Improvement Plan for these activities. Auditors were informed that a limited survey had been carried out in 2010 to measure imported feed activity at the port, which had concluded that the relevant activity was negligible.
- 3.1.4 Due to the lack of relevant product arriving at the ports the Authority was unable to give accurate figures in relation to their resource commitment for FNAO duties, as it had not been measured. The Authority acknowledged that it would have to reassess Full Time Equivalent (FTE) numbers if the ports should start receiving sustained FNAO imports. However, the Authority was able to confirm that the following FTE officers were available should limited FNAO enforcement work be required:
- 1 x Principal EHO
  - 1 x Senior EHO
  - 2 x Port Health Officers
  - 1x Principal TSO
  - 1x TSO

### ***Recommendation***

#### 3.1.5 The Authority should:

Develop a Service Delivery Plan and ensure that it covers all areas of the Service Planning Guidance in the Framework Agreement, including inspection and enforcement arrangements for imported foods and feed arriving at the port and submit it for approval by either the relevant Member forum or senior officer. [The Standard -3.1]

### *Documented Policies and Procedures*

- 3.1.6 Most of the Authority's procedures had become out of date and generally fallen out of use, however, the Authority stated that all relevant documents and procedures, including those related to imported food and feed, were to be reviewed, updated and where appropriate developed and implemented. Auditors discussed the need to maintain a formal method of ensuring that policies, procedures and documents are reviewed and revised in line with changes in legislation, Codes of Practice and centrally issued guidance.
- 3.1.7 The Authority had recently compiled a folder containing legislation, guidance and background information for officers to consult regarding Regulation (EC) No. 669/2009 on imported food controls. For example, the file provided officers with useful relevant information on how a ship's manifests should be checked and guidance on sampling techniques for particular products, along with examples of the relevant documentation needed to carry out enforcement duties, should they be required. Auditors discussed the benefit of developing and implementing procedures for FNAO controls appropriate to the amount of activity at the ports and the size of the team responsible for carrying out the work.
- 3.1.8 The Authority stated that periods of reorganisation, and changing management responsibilities had contributed to the erosion of policy and procedure review. Auditors discussed the need to ensure that the review process was maintained, particularly during reorganisations, to ensure officers had sufficient guidance to carry out their duties.

### ***Recommendation***

#### 3.1.9 The Authority should:

Review, develop and implement appropriate documented policies and procedures commensurate with the scale of the enforcement activities carried out at the ports. Develop and implement a system for the regular review of any such policies and procedures to ensure they are kept up to date with current legislation, relevant Codes of Practice and centrally issued guidance.  
[The Standard - 4.1 and 4.2]

### *Authorised Officers*

- 3.1.10 The Authority did not have an up to date documented procedure for the authorisation of officers. Auditors discussed the benefit of developing and implementing an authorisation procedure including a suitable method of linking officer authorisation levels, to officer competencies and the identification of officer training needs.
- 3.1.11 Generally, officers including those with lead officer responsibilities for feed and food, had been authorised in line with their qualifications, competence and training. However, there was evidence that all officer schedules of authorisation should be reviewed to ensure they contained relevant up to date references to current UK and EU legislation.
- 3.1.12 Officer's training needs had been identified through the Performance Appraisal Review and Development (PARAD) process and when there were changes to legal requirements and centrally issued guidance. Audit checks confirmed that officer qualification and training records were well maintained and that officers had received the required 10 hours training to maintain their professional competency in line with the principles of continuing professional development (CPD). In addition, officers had recently received training specific to imported food controls.
- 3.1.13 The record keeping arrangements in relation to officer qualifications and training were accurate, complete and readily retrievable. Auditors discussed the benefits of officers undertaking the free online imported food training provided by the Agency to help inform officers of their responsibilities under Regulation (EC) No. 669/2009, and to help further support their individual levels of authorisation.
- 3.1.14 A Port Health Officer was interviewed during the audit, and was able to demonstrate a detailed knowledge of imported food controls, including FNAO, and their implementation at the port.

3.1.15 However, Port Health staff expressed concern that they were not fully conversant with feed or feed additive descriptions and were not confident they could identify all feed consignments or products for use in the manufacture of feed. Auditors discussed the importance of ensuring that all staff involved in the identification and assessment of imported feed arriving at the port, including Port Health Officers, had the necessary training to enable them to identify feed materials and products for use in the manufacture of feeds that would not necessarily be labelled as 'feed' on the consignment documentation.

***Recommendation***

3.1.16 The Authority should:

- (i) Set up, implement and maintain a documented authorisation procedure in accordance with the Food Law Code of Practice and centrally issued guidance and review officer authorisation schedules to ensure they contain up to date references to current EU and UK legislation. [The Standard - 5.1]
- (ii) Ensure that all authorised officers and appropriate support staff receive appropriate feed training to carry out their duties in accordance with the legislation and relevant Codes of Practice. [The Standard - 5.4]

*Facilities and Equipment Including Verification Visit*

3.1.17 A verification visit was carried out at the Port's imported food and feed inspection facilities located at Grimsby Docks, which was also the Border Inspection Post (BIP) for checking POAO. The purpose of the visit was to verify that appropriate risk based, proportionate checks are carried out on consignments of imported food and feed at the Port. The Authority highlighted some of the difficulties and risks involved with the current practice of transporting containers arriving at Immingham Port a number of miles to Grimsby in order to perform checks on consignments.

3.1.18 Auditors were satisfied that appropriate facilities and equipment were available to meet requirements as a DPE. Specific food and feed sampling equipment had been provided for the range of sampling activities undertaken at Grimsby Port.

3.1.19 The Authority's database was capable of providing the statistical data required by the Agency's monitoring return. The database was

backed up on a daily basis and appropriate documented procedures and security arrangements were in place to prevent the loss of information. The Authority had submitted a monitoring return to the Agency for 2009/2010.

*Liaison with Other Organisations*

- 3.1.20 The Authority had extensive liaison arrangements with central government, other enforcement bodies, professional organisations and other external stakeholders. This was achieved in part through the Authority's representation on the Association of Port Health Authorities (APHA). Links to port management and import agents, to facilitate the imported food monitoring regime, had been established and there was evidence of constant communication.
- 3.1.21 The Authority was also pro-active in liaising with relevant central government organisations such as the Food Standards Agency, and the Department for Environment, Food and Rural Affairs (Defra).
- 3.1.22 The Authority acknowledged that there was scope for developing more formal liaison arrangements with HMRC Border Agency to help improve and inform the overall imported food and feed surveillance and inspection strategy.
- 3.1.23 Liaison arrangements were also in place with Trading Standards Officer colleagues, regarding imported feed control. However, the liaison arrangements would benefit from a review to ensure that information in regard to imported feed is effectively communicated and acted upon on a regular and continued basis.
- 3.1.24 The Authority was in receipt of information from the National Animal Feed Ports Panel which included representation from key central government agencies. The Authority did not attend the meetings themselves due to the lack of relevant activity at the port.

## **3.2 Imported Food and Feed Control Activities**

### *Food and Feed Inspection and Sampling*

- 3.2.1 The Authority had systems and arrangements in place for the control of imported food. Although these systems were clearly working effectively, they had not been written as procedures for officer guidance.
- 3.2.2 Ship arrivals lists were cross referenced to manifest details which had been received from the Port Company and the importers or agents. Port Health Officers systematically checked all new manifest details for food and feed consignments. Initial holds were used if the level of information about the contents was insufficient and further information was required. Other holds on containers related to a required examination depending on the nature of the food or feed, or to further detention after inspection. This was done by contacting the Port Company. The system worked effectively and enabled immediate holds to be applied to consignments.
- 3.2.3 Records relating to consignment checks such as sampling and formal enforcement were stored at the Port Health Offices and were used to compile the enforcement information required by the Agency. Auditors noted the limited space available for the hard copy paperwork the Authority was required to keep in order to maintain a verifiable audit trail for the activities carried out at the ports.
- 3.2.4 Auditors were advised that Port Health staff identified feed consignments from manifests and would liaise with Trading Standards colleagues on the application of any holds on containerised feed should they be necessary. There was evidence on file of Port Health proactively identifying possible feed consignments and referring these to trading standards colleagues.
- 3.2.5 The audit confirmed that imported food and feed controls, including documentary checks, identity checks and random physical checks, were risk based and targeted and previous knowledge and experience taken into account. To assist officers in making judgements and decisions, a constantly updated information system was maintained at the Port Health office and at Grimsby Port inspection facilities. These included details of any products and countries of origin subject to enhanced checks, suspicious cargo, requests from the Agency to check particular food or feed and other relevant instructions about prioritising inspection, sampling and detention of particular products. Other information which helped to identify food consignments was also maintained and regularly referred to by the officers.
- 3.2.6 There were eight Enhanced Remote Transit Sheds located within the Port Health Authority area. None of the premises were being used for

food and they had not been included in the Authority's annual inspection programme. Auditors discussed the benefit of keeping in regular contact with these premises to enable prompt official controls should they be necessary.

- 3.2.7 The Authority had not produced a sampling policy and sampling procedures were under review at the time of the audit.
- 3.2.8 No FNAO food imports had been received at the ports in the last two years and therefore no samples of imported FNAO had been taken, other than one consignment which had been re-directed from a non-DPE port. Records showed that the consignment had been appropriately sampled in accordance with the legislation.
- 3.2.9 The official laboratories used by the Authority for food sampling activities were properly accredited.

#### *Enforcement*

- 3.2.10 The Authority had an Enforcement Policy which was under review at the time of the audit. The current Policy confirmed that the Authority was committed to implementing Enforcement Concordat principles and the Regulators' Compliance Code in all enforcement action. Auditors discussed the need for the revised Policy to include appropriate enforcement options relevant to official controls carried out at the ports.
- 3.2.11 Auditors were informed that enforcement procedures were also part of the Authority's ongoing review process. Auditors discussed the need to develop and implement procedures to cover the full range of imported food and feed law enforcement in line with relevant legislation and Framework Agreement.
- 3.2.12 No formal enforcement had been carried out due to the lack of imported FNAO activity at the ports. Auditors discussed the benefit of reviewing, updating and where necessary drafting new procedures for enforcement activity at the ports, in accordance with current legislation and the Framework Agreement to ensure the Authority was prepared for any possible increased imported FNAO activity that might occur in the future.

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

- 3.2.13 The Authority had no official procedure for dealing with imported food and feed complaints and referrals. However auditors acknowledged that the Authority received very few complaints and referrals involving imported FNAO or feed. File checks showed that the Authority had dealt with the limited number of referrals effectively. For instance, a consignment of Turkish peppers re-directed from a non-DPE port had been detained, sampled and released in accordance with the

legislation and official guidance. Records of the Authority's actions were complete and easily retrievable.

- 3.2.14 The Authority confirmed support for the Home Authority Principle and the Primary Authority scheme. The Service did not formally act as Home or Primary Authority for any imported food or feed businesses. The Authority did act as the Originating Authority for a number of large food manufacturers. The Authority routinely referred specific imported food and feed issues to other enforcement authorities, where appropriate.

*Food and Feed Safety Incidents*

- 3.2.15 The Authority's procedure for handling food and feed notifications in relation to the Rapid Alert System for Food and Feed (RASFF), emergency control notices and safeguard measures was under review. In practice the Authority was able to demonstrate that an effective system was in place for the receipt and initiation of RASFF notifications. Auditors discussed the need to document the system in a formal procedure.
- 3.2.16 The Authority had an effective rota system in place for the 24 hour emergency handling of food incidents.

***Recommendation***

- 3.2.17 The Authority should:

Develop and implement a procedure for initiating and responding to feed and food alerts, RASFF notifications and relevant EC decisions, including out of hours contact arrangements, in accordance with the relevant Codes of Practice. [The Standard -14.1]

*Advice to Business*

- 3.2.18 The Authority had a variety of activities in place to advise businesses on imported food and feed control requirements. This included responding to general enquiries from personal callers, handling telephone and correspondence enquiries and proactively providing guidance on general and specific imports controls.

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

#### *Internal Monitoring*

- 3.3.1 The Authority did not have a documented procedure for internal monitoring. There was evidence that some qualitative monitoring had been carried out, especially in relation to competency assessments for newly appointed officers. Auditors were informed that the operation of the small team meant that officer work was constantly being checked and peer reviewed. However, auditors discussed the benefit of developing and implementing a procedure to ensure that all areas of enforcement activity are covered, including schedules of authorisation, and that formal monitoring is carried out routinely and formally documented.
- 3.3.2 The work of Port Health was monitored quantitatively against the targets set in the Annual Improvement Plan, which included 100% manifest checks and the dock related inspection programme. There was documented evidence that this monitoring was carried out on a quarterly basis, including the ongoing assessment of the risks to the fulfilment of the Plan and any corrective actions required.
- 3.3.3 There was evidence of other qualitative and quantitative internal monitoring being carried out, including:
- Annual officer performance reviews as part of the PARD process, with six monthly updates
  - Regular documented team meetings that included discussion of consistency issues of relevance at the ports.

#### ***Recommendation***

3.3.4 The Authority should:

Develop and implement a documented internal monitoring procedure to include all aspects of qualitative monitoring across the full range of imported food and feed law activities. The Service should verify its conformance with relevant legislation, official guidance and the Standard. A record should be maintained of internal monitoring activities carried out. [The Standard -19.1, 19.2 and 19.3]

#### *Records*

- 3.3.5 Records of imported food and feed activity including inspection, sampling and formal enforcement action, together with manifest and consignment records, were maintained on a combination of

database records and hard copy papers. The combined records provided details about the official controls undertaken. Records for particular aspects of the service were easily retrievable and readily accessible.

*Third Party or Peer Review*

- 3.3.6 The Authority had not been subject to any external audits recently in relation to FNAO duties.
- 3.3.7 The Authority had been subject to audits by the Animal Health Office of Defra, which evaluated the import and transit control system and BIPs for POAO. The auditors were advised that any recommendations relevant to the Authority had been implemented.

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Local Authority Audit and Liaison Division

**Action Plan for North East Lincolnshire Council**

Audit date: 27-28 January 2011

<b>TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)</b>	<b>BY (DATE)</b>	<b>PLANNED IMPROVEMENTS</b>	<b>ACTION TAKEN TO DATE</b>
<p>3.1.5 Develop a Service Delivery Plan and ensure that it covers all areas of the Service Planning Guidance in the Framework Agreement, including inspection and enforcement arrangements for imported foods and feed arriving at the port and submit it for approval by either the relevant Member forum or senior officer. [The Standard -3.1]</p>	<p>30/06/11</p>	<p>Development of Service Delivery Plan in conjunction with Service Planning Guidance in Framework Agreement – finalised document to be circulated for approval to Portfolio Holder, other relevant elected members and senior management.</p>	<p>Updated Service Plan in development – 2008/2009 Service Plan being used as template alongside service planning guidance in Framework Agreement.</p>
<p>3.1.9 Review, develop and implement appropriate documented policies and procedures commensurate with the scale of the enforcement activities carried out at the port. Develop and implement a system for the regular review of any such policies and procedures to ensure they are kept up to date with current legislation, relevant Codes of Practice and centrally issued guidance. [The Standard - 4.1 and 4.2]</p>	<p>Ongoing</p>	<p>Within year 2011/2012, review existing procedures across Public Protection service and design programme to update, ensure full coverage (including all Port Health activities) and review on a rolling three year cycle.</p>	<p>Inclusion in 2011/2012 Public Protection Service Improvement Plan.</p>
<p>3.1.16(i) Set up, implement and maintain a documented authorisation procedure in accordance with the Food Law Code of Practice and centrally issued guidance and review officer authorisation schedules to ensure they contain up to date references to current EU and UK legislation. [The Standard - 5.1]</p>	<p>31/10/11</p>	<p>Complete on-going review of authorisation format and protocol with Legal Services.  Re-establish internal authorisation procedure in line with Food Law CoP &amp; guidance – as part of comprehensive procedural review identified in response to recommendation 3.1.9 above.</p>	<p>Review of authorisation format and protocol being progressed with Legal Services.</p>

<b>TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)</b>	<b>BY (DATE)</b>	<b>PLANNED IMPROVEMENTS</b>	<b>ACTION TAKEN TO DATE</b>
<p>3.1.16(ii) Ensure that all authorised officers and appropriate support staff receive appropriate feed training to carry out their duties in accordance with the legislation and relevant Codes of Practice. [The Standard - 5.4]</p>	<p>31/03/12</p>	<p>Improve awareness of materials destined for animal feed being imported through Gy-Imm.</p> <p>Set up, implement and maintain appropriate, risk based monitoring and enforcement activities for feed imports.</p> <p>Provision of adequate training to authorised officers involved in delivering official controls.</p>	<p>Port Health team, in conjunction with TSO from Community Protection, assigned to undertake information gathering exercise on feed and feed material imports in 2011/2012.</p> <p>Products and substances potentially involved in feedstuff production identified.</p>
<p>3.2.17 Develop and implement a procedure for initiating and responding to feed and food alerts, RASFF notifications and relevant EC decisions, including out of hours contact arrangements, in accordance with the relevant Codes of Practice. [The Standard -14.1]</p>	<p>31/10/11</p>	<p>Formalise current arrangements for responding to alerts, RASFF notifications and EC decisions. Ensure all relevant officers made aware of documented procedure.</p>	<p>Consultative review on Port Health working arrangements underway, including revision to out of hours contact arrangements, as a response to team development issues and budget pressures</p>
<p>3.3.4 Develop and implement a documented internal monitoring procedure to include all aspects of qualitative monitoring across the full range of imported food and feed law activities. The Service should verify its conformance with relevant legislation, official guidance and the Standard. A record should be maintained of internal monitoring activities carried out. [The Standard -19.1, 19.2 and 19.3]</p>	<p>31/03/12</p>	<p>Full review of existing documented policies and procedures to be carried out throughout 2011-12 and beyond – as identified in response to recommendation 3.1.9 above. Internal monitoring system to be developed and implemented as part of this review.</p> <p>Explore possibilities of utilising Humber Inter Authority Audit scheme.</p>	<p>Inclusion in 2011/2012 Public Protection Service Improvement Plan.</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:

- Food Service Plan 2008/2009
- Service Improvement Plan 2010/2013
- Public Protection Structure
- DG(SANCO) FVO Report
- Advisory letters/e-mails to businesses
- Corporate Enforcement Policy
- FNAO file containing legislation, guidance and sampling instructions.

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

- Authorisation and training files
- Manifest and consignment records
- Imported food/feed documentation
- Food inspection and sampling record
- Internal monitoring records.

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

- Audit Liaison Officer (Principal EHO – Port Health Lead Officer)
- Principal EHO
- Port Health Officers
- Principal Trading Standards Officer (Lead Officer for feed).

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

*(4) On-site verification check:*

A verification visit was made with the Authority's officers to Grimsby and Immingham Ports (Grimsby Dock). The purpose of the visit was to verify that appropriate risk based, proportionate checks are carried out on consignments of imported food and feed at the ports and that requirements for DPE status were met.

## 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	Food not of animal origin. Non animal food products that fall under the requirements of imported food 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 Food Law Code of Practice in accordance with the relevant sampling regulations and submitted to an accredited laboratory on the official list.
Framework Agreement	<p>The Framework Agreement consists of:</p> <ul style="list-style-type: none"> <li>• Service Planning Guidance</li> <li>• Food and Feed Law Enforcement Standard</li> <li>• Monitoring Scheme</li> <li>• Audit Scheme</li> </ul> <p>The <b>Standard</b> and the <b>Service Planning Guidance</b> set out the Agency's expectations on the planning and delivery of food and feed law enforcement.</p> <p>The <b>Monitoring Scheme</b> requires local authorities to submit annual returns to the Food Standards Agency on their food law enforcement activities i.e. numbers of inspections, samples and prosecutions.</p> <p>Under the <b>Audit Scheme</b> the Food Standards Agency will be conducting audits of the food and feed law enforcement services of local authorities against the criteria set out in the Standard.</p>
Full Time Equivalents (FTE)	A figure which represents that part of an individual officer's time available to a particular role or set of duties. It reflects the fact that individuals may work part-time, or may have other responsibilities within the organisation not related to food enforcement.
Home Authority	An authority where the relevant decision making base of an enterprise is located and which has taken on the responsibility of advising that business on food safety/food standards issues. Acts as the central contact point for other enforcing authorities' enquiries with regard to that company's food related policies and procedures.
Informal samples	Samples that have not been taken in accordance with the appropriate sampling regulation (e.g. samples for screening purposes) and/or not sent to an accredited laboratory.

LAEMS	Local Authority Enforcement Monitoring System is an electronic system used by local authorities to report their food law enforcement activities to the Food Standards Agency.
Member forum	A local authority forum at which Council Members discuss and make decisions on food and feed law enforcement services.
Metropolitan Authority	A local authority normally associated with a large urban conurbation in which the County and District Council functions are combined.
POAO	Products of animal origin. Animal derived products that fall under the requirements of the veterinary control regime.
Primary Authority	An authority that has formed a partnership with a business.
Port Health Authority	An authority specifically constituted for port health functions including imported food control.
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 food premises according to risk and determines how frequently those premises should be inspected. For example, high risk premises should be inspected at least every 6 months.
Service Plan	A document produced by a local authority setting out their plans on providing and delivering a food or feed service to the local community.
Third Country	Countries outside the European Union.
Trading Standards	The Department within a local authority which carries out, amongst other responsibilities, the enforcement of food standards and feed legislation.
Trading Standards Officer (TSO)	Officer employed by the local authority who, amongst other responsibilities, may enforce food standards and feed legislation.
Unitary Authority	A local authority in which the County and District Council functions are combined, examples being Metropolitan District/Borough Councils, and London Boroughs. A Unitary Authority's responsibilities will include food hygiene, food standards and feed enforcement.