

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

River Tees Port Health Authority  
19-20 October 2010



## Foreword

Audits of local authorities' food law enforcement services 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 Port Health 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 Feed and Food Law Enforcement Standard ("The Standard"), which was published by the Agency as part of the Framework Agreement on Official Feed and Food Controls by Local Authorities (amended April 2010) and is available on the Agency's website at:

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

It should be acknowledged that there will be considerable diversity in the way and manner in which local authorities may provide their 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 feed and 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 of the River Tees Port Health Authority (RTPHA) at Teesport with regard to food and feed 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 Teesport. The audit was undertaken as part of the Agency's focused audit programme of 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 food and feed 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 RTPHA 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 RTPHA was included in the Food Standards Agency's programme of audits of food and feed law enforcement services, because the port is a designated point of import for certain products subject to safeguard controls relating to aflatoxins and is not a designated point of entry for certain high risk food and feed products. In addition the Authority was selected to be representative of a geographical mix of 15 PHAs and LAs selected across England. Middlesbrough Council, one of the riparian authorities that makes up RTPHA was also included in the audit programme.

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

### **Scope of the Audit**

- 1.4 The audit examined RTPHA's arrangements for imported food controls in respect of imported food *not* of animal 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 Port Health/Food Team Offices at Belmont House, Rectory Lane, Guisborough on 19-20 October 2010. The audit included a reality check to assess the effectiveness of official controls implemented by the Authority at the port and, more specifically, the checks carried out by the Authority's officers to verify compliance with imported 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 and feed inspection and control activities audit programme.

### **Background**

- 1.9 The River Tees Port Sanitary Authority was constituted by an Order of the Local Government Board in 1886. The present RTPHA was established by the River Tees Port Health Authority Order 1982. This defined the PHA's geographical area as:

*“That part of the Port of Tees and Hartlepool that lies to the South of a line drawn from the most northerly point of the North Gare Breakwater and thence following the boundary of the Borough of Hartlepool to its junction with the Borough of Redcar and Cleveland and thence on a true bearing of 45 degrees to the limit of territorial waters together with those waters... of the part of the Port of Tees and Hartlepool aforementioned...”*

- 1.10 Located on the North East coast of England, Teesport handles approximately 40 million tonnes of cargo per annum. There were around 4,175 ships entering the port in 2009 with dedicated roll-on/roll-off (RoRo) and container freight traffic to and from Northern and Eastern Europe and Scandinavia as well as from ports in the USA, Asia and Africa. Food imported through Teesport during 2009 included wine, rice, green coffee, tomatoes, tea, vodka and dried fruits. White sunflower seeds for bird food were imported monthly from Egypt.
- 1.11 Teesport was a designated point of import for certain products subject to safeguard controls relating to aflatoxins, for example dried figs from Turkey. The port was neither designated as a point of entry for certain high risk feed and food products nor a Border Inspection Post for certain imported products of animal origin.
- 1.12 Imported food and feed law enforcement at Teesport was carried out by officers of the Food team at Redcar and Cleveland Borough Council, and it was planned that they would be supported by officers from the other three riparian authorities i.e. Hartlepool Borough Council, Middlesbrough Council and Stockton-on-Tees Borough Council. A new framework and working arrangements were being developed by the PHA following the retirement of the Chief and Deputy Port Health Officers and these new arrangements were being drawn up into a Memorandum of Understanding. RTPHA was also responsible for a range of other port health functions including infectious disease control and environmental protection at Teesport.
- 1.13 A formal out of hours service was not provided. Emergency out of hours cover was provided by the Principal Environmental Health Officer and the Regulatory Services Manager.

## 2. Executive Summary

- 2.1 It was recognised that imported food and feed control services were currently under review following a major re-organisation of the River Tees Port Health Authority (RTPHA). Members of the Food Team at Redcar and Cleveland Borough Council were covering the imported food and feed work from June 2010 and had the same manager as the port health service. A draft Memorandum of Understanding between the constituent authorities had been developed together with a draft revised constitution that was to be presented to the Joint Board for consideration in December 2010.
- 2.2 RTPHA had developed a Food Service Plan for 2010/2011. It is understood that the Plan was being reviewed to reflect the new arrangements. The Plan needed to be drawn up in accordance with the Service Planning Guidance, providing a clear comparison of the demands on the Service and the resources available to provide the Service.
- 2.3 The Service had been transferred over to officers who had no previous experience of imported food and feed enforcement at points of entry. Auditors discussed the authorisation of officers and the need to ensure that officers were competent and appropriately trained in relation to imported food and feed controls to match their authorisations. Urgent consideration also needed to be given to the appointment of a sufficient number of authorised officers to carry out the work.
- 2.4 RTPHA needed to develop and implement a proportionate, risk based approach to import controls of food and feed originating from outside the European Union. The Authority was carrying out systematic checks on manifests to identify imported food and feed consignments that were received by the Authority. Training would assist in ensuring better identification of products requiring import controls. Improvements to the system were discussed to ensure that the Authority was being notified of all food and feed consignments entering Teesport.
- 2.5 There was little evidence of documentary and identity checks of consignments. The only physical check which appeared to have been carried out over the past months related to one consignment of sunflower seeds for feed use.
- 2.6 Auditors discussed the need to develop systems and procedures for all import controls. It was noted that the Authority had successfully used its enforcement powers to redirect high risk products which were not allowed to enter the port. However, records of the action taken were not fully documented. A 2009/2010 monitoring return had not been provided to the Food Standards Agency.



- 2.7 The Authority had not developed a current sampling policy, procedures or a programme and there was no evidence of any other sampling undertaken over the past two years.
- 2.8 Improvements to the liaison arrangements with businesses involved in importing food and feed and with agencies involved with import controls were discussed. This should assist in ensuring that consignments are presented at the appropriate designated port appropriately, all consignments are identified and to help facilitate consistent enforcement.
- 2.9 The audit included a 'reality check' visit to the port. 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, and that requirements for designated point of import (DPI) status were met. The visit confirmed that the Authority needed to review the facilities available to ensure that they are suitable for physical checks of imported food and feed.

### **3. Audit Findings**

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

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

3.1.1 The River Tees Port Health Authority Order 1982 established a Joint Board for the Authority, which consisted of 17 Members appointed to the Board from their riparian authorities, as specified below:

- Hartlepool Borough Council - 2
- Middlesbrough Council - 5
- Redcar and Cleveland Borough Council - 5
- Stockton - on – Tees Borough Council - 5

3.1.2 Following the retirement of the Chief (and Deputy) Port Health Officer in June 2010, and issues raised by officers a major review of the imported food and feed control services was being undertaken. Lead responsibility for imported food and feed controls at Teesport had been transferred to officers from Redcar and Cleveland Borough Council (R&CBC) as the main port that received food and the associated container base was located in their area. Auditors were advised that a draft Inter Authority Agreement/Memorandum of Understanding and revised Constitution were being developed for consideration by RTPHA's Joint Board in early December 2010. The draft Agreement proposed that R&CBC would provide officers to carry out enforcement duties when required and to exercise powers under the legislation listed in the RTPHA Constitution and that the other riparian authorities would make officers available to assist in the administration of the legislation in relation to the port health functions.

3.1.3 RTPHA had developed a documented Food Service Plan 2010/2011. The Plan included the management framework, import arrangements and checks undertaken by the Chief and Deputy Port Health Officers. Auditors were advised that the Plan was being reviewed to reflect the new arrangements. The Plan needed to be drawn up in accordance with the Service Planning Guidance, providing a clear comparison of the demands on the Service and the resources available to provide the service. Arrangements and responsibilities regarding imported feed controls at Teesport were not detailed in the Plan and required consideration by RTPHA, R&CBC and the other riparian authorities as to responsibilities and arrangements for imported feed law enforcement at the port. Once confirmed, the arrangements needed to be reflected in the appropriate Service Delivery Plans.

- 3.1.4 The Plan outlined the principal objectives of RTPHA's imported food service:
- *The protection of public health of consumers of foods imported through the port district.*
  - *The monitoring and controlling of food standards, in relation to the composition and labelling of foods imported.*
  - *To ensure that food imports are controlled in neither a more, nor less favourable manner than those produced in the EC.*
  - *Given that inspection resources are limited, the inspection of 'high risk' foods is given priority. It is also recognised that discretionary inspection of foods, normally considered 'low risk' which may have a poor record of conformity or may, as a result of new information, be implicated in a threat to public health, will be undertaken.*
  - *The detection of foods, which are not declared on any of the documents accompanying the consignment and are illegally imported.*
  - *The detection of foods with EC Customs status, which are subject to food hazard warning or are subject to specific community controls in the country of origin.*
- 3.1.5 The Plan confirmed that there had been an increase in the number of consignments of food from third countries through the port from 544 (2008) to 862 (2009).
- 3.1.6 The Plan set out the cost of providing the food safety and standards element of the service at approximately £50,000. There was no separate financial provision within the annual budget for legal services and in practice, legal services were provided by R&CBC, with any associated costs met from either any available budget surplus or by an additional precept, subject to Member approval.
- 3.1.7 The 2010/2011 Plan had been agreed by RTPHA Joint Board on 26 February 2010 and was included in the Annual Report for 2009.
- 3.1.8 The Plan confirmed that until June 2010 there had been one full time equivalent (FTE) officer allocated to imported food controls. In practice the Chief and Deputy Port Health Officers (PHOs) had carried out this work alongside two FTE officers who were involved in other port health work. Following retirement of the PHOs these officers were not replaced.

- 3.1.9 Information supplied prior to the audit confirmed that following the re-organisation the following Redcar and Cleveland officers were involved in imported food controls at the port:

<b>Officer Designation</b>	<b>Number of staff</b>
Principal Environmental Health Officer (PEHO)	1
Environmental Health Officer (EHO)	2
Trading Standards Officer	1
Technical Officers (TOs)	2
<b>TOTAL</b>	<b>6</b>

- 3.1.10 The port health activities were additional to other food safety responsibilities of Redcar and Cleveland's Food Team. At the time of the audit, FTE figures were not available to confirm the staffing resources provided for RTPHA's statutory duties, taking into account the actual full range of demands on the service, in addition to the wider food safety functions carried out by Redcar and Cleveland officers. Auditors discussed the impact of the additional demands, staffing allocation and resourcing, including the replacement of the two PHOs with managers. Urgent consideration needed to be given to resourcing the port health duties to ensure effective service delivery for both RTPHA and R&CBC food and feed law enforcement functions, and to ensure effective, risk based imported food and feed controls are in place at the port.
- 3.1.11 Auditors were advised that it was intended that officers from the other three riparian authorities would provide cover in accordance with the Memorandum of Understanding however these arrangements were still being set up and were to be considered by the Joint Board in early December 2010.

### ***Recommendations***

3.1.12 The Authority should:

- (i) Complete the review of RTPHA's organisation and arrangements. Draw up, document and implement the revised documented RTPHA Service Plan in accordance with Service Planning Guidance. The Plan should include a comparison of the resources required to deliver the imported food law enforcement service against the resources available to the Authority, based upon the full range of demands placed upon it, including all RTPHA's statutory duties. [The Standard – 3.1 and 3.2]
- (ii) Consider the imported feed control arrangements and responsibilities at the port in the Service Delivery Plan. Alternatively, the individual authorities within Teesport should ensure that their arrangements for the control of feed through points of entry in their administrative area are detailed within their feed service delivery plans. [The Standard – 3.1]
- (iii) Carry out a review of the Service Plan and any variance in meeting the Plan should be clearly addressed in the 2011/2012 Plan. [The Standard – 3.3]

### *Documented Policies and Procedures*

3.1.13 The Authority had not recently reviewed existing documented policies and procedures. It was intended that either new RTPHA policies and procedures would be developed as the new arrangements were implemented or Redcar and Cleveland policies and procedures expanded to include imported food and feed control activities at the Port, where appropriate. There was no document control system for all documentation relating to RTPHA's enforcement activities.

3.1.14 Access to relevant sources of information, including legislation and the database, was available to officers at the Council offices.

### **Recommendations**

3.1.15 The Authority should:

- (i) Review and expand appropriate procedures to take account of imported food and feed activities. Ensure that all RTPHA documented policies and procedures are reviewed at regular intervals and whenever there are changes to legislation or centrally issued guidance. [The Standard – 4.1]
- (ii) Set up, maintain and implement a document control system for all documentation relating to the Authority's enforcement activities. Any amendments to documents should be appropriately authorised. [The Standard – 4.2]

### *Authorised Officers*

- 3.1.16 Auditors discussed the authorisation of officers and the need to ensure that officers were competent and appropriately trained to match their authorisations. The Authority had developed a procedure on officer authorisations which needed to be reviewed to include reference to all up to date and relevant legislation. The procedure had not been fully implemented. It made reference to competency assessments, however these had not yet been completed and officers had been authorised prior to having the appropriate training and competencies. Arrangements were being made to authorise officers from the other riparian authorities to carry out imported food activities at Teesport where necessary. The decision on which officers/level and extent of authorisation was left to the individual authorities. Consideration also needed to be given to authorisations for imported feed enforcement at the port having regard to the arrangements and responsibilities of the PHA and individual riparian authorities on feed control.
- 3.1.17 The lead officer for imported food and feed at the port had only been recently appointed and did not have previous experience or knowledge of imported food and feed controls at points of entry or received appropriate specialist training. Auditors were advised that an appropriate training course was being arranged for officers and practical work shadowing at a larger port was also being considered. These needed to be progressed as a matter of urgency. The lead officer had liaised with the Agency and sought advice and clarification where necessary on imported food and feed control.
- 3.1.18 Two technical officers, who were not authorised officers, assisted EHOs by carrying out imported food and feed manifest checks at the Authority's

offices. Once their roles and responsibilities are finalised as part of the review, authorisation and training of these officers also needs consideration. In particular, authorisation such as powers of entry and training and competency requirements will need to be considered if the officers are to be involved in assisting EHOs with any future imported food and feed checks at the port inspection facilities.

- 3.1.19 As discussed in 3.1.10, the two PHOs had not yet been replaced and as a matter of urgency, consideration needed to be given to the appointment of a sufficient number of authorised officers to carry out risk based imported food and feed controls at the port, taking into account the impact on the wider food service and the Authority's statutory responsibilities.
- 3.1.20 A formal out of hours service was not provided. Out of hours cover was provided for emergency purposes only and was provided by the PEHO and the Regulatory Services Manager. As part of the review of the port health service, arrangements for appropriate out of hours cover also needed to be considered to take account of port operating hours, likely demands and individual levels of authorisation.
- 3.1.21 Officer training needs were identified through performance appraisals. Audit checks confirmed that officer qualification and training records were generally maintained and that officers had received the required 10 hours training to maintain their professional competency. Auditors were advised that update training on formal enforcement was planned. However, specialist training on imported food and feed control had not been undertaken. The Authority's officers were aware of the Agency's free on-line training facility on imported food and there were plans for officers to access this training in addition to attendance on a customised training course.
- 3.1.22 One officer was interviewed during the audit, and the officer was unable to demonstrate a full knowledge of imported food controls and their implementation at the port. The officer had limited involvement with the port but would deputise for the PEHO. Appropriate specialist training including on the job training and shadowing will assist in developing the appropriate knowledge, skills and experience to carry out imported food control at the port.

### ***Recommendations***

3.1.23 The Authority should:

- (i) Review the procedure for the authorisation of officers to ensure that it includes references to all relevant and up to date legislation. Ensure that the procedure is fully implemented including the competency assessments.  
[The Standard – 5.1]
- (ii) Ensure that officers are authorised in line with their qualifications, training, experience and the relevant Code of Practice. A sufficient number of authorised officers should be appointed to carry out the import controls, including out of hours cover arrangements.  
[The Standard – 5.3]
- (iii) Officers with lead responsibility for the point of entry should have the necessary specialist knowledge. Ensure that all officers and appropriate support staff involved in import controls at the port receive relevant training in accordance with the Food and Feed Law Codes of Practice.  
[The Standard – 5.2 and 5.4]

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

3.1.24 A verification visit was carried out at the Port's imported food and feed inspection facilities. 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, and that requirements for designated point of import (DPI) status were met.

3.1.25 Auditors raised some hygiene and pest control issues with regard to the facilities and advised the Authority that it needed to review the facilities available to ensure that they meet requirements as a DPI and are suitable for physical checks of imported food and feed. Some food and feed sampling equipment had been provided. Auditors were advised that the Authority intended to review the equipment available to ensure that appropriate equipment was provided for the range of sampling activities undertaken at the Port.

3.1.26 The Authority had a paper based system for recording information to be used to compile the statistical information required by the Food Standards Agency in the annual Local Authority Enforcement Monitoring System (LAEMS) returns. Records relating to consignment checks such as manifests checks, sampling and formal enforcement were stored



manually at the Port Health Offices. A LAEMS return for 2009/2010 had not been submitted to the Agency.

***Recommendations***

3.1.27 The Authority should:

- (i) Review the inspection facilities at Teesport and ensure that suitable facilities and equipment are available for physical checks of imported food and feed. [The Standard – 6.1]
- (ii) Ensure that an official monitoring return is provided to the Agency for 2009/2010 and that returns include accurate information on imported food activity. [The Standard – 6.3]

*Liaison with Other Organisations*

3.1.28 The Authority had some liaison arrangements with central government, other enforcement bodies, professional organisations and other external stakeholders. Port health matters were discussed at the Tees Valley Food Group meetings which officers from the riparian authorities attended. In July 2010 officers had discussed the current service provision from Redcar and Cleveland. Improvements to the liaison arrangements with relevant businesses and agencies involved with import controls were discussed. This should assist in ensuring that consignments are presented at the appropriate designated port, all consignments are identified and to help facilitate consistent enforcement.

3.1.29 The Authority had recently been pro-active in liaising with central government such as the Food Standards Agency on food and feed import issues.

***Recommendation***

3.1.30 The Authority should:

Review the existing liaison arrangements with businesses involved in importing food and feed at the port and with agencies involved in imports, with the aim of ensuring that consignments are presented at the appropriate designated port, all imported food and feed consignments are identified and to help facilitate consistent enforcement.  
[The Standard – 18.1]

## 3.2 Imported Food and Feed Control Activities

### *Food and Feed Inspection and Sampling*

- 3.2.1 At the time of the audit, the Authority had not completed an annual monitoring return to the Agency for 2009/2010. RTPHA's annual report and the Service Plan indicated the following FNAO activity at the Port:

<b>Year</b>	<b>FNAO (third country) Consignments Entering the Port</b>
2009/2010	862
2008/2009	544

- 3.2.2 Information provided by the Authority relating to 2009 indicated that FNAO imported through the port had included wine from South Africa, Chile and Australia, rice from Thailand, Singapore and the USA, green coffee from Brazil and Singapore, tomatoes from Israel and Turkey, tea from Malawi, India and China, vodka from Russia and dried fruits from Turkey.
- 3.2.3 The Authority had submitted nil monitoring returns up to the time of the audit for 2010 for products subject to checks under Regulation (EC) No. 1152/2009 and audit checks of some past manifests did not identify consignments that should have been subject to these controls.
- 3.2.4 One of the main consignments of feed not of animal origin entering the Port was monthly consignments of white sunflower seeds for bird food from Egypt. Auditors discussed the identification of potential animal feed consignments from the manifests and advised officers of the sampling priorities for imported feed which had been previously notified to authorities by the Agency.
- 3.2.5 The Authority had developed a draft procedure on imported food control which took account of the new working arrangements. This needed to be expanded to consider systems for identifying and prior notification of all arrivals, further details on documentary, identity and physical checks including those for products subject to specific control measures such as Regulation (EC) No. 1152/2009 and safeguard measures, receipt and checks on common entry documents and practical arrangements for dealing with imports of food and feed at the port.
- 3.2.6 Auditors discussed the need to develop and implement a proportionate, risk based approach to import controls of food and feed originating from outside the European Union. In practice, the Authority was carrying out systematic checks on manifests to identify imported food and feed consignments that were received by the Authority. Manifests were received electronically and the Authority was also occasionally notified by other means including from shipping companies, agents and other agencies. The Authority had access to the port's real time log of shipping

movements however this was not generally cross referenced with manifests. Food and feed consignments were identified from manifests by two technical officers and information on identified food and feed consignments was passed to the PEHO who decided on the action to be taken. There was no experienced officer to deputise for the PEHO in her absence. Reference was made to legislation and official guidance to check on import requirements and clarification had been sought from the Agency where necessary. Improvements to the system were discussed to ensure that the Authority was being notified of all food and feed consignments entering Teesport and that all consignments were identified.

- 3.2.7 If an inspection was required the officer would contact the UK Border Agency at the port and arrangements would be made for the container to be placed on hold and presented for inspection at the port facilities. However, there was little evidence of documentary and identity checks of consignments. The only physical checks which appear to have been carried out over the past months related to one consignment of sunflower seeds for feed use. The sample had been selected on a risk basis and had been taken by an appropriately trained officer, sampling paperwork was sufficiently detailed and appropriate action had been taken on the sample results. However details of the event had not been recorded in full.
- 3.2.8 The Authority's 2010/2011 budget for port health sampling was £2,000. The Authority had not developed a current sampling policy, procedures or a programme and there was no evidence of any other sampling undertaken over the past two years. In particular, as the port was a DPI, detailed instructions on sampling of products subject to specific control measures required development, together with instructions on sending of samples to the laboratory.
- 3.2.9 The official laboratories used by the Authority for food sampling activities were properly accredited.
- 3.2.10 The Authority did not currently levy a charge for imported feed and food work where there was provision in the legislation however auditors were advised that this would be considered in the future.

### ***Recommendations***

3.2.11 The Authority should:

- (i) Further develop and implement the Imported Food Control procedure for the inspection of food and feed.  
[The Standard – 12.3]
- (ii) Develop and implement a documented sampling policy, procedures and a risk based and targeted imported food and feed sampling programme.  
[The Standard – 12.4 and 12.5]

### ***Enforcement***

- 3.2.12 RTPHA had a Food Safety and Food Standards Enforcement Policy which was being reviewed and RTPHA services had been incorporated into a draft R&CBC Regulatory Services Enforcement Policy which was to undergo consultation by interested parties and presented to the RTPHA Joint Board and to Members of R&CBC. Board meeting minutes were not available to confirm approval of the original Enforcement Policy.
- 3.2.13 Audit checks of records and discussion with officers confirmed that very little enforcement action had been taken over the past two years. Auditors discussed the need to develop systems and formal enforcement procedures for all import controls. It was noted that recently the Authority had successfully used its enforcement powers to redirect high risk products which were not allowed to enter the port. However, records of the action taken were not fully documented.
- 3.2.14 The following formal enforcement records were examined during the audit:
- 1 food detention
  - Feed enforcement records for 1 detention and subsequent re-despatch.
- 3.2.15 Limited records were available for the detention and it was not clear whether appropriate action had been taken. Checks on the feed enforcement records confirmed that appropriate risk based checks had been carried out, a detention notice had been served and effective, pragmatic action had been taken in consultation with relevant officers at the designated point of entry where the consignment had been redirected for appropriate import checks.

### **Recommendations**

3.2.16 The Authority should:

- (i) Complete the review of the enforcement policy. Set up and implement documented procedures for follow up and enforcement actions on imported food and feed.  
[The Standard – 15.1 and 15.2]
- (ii) Ensure that formal enforcement actions are carried out in accordance with the relevant legislation, the relevant Code of Practice and centrally issued guidance.  
[The Standard – 15.3]

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

3.2.17 RTPHA's 2010/2011 Service Plan stated that the Authority did not receive complaints about imported food. The Authority had not produced a documented complaints policy or a procedure for dealing with imported food complaints, nor imported food complaints referred on from other enforcement authorities. Auditors were advised that R&CBC's complaints policy and procedures would be expanded to incorporate imported food and feed issues.

3.2.18 The Authority's Service Plan stated that the Service did not act as home authority for any food businesses and would notify the home authority of any imported foods that had been permitted entry where there was a minor labelling defect. Officers were aware of the Primary Authority Scheme and had not entered into any partnerships with businesses.

3.2.19 Auditors were advised that information on complaints or referrals relating to imported food or feed at the port had not been formally recorded and this would be addressed in the procedure.

#### *Food and Feed Safety Incidents*

3.2.20 An RTPHA procedure for initiating and responding to food and feed notifications in relation to the Rapid Alert system for Food and Feed (RASFF), emergency control notices and safeguard measures was not available. Officers were aware of the requirements and had systems capable of receiving notifications. Auditors were advised that R&CBC's procedure on food incidents and food alerts would be expanded to include arrangements relating to the imported food and feed service at the port.

3.2.21 In practice, officers regularly checked notifications including RASFFs of relevance to the port and had recorded responses to any alerts as required by the Redcar and Cleveland procedure. The Authority advised that they had not had any serious localised incident or wider food/feed safety issue relating to the port in the past two years. There was no duty system or rota and cover for the port out of hours was provided by the PEHO and Regulatory Services Manager. Auditors advised that cover in the absence of the PEHO and out of hours arrangements for the port needed to be considered as part of the review of the service.

*Advice to Business*

3.2.22 RTPHA's 2010/2011 Service Plan stated that the Authority would provide all necessary advice to business. No specific budget was provided for this activity. Advice was provided on request to agents, importers and shippers, generally by telephone or electronic mail. Detailed advice had been provided by the PEHO to some agents and importers to clarify the designation of the port and points of entry into the United Kingdom and to provide information on import controls regarding certain foods.

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

#### *Internal Monitoring*

- 3.3.1 The Authority provided no evidence of any internal monitoring procedures for the internal monitoring of imported food control work and there was limited evidence of internal monitoring checks. In practice, the PEHO was overseeing the work of the EHOs and two TOs on a day to day basis and there was regular, on-going discussion on import issues at documented team meetings. Issues relating to lack of expertise and training on imports had been identified as matters of concern together with staffing of the imported food service and impact on the wider food service. Internal monitoring will need to be considered as a part of the imported food and feed control activities and should include appropriate quantitative and qualitative monitoring.
- 3.3.2 Quantitative monitoring reports were presented to the Joint Board on a planned basis. These included details of numbers and types of consignments received and any checks.

#### ***Recommendation***

3.3.3 The Authority should:

Develop and implement a documented internal monitoring procedure to include all aspects of the imported food and feed service. Implement the revised procedure to verify the Service's conformance with relevant legislation, official guidance and the Standard. Records of monitoring checks should be maintained.  
[The Standard - 19.1,19.2 and 19.3]

#### *Records*

- 3.3.4 Records of imported food and feed activity were generally paper based and included manifest and consignment records. There were limited records of inspection, sampling and formal enforcement action as very little activity appeared to have been undertaken over the past two years. Those records that were available did not always include full details.

***Recommendation***

3.3.5 The Authority should:

Maintain up to date, accurate and comprehensive records in retrievable form for all imported food and feed activities.  
[The Standard – 16.1]

*Third Party or Peer Review*

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

**Auditors:** **Sally Hayden**  
Ron Cheesman  
Yvonne Robinson

Food Standards Agency

Local Authority Audit and Liaison Division





<b>TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)</b>	<b>BY (DATE)</b>	<b>PLANNED IMPROVEMENTS</b>	<b>ACTION TAKEN TO DATE</b>
3.1.12(ii) Consider the imported feed control arrangements and responsibilities at the port in the Service Delivery Plan. Alternatively, the individual authorities within Teesport should ensure that their arrangements for the control of feed through points of entry in their administrative area are detailed within their feed service delivery plans. [The Standard – 3.1]	Completed	Imported feed control will be included in the Service Plan and arrangements put in place to ensure that official controls are carried out by RTPHA.	It is now acknowledged that RTPHA must carry out controls for imported feed. Manifests are now routinely checked for imported feed. All food and feed consignments are imported through R&CBC part of the port.
3.1.12(iii) Carry out a review of the Service Plan and any variance in meeting the Plan should be clearly addressed in the 2011/2012 Plan. [The Standard – 3.3]	01/04/11	A review of the service provided in 2010/2011 will be carried out which will inform the Service Plan for 2011/2012.	
3.1.15(i) Review and expand appropriate procedures to take account of imported food and feed activities. Ensure that all RTPHA documented policies and procedures are reviewed at regular intervals and whenever there are changes to legislation or centrally issued guidance. [The Standard – 4.1]	30/09/11	Where appropriate it is intended to produce joint procedures for RTPHA and R&CBC's Food Team. For work specific to port health such as imported food and feed controls including sampling at the port separate policies and procedures will be developed all of which will be reviewed on a regular basis including when new legislation is introduced.	
3.1.15(ii) Set up, maintain and implement a document control system for all documentation relating to the Authority's enforcement activities. Any amendments to documents should be appropriately authorised. [The Standard – 4.2]	30/09/11	It is intended to incorporate all documentation relating to operation of RTPHA into the Quality Control Procedures for R&CBC's Food Team.	

<b>TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)</b>	<b>BY (DATE)</b>	<b>PLANNED IMPROVEMENTS</b>	<b>ACTION TAKEN TO DATE</b>
<p>3.1.23(i) Review the procedure for the authorisation of officers to ensure that it includes references to all relevant and up to date legislation. Ensure that the procedure is fully implemented including the competency assessments. [The Standard – 5.1]</p>	<p>01/04/11</p>	<p>The Authorisation Procedure will be reviewed to include competency assessments for all officers.</p> <p>The Regulatory Services Manager will ensure that Authorised Officers from the riparian authorities possess the required qualifications and competencies. R&amp;CBC will ensure that all officers receive the required training.</p>	<p>Development of a memorandum of Understanding regarding the duties of the Port Authority being carried out by officers of the four Riparian Authorities.</p>
<p>3.1.23(ii) Ensure that officers are authorised in line with their qualifications, training, experience and the relevant Code of Practice.</p> <p>A sufficient number of authorised officers should be appointed to carry out the import controls, including out of hours cover arrangements. [The Standard – 5.3]</p>	<p>01/04/11 or as appointed</p>	<p>Officers currently in post at R&amp;CBC are carrying out port health work however they require further training which is being addressed. (See 3.1.23 (iii))</p> <p>The structure proposed in the Service Review will provide sufficient resources to carry out the necessary official controls and for arrangements for out of hours cover to be put in place. This structure must be approved by the Board of the RTPHA.</p>	<p>Officers authorised however most officers require further training.</p> <p>Report with new structure submitted to Board for meeting on 03/12/10, now deferred to 25/02/11.</p> <p>Recruitment will commence immediately on approval on the structure.</p>

<b>TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)</b>	<b>BY (DATE)</b>	<b>PLANNED IMPROVEMENTS</b>	<b>ACTION TAKEN TO DATE</b>
3.1.23(iii) Officers with lead responsibility for the point of entry should have the necessary specialist knowledge. Ensure that all officers and appropriate support staff involved in import controls at the port receive relevant training in accordance with the Food and Feed Law Codes of Practice. [The Standard – 5.2 and 5.4]	30/06/11 and on- going thereafter  28/02/11	Attendance at Feed Sampling training is arranged for Lead Officer (PEHO Food) and the TSO in the Food Team. It is intended that an imported food course will be arranged by R&CBC that all authorised officers can attend including officers from the riparian authorities and any newly recruited officers (if the posts are approved).  In the interim officers currently in post will complete the FSA online training in imported food.	Imported feed course now arranged for 14/03/11 at R&CBC.
3.1.27(i) Review the inspection facilities at Teesport and ensure that suitable facilities and equipment are available for physical checks of imported food and feed. [The Standard – 6.1]	30/06/11	Arrange a meeting with Port Operator at Teesport and UKBA to discuss and put in place arrangements for the facilities at the port to be improved.  Equipment will be purchased based on information provided by FSA and as required when sampling is carried out.	Contact made with management of port operator and UKBA.  Equipment sourced and costed. Draft budget being drawn up for 2011/2012.
3.1.27(ii) Ensure that an official monitoring return is provided to the Agency for 2009/2010 and that returns include accurate information on imported food activity. [The Standard – 6.3]	Completed	It is intended to record all relevant activities on R&CBC Information Monitoring System to enable future monitoring returns to be completed in a timely manner.  Monitoring checks to be carried out to ensure that accurate information is submitted.	Monitoring Return for 2009/2010 completed and submitted to FSA.

<b>TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)</b>	<b>BY (DATE)</b>	<b>PLANNED IMPROVEMENTS</b>	<b>ACTION TAKEN TO DATE</b>
3.1.30 Review the existing liaison arrangements with businesses involved in importing food and feed at the port and with agencies involved in imports, with the aim of ensuring that consignments are presented at the appropriate designated port, all imported food and feed consignments are identified and to help facilitate consistent enforcement. [The Standard – 18.1]	30/06/11	<p>Produce a procedure for the provision of advice and education.</p> <p>Identify and make contact with businesses involved in importing food and feed through Teesport. Regularly liaise with operators to ensure RTPHA has updated information on food and feed being imported.</p> <p>Arrange a seminar for shipping agents and importers to advise on import restrictions at Tees Port, current legislation and to establish means of providing updates to legislation.</p> <p>Provide electronic updates on new legislations and all emergency decisions.</p>	Contact made with local agent to facilitate initial seminar for agents/importers.
3.2.11(i) Further develop and implement the Imported Food Control procedure for the inspection of food and feed. [The Standard – 12.3]	30/06/11	Produce a procedure for Imported Food and Feed Control including templates for forms, notices and other relevant documents.	<p>A draft procedure is being developed.</p> <p>Arrangements now in place to ensure that all manifests are received by the Authority. Implementations of official controls at the port have started with identity checks and two confirmations of destination of final product.</p>
3.2.11(ii) Develop and implement a documented sampling policy, procedures and a risk based and targeted imported food and feed sampling programme. [The Standard – 12.4 and 12.5]	30/06/11	Produce a policy and a procedure for sampling imported food and feed based on intelligence and risk.	A draft sampling plan with costings has been drawn up for 2011/2012. Draft budget being drawn up for 2011/2012.

<b>TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)</b>	<b>BY (DATE)</b>	<b>PLANNED IMPROVEMENTS</b>	<b>ACTION TAKEN TO DATE</b>
3.2.16(i) Complete the review of the enforcement policy. Set up and implement documented procedures for follow up and enforcement actions on imported food and feed. [The Standard – 15.1 and 15.2]	30/06/11	Regulatory Service Manager to complete and circulate the Enforcement Policy for Regulatory Services for consultation.	For consultation by 31/01/11 with a return date of 28/02/11.
3.2.16(ii) Ensure that formal enforcement actions are carried out in accordance with the relevant legislation, the relevant Code of Practice and centrally issued guidance. [The Standard – 15.3]	30/06/11	All officers will receive training specific to port health controls and general enforcement and legal principles. Control of enforcement action will be formalised for RTPHA by the Regulatory Services Enforcement Policy and officers will have regard to this at all times.	All enforcement actions are subject to management control.
3.3.3 Develop and implement a documented internal monitoring procedure to include all aspects of the imported food and feed service. Implement the revised procedure to verify the Service's conformance with relevant legislation, official guidance and the Standard. Records of monitoring checks should be maintained. [The Standard - 19.1,19.2 and 19.3]	30/06/11	It is intended to update and implement the Quality System for R&CBC's Food Team to incorporate the port health service.	
3.3.5 Maintain up to date, accurate and comprehensive records in retrievable form for all imported food and feed activities. [The Standard – 16.1]	1/04/2011	All port health work will be recorded on RCBC Information Monitoring System. It is intended that all officers will be fully trained and the new system will be used from 01/4/11.	Database consultant configured database for port health purposes on 25 and 26/01/11.  Currently recording ship movements on database.

## **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:

- RTPHA Food Service Plan 2010/2011
- RTPHA Annual Report 2009
- Minutes of RTPHA meetings
- RTPHA Constitution –revised draft
- Draft Memorandum of Understanding
- Briefing notes to RTPHA from Regulatory Services Manager
- Authorisation of officers procedure
- Draft Imported Food Control Procedure
- Food Incidents/Food Alerts Procedure
- RTPHA Food Safety and Food Standards Enforcement Policy
- Redcar and Cleveland Borough Council –Regulatory Services Draft Enforcement Policy
- Recent Tees Valley Food Group meeting notes
- Recent Food Team meeting minutes.

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

- Authorisation and training files
- Manifest and consignment records
- Imported food and feed documentation
- Food and feed inspection and sampling records
- Formal enforcement records including detentions and re-exports.

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

- Audit Liaison Officer – PEHO
- Environmental Health Officer.

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

Auditors also met with Councillor W Noble, Chair of the Port Health Authority and representatives from Stockton-on Tees Borough Council.

*(4) On-site verification check:*

A verification visit was made with the Authority's officers to the food and feed inspection facilities at Teesport. 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 and that requirements for DPI status are 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.
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.
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.
Environmental Health Officer (EHO)	Officer employed by the local authority to enforce food safety legislation.
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.

Feeding stuffs	Term used in legislation on feed mixes for farm animals and pet food.
FNAO	Food not of animal origin. Non animal food products that fall under the requirements of imported food control regime.
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.
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.
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.
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 six months.
Service Plan	A document produced by a local authority setting out their plans on providing and delivering a food or feed service to the local community.
Third Country	Countries outside the European Union.
Trading Standards	The Department within a local authority which carries out, amongst other responsibilities, the enforcement of food standards and feed legislation.
Trading Standards Officer (TSO)	Officer employed by the local authority who, amongst other responsibilities, may enforce food standards and feed legislation.
Unitary Authority	A local authority in which the County and District Council functions are combined, examples being Metropolitan District/Borough Councils, and London Boroughs. A Unitary Authority's responsibilities will include food hygiene, food standards and feed enforcement.