

Derbyshire County Council

Meeting with Cabinet Member, Health and Communities

15 April 2014

Report of the Strategic Director, Health and Communities

**FOOD STANDARDS AGENCY AUDIT REPORT OF ANIMAL FEED
ENFORCEMENT**

1 Purpose of the report:

To inform the Cabinet Member, Health and Communities' of the outcome of an audit conducted by the Food Standards Agency into Derbyshire County Council's arrangements for enforcing animal feeding stuffs regulatory requirements, and to seek the Cabinet Member's agreement to the Action Plan.

2 Information and analysis:

- 2.1 As has previously been reported, the local authority has a duty to enforce the provisions of the Feed Hygiene and Enforcement Regulations which regulate the production and supply of animal feeding stuffs. The legislation was introduced in 2005 and followed major animal disease outbreaks such as foot and mouth and BSE which had a damaging impact on the UK's farming industry. Feed businesses have to comply with standards in respect of facilities, storage, personnel and record-keeping. The regulation applies throughout the feed chain, including to food manufacturers selling by-products of food production into the feed chain and all livestock and some arable farmers. Safe food from livestock (milk, cheese, meat etc.) relies on the safety of the feed used and the systems for producing, storing, transporting and feeding the feed.
- 2.2 The Food Standards Agency – set up by statute in 1999 – has overall responsibility for UK food law enforcement and is answerable to the European Community if the member state is considered not to be adequately enforcing the provisions of EC legislation. The EC has the power to prevent member states from exporting food and agricultural products as was the case with cattle following the BSE outbreaks. As such the FSA carries out a programme of local authority audits to check that controls are in place to ensure appropriate enforcement of the legislation at a local level. Derbyshire was subject to a two audit in September 2013 and the final report has now been received. (See attached Appendix).
- 2.3 As is explained in the foreword to the report, the current Food Standards Agency Strategy for 2010-15 has identified the need for greater controls on the animal feed-chain. The FSA's strategic priority is to ensure risk-based, targeted checks at inland feed establishments and effective local authority monitoring throughout the feed chain. The audits will also provide an opportunity for the

Agency to establish the level of improvement in the delivery of official controls being implemented by local authorities (LAs) following the Field Veterinary Office (FVO) Mission to the United Kingdom on animal feed controls which took place in 2009 and the subsequent follow-up visit to check on progress in November 2011. This had raised concerns about the level of enforcement and as a consequence, the FSA has provided direct funding to local authorities to improve activity in this area. For the current financial year, Derbyshire has achieved an increased level of inspection and has met the target agreed with the FSA.

- 2.4 The Agency audits assess LAs 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. The audit report identified Derbyshire's quality management system and procedures as a strength, but also identified some areas for improvement. The report specifies an improvement plan which can be found in Annex A to the report (page 18). These are considered in more detail below with Derbyshire Trading Standards' response to each recommendation.

3.1.5 The Authority should: Further develop the Food and Feed Plan to include all feed demands on the Service, together with a comparison of the resources required to carry out the full range of statutory feed law enforcement activities against the resources available to the Service. [The Standard – 3.1]

The annual Food and Feed Plan is agreed by Members and includes the demands placed on the authority for enforcing feed requirements (see link below). This recommendation will be addressed as part of the service planning process for 2014-15, but it should also be noted that following a national revision of the risk assessments of feed businesses there will be a reduction in the number of premises that will require inspection.

http://www.derbyshire.gov.uk/images/2013-08-20%20Annual%20Food%20and%20Feed%20Plan_tcm44-229980.pdf

3.1.11 The Authority should: Review and update current authorisations to ensure that all officers are appropriately authorised under relevant current legislation, consistent with their qualifications, training and experience. [The Standard – 5.3]

Clarification is being sought from the FSA as to what is legally required and then further advice will be sought from Legal. The Division does not believe that this is a significant issue.

3.2.6 The Authority should:

(i) Ensure that feeding stuffs premises are risk rated and inspected at a frequency which is not less than that determined under the relevant rating

system in accordance with legislation, the Feed Law Enforcement Code of Practice, and centrally issued guidance. [The Standard - 7.1]

Derbyshire is heavily involved in discussions at a national level to amend the current code of practice. The trading standards manager (food, feed, animal health and metrology) chairs the regional (East Midlands) agricultural panel and the newly formed regional feed group. He also chairs the National Agricultural Panel. The change in the code of practice will amend the risk rating of feed businesses which in turn will reduce the number liable to inspection.

East Midlands Feed Inspections and Samples 2013-14

Authority	Sampling No	Actual Samples Taken	1. Approved Manufacturers (A1-A8)	3. Manufacturers placing food into the feed chain (R1-R7) and Co-producers (R12)	5. Transport of Feed and Feed Products (R8)	6. Storage of Feed and Feed Products (R9)	7. Farms using additives or premixtures (R10)	8. Farms Registered as R11, R13 and R14	9. Food Hygiene Inspections at primary production premises (2%)	10. Food Hygiene inspections at primary production premises (25%)	Total number of inspections
Derby City	4	4		1							9
Derbyshire	47	35	1	13	9	1	2	74	10	260	452
Leicester City	0	0		5			1	1		1	8
Leicestershire	49	35		18	6	2	1	100	22	78	311
Lincolnshire	7	7		30	17	3	52	19	60		195
Northamptonshire	7	7		22	8	3	1	8	10	20	86
Nottingham City	4	4		4							12
Nottinghamshire	64	64	1	11	6	2	17	6	3	12	186
Totals	182	156	2	104	46	11	74	208	105	371	1259

Derbyshire	26%	22%	50%	13%	20%	9%	3%	36%	10%	70%	36%
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For the financial year just completed (2013-14) the FSA has provided direct grant funding to local authorities in a regional basis to increase the number of inspections and samples taken. Derbyshire Trading Standards has completed all agreed inspections and has in fact achieved over a third of all feed inspections carried out in the East Midlands.

- (ii) *Ensure that all observations and/or data obtained in the course of an inspection are noted in sufficient detail to provide an adequate record of the assessment and determination of business compliance with relevant feed legislation.*
[The Standard - 16.1]

The FSA provided constructive criticism during the audit about the amount of detail recorded following an inspection. This was rectified at the time.

3.2.7 During the audit, a verification visit was undertaken to a feeding stuffs establishment with an officer from the AuthorityThe officer was familiar with the operations carried out at the establishment, able to demonstrate a high level of knowledge of feed law and had effectively assessed compliance with feed law requirements.

This is a very positive comment on the competence of the officer who conducted this particular inspection.

3.3.3 The Authority should: Develop and implement a documented internal monitoring procedure to include quantitative and qualitative monitoring of feed law enforcement activities. The procedure should reflect the monitoring activities already undertaken and should be aimed at verifying the Service's conformance with relevant legislation, official guidance, the Standard and its own policies and procedures. Records of monitoring checks should be maintained. [The Standard - 19.1, 19.2 and 19.3]

As commented above, the FSA provided constructive criticism during the audit about the amount of detail recorded following an inspection. This was rectified at the time and existing procedures modified to ensure that record keeping forms part of the regular management workload reviews.

- 2.5 Overall we feel that the Audit Report is a fair reflection of the steps taken by the service to enforce the provisions of the Official Controls of Feed businesses – including primary producers (farms). Changes to the Code of Practice will reduce the number of premises liable to inspection, but this remains a key area of activity to ensure the safety of animal feeding stuffs and thus the integrity of the food chain and rural economy. Subject to clarification by the FSA on a couple of issues, we are confident that we will complete the agreed action plan.

3 Other considerations:

In preparing this report the relevance of the following factors has been considered; financial, legal, prevention of crime and disorder, equality of opportunity; and environmental, health, human resources, property and transport considerations.

4 Background papers:

CabCo Report dated 9 July 2013: Feed Hygiene Controls

CabCo Report dated 20 August 2013: Annual Food and Feed Service Plan 2013-14

5 Key Decision:

No

6 Call-in:

Is it required that call-in be waived for any decision on this report?

No

7 Strategic Director's recommendation:

That the Cabinet Member, Health and Communities notes the outcome of an audit conducted by the Food Standards Agency into Derbyshire County Council's arrangements for enforcing animal feeding stuffs regulatory requirements, and to seek the Cabinet Member's approval of the Action Plan.

David Lowe
Strategic Director
Health and Communities

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

Derbyshire County Council
17-18 September 2013



Foreword

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

This programme of focused audits in England has been specifically developed to address two of the priorities identified in the Food Standard Agency's Strategy for 2010-2015 in meeting the outcomes that feed meets the legislative requirements for animal consumption

and is safe to enter the human food chain and that regulation is effective, risk-based and proportionate. The strategic priority is to ensure risk-based, targeted checks at inland feed establishments and effective local authority monitoring throughout the feed chain. The audits will also provide an opportunity for the Agency to establish the level of improvement in the delivery of official controls being implemented by local authorities (LAs) following the FVO Mission to the United Kingdom on animal feed controls which took place from 16-26 June 2009 and the subsequent follow-up visit to check on progress in November 2011. The report entitled 'The Implementation of Measures Concerning Official Controls on Feed Legislation' is available from the Europa website at: http://ec.europa.eu/food/fvo/rep_details_en.cfm?rep_id=2335.

Agency audits assess LAs 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.

The programme examined local authority (LA) systems and procedures for control of feed at inland authorities, in 10 geographically representative LAs in England. The audits were confined to feed of non-animal origin (FNAO).

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

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

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

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1.0 Introduction

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

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

Hard copies are available from the Food Standards Agency's Operations Assurance 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 Derbyshire County Council was undertaken under section 12(4) of the Act as part of the Food Standards Agency's annual audit programme.
- 1.3 Regulation (EC) No. 882/2004 on official controls performed to ensure the verification of compliance with feed and food law includes a requirement for competent authorities to carry out internal audits or to have external audits carried out. The purpose of these audits is to verify whether official controls relating to feed and food law are effectively implemented. To fulfil this requirement, the Food Standards Agency, as the central competent authority for feed and food law in the UK has established external audit arrangements. In developing these, the Agency has taken account of the European Commission guidance on how such audits should be conducted.¹
- 1.4 The Authority was included in the Food Standards Agency's programme of audits of local authority feed law enforcement services, as it had not been audited in the past by the Agency and was representative of a geographical mix of 10 feed law enforcement LAs across England.

Scope of the Audit

- 1.5 The audit examined Derbyshire County Council's systems and procedures for the control of feed of non-animal origin (FNAO).

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

- 1.6 The audit scope included the assessment of local arrangements for service planning, delivery and review, provision and adequacy of officer training, authorisations, implementation and effectiveness of feed control activities, including inspection, sampling and enforcement. Maintenance and management of appropriate records in relation to feed and internal service monitoring arrangements were also covered.
- 1.7 The on-site element of the audit took place at the Authority's offices at Chatsworth Hall, Chesterfield Road, Matlock, Derbyshire on 17-18 September 2013. The audit included a reality check at a feed establishment to assess the effectiveness of official controls implemented by the Service and more specifically, the checks carried out by the Service's officers to verify compliance with feed law requirements.

Background

- 1.8 Derbyshire County Council lies in the centre of England in the north-west part of the East Midlands region. The county which is largely rural covers an area of 255,071 hectares with an estimated population of over 760,000. Chesterfield is the largest town in the county which also includes eight other large towns and the Peak District National Park. Many towns have their roots in traditional industries such as quarrying and mining but manufacturing now accounts for almost a quarter of employment.
- 1.9 Feed law enforcement was part of the responsibilities of the Head of Trading Standards reporting directly to the Strategic Director for Cultural and Community Services who in turn reported directly to the Chief Executive. The Council made key decisions through a Cabinet of elected Members. Cultural and Community Services was the responsibility of the Cabinet Member for Health and Communities.
- 1.10 The profile of Derbyshire County Council's feed businesses according to figures submitted to the Agency for 2010/11 was as follows:

Type of Feed Premises	Number
Arable Farms	7
Livestock Farms	3,955
Manufacturers	31
Food businesses selling co-products/surplus food	56
Importers	0
Distributors/Transporters	45
Stores	0
Retailers	5
Total Number of Feed Premises	4,517

2.0 Executive Summary

2.1 Derbyshire County Council was selected for audit as it had not been previously audited by the Agency. Auditors acknowledged that the County Council had been subject to financial pressures and that since 2010 the Trading Standards Service which was responsible for the delivery of feed law enforcement had reduced staffing levels from 59.3 full time equivalents staff to just over 45.

2.2 **Strength:**

Procedures: The Authority had developed an effective quality management system which included a range of procedures and documents supporting feed law enforcement activities. The system provided useful guidance for officers and helped maintain consistency.

2.3 **Key areas for improvement:**

Service planning: The Authority had developed a Food and Feed Plan for 2013/14. However the Authority needed to include a realistic comparison of the resources required to deliver a full programme of interventions against the resources available.

Officer authorisations: Authorisations required review to ensure they contained all relevant feed legislation.

Feed establishment interventions programme: All feeding stuffs premises should be risk rated and inspected at appropriate frequencies, as specified in the Feed Law Enforcement Code of Practice (FLECP).

Internal monitoring: The Authority was undertaking quantitative monitoring but limited qualitative monitoring of feed law enforcement activities and needs to develop and implement a documented internal monitoring procedure across all areas of the Standard. The procedure should reflect the monitoring activities already undertaken and should verify the Service's conformance with legislation, official guidance, and the Standard.

3.0 Audit Findings

3.1 Organisations and Management

Strategic Framework, Policy and Service Planning

3.1.1 The strategic framework, policy and planning for the Authority was in a period of transition due to a change in the overall political control of the Authority. The new administration was in the process of formulating a new Council Plan and had identified five key pledges:

- A Derbyshire that works
- A healthy Derbyshire
- A safer Derbyshire
- A Derbyshire that cares
- A local Derbyshire.

3.2.2 Cultural and Community Services were developing a Service Plan to reflect the key pledges and one priority was supporting the rural economy which included ensuring the integrity of the animal food chain from “farm to fork”. The plan reflected staffing reductions from 59.3 full time equivalents to just over 45 over the last three years. It should also be noted that the Council is faced with a further budget reduction of £157m over the next five years, which may result in further staffing reductions and associated re prioritisation of activities.

3.1.3 A Food and Feed Service Plan for 2013/14 had been developed and approved. The Plan was well structured and based on the Service Planning Guidance in the Framework Agreement. The Plan identified premises of which 45 feed premises had been programmed for inspection. Subsequent to the approval of the Service Plan the Authority had secured feed law enforcement grant funding from the Agency which resulted in a significant increase in the number of planned inspections.

3.1.4 Whilst the Plan included estimates for time and resources required for feed activity it required review to ensure it clearly included a realistic comparison of the resources required to deliver a full programme of feed law enforcement against the resources available to the Service.

Recommendation

3.1.5 The Authority should:

Further develop the Food and Feed Plan to include all feed demands on the Service, together with a comparison of the resources required to carry out the full range of statutory feed law enforcement activities against the resources available to the Service. [The Standard – 3.1]

Documented Policies and Procedures

- 3.1.6 The Authority had developed and implemented documented policies and procedures which were part of an accredited ISO 9001:2008 quality management system.
- 3.1.7 The quality system included specific feed procedures for inspection, sampling and alerts, relevant generic procedures, work instructions and guidance notes. The system was managed through a computerised quality management software system. All procedures had allocated owners, issue dates, and revision references. A rolling programme of internal audits was in place and all procedures examined were found to be up to date. The system provided a good source of guidance for officers and helped maintain consistency in the delivery of feed law enforcement activities.

Officer Authorisations

- 3.1.8 The Authority had developed and implemented a documented procedure entitled “Authorisation, Legislation and Corporate Requirements” which was part of the quality management system controlling the authorisation of officers.
- 3.1.9 The Authority had provided the Agency with details of the Lead Officer for feed who was appropriately qualified and experienced. File checks confirmed that officers authorised for feed law enforcement were appropriately qualified, training needs had been identified and officers were receiving a minimum 10 hours of training in accordance with the requirements of the FLECP.
- 3.1.10 However authorisations required review to ensure that they are up to date and include all relevant feed law enforcement, all relevant legislation including the Official Feed and Food Controls (England) Regulations 2009 and relevant Emergency Control Regulations.

Recommendation

3.1.11 The Authority should:

Review and update current authorisations to ensure that all officers are appropriately authorised under relevant current legislation, consistent with their qualifications, training and experience. [The Standard – 5.3]

Facilities and Equipment

- 3.1.12 Auditors confirmed that the Service had suitable equipment available for sampling a range of feed products.
- 3.1.13 The Authority had an electronic database for the recording of feed law enforcement activities which was capable of providing information necessary for official returns.
- 3.1.14 Documented procedures and guidance notes had been developed to help ensure that the feed premises database was accurate. These included a procedure for updating the database with information from District Councils, Assured Farm Standards, the Veterinary Medicines Directorate and other sources. A general procedure for the premises and activity database provided for data accuracy, permissions for data entry and deletion, backup, user system support and recording. Action diary use, document indexing and the closure of diaries were also controlled. Some data cross checks had been carried out by the Authority using commercial directories. Auditor checks on a selection of six feed premises taken from a commercial directory confirmed that the premises were appropriately recorded on the database.
- 3.1.15 The Authority had recognised that the low levels of inspections and interventions at feed premises had the potential to reduce the accuracy of the database and had implemented a rolling programme of writing to approximately 300 feed businesses each year to gather up to date information and data on feed activity and premises.
- 3.1.16 The Authority had decided to introduce the National Trading Standards Board Risk Assessment Scheme for premises and was awaiting an update to the computerised system to facilitate this.

Liaison with Other Organisations

- 3.1.17 The Lead Officer attended the National Agricultural Panel and chaired the regional liaison group on food and feed. However a recent review of liaison

arrangements had been agreed and a new regional feed group was to be created and chaired by the Lead Officer. The Animal Health and Veterinary Laboratories Agency and the Veterinary Medicines Directorate were to be invited to attend. The Authority had also worked with regional partners to develop a successful bid for funding for feed work.

3.2 Feed Control Activities

Feed Establishments Interventions and Inspections

- 3.2.1 The Authority had developed and implemented a documented procedure for the inspection of feed premises which included preparation, inspection, recording, and closure. The procedure also made reference to other related procedures and guidance notes.
- 3.2.2 The Food and Feed Service Plan 2013/14 provided a breakdown of 3,890 feed premises and set out the planned programmed inspections of the following premises:
- All three high risk premises
 - Seven upper medium risk premises
 - 35 lower medium premises.
- 3.2.3 Since the Service Plan had been approved the Authority had successfully applied for feed grant funding from the Agency. In addition it was also about to implement the National Trading Standards Board Risk Assessment Scheme with possible changes to premises risk ratings and profiles. Due to this period of transition the Authority was not able to produce a full programme of feed inspections based on feed risk. It was clear the Authority planned to undertake a programme of 323 inspections across all feed sectors. However this would not be a full programme of feed inspections carried out at appropriate frequencies as specified by the FLECP.
- 3.2.4 File checks of inspection records found that a range of inspection aides-memoire had been used including the Agency's standard inspection templates. File checks where the Agency's aide-memoire had not been used were found to have insufficient inspection detail recorded.
- 3.2.5 Comprehensive records are essential for informing enforcement decisions, providing information for future inspections, and to provide the foundation of internal monitoring activities. The benefit of the consistent use of an inspection aide-memoire/report form was discussed and auditors were advised that the Authority had already decided to use the Agency's templates.

Recommendations

3.2.6 The Authority should:

- (i) Ensure that feeding stuffs premises are risk rated and inspected at a frequency which is not less than that determined under the relevant rating system in accordance with legislation, the Feed Law Enforcement Code of Practice, and centrally issued guidance. [The Standard - 7.1]
- (ii) Ensure that all observations and/or data obtained in the course of an inspection are noted in sufficient detail to provide an adequate record of the assessment and determination of business compliance with relevant feed legislation. [The Standard - 16.1]

Verification Visit to a Feed Premises

- 3.2.7 During the audit, a verification visit was undertaken to a feeding stuffs establishment with an officer from the Authority, who had carried out the last feed inspection of the premises. The main objective of the visit was to assess the effectiveness of the Authority's assessment of feed business compliance with feed law requirements. The officer was familiar with the operations carried out at the establishment, able to demonstrate a high level of knowledge of feed law and had effectively assessed compliance with feed law requirements.

Feed Inspection and Sampling

- 3.2.8 The Authority had developed and implemented a food and feed sampling policy which provided the background, obligations and policy regarding food and feed sampling. A documented feed sampling procedure had been implemented which included the development of sampling programmes, formal sampling, informal sampling, recording, submission and results. Appropriate Agricultural Analysts had been appointed.
- 3.2.9 Quarterly sampling programmes were developed and delivered in consultation with the Agriculture Analyst taking into account National Enforcement Priorities, intelligence, complaints, referrals and other relevant factors. The Authority had successfully applied for a sampling grant from the Food Standards Agency for 2012/13 and further grant funding for 2013/14. The Authority subscribed to the national food and feed sampling database the UK Food Surveillance System.

- 3.2.10 Five records of feed sampling activities were examined and these confirmed that samples had been taken by a suitably authorised officer in accordance with the sampling programme. Results had generally been dealt with in accordance with the FLECP, however the Authority needed to ensure that it maintained full records of follow-up action.

Enforcement

- 3.2.11 The Authority had developed and implemented a generic compliance policy which had been appropriately approved. The policy had been developed to provide a framework to ensure the Service had regard to the principles of good regulation including the Legislative and Regulatory Reform Act 2006, the Regulators Compliance Code and the Code for Crown Prosecutors.
- 3.2.12 A documented procedure had been developed and implemented for the reporting of infringements and there was also a specific guidance note for feed enforcement. The guidance note set out options for the issue of notices, prohibition orders, seizure and detention of feed and suspension and revocation of feed registrations and approvals.
- 3.2.13 The Authority had not issued any simple cautions or undertaken any prosecutions in relation to feed law enforcement in the last two years. Checks on the use of formal enforcement notices to resolve an on-going non-compliance with feed law showed a proportionate and graduated approach to resolving the issue which was in line with the Authority's enforcement policy and appeared an appropriate course of action. The notices were appropriately drafted and used.

Feed Complaints, Primary Authority Scheme and Home Authority Principle

- 3.2.14 The Authority had developed a consumer advice and enquiries policy which stated that complaints concerning possible criminal offences were assessed and prioritised as the Authority had insufficient resources to deal with each individual complaint. Complaints were received via the Citizens Advice Consumer Service, telephone, email, letter and personal callers however feed complaint levels were relatively low. Details of all complaints were recorded and action taken was based on an assessment of risks to consumers and legitimate business. The Authority had developed and implemented a documented procedure for the receipt of complaints and enquiries.
- 3.2.15 File checks on records of three referrals confirmed that appropriate action had been undertaken in each case however the Authority needed to ensure that detailed records were maintained of follow-up action.

- 3.2.16 The Authority supported the Home Authority Principle and Primary Authority Scheme and acted as Home Authority for several large national companies including two feed based businesses.

Feed Safety Incidents

- 3.2.17 The Authority had a computer system capable of receiving feed alerts and had developed, implemented and maintained a documented procedure for initiating and responding to alerts. Responses to alerts were recorded on the computerised system and out of hours response arrangements were in place.

Advice to Business

- 3.2.18 The Authority had a policy of offering proactive and reactive business advice which was primarily provided on request, on inspection, and as a result of sampling and projects. The Service was a member of the D2N2 Local Enterprise Partnership for Derbyshire and Nottinghamshire whose vision was a “more prosperous, better connected and increasingly resilient and competitive economy”.
- 3.2.19 The Authority had not recently instigated any feed specific business advice initiatives, although sampling and projects relating to eggs and placing of limestone into the feed chain had resulted in appropriate feed law advice to business.

3.3 Internal Monitoring and Third Party or Peer Review

Internal Monitoring

- 3.3.1 The Authority monitored overall quantitative performance through monthly reporting to the Performance and Targets Management Team and regular one to one meetings with individual officers. Qualitative internal monitoring was limited to audit of the quality management system and signing off of feed work funded by the Agency.
- 3.3.2 The Authority should review, develop and implement a flexible, proportionate and risk-based internal monitoring procedure in accordance with the Framework Agreement, to cover the full range of feed law enforcement activities. Records of monitoring checks should be maintained.

Recommendation

3.3.3 The Authority should:

Develop and implement a documented internal monitoring procedure to include quantitative and qualitative monitoring of feed law enforcement activities. The procedure should reflect the monitoring activities already undertaken and should be aimed at verifying the Service's conformance with relevant legislation, official guidance, the Standard and its own policies and procedures. Records of monitoring checks should be

Records

- 3.3.4 Records of feed law enforcement activities were maintained electronically and in paper files. Whilst the quality of records of feed premises interventions was variable, records such as complaints, referrals and samples were generally up to date, accurate, and easily retrievable.

Third Party or Peer Review

- 3.3.5 The Authority had not participated in any inter-authority audit, third party review or peer review relating to feed law enforcement in the last two years however the Authority did participate in overall benchmarking with other similar Authorities.

Auditors: John Ashcroft
Ron Chessman

Food Standards Agency

Operations Assurance Division

ANNEX A Action Plan for Derbyshire County Council

Audit date: 17 – 18 September 2013

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.1.5 Further develop the Food and Feed Plan to include all feed demands on the Service, together with a comparison of the resources required to carry out the full range of statutory feed law enforcement activities against the resources available to the Service. [The Standard – 3.1]	31/07/14	Incorporate recommendations into the 2014/15 Service Plan.	Current Service Plan reviewed to identify the relevant section to be amended in next years' Service Plan.
3.1.11 Review and update current authorisations to ensure that all officers are appropriately authorised under relevant current legislation, consistent with their qualifications, training and experience. [The Standard – 5.3]	31/03/14	To seek clarification from the Food Standards Agency as to the details of this action point and to seek legal advice if required to ensure that officers are appropriately authorised.	Clarification sought from the Food Standards Agency on 06/11/13.

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.2.6 (i) Ensure that feeding stuffs premises are risk rated and inspected at a frequency which is not less than that determined under the relevant rating system in accordance with legislation, the Feed Law Enforcement Code of Practice, and centrally issued guidance. [The Standard - 7.1]	31/03/14	The service will work with the National Agricultural Panel (NAP) to try to ensure that the National Trading Standards Boards (NTSB) risk rating scheme fully aligns with the proposed changes to the Feed Law Enforcement Code of Practice risk rating scheme. Once the changes have been agreed we will fully implement them into our information management system. Following this process which is expected to reduce the number of required visits the service will continue to ensure that it prioritises the inspection program to premises of greater risk within the available budget.	The service is currently working with the NTSB and NAP to try to ensure that the NTSB risk rating scheme fully aligns with the proposed FSA risk rating scheme.

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
<p>3.2.6 (ii) Ensure that all observations and/or data obtained in the course of an inspection are noted in sufficient detail to provide an adequate record of the assessment and determination of business compliance with relevant feed legislation.</p> <p>[The Standard - 16.1]</p>	completed	<p>Just prior to the audit, the service updated its procedures to ensure that all feed visits are recorded on the appropriate visit template provided by the FSA. This will ensure that all observations and/or data obtained in the course of an inspection are noted in sufficient detail to provide an adequate record of the assessment and determination of business compliance with relevant feed legislation.</p>	<p>The service has started to use the Food Standards Agency templates for all feed visits.</p>

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
<p>3.3.3 Develop and implement a documented internal monitoring procedure to include quantitative and qualitative monitoring of feed law enforcement activities. The procedure should reflect the monitoring activities already undertaken and should be aimed at verifying the Service's conformance with relevant legislation, official guidance, the Standard and its own policies and procedures. Records of monitoring checks should be maintained.</p> <p>[The Standard - 19.1, 19.2 and 19.3]</p>	31/03/14	<p>The Service will build on existing procedures to ensure that the quantitative and qualitative monitoring of feed law enforcement activities takes place and that, records of monitoring checks are maintained.</p> <p>Existing procedures will be further improved and implemented to ensure that where appropriate workload reviews will be conducted on a percentage of all closed work to ensure the Service's conformance with relevant legislation, official guidance, the Standard and its own policies and procedures.</p>	<p>As indicated above the Service has started to use the FSA feed visit templates for all feed visits which are signed off by the lead feed officer, however further development of the procedures is required.</p>

ANNEX B 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 relevant LA policies, procedures and linked documents were examined before and during the audit:

- Derbyshire County Council Plan
- Draft Cultural and Community Services Service Plan 2013/14 Refresh
- Food and Feed Service Plan 2013/14
- Council Minutes and Reports
- Advice and Enquiries Policy
- Compliance Policy
- Quality system Procedures and Guidance notes
- Minutes from the East of England Trading Standards Association meetings.

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

- Evidence of authorisations and qualifications
- Liaison records
- Training records
- Feed establishments records
- Feed inspection and sampling records
- Feed complaint/referral/service request records.

(3) Officer interviews – the following officers were interviewed:

- Audit Liaison Officer(Lead Feed Officer)
- Head of Trading Standards
- Deputy Head of Trading Standards
- Manager (Quality and Data)
- Enforcement Officer .

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

(4) On-site verification check:

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

ANNEX C Glossary

Agricultural Analyst	A person, holding the prescribed qualifications, who is formally appointed by a local authority to analyse feed samples.
Authorised officer	A suitably qualified officer who is authorised by the local authority to act on its behalf in, for example, the enforcement of legislation.
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 and feed legislation.
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 geographical area and situated within a County Council whose responsibilities include food hygiene enforcement.
Environmental Health Officer (EHO)	Officer employed by the local authority to enforce food safety legislation.
FNAO	Feed non-animal origin. Products that do not fall under the requirements of the veterinary control regime.
FVO	Food and Veterinary Office, part of the European Commission, based within the Directorate General for Health and Consumers.
Feed Law Enforcement Code of Practice	Government Codes of Practice issued under the Official Feed and Food Control Regulations.
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/feed hygiene	The legal requirements covering the safety and wholesomeness of food/feed.

Food/feed standards	The legal requirements covering the quality, composition, labelling, presentation and advertising of food/feed, and materials in contact with food.
Framework Agreement	<p>The Framework Agreement consists of:</p> <ul style="list-style-type: none"> • Food and Feed Law Enforcement Standard • Service Planning Guidance • Monitoring Scheme • Audit Scheme <p>The Standard and the Service Planning Guidance set out the Agency's expectations on the planning and delivery of food and feed law enforcement.</p> <p>The Monitoring Scheme requires local authorities to submit yearly returns via LAEMS to the Agency on their food enforcement activities i.e. numbers of inspections, samples and prosecutions.</p> <p>Under the Audit Scheme the Food Standards Agency will be conducting audits of the food and feed law enforcement services of local authorities against the criteria set out in the Standard.</p>
Full Time Equivalents (FTE)	A figure which represents that part of an individual officer's time available to a particular role or set of duties. It reflects the fact that individuals may work part-time, or may have other responsibilities within the organisation not related to food and feed enforcement.
HACCP	Hazard Analysis and Critical Control Point – a food/feed safety management system used within food/feed businesses to identify points in the production process where it is critical for food/feed safety that the control measure is carried out correctly, thereby eliminating or reducing the hazard to a safe level.
Home Authority	An authority where the relevant decision making base of an enterprise is located and which has taken on the responsibility of advising that business on food and feed safety/ standards issues. Acts as the central contact point for other enforcing authorities' enquiries with regard to that company's food/feed related policies and procedures.
Informal samples	Samples that have not been taken in 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 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.
Port Health Authority (PHA)	An authority specifically constituted for port health functions including imported food and feed control.
Primary Authority	An authority that has formed a formal partnership with a business in accordance with the Regulatory Enforcement and Sanctions Act 2008.
Public Analyst	An officer, holding the prescribed qualifications, who is formally appointed by the local authority to carry out chemical analysis of food and feed samples.
RASFF	Rapid alert system for food and feed. The European Union system for alerting port enforcement authorities of food and feed hazards.
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/feed premises according to risk and determines how frequently those premises should be inspected. For example, high risk premises should be inspected at least every 6 months.
Service Plan	A document produced by a local authority setting out their plans on providing and delivering a food/feed service to the local community.
Trading Standards	The Department within a local authority which carries out, amongst other responsibilities, the enforcement of food standards and feeding stuffs legislation.
Trading Standards Officer (TSO)	Officer employed by the local authority who, amongst other responsibilities, may enforce food standards and feeding stuffs legislation.
Unitary Authority	A local authority in which the County and District Council functions are combined, examples being Metropolitan District/Borough Councils, and London Boroughs. A Unitary Authority's responsibilities will include food hygiene, food standards and feeding stuffs enforcement.