
Report on the Food Law Enforcement Service

North Somerset Council

18 – 19 March 2008

Local Authority Controls of Imported Feed and Food
(including Inland Controls) and Feed Law Enforcement

Foreword

Audits of local authorities' food and animal feed 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/feed law relating to food safety, hygiene, composition, labelling, imported food and feed is largely the responsibility of local authorities. These local authority regulatory functions are principally delivered through their Environmental Health and Trading Standards Services.

Agency audits assess local authorities' conformance against the Food Law Enforcement Standard "The Standard", which was published by the Agency as part of the Framework Agreement on Local Authority Food Law Enforcement which is available on the Agency's website at: www.food.gov.uk/enforcement.

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

The attached audit report considers the local authority's food and feed law enforcement service, focusing on the local arrangements in place for the enforcement of feed law and imported feed and food controls (including 'inland' post entry controls on imports from countries outside the EU).

Import controls at the point of entry on food/feed of animal origin are not within the scope of this audit. These products are subject to controls at designated Border Inspection Posts which have separate audit arrangements conducted by Animal Health (an executive of the Department of Environment, Food and Rural Affairs (Defra)).

The report also contains an action plan, prepared by the Authority, to address recommendations provided as a result of the audit findings. For assistance, a glossary of technical terms used within the audit report can be found at the Annex.

There have recently been a number of important developments impacting on the enforcement of imported food and feed legislation. These include:

- revocation of the Imported Food Regulations 1997;
- implementation of Regulation (EC) No 882/2004 (on official feed and food controls);
- implementation of Regulation (EC) No 1831/2003 (on feed hygiene); and

- publication of the Feed Law Enforcement Code of Practice (Great Britain).

In addition, it is anticipated that measures for the control of food and feed with known or emerging risk will be implemented in accordance with Regulation (EC) No 882/2004 during 2008.

The Agency's Enforcement Support Division and the Animal Feed Unit have identified official controls on imported food and feed from countries outside of the European Union (third countries) as important to ensuring the safety of food and feed. This is borne out by recent food/feed incidents, including mycotoxin contamination of groundnuts and cereal products, contamination of protein isolates with melamine, and the diversion of products intended for industrial use e.g. guar gum and zinc sulphate into the food/feed chain. Sixty two per cent of Rapid Alert System Feed and Food (RASSF) notifications and 75% of information notifications published by the European Commission (EC) during 2006 related to products of third country origin.

The Agency has also taken the opportunity during this audit to look at official controls of all feed law enforcement in light of the recent implementation of Regulation (EC) No 183/2005 (on feed hygiene). This Regulation came into force on 1 January 2006 and extended similar provisions contained in the now revoked Directive (EC) No 95/69 (on establishments and intermediaries) to a wider range of businesses including all those placing onto the market, using, storing or transporting feedingstuffs e.g. arable farmers, livestock farmers, food manufacturers supplying co-products to the feed industry and hauliers. Feed business operators new to the requirements of Regulation (EC) No 183/2005 had until 1 January 2008 to fully comply with the new requirements.

A number of authorities with ports/points of entry in their area as well as authorities with significant imported food business operators have been selected for audit during this programme. These include those authorities which report low levels of import activity to provide confidence that they have an accurate assessment of local import trade and that an appropriate level of control could be implemented in the event of a change in established trading patterns.

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1. Introduction

- 1.1 This report records the results of the audit under the relevant headings of the Food Standards Agency Food Law Enforcement Standard and has been made publicly available on the Agency's website. Hard copies are available from the Food Standards Agency's Local Authority Liaison Division at Aviation House, 125 Kingsway, London WC28 6NH Tel: 020 7276 8428.

Reason for the audit

- 1.2 The power to set standards, monitor and audit local authority food law enforcement services was conferred on the Food Standards Agency by the Food Standards Act 1999. The audit of the food service at North Somerset Council was undertaken under section 12(4) of the Act as part of the Food Standards Agency's annual audit programme.

Scope of the audit

- 1.3 The audit covered North Somerset Council's food and feed law enforcement service with a focus on feed law enforcement and the implementation of imported food and feed controls at Royal Portbury Docks and Bristol International Airport through to subsequent inland controls. The Animal Medicines Inspectorate (AMI) are responsible for controls on animal feeding stuffs containing medicinal and specified products, which are subject to separate auditing regimes.
- 1.4 The audit assessed the Authority's conformance against the Standard, using audit protocols and checklists FIFP – FIFC. The Standard was adopted by the Food Standards Agency Board on 21 September 2000, (amended July 2004), and forms part of the Agency's Framework Agreement. The Framework Agreement and the audit protocols can be found on the Agency's website at: www.food.gov.uk/enforcement.
- 1.5 The on-site element of the audit took place at the Authority's offices at Somerset House, Oxford Street, Weston-super-Mare, Somerset BS23 1TG on 18-19 March 2008.
- 1.6 The audit also afforded the opportunity for discussion with officers authorised to undertake food and feed law enforcement.

Background

- 1.7 North Somerset Council is a unitary authority covering a mainly rural area, including the coastal towns of Weston-super-Mare, Portishead, and Clevedon, and the commuter town Nailsea. The population is approximately 190,000 and it covers an area of approximately 375 km².
- 1.8 North Somerset Council was formed in 1996 after the abolition of the County of Avon due to local government reorganisation. The Somerset region of the county was split into 2 unitary authorities, the other being Bath and North East Somerset.
- 1.9 The economy of North Somerset is traditionally based on agriculture, including sheep and dairy farming. Tourism is also a major part of the economy due to the popularity of the large coastal towns. After a period of decline, in common with the rest of the UK, the tourist sector of the economy has stabilised.
- 1.10 The major city of Bristol is nearby. Over a number of years, due to increasing trade, the Port of Bristol Company expanded along the Somerset coastline, which eventually led to the construction of Royal Portbury Docks, within the administrative area of North Somerset. The Docks are noted for the large number of car imports.
- 1.11 Bristol City Council has enforcement responsibility of imported food controls at Royal Portbury Dock, has Port Health Authority (PHA) status and is a Border Inspection Post (BIP) for the control of imported foods of animal origin.
- 1.12 Bristol International Airport is within North Somerset Council's administrative area for which it has responsibility for imported food and feed controls.

2. Executive Summary

- 2.1 The Authority did not have a service delivery plan 2007/2008 for food standards or feed enforcement controls. The Food Safety Service Plan 2007/2008, although consistent with Agency Service Planning Guidance, had not been approved at Member level until February 2008.
- 2.2 Enforcement staff were properly authorised according to their qualifications and experience. However the Authority recognised that authorisation procedures were in need of review to maintain consistency.
- 2.3 The Authority had allocated 2 Full Time Equivalents (FTEs) to carry out the full range of food standards and feed law enforcement duties including inspection, sampling and any reactive work such as complaints and Home Authority referrals. 5.8 FTE's had been allocated to carry out the full range of food hygiene enforcement duties.
- 2.4 At the time of the audit, the Trading Standards Team was carrying out only high risk premises inspections. Therefore medium and low risk premises inspections were not being undertaken at the frequency required by the Food and Feed Law Codes of Practice.
- 2.5 The Trading Standards Team had a documented system for document control enabling staff to access up to date legislation, codes and guidance from the database on a 'read only' basis. The Food and Safety Team had a more informal system of document control, based on team briefings and information sharing amongst officers.
- 2.6 In addition to its responsibility for imported food and feed controls at Royal Portbury Docks, Bristol Port Health Authority has responsibility for imported food and feed controls at Bristol International Airport. However, the Authority did not have any documented systems or procedures to systematically monitor and identify imported food and feed arriving at Royal Portbury Dock and Bristol International Airport.
- 2.7 Both the Food and Safety Team and the Trading Standards Team had documented inspection procedures. In addition, the Trading Standards Team had a documented procedure for feed premises inspections. However, the procedures required updating to take account of new legislation and codes of practice.
- 2.8 The Authority did not have a documented sampling policy although a feed and food sampling programme had been implemented. However, there was no evidence that the feed sampling programme had been compiled using a risk based approach.

2.9 The Food and Safety Team had documented procedures for monitoring inspections and performance review. The Trading Standards Team did not have a written procedure but in practice carried out a similar system. Both teams carried out monthly monitoring of inspection figures, sampling and complaints. However, there was little evidence of any qualitative monitoring such as the checking of inspection forms or premises records.

3. Audit Findings

3.1 Planning and Organisation

Organisation and Management

- 3.1.1 The Council consisted of an Executive made up of the Leader of the Council and 7 Councillors; these being the portfolio holders for the individual departments of the Authority. The Executive was supported by 7 policy and scrutiny panels. The corporate management of the Council was the responsibility of the Chief Executive Officer and 4 strategic directors.
- 3.1.2 Food and feed enforcement service delivery was divided between the Food and Safety Team, responsible for food hygiene enforcement, and the Trading Standards Team, responsible for food standards and feed law enforcement. Both Teams were located in Environmental and Consumer Services (ECS), within the Development and Environment Directorate.
- 3.1.3 ECS was managed by the Group Manager (GM), and included the Food and Safety Team managed by the Food and Safety Manager (FSM). The Trading Standards Team managed by the Trading Standards Manager (TSM). Lead Officer responsibilities for food standards and feed law enforcement were delegated to 2 separate Trading Standards Officers within the Trading Standards Team. The FSM was the Lead Officer for food hygiene enforcement.
- 3.1.4 The Authority had developed a 'Food Safety Service Plan 2007/2008' for food hygiene, however, this had not been approved at the appropriate Member level until February 2008. The Plan was broadly in line with the requirements detailed in the Service Planning Guidance in the Framework Agreement. In general, the Food Safety Service Plan provided a useful summary of the statutory functions of the Authority and the operational demands on the Service for food hygiene.
- 3.1.5 The Authority had not developed a Service Plan for food standards and feed law enforcement, although in previous years the Trading Standards Team had submitted an annual 'Team Plan' for Member approval. Due to resource issues the last Team Plan drafted for 2006/2007 had been replaced by an 'Interim Work Plan' and no plan had been developed for 2007/2008. The 2006/2007 'Team Plan' did not meet the requirements of the Service Planning Guidance in the Framework Agreement.
- 3.1.6 The Trading Standards Team 'Work Plan' included a reference to feeding stuffs enforcement including visits and sampling, and which

allocated responsibility for these duties to the Lead Officer for feed law enforcement. However the plan was not specific in regard to numbers of visits to be carried out or samples to be taken. There was no reference to imported food or feed in the plan or details of liaison arrangements with Royal Portbury Docks or Bristol International Airport.

- 3.1.7 The Food Safety Service Plan 2007/2008 made reference to the Authority's responsibilities for imported food controls in relation to food hygiene, but did not contain any details of liaison arrangements with Royal Portbury Docks or Bristol International Airport.
- 3.1.8 There were 9 officers in the Food and Safety Team authorised to undertake food hygiene enforcement. Auditors were informed that the Authority had allocated 5.8 FTEs to carry out food hygiene enforcement duties. In addition, these officers were required to carry out duties in relation to health and safety legislation.
- 3.1.9 The Trading Standards Team had 3 qualified authorised officers responsible for food standards and feed law enforcement. These officers also had other generic trading standards duties. Auditors were advised that the Authority had allocated approximately 2 FTE officers working on food standards and feed enforcement, however, due to other trading standards duties and substantive ongoing investigations not related to food or feed law enforcement, there was in practice, at the time of the audit, 1 FTE carrying out food standards and feed law enforcement.
- 3.1.10 Due to the lack of a Service Plan for food standards and feed law enforcement it was not possible to assess the operational demands for this area of the Service. Without a Service Plan, Council Members would not be fully aware of the statutory requirements of the legislation, the operational demands of the service or any resource issues which may affect the delivery of official controls for food standards and feed law enforcement.

Recommendations

3.1.11 The Authority should:

- (i) Develop a Service Plan for food standards and feed law enforcement in full accordance with Service Planning Guidance in the Framework Agreement; including statutory functions, operational demands and available resources. Ensure that the Plan is submitted for appropriate Member Approval. [The Standard – 3.1]
- (ii) Review the resources available to the Authority and ensure that there is sufficient qualified, trained and experienced staff to enable the Authority to carry out work set out in the service delivery plan and carry out statutory enforcement duties and responsibilities under food standards and feedingstuffs legislation. [The Standard - 5.2 & 5.3]

Review and Updating of Documented Policies and Procedures

- 3.1.12 The 'Trading Standards Service Quality Assurance Procedure: Document Control' detailed the system by which documents were controlled and amended, for Trading Standards purposes only.
- 3.1.13 All current documents, procedures, codes and guidance were stored on the Authority's IT system in a 'read only' master file which was password protected and accessible to all enforcement staff. In practice, the whole Trading Standards Team had input into the review and updating of documents and procedures. Update of master documents was carried out by the Lead Officer by electronically overwriting the original document. Officers therefore did not have access to superseded documents as they no longer existed.
- 3.1.14 The Food and Safety Team did not have a procedure for document control. Auditors were informed that documents were reviewed and updated on an ongoing and ad hoc basis when the need arose. The amendments were not recorded.

Recommendation

3.1.15 The Authority should:

Further develop and implement the document control system for documents relating to food hygiene enforcement activities to ensure documents are up to date, that amendments are carried out without undue delay, and superseded documents are removed from the system. [The Standard – 4.2]

Authorised Officers

- 3.1.16 The Authority's scheme of delegation for the authorisation of officers was contained in the 'North Somerset Council Constitution Part 3: Responsibility for Functions'. The scheme indicated that responsibility for the authorisation of officers for the enforcement of the Food Act 1984 and the Food Safety Act 1990 had been delegated to the Director of Development and Environment, although the constitution made no mention of the European Communities Act 1972 or the Agriculture Act 1970. The Authority had taken legal advice and were satisfied that the wording of the document was sufficient to ensure that officers were properly authorised for all legislation. In addition, the Authority was able to demonstrate to auditors that officers of both teams had been authorised to enforce legislation directly from Council level.
- 3.1.17 The Food and Safety Team had a procedure for the authorisation of food officers which had been updated in December 2007. The procedure stated that the process for the authorisation of food officers would be in accordance with Part 3 of the Constitution. However, the procedure did not include the direct authorisation of officers from Council level. In addition, the procedure did not state specifically who was responsible for the authorisation of officers or how authorisations were to be confirmed.
- 3.1.18 The Trading Standards Team did not have a procedure for the authorisation of officers.
- 3.1.19 The Authority was therefore, in effect, using two systems of authorisation. An official system of delegation documented within the Authority's Constitution and partially supported by departmental authorisation procedures, and an unwritten procedure by which officers were individually authorised directly from Council level.

- 3.1.20 Individual officer authorisations were commensurate with their qualifications, experience, training and food and feed law enforcement responsibilities. Officers had generally received sufficient hours of continuous professional development (CPD) training to meet the requirements of the food and feed law codes of practice. However, the Lead Officer for feed law enforcement did not have the necessary CPD as laid down in the Feed Law Enforcement Code of Practice (Great Britain).
- 3.1.21 The methods by which officers training needs in the Food and Safety Team were identified were detailed in the procedure for the authorisation of officers. These included annual appraisal meetings, training resulting from the implementation of new legislation, and training identified by individual officers. The Food and Safety Team procedure for authorisations stated that the compilation and maintenance of training records were the responsibility of individual officers.
- 3.1.22 The Trading Standards Team did not have a formal procedure for the identification of training needs. Auditors were informed that training needs of officers in both Teams were identified at annual staff appraisals and on an ad hoc basis at team and liaison group meetings. There was no evidence that individual officer training needs were collated into team training programmes.
- 3.1.23 The Trading Standards Team had a procedure for the compilation and maintenance of training files. Record checks showed that officers' training records were maintained and available. In general, officers' records of training contained sufficient detail of courses attended. The training files were up to date, well organised and easily retrievable. Training records showed that officers had recently received inland imported food control training.

Recommendations

3.1.24 The Authority should:

- (i) Review the arrangements for officer authorisation to ensure that the process is consistent and includes documented procedures identifying and the means by which all officers are assessed and appropriately authorised.
[The Standard - 5.1 & 5.3]
- (ii) Ensure that the lead officer for feed law enforcement receives the necessary on-going training in accordance with the Feed Law Code of Practice (Great Britain). [The Standard - 5.4]
- (iii) Ensure that identified team and officer training needs are collated and documented in a team training programme.
[The Standard – 5.4]

Food and Feedingstuffs Premises Database

3.1.25 The Food and Safety Team and the Trading Standards Team shared the same database for premises registration, recording of enforcement visits and other enforcement actions. The Trading Standards Team had a database procedure which specified the access levels for individual officers to maintain the accuracy of the system. The Food and Safety Team did not have a procedure detailing the access levels of individual officers but auditors were advised that the team followed the Trading Standards Team procedure.

3.1.26 The number of livestock premises subject to feed law enforcement within the administrative area of North Somerset, based on Rural Payments Agency data and provided to the Authority by the Agency in 2007, was approximately 350. Database checks confirmed that this was broadly in line with the number of premises recorded on the Authority's premises database.

3.1.27 However, the monitoring return submitted to the Agency by the Authority in 2006 indicated 562 premises subject to feed law enforcement, 473 of which were livestock premises. In addition to this discrepancy, the Authority had not made separate returns for imported food control activity. Auditors were informed that Authority's database

was capable of providing information on imported feed activity but the Authority had not been made aware that there had been a requirement for separate return from 2004.

Recommendation

3.1.28 The Authority should:

Ensure that future statistical monitoring returns for imported food and feed law enforcement are accurate and are submitted to the Agency in accordance with the Monitoring Guidance in the Framework Agreement and subsequent centrally issued guidance.
[The Standard – 6.4]

Liaison with Other Organisations

- 3.1.29 The Authority was a member of the South West England Regional Co-Ordination Trading Standards (SWERCOTS) which had recently reorganised its liaison arrangements. Food Standards and feed law enforcement were now discussed in the SWERCOTS Healthier Communities Group. As part of the reorganisation, the sub-groups which had formerly discussed food standards and feed law communicated by email and were a 'virtual group' which did not physically meet.
- 3.1.30 The Authority's officers had expressed reservations about this reorganisation, particularly in regard to the effectiveness of these 'virtual groups'. There was evidence, in the form of e-mails that imported food issues had been discussed within the Healthier Communities Group but no evidence that feed law enforcement was regularly discussed.
- 3.1.31 The Authority has liaison arrangements with other local authorities on food hygiene matters through its membership of the West of England Food Liaison Group (WEFLG). The FSM was the Authority's designated liaison officer. There was no evidence from the minutes of WELFG meetings that imported food controls had been regularly discussed.
- 3.1.32 Auditors were informed that the FSM had regular contact with Bristol PHA through meetings at Bristol International Airport. However, this contact was not documented and there was no evidence of what liaison took place on imported food controls.

3.1.33 The Authority was aware that the Animal Medicines Inspectorate (AMI) was responsible for the approval and inspection of those feed businesses in its area that incorporate medicinal or specified products, but did not have appropriate liaison arrangements as required by the Feed Law Enforcement Code of Practice (Great Britain). The Code requires day to day liaison where appropriate and expects regional groups to invite AMI officers to meetings as the need arises.

Recommendation

3.1.34 The Authority should:

Ensure that appropriate liaison arrangements with neighbouring feed law enforcement authorities and other relevant agencies, including the AMI, are implemented in accordance with the Feed Law Enforcement Code of Practice (Great Britain). [The Standard – 18.1]

3.2 Imported Food and Feed Control Activities

Port Monitoring Arrangements

- 3.2.1 Bristol PHA was designated (by the Bristol Port Health Authority Order 1987) as the enforcement body for the monitoring of imported foods at Royal Portbury Docks, which lies within the administrative area of North Somerset Council.
- 3.2.2 North Somerset Council is responsible for the monitoring of imported feed at Royal Portbury Docks. However, there was no evidence of any formal liaison arrangement with the port operators.
- 3.2.3 There was 1 major company currently involved in the importation of feed at Royal Portbury Docks. The Authority did not have any formal arrangements with this business for monitoring consignments of imported feed systematically. However, there was evidence that the Authority had been in regular contact with the business during 2007 concerning a Rapid Alert System for Feed and Food (RASFF) notification brought to the Authority's attention by the Food Standards Agency, which had related to the contamination of protein isolates originating from China.
- 3.2.4 The business was subject to annual inspections when samples of feed were taken for analysis. The Authority's procedure for feeding stuffs inspections did not specify the arrangements required in Regulation (EC) No 882/2004 on official feed and food controls for systematic checking of documents, random identity and physical examination of feed imported through Royal Portbury Docks. The checks being carried out during inspection of the company were not routinely informed by RASSF information.

Airport Monitoring Arrangements

- 3.2.5 The FSM attended regular quarterly meetings of the Public Health Group at Bristol International Airport, mainly to discuss health related issues. However, auditors were informed that the opportunity was taken at these meetings to liaise with the Airport Manager in regard to food imports, but any such discussions had not been documented.
- 3.2.6 Auditors were informed that, at present, no food or feed was being imported through the Airport, although the Authority was dependent on information provided by the Airport Authority. However, evidence obtained from the HMRC Customs Handling of Import and Export Freight (CHIEF) data suggested that a small quantity of feed from outside the European Union had entered the Airport during 2007.

Recommendation

3.2.7 The Authority should:

Review and expand the documented procedures for inspection to incorporate all relevant issues, including the systematic identification, monitoring, inspection and control of food and feeding stuffs imports and liaison arrangements with Bristol International Airport management, the Royal Portbury Docks port operators and all relevant enforcement bodies. [The Standard - 7.4 & 18.1]

Inland Arrangements

3.2.8 The Authority advised auditors that it did not have any food or feed import businesses or enhanced remote transit sheds (ERTS) in its administrative area. There were a small number of businesses in receipt of large quantities of imported food and 1 feeding stuffs manufacturer in receipt of large quantities of imported feed.

3.2.9 The Service's food and feed inspection procedures, and the inspection aide-memoires used by authorised officers made no reference to imported food and feed controls. Auditors were informed that a prompt had been included on the food hygiene inspection aide-memoire but this had later been removed because officers were not using it.

Recommendation

3.2.10 The Authority should:

Further develop the inspection forms to incorporate all relevant issues, including the identification, inspection and control of food and feeding stuffs imports. [The Standard - 7.2]

Sampling of Imported Food and Feed

3.2.11 Three unsatisfactory sample records of feed materials taken on the same date from the company responsible for handling imports of feed within Royal Portbury Docks were examined. There was evidence that all the samples had been procured and handled in accordance with the

Feed Law Enforcement Code of Practice (Great Britain) and that the feed businesses involved in importing the products had been notified of the results of analysis. However, the local authority which acted as the Home Authority for the importer of the feed materials had not been informed about the unsatisfactory sample results. Sample records were complete.

- 3.2.12 Due to the Authority's perceived absence of any relevant imports at Bristol International Airport, no sampling of food or feed consignments had been undertaken.

Recommendation

- 3.2.13 The Authority should:

Ensure that the results of any unsatisfactory feedingstuffs samples are notified to the appropriate feed business operator's Home Authority in accordance with the Home Authority Principle and Feed Law Enforcement Code of Practice (Great Britain). [The Standard - 9.5]

Imported Food and Feed Safety Incidents

- 3.2.14 Both the Food and Safety and Trading Standards teams had documented procedures for dealing with food alerts. Feed alerts were not included in the procedures but auditors were informed that they would be dealt with in the same way as food alerts. As part of these procedures there was a system in place for initiating, receiving and recording action taken to deal with food and feed alerts issued by the Agency.
- 3.2.15 The procedures did not include RASFF alerts issued by the European Commission. The Authority was aware of the existence of the RASFF alerts but was unsure of how the system operated or how to access the Commission's website.
- 3.2.16 The Authority operated a documented out of hours call out system that enabled an officer to be contacted in the event that urgent action was required. The GM was included on an emergency contact list and had the delegated authority on behalf of the Authority to mobilise appropriately authorised officers to deal with any incident.

Recommendation

3.2.17 The Authority should:

Review, revise and expand the documented procedures for food alerts to include reference to the RASFF system, the process for initiating feed/food alerts and the record keeping arrangements for any actions taken. [The Standard – 14.1 & 14.3]

Enforcement

- 3.2.18 The Service had an Enforcement Policy which had recently undergone a review. The new policy document had been approved at Member level and was due to be published on the Authority's website for consultation. Auditors were informed that the document had been drafted in accordance with SWERCOTS' good practice guide and was intended to be an overarching policy document for the whole of the Authority's enforcement activities.
- 3.2.19 The Food and Safety Team had documented procedures for the seizure, detention or voluntary surrender of food. However the procedures did not make any reference to the potential for the seizure, detention or voluntary surrender of imported foods. There was also no procedure for the control of illegally imported food.
- 3.2.20 The Trading Standards Team had no procedures for the seizure, detention or voluntary surrender of animal feeding stuffs, imported or otherwise.
- 3.2.21 There had been no recent enforcement actions in relation to imported food or feed or other inland feed enforcement law actions. However, historical records showed that enforcement actions had been timely, appropriate and carried out in line with the Authority's Enforcement Policy.

Recommendation

3.2.22 The Authority should:

Develop documented procedures for the full range of imported food and feed, and inland feed control enforcement powers, control of illegal imports, and the seizure, detention or voluntary surrender of food and feed. [The Standard – 15.2]

3.3 Feed Law Enforcement Controls (Inland)

Feed Premises Inspections

- 3.3.1 The Trading Standards Team had a documented procedure for feeding stuffs inspections. However it had not been recently updated to take into account the Agency's Feed Law Enforcement Code of Practice (Great Britain) or Regulation (EC) No 183/2005 on feed hygiene. The feed inspection procedure stated that inspections would be carried out as programmed. There was no evidence of a feed premises inspection programme and few inspections had been carried out.
- 3.3.2 Auditors were informed that due to resource issues, only the highest risk rated food and feed premises (category A) were in the Trading Standards Team's inspection programme. Therefore, category B and C food and feed premises due for inspection were not being inspected at the required frequency as laid down in the Food Law Code of Practice (England) and the Feed Law Enforcement Code of Practice (Great Britain).
- 3.3.3 Auditors were informed that due to resource issues the Trading Standards Team had not scheduled any livestock premises for inspection to ensure compliance with the requirements of Regulation (EC) No 183/2005 on feed hygiene.
- 3.3.4 File checks of 3 inland feed premises showed that all had been visited during the 8 months prior to the audit. Two premises (1 risk-rated category A) had not been inspected at a frequency required by the Feed Law Enforcement Code of Practice (Great Britain). The inspections had been carried out by suitably qualified officers but there was no evidence that records of inspection had been left with the feed business operators, and consequently auditors were unable to assess whether inspections had been carried out in accordance with the Feed Law Enforcement Code of Practice (Great Britain). Copies of sampling certificates and correspondence with the company were on file, however, details of the size and scale of the businesses and their suppliers had not been recorded.
- 3.3.5 Record checks showed that 1 feed business was an approved premises subject to inspection by the AMI. Auditors were advised that this premises was being inspected by the AMI in accordance with the Memorandum of Understanding (MoU) between LACORS and VMD on the enforcement of Regulation (EC) No 183/2005 on feed hygiene. However, there was no recorded evidence that this was the case and no records of contact between the Authority and the AMI.

Recommendations

3.3.6 The Authority should:

- (i) Ensure that an annual feed inspection programme is developed, implemented and included in the Authority's Service Plan and that all feed business premises are inspected at a frequency specified by the Feed Law Enforcement Code of Practice (Great Britain).
[The Standard - 7.1]
- (ii) Ensure that inspection reports are left with the feed business operator, and copies are maintained on premises files.
[The Standard - 7.5]
- (iii) Ensure that all feed business premises files, including those subject to inspection by the AMI where relevant, contain sufficient detail regarding the size and the scale of the business, other enforcement activities and copies of relevant correspondence. [The Standard - 16.1]

Food and Feeding Stuffs Sampling

- 3.3.7 The Authority did not have a current sampling policy for either food or feed, however both the Food and Safety and Trading Standards Teams had documented sampling procedures.
- 3.3.8 The Food and Safety Team had developed a food sampling programme for 2007/2008 which had been incorporated into its Service Plan. There was no evidence that the programme had been developed with consideration of imported food sampling at retail level, for microbiological and compositional purposes. Auditors were informed that the sampling programme had taken account of the LACORS sampling projects for 2007/2008, which included imported food sampling. There was no evidence that the sample programmes had been developed with due consideration of Agency guidance that 10% of samples in an annual sampling programme should be products imported from third countries.
- 3.3.9 The Trading Standards Team had also developed a food sampling programme for 2007/2008 which included imported food products. Previous sampling programmes had been included in the annual Work Plan, but no Plan had been developed for 2007/2008.

- 3.3.10 Historically, the Authority had participated proactively in locally organised imported food sampling projects, including the SWERCOTS Imported Food Survey, which was reported to the Agency in March 2006.
- 3.3.11 A feed sampling programme had also been developed and implemented by the Trading Standards Team. There was little evidence that the feed sampling programme had been drawn up on a risk basis as large numbers of samples were routinely being taken each year from one feed manufacturer and tested for the same parameters despite the samples being found to be satisfactory.
- 3.3.12 The Authority had taken part in the SWERCOTS Co-ordinated Sampling Project 2006 – 2007, which was linked to the Agency's Enforcement Priorities for Animal Feed Law Enforcement.
- 3.3.13 File checks of feed samples included in the Service's 2007/2008 sampling programme showed they had been carried out in line with the requirements of the Feed Law Code of Practice (Great Britain). The samples had been taken by properly authorised officers and feed business operators had been informed of the results of analysis. Where samples results were unsatisfactory, appropriate follow-up action had been taken and records were complete and accurate.
- 3.3.14 The laboratories used by the Service were accredited and a Public Analyst and an Agricultural Analyst had been appointed by the Authority.

Recommendation

- 3.3.15 The Authority should:

Develop and implement a documented policy for food and feed sampling and a feed sampling programme in line with Agency guidance and the Feed Law Enforcement Code of Practice which includes the arrangements for the sampling of imported food and feed. [The Standard - 6.2]

3.4 Monitoring Arrangements

Internal Monitoring

- 3.4.1 The Food and Safety Team had a documented procedure for the performance review of authorised officers and the monitoring of inspections. This took the form of quantitative monitoring of inspections, sampling, complaints and reactive work and monthly 1 to 1 meetings to discuss any issues with individual officers. The details of discussions during 1 to 1 meetings and areas identified for improvement were recorded on performance review forms. However, the procedure did not include a system for the resolution of issues raised during the performance review or a mechanism for the performance review process to feed into the personal development and training process. The documentation relating to performance reviews did not identify corrective actions.
- 3.4.2 The Trading Standards Team did not have a documented procedure for the performance review of authorised officers and the monitoring of inspections. However, there was evidence that the Team was carrying out monthly quantitative monitoring of inspections, sampling, complaints and reactive work. Monthly 1 to 1 performance review meetings with authorised officers were also being undertaken. There was evidence that where performance issues had been identified corrective actions had been recorded in the body of the text.
- 3.4.3 File checks on feed inspection records, sampling records and premises files showed there was no evidence that any qualitative monitoring in relation to database records, inspection reports, and correspondence with feed business operators had been carried out routinely.

Recommendation

3.4.4 The Authority should:

Develop documented procedures for proportionate internal monitoring of feed law enforcement to enable the Authority to verify that it is carrying out its statutory responsibilities in accordance with the relevant legislation, official guidance and its own internal policies and procedures. [The Standard – 19.1 & 19.2]

Third Party or Peer Review

- 3.4.5 The Trading Standards Team had undergone the trading standards Peer Review process during September 2006, which consisted of a self assessment, followed by a review of that assessment by officers from other authorities. An action plan had been drawn up to address the areas identified for improvement, but there was no evidence that the Authority had taken steps to implement its recommendations.

Auditors: **Robert Hutchinson**
 Andrew Gangakhedkar
 Ron Cheesman

Food Standards Agency

Local Authority Liaison Division

Action Plan for North Somerset Council

Audit date: 18-19 March 2008

IMPROVEMENTS	BY (DATE)	TO ADDRESS RECOMMENDATION (INCLUDING STANDARD PARAGRAPH)	COMMENTS
<p>Food and Safety and Trading Standard Team Plans to be submitted to the Executive Member for Environment for approval.</p>	<p>31/10/08</p>	<p>3.1.11(i) Develop a Service Plan for food standards and feed law enforcement in full accordance with Service Planning Guidance in the Framework Agreement; including statutory functions, operational demands and available resources. Ensure that the Plan is submitted for appropriate Member Approval. [The Standard – 3.1]</p>	
<p>The resource need for the service will be reviewed in the two plans to be submitted to the Executive Member as detailed above.</p> <p>A covering report will also be submitted that outlines statutory duties and levels of service provision so that the Executive Member and the Directorate Senior Management Team can make an informed decision with respect to staffing levels to deliver the services.</p> <p>However, the intention of the authority is to develop a work programme that is based on risk and local need.</p>	<p>31/10/08</p>	<p>3.1.11(ii) Review the resources available to the Authority and ensure that there is sufficient qualified, trained and experienced staff to enable the Authority to carry out work set out in the service delivery plan and carry out statutory enforcement duties and responsibilities under food standards and feedingstuffs legislation. [The Standard - 5.2 & 5.3]</p>	

<p>The document control system was formalised as PGN 100 issued on 08/06/08.</p>	<p>31/10/08</p>	<p>3.1.15 Further develop and implement the document control system for documents relating to food hygiene enforcement activities to ensure documents are up to date, that amendments are carried out without undue delay, and superseded documents are removed from the system. [The Standard – 4.2]</p>	
<p>A documented process for authorising Trading Standards personnel will be produced.</p>	<p>31/10/08</p>	<p>3.1.24(i) Review the arrangements for officer authorisation to ensure that the process is consistent and includes documented procedures identifying the person responsible for conferring authorisations and the means by which all officers are assessed and appropriately authorised. [The Standard - 5.1 & 5.3]</p>	<p>The Group Manager Environmental & Consumer Services has sought legal advice on this matter and has been advised by the Solicitor to the Council that it is not necessary to document all primary legislation in the constitution. The authority is satisfied that the appropriate delegations and authorisations are in place.</p>
<p>Every effort will be made to ensure that the lead officer receives the necessary on-going training and this will be identified in the individual appraisal and team training plan. However, the availability of formal training in this field is limited.</p>	<p>On-going annual requirement</p>	<p>3.1.24(ii) Ensure that the lead officer for feed law enforcement receives the necessary on-going training in accordance with the Feed Law Code of Practice (Great Britain). [The Standard - 5.4]</p>	
<p>Individual appraisals to be undertaken in June/July 2008 and team training plan to be produced by 31/08/08.</p> <p>Cross service requirements to be fed into the Directorate Business Plan Autumn 2008.</p>	<p>31/10/08</p>	<p>3.1.24(iii) Ensure that identified team and officer training needs are collated and documented in a team training programme. [The Standard – 5.4]</p>	

	30/12/08	3.1.28 Ensure that future statistical monitoring returns for imported food and feed law enforcement are accurate and are submitted to the Agency in accordance with the Monitoring Guidance in the Framework Agreement and subsequent centrally issued guidance. [The Standard – 6.4]	This issue was addressed as part of the recent FLARE data base upgrade. Statistical return is automated.
	31/08/08	3.1.34 Ensure that appropriate liaison arrangements with neighbouring feed law enforcement authorities and other relevant agencies, including the AMI, are implemented in accordance with the Feed Law Enforcement Code of Practice (Great Britain). [The Standard – 18.1]	This matter has been raised formally with SWERCOTS see attached letter dated 22/07/08.
	N/A	3.2.7 Review and expand the documented procedures for inspection to incorporate all relevant issues, including the systematic identification, monitoring, inspection and control of food and feeding stuffs imports and liaison arrangements with Bristol International Airport management, the Royal Portbury Docks port operators and all relevant enforcement bodies. [The Standard - 7.4 & 18.1]	It is considered that the current food hygiene PGN is satisfactory in relation to imported foods at Bristol Airport. We have no responsibility for foods imported through RPD, this work is legally carried out by Bristol City Council. Liaison with this Authority is via the Ports Group under APHA.
The inspection form for food hygiene inspections now references the requirement to give due regard to the control of imported foods.	Completed	3.2.10 Further develop the inspection forms to incorporate all relevant issues, including the identification, inspection and control of food and feeding stuffs imports. [The Standard - 7.2]	In relation to standards and feedingstuffs, we do not consider this to be a proportionate response to the eventuality (free text area exists on current 'FLARE' forms).
This will be undertaken as and when is necessary.	N/A	3.2.13 Ensure that the results of any unsatisfactory feedingstuffs samples are notified to the appropriate feed business operator's Home Authority in accordance with the Home Authority Principle and Feed Law Enforcement Code of Practice (Great Britain). [The Standard - 9.5]	

<p>PGN Nos. 10 (imported foods) and 13 (Food Alerts) now both reference RASFF.</p>	<p>30/09/08</p>	<p>3.2.17(i) Review, revise and expand the documented procedures for food alerts to include reference to the RASFF system, the process for initiating feed/food alerts and the record keeping arrangements for any actions taken. [The Standard – 14.1 & 14.3]</p>	
		<p>3.2.17(ii) Ensure that authorised officers for food standards and feed law enforcement are included in the Authority's emergency call out system in accordance with the Feed Law Enforcement Code of Practice. [The Standard – 14.1]</p>	<p>The authority has an emergency contact list. The Group Manager Environmental & Consumer Services is on that list and will ensure appropriate resources are allocated on behalf of the authority to respond to any incident. She has delegated authority on behalf of the organisation to mobilise both staffing and other activity as and when required. In addition, we have a formal EH call out service, targeted to key demand hours (mostly around weekends) and these officers receive all requests for out of hours activity and make a judgement as to whether to call in other colleagues should an incident/major incident occur out of hours. We consider that this is satisfactory cover.</p>
<p>Works already commenced on procedures and due for completion by end of July 08.</p>	<p>31/07/08</p>	<p>3.2.22 Develop documented procedures for the full range of imported food and feed, and inland feed control enforcement powers, control of illegal imports, and the seizure, detention or voluntary surrender of food and feed. [The Standard – 15.2]</p>	
<p>Our policy is that only those premises rated as 'high risk' for food standards and feeding stuffs will automatically be liable for an inspection visit.</p>	<p>30/09/08</p>	<p>3.3.6(i) Ensure that annual food and feed inspection programmes are developed, implemented and included in the Authority's Service Plan and that all feed business premises are inspected at a frequency specified by the Feed Law Enforcement Code of Practice (Great Britain). [The Standard - 7.1]</p>	<p>This authority considers that the food inspection programme has always been developed, implemented and included in the Authority's Service Plan for food hygiene.</p>

.	From date of audit	3.3.6(ii) Ensure that inspection reports are left with the feed business operator, and copies are maintained on premises files. [The Standard - 7.5]	Actioned immediately following audit.
	30/06/08	3.3.6(iii) Ensure that all feed business premises files, including those subject to inspection by the AMI where relevant, contain sufficient detail regarding the size and the scale of the business, other enforcement activities and copies of relevant correspondence. [The Standard - 16.1]	Actioned immediately following audit.
Documented policy 15 for sampling to be expanded to cover the arrangements for the sampling of imported food for hygiene purposes-anticipated completion by end July. The food standards and feedingstuffs policies, along with the feed sampling programme will be completed by 31/12/08.	31/12/08	3.3.15 Develop and implement a documented policy for food and feed sampling and a feed sampling programme in line with Agency guidance and the Feed Law Enforcement Code of Practice which includes the arrangements for the sampling of imported food and feed. [The Standard - 6.2]	
	31/07/08	3.4.4 Develop documented procedures for proportionate internal monitoring of feed law enforcement to enable the Authority to verify that it is carrying out its statutory responsibilities in accordance with the relevant legislation, official guidance and its own internal policies and procedures. [The Standard – 19.1 & 19.2]	Completed.

Glossary

Agricultural Analyst	A person, holding the prescribed qualifications, who is formally appointed by a local authority to analyse feeding stuffs samples.
Animal Medicines Inspectorate	Enforcement body within the VMD authorised under the current Veterinary Medicines Regulations to inspect and approve manufacturers and distributors of feedingstuffs containing veterinary medicinal products and/or specified feed additives and retailers of veterinary medicinal products.
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.
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.
Enforcement Concordat	Government guidance setting out principles and procedures of good enforcement which local authorities may adopt. Developed in consultation with businesses, local and central government, consumer groups and other interested parties. It sets out what businesses and others being regulated can expect from enforcement officers.
Environmental Health Officer (EHO)	Officer employed by the local authority to enforce food safety legislation.
ERTS	Enhanced remote transit shed. An HM Customs and Revenue 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.
Food Examiner	A person holding the prescribed qualifications who undertakes microbiological analysis on behalf of the local authority.
Food Hazard Warnings	This is a system operated by the Food Standards Agency to alert the public and local authorities to national or regional problems concerning the safety of food.
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.
Food Standards Agency	The non-ministerial department designated as the central competent body responsible for enforcement support, advice and audit of enforcement activity with regard to local authority food safety and standards controls, including imported foods not of animal origin.
Formal samples	Samples taken in accordance with the requirements of Food and Feed Codes of Practice (Great Britain) for Analysis or Examination. Formal samples included on the Official Control Directive monitoring statistics are those taken in accordance with the relevant sampling regulations and submitted to an accredited laboratory on the official list. The official list is available on the Food Standards Agency website at www.food.gov.uk/enforcement/foodcontrollabs
Framework Agreement	<p>The Framework Agreement consists of:</p> <ul style="list-style-type: none"> • Food 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 law enforcement.</p> <p>The Monitoring Scheme requires local authorities to submit quarterly returns 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 law enforcement services of local authorities against the criteria set out in the Standard.</p>

Full Time Equivalents (FTE)	A figure which represents that part of an individual officer's time available to a particular role or set of duties. It reflects the fact that individuals may work part-time, or may have other responsibilities within the organisation not related to food enforcement.
Home Authority	An authority where the relevant decision making base of an enterprise is located and which has taken on the responsibility of advising that business on food safety/food standards issues. Acts as the central contact point for other enforcing authorities' enquiries with regard to that company's food related policies and procedures.
Informal samples	Samples that have not been taken in accordance with the appropriate sampling regulation (e.g. samples for screening purposes) and/or not sent to an accredited laboratory.
Inter Authority Auditing	A system whereby local authorities might audit each others' food law enforcement services against an agreed quality standard.
Manifest	Commercial document providing a general description of cargo.
Member forum	A local authority forum at which Council Members discuss and make decisions on food law enforcement services.
Memorandum of Understanding	Document detailing the division of responsibility between the AMI and local authorities for the enforcement of feedingstuffs legislation.
Metropolitan Authority	A local authority normally associated with a large urban conurbation in which the County and District Council functions are combined.
NPOAO	Products NOT of animal origin. Foods that fall under the requirements of the Official Feed and Food Controls (England) Regulations 2007.
OCD returns	Returns on local food law enforcement activities required to be made to the European Union under the Official Control of Foodstuffs Directive.
Originating Authority	An authority in whose area a business produces or packages goods or services and for which the Authority acts as a central contact point for other enforcing authorities' enquiries in relation to the those products
POAO	Products of animal origin. Animal derived products that fall under the requirements of the veterinary control regime.
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.
Riparian authorities	Local authorities whose administrative areas encompass a waterway.
Service Plan	A document produced by a local authority setting out their plans on providing and delivering a food 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 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.
Veterinary Medicines Directorate	Executive agency of Defra responsible for assuring the safety, quality and efficacy of veterinary medicines.