

**THE HIGHLAND COUNCIL**  
**PLANNING, DEVELOPMENT AND INFRASTRUCTURE**  
**COMMITTEE**

Agenda Item	17
Report No	PDI 34/14

**20 AUGUST 2014**

**FSA AUDIT REPORT OF OFFICIAL CONTROLS ON FEED**

**Report by Director of Development & Infrastructure Service**

**Summary**

This report records the results of an audit of Highland Council with regard to animal feed law enforcement. The audit focused on the Service's arrangements for inland controls of feed and primary production of both food and feed. The audit was undertaken as part of the Agency's focused audit programme of feed controls in Scotland.

An Action Plan which also details the action taken to date is appended to the audit report.

**1. Background**

- 1.1 Trading Standards currently have the responsibility to undertake what is described in the report as the "Official Controls" that exist to ensure the safety and quality of animal feed.
- 1.2 The origin of these "Official Controls" comes from European Regulations, which place a duty on the Member States to implement.
- 1.3 The Food Standards Agency (FSA) in Scotland has the responsibility to oversee the work of local authorities and has been instrumental in developing a Code of Practice and Framework agreement for local authorities to this end.

**2. Audit Report and Action Plan**

- 2.1 This audit was one of a series carried out by the FSA. The audit report and Action Plan is appended to this report as **APPENDIX 1**.

**3 Implications**

There are no legal implications arising as a direct result of this report.

There are no equality implications arising as a direct result of this report.

There are no climate change implications arising as a direct result of this report.

There are no risk implications arising as a direct result of this report.

There are no Rural or Gaelic implications arising as a direct result of this report

## **Recommendation**

The Members are asked to:-

- note the content of the FSA Audit Report of Official Controls on Feed; and
- approve the Action Plan appended as “Annex A” to the Audit Report;

Designation: Director of Development and Infrastructure

Date: 19 May 2014

Author: Gordon Robb, Trading Standards Manager



## **Food Standards Agency in Scotland**

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

**Highland Council**

**16 - 18 May 2012**

## 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 feed and food. These arrangements recognise that the enforcement of UK feed and food law relating to food safety, hygiene, composition, labelling, imported food and Feeding Stuffs is largely the responsibility of local authorities. These Local Authority regulatory functions are principally delivered through their Environmental Health and Trading Standards Services. The Agency's website contains enforcement activity data for all UK Local Authorities and can be found at: [www.food.gov.uk/enforcement/auditandmonitoring](http://www.food.gov.uk/enforcement/auditandmonitoring).

This programme of focused audits in Scotland 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 be an opportunity for the Agency to establish the level of controls being implemented by Local Authorities (LAs) following the EU Food and Veterinary Office (FVO) Mission to the United Kingdom on animal feed controls which took place from 16-26 June 2009 and the subsequent follow up 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](http://ec.europa.eu/food/fvo/rep_details_en.cfm?rep_id=2335).

Agency audits assess Local Authorities' conformance against the Feed and Food Law Enforcement Standard ("The Standard"), which was published by the Agency as part of the Framework Agreement on Official Feed and Food Controls by Local Authorities (amended April 2010) and is available on the Agency's website at: <http://www.food.gov.uk/multimedia/pdfs/enforcement/frameworkagreementno5.pdf>

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

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

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

## CONTENTS

	Page
<b>1.0 Introduction</b>	<b>4</b>
<i>Reason for the Audit</i>	4
<i>Scope of the Audit</i>	4
<i>Background</i>	5
<b>2.0 Executive Summary</b>	<b>6</b>
<b>3.0 Audit Findings</b>	<b>8</b>
<b>3.1 Organisation and Management</b>	<b>8</b>
<i>Strategic Framework, Policy and Service Planning</i>	8
<i>Documented Policies and Procedures</i>	9
<i>Authorised Officers</i>	9
<i>Facilities and Equipment</i>	10
<i>Liaison with Other Organisations</i>	11
<b>3.2 Feed Control Activities</b>	<b>12</b>
<i>Feed Establishments Interventions and Inspections</i>	12
<i>Primary Production</i>	13
<i>Verification Visit to Feed Premises</i>	13
<i>Feed inspection and Sampling</i>	14
<i>Enforcement</i>	14
<i>Feed Safety Incidents</i>	15
<i>Feed Complaints, Primary Authority Scheme and Home Authority Principle</i>	15
<i>Advice to Business</i>	16
<b>3.3 Internal Monitoring and Third Party or Peer Review</b>	<b>17</b>
<i>Internal Monitoring</i>	17
<i>Records</i>	17
<i>Third Party or Peer Review</i>	18
<b>Annex A - Action Plan for Highland Council</b>	<b>19</b>
<b>Annex B - Audit Approach/Methodology</b>	<b>26</b>
<b>Annex C - Glossary</b>	<b>28</b>

# Appendix 1

## 1. Introduction

- 1.1 This report records the results of an audit of Highland 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 Service's arrangements for inland controls of feed of non-animal origin and primary production of both food and feed. The audit was undertaken as part of the Agency's focused audit programme of feed controls in Scotland. This report has been made publicly available on the Agency's website at: [www.food.gov.uk/enforcement/auditandmonitoring/auditreports](http://www.food.gov.uk/enforcement/auditandmonitoring/auditreports)

### ***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 (Scotland) Regulations 2009. This audit of Highland Council was undertaken under section 12(4) of the Act and Regulation 7 of the Regulations as part of the Food Standards Agency's annual audit programme. Regulation (EC) No. 882/2004 on official controls performed to ensure the verification of compliance with feed and food law includes a requirement for competent authorities to carry out internal audits or to have external audits carried out. The purpose of these audits is to verify whether official controls relating to feed and food law are effectively implemented. To fulfil this requirement the Food Standards Agency, as the central competent authority for feed and food law in the UK, has established external audit arrangements. In developing these, the Agency has taken account of the European Commission guidance on how such audits should be conducted.<sup>1</sup>

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

- 1.3 The audit examined Highland Council's policies and procedures for the control of feed not of animal origin (FNAO) and primary production of both food and feed.
- 1.4 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.
- 1.5 The on-site element of the audit took place at 38 Harbour Road, Inverness, IV1 1UF on 16-18 May 2012. The audit included a verification visit to a feed

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

# Appendix 1

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**

- 1.6 The Highland Council's area includes a large part of the northern Scottish mainland, stretching from John O'Groats to Fort William and Nairn to Ullapool.
- 1.7 The Highland Council covers an area of just over 26,000 square kilometres, which is approximately 33% of the area of Scotland and 11% of Great Britain. This makes it the largest Local Authority area in Scotland, yet only 4% of Scotland's population live within the area. The population of around 208,140 has a density of 8.3 per square kilometre which is the lowest population density of any region in the European Union.
- 1.8 There are 1924 feed businesses registered within Highland Council, none of which the Local Authority consider as requiring approval. There are in total 8 registered feed premises rated high risk, of which 6 are considered as high risk for feed enforcement, and the area has 10350 agricultural holdings (20% of the Scottish total).
- 1.9 Feed enforcement is carried out by the Compliance and Investigations Team within Trading Standards. Primary Production enforcement of feed and food is delivered by officers from the Animal Health & Welfare section of the Environmental Health Service.

# Appendix 1

## 2. Executive Summary

- 2.1 The Authority's Transport, Environmental and Community Service has a service plan in place for 2009-2012 which was reviewed and updated in August 2011. This plan was submitted to the Transport, Environmental and Community Services Committee for approval in August 2011. The Trading Standards Service has an operational plan approved in May 2011, for 2011/2012, which refers to feed stuffs. Neither of these plans identify all of the areas required by the service planning guidance within the Framework Agreement.
- 2.2 Operational procedures in relation to animal feed are in place for Officers to use. Further enforcement procedures relevant to the size and scope of the Service need to be developed and implemented across the full range of enforcement activities.
- 2.3 Officers have authorisation documents providing details of their authorisation; however there is no formal authorisation procedure in place. With the exception of the designated Lead Officer for Feed, Officers had received training in accordance with Continuing Professional Development requirements and had achieved the 10 hours required by the Feed Law Enforcement Code of Practice. Those Officers interviewed were able to demonstrate a good working knowledge of feed official controls.
- 2.4 The Authority work principally from an electronic database for the recording of feed law enforcement activities, which was capable of providing information necessary for official returns and can provide management information and data.
- 2.5 The Authority concentrates on high risk premises and has an internal performance indicator which states that 100% of these are inspected every year. Consequently medium and low risk feed premises had not been inspected at the frequency required by the Feed Law Enforcement Code of Practice. The Authority has only 6 high risk feed premises within the area.
- 2.6 The Authority has effective liaison arrangements in place both locally and nationally.
- 2.7 File checks showed that both formal and informal sampling was taking place at high risk premises and that unsatisfactory sampling results had been dealt with effectively in accordance with the Feed Law Enforcement Code of Practice. Feed business operators had generally been advised of the outcomes and appropriate advice given.
- 2.8 The Authority has a procedure in place for dealing with consumer complaints which includes feed complaints. At the time of audit no feed complaints had been received by the Authority.



# Appendix 1

- 2.9 Records of feed law enforcement activity were maintained electronically. Records in relation to inspections and sampling were easily retrievable from the computer database, up to date and accurate.
- 2.10 A visit to a local feed business 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. The Officer was familiar with the operations taking place at the business. The visit demonstrated that the Officer clearly understood the key operations and risks at the establishment.

## 3. Audit Findings

### 3.1 Organisation and Management

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

- 3.1.1 The Authority's Transport, Environmental and Community Service has a service plan in place for 2009-2012 which was reviewed and updated in August 2011. This plan was submitted to the Transport, Environmental and Community Services Committee for approval in August 2011.
- 3.1.2 The Trading Standards Service has both an operational plan and operational objectives in place for 2011/2012 which refers to Animal feedstuff standards. The Operational Plan simply states that there will be targeted surveillance of higher risk producers and feed businesses. It is recognised in the Framework Agreement on Official Feed and Food Controls by Local Authorities that Local Authorities may have corporate styles in place, and while there is flexibility for Local Authorities to continue with a corporate format, they shall ensure that the information requirements in the Service Planning Guidance contained within the Framework Agreement are included. Where feed service plans form part of broader corporate plans, the feed details shall be separately identifiable in the planning documents. Neither the Service Plan nor the Operational plan identifies all of the areas required by the service planning guidance within the Framework Agreement.
- 3.1.3 Auditors discussed the 2009 European Commission Food and Veterinary Office Report with the Authority. The Authority advised that they had discussed the Report internally; however they had not taken any specific action to address the findings of the Report.  
[http://ec.europa.eu/food/fvo/rep\\_details\\_en.cfm?rep\\_id=2826](http://ec.europa.eu/food/fvo/rep_details_en.cfm?rep_id=2826).

#### ***Recommendation***

3.1.4 The Authority should:

Draw up, document and implement a Service Delivery Plan in accordance with the Service Planning Guidance in the Framework Agreement on Official Feed and Food Controls by Local Authorities. Any variance in meeting the Service Delivery Plan shall be addressed by the Authority in its subsequent Service Plan.

[The Standard 3.1, 3.3]

# Appendix 1

## ***Documented Policies and Procedures***

- 3.1.5 The Authority has a procedure in place for document control which is detailed within the Consumer Advice Service Quality System Procedures Manual. It is the responsibility of the Quality Manager to ensure that the Quality System is issued and controlled in compliance with the procedure.
- 3.1.6 In addition, operational procedures outwith the quality system in relation to animal feed are in place for Officers to use. These procedures are reviewed by the Team Leader on a yearly basis and updated as and when required.

## ***Authorised Officers***

- 3.1.7 The Authority's scheme of delegation details the principles of delegation and states that Directors have authority to act in all operational matters not expressly reserved to committees.
- 3.1.8 Trading Standards Officers within Transport, Environmental and Community Services are delegated the Statutory Powers and duties required of the Authority under the European Communities Act 1972 and any regulations made thereunder. Authorisation levels are defined in seven distinct groupings and each Officer is given an authorisation level for each of the topics covered by the Service once the necessary level of competence is reached.
- 3.1.9 Officers are authorised and have documentation to this effect; however, there is no formal authorisation procedure in place based on a structured definition of Officer competence. Auditors discussed the benefit of introducing a formal means of linking the level of Officer authorisation to their qualifications and competency.
- 3.1.10 Officer Training needs are identified annually through the Authority's yearly corporate personal development process (PDP). With the exception of the designated Lead Officer for Feed, all Officers had received training in feed enforcement activities and had maintained the minimum ongoing 10 hours of feed related training per year, based on the principles of Continuing Professional Development in accordance with the Feed Law Enforcement Code of Practice. The Authority also takes advantage of feed training as it becomes available, and three Officers had recently attended European Union Better Training for Safer Food courses in feed law. In addition, the Authority has taken advantage of the Food Standards Agency's feed training courses.
- 3.1.11 The Authority has appointed a Lead Officer for Feed and notified the name to the Food Standards Agency. The Lead Feed Officer had the appropriate qualifications but had not completed the additional training required as a level two Officer as required by the Feed Law Enforcement Code of Practice.

# Appendix 1

- 3.1.12 The other Officers involved in Feed official controls had the appropriate qualifications and training to level one; however, they were carrying out inspections at feed establishments that required to be inspected by Officers trained to level two.
- 3.1.13 Copies of Officer qualifications and training records were available for all Officers.
- 3.1.14 An Authorised Officer interviewed during the audit was able to demonstrate a good knowledge of legislation and enforcement across the full range of feed law enforcement activities.
- 3.1.15 The Authority was able to confirm that 0.42 full time equivalent (FTE) Officer was available to carry out feed law enforcement. Auditors discussed whether this was sufficient resource committed to feed law enforcement activities in relation to the number of agricultural premises in the area. The Authority advised that this was sufficient to deliver the planned work.

## ***Recommendation***

3.1.16 The Authority should:

Set up, maintain and implement a documented procedure for the authorisation of Officers based on their competence and in accordance with the Feed Law Enforcement Code of Practice.

[The Standard 5.1]

Ensure that all authorised Officers receive the training needed to be competent to deliver the technical aspects of the work in which they are involved, in accordance with the Feed Law Enforcement Code of Practice.

[The Standard 5.4]

## ***Facilities and Equipment***

- 3.1.17 The Authority has an electronic database for recording feed law enforcement activities which was capable of providing information necessary for official returns to the Food Standards Agency. Records, including risk assessments, for the premises requested were able to be retrieved. The Authority has not, however, developed and implemented a documented procedure to ensure that the database was accurate and up to date.

# Appendix 1

- 3.1.18 The Authority has ensured that it has access to suitable equipment for the sampling of feeding stuffs. This equipment is retained in a dedicated and secure on-site facility.
- 3.1.19 With regard to primary production, the Authority also inputs data following completed inspections onto the Scottish Primary Production Official Control System (SPPOCS).

## **Recommendation**

3.1.20 The Authority should:

Set up, maintain and implement a documented procedure for ensuring that that the feed premises database is accurate, reliable and up to date.

[The Standard – 11.2]

## **Liaison with Other Organisations**

- 3.1.21 The Authority is a member of the North of Scotland Quality Liaison Group which discusses feeding stuffs, and is also a member of the Scottish Food Enforcement Liaison Committee Primary Production Working Group where they provide the secretariat service.
- 3.1.22 Joint visits have also been carried out with colleagues from the local Inspections & Investigations Team of the Veterinary Medicines Directorate where applicable.
- 3.1.23 The Authority has established liaison arrangements with the ports within the area and contact them on a yearly basis to confirm the arrangements for notifying the Local Authority if any consignments of imported feed entered the Authority's area.

## 3.2 Feed Control Activities

### *Feed Establishments Interventions and Inspections*

- 3.2.1 There are 1924 registered feed establishments in the Authority's area. Auditors were advised that there were no feed premises in the area carrying out activities requiring approval under the legislation.
- 3.2.2 The Authority base the feed law risk assessment on the LACORS guidance on risk assessment for trading standards.
- 3.2.3 Trading Standards concentrates its inspection programme on premises rated as high risk and has an internal performance indicator which states that 100% of these are inspected every year. Consequently medium and low risk feed premises had not been inspected at the frequency required by the Feed Law Enforcement Code of Practice. The Authority has only 6 high risk feed premises within the area.
- 3.2.4 The Authority advised that medium and low risk premises were not specifically excluded from the inspection programme and may be subject to inspection due to other intelligence-led project work. The Annual Inspection and Sampling plan 2011-12 states that low risk inspections are not targeted due to staffing issues, time scales and also the increased percentage of low risk premises resulting from the number of premises now covered by Regulation (EC) No 183/2005 on Feed Hygiene.
- 3.2.5 Inspections are generally pre-notified by letter to ensure that the appropriate personnel are available at the time of inspection. This is contrary to Article 3 (2) of Regulation (EC) No 882/2004.
- 3.2.6 Inspection checklists for a range of different visits and report templates are in place for Officers to use. Inspection checklists are tailored to specific types of establishments, with premises subject to the requirements of Annex II of Regulation (EC) No 183/2005 having a record under Quality Control of checks on HACCP.
- 3.2.7 Records of six feed inspections were checked. In the majority of cases inspection checklists were completed, and in all cases reports were issued following inspection. Supporting documentation had generally been scanned and attached to the electronic record.
- 3.2.8 Inspection records hold some information on the size and type of feed activity of the business and copies of feed sample analysis results; however the records do not cover the scale or customer base of the feed business, information on special equipment or processes involved.

## **Recommendation**

3.2.9 The Authority should:

**Carry out feeding stuffs establishments inspections at a frequency which is not less than that determined under the relevant inspection rating scheme and in accordance with the legislation, Feed Law Enforcement Code of Practice or centrally issued guidance.**

**[The Standard – 7.1 and 7.2]**

## **Primary Production**

- 3.2.10 Inspections at the level of primary production for both food and feed are carried out by Animal Health Officers who are part of the Environmental Service within the Authority. Appropriate authorisation documentation and training were provided via the Environmental Health service.
- 3.2.11 Following allocation of funding from the Food Standards Agency in primary production 173 inspections were carried out during 2011-2012. The Food Standards Agency has reduced the funding for this year and the amount allocated to Highland Council allows for 45 inspections to be planned during 2012/2013.

## **Verification Visit to Feed Premises**

- 3.2.12 During the audit, a verification visit was undertaken to a feed business. The main objective of the visit was to assess the effectiveness of the Authority's assessment of the feed business operators' compliance with the feed law requirements of Regulation (EC) No 183/2005 laying down requirements for feed hygiene, the Feed Law Enforcement Code of Practice and the Authority's own procedures.
- 3.2.13 An interview was held with the Officer who carried out the last inspection before the verification visit took place, to confirm the contents of the file records and to explain the format and objectives of the visit. It also gave the Officer the opportunity to explain the process involved at the last inspection i.e. the preparatory work carried out prior to an inspection and the general process while on site, which included a preliminary interview with the Feed Business Operator (FeBO) to update the authority records, the general checks to verify compliance with HACCP requirements, and sampling carried out to verify compliance with feed composition.
- 3.2.14 The verification visit confirmed that the inspection carried out by the Officer had followed the authority's policies and procedures, and had assessed business compliance with HACCP. The Manufacturers Visit Checklist had

# Appendix 1

however not been retained or attached to the electronic record. The Officer who had conducted the inspection was able to demonstrate knowledge of the business.

## ***Feed Inspection and Sampling***

- 3.2.15 The Authority has developed and implemented a 2011-12 animal feedingstuffs annual sampling plan which has been developed with due consideration of the Food Standards Agency Guidance on Enforcement Priorities for Feed Authorities in Great Britain and in consultation with the Agricultural Analyst.
- 3.2.16 The Authority has also developed an Animal Feedingstuffs sampling policy and procedure in accordance with the Feed Law Enforcement Code of Practice.
- 3.2.17 File checks showed that both formal and informal sampling was taking place at high risk premises and that unsatisfactory sampling results had been dealt with effectively in accordance with the Feed Law Enforcement Code of Practice. Feed business operators had generally been advised of the outcomes and appropriate advice given.
- 3.2.18 The official laboratory of the Agricultural Analyst used by the Authority for feed sampling activities had been properly accredited.

## ***Enforcement***

- 3.2.19 The Authority has a Trading Standards Enforcement Policy in place which was updated, and approved in August 2011. With regard to primary production there is an Animal Health and Welfare Enforcement Policy in place which was approved in May 2008.
- 3.1.20 There are no specific documented procedures for follow up and enforcement action in accordance with the Feed Law Enforcement Code of Practice. The Authority should develop and implement further procedures and documentation to cover the full range of feed enforcement activities in accordance with the Feed Law Enforcement Code of Practice to ensure that Officers have useful guidance should they need to exercise their statutory powers.
- 3.2.21 No feed enforcement activity beyond advice had been deemed necessary by the Authority in recent years.



# Appendix 1

## **Recommendation**

3.2.22 The Authority should:

Set up, maintain and implement documented procedures for follow up and enforcement actions for feed law enforcement in accordance with the relevant Code of Practice and official guidance.

[The Standard – 15.2]

## **Feed Safety Incidents**

3.2.23 The Authority's Feeding Stuffs documentation does not include reference to Feed Incidents and Alerts. The Food Standards Agency have not recently issued any Feed Alerts.

## **Recommendation**

3.2.24 The Authority should:

Set up, maintain and implement documented procedures for initiating and responding to feed alerts (including RASFF notifications and relevant EC decisions) and for responding to feed safety incidents.

[The Standard – 14.1, 14.4]

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

3.2.25 The Authority's Quality Manual and procedures manual includes reference to consumer complaints, which includes feed complaints.

3.2.26 No animal feed complaints had been received recently.

3.2.27 The Authority confirmed support for the Home Authority Principle, however did not formally act as Home for any feed businesses within their area.

## **Advice to Business**

# Appendix 1

3.2.28 The Authority has a 2011-12 Operational Plan in which there are references to an efficient Consumer Advice and Assistance service to members of the public and businesses. Operational objectives include following the Regulator's Compliance Code. The Authority has adopted the Hampton Principles, where regulators are required to both pro-actively and in response to general and specific enquiries from business, provide clear and concise advice which distinguishes between legal requirements and guidance.

## 3.3 Internal Monitoring and Third Party or Peer Review

### *Internal Monitoring*

- 3.3.1 Although a formal internal monitoring procedure is not in place, monitoring activity is taking place. Monitoring occurs at monthly team meetings where progress is checked against planned activity and Officers report to team leaders and raise any concerns. Quantitative monitoring occurs through the database statistical reporting of work activities. In addition, monitoring of trading standards officers work takes place through the 'PDP Plus' review process. These records are retained within the PDP process.
- 3.3.2 Records of general monitoring activities are not routinely retained.

### ***Recommendation***

3.3.3 The Authority should:

Set up, maintain and implement documented internal monitoring procedures in accordance with Article 8 of Regulation (EC) No. 882/2004 (Official Feed and Food Controls), the Feed Law Enforcement Code of Practice and centrally issued guidance.

Internal monitoring should be recorded.

[The Standard - 19.1 and 19.3]

### ***Records***

- 3.3.4 The Authority operates a paperless filing system with all inspection aide memoires and reports being scanned into the database system. Letters are also stored within the electronic system. Most records checked during the audit were readily retrievable as relevant documents were generally linked to each electronic file.
- 3.3.5 Premises records contained sufficient detail to ascertain the inspection history of the business.

# Appendix 1

## **Recommendation**

3.3.6 The Authority should:

**Ensure that records of inspections, including the determination of compliance with legal requirements, are maintained.**

## **Third Party or Peer Review**

3.3.7 The Authority has not participated in any inter-authority audit or peer review process relating to the feed service in the two years preceding the audit.

# Appendix 1

Auditors: Marion McArthur  
Graham Forbes

Food Standards Agency  
Audit Branch, Scotland

# Appendix 1

## ANNEX A

### Amended Action Plan for Highland Council

Audit date: 16 - 18 May 2012  
Amendment Date: 12 May 2014

This amended plan follows a meeting between Professor Charles Milne of the FSA and Neil Gillies, Director of TEC Services.

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
<p>The Authority should draw up, document and implement a Service Delivery Plan in accordance with the Service Planning Guidance in the Framework Agreement on Official Feed and Food Controls by Local Authorities. Any variance in meeting the Service Delivery Plan shall be addressed by the Authority in its subsequent Service Plan.</p> <p>[The Standard - 3.1, 3.3]</p>	<p>N/A</p>	<p>The Council's existing Service Planning process and the specific Operational Planning process put in place for Trading Standards is considered to satisfy the Council's needs. The putting in place of a separate Service Plan for Feed Enforcement or accommodating all the Framework Agreement requirements in our existing plans is seen in the light of where the activity sits in the overall scheme of Trading Standards work as an unnecessary additional burden.</p> <p>It is however proposed that during the planning cycle immediately following the finalisation of the audit report that any aspect of the Framework Agreement requirements that could sensibly be accommodated will be considered.</p>	<p>None</p>



# Appendix 1

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
<p>The Authority should ensure that all authorised Officers receive the training needed to be competent to deliver the technical aspects of the work in which they are involved, in accordance with the Feed Law Enforcement Code of Practice.</p> <p>[The Standard - 5.4]</p>	<p>As above.</p>	<p>Training needs are identified either by the officer bringing a need to the attention of the Trading Standards Team Leader, or during the annual PDP+ process.</p> <p>During the audit it was identified that, although having attended the FSA promoted EU BTSF Feed Law 5-day programme within the past year, that was understood to cover all necessary aspects of HACCP, the officers were not considered to have reached the required level of HACCP competence. The authority will in future consult with the FSA directly to establish appropriateness of training being offered prior to committing to attend.</p>	<p>Emphasised in PDP+ process due to recent amendments to Appendix 9a as detailed above. (This would also be visited during any induction process for new staff)</p> <p>Consultation with FSA regarding appropriateness of training provision.</p> <p>An Officer has achieved suitable training in HACCP to be a level 2 Officer.</p>



# Appendix 1

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
<p>The Authority should set up, maintain and implement a documented procedure for ensuring that that the feed premises database is accurate, reliable and up to date.</p> <p>[The Standard - 11.2]</p>	<p>N/A</p>	<p>A system is already currently in place that allows for the registration by feed businesses and the production of a compiled register of those feed businesses that have registered. This database is updated as necessary following any contact with the business. Beyond that reliance is placed on a database shared with Environmental Health for Food and Animal Health purposes, which is subject to their procedures. The existence of the SGRPID database (including information accessed via CTS, SAMU, ScotEID &amp; SPPOCS) is however seen as being the primary source of up to date and accurate information for all primary production premises making any duplication of effort to attempt to maintain our own database of approximately 6500 farms unnecessary.</p>	<p>Following concerns raised by the FSA, clarification can now be given that standard operating procedures permits officers involved in Official Controls for Feed to access and if necessary cross reference all referenced databases.</p>

# Appendix 1

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
<p>The Authority should carry out feeding stuffs establishments inspections at a frequency which is not less than that determined under the relevant inspection rating scheme and in accordance with the legislation, Feed Law Enforcement Code of Practice or centrally issued guidance.</p> <p>[The Standard - 7.1 and 7.2]</p>	<p>September 2013</p>	<p>The policy adopted by the Authority for Trading Standards is to move away from routine cyclical inspection of business premises towards an intelligence led targeted enforcement approach based on its principles of “No inspection without a reason” and “Intervention only when there is a clear case for protection”.</p> <p>Notwithstanding the above, and following a high level meeting between this Authority and the FSA, it is recognised that some feed businesses may as a result of the risk presented come to be suitable to be targeted for intervention, including the physical inspection of the premises.</p> <p>Although made clear that a wider cyclical inspection programme could not be accommodated within existing resources, it was agreed that a modified and reduced frequency inspection programme focusing on existing 1800 registered Feed Businesses would be initiated in order to evaluate what resource would be needed to achieve full Code of Practice compliance.</p>	<p>Inspection plan created and implemented.</p>

# Appendix 1

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
<p>The Authority should set up, maintain and implement documented procedures for follow up and enforcement actions for feed law enforcement in accordance with the relevant Code of Practice and official guidance.</p> <p>[The Standard - 15.2]</p>	<p>Review due 2016</p>	<p>This Authority conducts its enforcement activity under the direction of a single enforcement policy for Trading Standards. This policy ensures that any enforcement action taken meets the requirements of the Regulators Compliance Code or such other having equal standing.</p> <p>Any necessary amendment to the Enforcement Policy will be undertaken at the time of its next review</p> <p>Specific work activity and any follow up enforcement action is monitored by the Trading Standards Team Leader on an on-going basis. This is achieved through activity record monitoring of the Civica database and regular discussion with the officer involved.</p> <p>Any need to amend the existing case handling systems to take further account of the standard will be undertaken at the time of its next review.</p>	<p>None</p>

# Appendix 1

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
<p>The Authority should set up, maintain and implement documented procedures for initiating and responding to feed alerts (including RASFF notifications and relevant EC decisions) and for responding to feed safety incidents.</p> <p>[The Standard - 14.1, 14.4]</p>	<p>May 2014</p>	<p>Feed Alert and feed safety incident responses to be incorporated into the existing consumer complaint and product safety (RAPEX) response protocols, with reference where necessary to the Code of Practice.</p>	<p>Done</p>
<p>The Authority should set up, maintain and implement documented internal monitoring procedures in accordance with Article 8 of Regulation (EC) No. 882/2004 (Official Feed and Food Controls), the Feed Law Enforcement Code of Practice and centrally issued guidance. Internal monitoring should be recorded.</p> <p>[The Standard - 19.1 and 19.3]</p>	<p>N/A</p> <p>July 2013</p>	<p>Activity monitoring is a fundamental part in this Authority's PDP+ process and encompasses all the work activity of the officer on an annual basis.</p> <p>Any modification to this system to ensure coverage of feed enforcement work will be considered at the time of the next PDP cycle for staff involved in feed enforcement.</p>	<p>None</p> <p>Done</p>
<p>The Authority should ensure that records of inspections, including the determination of compliance with legal requirements, are maintained.</p> <p>[The Standard – 16.1]</p>	<p>N/A</p>	<p>Systems are already in place to provide for this and it is unclear from the audit report what if anything is being asked in addition to what currently exists.</p>	<p>None</p>

# Appendix 1

## 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 LA policies, procedures and linked documents were examined before and during the audit:

- Trading Standards Operational Plan 2011/2012
- Trading Standards Operational Plan and Performance Review minutes of 26 May 2011
- Review of Service Plan 2009 to 2012
- Trading Standards Operational Objectives 2011/2012
- Officer training records
- Authorisation Group definitions
- Scheme of Delegation
- Authorisation level definitions
- Consumer Advice Service Quality manual
- Consumer Advice Service Quality System Procedures Manual
- Trading Standards Enforcement Policy August 2011
- Trading Standards Enforcement Policy Review 11 August 2011, Report by Director of Transport, Environmental and Community Services.
- Animal Feedingstuffs Annual Inspection and Sampling Plan 2011-12
- Animal Feedstuffs Activities in the Highland Council Area 2011/12
- Animal Feedingstuffs Manufacturers Visit Checklist
- Animal Feedingstuffs Farms Mixing Additives/Premixtures Visit Checklist
- Animal Feedingstuffs Retailers Visit Checklist
- Animal Feedingstuffs Arable Farms Producing Feed Visit Checklist
- Animal Feedingstuffs Farms Mixing Feed Only Visit Checklist
- Animal Feedingstuffs visit letter template
- Animal Health and Welfare inspection checklist (primary production)
- Inspection Report
- Feed Business Establishment Inspection Report
- Animal Feedingstuffs Sampling Policy and Procedure
- Animal Health & Welfare Enforcement Policy
- Minutes of 29 May 2008 approving Animal Health and Welfare Enforcement Policy
- Extract from Operational Team Plan
- North of Scotland Quality Liaison Group minutes
- Animal Health & Welfare section minutes of 8 December 2011

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

- Authorisation, qualification and training records
- Feed premises inspection records and reports
- Feed sampling records

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

- Lead Officer for Feed
- Audit Liaison Officer
- Authorised 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 verification visit was made with the Authority's Officer to a local feed business. The purpose of the visit was to verify the outcome of the last inspection carried out by the Local Authority and to assess the extent to which enforcement activities and decisions met the requirements of relevant legislation, the Feed Law Enforcement Code of Practice and other official guidance.

## ANNEX C

### Glossary

Agricultural Analyst	A person, holding the prescribed qualifications, who is formally appointed by a Local Authority to analyse feed samples.
Animal Feedingstuff	This is defined in article 3.4 of 178/2002 to mean any substance or products, including additives, whether processed, partially processed or unprocessed, intended to be used for oral feeding to animals.
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.
Feed law	The laws, regulations and administrative provisions governing feed in general and feed safety in particular, whether at Community or national level; it covers all stages of production, processing and distribution of feed and the use of feed;
Feed Law Enforcement Code of Practice (Great Britain)	Government Code of Practice issued under the Official Feed and Food Control (Scotland) Regulations.
Food Law Code of Practice (Scotland)	Government Codes of Practice issued under Section 40 of the Food Safety Act 1990, the Food Hygiene (Scotland) Regulations 2006 and the Official Feed and Food Control (Scotland) Regulations.
FVO	Food and Veterinary Office, part of the European Commission, based within the Directorate General for Health and Consumers.
Feeding Stuffs	Term used in legislation on feed mixes for farm animals and pet food.
Food hygiene	The legal requirements covering the safety and wholesomeness of food.
Formal samples	Samples taken in accordance with the requirements of the Feed Law Enforcement Code of Practice in accordance with the relevant sampling regulations and submitted to an accredited laboratory on the official list.
Framework Agreement on Official Feed and Food Controls by Local Authorities	<p>The Framework Agreement consists of:</p> <ul style="list-style-type: none"> <li>• Service Planning Guidance</li> <li>• Food and Feed Law Enforcement Standard</li> <li>• Monitoring Scheme</li> <li>• Audit Scheme</li> </ul> <p>The <b>Standard</b> and the <b>Service Planning Guidance</b> set out the Agency's expectations on the planning and delivery of food and feed law enforcement.</p> <p>The <b>Monitoring Scheme</b> requires local authorities to return to the Food Standards Agency on their food law</p>



# Appendix 1

	<p>vities i.e. numbers of inspections, samples and prosecutions.</p> <p>Under the <b>Audit Scheme</b> the Food Standards Agency will be conducting audits of the food and feed law enforcement services of local authorities against the criteria set out in the Standard.</p>
Full Time Equivalents (FTE)	A figure which represents that part of an individual Officer's time available to a particular role or set of duties. It reflects the fact that individuals may work part-time, or may have other responsibilities within the organisation not related to food enforcement.
Home Authority	An authority where the relevant decision making base of an enterprise is located and which had 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.
Primary production	The production, rearing or growing of primary products including harvesting, milking and farmed animal production prior to slaughter. It also includes hunting and fishing and the harvesting of wild products;
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.
Risk rating	A system that rates feed premises according to risk and determines how frequently those premises should be inspected. For example, high risk premises should be inspected annually.
Service Plan	A document produced by a Local Authority setting out their plans on providing and delivering a food or feed service to the local community.
SPPOCS	Scottish Primary Production Official Control System.
Trading Standards	The Department within a Local Authority which carries out, amongst other responsibilities, the enforcement of feed legislation.
Trading Standards Officer (TSO)	Officer employed by the Local Authority who, amongst other responsibilities, enforces feed legislation.