

**REPORT TO:** Cabinet Member - Environmental  
**DATE:** 6<sup>th</sup> April 2011  
**SUBJECT:** **INTERIM ANIMAL FEED PLAN 2011/12.**  
**WARDS AFFECTED:** All  
**REPORT OF:** Peter Moore  
Environmental Protection & Technical Services Director  
**CONTACT OFFICER:** Andrew Naisbitt  
Trading Standards and Licensing Manager  
0151 934 4014  
**EXEMPT/  
CONFIDENTIAL:** No

**PURPOSE/SUMMARY:**

For the Cabinet Member – Environmental to agree the Interim Animal Feed Plan 2011/12, required by the Food Standards Agency (FSA).

**REASON WHY DECISION REQUIRED:**

The National Performance Framework for Trading Standards (NPF) requires that such plans be considered and approved by the Council’s elected representatives.

**RECOMMENDATION(S):**

That the Cabinet Member – Environmental

- a) Notes the content of this report and:
- b) Approves the ‘Interim’ Animal Feed Plan 2011/12.

**KEY DECISION:** No

**FORWARD PLAN:** N/A

**IMPLEMENTATION DATE:** Immediately following the expiry of the “call-in” period for this meeting.

**ALTERNATIVE OPTIONS:**

- Additional resources can only be diverted into this area of enforcement at the expense of other statutory functions and by distorting the balanced work program of the Trading Standards and Licensing Section or other functions within the Environmental & Technical Services Department.
- Possible delegation of Function to neighbouring Local Authority / Port Health by virtue of Local Government (Miscellaneous Provisions) Act 1976

**IMPLICATIONS:**

**Budget/Policy Framework:** None arising from this report – Sampling Costs are met from existing budgets

**Financial:**

<b><u>CAPITAL EXPENDITURE</u></b>	<b>2008/ 2009 £</b>	<b>2009/ 2010 £</b>	<b>2010/ 2011 £</b>	<b>2011/ 2012 £</b>
Gross Increase in Capital Expenditure	-	-	-	-
Funded by:	-	-	-	-
Sefton Capital Resources	-	-	-	-
Specific Capital Resources	-	-	-	-
<b><u>REVENUE IMPLICATIONS</u></b>				
Gross Increase in Revenue Expenditure	-	-	-	-
Funded by:	-	-	-	-
Sefton funded Resources, within existing budget	-	-	-	-
Funded from External Resources	-	-	-	-
Does the External Funding have an expiry date? Y/N				
How will the service be funded post expiry?	N/A			

**Legal:** The council may be held liable if it is established that it had failed to carry out its statutory duty under the regulations – LD 86/11

**Risk Assessment Asset Management** Enforcement of the Animal Feed legislation is a statutory duty  
N/A

**Consultation Undertaken/Views**

**CORPORATE OBJECTIVE MONITORING:**

<u>Corporate Objective</u>		<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community		√	
2	Creating Safe Communities		√	
3	Jobs and Prosperity	√		
4	Improving Health and Well-Being	√		
5	Environmental Sustainability		√	
6	Creating Inclusive Communities		√	
7	Improving the Quality of Council Services and Strengthening local Democracy		√	
8	Children and Young People		√	

**LIST OF BACKGROUND PAPERS RELIED UPON IN THE PREPARATION OF THIS REPORT**

"Feed Law Enforcement Code of Practice (Great Britain) - FSA

## Background

1. The composition and safety of animal feeding stuffs is a principal factor in protecting not only the integrity of the human food chain but also maintaining the highest standards of animal health and welfare and ensuring the wellbeing of the environment.
2. Feed law includes European Union and national rules on feed composition including additives and medication, feed hygiene, labelling and contaminants in feed. It covers not only feed for food producing animals but also companion animals.
3. The Cabinet Member – Environmental will recall the report “Animal Feed Plan 2010 / 11” presented on 30<sup>th</sup> June 2010 which explained how the Animal Feed Agenda places a statutory duty on the Environmental Protection Department and which is carried out by Trading Standards Section.
4. The legislation establishes a set of principles for local enforcement and therefore animal feed enforcement will:
  - Be based on sound science and evidence;
  - Lead to proportionate action;
  - Be guided by the precautionary principle;
  - Be based on risk assessment;
  - Be made in partnership with key stakeholders;
  - Be consistent with Government’s reason for intervention;
  - Promote sustainable development, including a sustainable food and farming industry;
  - Be consistent with EU and International obligations.
5. The report also set out the delivery arrangements for animal feed services provided by the Trading Standards Service, which had been developed with consideration of local needs, corporate objectives, financial implications and reference to current legal requirements.
6. Previous estimates suggest this involved visiting approximately 50 ‘agricultural’ premises per annum, and taking samples from local suppliers and importers within the Freeport requiring approximately 0.3 to 0.5 FTE officer time and sampling costs of about £7,000.
7. The Department also has to respond to Feed Alerts from the EU / FSA regarding potentially contaminated feed that was imported and detained in the Liverpool Freeport.
8. The Trading Standards Service has recently been audited by the Food Standards Agency (FSA). The FSA’s initial findings suggest feed enforcement is below statutory minimum because the Trading Standards Service is unable to fully comply with the current ‘Feed Law Enforcement Code of Practice’ due

to a lack of resources dedicated to this particular service. The final report is due in May 2011.

9. A recent 'base line' assessment of the Trading Standards Service, carried out as part of the Council's budget review in December 2010 suggested that with all duties considered the Service is approximately 1.5 FTE under resourced and was operating at the 'statutory minimum'.

### **Implications for the Environmental & Technical Services Department**

10. The Trading Standards service has previously taken a pragmatic approach to feeding stuffs enforcement whilst complying with the intent of the Code of Practice to achieve the outcome of protecting the Food Chain. The FSA's initial findings suggest the service fails to meet the strict requirements of the code of practice and may be requested, at the local authority's expense, to invest additional resources into:
  - a) Implementing specific policies for the enforcement of feeding stuffs rather than using the Council's generic enforcement policy.
  - b) Providing 24/7 enforcement cover to respond to a feed 'emergency' and
  - c) Increasing documentary checks & the number of samples taken.
11. Additional resources can only be diverted into this area of enforcement at the expense of other statutory functions and by distorting the balanced work programme of the Trading Standards Service or other functions within the Environmental & Technical Services Department.
12. Authorities that do not have regard to the 'Feed Law Enforcement Code of Practice' and the findings of the FSA audit may be given a direction requiring them to take any specified steps in order to comply the code.
13. Pending the publication of the FSA report in May 2010 an Interim Feed Plan for 2010/11 is attached as Annex 1 to this report.
14. A further report will be presented the Cabinet Member - Environmental following the publication of the final FSA inspection report.

# Trading Standards Animal Feed Plan 2011/12

## 1 Scope

- 1.1 “The composition and safety of animal feeding stuffs is a principal factor in protecting not only the integrity of the human food chain but also maintaining the highest standards of animal health and welfare and ensuring the well being of the environment.” (EC Regulation 882/2004 on official controls to ensure the verification of compliance with Feed law and Animal Health and Welfare rules.)
- 1.2 Feed law includes EU and national rules on feed hygiene, feed composition, feed additives, medicated feed, feed labelling, contaminants in feed etc. It covers not only feed for food producing animals but for horses, pets and fish.
- 1.3 In producing this plan account has been taken of the Feed Law Enforcement Code of Practice and the Food Standards Agency (FSA) National Coordinated Risk based Feed Sampling Programme 2011/12.

## 2 Aims

- 2.1 To inspect Feed Businesses for the purpose of:
  - (a) Ensuring feed is compositionally and nutritionally correct.
  - (b) Ensuring feed is correctly labeled.
  - (c) Ensuring feed is not adulterated or contaminated.
  - (d) Determining compliance with Feed Hygiene Regulations with particular regard to traceability of feed and feed ingredients.
- 2.2 To provide advice and assistance to feed businesses on compliance with legal requirements.
- 2.3 The sampling of feed and feed ingredients for analysis.
- 2.4 To investigate complaints and take appropriate enforcement action when necessary.
- 2.5 To offer preventative guidance and assistance to Feed Businesses whose Head Offices are based within the Sefton.
- 2.6 To work closely with Mersey Port Health Authority to monitor imported feed.
- 2.7 To be an active member of and contribute to TSNW Agriculture sub-group.

## 3 Inspections

- 3.1 Visits to feed businesses are scheduled in accordance with the Animal Feed Law Inspection Rating Scheme contained in the Feed Law Enforcement Code of Practice.
- 3.2 Under the rating scheme, within Sefton there are, 0 Category A (high risk), 12 Category B (medium risk) and 46 Category C (low risk) premises.

- 3.3 During 2011/12 officers will carry out primary inspections to all Category A and Category B premises. At the conclusion of the inspection the inspection rating of the feed business will be reassessed.
- 3.4 Under the Code of Practice Category C (low risk) premises need not be included in the planned inspection programme but must be subject to an alternative enforcement strategy at least once in every 5 years. As a result Category C premises will only be visited as the result of complaints, requests for advice or when samples are taken as part of a project.

#### **4 Sampling**

- 4.1 The Annual Feed sampling programme involves the taking of both formal and informal samples. The sampling programme is based on:
- The FSA's National Coordinated Risk based Food and Feed sampling programme 2011 /2012. (Schedule 1).
- 4.2 The EU Rapid Alert System for Food and Feed (RASFF) will be monitored for notifications of non-compliance of feed legislation and samples taken where necessary.
- 4.3 In accordance with the Imported Animal Feed Monitoring Procedure agreed by Sefton Trading Standards, Liverpool Trading Standards, Wirral Trading Standards and Mersey Port Health Authority. Officers will continue to monitor consignments of imported feed and sample where necessary.
- 4.4 Officers will take samples (as appropriate) during all primary inspections. Samples will consist of both finished product and feed ingredients and tested for the above mentioned contaminants, composition, nutrition and compliance of labelling.
- 4.5 Unsatisfactory reports on samples will be dealt with by advice, referral to Home Authority Trading Standards or enforcement action, in line with the service's Enforcement Policy.

#### **5. Incident reports**

- 5.1 EC Regulation 178/2002 requires feed and food businesses to withdraw feed from the market if products are not in compliance with safety requirements. They must also notify the FSA and the "Competent Authority" i.e. the local Trading Standards Authority (or Port Health Authority at ports).
- 5.2 Following the notification or detection of non-compliant feed (Feed Incident). The cost to the Competent Authority to investigate and ensure the non-compliant feed does not enter the supply chain is chargeable against the feed business.
- 5.3 The EU Rapid Alert System for Food and Feed (RASFF) will be monitored for notifications of non-compliance of feed legislation and samples taken where necessary.
- 5.4 Complaints reported by the public, business etc will be investigated.

Infringements or suspected infringements reports from external sources or identified by the use of data interrogation etc will be investigated and appropriate action taken.

- 5.5 The FSA will be notified of all serious localised and non-localised feed hazards. The FSA will be contacted if there is a doubt whether a feed incident amounts to a feed hazard. (A Feed Hazard is a Feed Incident that through biological, chemical or physical means potentially causes adverse effects on food producing animals or the public.)

## **6. Partnership work**

- 6.1 The Section will assess and communicate with other interested parties in respect of cross boundary, cross cutting issues.
- 6.2 The Section will service the TSNW focus group and Regional Meetings.
- 6.3 The Section will also attend regular meetings with local partners, i.e. Port Health, & neighbouring Local Authorities regarding issues within the Dock Area.

## **7. Officer Training**

- 7.1 Officer Competence is ensured by:
- Annual performance and development review in line with Investors In People Standard.
  - Designated Animal Feed staff are required to keep up to date with respect to animal feed by using the FSA website on a weekly basis. To that end each officer has Internet access and access to the LACORS website.
  - The Department subscribes to Lexus online (for legislation) & TS Desktop Companion.
  - Helen Shaw – Senior Trading Standards Officer, holder of DTS is authorised to enforce all relevant legislation.
  - Attendance at County Council Animal Health function & FSA / TSNW courses – (10 Hours CPD).

## **SCHEDULE 1 – NATIONAL COORDINATED RISK BASED FEED SAMPLING PROGRAMME 2011/12.**