

***TRADING STANDARDS &
COMMUNITY SAFETY SERVICE***

***FOOD & FEED LAW ENFORCEMENT
SERVICE PLAN 2016-17***

1. SERVICE AIMS & OBJECTIVES

1.1 Aims and Objectives

Our Purpose is to:

To give Nottinghamshire a better Trading Environment

What Matters to our Customers:

Help me solve my problem quickly and stop problems happening to others

Our key strategic aims are:

- ***Tackle the areas of most consumer detriment***
- ***Target the most serious rogue traders***
- ***Protect the most vulnerable consumers***
- ***Help legitimate businesses to trade well***
- ***Tackle the areas compromising consumer safety***
- ***Maintain healthy and disease free livestock***
- ***Seek opportunities to generate income to achieve our overall purpose***

1.2 Links to Corporate Objectives & Plan

In 2011, the County Council underwent a reorganisation in which the Trading Standards Service moved into the newly created Adult Social Care, Health and Public Protection Department. The Service sits in the South Nottinghamshire and Public Protection Division within the Department. The purpose of the Adult Social Care, Health & Public Protection Department is to maximise people's independence, keep people safe and support the wellbeing of vulnerable adults.

In 2012, the Authority moved from a Cabinet to a Committee System in respect of political governance. Food and feeding stuffs work is now the direct responsibility of the Community Safety Committee, reports are provided to it on food and feeding stuffs work as appropriate. The current Committee Chair is Councillor Gilfoyle.

The key policies and drivers for the County Council are set-out in the Corporate Business Plan. Food and Feeding Stuffs activity links to this through the Adult Social Care, Health and Public Protection Business Plan.

2. BACKGROUND

2.1 Profile of Nottinghamshire

Nottinghamshire is a shire county and covers an area of 2,085 sq km (805 sq miles). It has a population of 801,400 people and a workforce of 375,195. The largest concentration of people is found in the Nottingham City conurbation, the suburbs of which lie mostly in the County. The other main towns of the County are Mansfield (105,900), Kirkby-in-Ashfield (27,539) Sutton-in-Ashfield (45,848), Newark-on-Trent (37,084), Worksop (41,820) and Retford (22,023).

About a fifth of the population live outside these areas, mostly in small (under 10,000 population) towns and villages.

2.2 **Organisational Structure**

See **Annex 1** attached.

2.3 **Scope of the Feed and Food Service**

Nottinghamshire County Council is part of the two-tier system of local government in the County which divides responsibilities between the County Council and seven District Councils. As part of this division, Food Standards work is the responsibility of the County Council's Trading Standards Service, whilst Food Hygiene work is the responsibility of the District Councils.

The County Council's Trading Standards Service has sole responsibility for carrying out the official controls on animal feeds. These controls cover areas such as storage, transportation, composition, labelling, and contamination.

The Service adopts an intelligence led approach to enforcement in line with our purpose and key strategic aims. We also give a commitment to conduct annual enforcement visits at all of our high risk premises.

Analytical services are provided by an external Public and Agricultural analyst service.

2.4 **Demands on the Food and Feed Service**

As at the end of January 2016, there were 5794 known registered food businesses in Nottinghamshire, 2 approved feed hygiene premises, and 1695 Feed Hygiene Registered Premises categorised as shown in the table below:

	High Risk	Upper Medium Risk	Lower Medium Risk	Low Risk	Total
Registered Food Businesses	33	170	5123	468	5794

	High Risk	Upper Medium Risk	Lower Medium Risk	Low Risk	Total
Approved Feed Hygiene Premises	n/a	n/a	n/a	2	2
Feed Hygiene Registered Premises	1	22	21	1651	1695

Our Service delivery contacts are as follows:

Trading Standards & Community Safety Service
County House
100 Chesterfield Road South
Mansfield
Nottinghamshire
NG19 7AQ

(Opening hours: Mon-Thurs 8.30am-5.00pm, Friday 8.30am-4.30pm)

Tel: 01623 452005 or 0300 5008080 (Businesses and Enforcement Agencies)
08454 040506 (Citizens Advice Consumer Services for Consumers)

Fax: 01623 452059

Website: www.nottinghamshire.gov.uk

Email: trading.standards@nottsc.gov.uk

2.5 Enforcement Policy

Where we find problems, we will consider all formal action options, including prosecution. All enforcement action is taken in accordance with the Service's documented Enforcement Policy.

3. SERVICE DELIVERY

3.1 Interventions at Food and Feeding Stuffs Premises

In 2016/17 the Service will;

- Carry out programmed inspections in accordance with a risk based approach;
- Conduct an inspection during the year at all food and feed premises rated as *high risk*;
- Verify that the risk rating of other premises is appropriate, by undertaking a sample of inspections to check compliance at low and medium risk rated premises;
- Target businesses as a result of appropriate intelligence from complaints received, local and national food audits, food alerts and advice from the Food Standards Agency (FSA);
- Conduct inspections in accordance with the Code of Practice issued under Section 40 of the Food Safety Act 1990, and the FSA Feed Law Code of Practice; and
- Carry out appropriate revisits to ensure compliance following problems identified in first inspections.

Where difficulties in interpretation of legislation occur, our officers can seek assistance from a number of internal and external sources, as detailed in our procedures relating to food and feed interventions (OP521 and OP527).

The first stage of the Food Information Regulations came into force in December 2014 and has had some impact on the Service, and is likely to have an extensive impact on the Service over the next couple of years. This is due to the staged transitional periods for various requirements, and because it is the most far reaching codification of labelling for some time. We have assisted many businesses to ensure compliance in this area by checking numerous labels and providing advice.

The second stage of the Food Information Regulations come into force in December 2016 in relation to nutritional information, this is going to have some impact on the Service. A range of food businesses may need advice and support in this area.

The County's large manufacturers/importers including a number of our Primary Authority Companies have already sought advice from this Service. In order to ease this impact, the Service will

- Continue to undertake a series of premise specific interventions; and
- Continue to communicate the new requirements regarding loose foods to the retail sector and
- Work closely with Nottinghamshire County Council businesses to ensure they are complying with the new requirements.

Continue to work closely with Environmental Health to agree a collaborative approach to both proactive and reactive work with regard to the new regulations. We have got a joint agreement in place whereby Environmental Health has carried out a number of inspections to address the Food Information Regulations requirements. The aim will be to reduce the burden on business and to avoid duplication in the deployment of resources.

3.2 Food and Feeding Stuffs Complaints

In 2016/17 the Service will;

- Consider complaints as part of the Service's intelligence-led approach to enforcement in line with our purpose and key strategic aims; and
- Where a complaint is regarding foreign bodies or food safety, officers will promptly refer the complaint to the relevant Environmental Health Department.

From April 2015 until January 2016, the Service had received 69 Food Standards complaints, 2 feeding stuffs complaints, 24 Primary Authority Food Standards referrals, 3 Primary Authority feeding stuffs referrals and 48 Trade Enquiries relating to food matters and 9 relating to feed (8 of which were from Primary Authority companies).

Complaints received during 2015/16 have included issues such as allergic reactions to 'allergy free food', false claims such as 'Organic' and 'Sugar Free', incorrect labelling, alcohol authenticity and contamination, out of date food being sold and feed containing substances that may pose to a risk to animal health.

3.3 *Home Authority and Primary Authority Scheme*

The Service no longer offers Home Authority relationships but offers Primary Authority Partnerships.

The Authority currently has entered into Primary Authority Partnerships that cover food matters with 16 businesses, whilst 4 partnerships also cover feeding stuffs.

In 2016/17 we will;

- Request enforcement colleagues to inform us of any issues relating to Nottinghamshire businesses to discharge our duties either as an enforcing authority or to provide basic advice under the Regulator's Compliance Code where appropriate; and
- Inform the originating authority of our actions, and where it is inappropriate for this Authority to take action, will provide relevant information to colleagues to assist them in resolving the matter themselves.

From April 2015 until January 2016 the Service dealt with enquiries from both Primary Authority Companies and other Nottinghamshire based businesses regarding a wide range of technical issues. Issues included allergen advice, labelling advice, due diligence advice and imitation food.

The Service also dealt with enquiries from feed businesses in areas including labelling requirements, and assistance with their feed safety management systems.

3.4 *Advice to Business*

In 2016/17, the Service will:

- Provide Nottinghamshire businesses with free basic legal compliance advice, either verbally, by email or by way of signposting to our web-based business information sheets;
- Confirm verbal advice in a written form; and
- Offer businesses more in-depth bespoke support, charged for on a cost recovery basis.

From April 2015 until January 2016 the Service provided a range of advice to a number of businesses in relation to general food labelling for ready meals, bag in the box cider, sweets and spices. In addition, advice was provided on the labelling of gluten free meals.

3.5 *Feed and Food Sampling*

In 2016/17, the Service will;

- Ensure that all sampling activity is intelligence-led, based on an assessment of most harm, and in line with the Service's purpose and key strategic aims;
- Develop a sampling program aligned with the national priorities on Food and Feed once published by the FSA;
- Follow documented procedure for all food standards and animal feeding stuffs sampling; and
- Continue to source analytical services by the Authority's appointed external Public and Agricultural analyst;

Worcestershire Scientific Services, Worcester WR4 9FA.

In 2015/16, the Service sampled a range of food and feed materials. Some samples were taken following complaints, for example counterfeit alcohol which was tested for brand authenticity, meat which was tested for origin and also to determine whether a claim was true, namely 'Sugar Free'. Other samples were taken during interventions including food past use-by dates.

Samples were also taken following nationally agreed priorities identified by the FSA based on known and emerging intelligence, and based on the national priorities. These included:

- Feed materials were tested for contamination and unauthorised genetically modified substances;
- Compound feeds were tested for carry over of specified substances and medicines;
- Takeaway meals tested for undeclared allergens, non permitted colours and meat species substitution;
- Fruit and vegetables for chlorate and perchlorate levels;
- Minced meat for species;
- Authenticity of honey.

3.6 *Control and Investigation of Outbreaks and Food Related Infectious Disease*

This function is the responsibility of District Councils within Nottinghamshire.

3.7 *Feed/Food Safety Incidents*

In 2016/17, the Service will:

- Follow it's documented procedures for any feed and food safety incidents and feed and food hazard warnings;
- Allocate sufficient resources to effectively deal with such incidents; and
- Take any action in accordance with the relevant Codes of Practice.

The Service receives all appropriate food and feed safety alerts, and action those that directly impact on Nottinghamshire Food and Feed Business Operators.

3.8 *Liaison with Other Organisations*

In 2016-17, the Service will:

- Ensure that enforcement action is consistent with that of its neighbouring authorities; and
- Liaise with a range of organisations to appropriate levels in carrying out its food and feed law enforcement function. These include:
 - **Food Standards Agency;**
 - **Public Analyst - Worcestershire Scientific Services;**
 - **District Authorities' Environmental Health Services;**
 - **Environmental Heath Food Group;**
 - **Trading Standards East Midlands (TSEM), the TSEM Food Group and the TSEM Feed Group;**
 - **Medicines and Healthcare Products Regulatory Agency;**
 - **HM Revenue and Customs;**
 - **Department of Environment, Food and Rural Affairs (DEFRA);**
 - **Veterinary Medicines Directorate;**
 - **Health Protection Agency (East Midlands);**
 - **International Federation of Spirits Producers Ltd (IFSP);**
 - **Animal Health - Egg Inspectorate; and**
 - **Nottinghamshire Police.**

During April 2015 and January 2016 we received intelligence from the Police, Licensing team that a local pub was selling substituted and counterfeit vodka. We carried out a full inspection but found no issues.

During April 2015 and January 2016 we received intelligence from a Port Authority that 24 tonnes of animal feed imported from a third country was contaminated with an unacceptable level of aflatoxins. We worked with the importer and grain store to ensure that it was dealt with and disposed of appropriately to ensure that it did not enter the animal feed chain.

3.9 *Food and Feeding Stuffs Safety and Standards Promotion*

In 2016-17, the Service will:

- Ensure all promotional work supports the intelligence-led approach to enforcement;
- Ensure it effectively raises awareness of key issues;
- Employ a variety of channels, including;
 - Content on our website (information for businesses and consumers etc);
 - Media campaigns and press releases;
 - Use of social networking media;
 - Expansion of our Nottinghamshire web-based Neighbourhood Alert system.

During April 2015 and January 2016 we worked with a local food packer that was claiming to sell organic produce. After investigation we found that the produce being sold was locally grown but not organic. Advice was provided to the trader and all claims were removed.

4. RESOURCES

4.1 *Financial Allocation*

In 2016-17, the Service will:

- Invest approximately £150k in food and feeding stuffs enforcement; and
- Vary this level according to a dynamic analysis of emerging needs during the year.

In 2015-16, a similar investment was made.

4.2 *Staffing Allocation*

In 2016-17, the Service will:

- Authorise its officers for Feed and Food enforcement following a documented procedure, OP520; and
- Bring in appropriately qualified staff from other agencies or authorities to plug any short term staff resource pressures.

The Service currently employs 5.8FTE food & feed qualified officers, 6FTE food only qualified officers and 2FTE feed only qualified officers. These officers are multifunctional and also deal with other areas of trading standards work. The current commitment to food and feed work is equivalent to 2.6 FTE.

The FSA Framework Agreement and Codes of Practice require the Service to inspect all its feed and food premises on a frequency regime that is based on the assessed risk level of the business. Feed premises are now risked using the new National Trading Standards Board modelling which takes into account the nature of the business, their level of compliance and earned recognition.

The current frequencies would mean that

- for food premises all high risk premises are visited every year, upper medium risk premises are inspected every 2 years and the lower medium and low risk premises are inspected every 5 years.
- for feed premises there are similar frequency levels in that for high risk it is every year, upper medium risk every 2 years, lower medium every 3 to 4 years and low risk every 5 years. The frequency can be extended if the premises have earned recognition.

The Service is currently committed to inspecting all high risk premises and to inspect some of the medium and low risk premises but not the number that would be required under the FSA's inspection regime. If the FSA's requirements were to be fully complied with then there would need to be a requirement of 5.4 FTE staff dedicated to this work.

The Service follows an intelligence led approach to its work concentrating on areas that potentially cause most risk to both businesses and consumers within the

community. In order to comply with the current FSA's requirements the County Council would need to invest in an additional qualified staff resource of 2.8FTE.

4.3 Staff Development Plan

In 2016-17, the Service will:

- Undertake an individual assessment of officer's competence against the Food Standards Agency Code of Practice to establish development needs.
- Compile an annual Service Training and Development plan from these needs; and
- Maintain lead specialists for Food and Feed who will be tasked with dynamically identifying training needs arising from legislative or enforcement practices changes.

The Service has a career scheme based around the national Trading Standards Qualification Framework. Officers are supported to complete relevant modules within the framework.

In 2015-16 the Service used its specialist food expertise to support Leicestershire County Council's food work, this is the third year we have undertaken this.

5. QUALITY ASSESSMENT

In 2016-17, the Service will:

- Follow it's documented procedure OP401 to ensure a programme of internal audits of our Food & Feed delivery are undertaken;
- Support the principle of peer review with neighbouring authorities within Trading Standards East Midlands.

6. REVIEW

6.1 Review against the Service Plan

In 2016-17, the Authority will;

- Monitor progress against the plan in accordance with Adult Social Health, Care and Public Protection Department's guidelines;
- Ensure the plan is regularly reviewed by Trading Standards Managers;
- Provide progress updates to the Performance Improvement Team for monitoring at a Departmental Management level; and
- Report food and feeding stuffs matters to the Community Safety Committee as appropriate for political scrutiny.

In 2015-16, information reports were provided as appropriate to Community Safety Committee Meetings outlining relevant food and feeding stuffs work. Copies of these public reports can be viewed at www.nottinghamshire.gov.uk.

6.2 *Identification of any variation from the Service Plan*

In 2016-17, the Service will;

- Identify variations from the plan;
- Analyse the reasons for the variations;
- Develop corrective actions;
- Document these on the Service's Business Action Plan; and
- Review the content of the plan to ensure it continues to meet the needs of our stakeholders.

6.3 *Areas of Improvement*

In 2016-17, the Service will;

- Identify areas for improvement; and
- Incorporate in the 2016-17 food and feed law enforcement plan if appropriate, or deal with immediately if required.

Annex 1:

NOTTINGHAMSHIRE TRADING STANDARDS & COMMUNITY SAFETY SERVICE STRUCTURE

