

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

***FOOD & FEED LAW ENFORCEMENT  
SERVICE PLAN 2014-15***

## **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 Promoting Independence 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, and regular 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 790,200 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 (104,700), Kirkby-in-Ashfield (26,927) 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 March 2014, there were 5300 known registered food businesses in Nottinghamshire, 2 approved feed hygiene premises, and 582 Feed Hygiene Registered Premises categorised as shown in the table below:

	<b><i>High Risk</i></b>	<b><i>Upper Medium Risk</i></b>	<b><i>Lower Medium Risk</i></b>	<b><i>Low Risk</i></b>	<b><i>Total</i></b>
<b><i>Registered Food Businesses</i></b>	27	97	2069	3107	<b>5300</b>

	<b><i>High Risk</i></b>	<b><i>Medium Risk</i></b>	<b><i>Low Risk</i></b>	<b><i>Total</i></b>
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<b>Approved Feed Hygiene Premises</b>	n/a	n/a	n/a	<b>2</b>
<b>Feed Hygiene Registered Premises</b>	8	271	303	<b>582</b>

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](http://www.nottinghamshire.gov.uk)**  
**Email: [trading.standards@nottscc.gov.uk](mailto:trading.standards@nottscc.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 2014/15 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 introduction of the Food Information Regulations 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.

The level of demand is uncertain, although many of the County's large manufacturers/importers 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
- Determine the number of premises in Nottinghamshire that sell or offer food for sale via internet sales that will be likely to be affected by the new requirements in the Food Information Regulations.

### **3.2 *Food and Feeding Stuffs Complaints***

In 2014/15 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.

In 2013-14, the Service had received 91 Food Standards complaints, 21 feeding stuffs complaints, 16 Primary Authority Food Standards referrals, 2 Primary Authority feeding stuffs referrals and 6 Trade Enquiries relating to food/feed matters.

Complaints received during 2013/14 have included issues such as alcohol authenticity and contamination, out of date food being sold, and mis-described or mislabelled products.

### **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 10 businesses, whilst 4 partnerships also cover feeding stuffs.

In 2014/15 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.

In 2013-14, the Service dealt with enquiries from both Primary Authority Companies and other Nottinghamshire based businesses regarding a wide range of technical issues. Issues included nutritional claims, allergen advice, food incident management advice, and queries regarding emerging legislation such as the Food Information Regulations.

The Service also dealt with enquiries from feed businesses in areas including labelling requirements, and the importation of feed materials.

### **3.4 *Advice to Business***

In 2014/15, 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.

### **3.5 *Feed and Food Sampling***

In 2014/15, 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 2013/14, the Service sampled a range of food and feed materials. Some samples were taken following complaints, for example counterfeit alcohol which was tested for toxicity as well as brand authenticity, whilst others were taken during interventions including food past use-by dates tested for safety.

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:

- Imported feed additives which were tested for contamination;
- Co-products used in animal feeds were tested for contamination;
- Feed materials were tested for contamination and pesticides;
- Compound feeds were tested for specified substances and medicines;
- Food tested for undeclared allergens;
- Foods for contamination from dioxins and mycotoxins;
- Meat tested for species.

### **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 2014/15, 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.

In 2013-14, the Authority has responded to a number of alerts. One involved the service supporting a Nottinghamshire based food company to initiate a recall of drinks imported from the United States found to have twice the limit of benzoic acid permitted in flavoured drinks. Benzoic acid is a natural ingredient occurring in many foodstuffs but it has become increasingly used as a preservative. In small doses this is fine but toxicologists are concerned about the accumulative effect on people's livers and kidneys. This is why it is subject to legal controls to limit its consumption.

### **3.8 *Liaison with Other Organisations***

In 2014-15, 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), and the TSEM Food 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.**

### **3.9 *Food and Feeding Stuffs Safety and Standards Promotion***

In 2014-15, 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 2013-14, the Service responded to a number of complaints about potential counterfeit alcohol however, many of these turned out to be unfounded. It is believed that the major campaign during the previous year and subsequent promotion of the issue has led to more suspicious items being reported by consumers but the suspicions being unfounded. There was only one prosecution taken in 2013-14 on counterfeit alcohol on a premise where two types of counterfeit alcohol were found.

During 2013-14, the Service continued to support the FSA in nationally co-ordinated action to tackle the issue of horse DNA in meat products. Our officers worked with County Council Procurement to look closely at the Council's own approved suppliers. Samples were taken at a number of suppliers and came back negative for the presence of horse DNA. Trading Standards Officers also contacted Nottinghamshire's major manufacturers,



packers and processors to confirm that their traceability systems were sufficient and that they had conducted any necessary testing.

## **4. RESOURCES**

### **4.1 *Financial Allocation***

In 2014-15, 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 2013-14, a similar investment was made.

### **4.2 *Staffing Allocation***

In 2014-15, 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 6.4FTE food & feed qualified officers, and 5FTE food 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. 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, medium risk every 2 years and low risk every 5 years. 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 2014-15, the Service will:

- Undertake an annual employee performance and development review (EPDR) where training needs and developments needs are established;
- 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. The Service prioritises the attainment of relevant food and feeding stuffs qualifications to ensure discharge of its duties.

In 2013-14 the Service used its specialist food expertise to support Leicestershire County Council's food work. The Service also used its specialist feeding stuffs expertise to support Leicestershire County Council, Nottingham City and Lincolnshire County Council feed controls work

The Service's commitment to becoming a centre of expertise in the delivery of official feed controls was highlighted during a European Commission audit in January 2013. The European Commission Food & Veterinary Office (FVO) carried out an audit of the activities of the FSA, who act as the UK's Central Competent Authority responsible for the implementation of measures concerning official controls on animal feed legislation.

As Nottinghamshire Trading Standards was at the forefront of one of the pilot regions for the FSA, for designing and delivering a regional delivery model for official controls on animal feeds, the FVO were keen to discuss the work that the Service had been doing. Representatives from the Trading Standards Service were questioned over the two days by members of the FVO audit team. Part of the audit included a site visit to one of the main feed producers within the County.

## **5. QUALITY ASSESSMENT**

In 2014-15, 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 2014-15, 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;
- Update the Service's Business Action Plan template with a Current Position and Status colour;
- 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 2013-14, information reports were provided to all Community Safety Committee Meetings outlining relevant food and feeding stuffs work. Copies of these public reports can be viewed at [www.nottinghamshire.gov.uk](http://www.nottinghamshire.gov.uk).

### **6.2 *Identification of any variation from the Service Plan***

In 2014-15, 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 2014-15, the Service will;

- Identify areas for improvement; and
- Incorporate in the 2015-16 food and feed law enforcement plan if appropriate, or deal with immediately if required.

**Annex 1:**

**NOTTINGHAMSHIRE TRADING STANDARDS & COMMUNITY SAFETY  
SERVICE STRUCTURE**



