

***TRADING STANDARDS &
COMMUNITIES SERVICE***

***FOOD & FEED LAW ENFORCEMENT
SERVICE PLAN 2020-21***

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 area's most 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 2017, the County Council underwent a reorganisation in which the Trading Standards Service moved into the newly created Place Department the Place Department brings together many council provided services whose aim is to create places (The best environment and conditions) so people and businesses want to be in Nottinghamshire.

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 Communities and Place Committee who receive and review all reports in relation to food and feeding stuffs work as appropriate. The current Committee Chair is Councillor John Cottee

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 Place Department Strategy

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 an estimated population of 823100 **people** and a workforce of 375,195. The largest concentration of people is found in Nottingham City with 331069. The populations in the in Ashfield is 127,200, in Bassetlaw 116800, in Broxtowe 113300,

in Gedling 117800, in the Mansfield district 108800, in Newark and Sherwood 121600; and in Rushcliffe 117700.

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 Environmental Health services.

The County Council's Trading Standards Service has sole responsibility for carrying out the official controls in relation to 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 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 of 17th December 2019, there were 7099 known registered food businesses in Nottinghamshire, 3 approved feed hygiene premises, and 1700 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 2019 2020	13	138	5586	1362	7099

	High Risk	Upper Medium Risk	Lower Medium Risk	Low Risk	Total
Approved Feed Hygiene Premises 2019-2020	n/a	n/a	3	0	3
Feed Hygiene Registered Premises 2019-2020	3	29	97	1571	1700

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: 0115 8041147 or 0300 5008080 (Businesses and Enforcement Agencies)
03454 040506 (Citizens Advice Consumer Services for Consumers)

Fax: 0115 8040620

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. The service is continuing to explore the option of using alternative enforcement strategies as an alternative to formal enforcement.

The service is now using the provisions set out in Section 43 of the Official Feed and Food Controls (England) Regulations 2009 which permit official control bodies such as this service to recoup any additional expenses incurred, where additional work or expenditure is required as a result of non-compliances and the resources required to deal with the non-compliances fall outside the authorities planned activities.

3. SERVICE DELIVERY

3.1 Interventions at Food and Feeding Stuffs Premises

In 2020/21 the Service will;

- Carry out programmed inspections in accordance with a risk-based approach;
- Conduct an inspection during the year at all food premises rated as *high risk* at the start of the financial year and all feed premises that fall within the program agreed with the FSA through the regional feed delivery plan;
- 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 food 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;
- Carry out any appropriate revisits to ensure compliance following problems identified in first inspections;
- Continue to work collaboratively with the district Environmental Health Departments in the county particularly in the area of work on allergens.

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

The Food Information Regulations 2014 (FIR) are now fully in force and the service continues to support businesses to comply with these regulations. Basic advice is available to business by signposting to online resources, with more detailed or bespoke advice being provided only on a cost recovery basis.

One of the significant changes introduced by the FIR was the requirement to provide information to consumers in relation to allergens present in non-prepacked food. This provision was intended to provide consumers who suffered from food allergies, with the information they needed about allergens to give them more confidence in their safety than they had previously, when eating out, or from takeaways. The government allowed this information to be provided in several ways including verbally.

As there have been several high-profile food allergen related deaths including that of Natasha Ednan-Laperouse in relation to products which are prepared and packaged on the premises at which they are sold a new law requiring full labelling on products pre-packed on the premises will take effect in October 2021. The service will be involved in providing advice to traders when guidance is available from the Food Standards Agency.

In order to maximise limited resources, this service is working with our colleagues from district council Environmental Health departments, to provide advice to catering premises such as takeaways, who provide non-prepacked foods. We have a joint agreement in place whereby Environmental Health officers provide limited advice and signposting to sources of advice while carrying out their own inspections of food premises, in relation to some labelling requirements of the Food Information Regulations 2014 including allergen labelling. The aim is to reduce the burden on business and to avoid duplication in the deployment of resources.

The high-profile cases in the media have highlighted issues with the allergen information provided by premises that sell non-prepacked food to the ultimate consumer, such as restaurants, takeaways and sandwich bars.

In order to understand the current level of compliance with the allergen information requirements a project was undertaken in conjunction with the county's Environmental Health Departments. A small number of samples were taken from a representative group of establishments from each District, who were selling food in this manner, to check for undeclared allergens.

Premises were selected from each District which included takeaways and sandwich shops. Meals were ordered either in person or by phone. In 38% of premises officers were advised that a suitable meal could not be provided as the meal in question contained the allergen or because of the risk of cross contamination and hence would not be safe for the customer. Premises were more likely to refuse to sell over the phone than in person.

In the remaining premises, 3 meals contained undeclared allergens and 3 had some allergen cross contamination present. The businesses concerned have been revisited and comprehensive advice provided.

The results of this work indicate that provision of allergen information is not always being correctly provided to customers and risks from cross contamination is not as widely recognised as the risk of microbiological cross contamination despite its potential life-threatening consequences. In a person with a severe food allergy the level of allergen present due to cross contamination can be enough to be fatal so ensuring allergen segregation in food preparation is essential.

The Service intends to continue to collaborate with the Environmental Health Services from the various district councils, on allergen related issues. The aim is to maximise the effectiveness of the limited resources within the Services to strengthen business compliance in this area, hence improving the protection levels of Nottinghamshire residents.

3.2 *Food and Feeding Stuffs Complaints*

In 2020/21 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 hygiene safety issues, officers will promptly refer the complaint to the relevant Environmental Health Department.

From April 2019 until January 2020 the Service had received 78 Food Standards complaints and no feeding stuffs complaints. The service also dealt with 14 Primary Authority Food Standards referrals, and 2 requests for advice from Food Traders, 3 Primary Authority feeding stuffs referrals, and no requests for advice from Feed Traders.

Complaints received during 2019/20 have included issues such as, incorrect or inadequate allergen information being provided which may have led to allergic reactions, other incorrect food labelling which has made selecting suitable foods more difficult for consumers. Issues in relation to food being on sale beyond its durability marking (both Best Before and Use By), have featured again with complaints being made against businesses including supermarkets and smaller stores. A small number of complaints in relation to issues which should have been detected by the meat hygiene inspectorate have also been misdirected to this service. There have also been complaints about food products being either misdescribed or substituted for other foods.

No complaints relating to feed quality were received.

3.3 *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 18 businesses, whilst 5 partnerships also cover feeding stuffs.

In 2020-21 we will;

- Request enforcement colleagues inform us of any relevant 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 act, will provide relevant information to colleagues to assist them in resolving the matter themselves.

From April 2019 until January 2020 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 labelling advice, advice in relation to spirit labelling, health claims, general food labelling advice etc.

During this period the service provided advice to a feed business making fishing bait on the difficult subject of whether this was classed as animal feed and therefore caught by the regulations. Assistance was provided to another business who supplying to a non-EU market by providing written evidence of their continuing compliance with EU legislation.

3.4 *Advice to Business*

In 2020-21, the Service will:

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

From April 2019 until January 2020 the Service provided a range of advice to several businesses in relation to general food labelling for products such as breakfast cereal, food supplements, alcoholic drink, milk dispensed from vending machines, and prepared meals for home delivery to vulnerable consumers.

3.5 *Feed and Food Sampling*

In 2020/21, 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;
- Sample products for analysis where officers have concerns in relation to the product compliance and analysis is appropriate.
- Follow documented procedures for all food standards and animal feeding stuffs sampling; and
- Source replacement Analytical Services to appoint as the Authority's external Public and Agricultural analyst following the closure of our present provider.

Worcestershire Scientific Services, Worcester WR4 9FA.

PASS Public Analyst Scientific Services which is part of Eurofins are providing replacement analytical services while a tendering process for a new supplier is completed.

In 2019/20, the Service sampled a range of food and feed materials. Some samples arose as a result of complaints or taken during inspections.

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

- Non-prepacked food tested for undeclared allergens
- Prepacked bulk ingredients tested for undeclared allergens.

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 2020/21, the Service will:

- Follow its 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 2020/21, 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 – To be confirmed following tender.**
 - **District Authorities' Environmental Health Services;**
 - **Environmental Health 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);**
 - **Animal and Plant Health Agency (APHA);**
 - **Veterinary Medicines Directorate;**
 - **Health Protection Agency (East Midlands);**
 - **International Federation of Spirits Producers Ltd (IFSP);**
 - **Animal Health - Egg Inspectorate;**
 - **Nottinghamshire Police; and**
 - **Port Health inspectors**

In 2019-20 this Service received referrals from the Food Standards Agency in relation to a local business which may have supplied food with an undeclared allergen and was involved in an ongoing multi-agency investigation involving both Trading Standards and Environmental health services in several authorities around the country.

The service regularly passes information to the Environmental Health Services within the county including complaints about issues such as hygiene and foreign bodies and arranges joint inspections where appropriate and resources allow.

3.9 *Food and Feeding Stuffs Safety and Standards Promotion*

In 2020/21, 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 Nottinghamshire Alert.

The service continues to use the website, tscommercial@nottsc.gov.uk, that was developed to showcase the range of chargeable services which are available to both local and national businesses to support them with their legal requirements.

4. RESOURCES

4.1 *Financial Allocation*

In 2020-21, 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 2019-20, a similar investment was made.

4.2 *Staffing Allocation*

In 2020-21, 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 staff resource pressures where possible.

A national shortage of qualified food and feed qualified officers exists making recruitment more difficult and hence retention more important. The service has lost 4 food qualified officers this year of which 1 was also feed qualified. The service has not managed to attract officers with the skills to replace this food and feed capacity. In response the Service has developed a Workforce Strategy and as part of that the Service has employed 3 apprentices. They are undertaking both the Regulatory Compliance Apprenticeship and the new Trading Standards Professional Qualification (TSPQ) and it is proposed at this stage that they will all undergo the Food module of the TSPQ. This means that they should be food qualified during the financial year 2021-2022. In addition, the Service will be taking on a further 2 apprentices who will also be going through the TSPQ.

The Service currently employs 2 FTE food & feed qualified officers, 3.8 FTE food only qualified officers and 1 FTE feed only qualified officers. The above officers are multifunctional, and all officers 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 considers the nature of the business, their level of compliance and earned recognition. Food premises are presently risked using the National Trading Standards Board risking system which is different to the FSA food risking system and gives different risk banding and hence visit frequencies for certain premises

The current frequencies using NTSB risk banding would presently 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 band levels that range from every 2 years for the higher risk premises to every 3 to 4 years for the medium risk premises and every 5 years for the lower risk premises. The frequency can be extended if the premises have earned recognition.

For food premises, the Service is currently committed to inspecting all high-risk premises under the NTSB risk rating system 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 for food premises. For Feed premises the Service will commit to inspecting the agreed level of inspections following a profiling of feed premises using the risk system allotted by the FSA, considering FSA recognised assurance schemes.

If the FSA's requirements for visit frequency was followed using NTSB risk rating, 3.5 FTE officers would be required and if time is taken into account for other FSA requirements such as officer training to maintain competencies, complaint investigations and business enquiries, reporting to the FSA etc. then 6 FTE staff would be required.

4.3 *Staff Development Plan*

In 2020-21, the Service will:

- Undertake an individual assessment of officer's competence against the Food Standards Agency Code of Practice to establish development needs.
- 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.

5. QUALITY ASSESSMENT

In 2020-21, the Service will:

- Follow its documented procedure OP401 to ensure a programme of internal audits of our Food & Feed delivery are undertaken;

6. REVIEW

6.1 *Review against the Service Plan*

In 2020-21 the Authority will;

- Monitor progress against the plan
- Ensure the plan is regularly reviewed by Trading Standards Managers;
- Report food and feeding stuffs matters to the Communities and Place Committee as appropriate for political scrutiny.

In 2019-20, information reports were provided as appropriate to Communities & Place 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 2020-21 the Service will;

- Identify variations from the plan;
- Analyse the reasons for the variations;
- Develop corrective actions;
- Review the content of the plan to ensure it continues to meet the needs of our stakeholders.

6.3 *Areas of Improvement*

In 2020-21, the Service will;

- Identify areas for improvement; and
- Incorporate in the 2021-2022 food and feed law enforcement plan if appropriate or deal with immediately if required.

Annex 1:

NOTTINGHAMSHIRE TRADING STANDARDS & COMMUNITIES SERVICE STRUCTURE



