

8 March 2018**Agenda Item: 15****REPORT OF THE SERVICE DIRECTOR, PLACE AND COMMUNITIES****UPDATE ON KEY TRADING STANDARDS AND COMMUNITY SAFETY MATTERS****Purpose of the Report**

1. To:
 - update the Committee on key Trading Standards and Community Safety matters;
 - provide specific updates on the use of Regulation of Investigatory Powers Act techniques, and also commercial development progress, as requested by Committee;
 - seek approval for the Pricing Structure for 2018/19, the use of promotional activity to support Income Generation, the 2018/19 Food and Feed Enforcement Plan, and for the extension of the Social Worker post in Community Safety.

Information**Trading Standards**

2. **The Regulation of Investigatory Powers Act 2000 (RIPA)** – The Service is the largest user of techniques regulated by this Act in the Authority. As such, regular reports are required to be given to the Committee for political oversight and scrutiny.
3. Since the previous report to Committee on 7 September 2017, no new applications for covert surveillance have been made. The prosecution referred to in the previous update relating to the supply of illicit and counterfeit tobacco has now been successfully concluded. Two of the defendants were given custodial sentences, whilst a further was given 150 hours unpaid work. The surveillance footage gathered was a vital part of the evidence used to secure the convictions.
4. There have been no new applications for communication data access. There is one ongoing investigation where communications data is being used. The case is due to go to Crown Court in respect of fraud offences in June 2018, and the data obtained is likely to be key evidence.
5. Much work has been carried out corporately to ensure that staff understand RIPA, its uses, and the need for stringent controls. It is proposed to run a staff awareness campaign before the end of the year in relation to the use of social media. The Office of the Surveillance Commissioner wrote to all local authorities highlighting the importance of ensuring staff are aware of the issues that can arise when using Facebook and other social media.
6. The Council's Policy and procedure on the use of RIPA will also be updated to reflect the fact that from 1 September 2017, The Office of Surveillance Commissioners and The Interception of

Communications Commissioner's Office were abolished. The Investigatory Powers Commissioner's Office (IPCO) is now responsible for the judicial oversight of RIPA.

7. **Commercialisation Progress – Appendix 1.** The quarterly progress update is attached as **Appendix 1**.
8. As of the end of January 2018, an additional £43.3k of the £95k target has been delivered. Proposals totalling £35k are currently in advanced discussions with businesses. Whilst not guaranteed, if finalised, this would total an additional £78k for 2017/18.
9. The Product Safety and Standards Office, who manage Primary Authority Partnerships, will imminently be formally approving Partnerships for a number of current clients. It is proposed, to undertake a range of promotional activity to generate increased interest in our business services following these approvals.
10. **Pricing Structure for Services for 2018-19** – the Service provides a range of paid for services to businesses, other local authorities', and government agencies, and the Authority has the discretion to set charges for these services.
11. At the Community Safety Committee on the 10 January 2017, approval was given to the Service to adopt a flexible and market based charging approach to act in a more commercial and flexible manner. The Committee approved moving away from an hourly charge model, to a more customer focused pricing structure.
12. The approval allowed product specific, flexible pricing, and the scope to make attractive price offers to businesses based on relevant market conditions. Given its success this year, It is proposed that the similar model, as set out below, is used for all fees and charged from 1 April 2018 onwards.
13. It is proposed that charges levied would be authorised by the Group Manager, Trading Standards and Community Safety, using the full cost recovery rate as the foundation for building charges. The final rates would be decided using a pricing model suitable for the market in which the service is operating, and prices varied in accordance with market conditions.
14. To decide on appropriate charges, it is proposed the following principles are applied:
 - The maximum average hourly charge should never exceed the Full Cost Recovery rate.
 - Pricing models that can be utilised can include, but not restricted to:
 - Hourly rate;
 - Day Rate;
 - Project Cost; or
 - Specified Activity Cost.
15. Regarding charges to other External Enforcement Bodies, the Service receives requests to deliver one-off projects, for example an inspection programme. Because of the one-off/specialist nature, and they often bring other tangible benefits, it is proposed that in line with existing arrangements, the fee to be charged should be agreed by the Group Manager, Trading Standards and Community Safety on a case-by-case basis.
16. It is further proposed that that any fee agreed in such a way should not be below a rate equivalent to full cost recovery of the direct staff time spent delivering the activity.
17. **Food & Feed Law enforcement Service Plan 2018-19** Section 6 of the Food Safety Act 1990, and section 76 of the Agriculture Act, places a duty on the Authority to enforce certain provisions of those Acts regarding food for human consumption and feeding stuffs for animals.

18. The Food Standards Agency (FSA) is the central competent authority for overseeing official feed and food controls. It works closely with authorities to set and monitor standards, coordinate activity, and audit authorities' delivery of official controls, in order to ensure enforcement is effective, risk based, proportionate and consistent.
19. The Service delivers food and animal feed standards work, which includes labelling and quality controls. Responsibility for food hygiene controls (for human food) falls to the District Council's Environmental Health Services.
20. The FSA requires the completion of annual Service Plans, and sees them as an important tool to ensure that national priorities and standards are delivered. It requires the Authority's key decision makers to be fully engaged in official food and feed controls work, and as such, the proposed plan for 2018-19 is attached as **Appendix 2** for the Committee to consider and approve.
21. **Food Safety** - Officers continue to respond to complaints regarding the labelling of food, particularly regarding allergens. Businesses are required to provide consumers with allergen information either at the point of sale (by notice or menu), or on packaging. Members will recall hearing reports of people losing their lives having inadvertently consumed foods they were allergic to.
22. Allergens must be emphasised on the label and correspond with the specific ingredients in the product, as opposed to a generic statement being made of what may be in the product. Inspections at various food businesses have recently been undertaken to ensure compliance, including convenience stores, takeaways, butchers and farm shops. Advice is given at the time of inspection followed by a letter, and a further re-visit.
23. Officers are currently working with two new small independent food businesses regarding product labelling, and additional information that must be made available to the consumer.
24. **Product Safety – Office for Product Safety and Standards (OPSS)** - In January, the government announced the creation of a new national oversight body tasked with identifying consumer risks and managing responses to large-scale product recalls and repairs.
25. The OPSS will enable the UK to meet the evolving challenges of product safety by responding to expanding international trade, the growth in online shopping, and the increasing rate of product innovation.
26. In addition to providing support to local Trading Standards teams, the office will co-ordinate work across local authorities where a national response is needed, and will ensure the UK continues to carry out appropriate border checks on imported products.
27. The OPSS will be responsible for general (non-food) consumer product safety. There are no changes to the roles and responsibilities of local authorities. The office will provide a number of specialist services centrally to support consistent national enforcement, including product testing and technical expertise.
28. Primary Authority roles will continue to play a key part in the improved enforcement regime, with government plans to extend the reach of Primary Authority to further share local authority, business and government expertise to protect consumers.
29. The Service is currently Primary Authority for 36 businesses, with plans to increase numbers as part of the commercial offer to business. As such it will be well placed to provide the Primary Authority expertise to support the improved product safety regime.

30. **Fireworks Inspections** - The Service has responsibility for a number of licensing and registration regimes designed to ensure the safety of our communities. The work is overseen by the Planning and Licensing Committee and a recent update was provided to that Committee.
31. During the fireworks season, 24 targeted inspections were undertaken across the County, and included 6 high risk premises, 4 new premises and 1 of a Display Operator. They included large retail outlets, high street shops, and newsagents/convenience stores.
32. The inspections explored a number of areas, including safe storage, and also practical measures to ensure that no sales were made to under 18's. A common issue identified was other easily combustible materials being stored near to the fireworks. Both verbal and written advice at the visit was given, and the matters were rectified in the officer's presence. Businesses must satisfy the officer that they operate a system to prevent the overstocking of fireworks and ensure safe storage.
33. Of the 24 premises, 5 were found to have old British Standard marked fireworks, rather than CE marked fireworks. Whilst such fireworks are not 'unsafe', they are not now permitted to be sold or given away, and must be destroyed safely.
34. Advice was given to each of the non-compliant premises and a visit note was left. Two of the premises had non-compliant fireworks on display for sale, and these were immediately removed. Officers re-visited the premises to ensure that the stock had been safely disposed of and were not being offered
35. Following the inspections, a letter was sent to all licenced fireworks premises to confirm the changes in legislation and detailed the offences should they fail to comply.
36. **Animal Health** - Officers worked with Rushcliffe Borough Council just before Christmas regarding a stray dog that was found which had a microchip registered to an address in Holland. Despite trying to locate the owners, the dog had to go into quarantine kennels. A dog charity is now working with both parties to rehome the animal and support with the quarantine costs.
37. **Avian Influenza** - Following confirmed deaths of wild birds in Dorset and Warwickshire, the Government has placed the whole of England under an Avian Influenza Protection Zone.
38. For all poultry and other captive birds, keepers must now adhere to the new requirements which include:-
- All outdoor poultry/captive bird areas must be fenced and actively managed.
 - Strict biosecurity measures which include cleansing & disinfecting of housing, pathways, footwear, clothing & vehicles.
 - Food must be kept under cover and poultry/captive birds must be fed indoors.
 - Keepers to discourage wild birds from access to the fenced areas.
 - Ponds and other standing water areas where birds are housed must be fenced and netted off.
- Further measures are in place for keepers of over 500 birds.
39. Officers will continue with inspections at farms and poultry premises, and will adhere to bio-security measures in place.
40. **Regional Investigations Team** - A large fraud investigation led by the team is due for its first hearing in February. Eleven individuals will face charges in relation to their involvement in an energy business. The Authority will allege that small businesses were targeted with a variety of fraudulent practices including an 'up-front fee' fraud where substantial refunds on overpayments

were promised, and energy renewals being facilitated without the knowledge of the target businesses to obtain commission for those accused

41. **Legal Update - Kubus, Mansfield** – In November 2017, four men, Fakher Fathulah, Marwan Shaban, Nabaz Ahmadi and Amin Amin appeared at Crown Court charged with conspiracy to supply dangerous and counterfeit cigarettes. Three pleaded guilty before trial, whilst the case against the 4th defendant was withdrawn.
42. Fatullah was sentenced to 11 months in prison, Shaban received 6 months in prison, and Ahmadi was sentenced to 150 hours unpaid work. A proceeds of crime investigation is ongoing.
43. Following further enforcement work at this shop, a Fakhar Mohammed pleaded guilty in the magistrates court on the 23 January to charges of possession of dangerous and counterfeit cigarettes for which he was given a 15 day rehabilitation order. On the 25 January 2018 Yarech Kader also pleaded guilty to similar offences, his case being more serious as he was the leaseholder of the shop. He was given a 12 week prison sentence suspended for 12 months. A further 4 defendants pleaded not guilty to the charges and are due for trial in March 2018.
44. **John Paul Allen** – In May, Allen appeared in the Mansfield Magistrates court charged with offences of fraud to the value of £26,400. There is one victim in this case, who the Authority alleges has been defrauded by representations that she needed certain work carrying out on her property. Mr Allen pleaded not guilty, and his case was listed for trial on the 2 January 2018, due to some technical issues with the courts the matter has been put back until the 25 June 2018.
45. **Justin Marriott** – Marriott appeared in the Crown Court on the 18 January, charged with the possession of counterfeit electrical items and clothing. He pleaded guilty to the charges and was sentenced to 7 months in prison suspended for 2 years with 150 hours unpaid work. A proceeds of crime investigation is continuing and a hearing is listed for the 4 May 2018.
46. **Alans Newsagents** – A trial is listed in the Crown Court on the 5th March for 3 defendants who have been charged with offences for supplying counterfeit and dangerous cigarettes from the shop in Beeston. The three are Zhilwan Faraidon, Zana Kader and Mohammed Wso.
47. **Family Bakers** – On the 9 February 2018 Sandra Hawkins of Family Bakers in Mansfield pleaded guilty to 3 offences of not complying with food improvement notices. Despite being given advice on a number of occasions she failed to comply with labelling requirements, such as not specifying allergens in the products. She was fined £162 but told by the court it was a serious matter and she had to correct her labels.

Community Safety

48. **Modern Slavery and Human Trafficking Transparency Statement** - The Modern Slavery Act received royal assent in 2015. Section 54 requires employers, including local authorities, to produce a modern slavery and human trafficking transparency statement that includes a commitment to ensure that slavery and human trafficking are not taking place in the Council's business or supply chains.
49. At Policy Committee on the 24 January, the Council's latest Modern Slavery and Human Trafficking Transparency Statement was approved. This was an updated version of that agreed by Members on 18 January 2017.
50. This Council is committed to understanding the risks presented by modern slavery and to ensuring that there are no modern slavery or human trafficking victims working within the Council, within the organisations from which it commissions services or within its supply chains.

51. At the time of writing, the Adult Social Care and Public Health Committee, is due to be informed of work undertaken with Nottingham University to evaluate the modern slavery risk in adult social care supply chains. Two have been selected for investigation: the commissioning of Residential Care and Nursing Homes, and the use of Direct Payment Support Service Providers.
52. Through its Corporate Procurement team, the Council undertakes due diligence when considering taking on new suppliers, and reviews its existing suppliers in terms of the risk of modern slavery and human trafficking.
53. The current supply chain has not been fully mapped as yet, however all new procurement projects that are undertaken include an evaluation of modern slavery. Contract managers also consider modern slavery in their day to day contract management activities.
54. Modern slavery awareness training has been commissioned, from a national charity, Hope for Justice, for frontline staff in agencies across Nottinghamshire. This programme raises awareness of how to identify victims or cases of modern slavery, and how to respond appropriately.
55. By 31 March, forty sessions and approximately 1,600 staff will have been trained this financial year to be aware of, and to respond to, instances of modern slavery. To date, approximately 90% of Corporate Procurement staff, and 95% of Human Resources staff have undertaken some form of appropriate awareness raising training.
56. **Nottinghamshire Water Safety Partnership** - This partnership, now chaired by the Broxtowe Borough Council Chief Executive, Ruth Hyde, aims to halve the number of drownings by 2026. Partners include representatives from public, business and voluntary organisations. Supported by the Community Safety Team, an action plan has been developed to work towards this aim. The following are examples of the priorities included within this plan:
- Profile the risk from water across Nottinghamshire
 - Establish and implement a Prevention Plan
 - Establish and implement a Protection Plan
57. **Integrated Working with people with Complex Needs** - The Safer Nottinghamshire Board continues to progress the Integrated Working Project which looks at work with adults with complex needs, who do not meet the threshold for statutory services. The project is using data analysis, a pilot in South Nottinghamshire, and information gathered from a range of other councils/services, to develop an effective partnership delivery model.
58. The South Nottinghamshire pilot, which is currently part funded by Rushcliffe, Gedling and Broxtowe Borough Council's and the Nottinghamshire Police and Crime Commissioner, involves a qualified Social Worker with significant mental health knowledge, working with this cohort to encourage engagement in available services, or to identify possible pathways to help reduce their risk.
59. The main presenting needs are often mental health issues, substance misuse, homelessness and contact with the criminal justice system. The work is highly regarded by key partners with much pathfinding work achieved by the current secondee in the role.
60. In order to continue the positive work in South Nottinghamshire, and provide further learning for the Integrated Working Project overall, the local Community Safety Partnership is looking to extend the Social Worker role based in the team for a further six months, until 30th September 2018. At this point, the future direction for the wider project will have then been established.
61. It is therefore proposed that this Committee agrees to this further extension, and contributes £5.5k towards the total cost of £22k, with the remaining funding being provided by the three South Nottinghamshire Borough Council's. These monies will be identified from within existing resources.

62. **Unauthorised Encampments – Countywide Action Plan** - Councils across the County are working together to provide a more co-ordinated, consistent response to the reports of unauthorised encampments.
63. Led by Gedling Borough Council, a partnership has been formed to deliver a number of activities to further improve the joint response to this issue. Actions include:
- Researching the exact number and locations of sites for the traveller community across Nottinghamshire in order to establish current and future provision
 - Documenting and sharing current best practice around all aspects of related enforcement
 - Consider the need for a county-wide Unauthorised Encampment Protocol
 - Discuss with the County Magistrates Court Service, the need for further training and awareness of the impact of unauthorised encampments on communities, building on training undertaken by Ashfield District Council

Other Options Considered

64. **Regulation of Investigatory Powers Act** – there are strict processes and authorisations within the Authority and the Court system to ensure that the techniques are only used when absolutely necessary and proportionate.
65. **Charging approach for 2018/19** - all costing models were appraised as part of developing the commercial plan for the Service. All have been reviewed and appraised during 2017/18.
66. **Promotional Activity** – The Authority could choose not to actively promote services, but this would hamper attracting new customers.
67. **Food and Feed Plan** – There is no other option, as the plan is a requirement of the Food Standards Agency. As such, the Trading Standards Service proposed plan for 2018-19 is attached as **Appendix 2** to this report for the Committee to consider and approve.
68. **Extension of Social Worker Post** – the Authority could choose not to extend the post, however it has been a very successful model, and would create a void between existing provision and the new model being developed.

Reason/s for Recommendation/s

69. **Regulation of Investigatory Powers Act** – the Government body overseeing the use of covert techniques require political oversight and scrutiny of their use.
70. **Charging approach for 2018/19** - All costing options and models were appraised as part of developing the commercial plan for the Service as part of the Commercial Development Unit process. The proposal passed the scrutiny test of the Chief Executive panel, and was subsequently approved by Policy Committee on 16th November.
71. **Promotional Activity** – this will be key to delivering the ever increasing commercial income targets set for the Service.
72. **Food and Feed Plan** – There are no other options. The FSA places a great deal of importance on ensuring that the Authority's key decision makers are fully engaged in official food and feed controls work. As such, the Trading Standards Service proposed plan for 2018-19 is attached as **Appendix 2** to this report for the Committee to consider and approve.

73. Extension of Social Worker Post – will deliver excellent outcomes for a modest investment of the Authority's funds.

Statutory and Policy Implications

74. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Crime and Disorder Implications

75. The Service makes significant contributions to reducing crime and disorder as outlined in the information provided in the body.

Financial Implications

76. Regulation of Investigatory Powers Act – no additional financial impact.

77. Income Generation – As at 30 January 2018, an additional £43.3k of the £95k target has been delivered. Proposals totalling £35k are currently in advanced discussions. If finalised, this would mean an additional £78k in total for 2017/18. It is unlikely that the Service will meet the £95k target through additional commercial income in 2017/18.

78. Charging approach for 2018/19 - All costing models were appraised for the commercial plan developed as part of the Commercial Development Unit process. A flexible, market based approach is key to achieving the additional income target of £122k agreed at Committee on 7 December 2017.

79. Promotional Activity – costs would be factored into the full cost calculation for pricing, and would therefore be recovered by the Commercial Services Unit.

80. Food and Feed Plan – the proposed plan requires the investment of approximately £150k in staffing costs into delivery of the plan.

81. Extension of Social Worker Post – the proposal would require a £5.5k contribution by Nottinghamshire County Council. The remaining £16.5k would be met by the three District Councils in South Nottinghamshire.

Human Resources Implications

82. Food and Feed Plan – the proposed plan requires the investment of approximately £150k in staffing costs into delivery of the plan, equivalent to 2.6FTE of existing resource. This is lower than the Food Standards Agency would ideally like.

83. Extension of Social Worker Post – the proposal would require the extension of the 1.0FTE post in the Service from the 1 April 2018 to the 30 September 2018.

RECOMMENDATION/S

That the Committee:

- 1) Ratifies the updates given regarding key Trading Standards and Community safety matters;
- 2) Ratifies the update given regarding the use of techniques regulated by the Regulation of Investigatory Powers Act;
- 3) Approves the proposals to adopt the charging approach and principles contained in the report for 2018/19;
- 4) Approves the undertaking of appropriate promotional activity to promote the professional services offered by the Service;
- 5) Approves the Authority's 2018-19 Food & Feed Law Enforcement Service Plan as set out in the **Appendix 2** to this report; and
- 6) Agree to the further extension of the Social Worker (Community Safety) role and the contribution of £5.5k, from existing resources, towards the £22k cost.

DEREK HIGTON

Service Director, Place and Communities

For any enquiries about this report please contact:

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Constitutional Comments [SLB 08/02/18]

83. Communities and Place Committee is the appropriate body to consider the content of this report.

Financial Comments [SES 06/02/18]

84. The financial implications are set out in the report.

HR Comments [JP 14/02/18]

86. The HR implications are contained in the body of the report

Background Papers and Published Documents

- None.

Electoral Division(s) and Member(s) Affected

- All.

APPENDIX 1 TO UPDATE ON KEY TRADING STANDARDS AND COMMUNITY SAFETY MATTERS – 8/3/2018

REPORT ON COMMERCIAL PERFORMANCE OF THE TRADING STANDARDS AND COMMUNITY SAFETY SERVICE

Purpose of the Report

To provide the quarterly report on the commercial performance within the Service.

Information and Advice

Marketing

1. One agreed performance indicator/measure is how many times the website has been accessed. Since the last update report, there have been the following 'views' of the main Commercial Services Landing page:
 - October 67
 - November 69
 - December 54
2. These figures are for individual access to the website. The figures show that actual visits to the website are 287 for the quarter. Individuals are accessing the pages on more than one occasion.
3. As with the previous update, one of the main access points is still directly entering the "tscommercial" short web address. This can only have been obtained from some form of direct marketing or contact with an individual from the Trading Standards Service. The only point of access that has a larger number of hits is through the Google search engine
4. An analysis of the webpages that are being visited show that the most popular pages are how to contact the Service and training. The interest in training reflects one of the areas of most demand currently with the businesses that we are working with.
5. This customer need has led us to develop further the training packages that we have on offer so that we can adapt them easily to provide a more bespoke package that more readily suits the needs of individual businesses and their staff. Working closely with our current clients has led us to identify other commercial opportunities where we can deliver training packages to suit business needs.
6. We are now able to analyse which part of the country people are in when they visit our website, and over the last 3 months, the main areas have been within Nottinghamshire and surrounding counties but one of the other main areas is London. The interest from the London area is not surprising, as we have had a number of enquiries from businesses from that area.
7. Five broad initial market segments were identified during the Commercial Development Unit work, and two further sectors have emerged from broader sales engagement. The table below indicates the engagements and sales progress to date:

CDU Target Segment & Size	CDU market size	Contacts made	Revised opportunity size	Sales proposals made	Sales Achieved	Increase in Sales Since Last Update
Outdoor Equipment and Clothing	21	17	25	8	0	0
Non-Food retailers	19	24	28	6	6	2
Food Manufacturers	95	68	73	13	8	1
Leisure Vehicle Dealerships	36	34	22	5	2	1
Non-specific (Unclassified) segment companies	60	0	60	0	0	0
Baby Care dealers and manufacturers	n/a	3	12	2	2	0
Bicycle dealers and manufacturers	n/a	9	15	3	1	0

8. As with the previous update, the contracts that have either been agreed or proposals made, come from other sources than just the direct marketing to the above sectors. In addition to the other sources of contact mentioned previously, namely from a business following an inspection, direct contact from a business themselves, or a referral from another regulatory body, the Service has recently won a large contract following a lead that that another authority was struggling to manage a contract with a business due to resource issues.
9. This particular contract is a very exciting opportunity for us as a Service as we are becoming partners with the company at a time when they are beginning a large expansion, and we have the opportunity to play a big part in their success. When we became aware that there was an opportunity for a Partnership with the company we approached them directly.
10. The company were impressed by the Authority's commercial approach, and found it very refreshing. The business is keen that our officers spend a lot of time getting to understand the business, so that we can best direct our expertise to assist them. There is the potential for the contract for 2018-19 to be five times that agreed for this financial year.

Cumulative Additional Income

11. Since the last update we have had a number of our established Primary Authority companies requesting additional work over their agreed annual contracts, and it is anticipated that this will rise further before the end of March.
12. The income deriving from new commercial activity is summarised below:

Contract Type	Number of Sales	Total Amount (£)
New Annual Contracts	14	37,042
Individual Product Sales	4	3,845
Projects	1	2,500
CUMULATIVE TOTAL		43,387

13. A further potential income of **£35,140** worth of work is being discussed with businesses. This income cannot be guaranteed until the proposals have been accepted. If these contracts come to fruition, the total additional income to date would be **£78,527**.
14. During the CDU process, a number of sectors were identified as areas that we could market our services to initially. This was produced based on the sectors that we had done some work for in the past. A lot of the commercial work that we have managed to attract however, has not originated from these identified businesses, coming either from companies that we have had some form of contact with previously, a direct approach from the businesses themselves or we have had intelligence to suggest that a business is struggling with a particular issue that we can assist with i.e. the business can readily identify where they have a need when we approach them.
15. We have learned that cold calling companies to try and attract their business is taking considerably longer than anticipated to manage to finalise any agreements. The main reason for this is that often decisions have to go through the company's board of directors.
16. Unfortunately because of these difficulties we will probably struggle to meet additional income target of £94,951 through purely commercial work alone.
17. We are currently reviewing the learning that we have had from the proposals that we have made, including those that are taking a long time for a decision to be made so that we can assess where we have had most success and why. This will help us to prioritise our approaches to those areas where we feel we may get most success.



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

***FOOD & FEED LAW ENFORCEMENT
SERVICE PLAN 2018-19***

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 a population of 805,848 people and a workforce of 375,195. The largest concentration of people is found in Nottingham City, with 114,500 people in Bassetlaw, 112,200 in Broxtowe, 115,900 in Gedling, 106,600 in the Mansfield district, and 118,600 in Newark and Sherwood.

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 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 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 2018, there were 6119 known registered food businesses in Nottinghamshire, 3 approved feed hygiene premises, and 1783 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 2018	20	168	5349	582	6119

	High Risk	Upper Medium Risk	Lower Medium Risk	Low Risk	Total
Approved Feed Hygiene Premises 2018	n/a	n/a	3	0	3
Feed Hygiene Registered Premises 2018	3	24	98	1658	1783

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@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. The service is also exploring the option of using alternative enforcement strategies as an alternative to formal enforcement.

Options being considered include offering businesses showing commitment to increasing compliance the option of agreeing to undergo activities such as audits and training to facilitate future compliance as an alternative to a formal sanction. The above would involve charges to the business as similar services are not available to compliant businesses without charge.

The service also intends to use 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 2018/19 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 Food Law Code of Practice; and
- Carry out any 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 Food Information Regulations 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. The service has provided food advice to numerous businesses including advice on the recent requirements to provide nutritional labelling in some circumstances.

The second stage of the Food Information Regulations 2014 came into force in December 2016 in relation to nutritional information, this is having some impact on the Service. A range of food businesses 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 premises 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.

The Service will 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 a joint agreement in place whereby Environmental Health officers provide limited advice and signposting to sources of advice in relation to some labelling requirements of the Food Information Regulations 2014 including allergen labelling while carrying out their own inspections of food premises. The aim is to

reduce the burden on business and to avoid duplication in the deployment of resources.

3.2 Food and Feeding Stuffs Complaints

In 2018/19 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 2017 until January 22nd 2018 the Service had received 88 Food Standards complaints, 3 feeding stuffs complaints, 15 Primary Authority Food Standards referrals, and 45 requests for advice from Food traders 3 Primary Authority feeding stuffs referrals, 2 FSA notifications of feed incidents and 1 request for advice from a Feed Trader.

Complaints received during 2017/18 have included issues such as incorrect allergen information being provided, lack of labelling of genetically modified ingredients at catering premises, and other incorrect labelling.

Issues in relation to food being on sale beyond its durability marking, both best before and use by, have featured prominently again with complaints being made against businesses including supermarkets both instore and their home delivery services. Complaints relating to feed quality have also been received which may pose to a risk to animal health.

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 16 businesses, whilst 5 partnerships also cover feeding stuffs.

In 2018/19 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 take action, will provide relevant information to colleagues to assist them in resolving the matter themselves.

From April 2017 until January 2018 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 nutritional labelling and health claims, general food labelling advice etc.´

The Service also dealt with enquiries from feed businesses in areas including labelling requirements.

3.4 *Advice to Business*

In 2018-19, 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;
- Confirm verbal advice in a written form; and
- Offer businesses more in-depth bespoke support, charged for on a cost recovery basis.

From April 2017 until January 2018 the Service provided a range of advice to a number of businesses in relation to general food labelling for products such as snack foods, cider, wine, prepared meals for home delivery to vulnerable consumers, ice based products and food supplements. In addition, advice was provided on the nutritional labelling of products and how this leads to the requirement for tight control on the weight of products and the need to ensure products are consistently produced to meet their specification.

3.5 *Feed and Food Sampling*

In 2018/19, 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
- Continue to source analytical services by the Authority's appointed external Public and Agricultural analyst;

Worcestershire Scientific Services, Worcester WR4 9FA.

In 2017/18, 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:

- Prepacked Food items were tested for QUID declarations and undeclared allergens.
- Meat products were tested for speciation; and declared meat content.
- Compound feed was tested for Vitamin A, D and copper tolerance levels.

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 2018/19, 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 2018-19, 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 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; and**
 - **Nottinghamshire Police.**
 - **Port Health inspectors**

In 2017-18 this service received referrals from the Food Standards Agency in relation to American sweets which were imported into the country by a trader in the county. American products may contain additives which are either not permitted in the EU or have excess quantities of such additives. Also labelling requirements are different with warnings required by EU legislation not provided.

We have also had referrals from the MHRA when they have come across products falling within our jurisdiction while investigating medicinal products.

The service regularly passes information to the Environmental Health Services within the county including complaints about issues such as hygiene and foreign bodies and also arranges joint inspections where this may be beneficial.

3.9 Food and Feeding Stuffs Safety and Standards Promotion

In 2018-19, 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.

A new website 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 available at tscommercial@nottsc.gov.uk

4. RESOURCES

4.1 Financial Allocation

In 2018-19, 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 2017-18, a similar investment was made.

4.2 Staffing Allocation

In 2018-19, the Service will:

- Authorise it's 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 2.8 FTE food & feed qualified officers, 4.8 FTE food only qualified officers and 0.8FTE 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 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; and
- 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's approach is different, and follows an intelligence-led approach to its work, concentrating on areas that potentially cause the most risk to both businesses and consumers. It 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 for visit frequency was followed, 5.2 FTE officers would be required for that purpose alone. If time is also taken into account for other FSA requirements, such as officer training to maintain competencies, complaint investigations and business enquiries, providing reports to the FSA etc., then a total 7.5 FTE staff would be required.

4.3 Staff Development Plan

In 2018-19, 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 2017-8 the Service used its specialist food expertise to support Leicestershire County Council's food work. This is the fourth year we have undertaken this.

5. QUALITY ASSESSMENT

In 2018-19, the Service will:

- Follow its 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 2018-19, the Authority will;

- Monitor progress against the plan in accordance with Place 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 Communities and Place Committee as appropriate for political scrutiny.

In 2017-18, 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 2018-19, 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 2018-19, the Service will;

- Identify areas for improvement; and
- Incorporate in the 2018-19 food and feed law enforcement plan if appropriate, or deal with immediately if required.

Annex 1:

NOTTINGHAMSHIRE TRADING STANDARDS & COMMUNITY SAFETY SERVICE STRUCTURE

