

APPENDIX



TRADING STANDARDS & COMMUNITY SAFETY SERVICE

FOOD & FEED LAW ENFORCEMENT SERVICE PLAN 2017-18

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 currently sits in the South Nottinghamshire and Public Protection Division within the Department. The purpose of the Adult Social Care, Health & Public Protection Department is to maximise people's independence, keep people safe and support the wellbeing of vulnerable adults.

In 2012, the Authority moved from a Cabinet to a Committee System in respect of political governance. Food and feeding stuffs work is now the direct responsibility of the Communities and Place Committee, and reports will be provided to it on food and feeding stuffs work as appropriate.

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 square kilometres (805 square 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 conurbation, 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 and Community Safety Service has sole responsibility for carrying out the official controls on animal feeds. These controls cover areas such as storage, transportation, composition, labelling, and contamination.

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

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

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

As at the end of January 2017, there were 5,943 known registered food businesses in Nottinghamshire, 3 approved feed hygiene premises, and 1,691 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	25	164	5168	586	5943

	High Risk	Upper Medium Risk	Lower Medium Risk	Low Risk	Total
Approved Feed Hygiene Premises	n/a	n/a	3	0	3
Feed Hygiene Registered Premises	3	22	28	1638	1691

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)
08454 040506 (Citizens Advice Consumer Services for Consumers)

Fax: 01623 452059

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.

3. SERVICE DELIVERY

3.1 Interventions at Food and Feeding Stuffs Premises

In 2017/18 the Service will;

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

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

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

The second stage of the Food Information Regulations came into force in December 2016 in relation to nutritional information, this is having an impact on the Service. A range of food businesses have needed advice and support in this area and others are still continuing to approach us.

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 interventions; and
- Continue to communicate the new requirements to businesses.

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

3.2 Food and Feeding Stuffs Complaints

In 2017/18 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 2016 until 31st January 2017 the Service had received 156 Food Standards complaints, 4 feeding stuffs complaints, 29 Primary Authority Food Standards referrals, 3 feed information referrals from Port Authorities; 38 Trade Enquiries relating to food matters (of which 28 were from Primary Authority companies) and 4 relating to feed (1 of which was from a Primary Authority company).

Complaints received during 2016/17 have included issues such as alleged substitution of cheaper ingredients, incorrect allergen information being provided, false claims such as 'Organic', and other incorrect labelling. There have been a number of issues in relation to food being on sale beyond its durability marking. There have also been complaints about businesses selling individual products from multipacks which means that full mandatory labelling required is not present as it is

contained on the outer packaging of the multipack and not the individual packs contained within. The service has also received a small number of complaints including quality issues in relation to feed 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 16 businesses, whilst 5 partnerships also cover feeding stuffs.

In 2017/18 we will;

- Request enforcement colleagues to 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 2016 until January 2017 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, and assistance with their feed safety management systems.

3.4 Advice to Business

In 2017/18, the Service will:

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

From April 2016 until January 2017 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, sweets and spices. In addition, advice was provided on the nutritional labelling of products and also on ways to minimise the increased burden this brings for traders to produce a more nutritionally consistent product.

3.5 Feed and Food Sampling

In 2017/18, 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 2016/17, 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:

- Feed materials were tested for contamination, pesticide levels and unauthorised genetically modified substances;
- Rice products were tested for arsenic
- Non prepacked foods were tested for undeclared allergens
- Meat products were tested for speciation; and
- Food Supplements were tested for the presence of potentially harmful and also examined for labelling issues.

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 2017/18, 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 actions those that directly impact on Nottinghamshire Food and Feed Business Operators.

3.8 *Liaison with Other Organisations*

In 2017-18, 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);**
- **Veterinary Medicines Directorate (VMD);**
- **Animal & Plant Health Agency (APHA);**
- **Health Protection Agency (East Midlands);**
- **International Federation of Spirits Producers Ltd (IFSP);**
- **Animal Health - Egg Inspectorate;**
- **Nottinghamshire Police; and**
- **Port Health inspectors.**

In 2016-17 we received intelligence from Port Health inspectors that a product labelled as pure coconut water was in fact adulterated with sugar and was being delivered to a trader within the county. Enquiries showed the product was actually sent elsewhere and colleagues in that area were informed and took action in relation to the product. Further enquiries are being made by various agencies in relation to this issue.

We have liaised with the Medical and Healthcare Products Regulatory Agency MHRA over issues such as the status of products where it was not clear whether a product was a food supplement or a medical device.

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 2017-18, 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 will be developed to showcase the range of chargeable services which will be available to both local and national businesses, to support them with their legal requirements.

4. RESOURCES

4.1 *Financial Allocation*

In 2017-18, 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 and changing requirements from FSA.

In 2016-17, a similar investment was made.

4.2 *Staffing Allocation*

In 2017-18, 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 5.8FTE food & feed qualified officers, 6FTE food only qualified officers and 2FTE feed only qualified officers. These officers are multifunctional and also deal with other areas of trading standards work. The current commitment to food and feed work is equivalent to 2.6 FTE.

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

The current frequencies would mean that:

- For food premises, all high risk premises will be visited every year, upper medium risk premises inspected every 2 years, and the lower medium and low risk premises inspected every 5 years; and
- For feed premises, all high risk premises visited 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 lowered if the premises have 'earned recognition'.

The Service is currently committed to inspecting all high risk premises and to inspect a proportion of the medium and low risk premises, but not the number that would be required sticking rigidly to 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 in the work area.

4.3 Staff Development Plan

In 2017-18, the Service will:

- Continue to undertake an individual assessment of officer's competence against the Food Standards Agency Codes 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 2016-17 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 2017-18, the Service will:

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

6. REVIEW

6.1 Review against the Service Plan

In 2017-18, 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; and
- Report food and feeding stuffs matters to the Communities and Place Committee, as appropriate, for political scrutiny.

In 2016-17, information reports were provided as appropriate to the Community Safety Committee, 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 2017-18, the Service will;

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

6.3 *Areas of Improvement*

In 2017-18, the Service will;

- Identify areas for improvement; and
- Incorporate in the 2017-18 food and feed law enforcement plan if appropriate, or deal with immediately if required.

Annex 1:

TRADING STANDARDS & COMMUNITY SAFETY SERVICE STRUCTURE

