

***TRADING STANDARDS &
COMMUNITIES SERVICE***

***FOOD & FEED LAW ENFORCEMENT
SERVICE PLAN 2021-22***

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 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 of 8th December 2020, there were 7552 known registered food businesses in Nottinghamshire, 3 approved feed hygiene premises, and 1706 Feed Hygiene Registered Premises categorised as shown in the table below.

	High Risk	Upper Medium Risk	Lower Medium Risk	Low Risk	Awaiting Risking	Total
Registered Food Businesses 2020-21	8	125	5540	1872	7	7552

	High Risk	Upper Medium Risk	Lower Medium Risk	Low Risk	Total
Approved Feed Hygiene Premises 2020-21	n/a	n/a	3	0	3
Feed Hygiene Registered Premises 2020-21	3	28	63	1612	1706

This year, the food high risk premises have been re-evaluated following risk-based discussions with Food Officers, resulting in a reduction of premises classed as high risk. There is a significant increase in the number of premises classed as low risk and unrated. This is due to a new food business registration scheme which automatically and directly notifies both the relevant county and district/borough councils when a food business is registered online. Previously, food business registration forms were completed by hand, on paper and submitted to the Environmental Health team where the business was based. These were then posted on to the county council, with some forms not always sent to the county, depending on the situation or type of business.

Our Service delivery contacts are as follows:

Trading Standards & Communities 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 Regulation 10 of The Official Controls (Animals, Feed and Food, Plant Health Fees etc.) Regulations 2019, 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 2021/22 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. This is subject to review and with consideration of COVID restrictions in place at the time;
- Visits will be undertaken in the most appropriate and COVID safe way possible, including conducting remote visits where suitable and appropriate;
- 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 internal procedures relating to food and feed interventions.

The Food Information Regulations 2014 (FIR) have been fully in force since 2016 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 a number of 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. Guidance on compliance in this area is now 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 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.

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. As such, work regarding allergens remains a high priority for the Service.

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. Furthermore, the Service is now working with colleagues elsewhere in the East Midlands region on allergens, sharing items of best practice, information, knowledge, identifying patterns and any emerging trends.

The impact of the COVID19 pandemic has created an increase of food premise registration forms being received, as some people have set up food businesses from home, to generate household revenue and income. There is a noted increase in online, and particularly social media-based, sales of food and food products. This presents an identified risk for a lack of understanding the food information, labelling and packaging requirements, particularly in relation to allergen information. There is a high probability that most of these businesses are not registered as a food business, and therefore it is difficult to quantify the amount of businesses out there. It is our intention to undertake research in this area, building on work already started by colleagues elsewhere in the region, to establish the extent of the issue. This will allow us to feedback to the Food Standards Agency (FSA), as part of the national picture, and to gain better understanding at County level.

Another effect from the pandemic is a decrease in food complaints as the public dine more at home than in the hospitality sector, with the local and national lockdowns and tier restrictions. It is predicted that this will continue, even with the rollout of the vaccine.

EU Exit

Whilst no-one can predict the full impact the exit from the EU will have, there are some known factors such as:

- Regulation changes in the area of organic foods and protected food status
- Food standards will need to be at the same, or higher, level if the UK wishes to trade with the EU

- The majority of food safety legislation, which leads to the high food standards, is derived from the EU. This is based on risk and scientific evidence and would need to continue to do so to satisfy the EU and the public.
- The public are used to, and expect, high standards of food safety and the maintenance of these standards is important to the public and many food and farming bodies. Currently, the indications are that the UK will follow the EU's current legislated product standards.
- Any deviation from current standards will entail more business support than is currently given.
- 26% of the food consumed in the UK comes from the EU; the UK is a major customer of EU agriproducts both in terms of imports and exports, with exports from the EU to the UK valued at £33.7bn.
- Similarly, the EU is a major customer of the UK, with food and feed exports valued at £14bn to the UK economy.
- A reduction in enforcement staff both at port health authorities and inland authorities means that testing, inspection and general duties to ensure that imports and exports are safe and legal may cause clearance delays or lead to expectations that action will be taken once the items are marketed in the UK.
- These limited checks undertaken by enforcement staff across the importation, exportation and general food product supply chain offers the potential for food frauds to be committed.

Some labelling changes will be needed on food items placed on the EU market after 01/01/2021:

- An EU or Northern Ireland address needed for all EU-bound foods and food products, which may be in addition to a UK address.
- UK produced food placed on the EU market after 01/01/2021 will no longer be allowed to be called as "produce of/origin: the EU".
- Products of animal origin (such as honey, dairy products etc.) must have the new UK health and identification marks applied to them.

These changes are likely to incur a cost to businesses.

On 24/12/2020, a trade deal was agreed between the UK and the EU. In practice, this means:

- The most influential part of the deal for Nottinghamshire traders is the zero tariffs or quotas on all UK-EU trade, provided the goods meet the rules of origin and standards.
- The EU has agreed to recognise the UK Organics standards and accreditation bodies as equivalent to the EU standards until the end of 2023. This reduces the administration and legal costs for businesses who trade in organic products.
- The import and/or export of wine has been simplified regarding the documentation, labelling and packaging of wine
- There will still be administrative changes and differences for all imports and exports of foods and food products, feed and feed products and animals and animal products either leaving the UK and entering the EU and vice versa. The biggest change is the pre-notification requirement for such imports and/or exports.

- Certain exports to the EU will need an Export Health Certificate (“EHC”) which needs to be issued by specified individuals, usually Vets or Environmental Health Officers. An authorised list has been published on the gov.uk website of those designated for these purposes. There is a risk that there will not be enough individuals to process these as quickly as possible. At the time of writing, there are 16 designated organisations that cover Nottinghamshire, which is a mix of Local Authority Environmental Health Officers and Vets. Staff at Nottinghamshire County Council Trading Standards will not be required to issue EHCs.

Whilst no physical feed visits have been carried out due to the pandemic, we are continually reviewing the risk to officers, the public and the practical or alternate ways to do it, in conducting physical inspections. An example of this was the disposal of unsafe feed which, had it entered the food chain, would have presented a danger to both animals and the public. Officers were able to co-ordinate and oversee the disposal of such feed, undertaking their official duties, whilst being able to maintain physical distancing from other persons present.

3.2 Food and Feeding Stuffs Complaints

In 2021/22 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 2020 until December 2020 the Service had received a total of 30 Food Standards complaints and no feeding stuffs complaints. The Service also dealt with 16 Primary Authority Food Standards referrals, and 12 requests for advice from Primary Authority Food Businesses and 2 from non-Primary Authority Food Businesses. Also received were 2 Primary Authority feeding stuffs referrals, 8 requests for advice from Primary Authority Feed Traders, and 2 requests for advice from non-Primary Authority Businesses.

Complaints received during 2020/21 have included issues such as false display of food hygiene ratings, food additives, allegations of counterfeit wine and misdescriptions such as products containing meat being labelled as suitable for those following a vegetarian diet. Complaints about allergen labelling, where the allergen is not declared correctly or not at all, continue to account for a high percentage of the total food complaints received each year. These issues often result in food businesses having to undertake costly recalls due to the mistake.

Other complaints received involve the sales of food beyond either the stated “use by” or “best before” dates, complaints where the quality of the food was physically deteriorated or where substitution with other, often cheaper, foods may have taken place. We continue to work with colleagues in other Trading Standards and Environmental Health Services locally, regionally and nationally, who inform us of

businesses which may need our support with food products and food labelling matters, and we are able to support them in achieving business compliance.

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 19 businesses, whilst 5 partnerships also cover feeding stuffs.

In 2021-22 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.

3.4 Advice to Business

In 2021-22, 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 2020 until December 2020 the Service provided a range of advice to several businesses in relation to general food labelling for products such as ready meals and food supplements.

In the same period advice on feed matters was provided to several local businesses. This was both to businesses we have an ongoing relationship with through the Primary Authority scheme and others who we have not had previous contact with. We gave comprehensive advice to two start-up businesses who began manufacturing pet treats as a new venture during the COVID lock downs.

3.5 *Feed and Food Sampling*

In 2021/22, 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. Currently, the Service is using PASS and there is a final tendering process in operation for the coming 2 years, with a potential to extend.

In 2020/21, the Service did not sample any food products. This was due to the impact of COVID19, causing a reduction in complaints, a shift in working patterns, no programmed list or projects undertaken which required sampling, and businesses not being open, or operating restricted opening procedures.

Eight feed samples were submitted during the year; this was done to assist us in providing labelling advice to the start-up businesses referred to in 3.4 above.

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

This function is the responsibility of District Councils within Nottinghamshire. However, part of the COVID19 response, for example closure directions for businesses, falls to the Director of Public Health, sitting within the County Council. Such work is taken alongside colleagues in Environmental Health.

3.7 *Feed/Food Safety Incidents*

In 2021/22, 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, especially with the impact of COVID19 on local businesses; 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. There has been one feed incident so far in 2020-21, as referenced above.

3.8 *Liaison with Other Organisations*

In 2021/22, 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, the TSEM Allergen 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;**
 - **Public Health England (East Midlands);**
 - **International Federation of Spirits Producers Ltd (IFSP);**
 - **Animal Health - Egg Inspectorate;**
 - **Nottinghamshire Police; and**
 - **Port Health Inspectors**

In 2020/21, this Service received a referral from the Food Standards Agency relating to the trading practices of a health food supplier within the County. Work on this matter is still ongoing.

In 2021/22, subject to COVID measures and restrictions, the Service will be involved in an FSA pilot scheme, as a “Control Authority” in the second phase of their programme of work surrounding the framework for delivering food safety regulation measures and the updating of the current food standards risk assessment scheme.

This programme of work started in 2017. Phase 1 was called “Regulating our Future” which set the scene on reforming current food safety regulation to make it sustainable in the modern world. This included the creation of an easier, online based, food business registration system, increasing the attention given to food standards official controls and working with compliant businesses in Primary Authority Partnerships to create a nationally recognised inspection strategy.

From January 2020, Phase 2 began, called “Achieving Business Compliance (ABC)”. The pilot scheme asks some Local Authorities to test the new system for conducting food inspections. This will allow the FSA to monitor and evaluate the data collected from the new system. Nottinghamshire have been asked to be a control authority, who will continue to operate food inspections under the existing system and feedback findings, for comparative reasons.

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. Likewise, colleagues in Environmental Health pass information to Trading Standards regarding food labelling and information, allergen and composition matters.

3.9 Food and Feeding Stuffs Safety and Standards Promotion

In 2021/22, 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, www.nottscc.gov.uk/tscommercial, 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 2021-22, 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 2020-21, the intention was to invest in the same level of work, but the impact of COVID drastically reduced the amount of work undertaken in these areas. Resource was diverted into COVID work, which also reduced the number of food and feed complaints as well as business advice requests in these areas. Consideration was also given to the risks posed by officers undertaking physical visits both to the employees of the businesses visited and council.

4.2 Staffing Allocation

In 2021-22, the Service will:

- Authorise its officers for Feed and Food enforcement following a documented procedure 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.

In 2020/21, the Service has recruited 3 officers, all of which hold either the food qualification, the feed qualification or both and 1 food officer left. As part of the

Workforce Strategy, a further 2 apprentices were employed. Two of the existing apprentices achieved Stage 1 of the new Trading Standards Professional Qualification (TSPQ) and also completed their apprenticeships. They are now moving on to Stage 2 of TSPQ, with one currently studying the Food Standards Module, and the other studying the Feed Hygiene Module. A Trading Standards Officer is also studying the Feed Hygiene Module.

The Service currently employs 2.8 FTE food & feed qualified officers, 4.6 FTE food only qualified officers and 1 FTE feed only qualified officer. 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 risked 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. If time is considered for other FSA requirements such as officer training to undertake, maintain and record competencies, complaints, investigations and business enquiries, reporting to the FSA etc. then 7 FTE staff would be required.

4.3 Staff Development Plan

In 2021-22, 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 2021-22, the Service will:

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

6. REVIEW

6.1 *Review against the Service Plan*

In 2021-22 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 2020-21, 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 2021-22 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 2021-22, the Service will;

- Identify areas for improvement; and
- Incorporate in the 2022-2023 food and feed law enforcement plan if appropriate or deal with immediately if required.

Annex 1:

NOTTINGHAMSHIRE TRADING STANDARDS & COMMUNITIES SERVICE STRUCTURE

