

***TRADING STANDARDS &  
COMMUNITIES SERVICE***

***FOOD & FEED LAW ENFORCEMENT  
SERVICE PLAN 2022-23***

## **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 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 828,200 people and a workforce of 375,195. The largest concentration of people is found in Nottingham City with 332,900. The populations in the in Ashfield is 127,900, in Bassetlaw 117,400, in Broxtowe 114,000,

in Gedling 117,900, in the Mansfield district 109,000, in Newark and Sherwood 122,400; and in Rushcliffe 119,200.

## 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 6<sup>th</sup> January 2022, there were 8177 known registered food businesses in Nottinghamshire, 3 approved feed hygiene premises, and 1701 Feed Hygiene Registered Premises categorised as shown in the table below.

	<b>High Risk</b>	<b>Upper Medium Risk</b>	<b>Lower Medium Risk</b>	<b>Low Risk</b>	<b>Awaiting Risking</b>	<b>Total</b>
<b>Registered Food Businesses 2021-22</b>	8	116	5488	2543	22	<b>8177</b>

	<b>High Risk</b>	<b>Upper Medium Risk</b>	<b>Lower Medium Risk</b>	<b>Low Risk</b>	<b>Total</b>
<b>Approved Feed Hygiene Premises 2021-22</b>	n/a	n/a	3	0	<b>3</b>
<b>Feed Hygiene Registered Premises 2021-22</b>	2	26	202	1471	<b>1701</b>

This year, as in the previous year, the food high risk premises have been re-evaluated following risk-based discussions with Food Officers. There continue to be 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 local 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.

The number of feed registered premises remained stable during the year. The premises closing or changing their activities and de-registering were largely offset by new registrations. An ongoing programme of contacting businesses on our database who were not registered but we felt a registration may be required, resulted in several being identified and added to the feed register

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)**

**Website: [www.nottinghamshire.gov.uk](http://www.nottinghamshire.gov.uk)  
Email: [trading.standards@nottsc.gov.uk](mailto: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 because 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 2022/23 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;
- All food and feed work will be undertaken in a way that has the least impact on our environment. The Service is currently reviewing the working practices in place and critically challenging the ways of working to see if they could be revised to minimise any negative impact on the environment, and promote positive environmental change;
- 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 several ways including verbally.

As there have been several high-profile food allergen related deaths, including that of Natasha Ednan-Laperouse, in relation to products which are prepared and

packaged on the premises at which they are sold, a new law requiring full labelling on products pre-packed on the premises took effect in October 2021. Guidance on compliance in this area is now available from the Food Standards Agency, and there has been a “hub” created specially to provide all food business with the resources and information they need, free of charge, to assist them with compliance. Food standards and safety visits undertaken during this financial year have shown that understanding around the law changes, which came in on 1st October 2021, is patchy, with businesses not fully grasping the requirements but keen to comply. Officers have worked with these Nottinghamshire businesses to empower them, so they can make the changes they need to be compliant and ensure that the allergen information is clearly and correctly given to the consumer.

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.

However, the work undertaken this year has shown that issues pertaining to allergens can affect all food sales (pre-packed, pre-packed for direct sale and loose/non-prepacked) and all food businesses. There have been two national recalls involving foods sold by Nottinghamshire business due to undeclared or inaccurately declared allergens, or inaccurate precautionary allergen statements (“May contain” statements). Some of the affected products had caused a consumer elsewhere in the country to suffer an allergic reaction; such reactions can be fatal. Thankfully, the consumer was not badly affected. In both recalls, officers worked closely in partnership with colleagues at the Food Standards Agency to ensure that the affected products were correctly identified, that the message to recall was effectively communicated to customers and that the Nottinghamshire businesses were supported to understand how this had occurred and to take all the necessary steps to prevent a recurrence.

Complaints were received for a variety of food business types, including cafés and similar premises, as adult and child consumers dining there suffered allergenic reactions from the food prepared on those premises. In all the cases, the food allergy had been declared and the consumer had received assurances that the dishes selected were suitable for those with the declared allergies. On receipt of the information, investigations were undertaken with those businesses, as a priority and both the businesses and the customers were supported throughout the investigations. This enabled us to establish the root cause of each incident and advise on the most appropriate next steps to prevent recurrences.

Officers have been giving training to Nottinghamshire schools, and have written articles for school governors newsletters, on the requirements of the law change

surrounding pre-packed foods for direct sale and the importance of allergen management and knowledge.

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

The Service continues 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. Information received from our Environmental Health colleagues makes up a substantial proportion of our allergen referrals. Furthermore, the Service is now working with colleagues elsewhere in the East Midlands region on allergens and all other food standards matters, including food fraud. This work includes sharing items of best practice, information, knowledge, identifying patterns and any emerging trends. This has already produced some positive results whereby colleagues from Derby City Trading Standards were able to assist and offer support with an incredibly complex imported foods matter that officers from this Service were dealing with.

The impact of the COVID19 pandemic has created an increase of food premise registration forms being received since March 2021, and this has continued, 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 of 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 number 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.

The pandemic and subsequent lockdowns have contributed to a national rise in obesity in both children and adults. In recognising this, in April 2022, the government will be bringing in new regulations to help consumers make better, healthier choices as to the foods they eat. These regulations are “The Calorie Labelling (Out of Home Sector) (England) Regulations 2021” (“the calorie labelling regulations”) and The Food (Promotion and Placement) (England) Regulations 2021 (referred to as “the HFSS regulations” as it covers food products which are high in fat, sugar and salt).

The calorie labelling regulations require any business with 250 or more employees (the definition of “qualifying businesses” encompasses fast food franchises) and which offers for sale non-prepacked food or drink suitable for immediate consumption by the person who buys it must:

- display the kilocalories (kcal) in the food
- state which portion size the kcal declaration relates to
- display ‘adults need around 2000 kcal a day’ statement

This must all be displayed clearly and prominently at the place of order or where the consumer chooses to purchase, such as on a menu. For some business, this will

mean putting several notices around their premises. These requirements also cover food sold via a website or App, by the business directly or via a 3<sup>rd</sup> party.

The HFSS regulations will cover the sale of products high in fat, salt and/or sugar from being promoted in prominent positions in larger retailers. This will prevent such foods being promoted at end of aisle displays, front of the store displays and at the checkouts. Promotions of such products in the designated aisles will continue, but it is hoped that this will prevent impulse and unintended buying of these products.

There has been a noted decrease in the amount of food complaints from the hospitality sector, which is believed to be due to a combination of lockdowns, business closures and the lack of confidence from some consumers in eating out, with the risks brought about by mixing with others.

## EU Exit

Whilst the full impact of the exit from the EU is still to be realised, there are some known factors such as:

- Regulation changes in 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 are needed on food items placed on the EU market after 01/01/2021:

- An EU or Northern Ireland address is needed for all EU-bound foods and food products, which may be in addition to a UK address.



- The Department of Food, the Environment and Rural Affairs (DEFRA) have introduced regulations to extend the transitional period to allow food and drink products sold in the UK to just include an EU name and address, until September 2022. This is to allow businesses to use up existing labelling stocks and minimise waste
- UK produced food placed on the EU market after 01/01/2021 is no longer allowed to be called “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 or 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. Staff at Nottinghamshire County Council Trading Standards will not be required to issue EHCs.

There has been a noted increase in the number of referrals from port health and other authorities regarding imported foods. There have also been issues with imported foods being sold in the county that do not meet the legal requirements in terms of labelling and safety, such as undeclared allergens.

As an example of this, officers from the Service have been working to resolve an issue with imported bottles, found at the port and notified to us as they were bound for a premise in the county. This resulted in a consignment of 46,000 sports water bottles being withdrawn from the market due to excess levels of volatile organic matter (chemical contaminants which may leach into a product from plastics or other similar materials or packaging which comes into contact with the food) found to be contained in the bottle seal. The retail value of these products amounted to £781,540. Following advice and guidance from the Service, the company has been able to replace the non-conforming element of the bottle and return the products to the market.

Owing to the ongoing pandemic and periods of restriction being in place it was not always possible to carry out animal feed visits when they were initially planned. Despite this a full programme of on-site visits was achieved during the year. In addition to the 2021/2022 visits we were also required to carry out short on site visits to premises which had only had a “remote” visit during the previous year owing to the pandemic. This meant an intense period of visits being carried out during periods where government restrictions and advice allowed.

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

In 2022/23 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 2021 until December 2021 the Service had received a total 60 Food Standards complaints, double the number of complaints received at this point in the previous financial year, and 4 requests for trader advice from local businesses received either directly or from our internal and external partners. There were four feeding stuff complaints or enquiries during the year. These ranged from simple information requests from a business about their registration to a new start up business requiring advice on home production of pet treats. Another was information from colleagues dealing with imported feed concerning a product imported by a local business

Complaints received during 2021/22 have included issues such as false display of food hygiene ratings, food additives, and general misdescriptions as to the composition or origin of the food. Complaints about allergen labelling, where the allergen(s) 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.

Three animal feed referrals from the Food Standards Agency were dealt with during the year. These involved allegations of contaminated feed and the Service was required to carry out local investigations and report back to the Agency. The most serious involved contamination of reptile food with salmonella. Because this is handled by pet owners there was also a risk to human health. Officers visited or contacted all the premises as appropriate to ensure traders were aware of the problem and took the necessary action.

### **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 17 food businesses, and 6 partnerships with feed businesses ; 2 of these stated businesses do both feed and food.

In 2022-23 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 2022-23, 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.

Through our well-established Commercial Team, the Service also dealt with 27 requests for advice from Primary Authority Food Businesses and 46 from non-Primary Authority Food Businesses, the majority of which were in relation to allergens and labelling (including the “Natasha’s Law” changes), with 4 enquiries requesting post-EU Exit advice and support. 8 Primary Authority referrals from food safety (the Food Standards Agency, Trading Standards and Environmental Health) colleagues around the country were also received during this time.

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. Primary Authority Partner businesses principally sought our advice on the correct labelling of products. The referrals came from other Trading Standards services where there were concerns about products originating from one of our Primary Authority partners. Non-Primary Authority Businesses were initially given signposting advice but latterly a new funding arrangement has allowed us to offer a free consultation to these businesses.

From April 2021 until December 2021 the Service provided a range of advice to several businesses on a wide range of food labelling issues, including general reviews and advice, the labelling of vitamins and minerals and calorie/nutrition labelling. Dominating this work was advice and assistance given to local Nottinghamshire businesses and those in Primary Authority agreements with us on the changes in the allergen labelling for products sold pre-packed for direct sale. Training was also given to the Nottinghamshire Schools, including governors of those schools, on those changes.

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 continued to receive requests for advice from people who were thinking of starting home businesses manufacturing pet treats during the pandemic. We were able to give advice and signposting information on this complex area of regulation.

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

In 2022/23, 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 and;
- Follow documented procedures for all food standards and animal feeding stuffs sampling.

In 2021/22, the Service took 30 food samples, of which the majority were in response to complaints received regarding labelling and/or the declarations of allergens on food labels. In those samples which were sent to the Public Analyst, all were returned as "unsatisfactory", for either technical labelling breaches or for undeclared allergens. This fed into the work referenced in 3.1 above.

No feed samples were submitted during the year as the FSA did not require us to do any, nor did our work necessitate any.

### **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 2022/23, 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 have been 3 feed incidents so far in 2021-2022 as referenced above.

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

In 2022/23, 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 – Hampshire and Kent Scientific Services.**
  - **District Authorities' Environmental Health Services;**
  - **Nottinghamshire Food Liaison Group (with local Environmental Health colleagues)**
  - **East Midlands Food Liaison Group (with regional Environmental Health Colleagues)**
  - **Trading Standards East Midlands (TSEM), the TSEM Food Standards and Allergens Group (for which a Nottinghamshire Trading Standards Officer is the appointed group chairperson) and the TSEM Feed Group;**
  - **The national Food Standards and Food Information 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**

During 2021/22, the Service was 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. Due to the impact of COVID19, this has been extended until 31<sup>st</sup> March 2022.

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 2022/23, 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.

During 2021/22, the Service worked with colleagues in Communications to disseminate messages to Nottinghamshire businesses and residents around the changes in the law for foods sold pre-packed for direct sale, also known as “Natasha’s Law”.

The service continues to use the website, [www.nottscc.gov.uk/tscommercial](http://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 2022-23, the Service will:

- Invest approximately £120k in food and feeding stuffs enforcement; and

- Vary this level according to a dynamic analysis of emerging needs during the year.

In 2021-22, the intention was to invest in a similar level of work, but the impact of COVID drastically reduced the amount of work undertaken in these areas. Resource was diverted into COVID work. Consideration was also given to the risks posed by officers undertaking physical visits, both to the employees of the businesses visited and the officers themselves.

## **4.2 Staffing Allocation**

In 2022-23, 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 food and feed qualified officers exists making recruitment more difficult and hence retention more important.

In 2021/22, the Service has recruited 1 officer, who holds both the food and feed qualifications and 1 food qualified officer left. Furthermore, two officers who have progressed via the apprentice route have successfully achieved qualifications; one in the Food Standards Module, and the other in the Feed Hygiene Module. There are two more officers currently studying the food qualification and a further one studying for the Feed Hygiene Module.

The Service currently employs 3.3FTE food & feed qualified officers, and 3.4FTE food 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 1.9 FTE.

The FSA Framework Agreement and Codes of Practice require the Service to inspect all its feed and food premises on a frequency regime that is based on the assessed risk level of the business. Feed premises are now risked using the new National Trading Standards Board modelling which considers the nature of the business, their level of compliance and earned recognition. Food premises are presently risked using the National Trading Standards Board risking system which is different to the FSA food risking system and gives different risk banding and hence visit frequencies for certain premises

The current frequencies using NTSB risk banding would presently mean that

- for food premises all high-risk premises are visited every year, upper medium risk premises are inspected every 2 years and the lower medium and low risk premises are inspected every 5 years.
- for feed premises there are similar frequency band levels that range from every 2 years for the higher risk premises to every 3 to 4 years for the medium

risk premises and every 5 years for the lower risk premises. The frequency can be extended if the premises have earned recognition.

For food premises, the Service is currently committed to inspecting all high-risk premises under the NTSB risk rating system and to inspect some of the medium and low risk premises but not the number that would be required under the FSA's inspection regime for food premises. For Feed premises the Service will commit to inspecting the agreed level of inspections following a profiling of feed premises using the risk system allotted by the FSA, considering FSA recognised assurance schemes.

If the FSA's requirements for visit frequency was followed using NTSB risk rating, 3.6FTE 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 5.1FTE staff would be required.

#### **4.3 Staff Development Plan**

In 2022-23, 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 2022-23, the Service will:

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

Due to the restrictions and interruptions to working caused by the pandemic, which includes the diversion of staff onto COVID enforcement work, the audits were not undertaken in 2021-22. We are expecting to recommence the audits during 2022-23, as part of a phased re-introduction of quality assessments audits across the Service.

### **6. REVIEW**

#### **6.1 Review against the Service Plan**

In 2022-23 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 2021-22, 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](http://www.nottinghamshire.gov.uk).

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

In 2022-23 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 2022-23, the Service will;

- Identify areas for improvement; and
- Incorporate in the 2023-2024 food and feed law enforcement plan if appropriate or deal with immediately if required.

Annex 1:

NOTTINGHAMSHIRE TRADING STANDARDS & COMMUNITIES SERVICE  
STRUCTURE

