

Trading Standards Service

SERVICE PLAN FOR ENFORCEMENT OF FOOD AND ANIMAL FEED STANDARDS 2016/17

1. Introduction

- 1.1 This Plan outlines how Leicestershire County Council, through its Trading Standards Service (the Service), intends to fulfil its statutory obligations to enforce standards for food and animal feed.
- 1.2 The structure of this Food and Animal Feed Service Plan follows the Service Plan guidance contained within Food Standards Agency's (FSA) Framework Agreement on Local Authority Feed and Food Controls by Local Authorities (as amended in July 2010).

<http://www.food.gov.uk/multimedia/pdfs/enforcement/frameworkagreementno5.pdf>

2. Trading Standards – 'Role and Purpose'

- 2.1 The Service is primarily a consumer protection and fair trading enforcement service. It deals with a wide range of criminal and civil laws designed to protect consumers and safeguard legitimate businesses.
- 2.2 The overall aim of the Service is to ensure a fair and safe trading environment, which protects the well-being of Leicestershire people and supports legitimate businesses to grow.
- 2.3 The strategic objectives and priorities for the Service are outlined in the 2015/16 Trading Standards Role and Purpose Plan. The 2016/17 plan is currently under review, hence why reference is being made to the 2015/16 plan.

3. Links to Corporate Objectives and Plans

- 3.1 The County Council has produced its Transforming Public Services Strategic Plan 2014-18. Food and animal feed standards enforcement and advice will contribute to two of the priority outcomes:
- Enabling Economic Growth
 - Safer communities and a better environment.

4. Background

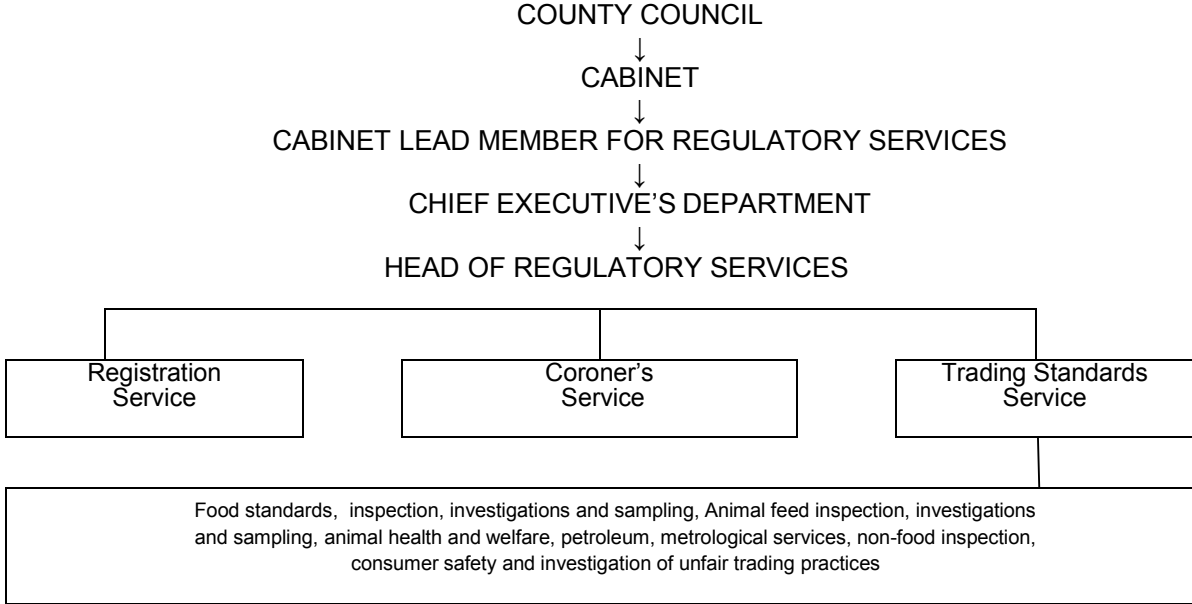
- 4.1 **Profile.** Leicestershire County Council is the largest council in Leicestershire, providing a wide range of services directly to local people, or through other organisations on its behalf.

Around 661,575 people (Source: Annual Mid-Year (2013) Population Estimates for the UK, Office for National Statistics © Crown Copyright 2014) receive these services, which impact on almost every aspect of daily life and include the provision of education, social care, roads, libraries, museums, and consumer protection.

- 4.1.1 The organisation includes a range of departments, responsible for ensuring that services are delivered to local people. Most departments provide customer facing services, but some provide the support necessary to enable these services to operate effectively. Many areas of service delivery involve several departments working together.
- 4.1.2 With regard to food standards, the Authority is part of a two-tier arrangement for local government in Leicestershire. Food hygiene is the responsibility of the District and Borough Councils.

4.1.3 The Service works closely with the Citizens Advice Consumer Service, which is the first point of contact for consumer complaints and enquiries. Those complaints and enquiries, which involve potential breaches of criminal law within Leicestershire, are referred to the Service.

4.2 Organisational Structure



4.3. **Scope.** Food and animal feed standards enforcement is a function carried out by the Trading Standards Service through Regulatory Services, part of the Chief Executive’s Department. Responsibility for enforcement of legislation relating to animal health and welfare, weights and measures and fair trading, including misleading descriptions and pricing, is complementary to food and animal feed standards enforcement in providing a “one stop” service for businesses.

4.3.1 Analytical services for animal feed are provided by Public Analyst Scientific Services Ltd, Kent and Hampshire Scientific Services and Minton, Treharne and Davies Ltd in partnership with Worcestershire Scientific Services, under a contractual framework agreement. These contractors are appointed under the provisions of the Agriculture Act 1970.

4.3.2 Analytical services for food are provided by Minton, Treharne and Davies Ltd in partnership with Worcestershire Scientific Services, Public Analyst Scientific Services Ltd, Staffordshire Scientific Services, Kent and Hampshire Scientific Services and West Yorkshire Scientific Services. These contractors are appointed as Food Analysts under the Food Safety Act 1990.

4.4 **Demand.** In Leicestershire there are 3816 premises risk-assessed for food standards inspection. Of these 8 have been risked assessed as high, 988 within the medium category of risk (189 as upper medium and 799 as lower medium) and 2817 as low. There are 380 non-retail premises including major manufacturers, packers and importers. Many premises previously subject to animal health and welfare inspection and to animal feed inspection are now subject to food hygiene inspection under the Food Safety and Hygiene (England) Regulations 2013. For animal feed there are approximately 1000 premises that are registered with the Service. No premises have been approved by the Service.

4.4.1 Staff and facilities are located at County Hall, a large office complex centrally located within the County of Leicestershire. The office is open to personal callers Monday to Thursday from 8:45hrs to 17.00hrs and on Fridays 8:45hrs to 16.30hrs. The Service can also be accessed by businesses through a “Duty Officer” telephone line between 10:00hrs and 16:00hrs Monday to Friday. A call back system is in operation when the “Duty Officer” is unavailable and access to the Service can also be gained by e-mail using the address tradingstandards@leics.gov.uk.

4.4.2 Consumer enquiries are received by the Citizens Advice Consumer Service, which refers potential criminal breaches to the Service.

4.5 **Enforcement Policy.** The Service's Enforcement Policy is published at

<http://www.leicestershire.gov.uk/sites/default/files/field/pdf/2016/4/21/trading-standards-enforcement-policy.pdf>

5. Service delivery

5.1 **Inspection Programmes.** The premise profile for food and animal feed is described in 4.4 above.

5.1.1 The level of inspection and intervention at both food and animal feed businesses has been set to make best use of available resources and in the light of the Government report "*Reducing Administrative Burdens: Effective Inspection and Enforcement*". This concluded that (amongst other findings):

- Comprehensive risk assessment should be the foundation of all regulators enforcement programmes.
- There should be no inspections without a reason, and data requirements for less risky businesses should be lower than for riskier businesses.
- Resources released from unnecessary inspections should be redirected towards advice to improve compliance.

5.1.2 A further report has been published by an independent farming regulation task force (McDonald Review) entitled: "Striking a balance: reducing burdens; increasing responsibility; earning recognition".

One of the key outcomes within the report was to ask regulators to *develop* and demonstrate a new targeted and fairer approach to inspection and enforcement, including a risk based approach to the targeting of inspection.

5.1.3 The food standards inspection programme is based on the objective of carrying out inspections at high-risk premises at least once a year, at upper medium risk premises at least once every two years and at lower medium risk premises every five years. All premises may be the subject of some form of appropriate intervention when relevant intelligence is received. Low risk premises may be subject to other enforcement activities, which will help to assess the degree of statutory compliance by businesses. Risk assessments are regularly updated, particularly when an intervention is carried out.

5.1.4 The Food Standards Agency has issued the Food Law Code of Practice ("the Code"). Food standards enforcement work during 2016/17 will be carried out substantially in accordance with the Code. The Code requires high risk premises to be subject to some sort of intervention every year and medium risk premises once every two years. In Leicestershire the five-yearly intervention programme for low-risk premises will be supplemented by intelligence-led or project-based interventions. These will be one or more of the following, as defined in the Code:

- Monitoring
- Surveillance
- Verification
- Audit
- Sampling

As per the identified number of inspections (identified in 4.4 above) some medium risk premises will undergo some form of intervention every two years as required by the code.

5.1.5 The animal feed standards inspection programme is based on the objective of carrying out inspections in accordance with the scoring system contained in the current Code of Practice on Feed Law enforcement and will include consideration of earned recognition, where business meeting the relevant requirements will be visited less frequently. All feed inspection work undertaken by the Service will have regard to the relevant provisions of this

Code and the Food Standards Agency's Guidance on Enforcement Priorities for Feed Authorities in Great Britain 2015/16.

5.1.6 The Food Standards Agency has also issued a Code of Practice on Feed Law Enforcement under the Official Feed and Food Control Regulations 2006. The animal feed inspection work undertaken by the Service will have regard to the relevant provisions of this code and will take into consideration the Agency's National Feed Enforcement Priorities 2016/17.

5.1.7 In response to the McDonald Review's recommendations, the Service has introduced an evidential risk-based approach, to support the animal feed inspection programme undertaken at farm premises. This system requires each farming business to be individually risk assessed and various checks made before a visit commences. If a visit is not undertaken, a telephone check will be made or questionnaire sent to the business as a means of checking compliance. These will be recorded as an alternative enforcement action for the business.

5.2 Intervention Programme 2016/17

5.2.1 The food standards intervention programme for 2016/17 will involve the inspection of 8 high risk premises and interventions at 255 medium-risk premises. The intention is to use four of the "official control" interventions defined in the Code.

5.2.2 281 low risk premises will have their current risk "low" risk status re-assessed using a self-assessment questionnaire (known as "Alternative Enforcement Action"). It is anticipated (based on 15/16 figures) that approximately 350 new food establishments will require a risk assessment. Each new food establishment will be individually risk assessed and various checks made before a visit commences. If a visit is not undertaken, a telephone compliance check ('Desk Based Review') will be made or a questionnaire will be sent to the business, which will be recorded as an Alternative Enforcement Action against the premise.

5.2.3 For animal feed the intention is to inspect 172 premises. All manufacturers and large wholesalers will be inspected in accordance with the risk assessments applied to them. Previous experience shows that more than fifteen per cent of food and animal feed inspections will result in a breach of statutory requirements.

5.2.4 It is anticipated that there will be 151 comprehensive inspections of primary producers for food hygiene purposes. These will be carried out alongside and at the same premises as animal health and welfare visits.

5.3 **Monitoring Performance.** The matrix at Annex 1:1 will be used to monitor performance of the programme set out in this plan. Performance during 2015/2016 is shown at Annex 1:2.

5.4 **Specialists.** For 2016/17 there are 4 specialist food standards officers and 5 specialist agricultural standards officers. These officers also have access expertise in food and animal feed technology through the Public and Agricultural Analysts, appointed by Leicestershire County Council. The Public and Agricultural Analysts may participate in appropriate food or animal feed standards inspections and assist with the investigation of complaints and the development of sampling programmes.

5.5 **Complaints.** Complaints about food and animal feed will be dealt with in accordance with standards set by the Service.

5.5.1 In addition account will be taken of the requirements of the Code in respect of complaints, which may be more appropriately dealt with by the District or Borough Councils and where complaints involve receipt by the Trading Standards Service of complaint samples from consumers. The Service has agreed a protocol with District and Borough Councils to complement the Code.

5.5.2 It is likely that there will be in the region of 6,000 referrals and enquiries dealt with by the Service in 2016/17. There will be approximately 450 complaints received about defective

food and approximately 20 relating to animal feed.

- 5.6 **Primary Authority Partnership Scheme.** The Service adheres to the Better Regulation Delivery Office's Primary Authority Partnership Scheme (PAP) and has in place documented procedures, to ensure that officers comply with the PAP scheme when enforcing food and animal feed standards.
- 5.7 **Advice to Business and the Public.** The Service is proactive in providing advice to businesses and monitors the success of this using satisfaction surveys. In 2016/17 it is likely that there will be approximately 100 food standards and 40 animal feed enquiries from businesses. Advice will also be provided to businesses notified to us as new food businesses or those seeking registration for animal feed hygiene purposes as appropriate, as they may not be aware of the information they need to ensure they trade in compliance with the law.
- 5.8 **Sampling and Inspection.** The Service has in place documented procedures for the establishment of sampling programmes.
- 5.8.1 **Food sampling.** This will underpin much of the work done with individual businesses, not only does a visit for the specific purpose of taking samples amount to an intervention, but samples may also be taken in the course of monitoring and surveillance interventions. Sampling is pre-planned to include products or categories of trade where there are perceived problems and is also reactive i.e. samples chosen "on the day" to complement visits to businesses. Other factors that may cause the taking of samples include the effective use of analytical resources and regional and national sampling programmes. The Service is a member of Trading Standards East Midlands (TSEM), a regional Trading Standards co-ordinating group, and it attends both its Food Standards and Agriculture sub-groups, which may organise sampling projects. In 2016/17 it is anticipated that the Service will take up to 400 food samples of which approximately 10 will be taken at high and upper medium risk premises. It is anticipated that approximately 30 samples will be taken as part of regional working to contribute to the sampling priorities identified by the Food Standards Agency for 2016/17 and co-ordinated by the National Trading Standards Board.
- 5.8.2 **Animal feed sampling.** 25 animal feed samples may be taken for analysis. Samples will be targeted in accordance with a sampling plan, which will be reviewed quarterly. The plan will be devised using intelligence provided by the Agricultural Analysts and will also take into consideration the Food Standards Agency's national priorities. All samples will be taken in accordance with the National sampling plan agreed with the National Trading Standards Board. Previous experience shows that approximately a third of animal feed samples taken will be found to be unsatisfactory.
- 5.9 **Investigations.** When appropriate, breaches of food and animal feed standards legislation are investigated for enforcement action. The Service will pursue enforcement action in appropriate circumstances and in accordance with its enforcement policy. This may mean an adjustment to inspection and sampling programmes, should there be a need to devote increased resources to this area of work. Compliance may also be obtained through the use of "Improvement Notices". These are statutory notices that require a business to address the detailed matters to become compliant with the law within a specified period of time.
- 5.10 **'Alerts'.** These are dealt with in accordance with the relevant Codes. "Food alerts" direct from the Food Standards Agency are referred, via e-mail, for the urgent attention of the Team Leader, Food Chain and Metrology Team, and in their absence, other food standards specialists.
- 5.10.1 When a potential food safety problem occurs the Service will, as appropriate, use voluntary means or statutory powers concerning inspection and seizure of food, so that unsafe food is promptly withdrawn from the distribution system. It will liaise, as appropriate, with the Public Analyst, District or Borough Council food hygiene services (through the food liaison group described in 5.10 post), the Food Standards Agency (FSA) and, in the case

of animal feed incidents, with the Food Standards Agency Animal Feed Unit and through liaison with the Animal and Plant Health Agency.

- 5.10.2 Animal feed incidents and hazards are dealt with in accordance with the Code. They are referred directly from the Food Standards Agency to the Team Leader, Food Chain and Metrology Team, who has specialist responsibility for animal feed enforcement, and in their absence other animal feed qualified officers.
- 5.11 **Liaison.** The Service is a member of Trading Standards East Midlands, a regional Trading Standards coordinating body for local authority Trading Standards Services. This body has sub-groups that deal with food and agricultural standards and the Service is an active member of both of these. At a local level, three times a year, there are meetings of the Leicestershire Food Liaison group (consisting of the District and Borough Councils, the Trading Standards Service, Public Analyst Laboratories, Public Health England and the Animal and Plant Health Agency), to co-ordinate enforcement of food hygiene and food standards. There is also collaboration with health authorities concerning food standards issues that affect them and, locally with the regional Animal and Plant Health Agency, part of the Department for Environment, Food and Rural Affairs (DEFRA), as regards animal health and welfare and animal feed.
- 5.11.1 The Service has also registered with the “Assured Food Scheme portal for Local Authorities”. Details of the premises registered with “Assured Food” schemes are used to update the Service’s records of businesses.
- 5.12 **Promotion.** The Service provides advisory leaflets and will develop new ones for businesses as appropriate. Media releases will also be used to promote food and animal feed standards issues. The Service also has a website that is part of the County Council's main website.

6. Resources

6.1 Financial Allocation.

- 6.1.1 The net revenue funding for the Trading Standards Service for 2016/2017 is £1.45 million.
- 6.1.2 Food and animal feed standards enforcement is an integral part of the Service and therefore it is not possible to accurately detail financial expenditure specifically to it.
- 6.1.3 Operational staff are supported with appropriate equipment, particularly for sampling and to protect their health and safety.
- 6.1.4 The Service uses the “Civica APP” software for planning and recording its food and animal feed standards activities. “FSSnet” software is used for the recording of food and animal feed samples.

6.2 **Staff Allocation.** The allocation for food standards enforcement is equivalent to 3 fte officers, with appropriate qualifications and experience, and the requirements of the Code are met in terms of matching the competence of officers with the relevant enforcement tasks. This figure does not take account of support officers or managers.

6.2.1 With regard to animal feed enforcement, the service has a 3 fte statutorily qualified or competent officers that meet the requirements of the recognised scheme for continuous professional development (CPD). 1 further fte officer will complete appropriate CPD training during 2016/17. This does not take account of support officers or managers.

6.3 **Staff Development Plan.** The Service has in place a learning and development plan.

“Refresher” training will be delivered for staff returning to food or animal feed standards enforcement work and programmed “update” training will be undertaken by existing food or animal feed officers. The time allowed for officers to undertake this training will meet the minimum levels set down in the Codes. The training will be delivered either “in-house” or externally through recognised professional bodies or training centres. The Service subscribes to the Chartered Trading Standards Institute’s “e- learning College”, an on-line

educational facility available to all members of staff.

- 6.3.1 Staff will not be issued with a warrant to undertake food or animal feed enforcement work until they have undertaken the necessary CPD hours required. The Service has a documented internal procedure for the designation of officer warrants.
- 6.4 **Quality Assessment.** There are auditing arrangements using appropriately qualified internal auditors for procedures concerned with “alerts” about food incidents. The Team Leader of the Food and Metrology Team is responsible for monitoring food enforcement, with the assistance of a Trading Standards Officer. The Team Leader is a qualified internal auditor.
- 6.4.1 Animal feed sampling and inspection visits are documented on “reference process charts” for staff to refer to. These are not audited annually but are monitored and updated.

7. Review

Procedures are in place to review this Service Plan. Annex 1:1 shows the matrix that will be used. This is carried out as part of a regular review of the Service's overall performance. It includes the identification of any variance from the plan and opportunities for improvement. Work programmes are produced for all operational teams. This includes outcomes and indicators for activities that each team undertakes. General Service standards are outlined in Appendix 5 of the Trading Standards Service's “Role and Purpose” business plan for 2015/16.

- 7.1 These programmes and targets are monitored through quarterly reports and meetings. The Service's Management Team will also review the performance of the Trading Standards Service as a whole, including the fulfilment of its service plan and key performance indicators.

Annex 1:1 Commitments in the 2016-17 Plan

	PLAN para	Commitment	Status
1	5.2.1	The food standards intervention programme for 2016/17 will involve the inspection of 8 high risk premises and interventions at 255 medium-risk premises. The intention is to use four of the “official control” interventions defined in the Code.	
2	5.2.2	281 low risk premises will have their current “low” risk status re-assessed using a self- assessment questionnaire (known as “Alternative Enforcement Action”). It is anticipated (based on 15/16 figures) that 350 new food establishments will require a risk assessment.	
3	5.2.3	For animal feed the intention is to inspect 172 premises.	
4	5.5.2	It is anticipated there will be approximately 450 complaints received about defective food and approximately 20 relating to animal feed.	
5	5.7	It is anticipated there will be approximately 100 food standards and 40 animal feed enquiries from businesses.	
6	5.8.1	In 2016/17 it is anticipated that the Service will take 400 food samples of which up to 10 will be taken at high and upper medium risk premises.	
7	5.8.2	Up to 25 animal feed samples may be taken for analysis. Samples will be targeted in accordance with a sampling plan, which will be reviewed quarterly.	
8	5.9	When appropriate, breaches of food and animal feed standards legislation are investigated for enforcement action. The Service will pursue enforcement action in appropriate circumstances and in accordance with its enforcement policy.	
9	5.10	These are dealt with in accordance with relevant codes. “Food Alerts” direct from the FSA are referred, via e-mail, for the urgent attention of the Team Leader, Food & Metrology Team, and in their absence, other food standards specialists.	

Annex 1:2 Commitments Achieved (previous year) 2015-16 Plan

	Commitment	Responsible Team / Specialism	Status
1	<p>The food standards intervention programme for 2015/16 will involve the inspection of 5 high risk premises and interventions at 291 medium-risk premises. The intention is to use four of the “official control” interventions defined in the Code.</p> <p>315 low risk premises will have their current risk “low” risk status re-assessed using a self-assessment questionnaire (known as “Alternative Enforcement Action”). It is anticipated (based on 14/15 figures) that 200 new food establishments will require a risk assessment.</p>	Food Chain & Metrology	<p>5 visits to high risk premises</p> <p>288 visits to medium-risk premises.</p> <p>100 visits were made to premises previously risked as medium but which are now risked as low</p> <p>166 premises risked as medium that were found to be closed when attempting to visit</p> <p>315 low risk premises reassessed using Alternative Enforcement Action (AEA).</p> <p>Approximately 110 new food establishments assessed for risk</p>
2	For animal feed the intention is to inspect 173 premises.	Food Chain & Metrology	112 inspection visits, 128 AEA questionnaires sent
3	There will be approximately 450 complaints received about defective food and approximately 25 relating to animal feed.	Food & Metrology /Unfair & Rogue Trading (via the Service’s Duty Officer)	<p>327 complaints about defective food</p> <p>16 complaints relating to animal feed</p>
4	In 2015 /16 it is likely that there will be approximately 250 food standards and 50 animal feed enquiries from businesses.	Food Chain & Metrology	<p>There were 107 requests for advice from established food businesses and 34 requests from new or start-up businesses.</p> <p>There were 9 enquiries from animal feed businesses and 164 requests for feed hygiene registration</p>

5	In 2015/16 it is anticipated that the Service will take 400 food samples of which approximately 10 will be taken at high and upper medium risk premises.	Food Chain & Metrology	312 food samples taken 0 samples taken at high and upper medium risk premises
6	Up to 25 animal feed samples may be taken for analysis. Samples will be targeted in accordance with a sampling plan, which will be reviewed quarterly.	Food Chain & Metrology	24 samples taken
7	When appropriate, breaches of food and animal feed standards legislation are investigated for enforcement action. The Service will pursue enforcement action in appropriate circumstances and in accordance with its enforcement policy.	Food Chain & Metrology	For food law there was 1 Team Leader warning letter. 3 written Home Office "Simple Cautions" were also issued. For feed law no written warnings or improvement notices were issued
8	These are dealt with in accordance with relevant codes. "Food Alerts" direct from the FSA are referred, via e-mail, for the urgent attention of the Team Leader, Food & Metrology Team, and in their absence, other food standards specialists.	Food & Metrology /Unfair & Rogue Trading (via the Service's Duty Officer)	Food alerts were dealt with in accordance with the Code of Practice