

Trading Standards Service

SERVICE PLAN FOR ENFORCEMENT OF FOOD AND ANIMAL FEED STANDARDS 2019/20

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.

2. Trading Standards – ‘Role and Purpose’

- 2.1 The Service's aims, objectives and priorities are described on pages 2 to 3 of its “Service Plan” for 2019/20.

3. Links to Corporate Objectives and Plans

- 3.1 The County Council has produced its “Strategic Plan” 2018 – 22. Food and animal feed standards enforcement and advice will contribute to two of the priority outcomes:

Strong economy – Leicestershire’s economy is growing and resilient so that people and businesses can fulfil their potential

Keeping people safe – People in Leicestershire are safe and protected from harm

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.

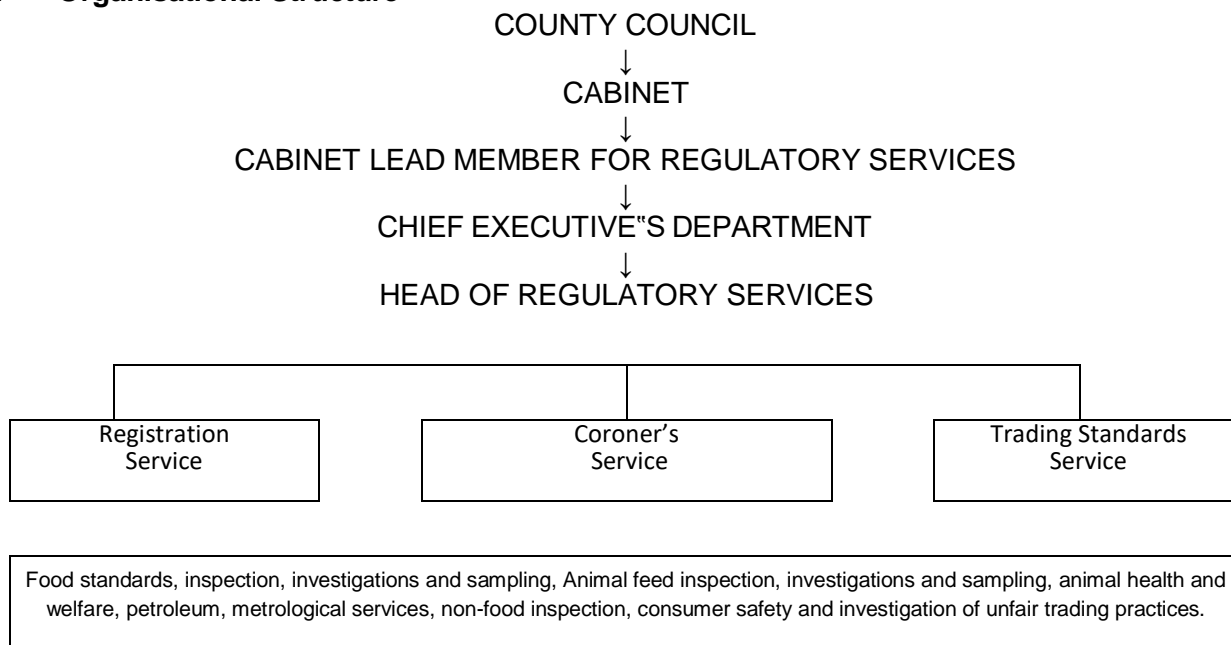
Around 661,575 people (Source: Annual Mid-Year (2013) Population Estimates for the UK, Office for National Statistics © Crown Copyright 2014) receive these services, which impact on almost every aspect of daily life and include the provision of education, social care, roads, libraries, museums, and consumer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

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.

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.

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 Executives 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.

Until 31st December 2019 analytical services for animal feed are provided by Public Analyst Scientific Services Ltd (Eurofins), Minton, Treharne and Davies Ltd (MTD) with Worcestershire Scientific Services and Kent and Hampshire Scientific Services under a contractual framework agreement. These contractors are also Agricultural Analysts appointed under the provisions of the Agriculture Act 1970. After this date, analytical services for feed will be provided by Public Analyst Scientific Services Ltd (Eurofins) only.

Until 31st December 2019 analytical services for food are provided by Minton, Treharne and Davies Ltd (MTD) with Worcestershire Scientific Services, Public Analyst Scientific Services Ltd (PASS), and Kent and Hampshire Scientific Services. These providers are appointed as Public Analysts under the Food Safety Act 1990. After this date analytical services for food will be provided by Public Analyst Scientific Services Ltd (Eurofins) only.

- 4.4 **Demand.** In Leicestershire there are 3699 premises risk-assessed for food standards inspection. Of these 14 have been risked assessed as high, 1129 within the medium category of risk (124 as upper medium and 1005 as lower medium) and 2617 as low. These include non-retail premises e.g. 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 1475 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 described at Appendix 3 of the Trading Standards "Service Plan" 2019/20.

5. Service Delivery

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

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.

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*" and risk based targeting of inspection.

5.1.2 The food standards inspection programme is based on the objective of carrying out inspections at high-risk premises at least once a year and at upper medium risk premises at least once every two years. Lower medium risk premises, whilst previously inspected every five years will only be visited following the receipt of intelligence or a consumer complaint. Low risk premises may also be subject to other enforcement activities, which will help to assess the degree of statutory compliance by businesses. Risk assessments (or inspection ratings) have been carried out using the national scheme provided by the National Trading Standards Board Risk Assessment Scheme (Sept 2012). Risk assessments are regularly updated, particularly when an intervention is carried out. All premises may be the subject of some form of appropriate intervention when relevant intelligence is received.

Food standards enforcement work during 2019/20 will be carried out partially 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 intervention programme for lower-risk premises will take the form of project-based interventions, supplemented by intelligence-led enforcement activity.

These will be one or more of the following, as defined in the Code:-

- Monitoring
- Surveillance
- Verification
- Audit
- Sampling

- 5.1.3 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 2019/20

The Food Standards Agency has also issued a Code of Practice on Feed Law Enforcement under the Official Feed and Food Controls (England) Regulations 2009. 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 2019/20.

5.2 **Intervention Programme 2017/18**

- 5.2.1 The food standards intervention programme for 2019/20 will involve the programmed and proactive inspection of 14 high risk premises and interventions at 63 upper medium-risk premises. Lower-risk premises will receive intervention on a project basis or from intelligence-led enforcement activity. The intention is to use four of the "official control" interventions defined in the Code.

New businesses that are yet to be assessed for risk will be subject to intervention using a self-assessment questionnaire (known as "Alternative Enforcement Action"). Depending upon the activities being carried out by a business, or their response to the questionnaire, an officer may visit to assess compliance and determine the risk posed. There are currently approximately 260 new businesses yet to be risk assessed. It is anticipated (based on 18/19 figures) that approximately 450 new food establishments will require a risk assessment in 19/20.

- 5.2.2 For animal feed the intention is to inspect 37 premises as part of the National Trading Standards funded work. Non-Farm feed businesses 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.

It is anticipated that there will be a minimum 12 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 where there is food producing livestock.

- 5.2.3 Interventions to feed premises, which include farms, are undertaken following a risk-based assessment. Interventions can be physical or via alternative enforcement approaches such as questionnaire or telephone calls.

- 5.3 **Monitoring Performance.** The matrix at Annex 1:1 will be used to monitor performance of the programme set out in this plan.
- 5.4 **Specialists.** Food specialists (3.00 fte) and agricultural standards specialists (2.00 fte) carry out routine food and agricultural standards enforcement. Officers do though have access to the expertise, in food and animal feed technology, of the Public and Agricultural Analysts, appointed by Leicestershire County Council (see ante, section 4.3). 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. 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.
- It is likely that there will be in the region of 5750 referrals and enquiries dealt with by the Service in 2019/20. There are likely to be approximately 250 complaints received about defective food and approximately 25 relating to animal feed.
- 5.6 **Primary Authority Partnership Scheme.** The Service adheres to the Office for Product Safety and Standards'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 compliance advice to business but comprehensive, tailored advice is charged for. The success of advice is monitored using satisfaction surveys. In 2019/20 it is likely that there will be approximately 100 food standards and 15 animal feed enquiries from businesses. Advice will also be provided to businesses notified to us as new food businesses as they may not be aware of the information they need to ensure they trade in compliance with the law. There are approximately 612 feed businesses that need to register for feed hygiene. It is the intention to begin the process of registering as many of these as possible. The aim will be to achieve a target of 300 completed applications processed.
- 5.8 **Sampling and Inspection.** The Service has in place documented procedures for the establishment of sampling programmes.
- 5.9 **Food sampling.** This will underpin some of the work done with individual businesses, since 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 participates in both its Food Standards and Agriculture sub- groups, which may organise sampling projects. In 2019/20 it is anticipated that the Service will take up to 200 food samples.
- 5.9.1 **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. Some samples will be taken in accordance with the regional sampling plan by National

Trading Standards, and others based on local intelligence and trend analysis.

- 5.10 **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.

- 5.11 **'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 attention of the Team Leader, Food, Metrology and Financial Safeguarding Team, and other food standards specialists in their absence.

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 5.12 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.

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, Animal Health and Agriculture Team, who has specialist responsibility for animal feed enforcement, and in their absence other animal feed qualified officers.

- 5.12 **Liaison.** The Service is a member of Trading Standards East Midlands, a regional Trading Standards co-ordinating body for local authority Trading Standards Services. This body has sub-groups that deal with food and agricultural standards and the Service participates in both of these. At a local level, four times a year there are meetings of the Leicestershire Food Liaison group (consisting of the District and Borough Councils, the Trading Standards Service, 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.

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

- 5.13 **Promotion.** The Service provides advisory leaflets and guides businesses to other sources of information 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.** Resources allocated to the Service are detailed on page 8 of the Trading Standards Service's "Service Plan" 2019/20. Food and animal feed standards enforcement is an integral part of the Service and therefore it is not possible to accurately detail financial expenditure for it.

Operational staff are supported with appropriate equipment, particularly for sampling and to protect their health and safety.

The Service uses the "Civica APP" software for planning and recording its food and animal feed standards activities. "FSSnet" software will be used for the recording of food and animal feed samples whilst it remains available.

- 6.2 **Staff Allocation.** There are 3.00 fte officers with appropriate qualifications and experience, in accordance with the requirements of the Code, who will be involved to a varying degree with food standards enforcement. This figure does not take account of support officers or managers. These resources may need to be supplemented by suitably qualified, recognised and experienced officers from other specialisms within the Service.

For animal feed enforcement the Service has 3 officers who are professionally qualified and complies with the requirements of the scheme for continuous professional development (CPD). Two further officers will maintain competence for inspections at primary producer level. It is estimated that these resources will be sufficient.

6.3 **Maintaining Staff Competence.**

"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 to ensure they have current knowledge of legal requirements and remain competent. 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 Trading Standards Institute's "e- learning College", an on-line educational facility available to all members of staff as well as to a specialist supplier of e-learning for staff who enforce food legislation.

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, Metrology and Financial Safeguarding Team is responsible for monitoring food enforcement, with the assistance of a Trading Standards Officer. The Team Leader is a qualified internal auditor.

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**

- 7.1 **Review against the Service Plan** 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.
- 7.2 All programmes 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 outcomes.

Annex 1:1 Progress on Commitments in the 2018-19 Plan

FM and FS- Food, Metrology and Financial Safeguarding Team, AHN – Animal Health and Agriculture Team

	Commitment	Timescale (Where Stated)	Responsible Team/Officer/ Unit	Status
1	<p>The food standards intervention programme for 2018/19 will involve the inspection of 13 high risk premises and interventions at 75 upper medium-risk premises. The intention is to use four of the “official control” interventions defined in the Code.</p> <p>It is anticipated (based on 18/19 figures) that 250 existing and 450 new food establishments will require a risk assessment.</p>	01.04.18 – 31.03.2019	FM & FS	<p>12 visits to high risk premises</p> <p>62 visits were made to premises risked as upper medium.</p> <p>42 visits to businesses following the receipt of intelligence</p> <p>84 visits to businesses previously unrated</p> <p>105 revisits made to ensure business compliant. brought into compliance</p> <p>37 premises risked that were found to be closed when attempting to visit</p> <p>Approximately 170 new food establishments assessed for risk following the return of AEA questionnaires.</p>

Appendix A

2	For animal feed the intention is to inspect 37 premises	01.04.18 – 31.03.2019	ANH	Approximately 209 Feed Hygiene Registrations received and processed. 48 Feed Business Inspections carried out.
	Commitment	Timescale (Where Stated)	Responsible Team/Officer/ Unit	Status
3	There will be approximately 300 complaints received about defective food and approximately 25 relating to animal feed.	01.04.18 – 31.03.2019	FM & FS ANH	251 complaints about defective food 95 enquiries/complaints relating to animal feed.
4	In 2018/19 it is likely that there will be approximately 75 food standards and 40 animal feed enquiries from businesses.	01.04.18 – 31.03.2019	FM & FS ANH	There were 11 requests for advice from established food businesses and 20 requests from new or start-up businesses. There were 12 enquiries from animal feed businesses and 209 requests for feed hygiene registration
5	In 2018/19 it is anticipated that the Service will take up to 250 food samples.	01.04.18 – 31.03.2019	FM & FS	44 food samples taken

Appendix A

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.	31-03-19	ANH	16 Samples were taken with 3 follow up visits, 6 advice letters being issued and 2 referred to the Home Authority
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.	01.04.18 – 31.03.2019	FM & FS ANH	For food law: one prosecution and three simple cautions issued. For feed: 1 written warning and 7 Improvement Notices issued.
8	'Alerts' These 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.	01.04.18 – 31.03.2019	FM & FS	Food alerts were dealt with in accordance with the Code of Practice