



**West  
Northamptonshire  
Council**

## **West Northamptonshire Council Trading Standards**

# **FOOD and FEED STANDARDS ENFORCEMENT SERVICE PLAN 2023-24**

## **INTRODUCTION**

This Plan outlines how the Trading Standards Service carries out its statutory duties to enforce standards for food and animal feeding stuffs. This includes monitoring the composition, labelling, claims, and descriptions relating to foodstuffs for human consumption, materials and articles in contact with food, and feeding stuffs for livestock and pets.

This has been prepared in accordance with the Food Safety Act 1990 Framework Agreement <sup>1(April 2010)</sup> published by the Food Standards Agency (FSA). In this plan 'food' should be read as meaning food for human consumption and 'feed' means animal feeding stuffs.

As a result of available resources within the Trading Standards Service, a risk assessed basis (utilising the National Trading Standards Intelligence Operating Model) has been applied to its responsibilities as the Service is unable to meet all the demands placed upon it across its wide remit. This Service Plan does not meet the requirements set out in the Food and Feed Codes of Practice (England). Where indicated, the plan should be read in conjunction with the Trading Standards Service Plan 2023/24 [SP].

## **1. SERVICE AIMS AND PRIORITIES**

1.1 The Service's aims and priorities are reviewed annually and may be found in the Trading Standards Service Plan. The main aim of the Service is to, as far as possible within allocated resources to ensure a safe and fair trading environment in West Northamptonshire. The key priority is to protect our communities, particularly those that are most vulnerable, from rogue trading.

1.2 Corporate objectives and plans  
<https://www.westnorthants.gov.uk/your-council/corporate-plan>

Food Standards work contributes to the Council's priorities by protecting people, by helping reputable businesses to meet their responsibilities, by tackling those who flout the law or act irresponsibly, by helping the market place to operate fairly and competitively, enabling consumers to make informed choices about the food they eat, and by health promotion activity.

From 1 April 2023 the Service will follow the Food Standards Agency's (FSA) instructions following the withdrawal of the Recovery Plan to:

- Carry out due interventions for establishments that are back in the routine programme of interventions in accordance with the frequencies set out in the Food Law Code of Practice

(the Code).

- Work towards realigning with the provisions set out in the Code from 1 April 2023 using the full range of flexibilities already offered by the Code. In practice, this may mean continuing to prioritise interventions according to the milestones outlined in the period of the Recovery Plan or the prioritisation of other interventions based on local risk assessment and available intelligence while having due regard for the Code.
- Continue to exercise a risk-based approach to the requirements set out in the Code based on available resource. There is an expectation by the FSA that services should be resourced to ensure they can meet the requirements of the Code.

## 2. BACKGROUND

### 2.1 Profile of West Northamptonshire

West Northamptonshire Council is a Unitary Council which supports residents and businesses across Northampton, South Northants and Daventry. The Trading Standards Service sits within Regulatory Services in this Council.

### 2.2 Organisational Structure

The food and feed enforcement responsibilities are managed within the Trading Standards Service of the Council's Regulatory Services; see structure chart at Annex 4.

The Service currently has 15 posts, 13 officers, 11.89 FTEs, comprising 6 experienced officers, 2 officers undergoing the professional qualification process and 2 FTE vacant posts. One enforcement officer is currently competent and actively involved in food and feed enforcement.

### 2.3 Scope

Food and Feed Standards work is only part of the statutory responsibilities enforced by the Trading Standards Service (see list of legislation enforced Annex 3 and the SP). Work is combined with other activities for efficiency and effectiveness.

Statutory Public Analyst services are provided by Public Analyst Scientific Services Ltd.

### 2.4 Demands on the Food and Feed Service

The premises risk rating scheme utilised is the revised National Trading Standards Board agreed risk scheme.

The Service maintains a database of all businesses identified as affected by Trading Standards legislation.

<b>Food Standards Inspection Premises</b>	<b>As at April 2023 premises<sup>1</sup></b>
High Risk <sup>2</sup>	9
Upper Medium Risk	129
Lower Medium Risk	2599
Low Risk	263
<b>Total premises subject to Food Standards Risk</b>	<b>3000</b>

	<b>As at April 2023 premises<sup>1</sup></b>
<b>Animal Feed Premises</b> <i>Livestock and arable farms and other businesses in the feed chain</i>	1599
Registered Establishments <sup>3</sup>	602
Approvals	0
Livestock farms	1327

## Notes

<sup>1</sup> Numbers will vary throughout the year as the system is updated.

<sup>2</sup> Risk assessment has been based on the version published by National Trading Standards Board 2013.

<sup>3</sup> The numbers include livestock and arable farms, manufacturers, food businesses supplying surplus food for animal feed, and transporters.

Farms register with this Service if they request, such as when audited by a Food Assurance Scheme, and Farms are registered directly by the Service where they are identified as unregistered on inspection/complaint/enquiry.

### 2.5 Regulation Policy

Food Safety Enforcement will be taken in accordance with the [Council's documented Enforcement Policy](#).

## 3. Service Delivery

Interventions at Food and Feed establishments

<p>3.1 The authority's policy on interventions</p>	<p>Interventions are in the main visits to businesses for the purpose of inspection and/or sampling of the business to check compliance (frequently encompassing other trading standards legislation that applies including fair trading, age restricted sales, metrology). Recognising the continuity of the food chain it is necessary to consider aspects of animal health and welfare, primary production of food, animal feed, surplus food and animal by-products and food standards that apply to a food or feed business. We work with businesses, offering business advice and primary authority partnerships to assist businesses to improve or maintain their compliance. Intelligence, including complaints, is prioritised for an appropriate response including retaining as intelligence. Businesses are risk assessed according to the method incorporated into the dedicated database, Civica's Authority (APP). This is currently modelled on a risk assessment process designed by the National Trading Standards Board. Premises may have their risk rating raised or lowered according to the assessment of confidence in the business management, which is assessed following inspection or contravention. In Autumn 2023 the FSA intend to roll out a new nationwide Food Standards Delivery model that will change the risk assessment used for food businesses. This will have a significant impact on the work of the Service, whilst we get used to the new model. This year's plan is outlined in Annex 1.</p>
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	<p>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.</p>
<p>3.2 Food and Feed Complaints and enquiries</p>	<p>The Citizens Advice Consumer Service is the initial point of contact for most consumer complaints and enquiries on Trading Standards matters. Appropriate complaints are referred to the Service where they are prioritised and may be investigated. We are therefore critically reliant on the availability of that Service, and their competence, to identify the nature of the complaint so that it may be correctly prioritised according to our complaint grading policy. The complaint grading policy has been revised to reflect the reduced resources available and will focus on those matters causing most risk and harm.</p> <p>Therefore, food and feed issues affecting the safety of consumers are prioritised over other food and feed complaints.</p> <p>Complaints about food will be dealt with in accordance with the <a href="#">Compliments, comments and complaints policy</a> and the <a href="#">West Northamptonshire Enforcement Policy</a></p> <p>The Food Safety Act 1990 Code of Practice directs which complaints are more appropriately dealt with by Food Safety officers in the Environmental Health Service of West Northamptonshire Council Regulatory Services. There is a local memorandum of understanding with the Environmental Health Services of North and West Northamptonshire Regulatory Services to ensure consumer complaints are dealt with appropriately and efficiently.</p>
<p>3.3 Home Authority Principle and Primary Authority Scheme</p>	<p><u>Primary Authority Scheme</u></p> <p>It is Service policy to comply with the requirements of the Primary Authority scheme where we are the enforcing authority.</p> <p>We have delegated authority to enter into Primary Authority partnerships under the Regulatory Enforcement and Sanctions Act 2008. The Service offers Primary Authority agreements to eligible businesses, and charges for business advice that extends beyond basic signposting and identification of legal duties. Basic advice is provided to start up and small businesses without charge. The demand is likely to be around 50 enquiries for business advice across the service. The applicable fees are published on our website. <a href="https://www.westnorthants.gov.uk/trading-standards">https://www.westnorthants.gov.uk/trading-standards</a></p> <p>The Service does not act as Home Authority for those businesses who do not wish to enter into a Primary Authority Partnership, however the Service will provide advice and guidance on a cost-recovery basis. Any referring authorities with issues concerning non-Primary Authority businesses are asked to contact the business directly, conclude their own investigations and notify the outcome to this Service for intelligence purposes. The intelligence may be used on inspection or other regulatory intervention with the business.</p>

<p>3.4 Advice to Business</p>	<p>The Service provides advice to business through inspections, visits, telephone enquiries, occasional mailshots, press releases, the website, and occasional talks.</p> <p>Contact is maintained with the business community by liaising with business organisations.</p> <p>Where appropriate businesses, especially start-up businesses are directed for self-help advice via the <a href="#">Business Companion website</a>, pages on <a href="http://www.gov.uk">www.gov.uk</a> and the <a href="#">FSA website</a>. More complex issues are dealt with by officers under the business advice policy.</p> <p>The Service, where relevant, signposts business to the SEMLEP Growth Hub.</p>
<p>3.5 Food and Feed Sampling</p>	<p>A Survey programme is being prepared for 2023-24 for food and feed. The Service has a budget of £10,758 for all sampling and analysis (including non food and feed). This budget will be prioritised on a risk assessed basis across all the Service's responsibilities. Samples are submitted to the appointed Public and Agricultural Analyst laboratories and occasionally to other test houses where necessary.</p>
<p>3.6 Food and Feed investigations</p>	<p>Contraventions of food standards legislation are assessed using the National Trading Standards Intelligence Operating Model tasking process that considers appropriateness of enforcement action in accordance with relevant policies. Resource commitments for food standards investigations vary according to the nature and complexity of infringements detected.</p>
<p>3.7 Food and Feed Safety Incidents</p>	<p>Food Alerts are received through the FSA Smarter Communications interface, which is accessible to all registered food officers, and email contacts from the Food Standards Agency. These are monitored by relevant staff. Relevant alerts requiring action are responded to. The authority liaises with other local authorities, trading standards and environmental health to co-ordinate responses to alerts that relate to food standards, including publicity and communication with traders, as required and as practicable.</p>
<p>3.8 Liaison with Other Organisations</p>	<p>The Service is a member of Trading Standards East Midlands (TSEM) which coordinates work on Food Standards, Feed and Agriculture Enforcement across the region where it is appropriate to do so. The Service also has access to a national 'Knowledge Hub' website for specialist officers related to food labelling and feed matters. Regular contacts are maintained with the North and West Northamptonshire Food Liaison Group, where North Northants and West Northants co-ordinate enforcement of food hygiene and food standards. The Trading Standards Manager attends the WNC Regulatory Services Managers Group.</p> <p>Where appropriate, liaison takes place with DEFRA, the FSA, DoH, and the Animal and Plant Health Agency regarding enforcement of animal health and welfare controls and other relevant bodies as appropriate.</p>

<p>3.9 Food and Feed Safety and Standards promotional work, and other non-official controls interventions</p>	<p>The Service maintains website links to sources of advice and has previously produced additional guidance, when appropriate, for businesses and consumers as can be found on our website: <a href="https://www.westnorthants.gov.uk/trading-standards">https://www.westnorthants.gov.uk/trading-standards</a></p> <p>The primary source of business guidance is supplied by CTSI through the Business Companion website <a href="https://www.businesscompanion.info/">https://www.businesscompanion.info/</a></p> <p>Businesses are directed to Business Companion as well as government websites such as the <a href="https://www.foodstandards.gov.uk/">Food Standards Agency</a> and <a href="http://www.gov.uk">www.gov.uk</a> to provide consistent guidance.</p> <p>Media releases will be used to promote food standards issues where appropriate. It is Service policy to inform the local media of all legal proceedings taken by the Service to assist in education of businesses and consumers and to act as a deterrent to those who may act irresponsibly or flout the law.</p> <p>Where appropriate we will seek to liaise with colleagues within West Northamptonshire Council in relation to public health issues relating to food and feed.</p>
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#### 4. Resources

<p>4.1 Financial Allocation</p>	<p>Overall resources allocated to the Trading Standards Service are detailed in the Service Plan. 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. It is estimated that approximately 80% of the sampling budget is allocated to food enforcement.</p>
<p>4.2 Staffing Allocation</p>	<p>One permanent enforcement staff member is currently actively involved in food and feed enforcement although they are not purely dedicated to food and feed standards enforcement. This officer holds appropriate qualifications and experience, meeting the requirements of Food Safety Act 1990 Code of Practice for food standards and feed enforcement. From time to time, other qualified officers from within the Service and North Northamptonshire (mutual aid) also contribute to enforcement activities. All Enforcement Officers within the Service are required to undertake a range of trading standards obligations some proportion of which could include food and/or agriculture if suitably trained and competent.</p> <p>The Service has two RCO apprentices who will go on to complete the TS qualification, potentially completing either the food or feed element. There are also two vacant Authorised Officer posts which we will look to recruit to or take on a contractor.</p>

	Any business, regardless of business sector, that shows an intentional, reckless, or repeated disregard for the principles of fair or safe trading will be tackled as a matter of priority, where resources allow.
4.3 Staff Development Plan	All officers have an annual appraisal with their Line Manager that identifies their training and development needs. "Refresher" training will be provided for any staff returning to food standards enforcement work. Training will also be given to take account of any new legislation. The Food and Feed Codes of Practice specify revised continuing professional development and training: at least 10 hours relevant to food standards and safety and 10 hours' professional practice; and 10 hours relevant to feed standards and safety during 2023/24.

## 5. Quality Assessment

5.1 Quality assessment and internal monitoring	Procedures relating to all operational activities, including food and feed enforcement will be reviewed as appropriate during 2023/24 as part of the ongoing transformation of local government services in West Northamptonshire and the restructure of Regulatory Services.
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## 6. Review

6.1 Review against the Service Plan	A review of Food Standards Enforcement for 2022-23 is attached as Annex 2.
6.2 Identification of any Variation from the Service Plan	Compliance with requirements of the Recovery Plan which was officially withdrawn on 31/03/2023
6.3 Areas of Improvement	The Council continues to embark on a challenge to transform services in the medium/long term. There are strict financial limitations in which it can work. The Service will strive to recruit to the vacant Authorised Officer posts.

## FOOD AND FEED STANDARDS INTERVENTION PROGRAMME 2023-2024

All High Risk businesses will receive an intervention visit or where appropriate some other kind of contact.

We will carry out a limited programme of food standards inspections and conduct limited sampling surveys taking into account resource availability, and Service priorities. Complaints and referrals from the public and other authorities and intelligence received from the Food Standards Agency and other sources assist in identifying areas of work as well as the previous history of compliance.

Limited surveys of particular food business sectors will be conducted to assess compliance with the results being considered as to appropriate further action.

There will be additional consequences for the Service as we move to a new Civica Cx management information database. In addition to the intended introduction by the FSA of a new Food Standards Delivery Model in Autumn 2023.

<b>Business sectors Food</b>	<b>Activity</b>	<b>Target Numbers of Premises 2023-2024</b>
FS Planned - High Risk	Annual intervention due	100%
FS - Upper Medium Risk  Targeted activities across business sectors. Retail – including National chains (having regard to Primary Authority) and other UM risked businesses	Biennial intervention due  Intervention by survey inspection or sampling (visits; mailshot to others) across business types	Work will be tasked based on risk assessment and available resources at the relevant time.
FS – Lower Medium and Low Risk	Intervention by survey, sampling particularly regarding allergen information intelligence from complaints. Use of mailshot if appropriate.	Work will be tasked based on risk assessment and available resources at the relevant time.
FS Revisits	As appropriate	
FS responsive – inspections and other interventions to assess Food Standards compliance	Conducted following complaint, intelligence, visits prompted by other regulatory activities etc.	Work will be tasked based on risk assessment and available resources at the relevant time.



## Feed visits

	Target – FSA funded
Manufacturers (A01-8 and R1-4)	0
Co-product (R12)	1
Importer	0
Stores (R9)	0
Distributor (R1-3, R5)	1
Transporter (R8)	2
On farm mixer (R10 and 11)	2
Pet Food Manufacturer (R6)	2
Supplier of surplus food (R7)	2
Food Hygiene at Primary Production	
Livestock Farm (R13)	2
Arable Farm (R14)	0

Farm visits for feed hygiene and/or food primary production may be combined with visits for animal health and welfare complaints or enquiries.

Sampling Activity	Target
Food samples (products submitted for analysis/report)	As appropriate, according to intelligence, complaints and identified trends
Feeding stuffs samples	As appropriate

- Inspections prompted by application for registration under a code that requires Annex II HACCP to be in place. The need for a visit will be assessed individually.
- The value given is an estimated target; actual numbers of such businesses that should be registered under the feed categories are undetermined.
- Samples may be taken in response to complaints and investigations.

Work is continuing to improve database accuracy for food and feed premises.

## REVIEW OF FOOD AND FEED SAFETY AND STANDARDS WORK 2022-23

Business sectors Food	Activity	Target Numbers of Premises 2022-23	Actual
FS Planned - High Risk	Annual intervention due	100% (7)	100% (7)
FS - Upper Medium Risk (From a total of 129 premises currently)  Targeted activities across business sectors. Retail – including National chains (having regard to Primary Authority) and other UM risked businesses	Biennial intervention due  Intervention by survey inspection or sampling (visits; mailshot to others) across business types	100%  Work based on risk assessment and available resources.	100% (39)
FS – Lower Medium and Low Risk	Intervention by survey, sampling particularly regarding allergen information intelligence from complaints. Use of mailshot if appropriate.	Work based on risk assessment and available resources.	<b>708*</b>
FS responsive – inspections and other interventions to assess Food Standards compliance	Conducted following complaint, intelligence, visits prompted by other regulatory activities etc.	Work based on risk assessment and available resources.	48
Primary Authority and business advice	Labelling reviews, interpretation advice, advice on developing legislation, advertising practice, complaints and incidents.		BA food 9 BA feed 5 PA food 8 PA feed 0
Food and Feed-related complaints	Food Consumer Referred from partners Feed		63 37 26 6

\*Includes updating of food premises database.

## Feed visits

	Target	Actual
Manufacturers (A01-8 and R1-4)	0	0
Co-product (R12)	2	1
Importer	0	0
Stores (R9)	0	0
Distributor (R1-3, R5)	0	0
Transporter (R8)	0	0
On farm mixer (R10 and 11)	2	2
Pet Food Manufacturer (R6)	1	1
Supplier of surplus food (R7)	2	0
Food Hygiene at Primary Production		
Livestock Farm (R13)	4	4
Arable Farm (R14)	1	3

Farm visits for feed hygiene and/or food primary production may be combined with visits for animal health and welfare complaints or enquiries.

Sampling Activity	Target	Actual
Food samples (products submitted for analysis/report)	24	38
Feeding stuffs samples	As required	0

Surveys conducted:

Survey	TOTAL SAMPLES	RESULT TYPES	
		Satisfactory	Unsatisfactory
Allergens Project 2022-23	12	8	4
Milk Allergens in takeaway drinks	12	6	6
Pass Acrylamide Survey	3	3	-

## 1. Food Standards Summary 2022-23

#### Background: Staffing

During 2022-23 there was one qualified permanent food officer.

#### Background: Brexit

The impact of the EU exit has not yet been felt by the Service. There are still issues which may impact going forward but they are not as yet quantifiable. There is the future outcome of the Retained EU Law (Revocation and Reform) Bill which had its first hearing in Parliament in September 2022. In addition, the Windsor framework was introduced in February 2023 and implications are as yet unknown.

#### Background: Covid-19 outbreak and Intervention visits

Due to the Covid-19 pandemic the need for routine food standards inspections was evaluated in light of prevailing FSA Guidance as it developed throughout the outbreak. The guidance was in the form of the Recovery Plan which was officially withdrawn on 31<sup>st</sup> March 2023.

The prioritisation advised by FSA was found to be very much in line with our own vigilant management of scarce resources.

#### Background: Management Information Database

The Service received funding from the FSA to cleanse our food database premises in preparation for the introduction of the new Food Standards Delivery Model. It is also something we have been working on in 22-23 in anticipation of our forthcoming change of management information database.

#### Food Alerts for Action

No alerts received.

#### Supporting businesses

The Service operates the Primary Authority Partnership Scheme. There are 11 food PA Partnerships and 2 Feed Partnerships.

### **1. Feed Summary**

Feed hygiene, together with hygiene requirements in the primary production of food, continue to be the focus of animal feed interventions. It is closely related to farm animal health and welfare complaints and they are often considered together.

## **LEGISLATION ENFORCED**

The Service has a statutory duty to enforce either all or particular sections of legislation within the majority of consumer protection and fair trading legislation. Additional legislation is enforced where it contributes to achieving the aims and objectives of the Service and Unitary Council. The Service enforces over 70 Acts of Parliament, over 1000 associated Regulations and Orders, and a substantial range of retained EU legislation (EU legislation which applied directly or indirectly to the UK before 11pm on 31 December 2020 has been retained in UK law as a form of domestic legislation).

Accommodation Agencies Act 1953  
Administration of Justice Act 1970  
Agriculture Act 1970  
Agriculture (Miscellaneous Provisions) Act 1968  
Agricultural Produce (Gradings and Marking) Acts 1928 and 1931  
Animal Health Act 1981  
Animal Health Act 2002  
Animal Welfare Act 2006  
Anti-social Behaviour Act 2003  
Business Names Act 1985  
Cancer Act 1939  
Children and Families Act 2014 (in respect of Sections 91 to 94 only)  
Children and Young Persons Act 1933  
Children and Young Persons (Protection from Tobacco) Act 1991  
Clean Air Act 1993  
Clean Neighbourhoods and Environment Act 2005  
Climate Change Act 2008 (in respect of Single Use Carrier Bag charges only)  
Companies Act 2006  
Consumer Credit Acts 1974 and 2006  
Consumer Protection Act 1987  
Consumer Rights Act 2015  
Control of Pollution Act 1974  
Copyright, Designs and Patents Act 1988  
Criminal Justice Act 1988 (in respect of sales of knives to young people)  
Development of Tourism Act 1969  
Dogs Act 1906  
Education Reform Act 1988  
Energy Act 1976  
Energy Conservation Act 1981  
Enterprise Act 2002  
Estate Agents Act 1979  
Explosives Acts 1875.  
Explosives (Age of Purchase etc.) Act 1976  
Fair Trading Act 1973  
Farm and Garden Chemicals Act 1967  
Fireworks Act 2003  
Food Act 1984  
Food and Environment Protection Act 1985  
Food Safety Act 1990  
Forgery and Counterfeiting Act 1981  
Fraud Act 2006  
Hallmarking Act 1973  
Health and Safety at Work etc Act 1974 (relating to explosives, petroleum and the classification, packaging and labelling of dangerous substances)  
Housing Act 2004  
Insurance Brokers (Registration) Act 1977

Intoxicating Substances (Supply) Act 1985  
Knives Act 1997  
Licensing Act 1964  
Licensing Act 2003  
London Olympic Games and Paralympic Games Act 2006  
Medicines Act 1968  
Malicious Communications Act 1988  
Motor Cycle Noise Act 1987  
Motor Vehicles (Safety Equipment for Children) Act 1991  
National Lottery etc. Act 1993  
Offensive Weapons Act 1996  
Olympic Symbol etc. (Protection) Act 1995  
Performing Animals (Regulation) Act 1925  
Petroleum (Consolidation) Act 1928  
Petroleum (Transfer of Licences) Act 1936  
Prices Act 1974.  
Proceeds of Crime Act 2002  
Protection from Harassment Act 1997  
Protection of Animals Act 1911  
Public Health Acts 1936 and 1961  
Road Traffic Act 1988  
Road Traffic (Foreign Vehicles) Act 1972  
Solicitors Act 1974  
Telecommunications Act 1984  
Theft Acts 1968 and 1978  
Timeshare Act 1992  
Tobacco Advertising and Promotion Act 2002  
Trade Descriptions Acts 1968  
Trade Marks Act 1994  
Unsolicited Goods and Services Acts 1971 and 1975  
Video Recordings Acts 1984 and 1993  
Weights and Measures Act 1985

Any orders or Regulations or other instruments (whether dated before or after the date of execution of this delegation) i) made thereunder or ii) having effect by virtue of the European Communities Act 1972 (where such orders or Regulations specify the Unitary Council as having an enforcement duty (including references to a feed authority, food authority and local weights and measures authority))

Any offence under legislation, or at common law, which is of a similar nature including offences of aiding, abetting, counselling and procuring, incitement, conspiracy, perverting the course of justice, criminal attempts, assisting or encouraging another person to commit an offence or participation in a crime.

WEST NORTHAMPTONSHIRE  
TRADING STANDARDS STRUCTURE 2022/23

