

West Northamptonshire Council Trading Standards

FOOD and FEED STANDARDS ENFORCEMENT SERVICE PLAN 2022/23

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 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.

The FSA devised a Local Authority Recovery plan that sets out guidance and advice to local authorities for the period from 1 July 2021 to 2023/24 following the impact of Covid-19. Phase 2 of the FSA recovery plan started on 1st October 2021 and will continue until a new food standards delivery model is in place. It is anticipated that the new model will be rolled out nationally from April 2023.

The Trading Standards Service has met the Phase 2 target of completing food standards interventions at high risk premises by 30th June 2022. Consequently, planned interventions should continue based on the system for interventions in accordance with the Food Law Code of Practice.

Where indicated, the plan should be read in conjunction with the Trading Standards Service Plan 2022/23 [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, 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 and enabling them to flourish, by tackling those who flout the law or act irresponsibly to make communities safer, by helping the marketplace to operate fairly and competitively, enabling consumers, including children, to make informed choices about the food they eat to enable them to stay healthy and safe, and by health promotion activity.

2. BACKGROUND

2.1 Profile of West Northamptonshire

West Northamptonshire Council is a Unitary Council which, from 1st April 2021, took over the provision of local public services from the aggregated Councils of Northampton, Daventry & South Northamptonshire, and from the disaggregated Northamptonshire County Council. West Northamptonshire Council Trading Standards Service was created from half the disaggregated Northamptonshire County Council Trading Standards Service.

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 has 15 posts (13.89 full time equivalent). There are currently 13 staff in post with one vacant post plus an officer seconded to UNISON until at least 31/3/23. Only one enforcement officer is currently competent and actively involved in food enforcement. The same officer is competent and actively involved in 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.

Food Standards Inspection Premises	As at April 2022 premises¹
High Risk ²	5
Upper Medium Risk	130
Lower Medium Risk	3172
Low Risk	290
Total premises subject to Food Standards Risk	3509

	As at April 2022 premises¹
Animal Feed Premises	1590
Livestock and arable farms and other businesses in the feed chain	
Registered Establishments ³	595

Approvals	0
Livestock farms	1252

Notes

¹ Numbers will vary throughout the year as the system is updated.

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

³ 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

The Service's Enforcement Policy is published on the Service website:

<https://www.westnorthants.gov.uk/your-council/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 of, and/or sampling at the business to check compliance; frequently encompassing other trading standards legislation that applies including fair trading, age restricted sales and 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.</p> <p>Businesses are risk assessed according to the method incorporated into the dedicated database, Civica Authority. The Service is currently in the process of disaggregating its database (from NCC to WNC and NNC) and moving onto the new cloud based Civica Cx which is proving to be resource intensive. Civica Authority 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.</p> <p>This year's plan is outlined in Annex 1.</p> <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</p>

	<p>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 Trading Standards Service Enforcement Policy.</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 West and North 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. A limited amount of basic advice is available to start up and small businesses without charge. The applicable fees are published on our website.</p> <p>https://www.westnorthants.gov.uk/trading-standards/trading-standards-fees-and-charges</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>We are currently working closely with Environmental Health to consolidate Primary Authority work and charges within WNC. The Service also supports the Primary Authority Regional Group.</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 Business Companion website, pages on www.gov.uk and the FSA website. More complex issues are dealt with by officers under the business advice policy.</p>

	The Service has contacts with the SEMLEP Growth Hub.
3.5 Food and Feed Sampling	A survey programme is being prepared for 2022-23 for food and feed. There is a budget of £10,758 for all sampling (including non-food and feed) and analysis across WNC Trading Standards. 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.
3.6 Food and Feed investigations	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.
3.7 Food and Feed Safety Incidents	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. Any 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.
3.8 Liaison with Other Organisations	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 & West Northamptonshire Food Liaison Group, where the seven ex-District Council EHOs co-ordinate enforcement of food hygiene and food standards. The Trading Standards Manager attends the WNC Regulatory Services Managers Group. 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.
3.9 Food and Feed Safety and Standards promotional work, and other non-official controls and interventions	<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.</p> <p>The primary source of business guidance is supplied by CTSI through the Business Companion website https://www.businesscompanion.info/</p> <p>Businesses are directed to Business Companion as well as government websites such as the Food Standards Agency and www.gov.uk 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. We also use social media to quickly promote any relevant food updates eg FSA guidance, allergen warnings etc.</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>Only one permanent enforcement staff member is currently actively involved in food and feed enforcement although they are not purely dedicated to food standards enforcement. This officer holds appropriate qualifications and experience, meeting the requirements of the Food Safety Act 1990 Code of Practice for food standards and feed enforcement. There is a mutual aid agreement with North Northamptonshire to assist where necessary. 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/competent.</p> <p>One new enforcement officer is currently undertaking the CTSI CPCF professional qualification and has taken the food module written exam in May and the oral in June 2022. Longer term, there are 2 RCO apprentices who will go on to complete the CTSI CPCF qualification, potentially completing either the food or feed element. There is also a vacant AO post which we will look to recruit to or take on a contractor.</p> <p>Any business, regardless of business sector, that shows an intentional, reckless, or repeated disregard for the principles of safe or fair trading will be tackled as a matter of priority, where resources allow.</p>
<p>4.3 Staff Development Plan</p>	<p>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</p>

	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 2022/23.
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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 2022/23 as part of the ongoing transformation of local government services in West Northamptonshire.
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6. REVIEW

6.1 Review against the Service Plan	A review of Food Standards Enforcement for 2021/22 is attached as Annex 2.
6.2 Identification of any Variation from the Service Plan	There has been some variation from the 2021/22 plan primarily as a result of the Covid-19 Pandemic. Domestic legal Covid-19 restrictions ended on 24 February 2022. Variation has been in line with the prevailing version of National guidance 'COVID-19 Local Authority Enforcement Q&A' issued by the FSA throughout the year.
6.3 Areas of Improvement	The newly created Council is embarking on a challenge to transform services in the medium/long term. There are strict financial limitations in which it can work. Work is being carried out within Regulatory Services to improve collaborative working across Trading Standards and Environmental Health.

FOOD AND FEED STANDARDS INTERVENTION PROGRAMME 2022/23

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 considering the 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.

Business sectors Food	Activity	Target Numbers of Premises 2022/23
FS Planned - High Risk	Annual intervention due	100%
FS Planned - 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. Priority area – Prepacked for direct sale	Work will be tasked based on risk assessment and available resources at the relevant time.
FS Planned – 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 contracted
Manufacturers (A01-8 and R1-4)	0
Co-product (R12)	2
Importer	0
Stores (R9)	0
Distributor (R1-3, R5)	0
Transporter (R8)	0
On farm mixer (R10 and 11)	2
Pet Food Manufacturer (R6)	1
Supplier of surplus food (R7)	2
Food Hygiene at Primary Production	
Livestock Farm (R13)	4
Arable Farm (R14)	1

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)	Approximately 80% of budget allocation
Feeding stuffs samples	³ As appropriate

1. 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.
2. The value given is an estimated target; actual numbers of such businesses that should be registered under the feed categories are undetermined.
3. 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 2021/22

The Trading Standards Service met the FSA Recovery Plan Phase 2 target of completing food standards interventions at high-risk premises by 30th June 2022.

Business sectors Food	Activity	Target Numbers of Premises 2021/22	Actual
Food Standards (FS) planned - High Risk	Annual intervention due	100% (8)	100% (8)
FS planned - Upper Medium Risk (From a total of 146 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	Work based on risk assessment and available resources.	Work based on risk assessment and available resources. 30 B rated
FS Planned – 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.	As above
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.	9
Primary Authority (PA) and Business Advice (BA)	Labelling reviews, interpretation advice, advice on developing legislation, advertising practice, complaints and incidents.		PA food 14 PA feed 1 BA food 13 BA feed 1
Food and Feed-related complaints	Food Consumer Referred from partners Feed		48 21 27 19

Feed visits

	Target – FSA contracted	Actual
Manufacturers (A01-8 and R1-4)	0	0
Co-product (R12)	2	0
Importer	0	0
Stores (R9)	1	1
Distributor (R1-3, R5)	0	0
Transporter (R8)	0	0
On farm mixer (R10 and 11)	1	1
Pet Food Manufacturer (R6)	1	0
Supplier of surplus food (R7)	6	5
Food Hygiene at Primary Production		
Livestock Farm (R13)	4	1
Arable Farm (R14)	1	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	Actual
Food samples (products submitted for analysis/report)	20	24
Feeding stuffs samples		

Surveys conducted:

Survey	TOTAL SAMPLES	RESULT TYPES Satisfactory	Unsatisfactory
Allergen Project 2021/2022	16	13	3
PASS Milk allergens in dairy-free takeaway drinks 2021/2022	5	2	3

Food Standards Summary 2021/22

Background: Staffing

Only one permanent officer is food qualified and competent; however, they are not solely dedicated to this area of work.

One new officer is undertaking the food module as part of their qualification and will take the exams in 2022.

Background: Local Government Re-organisation

NCC Trading Standards Service has been disaggregated across West and North Northamptonshire unitary councils. Management focus has been to ensure that both new Services transitioned as a safe and legal authority on Vesting Day. This also impacted on officers delivering food controls to a lesser extent. The process of transformation will continue in the next 12 – 24 months resulting in Trading Standards continuing to integrate within Regulatory Services.

Background: Brexit

The impact of the EU exit has not yet been felt by the Service. There are still issues which may impact on the smaller teams going forward into 2022/23 but they are not as yet quantifiable. There may also be an impact in relation to the war in the Ukraine leading to food and feed shortages and food substitutions.

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 year. The prioritisation advised by FSA was found to be very much in line with our own vigilant management of scarce resources following Service cutbacks in recent years.

Food Alerts for Action

No alerts received.

Supporting businesses

This Service operates the Primary Authority Partnership Scheme. West Northamptonshire Council have 14 food & 2 feed PA Partnerships:

- 30 requests for advice for food and 1 for feed were completed in 2021/22
- 10 requests for food and 1 for feed were completed from business requesting non-PA business advice.

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. The pandemic brought a slow start to the planned inspections and alongside the impact of disaggregation, the target visits were not met.

LEGISLATION ENFORCED

West Northamptonshire Council has a statutory duty to enforce 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 (domestic law which implements or relates to former EU obligations).

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
Offensive Weapons Act 2019
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.

Annex 4

**WEST NORTHAMPTONSHIRE
TRADING STANDARDS STRUCTURE 2022**

