

Trading Standards

Feed and Food Controls

Service Plan 2011-12

Cumbria County Council Trading Standards
Official Feed and Food Controls Service Plan 2011/12

1.0 Service Aims and Objectives

1.1 Cumbria Trading Standards is responsible for the enforcement of a wide range of legislation controlling the advertising, marketing, distribution and supply of goods and services throughout the manufacturing, importation, distribution and service delivery chain. Its remit covers civil, criminal and contract law and includes food standards, product safety, fraud, consumer credit, animal health and welfare, weights and measures, trade mark protection, e-commerce and unfair trading practices.

1.2 The aims of the Service are:

- To protect vulnerable members of our community from scams and unfair trading practices
- To reduce health inequalities by promoting healthier food choices and tackle the wider determinants of health such as illicit tobacco and under-age sales of alcohol and tobacco
- To support businesses to help them to succeed and thrive in a fair trading environment
- To protect the farming industry from disease outbreak and regulate the health and welfare of the County's farm livestock
- To inform and educate consumers of their legal rights and protect them from financial loss and harm

1.3 The Service delivers those above through a mix of advice services, partnered by Consumer Direct, enforcement and education.

1.4 The aims for food and feed standards are:

- To ensure food meets quality standards, is correctly labelled and is honestly described
- To ensure that food is traceable from farm to fork
- To promote healthier food choices
- To ensure animal feed is correctly labelled and meets quality standards

- To ensure that feeding stuffs are produced, transported, stored and used hygienically

2.0 Corporate Aims and Objectives

2.1 The Corporate priorities for 2011 – 14 are:

- Challenging Poverty in all its forms
- Ensuring the most vulnerable people in our communities receive the support they need
- Improving the life chances of the most disadvantaged in Cumbria

2.2 The food service plan meets these objectives through supporting local businesses and providing advice and education to consumers.

3.0 Background

3.1 Cumbria is the second largest county in England but less than 500,000 people live here (495,000, *2009 Mid-Year Population Estimates, ONS*) and over 50% of these people live in rural communities, resulting in diverse and unique challenges. Cumbria joins the North West of England with the North East and Scotland, with road and rail networks north, south and east.

3.2 Cumbria is made up of six districts: Allerdale, Barrow, Carlisle, Copeland, Eden and South Lakeland.

3.3 Its largest urban areas are Barrow, in the South West of the county, and Carlisle in the North of the county. There are high levels of deprivation within some parts of the county particularly in Barrow and in West Cumbria. 12 wards in Barrow, Carlisle and West Cumbria fall within the 10% most deprived nationally. There are also smaller pockets of significant deprivation in some of the rural communities.

3.4 Agriculture, farming and manufacturing contribute significantly to the local economy and with around 15 million visitors every year the food, drink and hospitality sector are very important to the Cumbrian economy.

3.5 Details of population, area and population density for the county and for each of the 6 districts are as follows¹:

Local Authority	Area (hectares) 100 hectares= 1 sq. km	Population	Population Density	% in Urban Areas²	% in Sparse Areas³	% in Super-sparse areas⁴
Allerdale	125,780	93,659	0.8	44.2	36.0	19.8
Barrow	7,796	71,655	9.2	90.5	9.5	0.0
Carlisle	104,010	101,128	1.0	68.1	20.0	11.9
Copeland	73,761	69,193	0.9	58.4	30.0	11.6
Eden	215,645	50,218	0.2	24.4	13.4	62.2
South Lakeland	155,361	102,660	0.7	48.2	27.3	24.4
Cumbria	682,353	488,513	0.7	56.8	23.8	19.4

3.6 Compared with the other 33 English counties, Cumbria

- is the second largest in area (average = 309,935)⁵
- is 26th in population (average = 662,836)⁵
- has the third lowest population density (average = 2.1)⁶

4.0 **Organisational Structure**

4.1 The Trading Standards Service Manager has overall responsibility for the delivery of official feed and food controls.

See Annex 1 for Organisational Structure

See Annex 2 for Trading Standards Structure

5.0 Scope of the Feed and Food Service

5.1 The Authority undertakes the normal range of food standards and feed activities within a County Council. The Service is responsible for the enforcement of a wide range of consumer legislation controlling the advertising, marketing, production, distribution and supply of goods and services throughout the manufacturing, importation, distribution and service delivery chain.

5.2 In terms of food enforcement this plan reflects the enforcement programme for food standards (including materials and articles in contact with food), animal feeding-stuffs and on farm medicine records legislation. District Councils have responsibility for food hygiene and some health and safety enforcement. Liaison and referral arrangements are in place with the districts to ensure good co-ordination, exchange of information and referrals on relevant matters.

5.3 Services delivered alongside food standards as part of a comprehensive approach cover: -

- weights and measures;
- product safety;
- descriptions of products and trade marks;
- unfair contract terms and unfair trading practices;
- consumer advice and assistance;
- animal health and welfare;
- price marking and price comparisons;
- supply of age restricted products;
- licensing and inspection of explosives (fireworks) retailers.

5.4 All enforcement services are provided in-house and supported by external expertise when necessary.

6.0 Demands on the Food/Feed Service

6.1 There is a typical spread of businesses for a County ranging from small, self-employed sole traders to large multi-national food manufacturers.

6.2 The profile of businesses recorded on the Trading Standards database is outlined below:

Total Number of Businesses	23966
Total Number of Food Businesses	5356
Number of Food Businesses that are Manufacturers/Importers	106
Number of registered feeding stuffs premises	1074
Number of livestock holders	7957

The businesses can be broken down by type:

Food Premises	No of Premises
Primary Producer	89
Manufacturer/Packer	113
Importer/Exporter	4
Distributor/Transporter	104
Retailers	1831
Restaurant/Caterers	3102
Total	5356

Feed Premises	No of Premises
Manufacturer/Packer	14
Importer non EU	2
Distributor/Transporter	22
Retailer	11
On Farm-Mixer	998
Other registered feed users	27
Total	1074

6.3 Normal working hours are 9am to 5pm from Monday to Friday, but the Service regularly carries out interventions when businesses are trading, including evening and weekends.

7.0 Enforcement Policy

7.1 The Service has an Enforcement Policy which is available via the website www.cumbria.gov.uk. The enforcement policy is currently being reviewed and updated.

8.0 Food and Feeding stuffs Premises Interventions

8.1 In 2005 the Hampton Report recommended reducing the Regulatory burden on responsible businesses. Following on from Hampton the Government's Better Regulation agenda aimed to embed a risk-based, targeted approach to regulatory inspection and enforcement. In 2008 the Food Standards Agency replaced the existing Code of Practice which had an inspection-based approach to a more flexible one, whereby local authorities can use a wide range of interventions to monitor, support and increase business compliance. The LACORS risk rating scheme is applied to all food premises.

8.2 The Code of Practice states that each Food Authority should document, maintain and implement a Food Standards and Food Safety Intervention Programme for which the Food Authority has food law enforcement responsibility. Interventions should be applied in a risk based manner so that intensive Regulation is directed at food businesses that present the greatest risk to public health.

8.3 The intervention programme is based on the LACORS risk scheme and intervention frequencies are determined in the Food Safety Act Code of Practice, as below:

Category	Intervention rating	Minimum Intervention rating
A - High	85 – 100	At least every 12 months
B - Medium	55 – 84	At least every 24 months
C - Low	15 – 54	Alternative enforcement strategy or intervention every 5 years

8.4 The following are accepted Food Interventions:

Intervention Type (official controls)	Definition
Inspection	Examination of any aspect of feed, food and animal health and welfare in order to verify that such aspects comply with the legal requirements of food and feed law and animal health and welfare rules
Monitoring	Conducting a planned sequence of observations or measurements with a view to obtaining an overview of the state of compliance
Surveillance	Careful observation of one or more food businesses or food business operators
Verification	Checking by examination and consideration of objective evidence where specific requirements have been fulfilled
Audit	Systematic and independent examination to determine whether activities and related results comply with planned arrangements and whether these arrangements are implemented effectively.
Sampling	Food or Feed or other substance in order to verify through analysis compliance with food or feed law

8.5 Other interventions which do not constitute official controls are:

- Education, advice and coaching
- Information and intelligence gathering
- Training

9.0 Food Standards Interventions 2011/2012

9.1 All businesses are risk-assessed for Trading Standards purposes based upon the national risk assessment scheme introduced in 2004/05. This allows enforcement activities to be targeted towards appropriate businesses and trade sectors.

Category	Minimum Intervention rating	Intervention type	Number of Premises	Targeted
A - High	At least every 12 months	Inspection, partial inspection or Audit	113	100% planned inspection
B – Medium	At least every 24 months	Inspection, partial inspection or audit until deemed to be broadly compliant, then consider alternating with other interventions such as monitoring, surveillance, verification, audit, sampling	2804	500 inspections planned through project work
C – Low	Alternative enforcement strategy or intervention every 5 years	AES Intelligence led approach non-planned interventions	2454	AES questionnaire will be sent to 200 premises

- 9.2 In accordance with the Code of Practice, the type of intervention for Category A - high risk premises, will be inspection, partial inspection or audit.
- 9.3 For Category B – medium risk premises, the type of intervention should be inspection, partial inspection or audit until the business is judged as “broadly compliant”, then planned interventions can alternate between inspection, partial inspection or audit and other official controlled interventions.
- 9.4 Planned interventions at Category A high risk establishments will take preference over lower risk premises.
- 9.5 Category C – will be subject to alternative enforcement activity and intelligence-led inspections.

- 9.6 The number of premises registered under the Feed (Hygiene and Enforcement) England Regulations 2005 is 265. The number of Approved premises is 14.
- 9.7 All feeding stuff manufacturers based in Cumbria will be inspected. A low level of registered on-farm feeding stuffs mixers will be inspected, usually as part of a joint Animal Health audit.

10.0 Feeding stuffs inspection programme

Category	Minimum Inspection frequency	Number of Premises	Targeted
A - High	At least every 12 months	14	100% planned inspection
B – Medium	At least every 24 months	998 On farm mixers & retailers	200 inspections Farms combined Animal Health Inspections
C – Low	At least every 60 months or alternative enforcement strategy once every 5 years	6500 approx	Combined Animal Health Inspections and/or Investigations

- 10.1 Samples will be taken across the whole range of premises, particularly manufacturers and imported feed, and submitted for analysis.

11.0 Food Hygiene – Primary Production

- 11.1 The EU food hygiene Regulations applicable to primary production came into effect on the 1st January 2006. Previously only certain types of farm that produced foods of animal origin (such as dairy farms) were covered by specific food hygiene legislation.

Now, the general principles of food hygiene legislation extend to all farms engaged in the primary production of food. Although there are some very limited exclusions, this includes stock and arable farms where any food crops are grown.

11.2 Food Hygiene is usually the responsibility of Environmental Health, but as Trading Standards already carry out farm inspections for animal health and welfare, the responsibility of enforcing this legislation falls with Trading Standards.

11.3 The intervention frequency is determined using local and other intelligence including:

- Membership of recognised farm assurance scheme
- Intelligence generated by other statutory inspections
- Surveillance information on problem products and products associated with food-borne illness
- Local Intelligence
- Change of Activity

11.4 All Primary producers subject to an Animal Health inspection will receive a Food Hygiene inspection at the same time.

12.0 Feed and Food Complaints

12.1 Trading Standards receive enquiries and complaints relating to food labelling, standards, claims and descriptions. The team also receive complaints relating to feeding stuffs composition, standards and labelling.

12.2 Based on previous years it is estimated that the Service will receive 30 food safety, food standards and feeding stuff complaints in 2011/12.

12.3 All complaints received into the Service are assessed and investigated. The information is recorded for intelligence purposes and may be used to monitor and identify problem traders, consumer trends or assist future investigations. The information may also be used to determine intervention intervals.

13.0 Home Authority Principle

- 13.1 The Service has a balanced approach towards law enforcement. We promote the "Home Authority Principle" which is supported by local authorities throughout the UK. This means we place special emphasis on the legality of goods and services originating in Cumbria, thus helping businesses meet legal obligations without unnecessary expense.
- 13.2 We adhere to good enforcement practice and are signed up to the Enforcement Concordat agreed between local and central government. In all enforcement decisions we abide by the County Council's Enforcement Policy which has been agreed by elected members and is available on request. It reflects the principles of the Enforcement Concordat and recognises that most businesses and traders want to comply with the law. However, if stronger action is necessary, investigations are undertaken in accordance with legal requirements and Home Office guidelines. Before instituting legal proceedings the County Council applies the Code for Crown Prosecutors to ensure decisions about prosecutions are made in a fair and consistent manner.
- 13.3 It is anticipated that Cumbria County Council will continue to support the Home Authority principle for any business that decides not to enter into the Primary Authority scheme. The Authority will ensure that Home Authority relationships with food and feeding stuffs manufacturers will be maintained and fostered, including inspection and sampling visits. We will continue to promote the Primary Authority scheme alongside the Home Authority principle.

14.0 Advice to Business

- 14.1 Trading Standards provide comprehensive advice, guidance and support to food businesses to encourage legislative compliance and to promote a fair trading environment.
- 14.2 Business Advice includes exhibitions, training, awards schemes, newsletters, website information and press releases to inform traders of their rights and responsibilities in general, and in relation to specific current issues.
- 14.3 This also extends to:
- On-the-spot advice during routine visits and inspections
 - Advice to new food businesses

- Business information/advice sheets
- Responding to general enquiries
- Providing training/seminars

15.0 Feed and Food Sampling

15.1 The Authority carries out a programme of feed and food sampling as follows:

- **Home Authority/Manufacturers** Sampling is targeted towards local producers and manufacturers. Samples of ingredients and finished products are taken throughout the year, dependent on risk.
- **Complaint Investigation** Where appropriate complaint items are submitted for analysis and further formal samples may be taken if necessary.
- **Projects/Surveys** Participation in national, regional and local sampling projects are considered for food standards and feed as appropriate

16.0 Food Sampling Projects 2011/12

16.1 **Local Claims** - Recent national surveys have indicated that a proportion of foods carrying a local claim may be misleading consumers. This project is to check on the authenticity of local claims at a range of retail and catering premises, including internet sellers based in Cumbria. The premises will include hotels, restaurants, deli's and markets, as well as internet sales. Officers will undertake traceability checks as required under the General Food Regulations. 20 premises per office will be visited. A total of 80 premises. Appropriate action, up to and including formal action, will be taken for any non-compliance found. Sampling period 1/04/11 to 31/10/11.

16.2 **Pubs, Nightclubs & Restaurants** - Visits to check that spirits sold are not being substituted or watered down. Because of their opening hours many of these premises will have had few or no recent intervention visits. Visits to include formal samples, as the authenticity sticks can be nullified by adding traces of sugar to drinks. 40 visits per office, 160 in total. A minimum of 30 formal samples to be taken. Sampling period 01/04/11 to 31/10/11.

- 16.3 **Butchers** - A recent spot check by the Department has indicated that compliance with Beef Labelling and traceability requirements is, at best, 50%.

There has also been a recent FVO mission to the UK examining the same area. Officers will also check areas such as food labeling and Weights & Measures on their visits. There will also be opportunities to promote the Service's role as verifiers for the Approved Beef Labelling Scheme, allowing local claims for beef. A minimum of 10 visits per office to local butchers (40 in total). It may be possible to combine these visits with those for local claims. Sampling period 01/10/11 to 31/02/12.

- 16.4 **Imported Food** - Sampling to be taken as part of the FSA funded sampling grant. Samples of meat, fish and dairy products to be taken for dioxin residues. Samples of kitchen utensils and melamine-ware to be sampled for formaldehyde and amine migration into foods. Some of the latter two samples may be taken simultaneously. Sampling period 01/11/2011 to 31/01/2012 for all 3 sampling exercises.

- 16.5 **Cumberland Sausages** - Traditional Cumberland Sausage has just been awarded protected name status (PGI). However, there are a number of commercial products carrying the name "Cumberland Sausage" which may not be an equivalent to the local PGI protected product. As the PGI inspection body, we have an obligation also to sample products carrying the PGI, to check specification. This sampling project is to compare local PGI marked Cumberland sausage against mainstream counterparts and publish the findings regarding meat content. At the same time, premises are subject to inspection/intervention.

A minimum of 10 PGI sausages and 30 commercially described sausages to be sampled. Sampling period 01/07/11 to 28/02/12.

- 16.6 **Sandwich shops** - Visits to be made to premises to inspect materials and articles in contact with food. Most plastics currently in use have had some form of recycling, and hence can leach dangerous and harmful chemicals into foods with which they come into contact. This is recognised by legislation and only food safe plastics can be used in food preparation and packaging. However, some small businesses may not be aware of these requirements which include written certification of compliance to the end user.

Officers in this project will visit businesses, specifically small sandwich shops, to examine the plastics used and check that they are food-safe. Any items not food-safe should be surrendered to the visiting officers.

This work is not limited to food officers as there are also product safety implications. A minimum of 50 premises to be visited. Sampling period 01/05/11 to 31/1/12

16.7 **Miscellaneous Complaints** - Food complaints to be dealt with as they arise.

16.8 **Home Authority Sampling** - Sampling a wide range of food products at new and existing businesses based within Cumbria.

16.9 **Care Homes Revisits** - Revisits following the final round of nutritional sampling. Adult Social Care to carry out 7 visits in the North and West of county. Cumbria Trading Standards to carry out 3 visits in the South of county. Further follow up nutritional work can be carried out on request on a per capita basis. 1/04/11 – 31/05/12

17.0 Feed Sampling 2011/12 Plan

Quarter	Issue	No of samples
Oct – Dec Nov – Jan	Home Authority - manufacturers / packers based in Cumbria	< 50
Aug – Oct	National coordinated risk-based food and feed sampling programme 2011-12 (Hazardous Elements)	5
Nov - Jan	National coordinated risk-based food and feed sampling programme 2011-12 (Hazardous Elements)	15
Aug – Oct	National coordinated risk-based food and feed sampling programme 2011-12 (Dioxins)	5
Ongoing	Farmers complaints relating to unsatisfactory feed performance	Not expected to be more than 5
Nov - Jan	Stored Grain Following the last couple of wet harvests, concerns have been raised over the presence of aflatoxins if the grain has not been dried sufficiently.	5 - 10

* subject to successful bid for funding

18.0 Feed/Food Safety Incidents

- 18.1 All Food Alerts are received from the Food Standards Agency via e-mail and text alert. Regular checks are made on the Food Standards Agency and LG Regulation websites. Action will depend on the nature of the incident and will be dealt with in accordance with the FSA Code of Practice.
- 18.2 The majority of Food Alerts are for information only but Food Alerts for Action may require immediate action to remove the food hazard from the food chain. These Alerts can potentially have an impact on programmed interventions.
- 18.3 Trading Standards will coordinate action with Environmental Health in cases of joint responsibility.

19.0 Liaison with other organisations

- 19.1 Cumbria Trading Standards has close links with consumer groups and other community organisations and liaison arrangements exist with the police and other council services on community safety, diet and nutrition and crime and disorder strategies. The Service works closely with the Food Standards Agency (FSA), Department of the Environment, Food and Rural Affairs (DEFRA) and the National Farmers Union on animal health and welfare issues. Other arrangements exist with anti-counterfeiting groups, the Office of Fair Trading and HM Revenue and Customs.
- 19.2 Coordination of activities was previously achieved at local, regional, national and European level through the Local Authorities Coordinators of Regulatory Services (LG Regulation). New arrangements have not yet been confirmed but liaison groups still operate at regional level. Cumbria is a member of the Trading Standards North West Group, which is a partnership of the 22 local authorities that cover the North West Region.

Food enforcement liaison exists with the six district councils, the NHS and other relevant Cumbrian organisations.

20.0 Resources

- 20.1 **Budget** - The budget for the service for 2011/12 is £1.77 million reduced from £1.97 million. 80% of the budget is allocated to employee costs.

20.2 **Sampling** - The overall budget contains specific sums for the costs associated with sampling and testing of goods and services. For 2011/12 the following budgets have been set-aside for these purposes:

	2011/12 Budget
Food Testing & Analysis	£20,000
Livestock Feedstuffs & Fertilizers Testing and Analysis	£10,000

20.3 **Staffing** - A significant restructure of service delivery arrangements was carried out in 2010/11. The current staffing levels are outlined in Appendix B – TS Structure.

Trading Standards currently employs 7 officers who hold the statutory Trading Standards qualification and a total of 8 staff are qualified to enforce the Food Safety Act in relation to high-risk businesses. Another 2 officers are studying for the DCATS Food Module.

Members of staff are encouraged to work across teams and in other areas so as to enhance their skills and understanding of all functions of the Service.

20.4 **Staff Learning and Development Plan** - A mixture of formal courses, short courses and in-house training is undertaken, and a review of training undertaken ensures that the right training is chosen for any given situation. A programme of qualification training is delivered in respect of the Trading Standards Institute's qualification framework for all Trading Standards professionals.

All suitably qualified staff are authorised officers for the purposes of enforcing the provisions of the Food Safety Act, albeit that they specialise in certain aspects of other trading standards legislation. Authorisation of Food Law Enforcement Officers is controlled and audited.

20.5 **Continuous Professional Development.** All officers engaged in Food Standards enforcement complete their mandatory 10 hours of "Continuous Professional Development" each year through a variety of different training processes. In 2011/12 two internal food training days are planned amounting to 10 hours CPD.

21.0 Quality Assessment

21.1 Cumbria Trading Standards will continue to have a quality system which will need to be regularly reviewed. All procedures and work instructions for food/feed will be reviewed and updated in 2011/12. Performance management and monitoring arrangements will be also be reviewed and formalised.

22.0 Review

22.1 Review against the Food Service Plan

	Target number of interventions/samples 10/11	Actual Interventions/Samples 10/11
Food Standards	H – 126 (all) M – 2625 (no target set)	H – 100 interventions + 16 closed, 10 not inspected M – 192 interventions
Sampling	No target set	225 food samples taken

22.2 Areas for Improvement

- Continue to develop multi-disciplined teams with qualified and competent food officers who can carry out a wide range of food safety and food standards activities and enforcement
- Encourage and develop cross-team working and joint interventions across the wide range of Trading Standards functions
- To monitor the accuracy of premises file data, risk ratings and written records, in accordance with the FSA Framework and Code of Practice requirement
- Consultation with businesses and the use of satisfaction surveys across all areas to identify where improvements can be made
- Better use of website and newsletters to provide information to businesses and consumers
- Community engagement on a wide range of issues, such as health promotion, understanding food labelling, salt and nutrition
- Business engagement – provide advice and training to businesses particularly new and small businesses

Chief Executive Office

Chief Executive: **Jill Stannard**

- Performance and intelligence
- Communications and media
- Policy, planning and communities
- Equalities

Adult & Local Services

Corporate Director:
Richard Parry

- Older people, strategic planning and prevention services
- Disability and mental health services
- Library, archives, coroners, local links
- Resources, provider services, performance, care governance and transformation

Children's Services

Corporate Director:
Julia Morrison

- Commissioning officers
- Vulnerable children/safeguarding
- Learning and inclusion
- Support of schools and learning
- Business support
- Client interface

Environment

Corporate Director:
Marie Fallon

- Network management
- Asset management
- Waste management
- Climate
- Natural history and environment
- Economic development

Organisational Development

Corporate Director:
Jim Savege

- Human resources: operations and corporate
- HR service centre
- Business improvement
- ICT
- Procurement

Resources

Corporate Director:
Diane Wood

- Legal
- Democratic Services
- Finance & Audit
- Premises
- Property

Safer & Stronger Communities

Corporate Director:
Dominic Harrison

- Safer communities
- Health and safety
- Risk management
- Emergency planning
- Business continuity management
- Fire and rescue service

