

DERBYSHIRE COUNTY COUNCIL

Meeting with Cabinet Member, Health and Communities

09 September 2014

Report of the Strategic Director, Health and Communities

ANNUAL FOOD AND FEED SERVICE PLAN 2014-15

1. Purpose of Report:

To seek approval from the Cabinet Member, Health and Communities for the annual Food and Feed Service Plan 2014-15.

2. Information and Analysis:

2.1 In accordance with the Food Standards Agency's (FSA) 'Framework Agreement on Official Feed and Food Controls by Local Authorities' (the Framework Agreement), the Trading Standards Division produces an annual Service Plan for Food and Feed. The Plan sets out a proposed programme of activity to seek compliance with food and feed requirements for the forthcoming year. This forms part of the division's contribution to the departmental service plan which aligns divisional activities with legal requirements and council priorities.

2.2 The Framework Agreement was developed by the FSA in consultation with local authorities, the local government associations and professional bodies. It sets out what the Food Standards Agency expects from local authorities in their delivery of official controls on feed and food law. It also seeks to ensure that the UK fulfils its obligations with regards to European legislative requirements. The Agreement sets out the planning and delivery requirements of feed and food official controls, based on the existing statutory Codes of Practice. Details of the monitoring system for local authority feed and food law enforcement, and of the audit arrangements, are available on the FSA website and the Framework itself is available via the link below.

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

2.3 There is a close link between the food we eat and our health. The local authority has a duty to enforce food safety legislation that is intended to ensure that food is safe to eat and that it complies with a wide range of standards and labelling requirements. In general, district and borough council environmental health services are responsible for enforcing food hygiene whereas the county council is responsible for ensuring that businesses trading

in Derbyshire comply with food labelling and compositional standards requirements. The county council is also responsible for ensuring feed businesses throughout the feed chain from farms through to manufacturers comply with legal requirements on feed labelling, safety and hygiene.

- 2.4 In September last year the authority was subject to an audit by the FSA on activities undertaken to monitor feed hygiene and standards controls. The audit recognised that the Authority had developed an effective quality management system which included a range of procedures and documents supporting feed law enforcement activities; provided guidance to staff and helped ensure consistency. Some areas of improvement were identified and an Action Plan was agreed to seek to improve compliance controls. The Action Plan was agreed by Members in April this year (see link to CabCo report below).
- 2.5 The Division also works closely with neighbouring trading standards authorities within the East Midlands; with district council Environmental Health services and with Public Health colleagues. The Heart of Derbyshire campaign was launched to local businesses – in partnership with Public Health – and aims to encourage local businesses to promote healthier food options to local consumers. Heart of Derbyshire is based on the Responsibility Deal for Public Health and will be delivered in partnership with the county's environmental health services. See link to website below:
- http://www.derbyshire.gov.uk/business/trading_standards/heart_of_derbyshire/default.asp
- 2.6 The Trading Standards Service provides advice and information to local businesses on the requirements of the law and how best to comply. Advice may be reactive – in response to a request from a local business or a referral from another authority – or proactive following a change in legislation or as a result of an inspection. To check compliance with food and feed standards and feed hygiene requirements, the service has a programme of inspections or visits to local businesses. The complexity and size of the business and the type of food or feed produced or sold will determine the frequency of visit in accordance with nationally agreed 'risk assessment' policies.
- 2.7 As well as 'routine' inspections or business advisory visits, the Division also undertakes project work to test compliance within a particular trade sector or food and feed products. Details of projects planned for this year are contained within the Food and Feed Service Plan and appendices.
- 2.8 In today's society the majority of food we buy is manufactured and pre-packed. To ensure that food is appropriately labelled and that it complies with food standards requirements, the Division also has a food sampling programme. Food on sale in Derbyshire is sent for analysis by a food laboratory (Public Analyst) to examine the composition and compare it to the labelling. Breaches of food labelling and standards constitute an offence and

depending on the severity of any non-compliance the Division will advise or consider enforcement action as appropriate. The majority of breaches are referred to the relevant 'Home Authority' – ie the trading standards department local to where the head office of the company is located. More serious breaches are investigated and, in a minority of cases, legal proceedings are instigated.

- 2.9 Decisions as to what enforcement action to take are made in accordance with the Division's compliance policy agreed by members which is referenced within the Food and Feed Service Plan.
- 2.10 The draft Plan is attached to the report as appendix 1 and it is proposed to publish it on the county council website when approved.

3 Financial Considerations:

The cost of the food and feed sampling programme for 2014/15 is £30,000. This represents a 40% reduction from 2013/14 and is approximately a quarter of the amount spent in previous years reflecting the reduction in the authority's funding. There may, however, be continued opportunities to bid directly for grant funding to supplement this budget. The Division works closely with three Public Analyst services and agrees a programme of food, agricultural products and feeding stuff sampling for the year within this budget.

4 Other Considerations:

In preparing this report the relevance of the following factors has been considered; human resources, legal, prevention of crime and disorder, equality of opportunity; environmental, health, human resources, property and transport considerations.

5 Background Papers:

CabCo Report: Food Standards Agency Audit report of Animal Feed Enforcement dated 15 April 2014

6 Key Decision:

No

7 Call-in:

Is it required that call-in be waived for any decision on this report?
No

8 Strategic Director Recommendation:

That the Cabinet Member, Health and Communities approves the annual Food and Feed Service Plan for 2014-15

**David Lowe
Strategic Director
Health and Communities**

**Derbyshire County Council
Health and Communities Department
Trading Standards Division**

**Food and Feed Service Plan
2014/2015**

Produced in accordance with the requirements of the
Food Standards Agency Framework Agreement

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Introduction

This Plan sets out how Derbyshire County Council through its Trading Standards Service delivers its food and feed service with the aim of ensuring that food standards and feed hygiene and standards are complied with.

The structure of this Food and Feed Service Plan follows the Service Plan guidance contained within Food Standards Agency's (FSA) Framework Agreement on Local Authority Feed and Food Controls by Local Authorities (as amended in July 2010)

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

The other activities performed by Derbyshire Trading Standards Service (DTSS) in respect of consumer law enforcement form part of the Trading Standards Business Plan 2010-14 which is currently being updated.

This Service Plan describes the structure, policy and operational activities of DTSS; in respect of food and feed law enforcement and advice.

The FSA has an audit role in respect of food and feed law enforcement and as such the Food and Feed Service Plan is intended to assist auditors to understand the authority's approach to seeking compliance with food and feed law requirements.

1 Service aims and objectives

1.1 Aims and Objectives

The aims and objectives of DTSS can be found in the Health and Communities Service Plan 2014 - 2015. The plan can be found via the following link:

http://www.derbyshire.gov.uk/images/2014-04-09%20Service%20Plans_tcm44-243670.pdf

Derbyshire Trading Standards Service's mission statement is "improving life for local people by supporting business, helping consumers and tackling unfair and unsafe trading practices"

1.2 Links to corporate objectives and plans

The County Council's Plan for 2014- 2017, can be viewed at:

http://www.derbyshire.gov.uk/council/policies_plans/council_plan/default.asp

2 Background

2.1 Profile of the Local Authority

The "new" Derbyshire County Council commenced on 01 April 1997, with Local Government reorganisation having maintained the original boundaries; but establishing Derby City as a separate Unitary Authority. The current administration took office in May 2013 following the local government elections.

The Trading Standards Service is based in Matlock which is also the home to the County Council's administrative centre.

Derbyshire has a population of 762,000 and has an area of around 1,000 square miles. It lies within the centre of England in the north west of the East Midlands region.

A county of strong contrasts, Derbyshire is largely rural and has a range of sparsely populated and larger urban areas. With no major urban centres, Derbyshire has 28 market towns which play a significant role in the local economy, both as employment hubs and as providers of valuable services to residents and out-lying rural areas. In the north east of the county, Chesterfield is the largest town.

The major cities of Derby, Manchester, Sheffield, Nottingham and Leicester lie in close proximity to Derbyshire's border. Derbyshire is easily accessible from surrounding areas, with more than 8.4 million people living within 18.6 miles of its boundary. The M1 runs through eastern Derbyshire and a direct rail link connects Derbyshire to London in just under two hours. Manchester, Birmingham, East Midlands and Doncaster airports are also nearby. Derbyshire is still heavily reliant upon manufacturing, which accounts for over a fifth of all employment in the county - twice the national rate. The economy of the

north west of the county and the Peak District is based on traditional quarrying and agriculture, although hill farming is becoming less central to the local economy. The development of tourism and new leisure activities is helping to supplement incomes and support farm diversification in these areas.

As part of the two-tier arrangement for local government, Derbyshire the County Council exists in parallel to eight District and Borough councils, who have responsibility for food hygiene enforcement as part of their Environmental Health functions.

2.2 Organisational Structure

The service was subject to a reorganisation in April 2012 which brought about changes to its structure.

Appendix 1 shows how the Trading Standards Service is incorporated into the structure of the Health and Communities Directorate.

Appendix 2 shows the detailed structure of the Trading Standards Division as of 1 April 2014.

The Head of Trading Standards is accountable for all trading standards responsibilities including food and animal feed enforcement and reports to the Strategic Director for Health and Communities who in turn reports to the Chief Executive. As depicted in Appendix 2, the Trading Standards Service is broadly split into three service delivery areas. The Trading Standards Manager for Standards and Animal Health Team has responsibility for the day to day delivery of food and feed enforcement activity.

The Council makes its key decisions through a Cabinet of elected members underpinned by a scrutiny structure. Health and Communities sits within the Health and Communities Portfolio and the Cabinet Member for Health and Communities – who is supported by two Deputy Cabinet Members – has delegated authority to approve the annual Food and Feed Service Plan. There is a three weekly cycle of ‘CabCo’ (Cabinet member and Chief Officer) committee meetings where papers are presented for approval or for information.

The appointed Public and Agricultural Analyst services for the services are:

Public Analyst Scientific Services i54 Business park
Valiant Way
Wolverhampton
WV9 5GB

Staffordshire County Council Scientific Services
14 Martin Street Staffordshire ST16 2LG

West Yorkshire Analytical Services
Nepshaw Lane South
Morley Leeds LS27 0UQ

2.3 Scope of the Feed and Food Service

The Service is responsible for ensuring that food standards, food hygiene at primary production (generally farms) and animal feed hygiene and standards are met. This is achieved through:

- Inspection of food and feed businesses.
- Provision of food and feed advice to both businesses and consumers.
- Investigation of prioritised food and feed related complaints.
- Taking of food and feed samples for analysis.
- Prioritised participation in national, regional and local sampling, educational and project based activity.
- Approval and registration of feed businesses.
- Liaison with District and Borough Councils and regional and national colleagues, Government Department and other agencies.
- Responding to relevant food and feed alerts.

Although not a traditional role for a Trading Standards Service, Derbyshire Trading Standards continues to work with selected industry sectors to improve the nutritional content of locally produced food through the Heart of Derbyshire scheme. It is also working with the Local Enterprise Partnership (D2N2), business representatives, district council environmental health colleagues and colleagues at the Better Regulatory Delivery Office (BRDO) to reduce burdens on local businesses through the 'Better Business for All' initiative.

The service also has a responsibility for the enforcement of consumer safety, weights and measures, animal health and welfare and fair trading based legislation. In addition, the service administers the Derbyshire Trusted Trader Scheme – understood to be the largest local authority approved trader scheme in the country.

2.4 Demands on the Food and Feed Service

Staff and facilities are located at Chatsworth Hall, Matlock (an annex building of the main County Council complex). Initial advice and support for consumers is now provided by the national call centre Citizens Advice Consumer Service (CACS).

Last year the service received in the region of 18,000 enquiries from CACS, hence the need to priorities the allocation of resources. A decision on the allocation of resources is taken using criteria which can be viewed at:

http://www.derbyshire.gov.uk/images/Enquiryprioritisation_tcm44-159818.pdf

Derbyshire Trading Standards Services 'consumer advice and enquires policy' can be viewed at: http://www.derbyshire.gov.uk/community/consumer_advice/default.asp

A small number of complaints are received by telephone, email, letter and personal callers. The service also receives requests through its website:

http://www.derbyshire.gov.uk/business/trading_standards/default.asp

During 2013/14 the Service received 290 food and 347 feed related enquiries as depicted in Appendix 6. It is expected that the numbers will remain broadly the same over the forthcoming year.

DTSS usually opens for personal callers between 9:00am and 5:00pm (Monday – Thursday) and 9:00am – 4:30pm on Fridays. The County Council's call centre is open between 8am to 8pm Monday to Friday and 9.30am to 4pm Saturdays. 24 hour out of hour emergency contact with the service is available by calling 01629 533190.

The Service is ISO 9001: 2008 registered, the accreditation body being NQA. The issuing, control and review of policies, procedures, and advisory leaflets etc. is done using a software package named "Workbench".

DTSS has approximately 8,300 food premises and 4,600 feed and food hygiene premises. The service is responsible for food hygiene at 'primary producers' which are mainly farms and hence the majority of the feed premises are also food hygiene premises. The service's trader records are managed using a specialist software package Civica APP which is also referred to as Flare.

In order to determine the appropriate frequency of interventions at the above premises, the service is using and plans to fully implement the Association of Chief Trading Standards Officers (ACTSO) Trading Standards risk rating scheme which was developed in consultation with the Food Standards Agency.

The scheme divides food premises into four separate risk bands which are detailed in Appendix 3. The table includes the required frequency of interventions and the number of food premises the service has at each of the risk bands. The risk bands, amongst other things, take into account the products being manufactured, the distribution area, the size and complexity of the business and the turnover and the quality of the processes and management.

For feed premises the ACTSO scheme is in the process of being adapted to reflect the changes to risk rating scheme within the Food Standards Agency Feed Law Code of Practice which was revised in April 2014. This statutory code of practice has significantly changed the required frequency of official controls at these premises and has introduced the concept of earned recognition where feed businesses are members of approved assurance schemes and have a least a 'satisfactory' level of compliance with the requirements of the legislation. The details of the number of feed businesses in Derbyshire, the premises requiring an inspection and the number of planned inspections can be found at Appendix 5.

Two large national feed manufacturers are approved with the service under the provisions of the Feed (Hygiene and Enforcement) (England) Regulations 2005 and EC Regulation 1831/2003. These are; Frank Wright Trouw Nutritional Ltd and DSM Nutritional Products Ltd. A summary of the service's registrations under the above regulations is included at Appendix 4.

2.5 Compliance Policy

The service's compliance policy is reviewed annually by senior management and is currently being reviewed to take into account the additional requirements of the new Regulators' Code which replaced the previous Regulators' Compliance code. This policy, along with details of completed prosecutions can be viewed at:

http://www.derbyshire.gov.uk/business/trading_standards/prosecutions/default.asp

The policy has been developed to provide a framework to ensure that the service operates in a manner that has regard to the five principles of good regulation, as provided by the Legislative and Regulatory Reform Act 2006 and demonstrates a commitment to the requirements of the Regulators' Code which is available at

DTSS believes that by following our compliance policy, we can protect consumers without imposing unnecessary burdens on legitimate businesses and thus help to promote a thriving local economy. The service recognises that most businesses want to comply with the law and we will endeavour to help businesses and others that do to meet their legal obligations without unnecessary expense.

The policy covers all aspects of Trading Standards enforcement and is intended to provide guidance for officers. It does not affect the discretion of the authority to take action in any case where it is deemed to be in the public interest to instigate legal proceedings. The policy also takes account of 'The Code for Crown Prosecutors'.

3 Service delivery

3.1 Interventions at Food and Feed Establishments

The premise profile for both food and feed premises is described in Appendices 3 and 5 respectively.

Food Premise inspections during 2014/15

The service will carry out inspections of all high risk food manufacturing premises along with all due upper medium risk manufacturing premises and 20% of the lower medium risk food manufacturing premises. The breakdown of these premises can be found in Appendix 3A.

Feed Premise inspections during 2014/15

As indicated above the national risk rating scheme for feed premises changed in April 2014. The service will carry out inspections at premises across the feed chain from primary producers through to major feed manufacturers in accordance with this risk rating scheme. The details of these inspections can be found at Appendix 4 and an explanation of the approval and registration codes can be found at Appendix 5.

The feed inspection activity for 2014/15 has been funded as a result of funding from the Food Standards Agency which, through the National Trading Standards Board (NTSB), has provided funding to Trading Standards East Midlands (TSEM) along with other regions throughout the England. As members of TSEM Derbyshire Trading Standards Service has been allocated a proportion of this funding based on the respective enforcement need.

Food and feed interventions will be carried out by staff identified at Appendix 2 whom have gained the qualifications and competencies required by the Food Code of Practice and the Feed Code of Practice. Animal health officers who are not yet competent to carry out feed enforcement will be given the opportunity to develop the necessary skills and competencies and will conduct surveillance whilst conducting farm inspections to inform future feed and farm food hygiene inspections.

It is likely that a number of additional interventions will be carried out at food and feed businesses as the result of a complaints and enquiries or as a result of a revisit.

The service considers that its approach of targeting resources at the greatest risk is appropriate and deliverable given the available resources. An estimate of the current staffing resources devoted to food and feed inspection activity can be found at Appendix 6. The estimated time includes the time spent giving advice to businesses during the course of the inspection process. Appendix 6 also includes an estimate of the resources required if the service was to deliver official controls at all Derbyshire food and feed premises at a frequency identified by its current risk assessment scheme and Food and Feed Law Codes of Practice.

The introduction of the Food Information Regulations is likely to have an extensive impact on the Service over the next couple of years. This is due to the staged transitional periods for various requirements, and because it is the most far-reaching codification of labelling for some time. The level of demand is uncertain, although a number of the County's large manufacturers / importers have already sought advice from this Service. In order to ease this impact, the Service has already communicated (and will continue to do so) the new requirements to appropriate businesses.

Non-food and feed qualified staff from throughout the service may be involved in food and feed work which does not require a formal qualification and/or the required CPD.

3.2 Food and Feed Complaints

The majority of the complaints received by the service are received via the Citizens Advice Consumer Service (CACS). These are received into the service via a secure 'post office' site. DTSS receives an average of 18,000 enquiries and the prioritisation process for these enquiries is explained at 2.4.

Last year the Service received 160 food related complaints and 23 feed complaints and it would be reasonable to expect the numbers to remain broadly the same in the forthcoming year.

An estimate of the current staffing resources which will be devoted to food and feed complaint work (based on the receipt of a similar number of complaints as 2012/13) can be found at Appendix 6.

Any complaints relating to food hygiene and microbiology are referred by the service to the District and Borough Council Environmental Health Departments.

3.3 Home Authority Principle and Primary Authority Schemes

DTSS takes its responsibilities under the home authority principle very seriously and all staff have access to training notes via Workbench to assist in ensuring they comply with best practice principles when enforcing all legislation, including food standards and feed related matters. The service's business advice policy which includes our approach to the Home Authority Principle can be viewed at

http://www.derbyshire.gov.uk/business/trading_standards/business/default.asp

The service acts as Home Authority for several large national companies including Thorntons, Swizzels Matlow, Frank Wright Ltd, DSM Nutrition, Gunstones Bakery and Country Markets Limited and has entered into one Primary Authority agreement with a food business, namely Whatnext Candy.

In 2013/14, 22 food and 1 feed requests for advice relating to food and feed businesses

for which the service acts as Home Authority were received. Similar levels of activity are anticipated in 2014/15.

An estimate of the current staffing resources which will be devoted to food and feed advice work (based on the receipt of a similar number of requests as 2012/13) can be found at Appendix 6.

3.4 Advice to Business

The Service offers both proactive and reactive advice to businesses. User satisfaction surveys are undertaken to gather feedback from local businesses with whom we have had an engagement. In 2013/14 the service received 51 requests for food advice and 6 requests for feed advice from businesses other than those for which it acts as Home Authority. The Service also received 27(food) and 14 (feed) requests for advice/assistance from sources other than businesses.

In addition, DTSS gave advice to 203 businesses as part of other proactive work. This included advice on significant changes to food and feed legislation and advice to Gyms and other fitness related establishments on the dangers of supplying supplements manufactured using DNP (2, 4-dinitrophenol). DNP is an industrial chemical known to have serious short-term and long-term effects, which can be extremely dangerous to human health.

An estimate of the current staffing resources which will be devoted to food and feed advice work (based on the receipt of a similar number of requests from non-Home Authority businesses as 2013/14) can be found at Appendix 6.

The Service also gave pro-active advice to 66 food businesses and 137 feed businesses. An estimate of the current staffing resources devoted to this activity can be found at Appendix 6. A similar level of activity is anticipated for 2014/15.

It is the continued intention of the service to develop closer links with business organisations, providing mechanisms of support for local businesses, both large and small.

DTSS has a comprehensive range of business advice leaflets which are freely available via the Departmental website.

http://www.derbyshire.gov.uk/business/trading_standards/business/business_leaflets/default.asp

As a Service we are members of the D2N2 Better Businesses for All partnership which has been promoted by the Better Regulation Delivery Office (BRDO). This is a partnership which brings together regulators, businesses and business representatives across Derbyshire and Nottinghamshire with the aim of improving the delivery of legislation in order to promote growth.

During 2014/15 the service will continue to advise food businesses of major changes to the food labelling controls following the implementation of Europe-wide Food Information Regulations.

3.5 Food and Feed Sampling

The Service's Food and Feed Sampling policy and current and past food and feed sampling programmes can be viewed at:

http://www.derbyshire.gov.uk/business/trading_standards/food_standards/sampling/default.asp

Food and Feed Sampling is generally carried out by members of the Standards and Animal Health Team. Where required by the Food and Feed Codes of Practice and legislation, formal samples will only be taken by qualified officers who hold the required CPD.

Quarterly sampling programmes are planned in conjunction with the Service's three Public Analyst partners to determine which products or food sectors to sample to check compliance with composition and labelling requirements. The programmes take into account changes to EC and UK legislation; current safety and labelling concerns; issues highlighted by staff and stakeholders; local, regional and national intelligence; and priorities identified by national bodies such as the Food Standards Agency (FSA). For example, the recent 'horse meat scandal' has resulted in an increase in beef products being sampled to detect undeclared meat species other than beef. The FSA feed sampling priorities can be found at:

<http://multimedia.food.gov.uk/multimedia/pdfs/enforcement/enf-e-14-008a.pdf>

Each sampling programme usually includes formal and informal samples as well as an allowance for complaint and initiative samples taken by officers during routine visits. 'Formal samples' are samples of food that have to be taken in a way prescribed by Food safety legislation to ensure that the item of food is split into three representative portions. This is required if legal proceedings are contemplated if the sample is found to be non-compliant and enables the food manufacturer to undertake their own analysis of the food. Sampling may also be carried out during the inspection of manufacturers and importers and may cover both ingredients and finished products. The programme for the April/May/June 2014 quarter is given as an example in Appendix 7.

During 2013/14, the Service spent £44,745 on the analysis of food and feed samples. 393 food and 84 feed samples were taken and submitted for analysis. The sampling budget for 2014/15 is set at £30,000 and it is anticipated that approximately 300 food and 50 feed samples will be taken.

25% of the food samples and 13% of the feed samples taken during 2013/14 have so far been reported as adverse. Results from 16 food samples and one feed sample are currently awaited. The failed samples were dealt with in a number of ways; for example by providing advice to the business; referring the details to the Home or Primary Authority for the manufacturer/seller; or by the instigation of a formal investigation. The Service anticipates a similar percentage of failures during 2014/15.

During 2014/15, DTSS will work with colleagues in Derbyshire County Council (DCC) School Meals Service, Adult Services and the DCC Procurement Service to ensure that the County Council is receiving accurately labelled and safe food and food which is compositionally correct. We will do this by taking samples and the targeted auditing of suppliers.

An estimate of the current staffing resources which will be devoted to food and feed sampling work (taking into account a reduction in this year's budget) can be found at Appendix 6.

Full details of the Service's food and feed sampling activities during 2013/14 can be found in Appendix 8.

3.6 Control and Investigation of Outbreaks of Food Related Infectious Disease

This is not applicable to the County function and remains the responsibility of the District and Borough Councils in Derbyshire. Were it necessary and appropriate, the service would provide all reasonable assistance.

3.7 Food and Feed Safety Incidents

A link to food and feed alerts published by the Food Standards Agency can be found on the services website, at:

http://www.derbyshire.gov.uk/business/trading_standards/food_standards/warnings/default.asp

Part of the service's documented quality system includes instructions about receiving and dealing with food and feed alerts which require action.

During 2013/14, nine alerts for action were published by the Food Standards Agency. Other than a small amount of administrative time, these alerts led to very minimal impact on the resources of the service.

During 2013/14, the Service notified the Food Standards Agency of potential food safety issues on three occasions. One of these, a chocolate coated ginger product, was found to contain undeclared hazelnuts and resulted in the withdrawal from sale of 480 150g packs of the product.

During the early part of 2013/14 the service carried out inspections at ten manufacturers and/or stores within Derbyshire as part of the wider horsemeat enquiries.

Due to the nature of such incidents, it is not possible to predict the resources required for 2014/15.

3.8 Liaison with other Organisations

The Service recognises the need to work with other organisations, both at a national, regional and local level for a number of reasons, including the need to ensure that best practice is shared and any enforcement action we take is consistent.

Trading Standards East Midlands (TSEM) Food and Feed Network - An officer from the service, represents the service at the regional TSEM Food Group and Chairs the regional TSEM Feed Group. The groups, which meet four times a year, are used as networks to share best practice, intelligence and experience /knowledge as well as assisting with consistency of approach. As required, the group may provide targeted regional training and deliver regional sampling and project based activities.

National Feed Panel - An officer from this service chairs the National Feed Panel which is hosted by the Food Standards Agency. The panel meets twice a year and issues

relating to feed safety that have national implications are discussed and actions agreed. Decisions and opinions of the group are then disseminated to local Trading Standards Colleagues through regional groups such as TSEM.

Derbyshire Food Liaison Group - The Service meets 4 times a year with colleagues from all eight of the District Council Environmental Health Departments, Derby City Environmental Health, the Health Protection Agency and the Food Standards Agency regional team. During 2013/14, led by DTSS, the group organised a joint Trading Standards and Environmental Health training day.

DTSS has developed strong links with the Animal Health and Veterinary Laboratories Agency to ensure legislation relating to the safety and marketing of eggs is complied with.

In addition to the above, the service regularly liaises with a variety of other national and regional bodies and organisations such as:

- Association of Chief Trading Standards Officers (ACTSO) and the National Trading Standards Board (NTSB).
- Medicines and Healthcare Products Regulatory Agency;
- HM Revenue and Customs
- International Federation of Spirits Producers Ltd (IFSP)
- Derbyshire Police
- The Veterinary Medicines Directorate

An estimate of the resources devoted to food and feed liaison with other organisations can be found in Appendix 6.

3.9 Food and Feed Standards and Safety promotional work and other non-official controls interventions

Food and Health work

The Service recognises that there is a close link between the food we eat and our health and recognises the importance of food and feed promotional activity.

During 2013/14, the service will continue to work with Public Health and Environmental Health colleagues to develop the Heart of Derbyshire (HoD) scheme. HoD is a scheme that is designed to encourage caterers to provide and promote the availability of 'healthier' food and is designed around the government's responsibility deal. Before the release of a specific website allowing for the search of members more information about the scheme can be found at:

http://www.derbyshire.gov.uk/business/trading_standards/heart_of_derbyshire/default.asp

Feed Hygiene Work

The Feed (Hygiene and Enforcement) (England) Regulations 2005 require that all Derbyshire feed businesses within the supply chain are either registered or approved as appropriate with this service. The Service has 3,719 livestock holdings; 810 of which have returned a registration form. DTSS will continue with a rolling programme of writing to the remainder of the unregistered premises to establish their current feed activity. This will enable the Service to continue to target future resources at the areas of greatest risk.

An estimate of the current staffing resources which will be devoted to promotional work and non-official control work can be found at Appendix 6.

4 Resources

4.1 Financial Allocation

The total financial resource for the Service (in terms of total net controllable budget) for 2014/15 is £1.866m. The Food and Feed enforcement activities are an integral part of this as depicted in 2.2 and appendix 1 and 2. It is not possible therefore to give a definitive level of expenditure specifically for food and feed services, but is estimated to be approximately £0.350m

The total provisional Public Analysts' budget for all analytical and consultancy work relating to food and feeding for 2014/15 is £30,000. This is a reduction of £20,000 from the budget for this work in 2013/14.

In addition to the above budget for sampling the service has also gained additional funding from the Food Standards Agency to take a small number of feed samples and food samples.

All operational staff are supported with appropriate equipment to facilitate their enforcement activities, including personal protective equipment, mobile telephones and a computer. Staff are able to access email and internet facilities both at their desk and from other office locations through the county council wireless network.

The service is supported by the CIVICA (Flare) computer database, which is used for planning, recording and monitoring activities. This system is supported and developed on an on-going basis by the company as part of an annual maintenance contract.

4.2 Staffing Allocation

Food and Feed enforcement is largely carried out by officers within the Standards and Animal Health Team. The structural chart depicting the service can be found at Appendix 2. This chart identifies the qualified and competent staff who deliver the Service's food and feed functions.

An estimate of the staffing resources devoted to food and feed enforcement during 2014/15 is shown in Appendix 6.

Appendix 6 also depicts an estimate of the number of FTE that would be required in order for the service to resource the appropriate 'official controls' at a level recommended by the Food Safety Act Code of Practice and the Feed Law Code of Practice.

4.3 Staff Development Plan

The service is committed to staff development and the authority has achieved the Investor in People Standard.

All members of staff participate in an annual "My Plan" staff development process and

are subject to an on-going review. The process is objective based and is designed to ensure that staff are equipped to meet the priorities identified in the annual Service Plan and this Food and Feed Plan.

All food and feed officers are required to achieve the minimum 10 hours annual food and feed CPD (as appropriate) to maintain their food and feed competencies required by the Food and Feed Codes of Practice.

5 Quality Assessment

5.1 Quality Assessments and Internal Monitoring

The Service is ISO 9001: 2008 registered, the accreditation body being NQA. The issuing, control and review of policies, procedures, and advisory leaflets etc. is done using a software package named "Workbench".

All food and feed activities have been and will continue to be integrated into the quality system and are subject to an annual review.

The service is committed to engaging with its customers and has achieved the Customer Services Excellence Award.

This service will support the principle of peer review with neighbouring authorities within Trading Standards East Midlands.

6 Reviews

6.1 Review against the service plan

In 2014-15, DTSS will:

- Conduct regular workload reviews in accordance with internal guidance. At these reviews Managers check individual officer progress on allocated and scheduled work linking back to this plan and the Health and Communities Service Plan.
- Ensure that the plan is regularly reviewed by Trading Standards Managers in accordance with Divisional Operating Procedure 2.7 and Terms of Reference AN49.
- Report to Departmental Management on any Food or Feed related indicators. This is done using the corporate performance management system.
- Report food and feeding stuffs issues to the Cabinet Member for Health and Communities via the CabCo process as described above.

6.2 Identification of any variation from the service plan

In 2014-15, DTSS will;

- Identify variations from the plan;
- Analyse the reasons for the variations;
- Develop corrective actions;

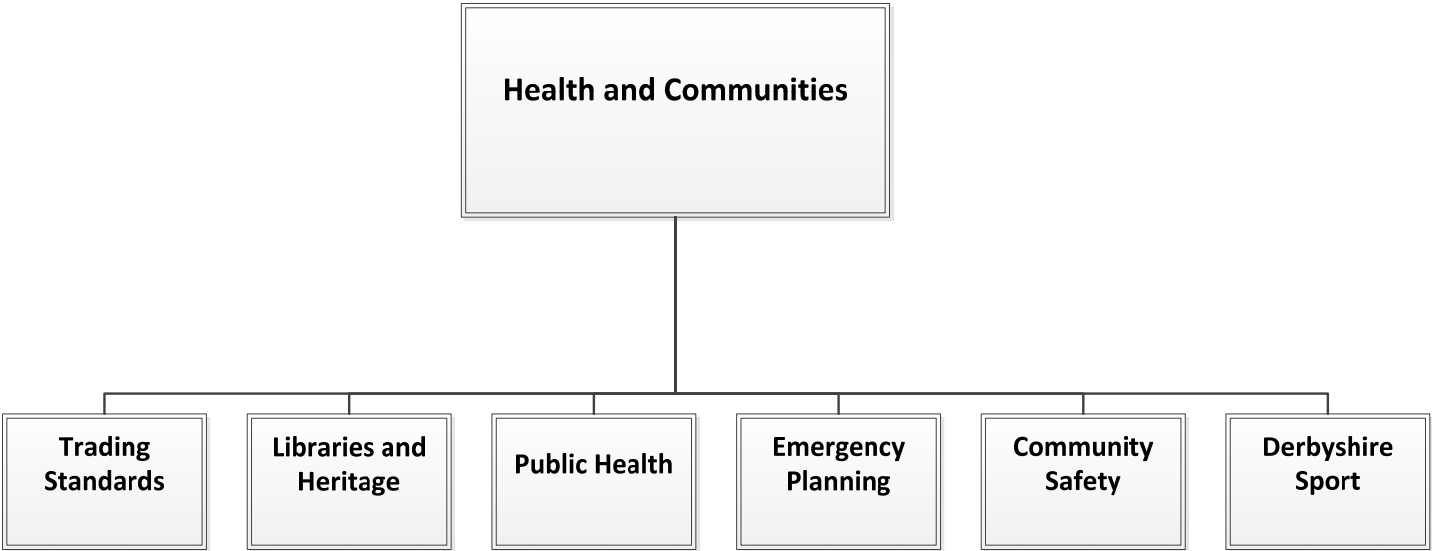
- Document these on the Service's Business Action Plan; and
- Review the content of the plan to ensure it continues to meet the needs of our stakeholders.

6.3 Areas for Improvement

In 2013-14, DTSS will;

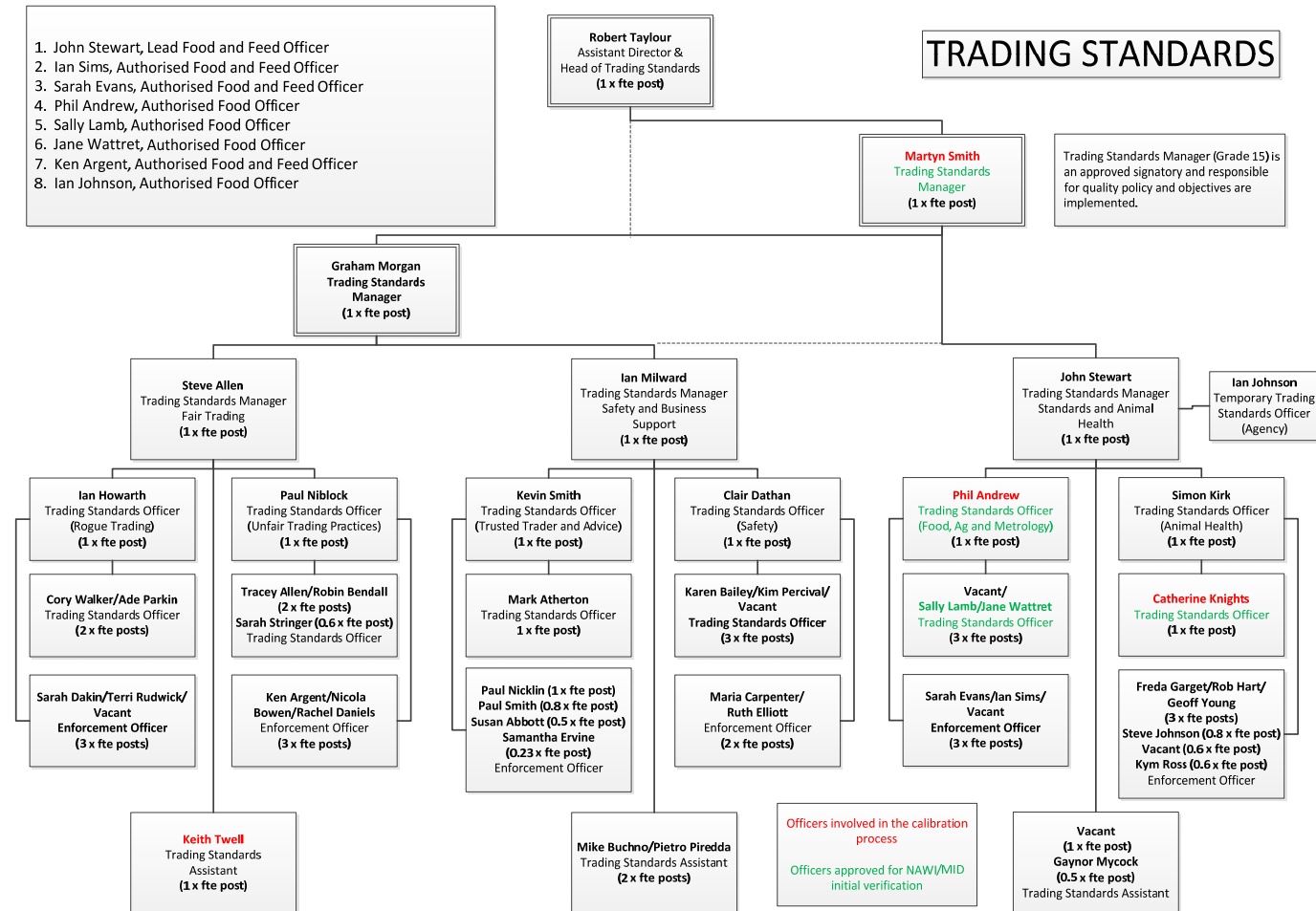
- Identify areas for improvement; and
- Incorporate in the 2015-16 food and feed law enforcement plan if appropriate, or deal with immediately if required.

Appendix 1



Appendix 2

AN 50 Officers involved in verification and calibration activities



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APPENDIX 3

Food Premises risk banding, frequencies of interventions and numbers of premises within Derbyshire

Risk Band	Frequency of intervention	Number of premises on the services database
High	Every 12 months	40
Upper medium	Every 24 months	966
Lower medium	Every 60 months	4593
Low	No recommended frequency	1468
Food businesses where food is not the basis for the risk*	Estimate at every 60 months for the food element	1423

NB the number of high risk food businesses shown as due in the above table is greater than the number of visits planned due to the fact that the service is in the process of establishing the actual risk at 22 new premises.

Appendix 3A

Schedule of food visits for 2014/15

Risk Band	Number of premises to be visited
High	18
Upper medium	31
Lower medium	9

Appendix 4

	A	B	C	D	E	F	G
1	Appendix 4 Due feed inspections and the number of planned inspections						
2		Reg code	No of premises	No of premises due to be visited	Full visits	Alternative Enforcement Strategy (AES) *	visits to 11.5% of premises not previously visited
3	Approved Manufacturers	A01-08	2	1	1		
4	Manufacturer - additives	R01	6	1	1		
5	Manufacturer - premixtures	R02	0				
6	Manufacturer - bioproteins	R03	0				
7	Manufacturer - compounds	R04	7	3	3		
8	Placing Compound Feeds on the Market	R05	22	3	3		
9	Manufacturer - pet food	R06	7	2	2		
10	Feed Materials / Ingredients / Surplus Food	R07	61	9	4	4	
11	Transporter	R08	40	7	6	1	
12	Stores	R09	5	0			
13	On Farm Mixer - Additives (HACCP)	R10	3	0			
14	On Farm Mixer - Compounds/ Additives	R11	379	33	21	13	
15	Co Product Producer	R12	31	7	7		
16	Livestock Farms	R13	3,278	68	21	46	56**
17	Arable Farms	R14	15	2	1		8***
18	* An AES does not require a full inspection. As there is currently no nationally agreed guidelines on what this means DTSS						
20	** 477 of the premises requiring a visit during 2014/15 have never been inspected, however to establish the actual risk at these premises we will inspect 11.5%, hence a total of 56 inspections						
21	*** 68 of the premises requiring a visit during 2014/15 have never been inspected, however to establish the actual risk at						
22	these premises we will inspect 11.5%, hence a total of 8 inspections						

APPENDIX 5

Registration code	Activity description	Number of premises
R1	Manufacture and/or placing on the market of feed additives (other than those subject to approval).	6
R2	Manufacture and/or placing on the market of Premixtures (other than those subject to approval).	0
R3	Manufacture and/or placing on the market of bioproteins ("certain products") not subject to approval.	0
R4	Placing on the market of compound feeds.	7
R5	Manufacture of pet foods.	22
R6	Manufacture and/or placing on the market of feed materials.	7
R7	Manufacture and/or placing on the market of feed materials.	61
R8	Transport of feed and feed products.	40
R9	Storage of feed and feed products.	5
R10 (Farms)	Mixing feeds, on farms, with additives and premixtures.	3
R11 (Farms)	Mixing feeds, on farms, with compound feeding stuffs which contain additives.	379
R12	Food Businesses selling co-products of the food industry which are destined as feed materials.	31
R13 (Farms)	Livestock farms (including fish farms) which do not mix feeds or mix feeds without additives.	3278
R14 (Farms)	Arable farms growing or selling crops for feed.	15

NB where a business is registered/approved under more than one activity code, the highest code is the only code that has been included in the above table.

Appendix 6

Appendix 6 Resources to carry out official controls 2014/15					
Area of work	Food Related Activity 14/15		Number of days required to deliver the food activity	Feed related activity	Number of days required to deliver the feed activity
Inspections	58		69.6	198	118.8
Overarching figure for complaints and service requests received from external sources	290			347	
Registration requests				293	46.9
Complaints*	160		96	23	13.8
Advice to HA businesses*	22		15	1	0.7
Advice to other business*	51		20	6	2.4
Issues referred to DTSS for information/ action*	30		9	10	3
Requests for advice from other sources (eg consumers)*	27		3	14	1.4
Proactive advice*	188		2	109	7
Proactive as part of inspection*	66		13	137	13.7
Samples	300		120	50	10
Liaison with other organisations (including regional and national meetings)			8		8
Maintenance of CPD			20		12
Heart of Derbyshire project			300		
Maintenance of QA system*			20		20

Appendix 6

Management of the service			150		150
Total officer hours			846		407.68
Total FTE's			4.2		2.0
* Estimated figure based on activity during 2013/14					

The additional resources that would be required to complete official controls at all businesses as required by the Food Law Code of Practice during 2014/15. (The service has received additional funding for feed activity and hence has been able to program interventions at all of the businesses due an intervention in accordance with the Feed Law Code of Practice).


Risk	Number of premises requiring an intervention in accordance with risk		Number of days required to deliver this activity
High risk	22		26.4
Upper medium	483		386.4
Lower medium	918		642.6
Low	284		113.6
Total officer hours			1169
Total FTE's			5.8

**Food Sampling Programme
1st Quarter 2014-2015
May/June 2014**

WEST YORKSHIRE ANALYTICAL SERVICES

Project Code	Product	Number	Formal/ Informal
PRH/PRA	Initiative, Complaint and Follow up and/or Non Retail FSI samples taken as part of food standards inspection programme	5	F/I
P26	Takeaway Meals <ul style="list-style-type: none"> To check for presence/levels of artificial colours, in particular Ponceau 4R, Sunset Yellow and Quinoline Yellow As a result of amendments to EC 1333/2008, Ponceau 4R and Sunset Yellow are no longer permitted in the sauce component of meat based curry dishes, and the level of Quinoline Yellow is restricted Samples to be taken of highly coloured curries or similar meals – issues more likely with Indian dishes 	12	I
	Total food samples	17	

Agriculture Sampling Programme

Project Code	Product	Number	Formal/ Informal
PAG	Animal Feeds See link below for National Feed Enforcement Priorities 2014-15  ENF-E-14-008 Annex 1.pdf	5	F/I
	Total Agriculture samples	5	

PUBLIC ANALYST SCIENTIFIC SERVICES

Project Code	Product	Number	Formal/ Informal
PRH/PRA	Initiative, Complaint and Follow up and/or Non Retail FSI samples taken as part of Food Standards Inspection Programme	8	F/I
PW8	Jersey Royal Potatoes <ul style="list-style-type: none"> • To check for authenticity • Samples to be taken from supermarkets and local greengrocers • Min 100g required for analysis 	10	F
	Total Food Samples	18	

Agriculture Sampling Programme

Project Code	Product	Number	Formal/ Informal
PR2	FSA National Co-ordinated Feed Survey (Samples to be taken throughout the year) <ul style="list-style-type: none"> • Feed Additives for heavy metals • Feed Additives for dioxins • Co-Products for dioxins • Feed Materials for Salmonella • Feed Materials for heavy metals • Feed Materials for mycotoxins • Feed Materials for pesticide residues • Feed Materials for unauthorised GM • Compound feeds for carryover of specified substances and medicines e.g. coccidiostats 	3 2 2 2 6 5 2 1 2	I
	Total Agriculture Samples	25	

STAFFORDSHIRE

Project Code	Product	Number	Formal/ Informal
PRH/PRA	Initiative, Complaint and Follow up and /or Non Retail FSI samples taken as part of food standards inspection programme	5	F/I
PX4	Sugary foods aimed at children <ul style="list-style-type: none"> • Analysis for sugar levels • Samples to include snack type foods e.g. fruit bars and breakfast cereals but not sugar confectionery as such 	20	I
PX5	Breakfast cereals containing nuts <ul style="list-style-type: none"> • Analysis for aflatoxins • Samples to include muesli and nut containing cornflake-type products • Samples to be taken from the cheaper end of the market 	12	I
	Total food samples	37	

Appendix 8

Food Category	Reason for sampling	Number of samples submitted	Number of unsatisfactory samples	Reason for adverse report	Actions/Outcome	Sample ref
Wholemeal bread from local manufacturers and supermarket instore bakeries	To check crude fibre content	20	1	Deficient in fibre	HA referral	31582
Dried vine fruits from local manufacturing bakeries	To test for contamination with ochratoxins and check level of the preservative sulphur dioxide	7	0			
Foods claiming to be rich in Omega 3	To verify level of Omega 3 fatty acids	15	8	All 8 products deficient in Omega 3: three products also with labelling issues	HA referral	31576; 31580; 31944; 32098; 32141; 32142; 32651; 32653
Plastic food storage bags and wrapping films	To test for chemical migration	10	0			
Ground nut powders from catering establishments/local manufacturing bakeries	To check for undeclared presence of peanut	3	0			

Appendix 8

Breaded scampi sold from catering establishments	To check composition and accuracy of description	10	6	5 samples found to have unsatisfactory labelling (no indication that the product was composed of a mixture of scampi tails and scampi pieces); 1 product was accurately described by the manufacturer, but inaccurately described on the menu	HA referral/trader advice	31937; 31943; 31968; 31990; 32140; 32511
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Appendix 8

Burgers from catering vans	To test for the presence of horsemeat	7	3	No horsemeat detected. However 2 products were found to be inaccurately described by the manufacturer as 'beefburgers' or 'all beef' when they contained other meat species in addition to beef; and 1 product was inaccurately described at point of sale.	The two products misdescribed by the manufacturer were subsequently found to be linked to a manufacturer currently under investigation for misdescribing another 'beefburger' product (The manufacturer was successfully prosecuted in March this year - company and director received fines totalling £40,000)	31986; 32146
Corn snacks	To test for the presence of undeclared gluten and contamination with aflatoxins	12	2	Labelling issues only - HA referral no undeclared gluten or aflatoxins detected		
Locally produced fruit and vegetables	To check level of pesticides	15	0			
Apple products	To check for contamination with the mycotoxin patulin	17	0			

Appendix 8

Wine (from the cheaper end of the market)	To check alcohol content and test for excess levels of sulphites	15	1	Slightly deficient in alcohol	Referral via the FSA	32605
Oily fish and fish products	To check for the presence of histamine	12	0			
Seasonal confectionery products	To check for excess levels of colours or presence of undeclared colours	12	2	Labelling issues only- no excess colours detected	HA referral	
Powdered cereal-based baby foods	To check for contamination with heavy metals and aflatoxins	11	1	Labelling issue only- no aflatoxins or heavy metals detected	HA referral	

Appendix 8

Flavoured olive oils	To test for authenticity	15	2	Both products contained oils in addition to olive oil, not declared on the label	HA referral	32757; 32682
Fat burner'/ body building supplements	To check for the unauthorised presence of 2,4-Dinitrophenol	13	8	DNP not detected in any of the products sampled. However, 8 products were making health claims not permitted under the Nutrition and Health Claims Regulations 2007; and two of these also had excessive packaging	HA referral	27738; 27741; 27745; 27747; 32649; 32650; 32851; 32857
Minced beef from local butchers	To check level of fat and collagen/meat protein ratio for compliance with the new Food Information Regulations	16	0			

Appendix 8

Milk from local 'on farm' bottlers	To check compliance with compositional standards and effectiveness of the pasteurisation process	4	2	2 products found to have high levels of the enzyme phosphatase, indicating that they had been inadequately pasteurised. One of these was also outside the specified fat content for semi-skimmed milk	Referred to the Food Standards Agency as a food incident. Product recall was not instigated as, due to the short shelf life of the products, they were no longer in circulation at the time the problem was discovered. However, the manufacturer stopped production whilst the problem was investigated. It was subsequently found to be caused by a pasteuriser malfunction - this has now been repaired.	32692; 32693
Unusual brand vodkas	To check for adulteration/contamination with methanol and other alcohols	8	0			

Appendix 8

Bacon from local butchers	To check levels of added water, salt and preservatives	11	4	3 products with salt levels in excess of the 2012 Responsibility Deal targets; 1 product with 13% added water, not declared in the name of the food	Visits to be made to the retailers to establish who has manufactured the products, with advice provided as appropriate	32861; 32863; 32867; 32873
Soft drinks (from the cheaper end of the market)	To check level of artificial sweeteners and preservatives	18	9	2 products contained undeclared preservatives - sorbic or benzoic acid - although both were within prescribed limits. A total of 5 products had unauthorised or incorrectly worded claims under the Nutrition and Health Claims Regs. Four products had minor labelling infringements under the Food Labelling Regs.	HA referral	28244; 28247; 28249; 28250; 32717; 32718; 32719; 32720; 32772
TOTAL		251	49			19.5%

Appendix 8

Reason for Sampling	Number of samples submitted	Number of unsatisfactory samples	Reason for adverse report	Actions/Outcome	Sample ref
Initiative, follow up, or taken as a result of a complaint	53	24	2 lamb based takeaway meals containing undeclared meat species	HA referral/trader advice	32507; 32508
			Lucozade drink with chemical taint	HA referral	32503; 32504
			Doner kebab described as containing lamb, but no lamb detected	Manufacturer currently under investigation with a view to a potential prosecution report	32703; PJW4
			Sheek kebab containing undeclared chicken and beef in addition to lamb	HA referral	32702
			Jagermeister deficient in alcohol	Trader advised in relation to possible offences for substitution/ 'passing off' of this product. A follow up sample was taken and found to be genuine	32527
			Glens vodka containing industrial grade solvent	Investigation carried out. Trader issued with a letter of warning	31586; 31587
			Milk chocolate ginger containing undeclared hazelnuts	Referred to the Food Standards Agency as a food incident.	32531; 32537
			Beef lasagne with misleading pictorial	HA referral	32671; 32672
			Chicken tikka massala takeaway meal containing peanut (supplied as 'nut free')	Investigation currently in progress	32752
			Baby cereal containing excess levels of aflatoxins	Referred to the Food Standards Agency as a food incident.	32855
			Baby cereal described as 'gluten free'	HA referral	27748
			7 products with labelling issues	HA referral	
Taken during Food Standards Inspections at food manufacturers	19	4	Beer deficient in alcohol	Advice	
			3 products with labelling issues	Advice	

Appendix 8

Taken during inspections at feed manufacturers and animal health premises	51	9	3 products with nutritional constituents outside the permitted tolerance	HA referral	
			2 products with nutritional constituents outside the permitted tolerance and labelling issues	HA referral	
			1 product with labelling issues only	HA referral	
			Manufactured feed containing excessive levels of packaging material	Trader advice	2379AG
			Pet food containing excessive levels of enterobacteriaceae	HA referral	2371AG
TOTAL	123	37 30.1%			

Appendix 8

Reason for Sampling	Number of samples submitted	Number of unsatisfactory samples	Reason for adverse report	Actions/Outcome	Sample ref
Food Standards Agency National Co-ordinated Food Sampling Programme	24	6	Mainly labelling issues. However, one chicken breast product with added water (produced by a Dutch manufacturer) was found to be deficient in chicken compared with the declaration; and a sample of lamb burgers manufactured locally was	Dutch product referred to the manufacturer via the Food Standards Agency. Local manufacturer advised of the results. Investigation indicated potential equipment problem or failure to clean down	32666; 31993
Food Standards Agency National Co-ordinated Feed Sampling Programme	30	2	Excess coccidiostats in a withdrawal feed not intended to contain coccidiostats; and excess lead in a home grown silage	Coccidiostat issue referred to the Veterinary Medicines Directorate - also investigated by the manufacturer. Silage issue referred to the Food Standards	32774; 2392AG
Project on Working with the School Meals Service & Adult Packaging Project	10	6	See associated project report for details	See associated project report for details	
Project on Salt reduction in Bread and Sausages (follow up	7	3	See associated project report for details	See associated project report for details	
	6	3	See 'Healthy Eating' project report for details	See 'Healthy Eating' project report for details	
TOTAL	77	20 26.0%			