

DERBYSHIRE COUNTY COUNCIL**MEETING WITH CABINET MEMBER, HEALTH AND COMMUNITIES****26 May 2015****Report of the Strategic Director, Health and Communities****FOOD AND ANIMAL HEALTH ENFORCEMENT ACTION****1. Purpose of the report:**

To inform the Cabinet Member, Health and Communities of the outcome of two recent animal welfare and food safety enforcement actions.

2. Information and analysis:**Potentially unfit meat**

- 2.1 The local authority is responsible for enforcing a wide range of legislation that is intended to protect consumers and ensure fair trading in a variety of different trade sectors. Responsibility for ensuring that food is safe to eat is shared between local authority trading standards services, district council environmental health services and for certain activities, central government agencies; ie the Food Standards Agency (FSA) and the Department of Food, Environment and Rural Affairs (Defra). Slaughterhouses and larger meat processors, come under the control of the FSA (a responsibility that previously belonged to the Meat Hygiene Service) who are responsible for ensuring that only meat that is fit for human consumption and is fully traceable is allowed into the food chain.
- 2.2 Following a routine animal welfare inspection of a local farm, a trading standards enforcement officer noted that on three separate occasions their fallen stock (ie dead animals) had been collected in a way that raised her suspicion. Following the foot and mouth outbreak, controls were strengthened to reduce the risk of disease spreading and all 'animal by-products' have to be disposed of in an approved way, usually by rendering or incineration. Any person collecting animal by-products must be licensed to do so and it was suspected that this individual was not.
- 2.3 Enquiries revealed that the individual who had collected the fallen stock was linked to a mobile butchery business, who was found to be operating from premises on Rotherham Road, Killamarsh. Although all food businesses are required to be registered with their local district council, this business had not done so, making locating it very difficult. As a consequence, Trading Standards Officers and Environmental Health Officers from North Derbyshire District Council, supported by the Police made an early morning visit to the premises. A summary of what was found and the issues identified are as follows:

- The storage building contained two chiller units but no freezer.
- The business was sourcing meat and some meat products from two suppliers, the main one being a food broker and butcher in Scunthorpe.
- There was no evidence of a food safety management system, no traceability and no stock rotation at the premises
- The business was purchasing both chilled and frozen meat (even though they had not got a freezer to store the frozen meat in). This meant that some of the meat was chilled, some was frozen (probably as it had just been delivered) and some was thawing or had thawed.
- A number of products had expired use by dates.
- There was a significant amount of meat that was clearly unfit but not identified as such which was stored in with the newer product.

2.4 Although there were a number of potential offences, particularly from a food hygiene perspective, enforcement options for trading standards were limited. One issue for us was proving that the meat and meat products being stored were 'ready for sale to the ultimate consumer or a catering establishment'. And although there may well have been breaches of the food labelling controls, in the majority of cases the only remedy now available (since December 2014) is to issue an 'Improvement Notice'. Whilst these changes in legislation may well assist local legitimate businesses as it provides a route to compliance that avoids, at least in the first instance, pursuing matters through a Court, it does mean that it can be more difficult to take enforcement action against those traders that are less willing to comply.

2.5 A pragmatic approach was adopted and by working in partnership with the other regulators, the business owner was persuaded to remove from sale and have destroyed all the meat that could not be verified as being safe. A total of in excess of 1.1 tonnes of unfit or potentially unsafe meat was therefore removed from the food chain, as follows:

- 300 kg of Beef Rump which was not labelled in accordance with Beef Labelling Regulations, was not traceable and was not stamped with an approval number again affecting its traceability.
- 150 kg of unlabelled, untraceable meat was returned to the supplier in West Yorkshire.
- 733 kg of unfit, out of date and/or untraceable meat and meat products disposed of as animal by-products.

2.6 In summary, although no further enforcement action is pending, Derbyshire consumers have been protected from a potential supply of unfit meat and local businesses have not had to face unfair competition from a cheap product of unspecified origin. The business is now very much on our radar as well as that of local environmental health colleagues and it should be possible to take more forceful enforcement action should further breaches be observed.

Animal Disease Risk

- 2.7 The vast majority of local businesses are broadly compliant with trading standards legislation and our role is to support and advise traders and other business people as to what they need to do to comply with the myriad of legal requirements. However, on a relatively few occasions, the level of non-compliance is so significant that, in accordance with our Compliance Policy, it is necessary to take enforcement action. One such occasion involved a Sudbury farm operated by two brothers. In March 2014 we were alerted by a man delivering animal bedding to the farm to a wholesale disregard to the animal by-product controls, designed to reduce the risk of diseases such as foot and mouth spreading.
- 2.8 Two of the animal health team attended the farm and were shocked by what they found and which can be summarised as follows:
- Two bovine carcasses on a dirt floor near to a shed, from the decomposition of the animals it appeared that they had been dead and in situ for several weeks. No attempt had been made to store them or cover them appropriately to prevent scavenging animals accessing the carcasses or to contain leakage of bodily fluid. A farm dog was seen to pull and feed on one of the carcasses. Neither carcass was complete nor was there an ear tag present in order to enable the animals to be identified.
 - The carcasses were in close proximity a bay storing feed and bedding material, hence there was potential for the contamination of both feed and bedding materials as well as vehicles travelling to and from the bays. The floor was dirt and therefore could not be adequately cleansed or disinfected to remove any potential contamination and, therefore, any potential risk to human or animal health.
 - Within the yard there was a bonfire, part of it was still flaming and part was cold to the touch. On top of the bonfire were animal parts and carcasses including a cow jaw bone, a lamb carcass and a calf carcass. Due to the wind, ash and smoke from the bonfire were being blown around increasing the risk of contamination. Near to the fire were two new-born lamb carcasses, one of which had been partially scavenged.
 - A partially burnt stripped calf leg was also identified under a farm machine near the fire. An old cow bone was found just in front of the cattle feed troughs next to the beef fattening pens. A hip bone was also identified in amongst the remnant of the feed within the feed troughs. Two rows of pig rearing pens were inspected and old sheep and cattle bones as well as fleece were found among the debris of the semi-derelict structures.
 - Further cow bones including vertebrae, skulls, jaw bones, rib and legs were found amongst parked farm machinery and underneath black plastic sheeting. The bones appeared to have signs of gnawing. Two ear tags near the sheeting identified two cattle registered to the farm. The deaths recorded

as 13.11.10 and 28.11.08. The carcass of a small dog was found under the black sheeting.

- When questioned the farmer explained that some of the animals were cut up and boiled in a metal tea urn and fed to the dogs. This is not a proper method of disposal of animal carcasses and is not permissible.

- 2.9 The purpose of the Animal By-Products (Enforcement) (England) Regulations 2013 is to prevent the spread of diseases for example foot and mouth by providing for the proper disposal of carcasses, covering them initially to prevent scavengers and then ensuring there is proper disposal via a licenced incinerator. There were concerns that the carcasses left in the farm yard could have contaminated the animal feed and subsequently entered the human food chain. The circumstances were compounded by the fact that the farm had been designated a Red Tractor Farm, a food assurance scheme that should guarantee appropriate standards are met in terms of hygiene and animal welfare.
- 2.10 A Veterinary Investigation Officer with the Animal Health Veterinary Laboratories Agency who was shown a video of the farm taken by Trading Standards Animal Health Officers stated that the images showed a disregard to suitably disposing of the carcasses of two adult bovines and described the attempt to dispose of carcasses by means of a bonfire in the middle of the farmyard as 'disgraceful'.
- 2.11 In view of the findings a case was brought before Derby Magistrates and the two brothers who operated the farm were prosecuted for breaches of the Regulations. The Court imposed a fine of £3,500 on each brother and ordered them to make a contribution of £750 towards the prosecution costs of £3,000.

3. Other Considerations:

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

4. Background Papers

None

5. Key Decision:

No

6. Call-in:

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

7. Officer's recommendation:

That the Cabinet Member, Health and Communities notes the report.

**David Lowe
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Health and Communities**