

TRADING STANDARDS SERVICE

Food Law Enforcement Plan 2010/11

(Draft for approval)

Index

	Page
1 Service Aims and Objectives	3
2 Background	4
3 Service Delivery	7
4 Resources	11
5 Quality Assessment	12
6 Review	13
APPENDIX 1: Food sampling Plan	15
APPENDIX 2: Feeding stuffs Improvement Plan	17

1. Service Aims and Objectives

1.1 Aims and Objectives

The aim of Oxfordshire County Council Trading Standards Service is –

"To safeguard communities, consumers, businesses and the farming industry from unsafe, unfair and unacceptable business practices."

Our vision is –

"To be the leading Trading Standards Service in the UK."

Oxfordshire Trading Standards Service 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, trade descriptions, consumer credit, animal health and welfare, weights and measures, trade mark protection, electronic commerce and unfair trading practices.

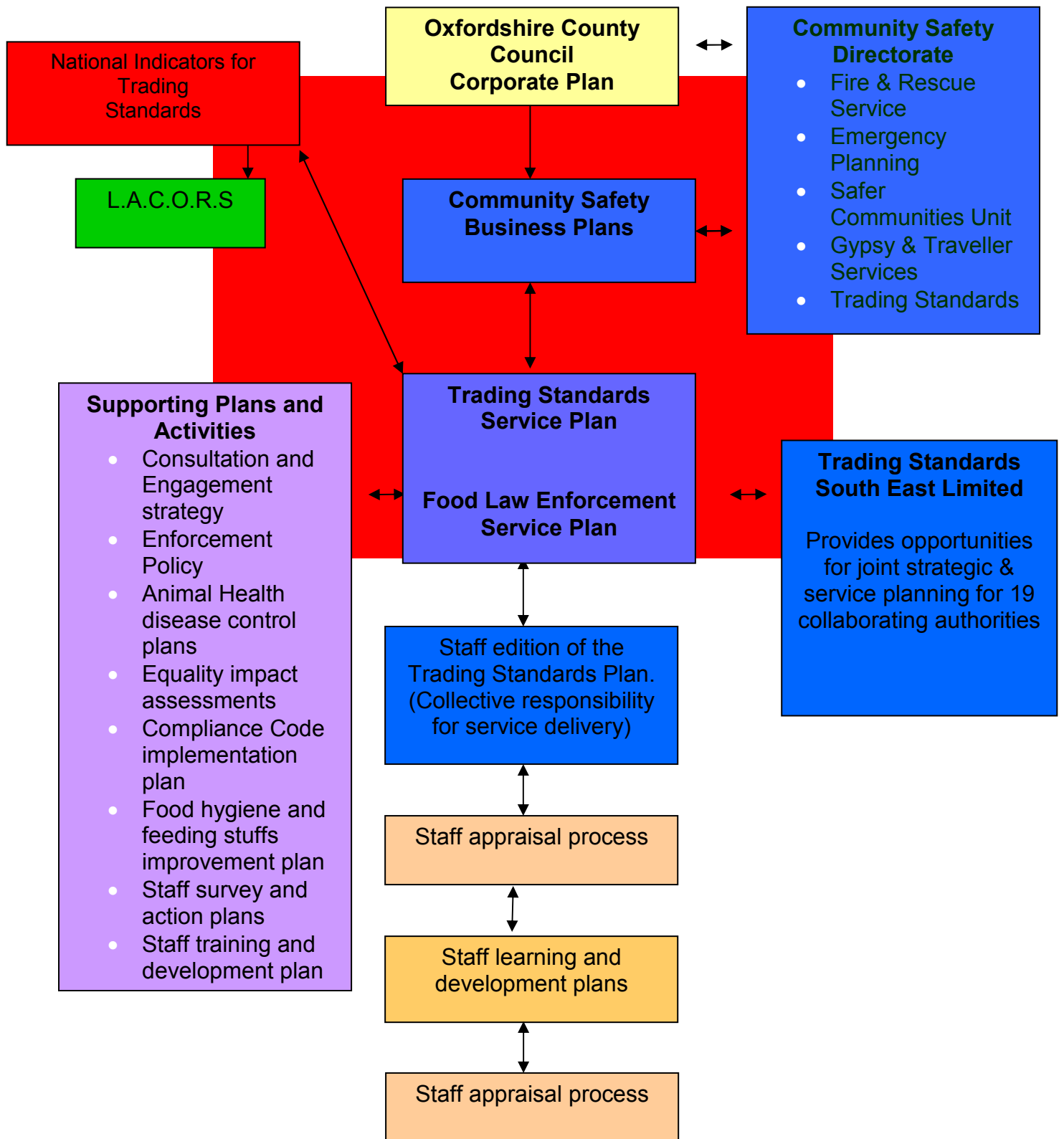
1.2 Link to Oxfordshire County Council Corporate Plan 2010/12.

Oxfordshire County Council's priorities are-

- A World Class Economy
- Healthy and Thriving Communities
- Environment and Climate Change
- Better Public Service

Cutting across all these objectives is a broad theme of 'Breaking the Cycle of Deprivation'.

The structure chart following shows how the Service links with other corporate plans and priorities and cross boundary regional working for improving the environmental, economic and social well being of the community.



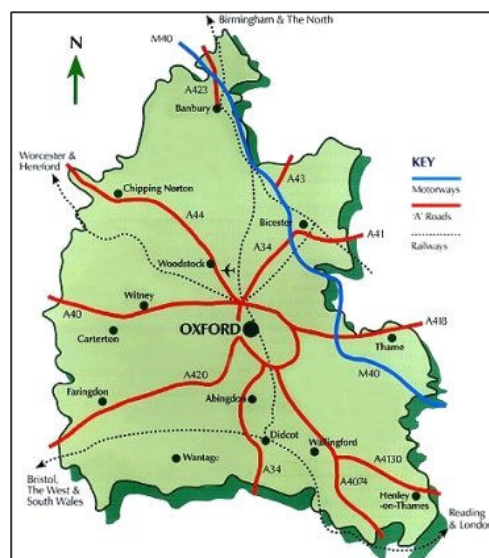
2. Background

2.1 Profile of the Local Authority

- In mid-2006, an estimated 632,000 people lived in Oxfordshire.
- Oxfordshire is the most rural county in the South East with the lowest population density in the region (2.4 people per hectare (1 per acre) compared to 3.8 people per hectare (1.5 per acre) in Kent) and over 50% of people in Oxfordshire live in settlements of less than 10,000 people.
- Our largest settlement is Oxford City with a population of 149,100, with 42,500 students attending either Oxford University or Oxford Brookes University¹.
- Around one quarter of the population live in our market towns (as defined by the South East England Development Agency (SEEDA)).

2.2 Oxfordshire's Environment

- 78% of the land in Oxfordshire is under agricultural management and almost a quarter of the land is designated an area of outstanding natural beauty.
- The number of cars owned by people living in Oxfordshire increased from 175,000 to over 300,000 (+78%) between 1981 and 2001.
- Traffic on Oxfordshire's roads increased by 12.5% in the 10 year period to 2006.
- 10.2 tonnes of carbon dioxide per person were emitted in Oxfordshire in 2005: 26.5% of the emissions were from domestic sources i.e. our homes, 38.2% from industry and 35.3% from road transport.



2.3 Economic Profile of the County

Oxfordshire has one of the lowest levels of unemployment for any county with many jobs based in agriculture, service industries, research and development and high-tech industries, particularly the electronics industry. The agricultural economy is important to the County and, despite generally low unemployment; poverty in some rural areas continues to be an issue.

The estimated yearly spend on food alone in Oxfordshire is £753 million - that equates to over £15 million per week (*based on the Expenditure and Food Survey of 2006*).

¹ Total students, Higher Education Statistics Agency - not students in residence.

There is a typical spread of businesses for a shire county ranging from small self-employed sole traders to large multi-national food manufacturers. The profile of food businesses recorded on our database is outlined below: -

Total number of businesses	14696
Total number of food premises	4972
Number of food premises that are manufacturers/packers/importers	214
Number of registered feeding-stuffs premises	306
Number of livestock holders	2074
Number of livestock holders required to keep animal movement records	2001

3 Service Delivery

3.1 Scope of the Service

This plan reflects the enforcement programme for food standards (including materials and articles in contact with food), food hygiene at primary producers, animal feeding-stuffs and on farm medicine records legislation. District councils have responsibility for food hygiene (except in relation to 'primary producers', namely farmers and growers) and some health and safety enforcement. Liaison and referral arrangements are in place with the District Councils in Oxfordshire to ensure good co-ordination, exchange of information and referrals on relevant matters.

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

3.2 Profile of Businesses

A revised national risk assessment scheme was introduced in 2004/05 which is used to target enforcement activities towards businesses and trade sectors presenting higher levels of risk.

The following table illustrates the number of businesses in Oxfordshire assessed to be either high or medium risk.

RISK CATEGORY	NUMBER OF BUSINESSES 2009/10 (includes livestock premises but excludes petroleum spirit storage premises)
High Risk Businesses	64
Medium Risk Businesses	3216
High Risk Food Businesses	9
Medium Risk Food Businesses	1914
High Risk Feed Businesses	2
Medium Risk Feed businesses	304

3.3 Interventions at Food and Feeding Stuff establishments

The Service plans to comprehensively inspect all high risk businesses annually (including high risk food and feed premises). In addition, the service aims to have some enforcement contact with 2900 businesses overall, including 1480 food businesses. Other than planning to inspect all high risk businesses, the service takes an intelligence-led approach to planning its enforcement activities.

3.4 Business Advice

The Business Advice and Regulation Team consists of 3 officers providing advice to Oxfordshire businesses, including food businesses. The team includes a Business Liaison Officer who provides advice to local business groups and networks promoting the support that the Trading Standards Service can provide.

We promote the "Home Authority Principle" which is supported by local authorities throughout the U.K. This means we place special emphasis on the legality of goods and services originating in Oxfordshire, thus helping businesses meet legal obligations without unnecessary expense.

This Service will provide free advice and assistance on matters within the Trading Standards Service's scope to any business that trades from premises within Oxfordshire. We will not, however, provide advice on matters such as employment, health and safety, food hygiene or data protection legislation. We will give advice on civil legislation concerning contractual matters, but not other areas of civil law, such as negligence or other torts.

Where the Head Office or trading centre of a business is situated in Oxfordshire, we will adopt a Home Authority approach to our business support. This process enables us to assist businesses to operate within the law and 'get it right first time' thereby reducing the impact of marketing goods or services that do not meet legal requirements. We will also act as a point of contact for other Trading Standards Services to refer issues to us about that business to coordinate these enquiries and reduce the regulatory burden on the business, rather than the company being approached by a number of different authorities. Whilst a business may not wish to engage in the Home Authority principle, failure to do so may result in more enquiries being received direct from other Trading Standards authorities, placing an extra burden on that business to react.

3.5 Enforcement Policy

The Service has a balanced approach towards law enforcement. We are signed up to the Enforcement Concordat agreed between local and central government. We also adhere to the principles of the statutory Regulator's Compliance Code. In all enforcement decisions we abide by the County Council's Enforcement Policy which has been agreed by elected members and is published on the County Council's website. 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.

3.6 Food and Feed Sampling

Food sampling

The lead officer for food standards has responsibility for the food sampling plan, and ensuring all sampling targets are met. The food sampling plan (appendix 1) is based on national, regional and local intelligence. The Service also actively participates in national and region co-ordinated sampling projects throughout the year.

Samples taken will generally fall into one of the following categories: -

- formal samples for analysis;
- formal samples for examination;
- informal samples for analysis or examination.
- samples submitted to the Service by a purchaser and which are the subject of a complaint.
- Other project work.

It is anticipated that 280-380 samples will be taken this financial year. Many of these samples are taken in response to intelligence or complaints rather than through planned project work.

The service has 17 officers that are food qualified, and all have personal sampling targets set for 2010/11.

Feed sampling

In 2010/11 the Service aims to undertake 50 feed hygiene audit inspections and take 50 feeding staff samples.

The feed sampling and inspection programme targets feed manufacturers, on-farm mixers, producers/sellers of co-products and surveillance of farm feeding stuffs. Through the year, priority is given to responding to Food Standards Agency feed hygiene alerts, complaints, regionally coordinated projects and acting on intelligence and guidance received from the Public Analyst. In order to operate efficiently and effectively within the sampling budget, sampling will be a mix of formal analysis and in-house screen-testing.

3.7 Public Analyst Appointments

Worcestershire Scientific Services are appointed as the Service's Public Analyst for food and Agricultural Analyst for feeding stuffs.

Staffordshire scientific services are also appointed as the Service's Agricultural Analyst for feeding stuffs.

3.8 Food and Feed Complaints

All food complaints are investigated in accordance with guidelines issued by the Local Authorities Coordinators of Regulatory Services. Departmental work instructions set out the division of responsibility between the County and Districts in relation to investigation of food complaints.

An early decision will be made as to whether a food complaint should be investigated by Trading Standards or Environmental Health. Joint investigation of complaints will be conducted where appropriate.

There were 75 food complaints investigated in 2009/10. Food complaints may be allocated to, and investigated by, any suitably authorised, qualified and competent officer.

All feed complaints are investigated by the lead officer for feed.

There was 1 feed complaint investigated in 2009/10.

3.9 Food/Feed Hazard Warnings

The Service has a written Food/Feed Alert Policy, in accordance with the Food Law Code of Practice. This policy is part of the Service's ISO 9001 accredited quality system.

Food/feed alerts will be received by the relevant Group Manager or Food Law Specialist in electronic form either by e-mail or text alerts. Where the Food Alert is received in electronic form, a hard copy shall be produced by the Group Manager or the Food Law Specialist.

3.10 Joint and Partnership Arrangements.

Co-ordination of activities is achieved at local, regional, national and European level through the Local Authorities Co-ordinators of Regulatory Services (LACORS). Liaison groups operate at regional level. Oxfordshire is a member of the Trading Standards South East group, which is a partnership of the 19 local authorities that cover the GOSE Government Region. Oxfordshire is also a member of the Midland Shires Benchmarking Club. This is a group of 10 shire authorities that shares best practice and facilitates continuous improvement.

Food enforcement liaison exists with the five district councils and other relevant Oxfordshire organisations.

4. Resources

4.1 Financial expenditure

	2008/09 (Actuals)	2009/10 (Actuals)	2010/11 (Budget)
Gross Expenditure	2,605,604	2,525,599	2,250,945
Income	305,511	267,161	291.101
Net Expenditure	2,300,093	2,258,438	1,959,844

4.2 Sampling and Testing Budgets

The overall budget is devolved for specific areas of sampling and testing of goods and services. For 2010/11 the following budgets have been set aside for these purposes:

Purpose	Budget 2009/10	Budget 2010/11
Food Testing and Analysis	£44,588	£40,000
Livestock Feeding Stuffs and Fertilizers Testing	£14, 756	£10,000

4.3 Staffing Allocation

Trading Standards currently employs 17 officers who hold the statutory Trading Standards qualification. A total of 17 staff are qualified to enforce the Food Safety Act in relation to high-risk businesses. The Business Advice and Regulation Team Leader is the designated lead officer for food standards. Members of staff are encouraged to work across teams and in other areas so as to enhance their skills and understanding of the Service.

A total of 14 staff are qualified to enforce feeding stuff legislation to level one. Of these 2 are qualified to complete level two enforcement roles.

The Animal Health and Farming Standards Team conducts all food hygiene at primary production and feeding stuffs enforcement. The Lead Officer for Feeding Stuffs is the manager of this team.

4.4 Staff Learning and Development Plan

All suitably qualified staff are authorised officers for the purposes of enforcing the provisions of the Food Safety Act and are trained in the full range of trading standards legislation. Authorisation of Food Law Enforcement Officers is controlled and audited under the Service's Quality Management System.

Oxfordshire's Trading Standards Service has benefited in recent years from being able to train locally based students through to fully qualified Trading Standards Officers. The Service aims to have two Trainee Trading Standards Officers, which is essential to limiting recruitment and retention difficulties experienced in the Trading Standards Service throughout the region. At this time both trainee positions are vacant.

4.5 Continuous Professional Development

All officers engaged in food standards/feeding stuffs enforcement complete their mandatory Continual Professional Development (CPD) each year through a variety of different training processes.

The total CPD hours required per subject is as follows:

- 10 hours-food standards
- 10 hours- feeding stuffs
- 4 hours- food hygiene at primary production

5 Quality Assessment

5.1 Assessment and Self-Assessment.

The Service is a registered ISO9001: 2000 organisation and has a robust internal audit schedule to monitor compliance and a documented complaints procedure to deal with complaints about the Service. All Trading Standards Officers are trained to be lead auditors. The Service has also been awarded the Charter Mark for excellence in public service for over 10 years and has Investors in People Status (more lately as part of the County Council).

In 2009/10 the Service reviewed its internal audit programme to provide a robust challenge to all our processes. This identified efficiencies that can be delivered by removing any duplication or unnecessary processes.

The principles of the European Foundation for Quality Management model (EFQM) are also applied to assess strengths and areas for improvement. Cross service auditing with other local authorities on various aspects of the Service is also undertaken to facilitate the process to improve and ensure best value.

Oxfordshire piloted the DTI "Peer Assessment Scheme for Local Authority Trading Standards Services" in 2004/05 and completed a second self-assessment and peer review during 2008/9. This process led to a number of the improvement and development actions contained within an internal improvement plan.

Other local indicators and good practice guides are being used to benchmark services within the Midland Shires Benchmarking Club. Results of this

benchmarking are used to drive continuous improvement and share best practice.

6 Review

6.1 Review of Performance

Throughout the year, monthly and quarterly monitoring of performance identifies any potential areas of failing activity allowing corrective or preventive management action to be taken. Any external factors that may have a severe impact on the Service, such as an animal health and welfare disease outbreak or significant staff shortages are reported to the County Council Cabinet Member for Community Safety to agree changes to service delivery.

End of year performance returns are submitted to the Food Standards Agency and Department for Environment, Food and Rural Affairs. A statistical return is submitted to the Charter Institute of Public Finance and Accounting.

6.2 Performance in 2009/10

Activity	Target	Result
Comprehensive inspections at high risk food premises	13	13
Comprehensive inspections at high risk feed hygiene premises	2	2
Food hygiene at primary producer interventions	40	57
Comprehensive inspections feed hygiene	15	14
Food samples	400	321
Feed samples	40	31
Food complaints	n/a	75
Feed complaints	n/a	1

Key achievements for the year include-

- 100% of high risk premises for food/feeding stuffs were inspected
- Food hygiene at primary producer interventions exceeded targets set

- An intelligence-led sampling programme approach resulted in 6 intelligence-led food projects, 5 projects based on Public Analyst intelligence, and 5 national/regional co-ordinated sampling projects.
- One of the projects; the value food project, led to a national press release - "Low price but just as good for you".

Targets were not met in relation to-

- Feeding stuffs audits and corresponding samples.
- Food samples

Early in the 2009/10, the original targets for feed hygiene inspections and feed sampling were agreed as too ambitious. However, the revised feed sample targets were still not met, due to work load pressures within the team.

The decision was taken to not chase food sampling targets, but ensure all sampling was either intelligence-led or regional/national projects or complaint samples. This year, sampling targets are guide figures, rather than performance targets.

6.3 Areas of Improvement for 2010/11

Food qualified officers all have individual sampling targets for 2010/11 to ensure all take an active part in delivering the Food Sampling Plan.

A review of feeding stuffs enforcement and activity was conducted in 2009/10 following a European Commission audit of the arrangements in place within the UK as a whole. A Feeding Stuffs Improvement Action Plan has been drawn up, with a number of improvements to be made during 2010/11, to enable the Service to meet feeding stuffs targets set. (Appendix 2).

Appendix 1- Food Sampling Plan

Explanatory Note- Following is a table of planned food sampling projects. Other sampling will be undertaken throughout the year in response to intelligence, food alerts or complaints.

<u>Month</u>	<u>Team/Officer</u>	<u>Source</u>	<u>Sampling Theme</u>	<u>Test to be applied to sample</u>	<u>Number of Samples proposed</u>	<u>Cost per sample</u>	<u>Total</u>
TBC	TBC	FSA/TSSE funded	Imported foods	Soya Sauce = 3MCPD content	5	£ 195.00	£ 975.00
TBC	TBC	FSA/TSSE funded	Imported foods	Fresh Vegetables & nuts = Cadmium content	20	£ 117.00	£ 2,340.00
TBC	TBC	FSA/TSSE funded	Imported foods	Rice from China = bt63content £ 195 per sample £1950	10	£ 195.00	£ 1,950.00
TBC	TBC	FSA/TSSE funded	Imported foods	Spices = Ochratoxin A content	20	£ 156.00	£ 3,120.00
June/July	Business Advice & Regulation Team	Worcestershire Scientific Services intelligence newsletter April 10	Sulphur Dioxide in jams from small	Sulphur Dioxide	10	£ 35.00	£ 350.00

			producers				
July-September	Business Advice & Regulation Team	FSA part funded	FSA small business advice project. Sandwich shop project.	Salt, fat, saturated fat, sugar profile. Calorific content	20	tbc	tbc
Sept	PP1	Worcestershire Scientific Services project	Genetically Modified Organisms (GMOs) in Foods containing Soya	DNA Analysis for Roundup Ready soya	10	£ 139.00	£ 1,390.00
				Total	75		£ 10,125.00

ANIMAL FEEDING STUFFS ENFORCEMENT ACTION PLAN

ACTIVITY/ISSUES	ACTION	RESPONSIBLE OFFICER	TARGETS & TIMELINES PERFORMANCE MEASURES/COMMENTS
Lack of co-ordination between Animal Medicines Inspectorate (AMI) and local authorities.	Make contact with local AMI. Discuss memorandum of understanding, and difference in roles. Agree joint activities where appropriate.	SL/MG/ TH (intelligence)	
Requirement to demonstrate dedicated resource allocated to feeding stuffs results in adequate checks, including sampling and inspections.	Review previous enforcement activity levels as part of business planning cycle. Need to show increase in activities in comparison with previous years, and meeting targets set.	MG	<i>SE Region- bench marking against other authorities.</i>
FSA to prepare a program of audits re feed law including checks on internal monitoring procedures	Draw up internal monitoring check sheet for use by TL and group manager.	SL	<i>Begin from 1st April</i>
Follow up activities are not always recorded and does not demonstrate that corrective actions have been carried out.	General issue of correct use of codices for non compliant/brought in to compliance. Training and guidance to be provided. Internal monitoring check sheet above will help to monitor this.	SL/MG	<i>Begin from 1st April</i>
Visits to be carried out without prior notice The FVO were unhappy with the amount of notice given to businesses of a primary inspection. Primary inspections should be carried out without prior notice.	Visits by appointment for livestock premises as part of wider farm inspection. Two mills in area. One weeks notice given due to practicality issues for full audit.	MG	<i>Samples taken/spot checks unannounced</i>
Risk assessment of premises is not always carried out in a consistent manner (between LA's) and they are not taking into account all risk factors. FSA to verify by audit that authorities are operating	Review application of risk assessment with appropriate regional group. Use internal monitoring to ensure consistency between officers.	MG	<i>Raise at Regional Group</i>

to such systems			
FVO are not satisfied with that all businesses are not being visited at an appropriate frequency and that some are excluded from feed hygiene controls.	Review premises on APP to ensure all those liable for feed hygiene controls are flagged for inspection/intervention, and risk rated. This may involve further training on HACCP for member of the team who are not routinely carrying out feed enforcement.	CP	<i>Recorded check, ensure all premises flagged. DVO-Livestock premises Rural Payments Agency</i>
National List of Registered Feed Businesses	Are premises tagged on APP. Will need to prove can provide list when required. E.g. generate report from APP. Test report to be produced annually.	CP	<i>Complete for start of 2010/11 financial year.</i>
To ensure that businesses operate under HACCP principles	Use aide memories/inspection checklists for HACCP principles on feed hygiene. Annex 1 farm inspections. Internal monitoring to ensure consistent use.	MG	<i>Share aide memoires with other LA through LACORS.</i>
To take all products into account when carrying out enforcement on imports The FVO noted that import controls were largely being carried out on feeds and feed materials and that additives and premixtures were not being adequately monitored.	Imports of Premix's and Zootechnical additives will mostly fall to the AMI. We do not see many feed materials being imported but must look for these on inspection at premises. Targeted sampling programme for imported feed and additives/pre mixtures.	SL/MG	<i>Feed into annual sampling plan</i>
AMI re: Coccidiostat and histomonostats. FVO were not satisfied that sufficient checks are being carried out on unauthorised Zootechnical additives and Antibiotics	Mainly falls to AMI. Could share intelligence with AMI. Act as eyes and ears by carrying out visual checks for use of banned growth promoters on farm	SL/MG	<i>Book training from PA and AMI so staff competent to recognise this.</i>
To ensure that sampling covers the full range of feed products Sampling is recognised as being an important aspect of the monitoring of the compliance of feed	Require regional groups to consider this issue with respect to individual authorities sampling plans. Audit to verify sampling is risk based. Sampling plan must be based on national sampling		

<p>especially undesirable substances. Authorities plans covered sampling for undesirable substances did not cover the full range of products (e.g. premixes and additives). The FVO also stated that very limited samples were taken for Dioxins and PCB's.</p>	<p>priority areas.</p>		
<p>To ensure that packaging waste is not present in feed. FVO were not happy that packaging waste continues to be present in certain feed materials (e.g. bread 'waste'). Packaging waste is banned in feed. This is a general issue across the EU. The commission are apparently trying to come up with some guidance. In spite of the legal requirement (packaging waste is a prohibited substance), zero tolerance is not practical, neither is a set (say 0.01% by weight) tolerance. More likely would be a risk assessment on each circumstance (e.g. nature of packaging and intended target feed species).</p>	<p>One premise under review, as may fall into this category of producer. Officers to look out for this practice on inspection.</p>	<p>MG</p>	<p><i>Review premise that may fall into this category.</i></p> <p><i>Include packaging waste in sampling plan.</i></p>
<p>More and more focussed FSA audits most likely focussed on authorities that do not send in their returns, who send in lower than expected figures and do not meet the Agencies targets.</p>	<p>Play an active part in regional group activities</p> <p>Enforcement attention to be focussed in risk areas, imports and former food stuffs, as per FSA guidance.</p>	<p>NS</p>	<p><i>NS to raise at TSSE</i></p>