

## **CABINET MEMBER FOR SAFER & STRONGER COMMUNITIES 5 JULY 2010**

### **TRADING STANDARDS SERVICE FOOD LAW ENFORCEMENT PLAN**

**Report by Acting Head of Trading Standards & Community Safety.**

#### **Introduction**

1. The County Council is designated as a food authority under section 5 of the Food Safety Act 1990 ('the Act'). As such, under section 6 of this Act the Council has a duty to enforce various food law provisions that are either specifically designated the responsibility of the County Council or which are made under the Act but are not designated as the responsibility of any particular food authority.
2. The Food Standards Act 1999 gives powers to the Food Standards Agency (FSA) to oversee the enforcement of the Act and provisions made under it. In doing so, the FSA has a responsibility to oversee local enforcement activities by food authorities. To discharge this responsibility, the FSA sets and monitors standards and audits authorities to ensure that enforcement activities are effective and consistent.
3. The Framework Agreement on Local Authority Enforcement provides the FSA with the mechanism for implementing its powers under the Food Standards Act. This framework agreement was developed in conjunction with the Local Government Association and the Local Authorities Coordinators of Regulatory Services.
4. Under the Framework Agreement, food authorities are required to develop an annual food law enforcement plan. The plan should contain information on the arrangements in place within the authority to ensure food law enforcement activities are effective. The plan should be submitted for member approval in the authority to ensure local transparency and accountability.

#### **Food Law Enforcement**

5. The Trading Standards Service discharges the County Council's food law enforcement responsibilities outlined above. The District Councils in Oxfordshire are also designated food authorities. In general terms, the County Council has responsibility for enforcing the legal provisions relating to food labelling and quality standards (including descriptions applied to food) whilst the District Councils are responsible for food hygiene.
6. The Trading Standards Service has 17 members of its enforcement teams that are qualified and competent to enforce food law in Oxfordshire. None of these officers are dedicated food law enforcement officers, and all undertake

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food law enforcement as only one part of their broad range of responsibilities. The service has a budget of £40,000 allocated for the purchase and analysis of food products to ensure that the labels and descriptions applied to these products are accurate and not misleading and that food standards are maintained.

7. The Trading Standards Service publishes its food law enforcement plan within the overall Trading Standards Service Plan. This Service plan is published annually and details the Service's priorities for the year ahead, performance and outcome measures for these priorities and summarises the previous year's performance data. The food law enforcement plan also provides a summary of the demographics of Oxfordshire and details the overall arrangements for enforcing food law as required by the framework agreement.
8. The Trading Standards Service's food law enforcement activities fall into 4 broad categories. These are outlined below and are demand driven activities, intelligence-led actions, pro-active inspection plans and education initiatives. In fulfilling its responsibility to ensure compliance with food law in Oxfordshire, the Service will obtain samples of food products and ingredients and submit these for expert analysis to verify composition and safety.
9. Demand driven activities constitute a significant element of the food law enforcement work that is undertaken. Demand for food enforcement activity may come from complaints, business requests for advice or support or food safety alerts. During 2009/10 the service received and responded to 76 complaints relating to food and feeding stuff matters.
10. The Trading Standards Service is developing a more intelligence-led approach to business planning and intelligence-led food law enforcement is a key element of this development programme. Intelligence on food safety is available from a wide range of sources, including complaints received from the public, food safety alerts, the public analyst appointed for food sample analysis and from other food authorities. This intelligence is used to target sampling and other enforcement activities at products or sectors presenting a higher risk.
11. As the Trading Standards Service adopts a more intelligence-led approach to business planning, it undertakes less proactive routine inspections of Oxfordshire businesses. However, an inspection plan is still part of the food law enforcement plan. The Service applies a national risk assessment scheme to businesses in Oxfordshire and aims to proactively inspect all high risk businesses each year. Businesses assessed as low or medium risk are only inspected as part of a visit to that business for other purposes (e.g. in response to a complaint) or as a part of a targeted project. In addition, Oxfordshire Trading Standards works with District Councils and the Fire and Rescue Service as part of the Smarter Inspection Scheme. Under this scheme when an enforcement visit is undertaken to a business a simple inspection is carried out on behalf of the other enforcement bodies in order to identify any infringements or other risk factors relevant to those other bodies.

12. The Trading Standards Service also undertakes food education work during the year. This is aimed at raising awareness about particular issues related to food that may be relevant at that time or to a particular audience. For example, the Service supplies literature to schools on healthy eating and understanding the nutritional information on food labels.

### **Food Law Enforcement Plan**

13. The Trading Standards Service Food Law Enforcement Plan for 2010/11 is included at Annex 1 to this report. Subject to approval this plan will be included in the overall Trading Standards Service Plan.
14. Approval for this plan is being sought.

### **Financial and Staff Implications**

15. The proposed plan for 2010/11 does not require additional financial or staff resources to deliver from that of previous years.

### **RECOMMENDATION**

16. **The Cabinet Member for Safer & Stronger Communities is RECOMMENDED to approve the Trading Standards Service Food Law Enforcement Plan contained in Annex 1.**

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Background papers: Nil

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