

## KENT TRADING STANDARDS

### FOOD SERVICE PLAN 2008/09

#### 1.0 SERVICE AIMS AND OBJECTIVES

##### 1.1 Aims and objectives

Our operational objectives in relation to food and agriculture are to:

- Maintain food standards and assist people to make informed healthy choices
- Educate and advise Kent businesses and consumers to support a fair and safe trading environment

We will achieve this by:

- targeting enforcement campaigns on identified areas of concern
- conducting a programme of retail sampling of food stuffs and feeding stuffs
- providing business advice and guidance on food and feeding stuff legislation
- liaison with health professionals and other agencies
- use of the media
- publishing information on our website

##### 1.2 Links to corporate objectives and plans

- Local Agreement 2
- Vision for Kent
- Towards 2010

Where objectives for 'improved health, care and wellbeing' and 'economic success' are included. The Food Service plan recognises these initiatives through our consumer education activities and the advice and support provided to food and feed businesses.

#### 2.0 Background

##### 2.1 Profile of the Local authority

Kent is divided into 12 local authority districts. It is one of the largest counties in the UK with a population of 1.38 million of which 71% live in urban areas and towns and 29% in rural areas. Kent does not have one large urban centre but has 18 towns, one city, and more than 300 parishes. Known as the Garden of England, Kent has two Areas of Outstanding Natural Beauty, 22 International Wildlife Sites, 102 Sites of Special Scientific Interest and 10 Special Landscape Areas. The county has 250 miles of spectacular coastline (Dartford to East Sussex border) and 85% of its land area is classified as rural.

Kent is in a period of change, facing increased development, house building and regeneration. Kent contains two of the government's major growth areas in Thames Gateway and Ashford and faces significant growth in the rest of the county. The county has a unique position due to its proximity to London and Europe, including Eurostar terminals at Ashford and Ebbsfleet, Europe's busiest and most successful passenger ferry port in Dover and the international airport at Manston. This creates problems of congestion and high volumes of through traffic and freight, including 10,000 foreign lorries per day travelling through Kent to get to the Continent. Yet,

rural areas contribute significantly to the economy with more than a third of Kent's total businesses being located in rural areas.

In a county as large and diverse as Kent there will be a variation in the experiences of the people who live there. Kent is the 104<sup>th</sup> most deprived local authority area of 149 county councils and unitary authorities across England. Thanet is amongst the 20% most deprived areas in the country, whilst Sevenoaks and Tonbridge & Malling are amongst the 20% least deprived. 75.9% of the working age population are employed, with relatively high proportions employed in agriculture, chemicals and pharmaceuticals, retailing and construction. Average household income in Kent is lower than in the rest of the South East. The west of Kent has a reputation for being fairly affluent, but this masks pockets of deprivation and problems with affordability. The east of Kent, on the other hand, has major areas in need of regeneration and significant pockets of deprivation but many assets in the form of the potential of coastal towns, a spectacular environment and a rich heritage.

The population of Kent is generally healthy and indicators of health are good when compared to England, for example the number of early deaths due to heart disease and stroke are lower than the national average. Life expectancy is above that in England and is increasing. However there are differences in life expectancy between districts and between wards within the same district. Notably the coastal districts have lower life expectancy.

## 2.2 **Organisational structure**

Kent Trading Standards operates through two area offices - East Kent based in Ashford and West Kent based in West Malling. The Head Office, based in Maidstone, provides operational and administrative support.

Whilst overall accountability for the delivery of the food service plan lies with the Head of Trading Standards, it is the responsibility of the two Area Managers to ensure its delivery through the teams of food officers based in the area offices. There are two specialist officers for food and agriculture in each of the area offices. Whilst specialising in food and agriculture, these officers are also involved with the delivery of all aspects of the Kent Trading Standards Annual Operating Plan. Food and agriculture enforcement work is undertaken by a number of authorised officers in each area

In addition, there is a Lead Officer for food and agriculture, who in conjunction with the area food specialists and the Public Analyst, identifies the annual sampling plan and county-wide food related projects. The Lead Officer is also responsible for managing and monitoring the Service Level Agreement with the Public Analyst at Kent Scientific Services.

## 2.3 **Scope of the food service**

The Food Service Plan is delivered by authorised food officers and the analysis of samples is undertaken by Kent Scientific Services. The food service plan is delivered in-house which allows for close liaison between enforcement officers and the Public Analysts in its planning and delivery.

The Trading Standards Service deals primarily with food standards matters, i.e.: the composition, labelling and chemical contamination of food in addition to animal feed. Trading Standards officers have been recognised as public health

practitioners in the Health White Paper. In recognition of this and the Department of Health's 'Healthy Weight, Healthy Lives' strategy the service continues to include healthy eating and consumer choice issues in its sampling programme. See Appendix B: 2008/09 Sampling Programme.

Officers carry out food and agriculture activity as part of a targeted campaign, or as part of a comprehensive visit to trade premises. In the latter case, a wide range of legislation may be addressed at the same time including the Trade Descriptions Act 1968, the Prices Act 1974, the Weights and Measures Act 1985 and the Consumer Protection Act 1987.

Food hygiene is generally the responsibility of the Environmental Health Services of the District Councils; however food hygiene at the level of primary production is a new responsibility for the trading standards service.

#### 2.4 Demands on the food service

Tables 1a and 1b indicate the estimated number and type of food and feed premises in Kent against the LACORS risk assessment.

**Table 1a: Food Premises by premise type**

LACORS Code	Food Premises	No. of premises
F01-F03	Manufacturer	194
F04	Packer	68
F05	Importer/exporter	44
F06	Distributor/wholesaler	312
F07, 09,10 & 11	Retailer	4,083
F08	Manufacturer selling mainly by retail	222
F11 -13	Restaurant/caterer	2,892
F14	Other food supplier	2,137
	<b>Total</b>	<b>*9,952</b>

\* New EU food hygiene legislation applicable to primary production (farmers and growers) has come into effect. On the basis the local authority Trading Standards Officers were already present on farms in relation to animal welfare and feed legislation, the responsibility has been given to trading standards services' to enforce this legislation. The service has an estimated 3,242 primary producers based on the 2004 Agricultural Census. The database at present does not fully reflect this new area of responsibility and will need to be updated to reflect these premises.

**Table 1b: Feed Premises by premise type**

LACORS Code	Feed Premises	No. of premises
E01	Manufacturer	14
E02	Retailer	151
E03	Pet food manufacturer	6
E04	Approved/registered on farm mixers	109
E05	Other on farm mixers/compounders	* -

E06	Intermediary/wholesaler	13
E07	Importer	1
	<b>Total</b>	<b>*294</b>

\* With effect from January 2008 livestock farms that store or mix feed for their own use are deemed feed businesses under The Feed (Hygiene & Enforcement) (England) Regulations 2005. Where these are registered with other official schemes, e.g.: Rural Payments Agency, they are not required to register with this service but may be subject to a visit. There are an estimated 2,713 livestock premises in the county.

## 2.5 **Enforcement policy**

Kent Trading Standards has an Enforcement Policy which is available via the website

[www.tradingstandards.co.uk/kent](http://www.tradingstandards.co.uk/kent).

## 3.0 **Service Delivery**

### 3.1 **Food and feeding stuffs premises inspections**

In 1997 Kent Trading Standards adopted an 'intelligence-led' approach to enforcement activity which was considered radical at the time. Now, it is considered to be the most effective and efficient way of delivering a Trading Standards service, elements of which are reflected in the Statutory Regulators' Compliance Code. It is a total process to ensure resources are targeted at traders whose products and services require attention or advice from Trading Standards officers, rather than at responsible traders.

Kent has 9,952 food premises and details of the programme of food activity for 2008/09 are included at Appendix A. This programme is divided into two areas:

- pre-planned activity which is based on Home Authority companies and other manufacturers and importers (see 3.3)
- non pre-planned activity which includes campaigns focussing on particular food sectors or products. These campaigns may be local to one of the two area offices, or countywide led by the Lead Officer. The campaign approach provides flexibility to introduce new areas of work, at relatively short notice, in response to national and local indicators. Such activity will result in some premises being inspected but it is impossible to lay down a numerical target.

Food businesses, typically catering establishments, can have limited opening hours. It is recognised that these may not coincide with the standard working hours of officers and therefore visits can be conducted outside the standard hours through specific campaign activity which may involve a number of agencies.

The Food Safety Act Code of Practice assumes visits at food premises will be carried out as follows:

- High risk premises once a year
- Medium risk premises once every two years
- Low risk premises once every five years

Following an audit by the Food Standards Agency in June 2003, it was agreed that Kent Trading Standards, relying on its intelligence-led approach to enforcement (see 3.2), would visit all high risk premises, but only 25% of medium risk premises.

In 2005 the Hampton Report recommended reducing the regulatory burden on responsible business and since then we have reviewed our activity. The new Statutory Regulators' Compliance Code embeds Hampton's principles further and in recognising the obligation for Risk Assessment (Regulators should use comprehensive risk assessment to concentrate resources in the areas that most need them), the service uses the Food Standards Agency's Risk Assessment to determine our high risk premises. The parameters of the FSA scheme are being applied to all food premises automatically assigned a high risk rating under the LACORS scheme. The resultant list of high risk premises will be subject to an annual intervention.

The new Food Safety Act Code of Practice, which is still in draft, will introduce a new concept of 'interventions' where businesses will be judged to be 'broadly compliant' then an 'intervention' can be employed instead of an inspection on an alternate basis. An intervention includes surveillance, verification and sampling, which are also official controls. In practice, this could mean contact with a business to determine whether there have been any significant changes to operations, products etc, sampling at retail level, monitoring a limited aspect of the business, e.g.: traceability and product withdrawal and monitoring of websites. Consideration will therefore be given on a case-by-case basis utilising an appropriate alternative intervention to reduce the burden on business.

### **3.2 Food and feeding stuffs complaints**

Information received from consumer complaints, together with information from other sources, is handled as intel and as such is used to identify and focus campaign activity on the worst traders, trade practices or products. Individual consumer complaints are investigated only if the matter could cause immediate danger.

It is estimated that approximately 450 complaints will have been received in 2007/08. This is similar to previous annual figures and includes a high proportion of complaints relating to microbiological issues that are forwarded to the relevant Environmental Health Departments at district council level. The main cause of complaint continues to relate to the minimum durability of food, in particular the sale of food after its 'use by' date which has resulted in several local campaigns targeting specific retail chains. A 'use by' policy is part of our Quality Manual and provides guidance to officers.

Since March 2005 all consumer enquiries have been directed to Consumer Direct South East which provides first tier consumer advice. Food related matters are forwarded to the Kent Trading Standards Advice & Education Team so details can be logged to preserve this source of consumer intelligence.

### **3.3 Home Authority principle**

Kent Trading Standards supports the Home Authority principle which has been developed by food and trading standards authorities as an aid to good enforcement practice to protect the consumer, encourage fair trading and promote consistency. The aims of the Home Authority principle are to:

- encourage authorities to place special emphasis on goods and services originating within their area
- provide businesses with a home authority source of guidance and advice
- support efficient liaison between local authorities

- provide a system for the resolution of problems and disputes

Pre-planned activity is based on Home Authority companies and specific time is set aside to visit those businesses which have signed a Home Authority agreement (see Appendix A). The Home Authority principle is supported by local authorities, central government, trade and industry associations, consumer and professional regulatory bodies, as well as LACORS (Local Authorities Co-Ordinators of Regulatory Services).

The principle is currently under review by the Local Better Regulation Office (LBRO) which is considering the introduction of the Primary Authority Principle. In its current form this would require councils to enter into formal partnerships with businesses in their areas and could also see the LBRO with the power to “nominate” a council to act as a Primary Authority in the event that a business and a council cannot agree on a partnership.

### 3.4 **Advice to business**

Kent Trading Standards provides trading law advice to all businesses within the county. We also work with Kent Business Link and the Gravesend Local Business Partnership to distribute information to food and feed businesses.

By applying a more robust risk assessment it is anticipated the number of high risk premises will decrease. This will allow the service to re-direct resources and be more proactive in contacting businesses and offering support, especially to those asking for assistance.

### 3.5 **Food and feeding stuffs sampling**

All samples taken are submitted to Kent Scientific Services for analysis which uses the Food Surveillance System Network (FSS Net) to send all food and feed sample data to the Public Analyst. This improves sample submission efficiency and feeds results into the national sample database.

Food and feeding stuffs sampling is carried out as follows :

#### a. Retail Surveillance

This forms the bulk of our sampling programme and involves the purchase of informal samples by non-qualified officers, in accordance with a schedule produced by the Lead Officer (Food & Agriculture) in consultation with trading standards colleagues and the Public Analyst. The schedule for 2008/9 is set out at Appendix B and unassigned entries allow us to respond to emerging issues.

Kent Scientific Services analyses the samples and collates the results by product type to produce summary reports which may form the basis for local campaigns. The Lead Officer (Food & Agriculture) reviews the results of the purchasing programme to decide if further action is required. The reports are also used to promote consumer awareness and may result in the sampling programme being amended during the year so the service can respond to newly identified issues.

Hampshire Scientific Services and Kent Scientific Services lead joint sampling projects which are open to all their clients. This year 8 projects have been incorporated into our retail surveillance. This gives us the direct opportunity to share the analytical results of a particular product or food issue amongst the participating authorities.

b. Campaigns

Samples may be taken as part of a local campaign, or as part of a co-ordinated, county-wide campaign proposed and led by the Lead Officer (Food & Agriculture).

c. Home Authority Activity

Samples of ingredients and finished products are taken during inspections at Home Authority companies.

d. Regional Sampling

Kent Trading Standards also participates in regional sampling projects and where appropriate LACORS and Food Standards Agency co-ordinated sampling programmes. Sampling activity will also include imported foods.

It is estimated that approximately 1,400 samples will be submitted for analysis in 2007/08. The rate of adverse samples continues to rise at the rate of approximately 30%. However the rate of adverse reports can be misleading as the aim from some sampling is to gather data to inform healthy eating promotion where the legal non-compliance is not an issue as such parameters do not exist.

**3.6 Control and investigation of outbreaks and food-related infectious disease**

Although Kent Trading Standards does not have direct responsibility for this activity, it has undertaken to provide district council Environmental Health Services with any assistance they may require in the event of a food incident.

**3.7 Food safety incidents**

Food alerts are received via the Food Standards Agency text and email alert services. Daily checks are also made on the Food Standards Agency and LACORS websites. Action will depend on the nature of the incident and the guidance provided by the Food Standards Agency.

**3.8 Liaison with other organisations**

The following liaison arrangements are in place:

Trading Standards South East (TSSE)

TSSE is a partnership of 19 authorities which consists of county councils and unitary authorities. To enable effective regional working a number of focus groups have been created including one for 'Food' which has an 'Feeding Stuffs' (incorporating Primary Production) subgroup. Focus groups meet on a regular basis to share information and best practice and to participate in regional projects. The Lead Officer (Food & Agriculture) represents the authority on both these groups.

Kent Technical Food Group

This group comprises representatives from the Environmental Health Service of each of the 12 District Councils in Kent, plus Medway and meets six times a year.

Kent Healthy Schools Programme - Healthy Eating Sub-Group

This group assists schools in developing a 'whole school' approach to healthy eating. Membership includes representatives from KCC departments, Primary Care Trust representation, the Community Dental Service and local school teachers and nurses.

### LACORS Food Labelling Focus Group

The Lead Officer (Food & Agriculture) is a member of this group which deals with labelling issues which have been referred by other authorities and food industry representatives.

### DGCCRF

Links are maintained with the DGCCRF (the equivalent of the Trading Standards Service) in France and in previous years a number of major collaborative projects have been undertaken.

## **3.9 Food and feeding stuffs safety and promotion**

Guidance notes for businesses, covering a range of food and agriculture matters are available via our website ([www.tradingstandards.co.uk/kent](http://www.tradingstandards.co.uk/kent)). Information is also sent to businesses advising of new requirements, or in response to locally identified issues, or national food alerts.

Results from retail surveillance and sampling activity are used to inform other council services and agencies, e.g. : Primary Care Trusts, on issues relating to Healthy Eating. Press releases and magazine articles aimed at both business and consumers are produced to highlight sample findings and new legislation.

During 2008/9 the Lead Officer Group will attend a number of business exhibitions to promote the role of trading standards and to offer advice to established and new businesses. The service maintains contact with Business Link attending events and providing information for the Business Link newsletter which is distributed to businesses countywide. More specifically the Lead Officer (Food & Agriculture) will attend events aimed at food businesses such as Gravesham Environmental Health's Safer Food Better Business seminars.

To achieve our objective of assisting people to make informed and healthy choices we have undertaken a number of activities e.g. Healthy Eating Fun Days with primary schools, Healthy Nurseries and Salt Awareness in the Workplace. These activities may also include elements to assist businesses and organisations to provide healthier choices for their customers. Some of these have been included on the Food Vision website as examples of local authority initiatives to promote healthy eating.

## **4.0 Resources**

### **4.1 Financial Allocation**

The overall expenditure by Kent Trading Standards on Food Standards and Feed enforcement can be estimated from the staff time spent on this work, plus expenditure on sampling. Our estimate for the 2008-09 is £802k.

In recent years, sampling expenditure has been :

2003-04 : £255,000  
2004-05 : £280,000  
2005-06 : £300,000  
2006-07 : £280,000  
2007-08 £280,000

In 2008-09 it is estimated £200,000 will be spent on food and feeding stuff sampling. Whilst this appears to be a reduction in previous years, it reflects a

change in funding streams. The anticipated costs of analysis will remain at the 2007/08 figure.

#### **4.2 Staffing allocation**

Currently, there are 19 officers who are qualified with varying levels of and competence to carry out food standards work. All staff active in food standards work hold the foundation food hygiene certificate as a minimum and are required to progress toward the intermediate certificate for officers entering manufacturing premises.

As part of Kent Trading Standards Career Grade and training programme, 4 officers sat the food module examination of the Diploma in Consumer Affairs and Trading Standards (DCATS) in 2007 and 2 officers the Agriculture module. Results are awaited. It is anticipated subject to other results that a further 5 officers will undertake study for the food module in 2008 and 1 officer the Agriculture module.

#### **4.3 Staff development plan**

Each officer has an appraisal carried out by their line manager where training needs are identified. Officers are responsible for maintaining their own Personal Development Portfolios, whilst records are maintained centrally for Continuing Professional and Personal Development (CPPD) hours.

Staff competency is maintained by internal training programmes combined with appropriate external training for specialist officers. Formal training must be approved before it is undertaken and evaluated upon completion.

The service actively supports officers who are working towards the Diploma in Consumer Affairs and Trading Standards. A career grade scheme has been introduced to encourage officers to increase their competence.

#### **5.0 Quality Assessment**

5.1 Kent Trading Standards is accredited to ISO 9001 : 2000 and externally audited by SGS United Kingdom Ltd. The authority also holds the Investors in People Award.

The Lead Officer (Food & Agriculture) carries out an annual audit of food officers to ensure competencies are maintained.

Periodically, we survey local businesses using postal questionnaires to ascertain their satisfaction with our services in accordance with the National Performance Framework required by the Department of Trade & Industry.

#### **6.0 Review**

##### **6.1 Against the Service Plan**

The Lead Officer (Food & Agriculture) monitors the progress of planned activity during the course of the year and reports on a quarterly basis to the Strategic Tactical & Coordination Group. Additionally through the Tasking & Coordination Group, Area Management Teams monitor activity locally against the Service Plan.

##### **6.2 Identification of any variation from the Service Plan**

The targets specified in Appendix A are monitored on a quarterly basis through the Strategic Tactical & Coordination Group. Any significant variations are noted and appropriate action is taken to rectify the situation.

### 6.3 **Areas of Improvement**

As a service certified to ISO 9001 : 2000 Kent Trading Standards is committed to continuous improvement. In 2007 the service participated in the DTI/LACORS Peer Review process which resulted in the production of a Performance Improvement Plan which will be actioned and monitored as part of the Kent Trading Standards Annual Operating Plan.