

**BUCKINGHAMSHIRE COUNTY COUNCIL AND  
SURREY COUNTY COUNCIL**

**TRADING STANDARDS JOINT COMMITTEE**

**DATE: 23 SEPTEMBER 2020**

**LEAD OFFICER: DAVID PICKERING, TRADING STANDARDS MANAGER -  
REGULATION**

**SUBJECT: OFFICIAL FOOD STANDARDS AND FEED CONTROLS WORK  
2020-2021**

**SUMMARY OF ISSUE:**

The Food Standards Agency (FSA) requires Trading Standards services to produce an annual Official Food Standards and Feed Controls Service Plan (known as the 'FSA Plan').

However, for 2020/21 the Service was selected to participate in a pilot scheme run by the FSA to test out a new approach to food standards work in local authorities. As such we were unable (and not required) to produce a "normal" Food and Feed Plan. To inform the Committee this paper provides context about the pilot scheme.

Work to ensure the safety and integrity of animal feed is agreed with the FSA via the national arrangement with the National Trading Standards. The volume of work has been agreed and this is funded by the FSA.

However, since these plans were put in place, the pilot project has been delayed, due to Covid, until later in the year. It is anticipated it will start in December. The FSA indicated that the project will still run for a year so that meaningful data can be obtained. We have been working with the FSA to prepare for the start of the project. In the absence of a formal plan we have been dealing with complaints that have been received and identifying sampling projects that we will carry out until the project begins.

Since April we have been following the FSA guidance on work prioritisation during the Covid 19 pandemic. A particular focus during this time has been the impact of food business supply chain issues and diversification. This has resulted in us giving significant support to ensure businesses have been able to survive the situation and continue to comply with safety/legislative requirements.

## **RECOMMENDATIONS:**

It is recommended that the Joint Committee notes the current situation and approves the activities needed to participate in the Food Standards Delivery Review Local Authority pilot successfully and undertake the Feed work agreed with the Food Standards Agency and National Trading Standards.

## **REASONS FOR RECOMMENDATIONS**

The approval of the activity will enable the Service to support an initiative that has the potential to shape how food standards work is carried out in the future. The FSA will suspend the need for the Service to comply with the current Code of Practice whilst participating in the pilot scheme.

## **DETAILS:**

1. The Food Standards Agency recognises that the current system for performance management and monitoring of local authorities is not fit for purpose and they recognise the need to move from a system based on numbers of visits and samples to one which is outcome driven and makes more effective use of intelligence.
2. The ongoing FSA Achieving Business Compliance (ABC) programme (previously known as Regulating our Future - RoF) will result in a different approach to food standards work. Work has been carried out to establish principles that will inform a new approach to food standards work.
3. In order to test out these principles the FSA asked for expressions of interest from local authorities who carry out food standards work in England, Wales and Northern Ireland to participate in a pilot scheme for 2020-21.
4. We applied to participate in the scheme and the FSA informed us at the end of January 2020 that we had been selected as an authority to pilot the revised food standards delivery model.
5. Approximately half of the authorities in the scheme will be using the newly developed framework and the other half, with comparable profiles, will act as control authorities by continuing to follow the existing approach.
6. We are working with the FSA to map our food business profile to produce a new business risk profile. This will inform our intervention profile and expectation of activity.

7. Part of the pilot scheme will be to experiment with varied interventions to provide data to inform discussions about what works best to achieve compliance, therefore protecting consumers and legitimate businesses.
8. We will be looking at how the food standards work relating to Primary Authorities is properly recognised and acknowledged as a potentially important route to compliance for businesses with a national market.
9. The FSA will also be developing a directed sampling capacity that they will use to provide direction for potential activity should issues become apparent during the year. We are in the process of agreeing with the FSA the sampling activity we have already planned for 2020-21.
10. We are similarly discussing with them about progressing projects that we have already developed to carry out in 2020-21.

More information about the ABC process can be found on the FSA website:

<https://www.food.gov.uk/enforcement/regulation/regulating-our-future>

We have had preliminary meetings with the FSA and it has been agreed that we will be coordinating with them on at least a monthly basis to provide data. Review and assessment meetings are also planned.

It has not been decided what a Food and Feed Plan would look like when the new approach is settled. The consequence is that the FSA will be in a more informed position about our work than they are currently.

Numbers of visits relating to our animal feed work have already been established as 117 for 2020-21.

We will update the Trading Standards Board as the pilot progresses to keep members of this Joint Committee informed.

#### **CONSULTATION:**

11. No consultation has taken place.

#### **RISK MANAGEMENT AND IMPLICATIONS:**

12. If the service fails participate properly in the pilot scheme there is a reputational risk.

We are liaising with the FSA and officers of the Service to ensure that we take this opportunity to use the skills and knowledge within the Service to support the development of a framework that is better able to regulate the current and future marketplace.

### **Financial and Value for Money Implications**

13. The provisional resource allocated to the provision of the controls is £433,496<sup>1</sup>. This includes staff and sampling costs and is within the existing joint service budget. This is an estimated amount based on last year's budget. We are waiting on confirmation of the available funding from the FSA for feed work in 20-21 before this can be finalised.

### **Legal Implications**

14. The Food Standards Agency is an independent government department overseeing the protection of public health in relation to food safety. Under s40 of the Food Safety Act 1990, the Joint Committee must have regard to any codes of practice (statutory guidance) published by the Food Standards Agency in determining a strategy for food standards work. However, the FSA will be exempting local authorities taking part in the pilot scheme from having to comply with the Code of Practice requirements.

### **Equalities and Diversity**

15. There are no implications from the Plan

### **WHAT HAPPENS NEXT:**

- The controls are currently being implemented by the service

#### **Contact Officer:**

David Pickering – 07908 408 106  
Steve Ruddy - 01372 371730

#### **Consulted:**

#### **Annexes:**

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