



**Open Report on behalf of Glen Garrod,
Executive Director – Adult Care & Community Wellbeing**

Report to:	Public Protection and Communities Scrutiny Committee
Date:	31 January 2023
Subject:	Trading Standards Food Standards Enforcement 2021-2022

Summary:

This report provides a review of the delivery of food standards enforcement undertaken by Lincolnshire County Council Trading Standards in 2021-2022.

Actions Required:

Members of the Committee are invited to consider and comment on the contents of this report and the delivery of food safety and standards work within the Trading Standards Service.

1. Background

- 1.1** The Food Law Code of Practice (the Code) is issued under Section 40(1) of the Food Safety Act 1990, Regulation 6(1) of the Official Feed and Food Control (England) Regulations 2009 and Regulation 26(1) of the Food Safety and Hygiene (England) Regulations 2013.
- 1.2** Competent Authorities have a statutory duty to enforce the requirements of food law having due regard to relevant provisions of the Code and to discharge their statutory duties as effectively as possible, using means that are most appropriate to the circumstances.
- 1.3** Legislation has designated Local Authorities and Port Health Authorities (PHAs) as Competent Authorities to deliver official food controls, and other official activities for food. In a two-tier authority there is a division of responsibilities between the County and District Councils.
- 1.4** It is expected that County Councils will investigate and take enforcement action in cases relating to:

- chemical contamination, except where such contamination is found in establishments at the level of primary production when responsibility is shared with the District Councils;
- the adulteration, composition, advertisement, presentation, and the provision of food information, apart from the identification marking requirements regarding the hygiene of food of animal origin when responsibility sits with the District Council; and,
- an identified risk to health, notified by a Public Analyst, as a result of sampling.

1.5 It is expected that the District Council will investigate and take enforcement action in cases relating to the:

- microbiological quality of food, contamination by micro-organisms and their toxins and contamination by foreign matter, except where such contamination is found in establishments at the level of primary production when responsibility is shared the County Council; and
- presence of chemical contaminants that might pose an imminent risk to public health but liaise closely with the County Council. Medical and other expert advice, including advice from the Public Analyst or Competent Examiner, must be sought to establish whether contamination by chemicals is likely to pose an imminent risk to health.

1.6 In certain circumstances either the County or the District or both may investigate and take enforcement action. Responsibility is shared in respect of:

- **Food Alerts:** Where a clearly identified risk to health has been notified by means of a Food Alert issued by the FSA, either the District Council, the County Council or both might be required to investigate and take enforcement action, such responsibility will be defined in the Food Alert.
- **Use By Dates:** Where food is found to be on the market after its use-by date, it is automatically deemed to be unsafe. Enforcement is under The Food Safety and Hygiene (England) Regulations 2013 and is the responsibility of both the County and District Competent Authorities.
- **Primary Production:** The FSA has not specified whether investigations and enforcement action in relation to primary production are undertaken at District or County level, but it is anticipated that most of this work will be undertaken by authorised officers at County level, and it must be agreed at a local level as to which Competent Authority takes responsibility, having regard to the principles of the Farm Regulators' Charter.
- **Allergens:** District Council Competent Authorities in an area for which there is a County Council Competent Authority, have the power to enforce the provisions of

Regulation 9(2) of The Food Information Regulations 2014 in relation to allergen requirements for non-prepacked and prepacked for direct sale foods (PPDS). It must be agreed at a local level how enforcement of these provisions will be shared.

1.7 Trading Standards Officers can undertake food enforcement work at any point in the manufacturing, supply or retail chain including:

- Primary production at farms
- Manufacturers, importers, and wholesalers of ingredients or finished foods
- Food retailers
- Kitchens, restaurants, and takeaways

2. General Requirements of the Code.

2.1 As a Competent Authority Lincolnshire County Council must:

- have regard to:
 - the Code and the Food Law Practice Guidance (the Practice Guidance);
 - the Framework Agreement on Official Feed and Food Controls by Local Authorities (the Framework Agreement), that reflects the requirements of the Code and is consistent with the principles of the Regulators' Code; and
 - any appropriate guidance.
- apply equally the requirements of the Code to temporary employees, contract staff engaged in official food controls and other official activities and those employed by a Competent Authority;
- if they consider public health or food safety is likely to be compromised by complying with the Code, discuss the matter with the FSA at the earliest opportunity and before any decision is taken; and
- provide the FSA with relevant datasets, as detailed in the Practice Guidance.

2.2 In Lincolnshire responsibility for delivering official food controls on behalf of the County Council is delegated Trading Standards Service.

2.3 The code requires documented procedures, policies, plans and programmes be set-up, and maintained. Trading Standards level of compliance with these requirements has been reviewed by the Service and the current position can be seen in appendix 1.

2.4 The Trading Standards Service undertakes annual service planning based on the principles set out in the Framework Agreement. In April of each year, a plan of Food Standards enforcement activity is drawn up having regard to the requirements set

out in the Framework agreement and Food Law Code of Practice. Consideration is given to the following:

Local, regional, and national liaison

2.5 As the Competent Authority Trading Standards must put in place effective liaison arrangements, with:

- neighbouring Competent Authorities, delegated bodies, government agencies and any other appropriate body; and
- other delegated bodies or government organisations aimed at rationalising enforcement and reducing burdens on business.

2.6 In two tier Competent Authority areas, the District and County Council, must ensure that:

- effective day-to-day liaison arrangements between their respective Competent Authorities are in place, documented and operating satisfactorily;
- initial registration information is supplied by the District Council to the County Council within 28 days of receipt; and,
- information they receive that indicates a change in the operations within a food business establishment, and information on any withdrawal, suspension, or reinstatement of an establishment's approval, is passed to the other relevant Competent Authorities within 28 days.

2.7 Competent Authorities must be represented at relevant liaison groups by an officer(s) with an appropriate level of experience, normally the relevant lead food officer(s). Competent Authority liaison groups help to maintain effective and efficient delivery of official food controls and other official activities, co-operation, and consistency of enforcement.

Primary Authority

2.8 Primary Authority is a statutory scheme administered by the Office for Product Safety and Standards (OPSS) on behalf of the Secretary of State for the Department for Business, Energy and Industrial Strategy (BEIS). In England, and Wales the scope of Primary Authority includes matters relating to food and feed. Food businesses that wish to benefit from Primary Authority will need to partner with a local authority.

2.9 Primary authorities provide advice to businesses that other local regulators must respect on compliance with the regulations. They can also produce an inspection plan for a business or the members of a trade association (or other type of group), to improve the effectiveness of visits by local regulators and underpin better sharing of information.

2.10 The benefits of Primary Authority include:

Businesses:

- have access to relevant, authoritative tailored advice
- gain recognition of robust compliance arrangements
- can draw on an established and effective means of meeting business regulations
- can be more confident they are protecting themselves and their customers

Regulators:

- have greater clarity over where responsibility lies
- can support local economic growth through stronger business relationships
- can improve the consistency of local regulation and target resources on high-risk areas
- can develop their staff expertise via partnerships
- can protect front line services through cost recovery

Citizens:

- are better protected as businesses find it easier to comply with legislation
- are at reduced risk as local authorities better understand the businesses they regulate and can target resources on high-risk areas

2.11 The FSA endorses Primary Authority and works as a National Regulator with OPSS to support the delivery of Primary Authority for food regulators to deliver consistency between Competent Authorities and avoid unnecessary duplication of regulatory effort. National regulators are a source of expertise for primary authorities, while primary authorities can help national regulators better understand and engage with businesses.

2.12 The FSA expects Competent Authorities to fulfil their statutory obligations under Primary Authority. Competent Authorities must have regard to the BEIS Primary Authority Statutory Guidance, specifically to Part E which provides guidance on their responsibilities as 'enforcing authorities' within Primary Authority.

Authorisation, qualifications, and competency

2.13 Competent Authorities must appoint a sufficient number of suitably qualified and competent officers so that official food controls and other official activities can be performed efficiently and effectively.

2.14 Before Competent Authorities authorise or extend an officer's duties their lead food officer(s) must ensure officers carrying out official food controls or other official activities hold a suitable qualification, listed in sections, relevant to their role, and the activities they will be authorised to undertake.

2.15 Authorised Officers are officers, other than regulatory support officers, who undertake assessments of compliance with food law and take enforcement action, as appropriate.

2.16 Competent Authorities must appoint one or more, suitably qualified and competent lead food officer(s), who are responsible for the operational management of food law matters.

2.17 In addition, for food business establishments where quality assurance systems are to be assessed, officers should possess a Quality Assurance qualification, or equivalent professional experience and competency to enable them to assess quality assurance systems.

2.18 Competent Authorities must ensure that authorised officers:

- (a) receive appropriate training based on the principles of continuing professional development, and
- (b) receive regular additional training, as necessary.

2.19 Competent Authorities must ensure authorised officers remain competent by receiving a minimum of 20 CPD hours per year, relevant to the activities they are authorised to undertake. Competent Authorities must ensure the 20 hours CPD are split as follows:

- a minimum of 10 hours on subject matters relevant to the activities they are authorised to undertake;
- 10 hours on other professional matters.

3. Delivery of Interventions

Frequency of Interventions

3.1 The FSA has produced a Food Standards Scoring System that is incorporated into the Food Law Code of Practice. The scoring system is several variables. Including the complexity of legislation, a business must comply with, the potential adverse effects on consumers and other businesses if problems arise, and a Competent Authority's confidence in that business based on their interactions with them.

3.2 Trading Standards maintains a database of food businesses that is regularly updated with details new food businesses registered with the District Council Environmental Health teams. Each premise is risk assessed based on activity and compliance levels. A risk rating that is calculated by combining the scores from the scoring system. This identifies the level of risk associated with a premise and determines the intervention frequency.

3.3 The table below shows the score banding and how it correlates to the intervention frequency:

Category	Score	Minimum Intervention Frequency
A	101 - 180	At least every 12 months
B	46 - 100	At least every 24 months
C	0 - 45	Alternative enforcement strategy or intervention every five years

3.4 Based on these FSA recommendations Lincolnshire has 8 businesses requiring an annual intervention, 618 requiring a biennial intervention and 4920 that should be subject to intervention every 5 years or via an alternative enforcement strategy.

3.5 Interventions that are within the definition of Official Controls include: inspections; monitoring; surveillance; verification; audit; and sampling.

3.6 To be fully compliant with the requirements of the code of practice and framework agreement Trading Standards would need to complete a minimum of 317 interventions for businesses in categories A & B with an additional 984 businesses in category C being subject to either an intervention or alternative enforcement strategy. This number is based on the minimum intervention frequency above.

4. Food Complaints

4.1 All complaints received by the Trading Standards Service are reviewed on receipt by the service's intelligence team and assessed in line with service objectives and the National Trading Standards Intelligence Operating Model.

4.2 Following documented duty officer guidance, complaints are noted for intelligence only, passed to partner agencies or allocated for further investigation. Only complaints which are assessed as being 'serious' in terms of Food Safety are allocated for further investigation. This would include complaints relating to allergens, food on sale past its use by date or on sale with amended durability markings, substitution of ingredients or chemical contamination.

4.3 Complaints which are recorded for intelligence purposes only are reviewed regularly and used to identify any emerging issues or potential threats. They are all used to identify premises to be included in sampling and inspection programmes where appropriate.

5. Advice to Business

5.1 Trading Standards endeavours to support economic growth by helping businesses comply with their legal responsibilities. Basic advice and guidance are available to all food business operators free of charge time limited to one hour.

5.2 The Service offers more detailed pay as you go advice to businesses seeking guidance for technical or complex enquiries, training, or auditing. This work is charged for on a cost recovery basis and offered to businesses that want advice but do not want to enter a formal Primary Authority partnership.

5.3 In addition as part of our partnership work with Business Lincolnshire we produced and delivered Food Labelling Refresher Workshops for Lincolnshire Food Manufacturers and prepared and delivered Masterclasses to Visitor Economy Businesses on Food Legislation for The Tourism Business Toolkit, Hospitable You [Lincolnshire Tourism Industry Business Support & Resources \(visitlincolnshire.com\)](https://www.visitlincolnshire.com)

6. Food Sampling

6.1 Food sampling and subsequent analysis and examination performs an essential function, providing intelligence and evidence on the safety and authenticity of food on the UK market, supporting enforcement action to protect consumers, and enabling the FSA to meet its statutory obligations as a Central Competent Authority.

6.2 Competent Authorities must ensure that:

- food sampling is undertaken effectively and consistently;
- non-compliance is dealt with in accordance with the requirements of the Code.

6.3 The Trading Standards Service produces an annual food sampling plan. The budget for sampling in 2021-22 was £25,000 includes samples arising from complaints. This allows the service to submit around 140 samples per year.

7. Food Safety Incidents

7.1 A “food incident” is defined as any event where, based on the information available, there are concerns about actual or suspected threats to the safety, quality or integrity of food that could require intervention to protect consumers' interests. Quality should be considered to include food standards, authenticity and composition.

7.2 Food Incidents are split in to 3 separate categories, which may overlap:

- **Food Hazards** - a food-related incident involving (or suspected to involve) a biological, chemical and/or physical agent in food, or the condition of any food with the potential to cause an adverse effect on the health or safety of consumers.
- **Food fraud and food crime** – Food crime is an umbrella term used to define the remit of the FSA’s National Food Crime Unit (NFCU). It is not a legal term. In this context food crime means **serious dishonesty which has a detrimental impact on the safety or the authenticity of food, drink or animal feed. Food crime can be thought of as serious food fraud.**

- **Non-Hazardous Incidents** which may impact on the food supply chain. These may include issues of quality, provenance, authenticity, composition, and labelling.

7.3 Food hazards are categorised according to the following criteria:

- **Localised food hazard** – one in which food is not distributed beyond the boundaries of the competent authority and is not deemed to be a serious localised food hazard; should be dealt with locally by the competent authority, in conjunction with other relevant agencies.
- **Serious localised food hazard** – one in which food is not distributed beyond the boundaries of the competent authority but which involves or may involve: Allergens, E. coli O157, other Verocytotoxin-producing Escherichia coli (VTEC), Clostridium botulinum, Salmonella typhii or Salmonella paratyphi, or which the competent authority considers significant because of, for example, the vulnerability of the population likely to be affected, the numbers involved or any deaths associated with the incident; should be notified by the Competent Authority to FSA and other relevant agencies at the earliest opportunity and by the quickest available means and confirmed in writing on the incident report form.
- **Non-localised food hazard** – one in which food is distributed beyond the boundaries of the Competent Authority; should be notified by the Competent Authority to FSA and other relevant agencies at the earliest opportunity and by the quickest available means and confirmed in writing on the incident report form.

7.4 Once a food hazard has been identified the Trading Standards Service must immediately carry out an assessment to determine the likely scale, extent and severity of the risk to public health or safety. Responsibility for action at local level remains with Trading Standards unless and until written notification is received from the FSA.

7.5 Food incidents that are contraventions in law but not food hazards are normally resolved by Trading Standards and the food business operator. Significant incidents are reported to the FSA immediately.

7.6 The Service regularly publishes Food Safety Alerts issued by the FSA through our Social Media accounts.

8. Activity and outcomes on Food Safety and Standards in 2021-2022

8.1 COVID 19 restrictions continued to affect delivery of Food Standards work in the first quarter of 2021-22 with the Food Standards Agency still asking Trading Standards to only attend in person if the matter was urgent.

8.2 The Trading Standards Service endeavours to ensure that inspection and sampling plans are based on intelligence. Sources of intelligence available to the service are attached as appendix 2.

Interventions at Food Establishments

8.3 The Trading Standards Service carried out 106 inspections at food premises in 2021-22. The inspections were carried out remotely (25) and on site. The type of business premise inspected with the number that were found to be compliant and non-compliant are in the table below.

Business Type	No Compliant	No Non-Compliant
Supermarket	11	2
Butchers	18	3
Brewery	1	1
Chemist	1	0
Grocers/Deli	2	5
Other	5	8
Contact Material	1	0
Bakery	1	1
Takeaway	21	2
Café/Restaurant	9	6
Confectioner	0	2
Caterer	2	1
Farm Shop	1	0
Hotel	1	0
Foodbank	0	1

8.4 The high number of compliant takeaways is due in part to the businesses declining to provide allergen free meals when requested by officers undertaking routine sampling. This is best practice if the business cannot guarantee any cross contamination.

8.5 Allergen labelling remains an area of concern with noncompliance noted across several business types. All businesses have been advised and where appropriate follow up inspections have been included in the 2022-23 inspection plan.

8.6 A significant level of noncompliance was identified in online sales by butchers in a survey conducted in 2020-21. Samples of meat pies were included in the sampling programme and obtained during inspections following up on the work from the previous year.

8.7 In addition, an alternative enforcement strategy was carried out with 30 businesses contacted regarding the introduction of allergen labelling for food that is prepacked for direct sale. The contact was designed to determine the level of understanding in businesses likely to be affected and to provide them with appropriate guidance. Several of the businesses approached contacted the service for further business advice.

Food Complaints

8.8 Trading Standards have received 127 complaints regarding food safety or standards in 2021-22. All were reviewed by the Duty officer on receipt with those relating to foreign bodies, microbiological contamination or hygiene on the premises being referred to the local District Council.

8.9 The table below contains a breakdown of the complaints and enquiries by category:

Category	Number of Complaints and Enquiries
Microbiological	2
Foreign Body (EH)	7
Chemical	3
Labelling	31
Hygiene of Premises (EH)	3
Composition	9
Presentation	1
Out of Date Food	11
Business Advice	3
Enquiry from Other Agency	2
Fraud	1
Contamination	5
Allergens	20
Other	29
Total	127

8.10 Most complaints falling within the remit of Trading Standards related to food labelling, 31, and allergens, 20. This represents a significant increase compared with 2020-21 when the service received 25 in total for these categories. All allergen related complaints and enquiries are referred to an authorised food officer to follow

up due to potential safety concerns. If the manufacturer or retailer is out of County, then the local Trading Standards service is notified.

8.11 Those relating to food past a use-by date are also referred, again as this represents a potential risk to health. Food sold past the best-before date does not present a health risk and these form part of the wider intelligence utilised by the service when inspection and sampling plans are being produced. Complaints and enquires were down slightly with the service receiving 11 compared with 14 in 2020-21.

8.12 Complaints within the other category related to a range of food related matters including poor practice / service, issues with the weight or measure of food supplied, and queries regarding the organic status of imported avocados

Primary Authority

8.13 Trading Standards has retained 4 Primary Authority partnerships with the following companies:

Lincolnshire Co-operative Society including Gadsby's:

- One of the most successful independent consumer, co-operatives in the UK, we are proud to be able to offer a wide range of services from our family of businesses. You'll see that as a co-operative, we trade differently from other retailers. Owned by their 300,000 members, the people of Lincolnshire and surrounding counties, and have been for more than 150 years. Our Primary Authority Partnership covers 92 Food Stores located in Lincolnshire and the surrounding counties. They recycle all profits locally by sharing dividends with members, investing in new and improved services and by supporting local community groups, charities and schools through their Community Champions scheme.

Gousto:

- Gousto are a subscription based online recipe kit company. They produce boxes of ingredients supplied to customers in pre-measured portion sizes for cooking at home, based on recipe instructions developed by our chefs.
- They currently produce in the region of 170,000 boxes per week, employing roughly 1,500 people across their 4 Gousto sites (including the head office in Spalding). In 2022 they delivered approximately 86 million meals across 9.2 million boxes.

Bakkavor:

- Bakkavor are a leading provider of fresh prepared food (FPF). c. 19,000 staff operate from 46 sites to develop and produce innovative FPF for a wide variety of occasions and budgets. Customers include all the well-known UK grocery retailers as well as some of the world's best-known international food brands. Products cover a range of categories including meals, desserts, pizza & bread and salads. Operating in the UK, US, and China.

Minster Fine Foods:

- Minster Fine Foods in Bourne represent a selected number of Continental Food Manufacturers responsible for the sales and marketing of their products in the UK. Dealing with manufacturers across Europe, providing products to caterers across the UK.

8.14 This year we have supported our Primary Authority businesses with premises audits, product labelling changes, recall advice and tailored business advice. We have also worked in close partnership with the businesses to prepare for the introduction of new legislation in relation to High in Fat, Sugar, or Salt (HFSS) products sold in store and online. We provided guidance on new legislation providing Calorie information for the food and drink sold in cafes. This makes it easier for consumers to make informed, healthier decisions when making purchases.

Advice to Business

8.15 Trading Standards received 110 requests for business advice from food businesses in 2021-22. 93 were made directly to Trading Standards with most coming via the TS business email account.

8.16 Most enquiries received are requests for labelling advice, in particular allergen labelling. The introduction of labelling mandatory allergen labelling for foods that have been prepacked for direct sale has resulted in several enquiries. Some of these have arisen because of the guidance sent out by the Trading Standards Service under the alternative enforcement strategy.

8.17 Trading Standards assisted a company in obtaining an Export Health Certificate for the geranium oil they wanted to export. The geranium oil is used as a food flavouring. The Trading Standards officer worked with the company to ensure that they had all the records in place so that the certificate could be issued.

8.18 The service has worked with a business conducting an audit of their amended processes following a fire that caused significant damage to their factory premises.

8.19 Following a referral from Wiltshire Trading Standards we have worked with a local producer of cricket powder. Crickets are classed as a novel food. A Novel Food is defined as food that had not been consumed to a significant degree by humans in the UK before 15 May 1997, as defined by UK legislation. Such foods are subject to a pre-market safety assessment before a decision is made on UK-wide authorisation on their use.

Food Sampling

8.20 The food sampling budget for 2021/22 was set at £25,000. This resulted in a plan to procure 139 samples. The table below includes details of the products sampled and what they were analysed for:

Product	Analysis For	No Taken	Satisfactory	Unsatisfactory
Meat Pie	Species	30	23	3 labelling 3 cross-contamination 1 composition
Takeaway Meal Lamb	Meat Species	16	14	2 contained meat other than that declared.
Takeaway Meal where Nuts other than Peanuts is declared	Presence of Peanuts	20	19	1 presence of peanuts detected
Takeaway Meal Duck	Species	5	5	0
Takeaway Meal where Sesame is Declared – Request for No Sesame	Presence of Sesame	10	10	0
Takeaway side or sundries	Presence of Peanuts	31	24	7 presence of peanuts detected
Undeclared sulphites and cow's milk protein in Kebab/Donor meat	Presence of sulphites and milk allergen casein	15	10	5 milk proteins detected
Protein claims in health foods and powders	Protein claims	7	3	4 health claims / food labelling
Alcohol Spirits from online traders or produced in Lincolnshire. Flavoured or unflavoured.	Alcohol Content	11	6	5 incorrect alcohol by volume / food labelling.
Remote Inspection Samples, ordered while undertaking online inspections	11	11	3	8 incorrect food labelling

- 8.21** The sampling plan focussed on undeclared allergens, compositional standards and ensuring food has been correctly described. All incorrect samples have been followed up with business advice. Re-sampling will be undertaken where appropriate.
- 8.22** The budget allowed officers to take follow up samples from premises where adverse samples had been taken previously. 4 samples were taken in respect of premises where samples had been taken in 2020-21. 2 samples taken from a Chinese takeaway where food was ordered with a request that it was peanut free were found to contain peanuts. As the business had comprehensive advice following the initial unsatisfactory sample results an investigation was launched resulting in prosecution. The owner entered guilty pleas at a hearing in October 2022 and was fined £320 and ordered to pay prosecution costs of £5664.63.
- 8.23** Officers have also taken 14 samples of products examined in the course of their work that were not planned. Of these 8 were found to be unsatisfactory. These include samples of rock described as sugar free and a dairy free alternative to cheese. Again, all adverse samples have been followed up with advice or referral to the local Trading Standards or Primary Authority if manufactured or imported out of the County.

Food Safety Incidents

- 8.24** Trading Standards has responded to several that would fall within the definition of a Food Incident in the Food Law Code of Practice.
- 8.25** Trading Standards worked with colleagues in North East Lincolnshire to respond to an incident reported to us by the FSA concerning the unauthorised use of bamboo in melamine. A local trader whose business was registered in NE Lincs was selling online.
- 8.26** A local importer reported an adverse test result that showed high levels of Ethylene Oxide in onion powder imported from India. Trading Standards worked with the company to recall the affected batch from their customers. The matter was reported to the FSA as a food incident.
- 8.27** A local importer reported an adverse test result that showed excessive levels of pesticide in imported spinach. Trading Standards were asked to check that the affected food was used for animal feed and not food.
- 8.28** Trading Standards were asked to oversee the return of a consignment of almonds to the USA that had been confined due to excessive levels of aflatoxin.
- 8.29** In response to an FSA incident Trading Standards took a formal sample of a food supplement from a local company. The sample was found to contain excessive levels of mercury, 700% over the prescribed limit. The product had been removed from sale.

8.30 Trading Standards have overseen the delivery and treatment of 6 consignments of imported nuts found to contain excessive levels of aflatoxins. Once processed the nuts can be incorporated into animal feed. The company processing the nuts are the only provider of this service in the country.

8.31 The Service has worked with our Primary Authority Partners on several food recalls where the presence of undeclared allergens has been detected or other labelling omissions have been identified.

8.32 In addition to the food incidents arising in Lincolnshire businesses Trading Standards has also promoted 125 food recall notices issued by the FSA through their social media platforms. These notices are issued in response to a variety of problems including the presence of undeclared allergens, microbiological contamination, and the presence of foreign bodies.

9. Liaison with Other Organisations

9.1 Trading Standards Officers have continued to liaise with colleagues in the District Council Environmental Health. Joint inspections have taken place where appropriate. Examples of Joint working undertaken include:

- Inspection to Academy schools to examine working practices in their food serving areas. Advice was provided on the potential for cross-contamination and how those risks could be minimised.
- A joint inspection to a café selling vegan food. Advice was provided in respect of food labelling that was found to be incorrect.

9.2 Referrals from Environmental Health Officers also resulted in Trading Standards Officers conducting follow up work. This includes taking a sample of battered fish described as gluten free and advising a hotel about the provision of allergen information to guests attending events held on site.

9.3 The Lead officer for Food represents Lincolnshire Trading Standards on the Trading Standards East Midlands regional working group on food and allergens. The group meets on a quarterly basis to discuss food and allergen related issues. The meeting is attended by representatives of the FSA who provide updates on their work.

10. Training and Competency

10.1 Trading Standards have 10 F.T.E frontline Trading Standards Officers who hold the baseline food related qualifications set out in the code of practice. Not all staff holding a qualification are deemed competent to undertake food safety work as they have been working in other area of the service and have not been able to maintain their CPD requirements under the Code. Of those 10 F.T.E. 2.6 F.T.E. are not deemed competent to act as an authorised officer.

10.2 In Lincolnshire Trading Standards Officers are either deemed to be competent generally to undertake all official controls or competent in one or more of 5 areas below:

- Inspection of Food Establishments
- Use of Enforcement Sanctions
- Sampling
- Import and Export controls
- Reactive investigations

10.3 The Service has 3.6 F.T.E. who are competent in all areas. An additional 2 F.T.E are considered competent to undertake inspections, use enforcement sanctions and undertake reactive investigations, with 3.6 F.T.E. competent to take formal food samples.

10.4 The Service has an annual training budget of £25,000 for all training needs. This year almost £5,000 has been committed to food training to assist officers in meeting their CPD requirements and towards attaining the food module.

10.5 Looking forward the Service has 5 officers currently undertaking stage 2 of the Trading Standards Qualification Framework. Of those 1 is currently studying the Food Safety module. Others are expected to undertake the module but not before the exam cycles in 2024 or 2025.

10.6 The Service expects to lose 3 of its food qualified officers within the next 5 years as they approach retirement. The Service has struggled to recruit qualified trading Standards Officer for several years and we expect to have to replace those leaving with Officers currently in post. We are working to ensure that those undertaking food work are suitably experienced to take on Lead Officer and Primary Authority contact officer responsibilities in due course

11. Conclusion

11.1 The Trading Standards Service falls far short of the level of interventions required under the Food Law Code of Practice. However, work carried out by the service is targeted and the service endeavors to address any significant changes in the law and make appropriate guidance available to businesses.

11.2 The Trading Standards Service should ensure that gaps in the documentation required under the Food Law Code of Practice are filled.

11.3 The inspection and sampling programs are based on intelligence and risk with a focus on ensuring allergen labelling is correct and compositional standards are being met.

11.4 The Primary Authority partnerships are being maintained and offering a good level of support to the businesses signed up. The Trading Standards Service should look to expand this area of work if capacity to undertake food work increases.

11.5 The Trading Standards Service is committed to training and developing its officers including meeting the continuous professional development requirements necessary for officers to retain their competency to undertake food safety work.

11.6 Trading Standards recognizes the profile of its workforce and is working to minimize the impact when experienced officers leave the service.

12. Consultation

a) Risks and Impact Analysis

Risk and Impact Analysis will be carried out when the updated Food law Code of practice is available later this year.

13. Appendices

These are listed below and attached at the back of the report	
Appendix A	Review of documented procedures, policies, plans and programmes required in the Food Law Code of Practice.
Appendix B	Sources of intelligence available to the Trading Standards Service.

14. Background Papers

No background papers within Section 100D of the Local Government Act 1972 were used in the preparation of this report.

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