

## Annex I – Division of policy responsibility

Whilst Machinery of Government changes in 2010 resulted in a division of policy responsibility for official controls, FSA retained responsibility for the delivery and co-ordination of official controls and enforcement carried out.

The table below explains this in simple terms,

Responsibilities	England	Wales	Northern Ireland	Scotland
Food Safety and hygiene	FSA	FSA	FSA	FSS & Local authorities
Labelling (safety, allergy)	FSA	FSA	FSA	
Nutrition	Department of Health and Social Care	Welsh Government	FSA	
Labelling (nutrition)	Department of Health and Social Care	FSA	FSA	
Labelling (other)	Defra	FSA	FSA	
Food law enforcement	FSA & Local authorities	FSA & Local authorities	FSA & Local authorities	

- FSA's responsibility for delivery and co-ordination of official controls and enforcement is highly dependent on policy leads such as DHSC and Defra agreeing the key issues and providing clear advice. We work closely with DHSC and Defra as well as our colleagues in the devolved administrations to bridge the gap between regulatory policy and enforcement policy.

## Annex II(a) – Overview

### The Role & Responsibilities of a Trading Standards Officer

- **Composition**
- **Allergens**
- **Labelling** (General & product-specific requirements)
- **Nutrition Labelling** (incl. Composition & Standards)
- **Nutrition & Health Claims Food Supplements**
- **Imported Foods**
- **Novel Foods**
- **Sampling for analysis/examination**
- **GM Foods**
- **Borderline products** (Medicines)
- **Traceability**
- **Control systems & processes**
- **Materials & Articles in Contact with Food**
- **Contaminants**
- **Product Recalls**

- **Surplus Food & Co-Products** supplied to the feed industry
- **Registration/approval**
- **HACCP/Control systems & processes**
- **Traceability**
- **Pet food & feed labelling**(manufacture/retail sale)

- **Packaged Goods** (Average weight, equipment, controls & documentation)
- **Equipment in use for trade**
- **Labelling** (Products, sale by weight, price marking, notices)
- **Product-specific requirements**

- **Inspection Plans**
- **PA Advice & Guidance**

- **Regulator's Code**
- **Local arrangements & priorities**

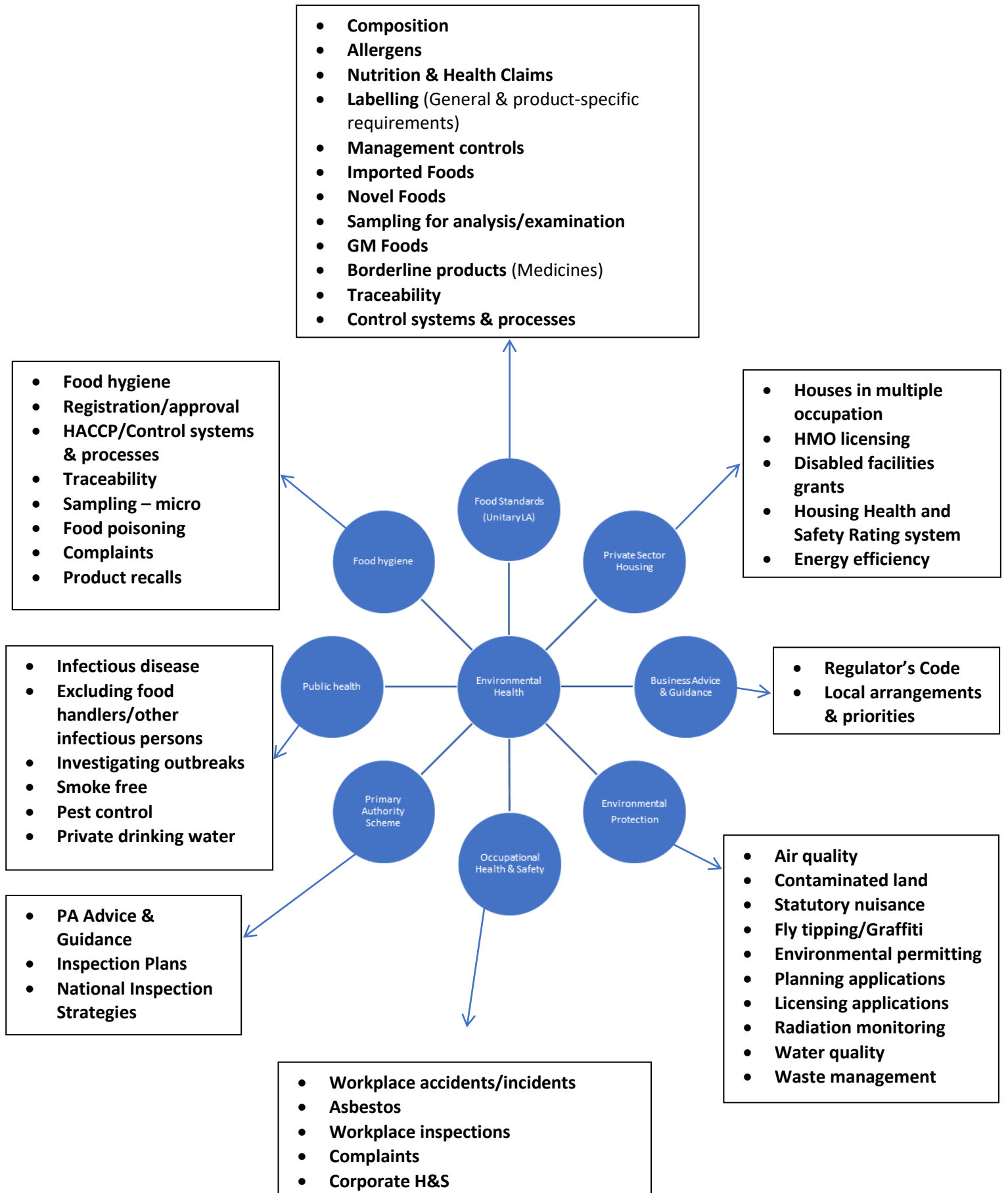
- **General Product Safety Regulations** ('safe product', labelling, instructions etc.)
- **Child Appealing Products** (Toys, imitation foods, child-resistant packaging)
- **Cosmetic Products** (Imitation foods)
- **Age-Restricted Sales** (alcohol, tobacco etc.)
- **Tobacco-Related Products** (Labelling, composition)

- **Consumer Protection from Unfair Trading Regulations** (Banned/misleading practices, crossover with food legislation);
- **Pricing** (price marking & misleading pricing)
- **Fraud**
- **Business Marketing**
- **Distance selling/E-commerce**
- **Membership logos/claims of approval**
- **Trademarks**






## Annex II (b) - Overview


### The Role & Responsibilities of Environmental Health





### Annex III - Literature Review – A summary of relevant findings from published reports

	Resource	Competence & Delivery	Planning & Prioritisation	Current Priorities	Revenue Generation	Compliance with FLCOP	Measuring Impact/Success
<p>CTSI vision for the future. Published - 7 May 2015</p>  <p>CTSI Vision for the Future May 2015.pdf</p>	<ul style="list-style-type: none"> <li>Budget cuts have left some areas with inadequate protection for citizens and businesses.</li> <li>services have been hard hit, with an average 40% fall in individual service budgets between 2010 and 2016.</li> </ul>	<ul style="list-style-type: none"> <li>Threat of inadequate protection</li> </ul>	<ul style="list-style-type: none"> <li>Local authorities and government departments should also be able to commission specific projects from individual strategic trading standards authorities in response to a particular problem that has been identified.</li> </ul>		<ul style="list-style-type: none"> <li>Core funding for strategic trading standards authorities would be allocated directly from central government departments to ensure guaranteed delivery of the core areas of the trading standards portfolio</li> <li>TS services have been placing increasing emphasis on income generation as funding from local authorities has declined.</li> <li>Income generation will remain an important part of the financial model in strategic authorities, as it is clear that skilled trading standards professionals are capable of providing valuable services to businesses at competitive rates.</li> </ul>	<ul style="list-style-type: none"> <li>shift in focus from routine inspection and background regulatory activity has also increasingly distanced trading standards services from their traditional partners in local government. Unlike environmental health</li> </ul>	<ul style="list-style-type: none"> <li>CTSI is calling on government to commission more detailed work on the future of the trading standards service, considering:</li> <li>A new map of strategic trading standards authorities for the UK which includes consideration of the factors indicated above.</li> <li>A funding model which will allow authorities to be flexible in drawing in resources from a number of sources and retain resilience.</li> <li>A governance structure for these strategic authorities, including whether it is appropriate for the service to be based entirely within current local government structures.</li> </ul>
<p>CTSI consultation response to the Food Law Code of Practice (England) Review 2016/17</p> <p>Published 1 February 2017</p>  <p>CTSI Response Food Law CoP 2016.pdf</p>	<ul style="list-style-type: none"> <li>A key concern for CTSI is resources. UK local authority trading standards services enforce over 250 pieces of legislation in a wide variety of areas. They have suffered an average reduction of 46% in their budgets since 2010 and staff numbers have fallen by 53% in the same period.</li> </ul>		<ul style="list-style-type: none"> <li>Approach to food standards regulation is still too heavily based on physical inspections.</li> <li>The reality is that often FBOs do not have food on the premises from which they trade, indeed some never physically see or deal with the products.</li> <li>recognition for the other interventions carried out by</li> </ul>			<ul style="list-style-type: none"> <li>Greater recognition needed for other interventions ,For instance the Primary Authority, Work with internet based FBOs is similarly largely neither recognised nor acknowledged.</li> <li>The risk assessment scheme also neither recognises nor, acknowledges the risk to the market place by internet based FBOs and those FBOs with no physical contact with the food they supply.</li> <li>The interventions and risk assessment framework needs to better reflect the current market framework for food standards work and how it</li> </ul>	

			authorities.			can be effective, e.g. good advice to a major national company can have an impact equal to many physical visits to smaller premises who sell only prepacks supplied by major food producers	
<p><b>Elliott Review into the Integrity and Assurance of Food Supply Networks – Final Report</b></p> <p>Published – July 2014</p>  <p>elliott-review-final-report-july2014.pdf</p>	<ul style="list-style-type: none"> <li>Public Analyst laboratories are in a fragile position</li> <li>Enforcement activity is also very vulnerable when local authority services are cut to the bone.</li> <li>Official data collected by the FSA from local authorities and provided to the review, shows that between 2009 and 2013 there has been a 27% reduction of trading standards officers (dealing with food matters) in post at County Councils.</li> </ul>	<ul style="list-style-type: none"> <li>LAs need to effectively and efficiently carry out making best use of limited resources and need for joined up action</li> </ul>	<ul style="list-style-type: none"> <li>Need for clear leadership and co-ordination of effective investigations and prosecutions</li> </ul>	<ul style="list-style-type: none"> <li>Each local authority is required to have an enforcement policy and this may take both local and national factors into consideration. Local pressures may mean that there is some reluctance to close local businesses in straightened times, which could result in local unemployment</li> </ul>			<ul style="list-style-type: none"> <li>There needs to be a shared focus by Government and industry on intelligence gathering and sharing.</li> <li>Prioritise food controls, standards and their enforcement.</li> </ul>
<p><b>CTSI response to NAO</b></p> <p>Published –</p>  <p>CTSI Response to NAO Report.pdf</p>	<ul style="list-style-type: none"> <li>challenges of declining capacity, status and funding have ultimately made position more challenging, leading to gaps in provision, and the inability to act against national issues</li> <li>Staff resource cuts of around 50% since 2010 have made many</li> </ul>	<ul style="list-style-type: none"> <li>governance, accountability and incentives need to be aligned</li> </ul>	<ul style="list-style-type: none"> <li>government must take central leadership to drive this reform.</li> </ul>		<ul style="list-style-type: none"> <li>national commissioning and regional delivery</li> </ul>	<ul style="list-style-type: none"> <li>There are currently more than 150 trading standards services across England and Wales, an organisational structure that was designed for the 1970s,</li> </ul>	<ul style="list-style-type: none"> <li>Developing an understanding of outcomes would help to set expectations of the consumer protection system. For example, one priority outcome for the system might be to ensure a consistent and effective market surveillance system to prevent unsafe goods from being sold and ultimately harming citizens. This is currently a statutory duty for trading standards but the inconsistency in funding</li> </ul>


	<p>local services perilously close to being unfit for purpose, and as the NAO report makes clear, there is now a clear risk that gaps in the service are making consumer protection a postcode lottery.</p>						<p>and resources at a local level means that there is a postcode lottery of protection.</p>
<p><b>LGA remodelling Public Protection</b> Published – January 2015</p>  <p>LGA Remodelling Public Protection.pdf</p>	<ul style="list-style-type: none"> <li>In 2014, the Trading Standards Institute (TSI) commissioned detailed research on the number of statutory functions enforced by trading standards which highlighted an overall total of 263 functions</li> <li>40% cuts resulting cuts to public protection budgets have led to a notable reduction in staff numbers, and a significant loss of expertise.</li> </ul>	<ul style="list-style-type: none"> <li>In ensuring they prioritise and meet their individual LA needs LGA note that councils must be ruthless about ensuring they are not reinventing the wheel but are taking advantage of best practice work from other councils. This may reduce inconsistencies</li> <li>Alternative management options need to be considered alongside prioritisation</li> </ul>	<ul style="list-style-type: none"> <li>Public protection services have been very localised, dealing primarily with local businesses/premises and localised issues such as housing or pollution.</li> </ul>	<ul style="list-style-type: none"> <li>Yet while such decisions make sense locally, there is a risk that our overall national capacity and resilience in some specialisms is being reduced as officers lose experience of working in certain areas.</li> </ul>	<ul style="list-style-type: none"> <li>Highlight need to examine different ways of funding the existing model, so that businesses are responsible for picking up more of the cost rather than the state. In licensing, it is an established principle, LAS should seek to recover the costs of enforcement action against rogue businesses (although this is frequently unsuccessful)</li> </ul>	<ul style="list-style-type: none"> <li>No direct statement however, in discussion around planning and prioritisation it is noted that as they face the challenge of how they can continue to provide proactive support to local businesses as funding for public protection services reduces and resources are increasingly focused on high risk areas or enforcement.</li> <li>Concern about potential impact on public protection and how they can ensure a sustainable future for public protection</li> </ul>	<ul style="list-style-type: none"> <li>Actions and suggestions on how this can be done in future</li> </ul>
<p><b>Report of the National Trading Standards Conversation</b> Published - July 2014</p>  <p>NTSB TS Conversation report 2</p>	<ul style="list-style-type: none"> <li>TS services have seen their budgets fall by approximately 40% in real terms over the course of this parliament (2010-11 to 2015-16). Individual services expect cuts of up to</li> </ul>	<ul style="list-style-type: none"> <li></li> </ul>	<ul style="list-style-type: none"> <li>Local delivery allows trading standards services to be flexible, establish local contacts and make use of their knowledge of local areas in the enforcement work they carry out, as well as to</li> </ul>	<ul style="list-style-type: none"> <li>When asked to rate the priority of unprotected council services they consistently place trading standards at the bottom of</li> <li>Resourcing according to local</li> </ul>	<ul style="list-style-type: none"> <li>Trading standards accounts for less than 0.5% of the council's budget on average.</li> </ul>	<ul style="list-style-type: none"> <li></li> </ul>	<ul style="list-style-type: none"> <li>Independent academic research on the impact that trading standards services, at a local and national level have noted that this is an area for improvement which could prove instrumental in raising the profile of trading standards among decision makers.</li> </ul>


	<p>86%.</p> <ul style="list-style-type: none"> <li>• Staff numbers have fallen by 45% since 2009. Between 2009 and 2012, Scotland lost 52% of total trading standards staff.</li> <li>• Local Government Association predicts funding available to council services apart from children's and adult social care, waste management, street cleansing and concessionary fares will have fallen by 60% by 20201.</li> </ul>		<p>establish vital partnerships with other departments</p>	<p>needs and priorities however only works when decision makers fully understand the impacts of the service the list</p>			
<p><b>Chartered Trading Standards Institute submission to the Cutting Red Tape Review</b></p> <p>Published – May 2016</p>  <p>ctsi-submission-to-cutting-red-tape-review</p>		<ul style="list-style-type: none"> <li>• It is important that local authority regulators must have the capacity as well as appropriate legal frameworks to ensure legislation can be consistently enforced</li> </ul>					
<p><b>NAO report – Protecting consumers from scams, unfair trading and unsafe goods</b></p> <p>Published – 15 December 2016</p> <p><a href="#">NAO Report</a></p>	<ul style="list-style-type: none"> <li>• 56% reduction in TS officers since 2009 46% reduction in nominal budgets for local authority Trading Standards services since 2011</li> </ul>	<ul style="list-style-type: none"> <li>• A 2015 survey of services in Scotland found that 67% of councils do not fulfil all Trading Standards functions. Furthermore, two-thirds of</li> </ul>	<ul style="list-style-type: none"> <li>• Changes in budgets and staffing levels have led to changed ways of working and priorities and a reduced portfolio which has resulted in areas</li> </ul>	<ul style="list-style-type: none"> <li>• Change from proactivity and prevention to a more reactive and responsive approach. Traditional routine inspections and sampling work to check compliance</li> </ul>	<ul style="list-style-type: none"> <li>• good standards case study makes reference to the resource drain caused by an increased need for business advice, and the reluctance to take prosecutions except for really clear-cut</li> </ul>	<ul style="list-style-type: none"> <li>• The loss of resource and downsizing of services have led to increased fragmentation in coverage at the local level and decreased ability to support national issues. Local authority Trading Standards services have tended towards smaller units, with 59% of services having</li> </ul>	<ul style="list-style-type: none"> <li>• The loss of resource and downsizing of Local Trading Standards services have led to gaps in coverage at the local level. Effective consumer protection relies on sufficient coverage across the local level, in particular to prevent enforcement</li> </ul>

	<ul style="list-style-type: none"> <li>The number of full-time equivalent Trading Standards staff has decreased by 56% in seven years, from 3,534 in 2009 to 1,561 in 2016</li> </ul>	<p>local authority Trading Standards services are supplementing budgets with commercial funding, mainly business advice. On average services are targeting commercial income to be 9.5% of their overall budget</p>	<p>stopping various special initiatives, such as the administration of 'proof of age' and 'approved trader' schemes, reduced product testing and fewer enforcement projects</p>	<p>level has largely given way to a work pattern that is much more driven by referred complaints from consumers and other intelligence reports.</p> <ul style="list-style-type: none"> <li>Collaborative working has increased</li> </ul>		<p>six or fewer Trading Standards qualified staff members</p>	<p>gaps. Local Trading Standards has lost 56% of full-time equivalent staff since 2009. Twenty services in England have reduced funding by over 60% since 2011 and some now have only one qualified officer. The funding of smaller services is no longer sufficient for them to undertake significant enforcement cases, and a number of our case study sites were concerned about the viability of their service. There is no consensus on the minimum service level needed to protect consumers adequately (paragraphs 3.10 to 3.15).</p>
<p>Ipsos Mori Published – June 2017</p>  <p>risk rating review fsa ipsos.pdf</p>	<ul style="list-style-type: none"> <li><i>This research has revealed that the hygiene intervention rating schemes is broadly fit for purpose. Research participants felt that it does help local authorities to prioritise their resources on establishments where the risk is likely to be greatest. However, it was evident that decisions around the type and frequency of intervention are not just made on the basis of the risk assessment included in section 5.6 of the Code, but also practical considerations such as resource</i></li> </ul>	<ul style="list-style-type: none"> <li>Refining the scheme to include the additional risk factors and emphasising the factors of significance could help address the root causes of food hygiene failings, depending on the way this is implemented. The ability of any risk rating scheme to be predictive is limited, but the desk research suggests that using factors such as number of complaints, the outbreak profile (control of cross contamination &amp; temperature) and training could allow a more accurate</li> </ul>	<ul style="list-style-type: none"> <li>Most food standards officer's we spoke to spontaneously described how they are undertaking fewer food standards inspections so that they can divert resource to other activities which they consider to be more important.</li> <li>On balance, most participants felt that sector approaches risked overcomplicating the status quo, and re-iterated their preference for intelligence led work while deploying resource to undertake as many inspections</li> </ul>	<ul style="list-style-type: none"> <li>Their priorities often included intelligence led approaches, initiative work e.g. focussing on particular types of product and / or establishment like 'take-aways', and sampling.</li> </ul>			



	<i>constraint.</i>	categorisation of establishments and therefore better targeting of control authority resources.	as possible.				
<p><i>CTSI Workforce Survey 2017</i></p> <p>Published February 2018</p> <p><a href="#">Workforce Survey 2017</a></p>	<p>Over the past few years almost all trading standards departments have experienced sharp cuts in their budgets and most now operate with about half the number of staff that they employed five years ago.</p>	<ul style="list-style-type: none"> <li>• Collaborative working is increasingly a key characteristic mode of operation for trading standards departments. 80% of survey respondents said that their department was working collaboratively with either (or both) another trading standards department, regional and/or sub regional services and/or another partner (including from the private sector). The drivers behind collaboration were cited as a combination of making efficiencies and cost savings, sharing intelligence and skills and securing service resilience. However, the survey also highlighted barriers to</li> </ul>	<ul style="list-style-type: none"> <li>• Departments have taken a range of approaches to achieving greater efficiency and effectiveness, including: <ul style="list-style-type: none"> <li>○ service change,</li> <li>○ redefining job roles,</li> <li>○ implementing new ways of working,</li> <li>○ greater partnership working,</li> <li>○ moving to an intelligence led model, and</li> </ul> </li> <li>• focusing on income generating activities (including Primary Authority scheme and providing professional metrology services to businesses).</li> </ul>	<ul style="list-style-type: none"> <li>• The survey and case studies highlighted a shift from a focus on vital (but essentially background and low-profile), regulatory activities such as checking weighing equipment, analysing food samples, testing the safety of products, to more publicly visible responsibilities that directly address contemporary community concerns, e.g. protecting the vulnerable from rogue traders, scams and door-step crime, and contributing to other public health and social issues such as alcohol and substance abuse. The two most commonly cited priorities for trading standards departments in 2014-15 were doorstep crime and tackling underage sales.</li> </ul>			<ul style="list-style-type: none"> <li>• Both the survey and the case-studies revealed a limited assessment of the impacts of trading standards work. Although just over half of survey respondents said that they had undertaken work to monitor or evaluate the impact of their activities this was limited in terms of being able to evidence impact. All case study departments could provide quantitative data on inputs and outputs such as the numbers of visits, contacts and various other regulatory interventions made (e.g. numbers of prosecutions pursued, formal warning notices served, and advice and guidance issued) but none were able to offer much in terms of outcomes or impact.</li> </ul>

		<p>ongoing collaboration including local politics, resource constraints and the differing priorities of other agencies and other councils.</p> <ul style="list-style-type: none"> <li>• There is a clear commitment from trading standards to provide support to business to facilitate compliance, and departments use a range of proactive and information provision methods through which to do this. However, most respondents commented that resource constraints meant they could no longer keep regular contact through visits as they might have done in the past.</li> </ul>					
<p><i>The impact of LA TSO in challenging times</i></p> <p>Published March 2015</p>  <p>Impact of LA TS in challenging times BIS.</p>	<ul style="list-style-type: none"> <li>• Be used by all local authority trading standards services regardless of size and resources</li> <li>• Reduction in services</li> <li>• Clear emphasises around resource issue and the</li> </ul>	<ul style="list-style-type: none"> <li>• <i>It helps you to identify which problems require action, as without shared intelligence or information, it is easy to believe you may have an isolated problem when in reality it may be a regional or national problem. There</i></li> </ul>	<ul style="list-style-type: none"> <li>• <i>Intelligence reports (updating a central database)</i></li> <li>• <i>Senior officers identify and address local priorities and to approve strategic assessment and control strategy.</i></li> <li>• <i>Tactical tasking</i></li> </ul>	<p>55% of LAs who responded to survey are developing intelligence led approach</p>			<ul style="list-style-type: none"> <li>• There should be ongoing and post activity reviews to analyse the effectiveness of the tasking and actions taken.</li> </ul>

	<p>need for alternative approaches to be adopted and the lack of impact assessments for TS work generally,</p> <ul style="list-style-type: none"> <li>•</li> </ul>	<p><i>must be an intelligence flow between local, regional and national enforcement and intelligence officers/analysts and tasking groups in order for the IOM to work effectively. As it is important to be able to escalate identified and assessed problems and refer or task actions.</i></p> <ul style="list-style-type: none"> <li>• research that trading standards officers feel that many potentially serious problems are being missed because of the shift from proactive inspections to a more reactive approach</li> </ul>	<p><i>group(s) to manage operational activities to meet control strategy priorities and review how effective their decisions and actions have been. Assists to identify the need for the implementation of any new strategies and actions.</i></p> <ul style="list-style-type: none"> <li>• More collaborative working and targeted inspections</li> </ul>				
<p><i>LGA TSI Review</i> Published – January 2016</p>  <p>LGA TS Review Jan 2016.pdf</p>	<ul style="list-style-type: none"> <li>• Firstly, greater clarity about what capacity there is to address both local and national priorities, and secondly, action to ensure that services are set up in a way that enables them to address a wide range of activity and the right balance between local and national priorities.</li> <li>• current level of resources cannot sustain the same level of</li> </ul>	<ul style="list-style-type: none"> <li>• Trading standards has already put in place mechanisms for managing cross-border regional and national work. Alongside locally led trading standards work led by individual council teams, joint working through regional trading standards groups is well established, and the creation of NTS has provided a mechanism for managing work</li> </ul>	<ul style="list-style-type: none"> <li>• Government must do more to acknowledge that capacity at local level is already fully stretched, and shift away from its default approach of making trading standards responsible for all manner of enforcement activity.</li> <li>• It would also be helpful if government could provide greater clarity about the prioritisation of</li> </ul>		<ul style="list-style-type: none"> <li>• provide further support to councils in specific areas such as commercialisation (following on from our commercialisation in regulatory services conference this summer).</li> </ul>		

protection, across the same number of areas, as was the case previously

existing statutory responsibilities which have more of a national dimension than a local one. Trading standards services are already prioritising different types of activity based on intelligence, levels of detriment and local priorities: a clear steer from central government about which of its policy areas it needs local teams to prioritise – and which it doesn't – would be helpful.