

LONDON BOROUGH OF ENFIELD
CONSUMER PROTECTION
FOOD AND FEED SAMPLING POLICY

1. INTRODUCTION

- 1.1. This policy covers all of the sampling activity undertaken by Consumer Protection in relation to food, animal feedstuffs and private water supplies.

This policy has been prepared having regard to the Food Safety (Sampling and Qualifications) (England) Regulations, 2013, the Food Safety Act, 1990, the Food Safety and Hygiene (England) Regulations, 2013, the Official Feed and Food Control (England) Regulations, 2009, the Food Law Code of Practice (England) (updated April 2015), the Food Standards Agency Framework Agreement on Local Authority Food Law Enforcement, LACORS (now LGR) guidance on food sampling for microbiological examination, January 2002 and Food Standards Agency Practical Sampling Guidance For Food Standards and Feeding Stuffs May 2004.

In relation to animal feedstuffs, the requirements of the Animal Feed (Composition, Marketing and Use) (England) Regulations, 2015, the Animal Feed (Hygiene, Sampling etc and Enforcement) (England) Regulations, 2015 and the Feed Law Code of Practice (England) (updated May 2014) have been considered in the preparation of this policy.

The Private Water Supplies Regulations, 2009 and the Private Water Supplies Technical Manual issued by the Drinking Water Inspectorate have been taken into account in relation to the sampling of private water supplies.

- 1.2. Sampling has a crucial role to play in supporting the aims of the London Borough of Enfield in relation to food hygiene, food standards and animal feed. These aims include:

- the protection of consumers through effective monitoring and enforcement of standards relating to the safety, composition and quality of foods;
- to support consumer choice through ensuring accurate and legally compliant labeling and composition of foods;
- to ensure that animal feeding stuffs produced, sold and supplied in Enfield meet the relevant legal requirements;

- to ensure that foods comply with relevant legislation;
- to ensure fair trading within the Borough.

Sampling of private water supplies in the Borough is also undertaken to ensure that supplies are safe, wholesome and meet the relevant legal parameters.

- 1.3. The role of sampling to help to achieve these aims is enshrined in the principal European legislation from which UK food and feed law is derived and the Food Standards Agency monitors the performance of local authorities in relation to food and feed sampling. Details of the sampling activity undertaken by the Council are reported annually to the Food Standards Agency. In relation to private water supplies, sampling data is reported annually to the Drinking Water Inspectorate within DEFRA.
- 1.4. This policy will be published and reviewed annually. The views of stakeholders will be sought and considered. In particular, the Public Analyst and Food Examiner will be consulted on the policy.

2. SAMPLING OBJECTIVES AND PRIORITIES

- 2.1. The Council's sampling activities will be directed by an annually produced food and feed sampling programme detailing specific surveys that will be undertaken. The inclusion of surveys in the programme will be determined by national, regional and local priorities. The following activities and factors will be considered when devising the sampling programme:
 - the investigation of cases of food poisoning and food-borne illness;
 - the investigation of complaints about food and animal feed;
 - responding to local or national food and feed hazard warnings or incidents;
 - participation in EU and national surveys co-ordinated by the Food Standards Agency and Public Health England and regional surveys as determined and co-ordinated by the North East London sector food liaison group, London Food Co-ordinating Group (LFCG) or Association of London Environmental Health Managers (ALEHM) in order to address local and national concerns;
 - supporting the food hygiene, food standards and animal feed inspection programme (eg. sampling to help identify poor hygiene practices or to verify food/feed safety management systems);
 - responding to current issues affecting food safety, food standards and animal feed. In particular, there will be a continuing emphasis on foods imported from countries outside of the EU and foods potentially subject to

fraud in support of the Food Standards Agency's National Control Plan;

- consideration will be given to national, regional and local intelligence relating to food/feed safety, composition and labelling;
- consideration of the number, type and inspection risk rating of food and feed businesses in the Borough;
- the Council's responsibilities in relation to food and feed businesses for which it acts as the primary, home or originating authority;
- the number of producers and importers of food and in particular high risk foods within the Borough;
- In relation to private water supplies, the Authority will ensure that sampling is undertaken in accordance with the frequencies specified in the Private Water Supplies Regulations, 2009 based on the extraction rates and nature of each supply. Sampling will also be considered in relation to complaints about private water supplies;
- the needs and expectations of the local community.

3. SAMPLING PROGRAMME

- 3.1. Sampling will normally be carried out in accordance with the programme and protocols will be devised for individual surveys. However, there will be occasions when reactive sampling will be undertaken in response to, for example, a food poisoning outbreak or complaint. A farm to fork approach will be taken to sampling and this has now been extended to include animal feeding stuffs and primary producers eg. farms. The programme itself will be reviewed as necessary in order to respond to any specific issues that may arise.
- 3.2. The extent of the Council's sampling activities will be determined by resource availability, the objectives outlined in the Consumer Protection Service Plan and any obligations placed on the Authority by the Food Standards Agency, the DWI and relevant legislation. The Council will liaise with other Authorities and use existing sampling data (available on FSSNet) so as to reduce duplication and make more effective use of sampling resources. Emphasis will be placed on the Council's participation in national sampling surveys organized by Public Health England, the Food Standards Agency as well as regional surveys produced by the London Food Co-ordinating Group and ALEHM. The Council is committed to using FSSNet. This is a national food and feed sampling database for local authorities managed by the Food Standards Agency that will enable more intelligence-led and risk-based sampling to be carried out.

In addition, the Council's appointed Public Analyst (Mr J.Wootten, Public Analyst Scientific Services Limited, 28-32 Brunel Road, London, W3 7XR), Agricultural Analyst (Mr D. Arthur, Public Analyst Scientific Services Limited, 28-32 Brunel Road, London, W3 7XR) and the designated food examiners at the London Food, Water and Environment Laboratory, Public Health England, Colindale Avenue, London, NW9 5HT) will be consulted regarding the sampling programme.

- 3.3. Progress towards completing the programme will be regularly assessed throughout the year. In order to ensure that sampling is effective, a summary report will be produced and relevant follow up action taken. The results and outcomes of surveys will also be examined in the light of the Consumer Protection Service Plan and service objectives will be amended where necessary. Re-sampling will also be undertaken as required, for example, where previous samples have been found to be unsatisfactory or unacceptable.
- 3.4. Particular emphasis will be placed upon foods that are produced in the Borough for supply on a wider scale and upon premises that act as food importers. It is intended that at least 25% of the total number of food samples taken will be targeted towards manufacturers, importers, premises that are approved under product-specific legislation and premises for which Enfield acts as the primary, home or originating authority. In addition to the types of foods handled by these businesses, account will also be taken of any specific food safety or consumer protection issues that may be applicable (for example, emerging food safety issues, food alerts identified by the Food Standards Agency) in order to maximise the public protection benefits of the sampling programme.

4. TYPES OF SAMPLE

- 4.1. All sampling will be carried out in accordance with the requirements of the Food Safety Act, 1990, the Food Safety and Hygiene (England) Regulations, 2013, the Food Safety (Sampling and Qualifications) (England) Regulations, 2013, relevant European law and subordinate legislation as appropriate, Food Law Code of Practice and Regeneration and Environment's Quality Manual procedures and work instructions. Consideration will also be given to any relevant EU or UK government guidance, sampling protocols produced for specific surveys and the comments of the Public Analyst and Food Examiner.

Formal sampling will be undertaken by suitably qualified officers who are authorised by the Council in accordance with:

(for food) - section 5 of the Food Safety Act, 1990, regulation 5 of the Food Safety and Hygiene (England) Regulations, 2013 and who meet the relevant requirements of the Food Law Code of Practice;

(for feed) – section 67 of the Agriculture Act, 1970, regulation 21 of the Animal Feed (Hygiene, Sampling etc and Enforcement) (England) Regulations, 2015 and who meet the relevant requirements of the Feed Law Code of Practice.

Other officers may only take informal samples.

- 4.2. Samples for microbiological examination will be taken formally and will be submitted to the food examiner or to the Public Analyst in certain exceptional circumstances. Samples for chemical or compositional analysis and for comments on labelling will be submitted to the Public Analyst. Animal feed samples will be submitted to the Agricultural Analyst. Samples for routine surveillance or specific surveys will normally be taken informally unless otherwise specified in the sampling survey protocol. If the commission of an offence under relevant food or feed law is suspected, samples will be taken formally. Samples may be taken or purchased at the officer's professional discretion or in accordance with the requirements of the relevant sampling protocol. Further guidance on sampling methods and administrative requirements are contained in Planning and Environmental Protection's Quality Manual procedures. Action for unsatisfactory samples will be taken in accordance with Regeneration and Environment's Enforcement Policy.
- 4.3. As sampling may give rise to criminal proceedings being taken, the integrity of samples and continuity of evidence will be maintained in accordance with relevant legislation, the Food (or Feed) Law Code of Practice, the Police and Criminal Evidence Act, 1984 and Regeneration and Environment's Quality Manual procedures.
- 4.4. Sampling officers should consult the Public Analyst or Food Examiner as appropriate for guidance on sampling methods where necessary particularly in relation to foods having specific sampling requirements and large consignments or batches where statistical methods may need to be applied.

5. REVIEW

- 5.1. The sampling policy will be reviewed annually in order to take into account any changes in legislation, codes of practice and guidance, to reflect the priorities of the Consumer Protection Service Plan, to consider national and local consumer protection priorities, to consider developments within the local food industry and to consider the needs of the service's stakeholders.

Robert Bartlett
Principal Officer – Food

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