

# Public Document Pack



**Helen Barrington**  
Director of Legal Services  
County Hall  
Matlock  
Derbyshire  
DE4 3AG

Extension 38394  
Direct Dial 01629 538394  
Ask for Juliette  
Normington

PUBLIC

To: Members of Cabinet Member meeting - Health and Communities

Wednesday, 30 December 2020

Dear Councillor

Please attend a meeting of the **Cabinet Member meeting - Health and Communities** to be held virtually at **11.00 am** on **Thursday, 7 January 2021**; the agenda for which is set out below.

Yours faithfully

A handwritten signature in black ink that reads 'Helen E. Barrington'.

**Helen Barrington**  
**Director of Legal Services**

## **A G E N D A**

### **PART I - NON-EXEMPT ITEMS**

1. To receive Declarations of Interest (if any)
2. To confirm the non-exempt minutes of the meeting of the Cabinet Member - Health and Communities held on 5 November 2020 (Pages 1 - 6)
3. To consider the non-exempt report of the Executive Director for Commissioning, Communities and Policy on the Annual Food and Feed Plan 2020-2021 (Pages 7 - 46)

4. To consider the non-exempt reports of the Director of Public Health on:
  - 4 (a) Further Allocation of Derbyshire's Coronavirus (COVID-19): Local Authority Emergency Assistance Grant for Food and Essential Supplies (Pages 47 - 52)
  - 4 (b) No Second Night Out Scheme in Derbyshire (Pages 53 - 56)
5. Exclusion of the Public

To move "That under Regulation 4 (2)(b) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the public be excluded from the meeting for the following items of business on the grounds that in view of the nature of the items of business, that if members of the public were present, exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 would be disclosed to them."

## **PART II - EXEMPT ITEMS**

6. To receive Declarations of Interest (if any)
7. To confirm the exempt minutes of the meeting of the Cabinet Member - Health and Communities held on 5 November 2020 (Pages 57 - 58)

**MINUTES** of a meeting of the **CABINET MEMBER FOR HEALTH AND COMMUNITIES** held on 5 November 2020 virtually on MS Teams

**PRESENT**

Councillor C Hart – Cabinet Member

Also in attendance: Councillor D Allen

**43/20** **MINUTES** **RESOLVED** that the non-exempt minutes of the meeting of the Cabinet Member for Health and Communities held on 17 September 2020 be confirmed as a correct record.

**44/20** **PERFORMANCE AND BUDGET MONITORING FORECAST OUTTURN 2020/2021 QUARTER 2** The Cabinet Member was provided with an update of the Council Plan performance position and the revenue budget position of the Health and Communities portfolio for 2020/2021 up to the end of September 2020 (Quarter 2).

The report showed that progress was "good" for all of the Council Plan deliverables led by the portfolio. After additional Covid-19 funding, the budget forecast position for 2020/2021 was an underspend of £3.077m, with forecasted savings of £0.216m by the year end. The key areas of success and for consideration were listed within the report, with further information on the portfolio's performance included at Appendix A.

The net controllable budget for the portfolio was £10.138m, with an additional £2.474m Covid-19 funding being added to give a total of £12.612m. The Revenue Budget Monitoring Statement prepared for quarter 2 indicated a forecast year-end underspend of £0.603m. This would be increased by the use of £2.474m of additional Covid-19 funding giving an underspend of £3.077m. These were detailed within the report.

Budget reduction targets totalled £0.216m for the year. These were detailed within the report, as were the growth items and one-off funding. Financial risks that could negatively impact on the portfolio were summarised:

Service	Risk	Sensitivity* £m	Likelihood 1 = Low, 5 = High
Service-wide	Covid-19 pressures – loss of fee income, increase in instances of Domestic Violence and Hate Crime, continuing increase in costs.	2.474	3
Coroners service	Accommodation at Chesterfield.	0.008	5
Coroners service	Increased costs of Case Management system.	0.060	5

\*Sensitivity represents the potential negative impact on the outturn position should the event occur.

Earmarked reserves totalled £9.704m.

**RESOLVED** - that the Cabinet Member (1) note the report; and

(2) consider whether there were any further actions that should be undertaken to improve the budget position moving forwards or to address performance, where it had not met the desired level.

**45/20      ACTION GRANTS PROGRAMME ROUND 8** The Cabinet Member was updated on the projects supported under round eight of the Community Activity and Community Safety Action Grants Programme. Approval was also sought to formerly close the scheme.

The Action Grant Programme ran for a period of two years from May 2018 until May 2020. Applicants were able to apply for three levels of funding across four grant areas covering youth activity, community safety, community activity and physical/sports activity and had to meet the selection criteria. The report provided an update on the applications received and approved, for both the Community Activity and Community Safety grants under round eight.

Community Activity Grants – 78 medium and large applications were received. Due to the small amount of funding available, round eight was extremely competitive, resulting in four applications, totalling £20,115, being approved. Further details of the applications and selection process were set out at Appendix A.

Community Safety Grants - five small grant applications were received. Four applications were approved totalling £1,869. Further details of the applications and selection process were set out at Appendix B. 10 medium and large grant applications were received with five being approved, totalling £23,804. Further details of the applications and selection process were set out at Appendix C.

A total of £62,500 was allocated over the life of the action grants programme for Community Safety medium and large applications. The total spend was £66,502, an overspend of £4,002 and which would be offset from the Community Safety small grants allocation which was underspent. This was approved by The Director of Finance and ICT on 28 July 2020.

Monitoring of the programme and take up of the different levels of grants as well as geographical coverage, had taken place on a regular basis to ensure equality of access across different communities in Derbyshire:

Theme	Total supported small applications	Total supported medium and large applications	Total funding awarded
Community Activity	392	13	£250,000
Community Safety	29	10	£80,714.05
Total	421	23	£330,714.05

The programme had been active for a total of two years and had awarded funding over eight scheduled rounds. The programme was no longer taking applications and it was recommended that remaining funds of £231,786 not committed from the Community Safety Grants scheme be returned to the General Reserve and the Action Grant Programme, for both Community Activity and Community Safety Grants, be formally closed. Physical Activity Grants were also no longer taking applications but Youth Grants had extended applications until the end of the year.

**RESOLVED** - that the Cabinet Member (1) note the four medium and large grants for Community Activity approved to the value of £20,115;

(2) note the four small grants and five medium and large grants for Community Safety approved to the value of £25,673;

(3) note the total programme spend to date of the Community Activity and Community Safety themes to the value of £330,714;

(4) approve the closure of the Community Activity and Community Safety themes; and

(5) approve the return of uncommitted funding of £231,786 to the General Reserve.

**46/20      PUBLIC HEALTH COVID-19 FUND – UPDATE** The Cabinet Member was given an update on organisations supported through the Public Health COVID19 fund. Approval was sought for allocating an additional £50,000 towards the fund.

The response to the COVID19 pandemic had seen many organisations across Derbyshire working to ensure the basic needs of the most vulnerable residents were met and it had become apparent that a number of community and voluntary sector organisations had insufficient resources to maintain current levels of response. In addition, the national shielding, social isolation and social distancing requirements had compelled many organisations to quickly adapt their service delivery model to operate within the guidance, often requiring additional resources.

The Cabinet Member had previously approved the establishment of a Public Health COVID19 Fund to support voluntary and community sector organisations in mitigating the impact of COVID19 on local communities, and work to improve the health and wellbeing of local populations. Funding of up to a maximum value of £2,000 was available for constituted groups and £250 for non-constituted groups.

The Fund was supported from the Public Health Grant and all applications needed to be linked to an existing Public Health work programme to allow the Public Health Emergency Fund to run concurrently with other corporate grant schemes, whilst retaining a clear focus on improving public health outcomes. Authority for approval of applications was delegated by the Cabinet Member to the Director of Public Health, with quarterly updates reported to Cabinet Member meetings.

To date, a total of 30 applications had been reviewed and approved for funding, initially by a panel comprising of an Assistant Director of Public Health and a Health Improvement Practitioner before ratification by the Director of Public Health. These were detailed in the report. The fund had an initial allocation of £50,000, with a total of £50,047 being awarded. It was therefore proposed that the fund was extended by a further £50,000 to be met from the Public Health Reserve.

**RESOLVED** - that the Cabinet Member (1) note the allocation of the Public Health COVID-19 fund to date;

(2) approve the extension of the fund by an additional £50,000;

(3) continue to delegate authority to the Director of Public Health to approve awards of no more than £2,000 to individual organisations; and

(4) receive details of recipient organisations on a quarterly basis.

**47/20      IMPLEMENTATION OF MICROSOFT DYNAMICS** Approval was sought from the Cabinet Member to allocate funding for the implementation of Microsoft Dynamics software package to support the delivery of Test and Trace activities in response to COVID-19.

Public Health were leading the work in Derbyshire to prepare for potential outbreaks of coronavirus in the county and helping to contain any outbreaks as part of the national test and trace programme. The COVID-19 Outbreak Management Plan set out the approach which involved working with partners to protect local residents. This involved partner organisations at every level from the government and the NHS through to the local district and borough councils, and the people who live and work in Derbyshire. This included monitoring data sent on a weekly basis from Public Health England about the number of new cases in Derbyshire.

Residents who were contacted were asked more in-depth questions about their movements and who they had been in contact with. A software system was required to capture the data, identify hotspot areas and help manage the workload. It would provide a much more efficient way of collating local information and assist the public health team build up a comprehensive picture of where transmissions were happening and make important links between cases. Benefits included:

- Management of complex cases and settings including 360° view;
- Manage the local action plan response;
- Capture symptom, test and movement data;
- Capture and process support requests from citizens in isolation;
- Automate tasks and activities;
- COVID-19 Data Analytics and Data Management;
- Reduce risk and time to value using proven technology used to support local and national response to COVID-19 and from a proven partner;
- Easily adapt to evolving requirements;
- Simplify data management challenges;
- Gain insights and predict trends in the local area.

Microsoft had designed and built a proof of concept (POC) solution to manage outbreak action plans and Test and Trace activities in response to COVID-19. Hitachi Solutions, who specialised in working with UK Local Authorities to leverage Microsoft Cloud technologies and were already supporting over 18 authorities with their COVID-19 response, had re-built the POC into a robust, production-ready solution.

The costs for the implementation of this software depended on the number of licenses required and this was broken down in the report. These costs would be met from the Public Health budget.

**RESOLVED** - that the Cabinet Member approve the allocation of funding up to a total value of £89,064.40 for the implementation of Microsoft Dynamics software package to support the delivery of Test and Trace activities in response to COVID-19.

#### **48/20      EMOTIONAL WELLBEING FOR YOUNG PEOPLE PROJECT**

Approval was sought from the Cabinet Member for the provision of grant funding of £12,000 to Men Talk for delivery of a project to support the emotional wellbeing of young people for a period of 1 year from 1 December 2020.

Mental health and emotional wellbeing remained a key public health priority. Covid-19 and the widening health inequalities gap had seen an increase of people experiencing emotional wellbeing issues and young people had been identified as a group at higher risk. Early identification and early intervention were essential to prevent symptoms from escalating and this aligned with national guidance and the Derbyshire Mental Health Prevention Framework.

Local charity Men Talk had developed an innovative idea for the supply of a digital wrist band to young people; that was based on engagement talks in secondary schools in Chesterfield and at Chesterfield College. The band contained an encrypted storage facility which the user could store personalised tools to help their emotional wellbeing. It could contain direct contact information to local services, including school nurses, hold online tools such as a safety plan or positive messages, and other personalised features such as a music playlist or personalised notes to help in times of anxiety or stress.

It was proposed that during the 1 year project, Men Talk would develop the product with support from a working group and related organisations, then roll out an engagement programme of talks to support the direct supply of the product to young people. This would be delivered at a minimum of four designated secondary schools or further education establishments in Derbyshire, targeted at young people aged 16 to 19. It had been widely reported that stress and anxiety levels were high amongst this cohort together with the additional uncertainty created by Covid-19. The approach would be evaluated to gauge the level of impact.

**RESOLVED** - that the Cabinet Member approve the provision of grant funding to Men Talk for delivery of a project to support the emotional wellbeing of young people, at a value of £20,000 per annum for a period of 1 year from 1 December 2020.

**49/20      MENTAL HEALTH FRIENDLY PROJECT** Approval was sought from the Cabinet Member for the provision of grant funding to Fuzzy Ducklings for delivery of a project to support the development of a mental health friendly project for a period of 2 years from 1 December 2020.

Covid-19 had exacerbated existing symptoms for many people who suffered with anxiety, stress or depression on a trip outside the home. Safe places and friendly faces might help overcome some of their anxieties. By linking with the existing Safe Places scheme run by Public Health, this would extend the number of safe spaces into private businesses and retail settings. It was proposed that a pilot scheme was initiated in Chesterfield, where foundation work had already taken place. In order for Chesterfield to become a “mental health friendly” place, a model had been developed that comprised 3 strands:

- Raising mental health awareness, addressing stigma, and promoting inclusivity;
- Developing a digital resource that will provide support to people by highlighting the location of safe spaces they can access if they feel unwell; and
- Engaging local business to play a role in improving mental health outcomes, though for example, adoption of staff training on mental health awareness.

The initial scheme was being overseen by Chesterfield Mental Health Network, a multi-agency partnership with representatives from community and voluntary sector, health and social care and business sector. Initial insight had been provided by a local entrepreneur and a mental health service-receiver. The pilot scheme would be evaluated and if successful, delivery expanded across Derbyshire.

It was proposed to award a grant of up to £45,000, funded from the Public Health Grant, to Fuzzy Ducklings. An initial payment of £5,432 would be paid to pilot the proposal in Chesterfield, with the remainder to be paid to expand the project across Derbyshire.

**RESOLVED** - that the Cabinet Member approve the provision of grant funding to Fuzzy Ducklings for delivery of a mental health friendly project at a value of up to £45,000 for a period of 2 years from 1 December 2020.

**50/20      EXCLUSION OF THE PUBLIC RESOLVED** that the public, including the press, be excluded from the meeting during consideration of the remaining item on the agenda to avoid the disclosure of the kind of exempt information detailed in the following summary of proceedings:

**SUMMARY OF PROCEEDINGS CONDUCTED AFTER THE PUBLIC, INCLUDING THE PRESS, WERE EXCLUDED FROM THE MEETING**

1. To consider the exempt report of the Director of Public Health on the Provision of Service for Children and Young People affected by the Substance Misuse of Others: Additional Funding (contains information relating to the financial or business affairs of any particular person (including the authority holding that information)).



PUBLIC  
Author: Steve Allen

**DERBYSHIRE COUNTY COUNCIL**  
**MEETING OF CABINET MEMBER – HEALTH AND COMMUNITIES**

**07 January 2021**

**Report of the Executive Director**  
**Commissioning, Communities and Policy**

**FOOD AND FEED SERVICE PLAN**

**1 Purpose of Report**

To seek approval from the Cabinet Member, Health and Communities for the Food and Feed Service Plan 2020/21.

**2 Information and Analysis**

In accordance with the Food Standards Agency's (FSA) 'Framework Agreement on Official Feed and Food Controls by Local Authorities' (the Framework Agreement), the Trading Standards Division produces a Service Plan for Food and Feed. The Plan sets out a proposed programme of activity to seek compliance with food and feed requirements.

The Framework Agreement was developed by the FSA in consultation with local authorities, the local government associations and professional bodies. It sets out what the Food Standards Agency expects from local authorities in their delivery of official controls on feed and food law. It also seeks to ensure that the UK fulfils its obligations with regards to current European legislative requirements. The Agreement sets out the planning and delivery requirements of feed and food official controls, based on the existing statutory Codes of Practice.

There is a close link between the food we eat and our health. The local authority has a duty to enforce food safety legislation that is intended to ensure that food is safe to eat and that it complies with a wide range of standards and labelling requirements. In general, district and borough council Environmental Health Services are responsible for enforcing food hygiene whereas the county council is responsible for ensuring that businesses trading in Derbyshire comply with food labelling and compositional standards requirements. The county council is also responsible for ensuring feed businesses throughout the feed chain from farms through to manufacturers comply with legal requirements on feed labelling, safety and hygiene.

The Trading Standards Service provides advice and information to local businesses on the requirements of the law and how best to comply. Advice may be reactive – in

response to a request from a local business or a referral from another authority – or proactive following a change in legislation or as a result of an inspection. To check compliance with food and feed standards and feed hygiene requirements, the service undertakes inspections or visits to local businesses. The complexity and size of the business and the type of food or feed produced or sold will determine the frequency of visit in accordance with nationally agreed 'risk assessment' policies.

As well as 'routine' inspections or business advisory visits, the Division also undertakes project work to test compliance within a particular trade sector or food and feed products. Details of projects planned are contained within the Food and Feed Service Plan.

Most of the food we buy is manufactured and pre-packed. To ensure that food is appropriately labelled and that it complies with food standards requirements, the Division also has a food sampling programme. Food on sale in Derbyshire is sent for analysis by a food laboratory (Public Analyst) to examine the composition and compare it to the labelling. Breaches of food labelling and standards constitute an offence and, depending on the severity of any non-compliance, the Division will advise or consider enforcement action as appropriate. Most breaches are referred to the relevant 'Home Authority' – i.e. the trading standards department local to where the head office of the company is located. More serious breaches are investigated, and, in a minority of cases, legal proceedings are instigated.

The draft Plan is attached to the report as appendix 1 and it is proposed to publish it on the county council website when approved.

### **3 Financial Considerations**

The cost of the food and feed sampling programme for 2020/21 is up to £10,000. The Division works with its appointed Public Analyst service and agrees a programme of food and feed sampling for the year within this budget.

### **4 Other considerations**

In preparing this report the relevance of the following factors has been considered; human resources, legal, prevention of crime and disorder, equality of opportunity; environmental, health, human resources, property and transport considerations.

### **5 Key Decision**

No.

### **6 Call-In**

Is it required that call-in be waived for any decision on this report? No.

### **7 Background Papers** Held on file within the Commissioning, Communities and Policy Department. Officer contact details – Steve Allen, extension 39837.

## **8 OFFICER'S RECOMMENDATION**

That the Cabinet Member Health and Communities approves the Food and Feed Service Plan 2020/21

**Emma Alexander Executive Director  
Commissioning, Communities and Policy**

**Derbyshire County Council  
Commissioning, Communities and Policy  
Department  
Trading Standards Division**

**Food and Feed Service  
Plan  
2020/2021**

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# Introduction

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This plan has been produced having had regard to the [Food Standards Agency Framework Agreement](#).

As described by the departmental [Service Plan](#) Derbyshire Trading Standards Service (DTSS) is part of the Community Services division of the Commissioning, Communities and Policy Department. The [Derbyshire County Council Plan 2019 - 2021](#) sets out the future direction of the council.

This Food and Feed Service Plan sets out how Derbyshire County Council through its Trading Standards Service delivers its food and feed service with the aim of ensuring that food standards and feed law is complied with. The plan describes the structure, policy and operational activities of DTSS; in respect of its food and feed law activities.

Food Standards and animal feed work are statutory functions of the service, EC regulations require consistent effective, risk-based and intelligence led controls at all stages of production, distribution, use, storage, transport, import and export. The details of what is expected of the service can be found in the [Food and Feed Law Codes of Practice](#). Both codes of practice are statutory and the Food Standards Agency (FSA) can, after consulting with the Secretary of State, give a Local Authority a direction requiring them to take any specified steps in order to comply with the codes.

The FSA has an audit role in respect of food and feed law enforcement and as such this Food and Feed Service Plan is intended to assist auditors to understand the authority's approach to seeking compliance with food and feed law.

## 1 Service aims and objectives

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### 1.1 Aims and Objectives

The work of Derbyshire County Council's Trading Standards Service is aimed at delivering its mission statement:

**Supporting local business, helping consumers and tackling unfair and unsafe trading practices**

### 1.2 Service Priorities

The priorities of DTSS are described in the [Consumer Advice](#) and [Business Advice](#) policies, they include, "helping to ensure the safety and security of the food chain".

## 2 Background

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### 2.1 Profile of the Local Authority

The current political administration of Derbyshire County Council took office in May 2017.

The Trading Standards Service is based in Matlock which is also the home to the County Council's administrative centre.

Derbyshire has a population of 791,966 and has an area of around 1,000 square miles. It lies within the centre of England in the north west of the East Midlands region.

Derbyshire is largely rural and has no major urban centres, there are 28 market towns which play a significant role in the local economy, both as employment hubs and as providers of valuable services to residents in out-lying rural areas. Chesterfield is Derbyshire's largest town and sits in the North East of the county.

The major cities of Derby, Manchester, Sheffield, Nottingham and Leicester lie near to the Derbyshire's border. The M1 runs through eastern Derbyshire and a direct rail link connects Derbyshire to London in just under two hours. Manchester, Birmingham, East Midlands and Doncaster Sheffield airports are also nearby. Eastern Derbyshire is largely reliant upon manufacturing, whereas the economy of the north west and the Peak District is largely dependent on tourism along with traditional quarrying and agriculture.

As part of the two-tier arrangements for local government, Derbyshire County Council works with eight District and Borough councils, who have responsibility for food hygiene enforcement as part of their Environmental Health functions.

### 2.2 Organisational Structure

DTSS was restructured in 2018/19 to make savings of £0.493m. Consequently, the number of full time equivalent (FTE) staff employed in the service changed from 40.16 to 30 with 25 FTE currently in post, including management and operational staff, to cover all aspects of the work of the service. The service has also seen some staff changes through natural turnover and as a result of this are currently in the process of recruiting three Trading Standards Officers,

[Appendix 1](#) shows how DTSS fits into the structure of the Commissioning, Communities and Policy Department. The Head of Trading Standards has delegated responsibility for all trading standards functions including food and feed enforcement and reports to the Director of Community Services who in turn reports to the Executive Director for Commissioning, Communities and Policy.

[Appendix 2](#) shows the structure of DTSS as of October 2020. The Trading Standards Manager for Standards and Animal Health Team has responsibility for the day to day delivery of food and feed enforcement activity.

As required by the [Food and Feed Law Codes of Practice](#) officers enforcing food and feed controls require specific qualifications and must demonstrate their ongoing competency through continued professional development. **Appendix 2** also depicts the



number of qualified and competent officers, authorised to enforce official food and feed controls.

It is important to note that these officers carry out other duties over and above food and feed work, such as animal health and welfare, weights and measures, fair trading, product safety and licencing work.

## 3 The Trading Standards Service

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### 3.1 Access to the service

DTSS has a base at The Co-op Building, Smedley Street, Matlock, Derbyshire DE4 3AG, close to the Council's main County Offices. The service is currently not available for personal callers.

The County Council's contact centre '[Call Derbyshire](#)' is open between 8am to 8pm Monday to Friday and 9.30am to 4pm Saturdays. 24 hours out of hour emergency contact is available via Call Derbyshire.

Members of the public are able to contact the service via, a national call centre [Citizens Advice Consumer Service \(CACS\)](#). CACS provide advice on consumer issues and share data automatically with individual Trading Standards services.

DTSS provides advice on Trading Standards law to businesses, who can access this service via the council's [website](#). The service charges businesses for bespoke advice, however, will signpost a business to general self-help advice at no cost.

Alternatively, a business may choose to enter into a [Primary Authority partnership](#) with the service. Primary Authority is a legally backed partnership between a business and a regulator. Businesses that enter a partnership can take advantage of 'assured advice'. Complying with such advice means that a business's products or services should be free from any possible legal challenges by another regulator. This guarantee gives the business confidence to invest and grow. Regulators can charge for this service on a cost recovery basis and DTSS does so at £65 per hour.

### 3.2 Scope of the Trading Standards Service

DTSS has a very broad remit and examples of the areas of work it has a responsibility for are identified below.

## Responsibilities of DTSS

### Safety & Business Support

- Safety of consumer products
- The sale of age restricted products
- Petroleum licencing
- Explosive licencing and enforcement
- The administration of the Derbyshire Trusted Trader scheme

### Fair Trading

- Doorstep crime
- Supporting victims of scams
- Illegal alcohol and tobacco
- Counterfeit goods
- Unfair trading practices

### Standards & Animal Health

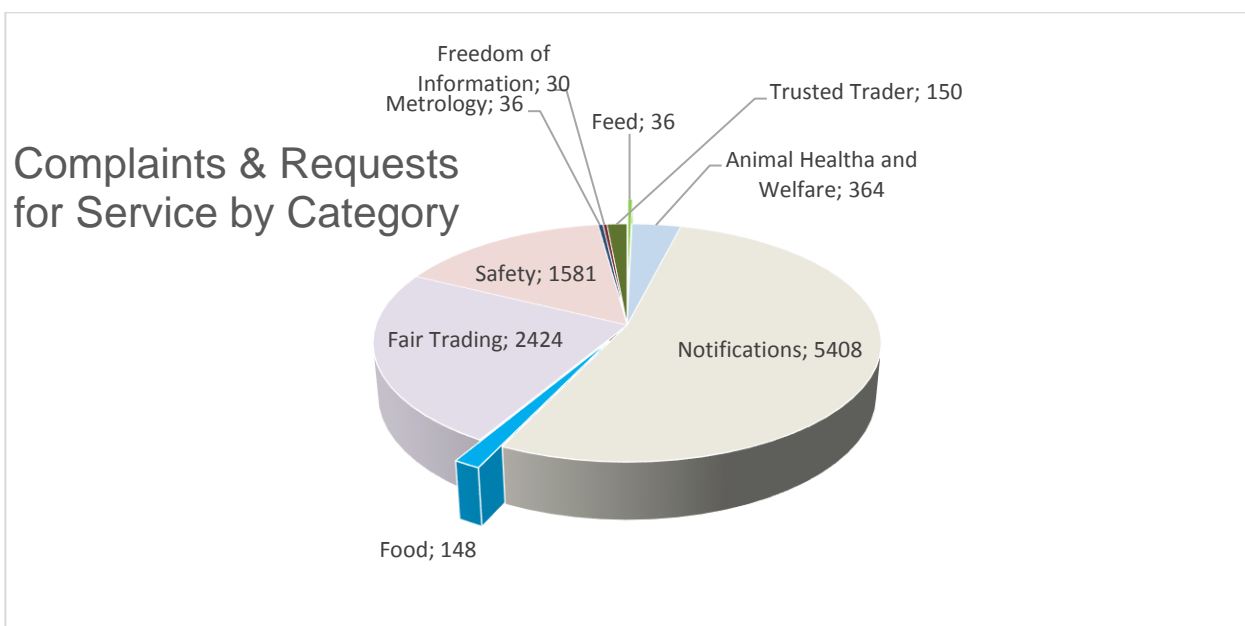
- Food standards
- Weights and Measures
- Animal health and welfare of farmed animals
- Feed standards and hygiene

### 3.3 The prioritisation of demands

DTSS does not have the resources to deal with all the enquiries it receives. A prioritisation process is in place whereby experienced officers assess demand across the whole service before deciding on a response.

Responses can range from simply recording the information received, through to a criminal investigation and potential prosecution. The criteria used to decide an appropriate level of response are published on the services [webpages](#), and form part of the [consumer advice and enquires policy](#).

During 2019/20, excluding requests for business advice the service received 10,271 complaints and requests for service. The chart below depicts the numbers and categories of complaints and requests for service received. Similar numbers are expected during 2020/21.



### **3.4 Bringing businesses into compliance**

One of the priorities of the service is to bring non-compliant businesses into compliance. A whole range of options from working with the business, through to prosecution are used in order to do this.

The service believes that by following its [compliance policy](#), it can protect consumers without imposing unnecessary burdens on legitimate businesses and so help to promote a thriving local economy. The service recognises that most businesses want to comply with the law and tries to help them meet their legal obligations without unnecessary expense.

The Compliance Policy takes account of '[The Code for Crown Prosecutors](#)' and has been developed to provide a framework to ensure that the service complies with the [Regulators' Code](#).

## 4 The Food and Feed Service

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### 4.1 Scope of the Food and Feed Service

DTSS is responsible for implementing food standards (including labelling, compositional standards and fraud) and animal feed controls at businesses such as manufacturers, transporters and farms. The service is also responsible for ensuring hygiene controls are implemented at businesses that grow food, such as fruit, vegetables and other ready to eat produce.

Food and feed controls are broadly implemented by the service, using five different methods, as depicted here:



### 4.2 Officer competencies

Officers carrying out food and feed work, generally require a qualification and ongoing maintenance of their competency to enable continued authorisation. The service can use non-qualified officers for some aspects of this work and where it is efficient will continue to do so.

Including the manager of the team, at the start of April 2020, 4.81 FTE officers were authorised to enforce food law and 4.81 FTEs authorised to enforce feed law.

It's important to bear in mind that these officers do not exclusively enforce food and feed law. They are part of multi-disciplinary teams and as such are required to undertake other duties relevant to their role.

### 4.3 Food and Feed Risk Assessment schemes

In order to ensure that our limited inspection resources are targeted at food and feed business that pose the greatest risk, all premises are risk assessed. Both the [Food and Feed Law Codes of Practice](#), include a risk assessment scheme, but allow the use of an alternative scheme, providing the inspection frequencies are not reduced. This service uses the Trading Standards Risk Assessment Scheme for food businesses. The same scheme is used for feed businesses but has been adapted to mirror the inspection frequencies in the revised Feed Law Code of Practice. The schemes assess food and feed businesses based on the type of business, the geographical area in which their products are distributed and their level of compliance.

**Food risk assessment scheme.** The required inspection frequencies within the food risk assessment scheme are depicted below.

Food businesses – required inspection frequencies



\* Although the Trading Standards Risk Assessment Scheme recommends no inspection frequency, the Food Law Code of Practice requires that these premises are subject to some activity at least every 5 years. The activity required here may be less detailed than an inspection.

**Feed risk assessment scheme.** The feed risk assessment scheme has 8 separate inspection frequencies, ranging from National Targeted Monitoring Strategy (NTMS) at the lowest risk premises through to an annual inspection at the premises which present the greatest risk. The numbers of premises which shall be subject to an NTMS are set by the FSA on an annual basis. The NTMS will usually consist of a full or partial inspection.

Where there is good compliance history, feed business that are members of industry assurance schemes, approved by the FSA are subject to reduced inspection frequencies. The minimum inspection frequency here is a requirement to inspect 1% of businesses within specified sector of the feed chain. The required inspection frequencies within the feed risk assessment scheme are depicted below.

## Feed Businesses – required inspection frequency

Inspection Frequency	Business Type
1 yearly	Manufacturers, Importers, Manufacturers of Former Food Stuffs
2 yearly	Manufacturers, Importers, Manufacturers of Former Food Stuffs, Stores, Distributors, Suppliers of Surplus Food, Transporters, Farms that manufacture feed for their own use
3 yearly	Manufacturers, Stores, Livestock Farms (that do not mix), Arable Farms (that grow feed)
4 yearly	Manufacturers, Importers, Manufacturers of Former Food Stuffs, Distributors, Suppliers of Surplus Food, Transporters, Farms that manufacture feed for their own use, Livestock Farms (that do not mix), Arable Farms (that grow feed)
5 yearly	Importers, Manufacturers of Former Food Stuffs, Stores, Distributors, Suppliers of Surplus Food, Transporters, Farms that manufacture feed for their own use
10 yearly	Stores, Distributors, Suppliers of Surplus Food, Transporters, Farms that manufacture feed for their own use
1%	Stores, Distributors, Suppliers of Surplus Food, Transporters, Farms that manufacture feed for their own use
NTMS	Livestock Farms (that do not mix), Arable Farms (that grow feed)

### 4.4 Demands on the Food and Feed Service

The work of the service can be split into two areas, proactive demand, such as inspections and the taking of samples and reactive demand, such as responding to complaints and requests for advice.

As a result of the Covid 19 pandemic during the late part of 2019/ 20 and the start of 2020/21 the demands on the service rose very sharply.

### 4.5 Food and Feed Safety Incidents

The Food Standards Agency notifies local authorities of issues with food and feed through a national food and feed alert system. There are 3 types of alerts which are explained below:

- [Food Alert For Action](#) (FAFA) – the most serious type of alert and requires local authorities to take specific action to deal with unsafe food or feed
- [Product Recall Information Notice](#) (PRIN) – advises of a recall of food or feed by a manufacturer or retailer and no specific action is required to be undertaken by the local authority
- [Allergy Alert](#) – is issued by the FSA to advise of specific allergen risks with a food

Part of the service's documented quality system includes instructions about receiving and dealing with food and feed alerts which require action.

Most alerts do not require any further action by the service, however there is always a possibility that the service will need to commit resources to dealing with a major food or feed incident such as the scandal involving horse meat.

### 4.6 Public Analyst

The service takes samples of food and feed which are tested by a Public Analyst. The Public Analyst can carry out a variety of different tests, such as testing for undeclared allergens or additives and checking for the presence of undeclared species of meat such as horse meat. The appointed Public and Agricultural Analyst for the service is: Public Analyst Scientific Services

i54 Business Park  
Valiant Way

#### **4.7 Control and Investigation of Outbreaks of Food Related Infectious Disease**

This remains the responsibility of the District and Borough Councils in Derbyshire. Where necessary and appropriate, DTSS will provide all reasonable assistance.

#### **4.8 Liaison with other Organisations**

The Service recognises the benefits of working with other organisations and law enforcement bodies, both at a national, regional and local level. This helps share best practice, information and intelligence

##### **Examples of organisations and law enforcement bodies the service liaises with:**

- Regional and National Trading Standards and Environmental Health colleagues
- RSPCA
- Advertising Standards Authority
- Association of Chief Trading Standards Officers (ACTSO) and National Trading Standards (NTS).
- Medicines and Healthcare Products Regulatory Agency;
- HM Revenue and Customs
- International Federation of Spirits Producers Ltd (IFSP)
- Derbyshire Police
- The Veterinary Medicines Directorate
- The National Food Crime Unit
- The Food Standards Agency

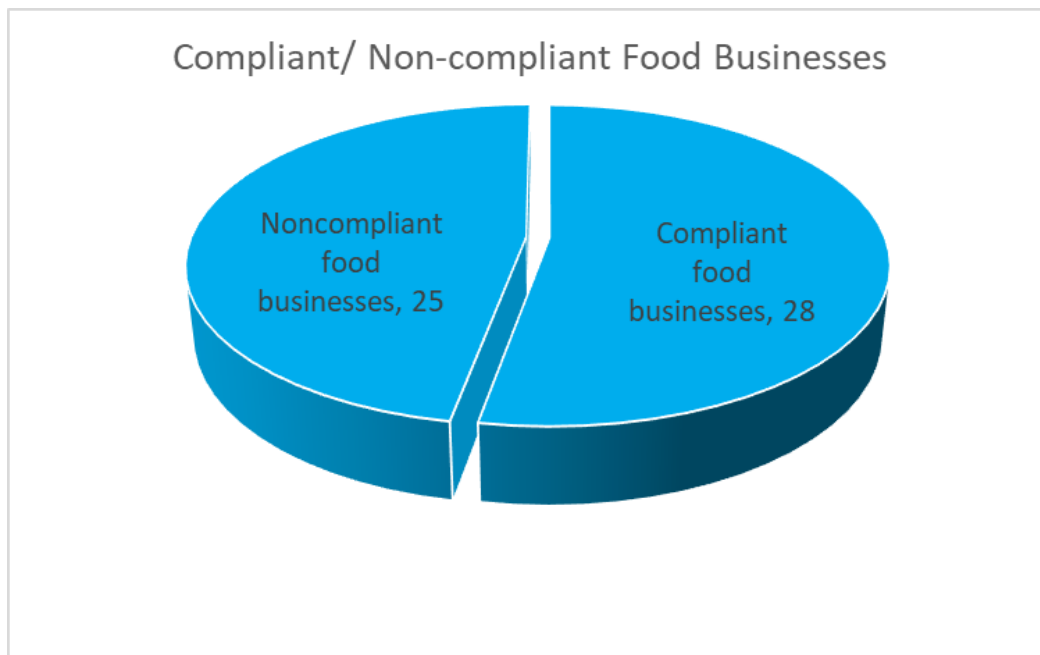
## **5 Review of the 2019/20 Food and Feed Service delivery**

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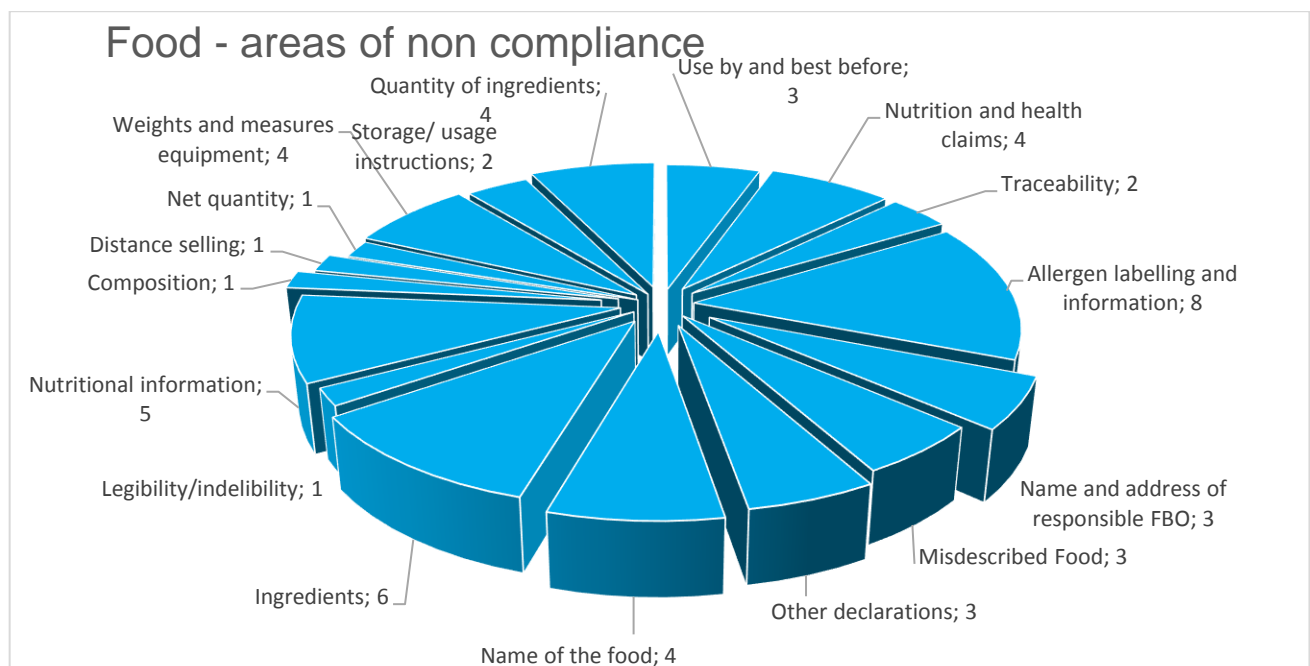
### **5.1 Inspections and other controls**

**Food inspections.** Inspection activity was targeted at businesses who created the greatest risk, namely manufacturers, packers, importers and brokers. The service planned to carry out 69 inspections, however due to the Covid 19 outbreak 68 inspections were completed. 15 of the 68 businesses were found to have changed their business activity or were no longer trading and 53 of the business received an inspection.

As depicted below 25 of the 53 food businesses that were inspected were found to be noncompliant.

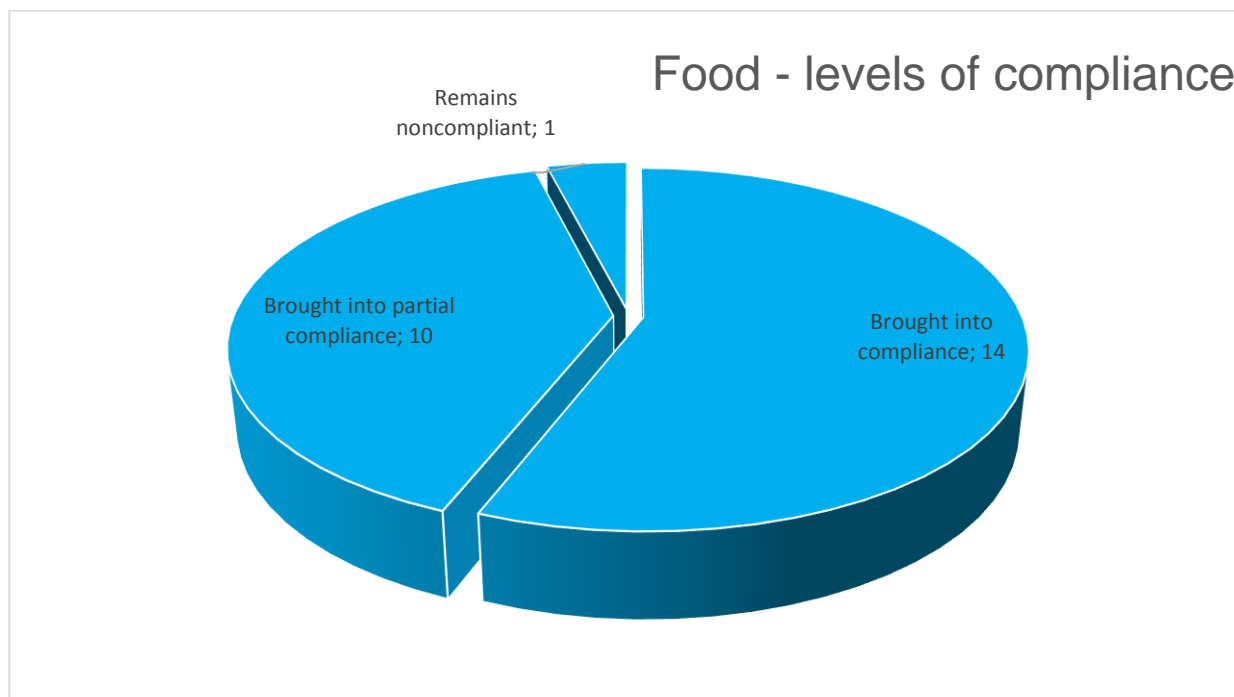


The service records the details of a business's noncompliance, using a series of codes. The businesses that were found to be noncompliant were noncompliant for the reasons identified below.



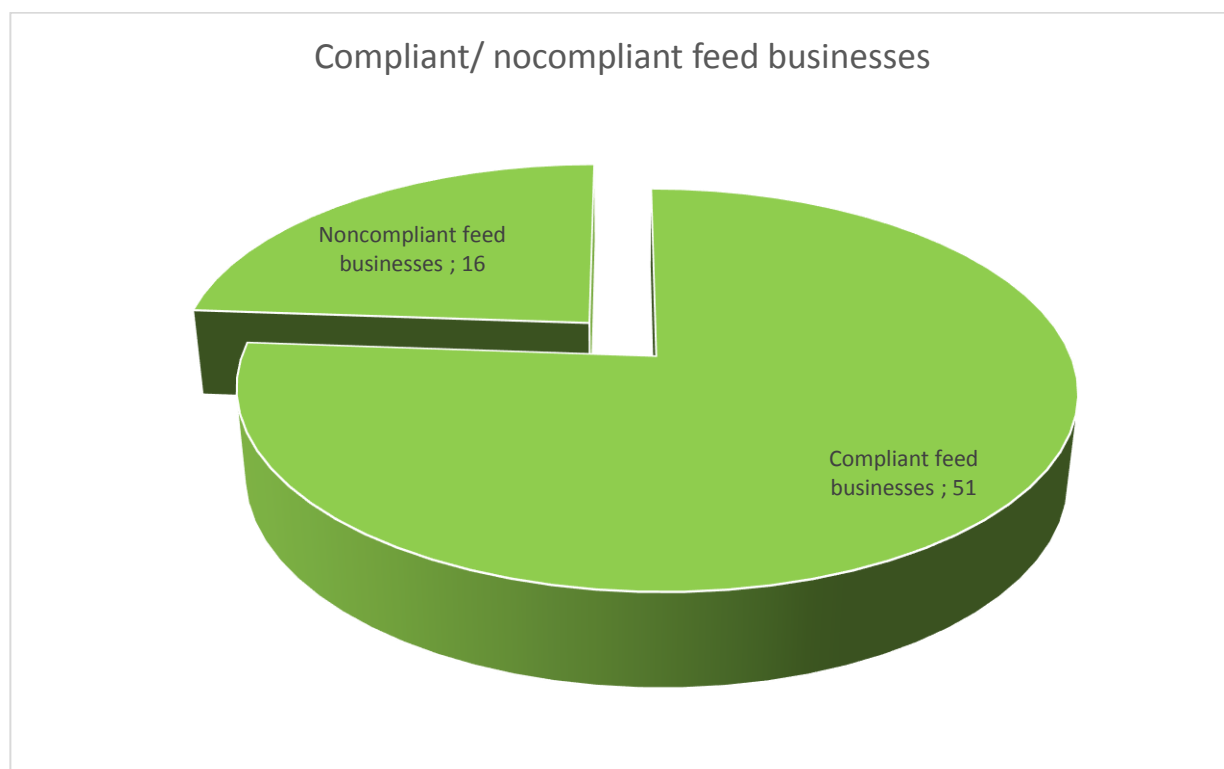
Once a non-compliant food business is identified, the service uses a number of different methods to bring a business into compliance. As of 21 July 2020 the number the noncompliant food businesses brought into compliance, those that were brought into partial compliance and those that remain noncompliant is depicted below.



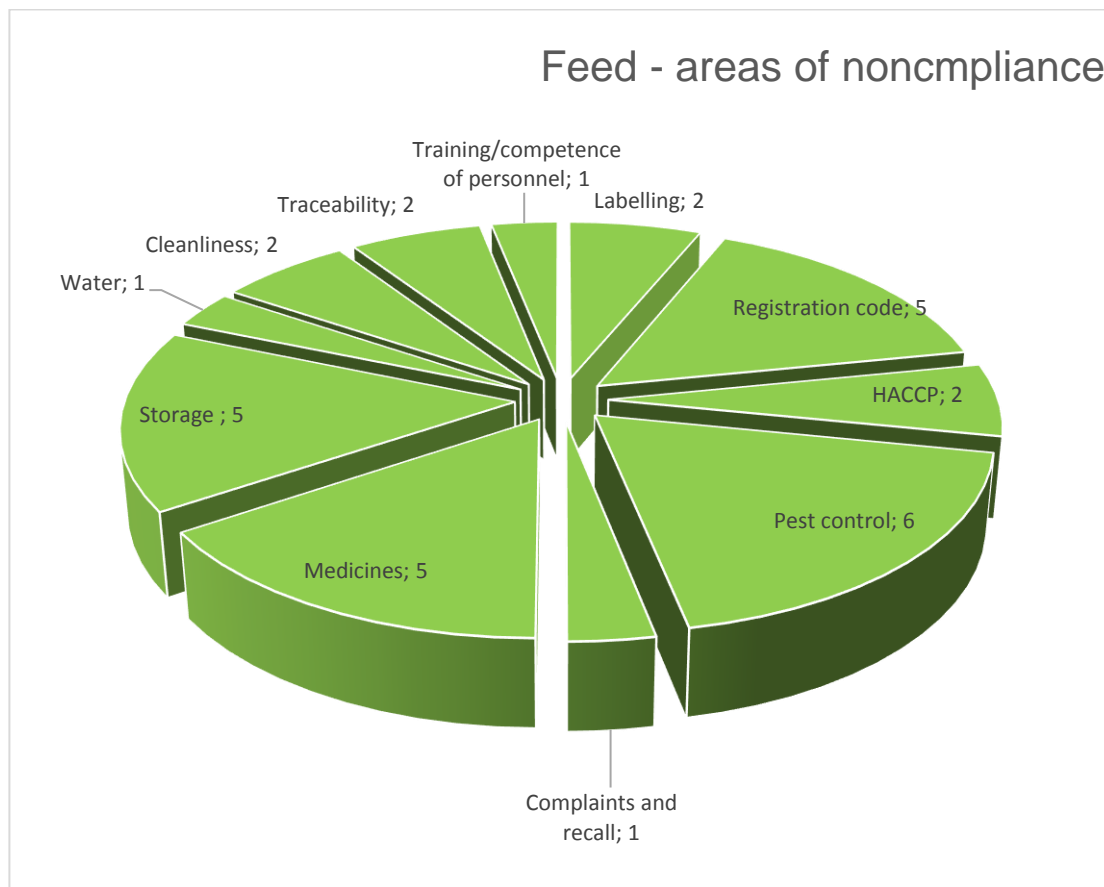


**Feed inspections.** Feed inspection activity was carried out on a risk assessed basis across the breadth of the feed chain, including farms, manufacturers, transports and wholesalers. The service had planned to carry out 72 inspections, however due to some of the premises no longer trading, changing their business activity and the Covid 19 outbreak 67 inspections were completed.

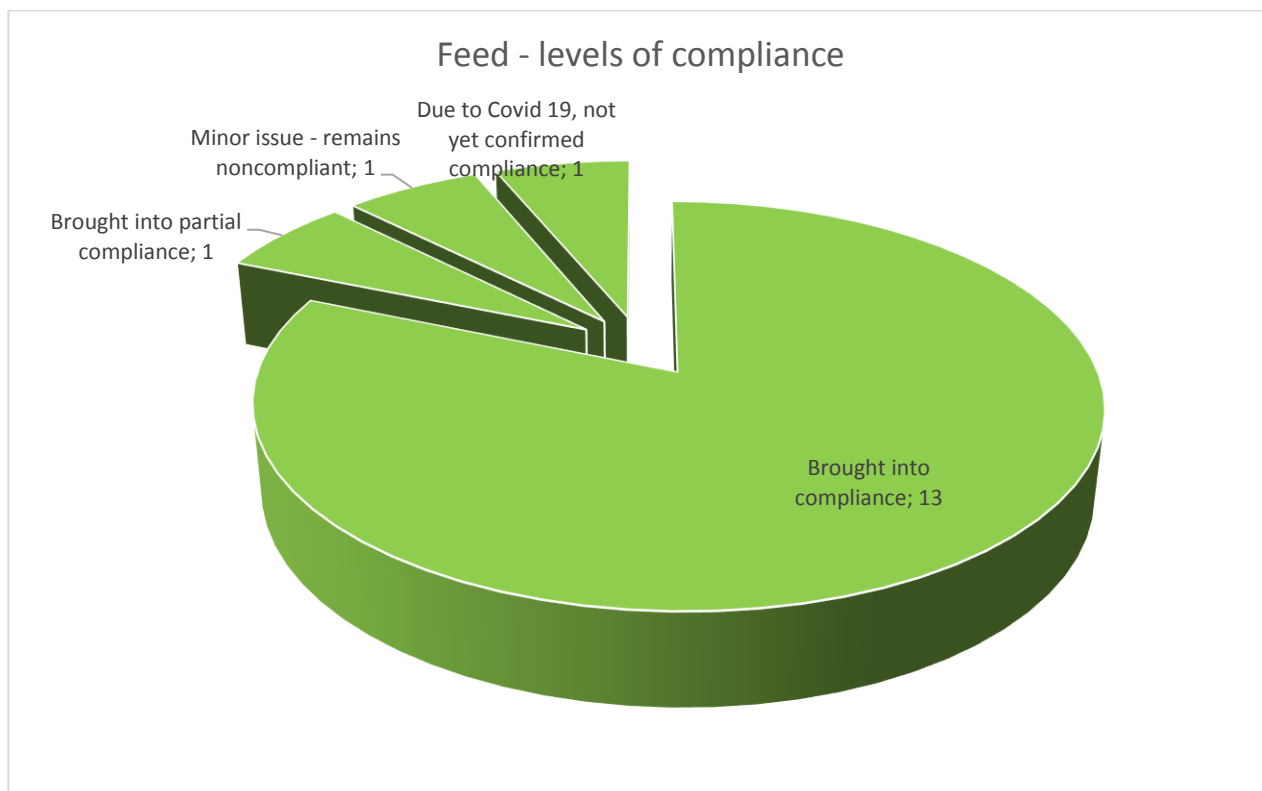
As depicted below 16 of the 67 feed businesses that were inspected were found to be noncompliant.



The service records the details of a business's noncompliance, using a series of codes. The businesses that were found to be noncompliant were noncompliant for the reasons identified below.

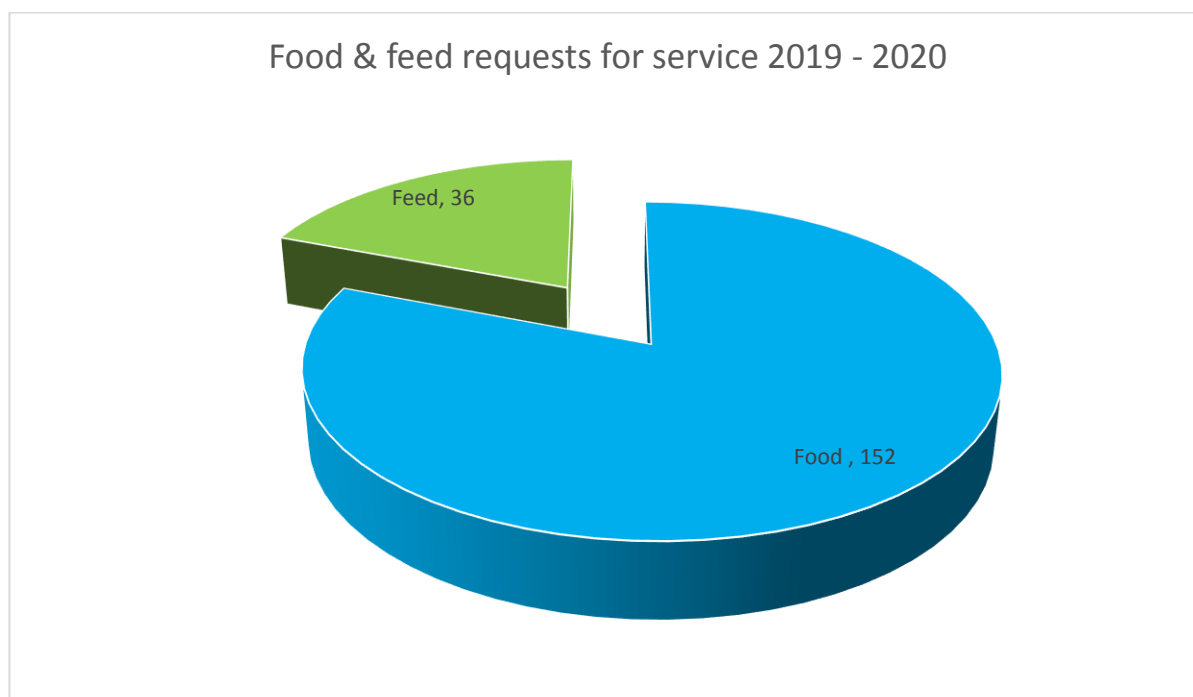


Once a non-compliant feed business is identified, the service uses several different methods to bring a business into compliance. The number the noncompliant feed businesses that were subsequently brought into compliance and those brought into partial compliance are depicted below. As depicted below, 13 of the 16 businesses that were found to be noncompliant were brought into full compliance.



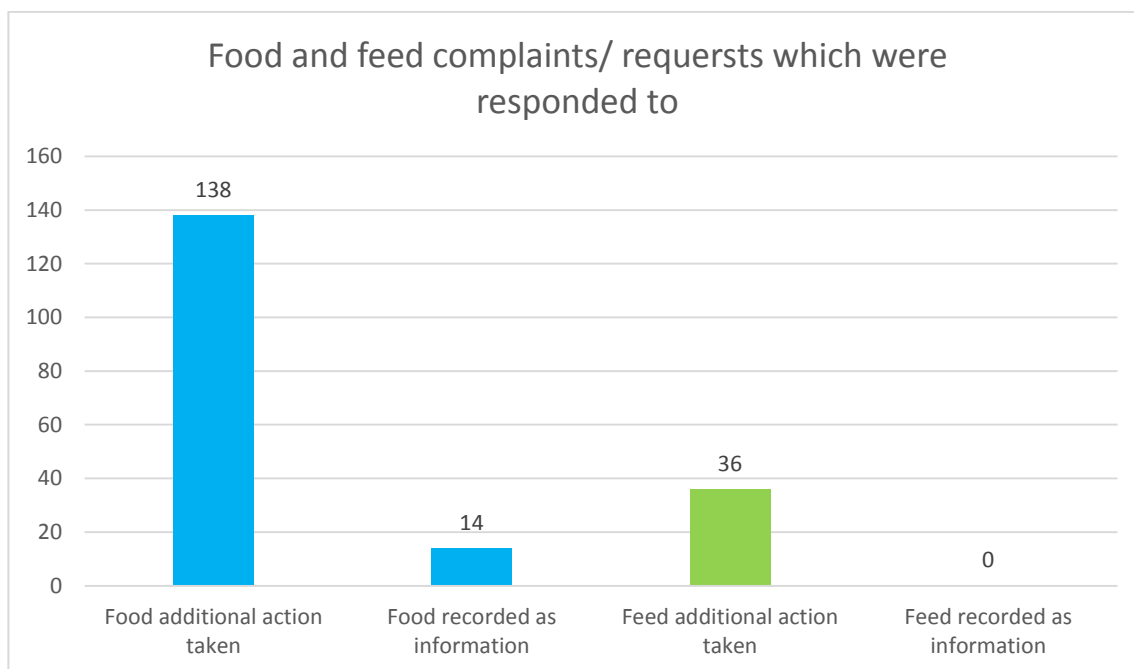
## 5.2 Complaints and requests for service

During 2019/20, excluding requests for business advice and the registration of feed businesses the service received 188 food and feed complaints and requests for service. This is broken down as follows.



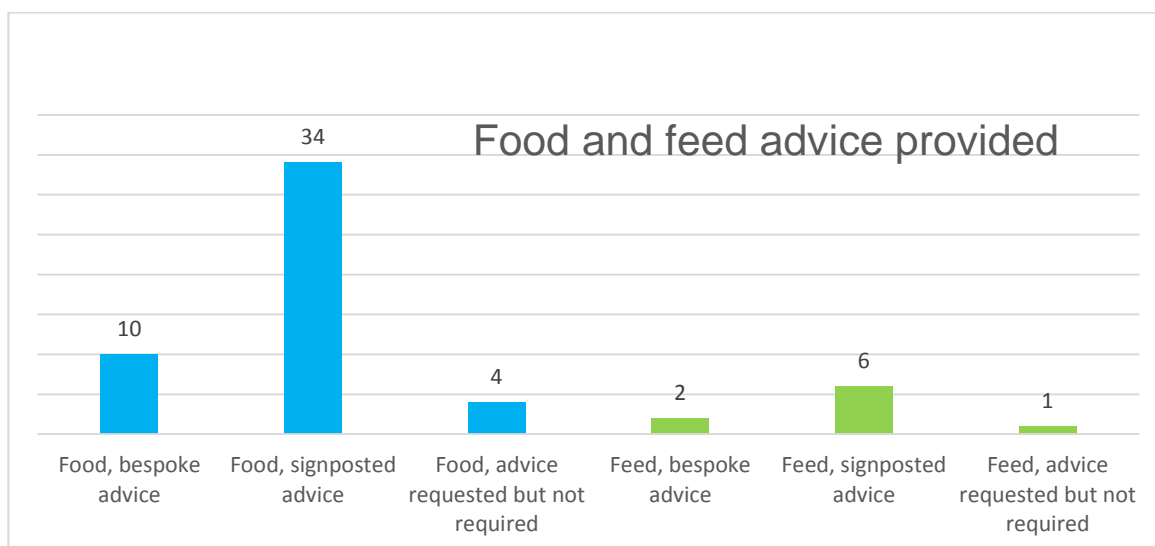
The actions that resulted from these complaints and requests for service, ranged from recording the information on the database through to more detailed and time-consuming enquiries and investigations. On 14 occasions for food and on no occasions for feed, these were recorded on the services database and no other action was taken. This is

depicted here.



### 5.3 Requests for Business Advice

During 2019/20 the service received 48 requests for food and 9 requests for feed related advice from business. As depicted below the advice provided was a mixture of signposted self-help advice and bespoke advice tailored to a business's needs. Prior to advice being provided a small number of businesses informed the service that the advice was no longer required.

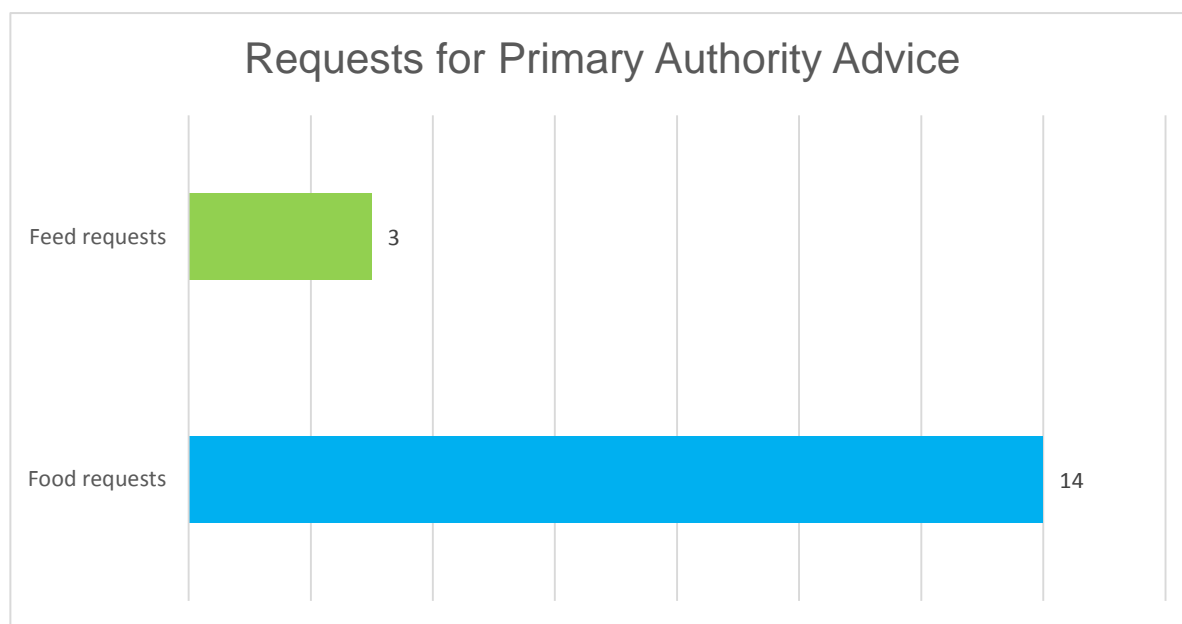


In addition to this the service supported 439 new food businesses by signposting them to appropriate advice.

### 5.4 Requests for Primary Authority Advice

As depicted below, during 2019/20 the service received 14 food requests and 3 feed

requests for [Primary](#) Authority advice.



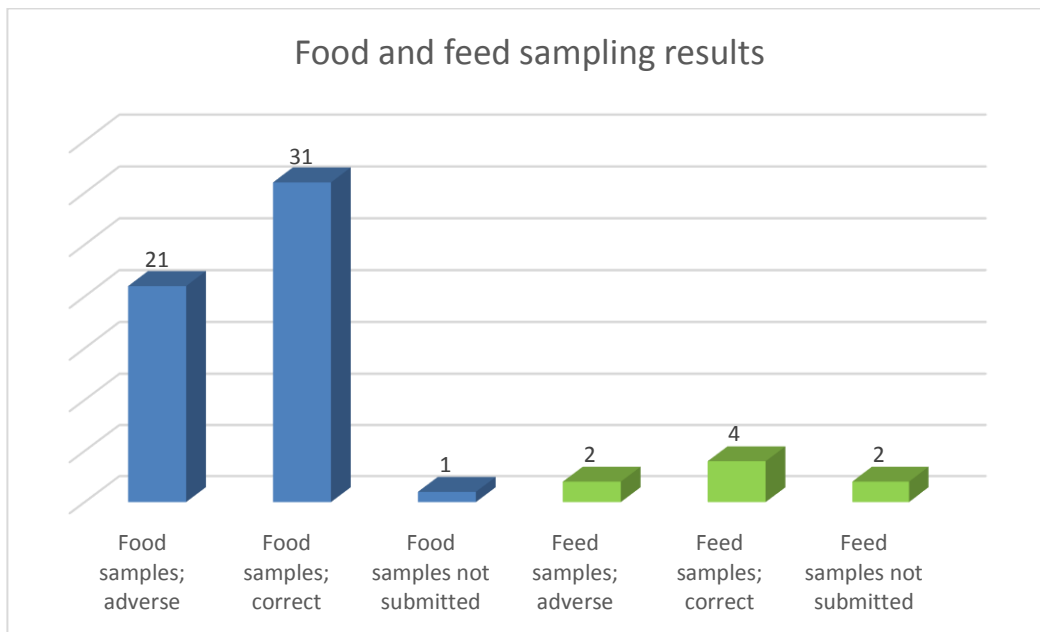
## 5.5 Food and feed sampling and analysis

The [Food and Feed Sampling Policy](#) is published on the website.

Food and feed legislation require samples to be split into three or four representative portions. Should the sample be non-compliant the manufacturer may wish to have a portion tested. Where there are disputes about the analysis, a court may order the final portion to be analysed by the Government Chemist.

Samples are taken to help verify whether a business is compliant with food and feed law or to survey the broader marketplace. Samples are subject to a variety of different tests, such as for the presence/ levels of undeclared additives or allergens, the substitution of more expensive products with cheaper ones or the substitution or contamination of organic products with non-organic material.

During 2019/20, 53 food and 8 feed samples were taken. 52 of the food and 6 feed samples taken were submitted to the analyst for analysis, costing £6,932.83. As depicted below 21 of the food samples and 2 of the feed samples were found to be noncompliant.



[Appendix 3](#) gives a summary of the results of analysis for the samples taken in 2019/20, along with the action taken by the service.

## 5.6 Food and feed project activity

Catering businesses, such as takeaways and restaurants are required to make consumers aware of the presence of any of 14 different [allergens](#). Currently a catering business can make a consumer aware via a menu, or alternatively they may inform consumers verbally.

The presence of undeclared allergens, including food which has been cross contaminated with allergens can cause some consumers to have an anaphylactic shock. This can be fatal and many recent examples of this have been reported in the national press.

Samples of food taken from Derbyshire catering establishments in 2017, along with an assessment of the complaints made to the service identified a county wide issue with allergen controls at catering businesses. As a result of this during 2019/20 the service continued to work with Environmental Health colleagues to produce focused materials, with the aim of the reducing the risks to consumers of poor allergen controls. As part of this project a video, poster and guidance aimed at supporting businesses to improve their allergen controls was produced. Catering businesses across Derbyshire are now signposted to these useful resources by both this service and our Environmental Health colleagues, thereby ensuring that business receive clear, consistent advice. The resources produced as part of this project can be viewed, [here](#).

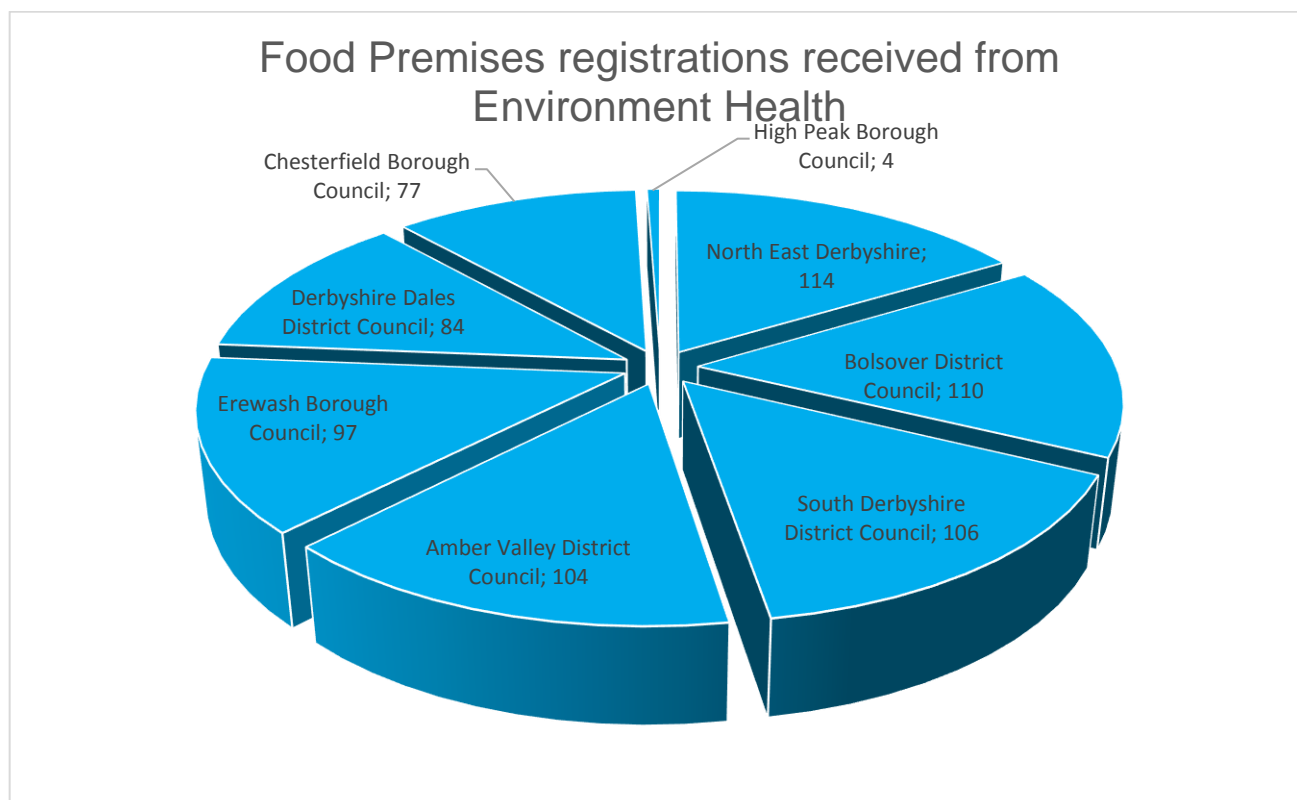
## 5.7 Updating and verifying the food and feed premises database

### Updating the food premises database

Food businesses are not required to inform DTSS when they start trading or change their business activities. They are, however, required to register their food business with their

local Environmental Health service who may pass on the details to DTSS. When these registrations are received, DTSS verifies the activities of the business, adds them to the database and risk assesses the business.

As depicted below, during 2019/20, 696 (an increase of 74 from the previous year) new/changes to existing premises were notified to the service by Environmental Health. Although Environmental Health are encouraged to provide this information to this service, there is no compulsion on them to do so.



### Updating the feed premises database

Any Derbyshire based businesses that deal in, or uses animal feed, such as manufacturers, wholesalers' transporters and farmers are required to register their business with DTSS and inform the service when they change the way they operate.

Upon receipt of a feed registration, the service verifies the activities of the business, before adding to or amending the database and assessing the risk of the business. During 2019/20, the service received 46 such registrations.

Feed business that are members of a trade assurance scheme approved by the FSA may be subject to a significantly reduced inspection frequency (known as 'Earned Recognition'). In some cases, this means that a business will be due for an inspection every 10 years as opposed to every 5 years.

The Earned Recognition process requires assurance schemes to notify DTSS when a business joins, leaves or is removed from the relevant scheme for noncompliance. Once notified, DTSS is required to update the database to reflect the business's membership status or inspect the business where they have been removed for noncompliance with the schemes standards. During 2019/20 the service updated 115 records following

notifications from an assurance scheme.

Through the FSA the service is also made aware when feed businesses have been removed for noncompliance from a trade assurance scheme approved by the FSA. During 2019/20, 3 such notifications were received.

In addition to notifications from assurance schemes, the service is periodically made aware of new business or changes to existing businesses by the Veterinary Medicines Directorate or the Animal Plant Health Agency. Both organisations have a role to play in the enforcement of animal feed controls. During 2019/20 the service updated 62 records following receipt of information from sources other than assurance schemes approved by the FSA.

#### **5.8 Examples and highlights of DTSS of food and feed work during 2019-20**

[Appendix 4](#) provides an example of one piece of food work and one piece of feed work the service was involved in during 2019/20.

[Appendix 5](#) provides a summary and highlights of some of impacts of DTTS food and feed activities during 2019/20.



# 6 Food and Feed Service delivery 2020/21

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## 6.1 Planned Food and Feed inspections and resources

The [Food and Feed Law Codes of Practice](#) set the required inspection frequencies at food and feed businesses. Local availability of competent staff means frequencies, in relation to food work cannot always be met; however, the number of planned feed inspections will in line with the frequencies required by the Feed Law Code of Practice.

The restructure of DTSS in 2018, reduced the availability of qualified and competent officers. The redesigning and changes to the service resulting from Covid 19 and commitments to respond to complaints about Covid 19 business closures, means the number of food inspections that might be achieved is likely to reduce further below the requirements of the Food Law Code of Practice.

Where resources allow and it is appropriate, the service will continue to follow Covid 19 advice, guidance and instructions of the Food Standards Agency, to check on the compliance of food and feed businesses remotely, rather than via a physical visit/ inspection of premises.

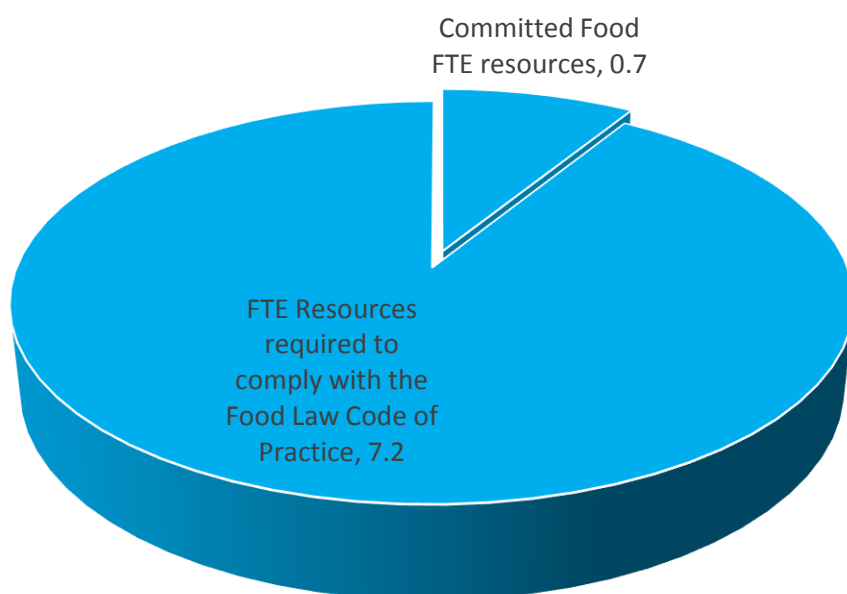
**Food inspections.** Depicted below are the inspection frequency required by the [Food Law Code of Practice](#), the number of premises on the database and the number of inspections planned by the service. Due to a diversion of resources to Covid 19 related work, the service may be unable to achieve these targets.

Risk band	Required inspection frequency	Number of premises	Number of inspections due per year	Number of inspections/ physical checks planned
High	1 yearly	109	109	26
Upper medium	2 yearly	1778	889	43
Lower medium	5 yearly	4815	963	-
Low	5 yearly*	3415	683*	-
Unrated	Not yet assessed	200		-
Total		10317	2541	69

\* The activity required here may be less detailed than an inspection.

An estimate of the number of officers dedicated to this work during 2019/20 along with the number of officers required to carry out this activity in line with the [Food Law Code of Practice](#) are depicted below. This estimate includes the hours spent planning, recording and managing the work, along with the hours spent bringing noncompliant businesses into compliance.

### Food inspections -resources committed/ required



**Feed inspections.** Depicted below is the type of feed premises, the number of those premises and the number of planned inspections.

Type of feed premise	Number of premises on database	Number of inspections planned
Manufactures of feed and co-products	50	16
Mobile mixes	1	1
Stores	7	1
Distributors	34	5
Transporters	31	1
Pet food Manufacturers	20	5
Suppliers of feed materials	80	11
Farms	3872	36
<b>Total</b>	<b>4095</b>	<b>76</b>

It is estimated that 0.82 FTE officers will be required to conduct the planned feed inspections during 2020/21. This estimate includes the hours spent planning, recording and managing the work, along with the hours spent bringing non-compliant businesses into compliance.

### 6.2 Food and feed complaints and requests for service

DTSS expects to receive a similar number of food and feed complaints and requests during 2020/21 as it did in 2019/20. As a result of limited resources, the numbers that the service will be able to respond to is likely to decrease. It is estimated that 0.63 FTE

officers will be dedicated to this work. This estimate includes the hours investigating, recording and managing the work, along with the time spent bringing non-compliant businesses into compliance.

### **6.3 Requests for business advice**

DTSS expects to receive a similar number of requests for food and feed advice in 2020/21 as it did in 2019/20. It is estimated that 0.13 FTE officers will be dedicated to this work. This estimate includes the hours researching, recording, providing and managing this aspect of the service.

It is likely that the United Kingdom's exit from Europe will have an impact on the demand for advice services over the forthcoming years and may require additional support and training for staff.

### **6.4 Requests for Primary Authority advice**

As the benefits of Primary Authority and the assured advice it offers are recognised by businesses, it is likely that a small increase in demand for this service will be seen. It is estimated that 0.25 FTE officers will be dedicated to this work.

Details about [DTSS Primary Authority services](#) can be viewed on the website.

### **6.5 Food and feed sampling and analysis**

Following the reduction in DTSS's budget, the number of food and feed samples that are taken will be reduced. Although the number of samples will be reduced, the samples that are taken will be more focused on supporting the service's inspection programme and hence Derbyshire businesses.

Based on an estimated reduction of 25% samples, the service will take approximately 44 samples. It is estimated that 0.1 FTE officers will be dedicated to this work. This estimate includes the hours spent planning, recording and managing the work, along with the hours spent bringing non-compliant businesses into compliance.

### **6.6 Food and feed project activity**

Food Hygiene Ratings are given to food retailers and caterers following food hygiene inspections by District Council Environmental Health Officers.

A food business can be given a score of 0 through to 5. Food businesses that have 'very good hygiene standards' are given a rating of 5 and food businesses where 'urgent improvement is required' a rating of 0.



Evidence shows the display of food hygiene ratings can significantly affect a consumer's decision to purchase food from a retailer or caterer. Local and national intelligence has identified that there a small number of food businesses choose to display an incorrect food hygiene rating and by doing so misleading the public and gain an unfair commercial advantage against their competitors.

During 2020/21 the service will check that correct Food Hygiene Ratings are being displayed at Derbyshire food businesses and on websites. It is estimated that 0.07 FTE officers will be dedicated to this work. This estimate includes the hours spent planning, recording and managing the work, along with the hours spent bringing non-compliant businesses into compliance.

## **6.7 Updating and verifying the food and feed premises database**

### **Updating the food premises database**

DTSS expects to add or update a similar number of food premises during 2020/21 as it did in 2019/20. Including work to improve the efficiency and consistency in the recording process, it is estimated that 0.47 FTE officers will be dedicated to this work.

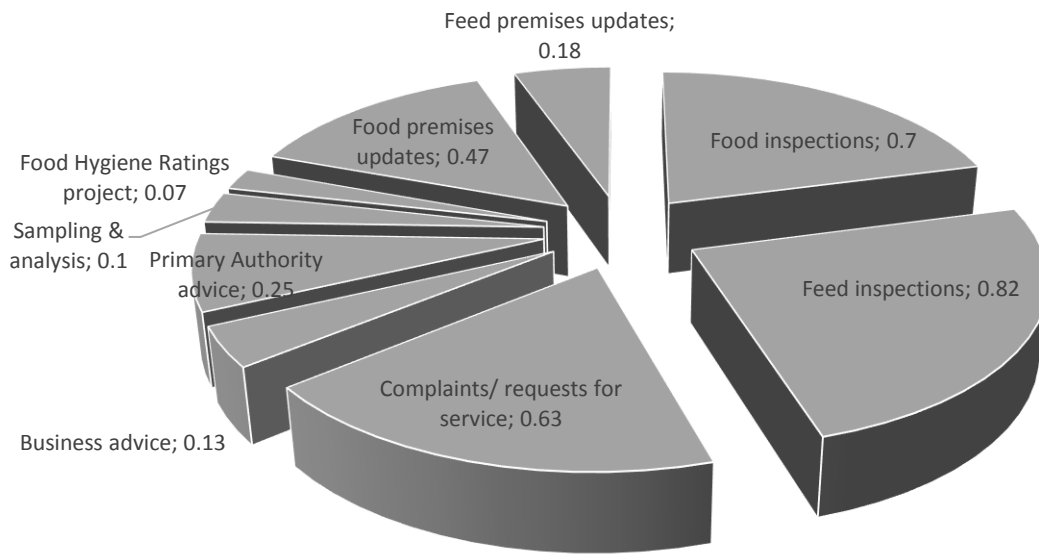
### **Updating the feed premises database**

DTSS expects to add or update a similar number of feed premises during 2020/21 as it did in 2019/20. Including work to improve the efficiency and consistency in the recording process, it is estimated that 0.18 FTE officers will be dedicated to this work.

## **6.8 Summary of committed resources**

The chart below estimates the FTE resources which the service plans to dedicate to the different areas of food and feed work during 2020/21. In total it is estimated that the service will commit 3.35 FTE posts to this work. This does not include the time spent on reviewing and improving the service. As indicated in 6.1, due to resources the service does not have the officers to carry out all of the inspections required by the [Food Law Code of Practice](#). To fully comply with the statutory requirements of the [Food Law Code of Practice](#) the service would need to have a further 7.2 FTE staff dedicated to this work.

## Estimate of FTE Resources 2020 -21



## 7 Equipment, data management & staff development

### 7.1 Equipment

All operational staff are supported with appropriate equipment to facilitate their enforcement activities, including personal protective equipment, mobile telephones and computers. Staff can access emails, the internet and data management systems via any secure wireless network and can access emails via their mobile phones.

### 7.2 Data management

The service is supported by the Authority Public Protection (Flare) database, which is used for planning, recording and monitoring its activities. This system is supported and developed on an on-going basis by the suppliers CIVICA as part of an annual maintenance contract.

### 7.3 Quality assurance

The service has a bespoke documented quality management system which is part of the council's data management system, "EDRM". All the food and feed policies, procedures and guidance documents are stored here and are subject to a process of review.

### 7.4 Staff Development

All members of staff participate in an annual "My Plan". The process is objective based and ensures that staff are equipped to meet the priorities of the service and this Food and Feed Plan.

## 8 Reviews & areas for improvement

### 8.1 Reviews of allocated and scheduled work

DTSS's scheduled food and feed inspection targets are regularly reviewed.

In line with internal guidance, officers are subject to regular reviews of their scheduled and allocated work.

### 8.2 Review of areas identified for improvement in 2019/20

In addition to the work identified in section 5 of this plan, the service undertook to make several improvements during 2019/20. The table below identifies the improvements identified and the progress made.

Area identified for improvement	Summary of the progress made during 2019/20
Improve the recording and constancy of how changes notified by approved feed assurance schemes are applied to the database.	Improvements have been made and any changes notified to the service are now applied to the database more consistently.
Encourage High Peak Borough Council Environmental Health to share food premises registrations with the service.	Although High Peak Borough Council have been encouraged to provide this information, there has not been an increase in the information received.
Improve the efficiency of how the database is updated, following the receipt of food premises registrations from Environmental Health services.	Changes aimed at improving the database following the receipt of information from Environmental Health have been made; however further changes will be made to ensure that this is done more efficiently.
Document the process for recording 'physical checks' at food businesses.	The services procedures and associated documents have been updated thereby improving the recording and reporting of 'physical checks' at food premises.
Review how identified noncompliance's are recorded, chased up and closed off	Some changes have been made to the way the service records and follows up noncompliant food and feed businesses; however further changes will be made to ensure that this is improved and is more efficient.

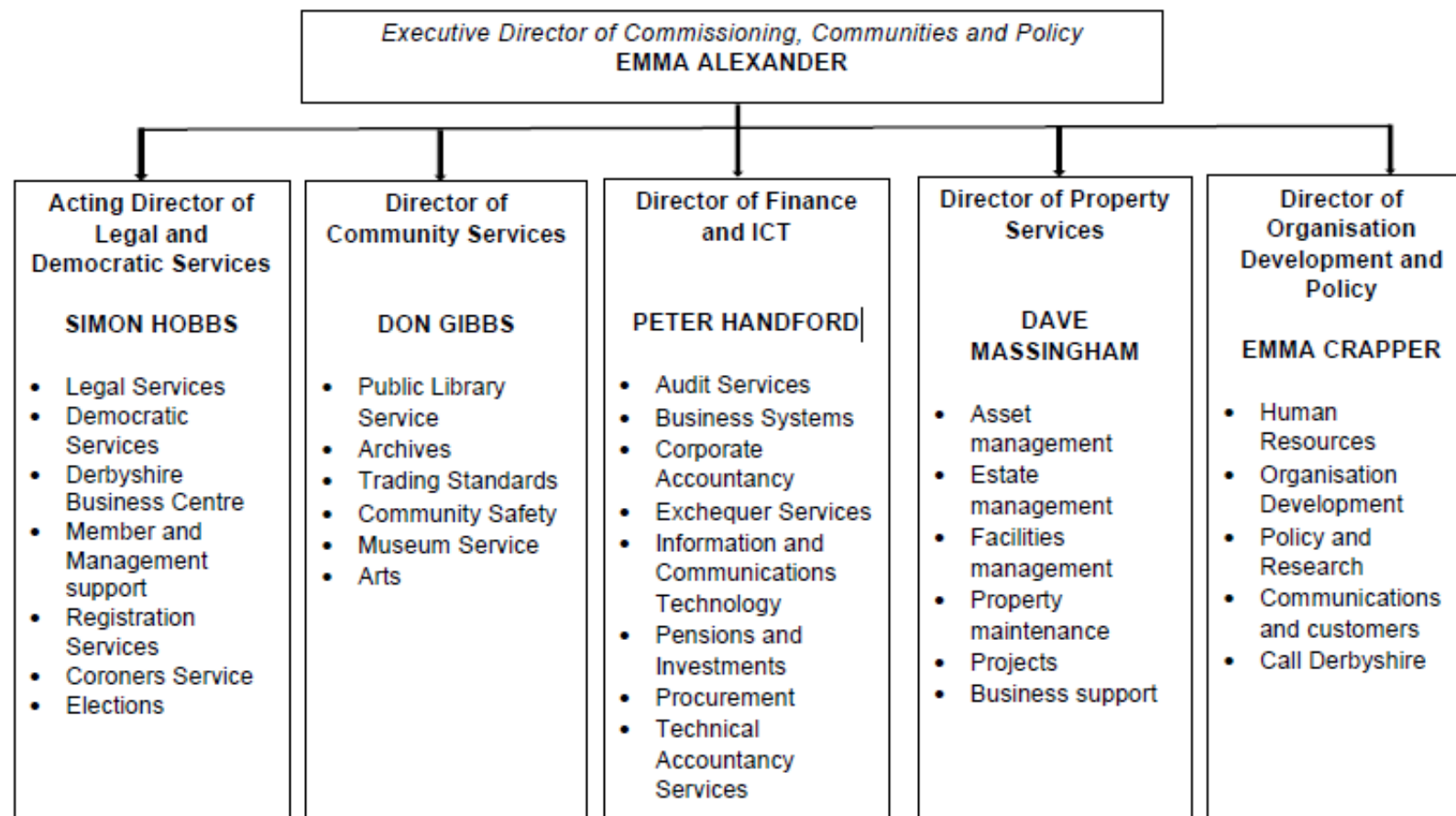
### 8.3 Areas identified for improvement in 2020/21

In addition to the work identified in section 6 of this plan, the service undertakes to make the following improvements to its food and feed service during 2020/21:

- Continue to encourage High Peak Borough Council to share its food registration s with the service
- Continue to improve the efficiency of how the database is updated, following the receipt of food premises registrations from Environmental Health services.

- Continue to improve how identified noncompliance's are recorded, chased up and closed off.
- To make improvements to food and feed systems and documentation to improve the efficiency of remote working
- To integrate newly employed food and feed officers who have been recruited to replace experienced staff who have retired.

## Appendix 1





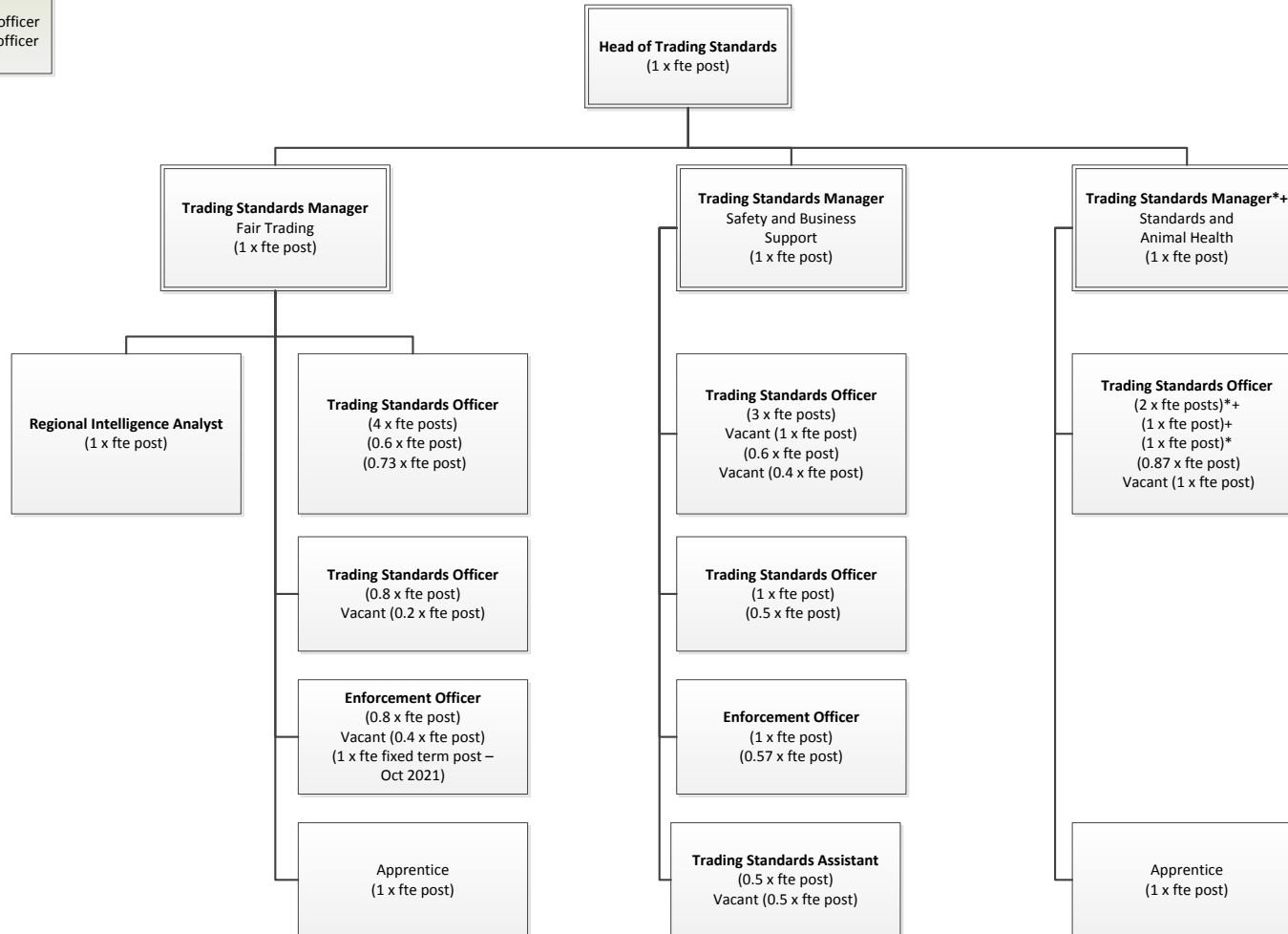
## Appendix 2

### Trading Standards Structure

CONTROLLED

Key:

\*Authorised food officer  
+Authorised feed officer



Last amended 12.08.2020

## Appendix 3

### Quarter 1 Sampling Results of Analysis

Survey	Brief explanation/rationale for sampling activity	Proposed number of samples	Actual samples taken	Number of unsatisfactory samples	Percentage Unsatisfactory	Reason for adverse report	Actions/Outcome
Initiative/ Complaint/ Follow-up and non-retail samples			8	3	38%	<p>1. Two food supplements manufactured by a Derbyshire business, with labelling issues under Food Information Regulations and/or Nutrition and Health Claims Regulations.</p> <p>2. Jelly mini-cup sweets, imported from Thailand, containing the gelling agent carrageenan (sample no. 31178). The sweets were found on sale in a Derbyshire retail premise, during an inspection by Environmental Health and the matter was referred to Trading Standards for action. The sweets were examined by the Public Analyst and considered to fall within the definition of 'jelly confectionery of a firm consistence, contained in semi rigid mini-cups or mini-capsules, intended to be ingested in a single bite by exerting pressure on the mini-cup/capsule to project the confectionery into the mouth'. Commission Regulation 1333/2008 does not permit the use of carrageenan in jelly mini-cups as they can pose a choking hazard.</p>	<p>1. Manufacturer advised</p> <p>2. Referred to the Food Standards Agency as a food incident. FSA requested a product recall. Sweets were surrendered voluntarily by the Derbyshire retailer who also complied by displaying a recall notice for any customers who had previously purchased the product. The distributor appears to be based at a PO box address in Bury. The Home Authority and FSA are currently making further enquiries with a view to trying to recall any other products which have been supplied.</p>

## Quarter 2 Sampling Results of Analysis

Survey	Brief explanation/rationale for sampling activity	Proposed number of samples	Actual samples taken	Number of unsatisfactory samples	Percentage Unsatisfactory	Reason for adverse report	Actions/Outcome
Initiative/ Complaint/ Follow-up			4	2	50%	These 2 samples were the remains of a takeaway meal believed to have caused an allergic reaction in a consumer allergic to tree nuts and peanuts; and a test purchase of the same menu items (prawn puree, pilau rice and onion bhaji). Both the remains of the complainant's meal and the prawn puree component of the test purchase meal were found to contain more than 40mg/kg of peanut. In the opinion of an expert in the subject of food allergies, peanut at this level would render the food potentially injurious to the health of a consumer with a peanut allergy.	A report has been instigated <b>C304614</b> . In the interim period the business has been advised on procedures to prevent cross contamination and has signed a voluntary 'stop' notice agreeing to refrain from serving customers with a food allergy.
Non retail (FSI) samples			8	3	38%	1. Pork and tomato sausage with labelling issues under the Food Information Regulations. 2. Beer with labelling issues under the Food Information Regulations. 3. Minced beef containing fat in excess of the maximum level prescribed by EU Regulation 1169/2011	All samples were from local manufacturers who have been/ will be advised accordingly.
Samples submitted on behalf of DCC School Meals Service	To check compliance with manufacturers' specifications and compositional standards where applicable		2	0	0%		

## Quarter 3 Sampling Results of Analysis

	BRIEF EXPLANATION/RATIONAL FOR	Proposed number of samples	Actual samples taken	Number of unsatisfactory samples	Percentage Unsatisfactory	Reason for adverse report	Actions/Outcome
<b>SURVEY</b>							
<b>Food - Initiative/Complaint/Follow</b>			12	3	25%	1. Prune juice with added vitamins bearing unauthorised health and nutrition claims 2. Chocolate not marked with dry milk solids content. 3. Mozzarella provided with ingredients list. Whey in the ingredients list not highlighted as an allergen.	Matter referred to Home Authority for action. Matter referred to the Netherlands authorities via the FSA Referred to the FSA: FSA say that the product does not require allergen information but if the business wishes to include an ingredient list, it would be advisable to highlight that it contains the allergen milk. NFA by DCC.
<b>Food - Non retail (FSI) samples</b>			8	6	75%	1. Oatcakes containing the allergen milk. Milk not contained in the ingredients list. 2. Milk found to contain extraneous water. Fat content 3. Sample deficient in beef content and irregularities in the labelling of the product 4. Minced beef contained excess fat. 5. Low calorie chocolate drink with labelling irregularities. 6. Christmas pudding with no QUID for cider and rum	T visited and systems examined. Suggestions for improvements made and further sample taken from factory. T advised. T advised and is amending the labels including reducing the declared meat content. T advised and has changed the ingredient beef used. T advised, no response yet. T advised and will amend label on next print run.
<b>Food - Samples submitted on behalf of DCC School Meals Service</b>	To check compliance with manufacturers' specifications and compositional standards where applicable.		4	1	25%	Fat content of icecream in excess of declared.	Referred to the home authority for the manufacturer. School meals service advised that although incorrect, they need to decide if fat content is a deciding factor on the product purchased.
<b>Imported feed survey - FSA</b>	Samples taken as part of the FSA funded coccidiostat carryover survey at feed mills.		5	1	20%	The sample contained nicarbazin and narasin.	Although this sample is adverse it does not indicate that there is a problem as the finished feed fell well within the limits. 3 samples were taken as part of the process and were not

## Quarter 4 Sampling Results of Analysis

Survey	Brief explanation/rationale for sampling activity	Proposed number of samples	Actual samples taken	Number of unsatisfactory samples	Percentage Unsatisfactory	Reason for adverse report	Actions/Outcome
Initiative/ Complaint/ Follow-up			2	1	50%	Notification received from Port Health (C/310763) stating that a sample of Farmagulator XP taken at the Port was found to contain elevated levels of mercury. Formal sample taken (S/011306) by DTSS and was again reported as containing mercury at a level in excess of the relevant maximum prescribed limit laid down in Annex I of Directive 2002/32/EC.	AS result of the interventions by DTSS £57,829.00 worth of animal feed was destroyed. The FSA were notified in order for them to notified other member states. t
Non retail (FSI) samples			5	1	20%	1. S/011301 was a follow up sample taken as the product doesn't contain milk but initial sample found milk protein. Results of the follow up sample found a very small amount of milk protein, most likely from unintentional cross contamination and not in an amount deemed to make the product unsafe.	All samples were from local manufacturers who have been advised accordingly.

## Appendix 4

### Examples of one piece of food work and one piece of feed work the service was involved in during 2019/20

Food Work	Feed Work
<p>Officers from the service ensured the removal from the supply chain and destruction of over 20kg of an unauthorised novel food with a retail value of over £41000. The product was marketed as a cure for cancer.</p> <p>The same material is supplied as a commercial chemical compound and the safety data sheet highlighted it as a hazardous chemical causing skin, eye and possibly respiratory irritation. Other research linked the material with causing serious nerve and brain damage. The material was also suspected of causing cancer.</p>	<p>Officers were alerted by Port Health to a shipment of 24.5 tonnes of material which was to be used as animal feed, imported into Derbyshire from Turkey. Analysis of the product, following samples taken by Trading Standards Offices revealed levels of Mercury higher than those permitted under current legislation. As the company was not able to find an alternative market for the feed the service ensured the destruction of the noncompliant material. The total supplied cost of the feed was £57, 829.00 and had an estimated resale value of £196,000.00. The company paid £2,940.00 to get the material destroyed.</p>

## Appendix 5

### Highlights of DTSS food and feed work during 2019/20



**11**

businesses complied  
with the law following  
the issuing of a formal  
improvement notice

**61**

food and feed  
samples taken  
of which



were found to be noncompliant



**120**

food and feed  
businesses inspected

**87** infringements  
detected

**38** businesses improved  
their compliance with  
the law



**218**

businesses advised



**£67,363**

of non-compliant  
unsafe food and feed  
prevented from  
entering the supply chain



**8**

businesses received a  
letter of warning



**174**

complaints  
investigated

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**DERBYSHIRE COUNTY COUNCIL**

**MEETING WITH CABINET MEMBER, HEALTH AND COMMUNITIES**

**7 January 2021**

**Report of the Director of Public Health**

**FURTHER ALLOCATION OF DERBYSHIRE'S CORONAVIRUS (COVID-19):  
LOCAL AUTHORITY EMERGENCY ASSISTANCE GRANT FOR FOOD AND  
ESSENTIAL SUPPLIES**

**1. Purpose of the report:**

To update the Cabinet Member for Health and Communities on the allocations of the Coronavirus (Covid-19): Local Authority Emergency Assistance Grant for Food and Essential Supplies.

To seek additional approval as outlined in the report, to enable allocation of grant funding to the external organisations stated.

**2. Information and analysis:**

Derbyshire County Council received £0.808m in the form of a Local Authority Assistance Grant for Food and Essential Supplies. This grant was provided by the Department for Environment, Food and Rural Affairs (DEFRA) to support people who are struggling to afford essentials due to the impact of Covid-19.

Local authorities have the discretion to identify and support those in most need. As such Public Health has been liaising with key partnership groups to develop ideas being put forward, and seek assurance that the grant is meeting local needs.

A previous report to the cabinet member setting out the background in detail and allocating the bulk of the monies was approved on 4 September 2020. [Minute number 37/20] Since that date, disbursement of the agreed monies has taken place.

In that report in the 'risks' section it was stated:

*"The impact of Covid-19 on our vulnerable communities is constantly changing, making it hard to predict future needs and pressure points. To mitigate against this, the report recommends that a level of contingency funding is set aside in the budget that can be allocated at a later date to*

*meet any emerging needs that haven't already been considered in the recommendations, or to strengthen ones that require more funding than anticipated.*

*Whilst consideration has been made to the needs of our vulnerable communities, the rapid pace required for allocation of this funding, and the ever changing data situation has made it difficult to evaluate need exactly."*

Two additional elements that officers have been working on since presenting the original report are:

1. To make a parity of availability for Eviction and Housing Advice available across the whole county, to align with the additional provision already approved via the Derbyshire Law Centre.

Working with the organisation DHA, which hosts Derby Law Centre and provides the court duty scheme at Derby Court, a gap in provision has been identified for people who are facing threats to their rented or mortgaged property but are 'out of scope' for Legal Aid – which can include people who are newly out of work; self-employed; or only recently claiming benefits. This significantly restricts the ability of DHA/Derby Law Centre to assist them.

Derbyshire residents supported by this organisation predominantly live in Erewash, Amber Valley, and South Derbyshire. Derby Law Centre and Derbyshire Law Centre – in the north of the county - work together and cross refer.

2. To support provision of domestic and personal safety equipment via DCC Community Safety commissioned partners to people experiencing domestic abuse throughout the county.

In one area of the County funding has historically been provided by one Community Safety Partnership and this has proved a valuable resource in increasing the safety of victims. Additional funding will enable the service to be continued in this area and extended to all other areas of the county.

During the pandemic victims of domestic abuse where the perpetrator is no longer resident have been adversely affected by increased isolation in their own homes and increased vulnerability to harassment by perpetrators, enabling them to be aware when their property is being approached and by whom increases their security and empowers them to seek intervention if they need to. The funding will be distributed to the following organisations commissioned by Derbyshire County Council to deliver support services, on the understanding that the resource will also

be available to victims supported by non-commissioned services in the areas:

- Derbyshire Wish - Amber Valley, Erewash, South Derbyshire
- The Elm Foundation – Amber Valley, Bolsover, Chesterfield, North East Derbyshire
- Crossroads Derbyshire – Derbyshire Dales, High Peak
- Glow IDVA service – High Risk Victims throughout the County.

As well as undertaking to distribute this funding, the Community Safety Unit will also undertake to monitor the spending of the grant and gather evidence and evaluation of its impact by the end of the financial year.

Cabinet member approval is therefore sought as follows:

Cabinet member approval sought in this report			
£22,000	Eviction advice service (south)	DHA/ Derby Law Centre	DHA / Derby Law Centre Support to people 'out of scope' for legal aid who face eviction or a threat to their rented or mortgaged housing.
£13,000	Supporting victims of domestic abuse	Derbyshire Wish The Elm Foundation Crossroads Derbyshire Glow IDVa service	Domestic and personal safety items to those experiencing domestic abuse

### 3. Risks:

Given the unpredictable nature of the pandemic there remains a risk that demand will outstretch resources.

The impact of Covid-19 on our vulnerable communities continues to constantly change, making it hard to predict future needs and pressure points. To mitigate against this, the original report (4<sup>th</sup> September 2020) recommended that a level of contingency funding be set aside in the budget that can be allocated at a later date to meet any emerging needs that haven't already been considered in the recommendations, or to strengthen ones that require more funding than anticipated. This recommendation falls within this scope.

#### **4. Social Value considerations:**

Health and wellbeing is intrinsically linked to the wider social determinants of health including access to food, unemployment and education. Poorer individuals experience worse health outcomes than people better off.

Socioeconomic deprivation puts some people at a much higher risk of catching and dying from Covid 19 (Health Foundation, 2020). Measures put in place to control the virus are also having a disproportionate effect on some communities, which is likely to deepen health inequalities in the longer term (Health Foundation, 2020).

The interventions outlined in this, and the 4 September 2020 report are aimed at supporting those most in need.

#### **5. Other considerations:**

In preparing this report the relevance of the following factors has been considered: financial, legal, prevention of crime and disorder, equality of opportunity, human resources, environmental, health, and property and transport considerations.

#### **6. Background papers:**

- Report for Public Health Senior Management Team: 'Allocation of Derbyshire's Coronavirus (COVID-19): Local Authority Emergency Assistance Grant for Food and Essential Supplies' (4 August 2020)
- Report for Corporate Management Team: 'Allocation of Derbyshire's Coronavirus (COVID-19): Local Authority Emergency Assistance Grant for Food and Essential Supplies' (6 August 2020)
- Cabinet Member Report – 4 September 2020 - Allocation of Derbyshire's Coronavirus (COVID-19): Local Authority Emergency Assistance Grant for Food and Essential

#### **7. Key Decision:**

No

#### **8. Call-in:**

Is it required that call-in be waived for any decision on this report?

No

**9. Officer's Recommendation:**

To note the information contained in this report and approve the recommendation regarding a further allocation of external grant to support provision of services relating to the Local Authority Emergency Assistance Grant for Food and Essential Supplies.

**Dean Wallace**  
**Director of Public Health**

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**DERBYSHIRE COUNTY COUNCIL**

**CABINET MEMBER MEETING – HEALTH AND COMMUNITIES**

**7 January 2021**

**Report of the Director of Public Health**

**FUNDING TO SUPPORT THE ‘NO SECOND NIGHT’ SCHEME IN  
DERBYSHIRE**

**1. Purpose of the Report**

This report aims to:

- i. Update the Cabinet Member for Health and Communities on the partnership approach to operate a COVID Safe ‘No Second Night Out’ scheme to support the homelessness population of Derbyshire throughout the winter.
- ii. Seek approval of grant funding of £82,500 towards the initiative, by providing funding for the support worker element of the project.

**2. Information and Analysis**

Launched in 2011, the No Second Night Out is a national initiative calling on all Councils to tackle rough sleeping. In 2018 the government’s Rough Sleeping Strategy committed to ending rough sleeping by 2027. This strategy recommended a collaborative and joined up approach, working innovatively with business, communities, faith and voluntary groups and the general public.

In response to this Derbyshire Homeless Officers Group (DHOG) have been working in partnership with Derby City Mission to provide a No Second Night Out approach, utilising church rooms for communal sleeping in Chesterfield and Derby. Derby City Mission have a proven track record in fast mobilisation of the winter night shelters and safe space. Last winter saw:

- 128 people accessed Chesterfield winter shelter
- 50 people from the night shelter stayed 5 nights or more
- 40 people directed to Derby City shelters from Amber Valley in the same year
- 20 people placed in hotels

There are currently 37 rough sleepers in the Derbyshire area.

However, due to the coronavirus pandemic, usual operational arrangements are not currently a viable option. DHOG have been looking into alternative

options, [in line with national guidance](#), building on the experience they gained in the first national lockdown under 'Everyone In' directive. In that scenario accommodation was provided for Derbyshire residents at Twin Oaks Hotel in Chesterfield, and although successful, was a costly option that could be improved on. DHOG have a detailed checklist based on learning from the Twin Oaks scheme they are applying to this project.

The COVID safe approach being developed by DHOG utilises the not-for-profit privately-operated Mount Cook Outdoor Centre in Wirksworth to operate a scheme from 1 December 2020 until 28 February 2021. District and borough councils will work in partnership with the YMCA to provide 36 single room beds, with an option to increase this to 46 if demand requires, utilising the pod accommodation on the Mount Cook site. The extra capacity on site will allow for out of hours emergency homelessness provision where there have been 439 calls so far this year alone.

This site location and scheme layout enables social distancing/ self-isolation to be maintained, which would not be possible in the normal communal sleeping environment that normally operates utilising church halls. Referrals will be made direct to out of hours homelessness service with 24-hour access to accommodation.

DHOG have confirmed that they will co-ordinate the overall project, which is a broad collaboration between local authorities, police, fire, probation, private and voluntary sector providers. The project is being championed at the county level by the Police and Crime Commissioner as homelessness lead.

District and boroughs will cover rent payments via existing Housing Benefit budgets, triggered when a tenancy is taken up. YMCA will act as the landlord and undertake the tenancy management role. Mount Cook will provide additional, cooking, cleaning and laundry services. P3 charity, housing options teams, drug and alcohol services and Pathways of Chesterfield are actively engaged alongside housing options teams to provide comprehensive wrap around support.

DHOG have approached Public Health to provide additional funding for the provision of on-site support workers, as the volunteers who normally support the scheme are unable to this year due to COVID-19 restrictions.

Onsite support worker presence builds on learning from the Twin Oaks experience earlier in the year where it was identified as critical to have 24 hour 7-day-a-week support cover on site. Employing a team of support workers to ensure onsite presence of two members of staff with a 24/7 presence, employed by Derby City Mission, will cost £27,500 per month and this is not recoverable under Housing Benefit.

Providing funding to cover the cost of the support workers offers a unique opportunity to link residents with appropriate support services e.g. appropriate healthcare, drugs and alcohol support, mental health support services to



improve the health and wellbeing of the residents and support them to transition into more stable accommodation options.

### **3. Risks**

DHOG have completed a detailed risk assessment, but there are several risks to be aware of:

- There are no alternative winter night shelters in operation this year if this scheme does not go ahead. Alternative hotel provision is closing, which is limiting capacity to support the homeless population.
- Adverse weather plans are in place as the site is in a rural location.
- YMCA acting as landlord will provide maintenance personnel to address safety issues including SHARPS removal if required
- DHOG budgets cover additional transport costs to enable individuals to travel to support services outside of the Wirksworth area.
- The project is reliant on funding streams from several partners to make it viable. Therefore, if DCC Public Health does not contribute the support worker element the overall project may be at risk.
- Void payments are a risk if the scheme is underutilised as housing benefit will not be triggered until a tenancy is agreed. DHOG have agreed an approach to share void costs.
- One local authority has decided not to participate in the scheme due to travel time to Mount Cook from their area.
- YMCA/ Derby Mission will have sole use of the Mount Cook site and no private guests will be staying on site which should minimise risks in terms of contact tracing/ self-isolation should an outbreak of COVID-19 occur and any wider safeguarding issues.
- An SLA arrangement between DCC and DHOG will be developed to confirm DCC Public Health's involvement is in relation to the support worker element only and responsibility for the overall operation of the scheme lies with DHOG.
- Further meetings are due to take place to finalise support from a primary care, pharmacy provision and drug and alcohol support services.

### **3. Financial Considerations**

This report seeks £82,500 to cover the costs of a 24/7 support worker presence comprising of two workers to engage with individuals accessing accommodation through this programme. DCC Public Health funding will be paid to Derbyshire Dales District Council who will hold the money on behalf of all of the authorities operating the scheme.

### **4. Human Resources Considerations**

The funding will enable local providers to deliver projects and services. Derbyshire County Council accepts no employment or future redundancy liability, with all employment and related matters to be managed by the providers.

## **5. Legal Considerations**

The Council's Financial Regulations allow grants of up to £0.100m to organisations to be approved by Cabinet Member. The Council's Constitution allows for Cabinet Members to delegate authority to officers to undertake the powers afforded to them by the Constitution. The Council's standard grant agreement shall be used to set out the terms and conditions for which the grants are made, which provides for clawback of funding in certain circumstances and shall also provide that the Council is not liable for any employment liabilities.

## **6. Other Considerations**

In preparing this report the relevance of the following factors has been considered: equality of opportunity, health, environmental, transport, property and crime and disorder considerations.

## **7. Background Papers**

None

## **8. Key Decision**

Yes

## **9. Is it required that the Call-in period be waived in respect of the decisions being proposed within this report?**

No

## **10. Officers Recommendation**

The Cabinet Member is asked to:

- i. Note the partnership approach to operate a COVID Safe 'No Second Night Out' scheme to support the homelessness population to operate from 1 December 2020 until 28 February 2021.
- ii. Approve a grant of £82,500 towards the initiative, by providing funding for the support worker element of the project.
- iii. Note that the funding will be released following confirmation from DHOG that appropriate primary care and pharmacy support services are in place to ensure the successful operation of the scheme.

**Dean Wallace**  
**Director of Public Health**

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