R

Rules and regulations

"*Everything I want to do is illegal*" is the self-explanatory title of a book by US ecological farmer Joel Salatin and running a CSA can at times feel that way. The policy and regulatory framework in which small farmers and growers operate is geared up to big-scale, industrial food production and can seem specifically designed to catch out small producers.

Undoubtedly some regulations are the result of lobbying by big agriculture and food processors and they put small producers at a disadvantage. However it is important to put this situation into perspective.

While some regulations seem unnecessarily onerous, many are just common sense. Significantly there are few inspectors operating in the current climate of cutbacks and austerity. In its first eight years, despite having registered with the relevant authorities, The Oak Tree Low Carbon Farm CSA in Suffolk had only one inspection: a VAT inspection by an HMRC inspector who turned out to be helpful and friendly (and who found no serious issues!)

This section can only point you to areas you need to be aware of. Rules change all the time and implementation varies from region to region. Added to that, there may well be obscure regulations that apply to your particular set-up or which a particularly zealous local bureaucrat decides to apply to your CSA. If in doubt, ask the relevant authorities, apply common sense to avoid genuine hazards and talk to similar farms in your area to find out how to deal with regulations in practice.

As a food business you will need to register with your local authority. Seek their advice on which departments you need to contact, some of which are outlined below.

Environmental health

The environmental health department at your local district or unitary council is responsible for food safety. All food-related businesses need to register with their local environmental health department, free of charge, usually at least eight weeks before they begin trading. Once you have registered they will then advise you on the rules and regulations that you must respect, which will depend on the types of food you will be selling.

While vegetables are considered "low risk" you still need to register with an environmental health department even if that is all that you sell. It's important that all your staff and volunteers are aware of food hygiene and follow standard rules, for instance washing hands before handling food and after going to the toilet.

As well as explaining the regulations that apply, the environmental health department recommend you take common sense steps to maintain food hygiene, such as:

- Use a net to keep flies off strawberries
- Give instructions to customers to wash produce before use

R

- Don't leave produce out at night as it may attract rats
- Ensure that the area where you pack eggs is kept clean
- Keep the surfaces where you prepare veg boxes clean

If you are selling higher risk foods such as meat and dairy then it is very important you have strict food hygiene procedures that everyone follows to reduce the risk of contamination with bacteria. You may also need to register with the Food Standards Agency (FSA) rather than just your local environmental health department.

Trading standards

Your local county or unitary council's trading standards department works to ensure a fair trading environment. It makes sure that consumers can be confident that they know what they're buying as well as how much of it. For vegetable sales, some key points to respect are:

- Use scales calibrated by a trading standards department. Second-hand scales are acceptable.
- When you list produce indicate metric weights, e.g. "250g". If you also use imperial this should be in smaller text.
- When you list produce indicate clearly what the produce is you are selling, for instance "tomatoes".
- Some produce, known as "countable produce", may be sold by the number of items. Others may be bunched, while others must be sold by weight.

There is also specific weights and measures guidance on bag and box schemes. This covers all selling methods where the seller is selecting a variety of items of fresh fruits or vegetables and placing them in a container for sale. Weights and measures law generally requires the weight of pre-packed foods to be made known to customers. However, for packs of fresh fruits and vegetables, you may sell "by the box" if one or more of the following conditions apply:

- The box contains more than 5kg of produce, or
- The box contains three or more different types of fresh fruits and vegetables

Even if you consider yourself to be an organic grower, you may not sell produce as "organic" unless your CSA is certified organic with an organisation such as the Soil Association - see Organic Certification section. An alternative is to describe your produce as "grown without the use of artificial pesticides or fertilizers" but only if this is true of course.

Planning

Many CSAs want to put up new buildings, whether to shelter volunteers and growers, to store and pack produce, shelter animals or to house growers. If your CSA wants to erect a commercial polytunnel

then it's also more than likely you'll need to apply for planning permission. Planning issues can be complex and frustrating, but many CSAs do succeed in getting the buildings they need. Planning is more restrictive on farms or agricultural holdings below five hectares in size, a threshold which affects many CSAs.

The basics of planning permission on farms are in this concise document: **gov.uk/planning-permissions-for-farms**

CSAs are pioneering enterprises and will be a new concept to most planning authorities. Give any future planning application the very best chance of success by taking the time to build good relations with your local community, particularly neighbours and local councils. Being accepted, and even valued, by the local community can make a real difference when it comes to making a planning application.

Registering livestock with authorities

If you plan to keep any kind of livestock find out how to register them well in advance of the animals' arrival. Small flocks of poultry may not need to be registered, see for example **gov.uk/guidance/poultry-registration**. Larger livestock certainly must be registered. Failing to do so is a serious matter and can result in heavy penalties.

The authorities require registration in order to keep track of animal movements and for other disease control measures. The best way to get up-to-date and relevant advice on how to do this and to manage the paperwork day-to-day is to talk with a friendly local small-scale livestock farmer. You could ask if the person who supplies your young stock if they would be willing to help you. They are usually very helpful people and only too happy to advise.

Pigs:
If you are planning to keep pigs a starting point is https://www.eaml2.org.uk/ami/home.eb. Their helpline is friendly - ask them what you need to do before welcoming your herd.

Cattle:
If you are planning to keep cattle a starting point is **gov.uk/government/organisations/british-cattle-movement-service**

Waste/reuse

In theory, if you accept any waste material onto your site, you need to contact the Environment Agency to see if you need to register: **gov.uk/waste-carrier-or-broker-registration** Registration can be free.

If you use any waste materials as animal feed take great care that you respect the relevant regulations. Do not under any circumstances use any kind of waste of animal origin such as meat or dairy as this can pose a serious disease risk. For more information on waste as animal feed to pigs see: **britishpigs.org.uk/feeds.htm**

Meat processing and sales

See the Keeping animals section for more details of the regulations surrounding the sales and processing of meat. Seek advice from your local environmental health and trading standards departments where appropriate.

Legal structure and accounts

Business structures require some paperwork, including accounts, right down to whether you choose to operate your CSA as a self-employed sole trader. See the Legal structures section for guidance on how to choose the right set-up for your CSA.

Health and safety / Insurance

It is important to respect the strictures outlined in the Health and safety section. While health and safety can seem dull and even unnecessary, farms can pose real dangers in particular to members who may not be familiar with farm tools and machinery. You need to take out insurance for your CSA too as even with the best health and safety planning accidents can still happen (see Insurance section).

Free or discounted professional advice

It is an excellent idea to seek professional "pro bono" support if you need assistance with accounts, legal matters or planning/building issues and your legal structure is not-for-profit. Seek out any local network of businesses such as solicitors, accountants and architects willing to help for reduced or even no fees. There are also national networks, such as www.lawworks.org.uk/legal-advice-not-profits who offer pro bono professional support. Seek advice from a local organisation that supports voluntary sector organisations in your area.

OTHER USEFUL LINKS AND RESOURCES

- **Information on starting a food business from the Food Standards Agency https://www.food.gov.uk/business-industry/startingup**

© Cambridge Cropshare