

## **Cabinet – 14th December 2016**

### **Food and Feed Law Enforcement Service Plan 2016-2017**

**Portfolio:** Councillor J Fitzpatrick, Community leisure and culture

**Related portfolios:** Councillor Robertson – Public Health

**Service:** Regulatory Services

**Wards:** All

**Key decision:** No

**Forward plan:** No

#### **1. Summary**

- 1.1 Through the work of its Environmental Health and Trading Standards services, Walsall Council ensures that food and drink produced, prepared or sold in the borough is safe and without risk to health, is correctly labelled and meets appropriate compositional and microbiological standards.
- 1.2 The Food & Feed Law Enforcement Service Plan (the Plan) attached as **Appendix A** describes how the Authority will enforce statutory controls and monitor food, premises and personnel in a structured manner. The Plan will also be used as the basis for any inspection or audit by the Food Standards Agency.
- 1.3 Under the Councils constitution, Part 2, rule 4.01 (a)(ii) the Food law Enforcement Service Plan is listed as a local choice policy that must be approved by Full Council before it can become operational.

#### **2. Recommendations**

- 2.1 That Cabinet approve the Food & Feed Law Enforcement Service Plan for the year 2016/17 as evidence of the Councils compliance with its statutory duties in relation to food and animal feed.
- 2.2 That the Food law Enforcement Service Plan 2016/17 is recommended to Full Council for approval and adoption.

#### **3. Report detail**

- 3.1 The provision of safe food and water and the prevention of outbreaks of food and water borne disease is a fundamental principle of protecting public health. Environmental Health and Trading Standards Officers work directly with businesses and residents and are constantly striving to provide a balance between the economic success of the business against the need to always protect the health of customers and staff.

- 3.2 The Plan sets out the Council's commitment to food safety enforcement for the year ahead and in section 6 describes the outturn against last year's work programme.
- 3.3 A consideration and review of resources is a requirement of the Food Standards Agency (FSA) Framework and it is acknowledged that in Walsall resources have reduced over recent years. The amount of work required to fulfil the statutory inspection programme and the amount of reactive work received can leave a shortfall in available officer time to deal with all matters reported. The number of enforcement interventions required as a result of some premises posing an imminent risk to health also continues to place pressure on the service. Other issues of significance such as food poisoning outbreaks, imported food controls and food adulteration have also had an impact on completion of planned activities. Resources, Quality Assessment and Review are set out in sections 4, 5 and 6 of the report.
- 3.4 The Environmental Health service aims to visit all premises that are due for inspection and new premises that are opening or changing ownership. By doing so we believe that a basic level of protection is afforded to the residents of Walsall and each business receives a fair proportion of officer time to assist them in achieving compliance. This is only possible as resources remain stable, reducing staffing resource would eventually lead to significant sectors of the food industry remaining uninspected to the detriment of residents and the businesses themselves.
- 3.5 Trading Standards locally (regionally and nationally) use an intelligence led approach to plan their work. The interventions are based upon information received from regional and national intelligence networks and it is the premises or persons likely to pose greatest risk to consumers that receive the most attention. A limited amount of intervention is also carried out at premises in relation to animal feed. This is also intelligence based and the service receives some grant funding to underpin this work.

#### **4. Council priorities**

##### **4.1 Lifelong health, wealth and happiness**

The Environmental Health service is part of a network of agencies whose role is to prevent ill health from communicable disease such as food poisoning. The service is at the forefront of investigations around carriers of disease and contaminated premises or articles that could spread disease. Many of the emergency powers relating to disease control are enforced by Environmental Health.

Trading Standards have a significant role to play in terms of food fraud and the adulteration and contamination of food stuffs both in terms of human food and animal feed. The substitution of expensive food for cheaper alternatives by traders on a local, regional, national and international level is monitored by the Trading Standards service in order to protect health but also prevent fraud that undermines the legitimate business community.

## **Safe, resilient and prospering communities & Sustainable change and improvement for all**

A flourishing economy where communities and residents have faith that the food that they eat is safe and the businesses they frequent are reliable is of key importance to Environmental Health and Trading Standards. The services are committed to helping business comply with legislation, profit and ultimately thrive in difficult economic times. If businesses are prepared to work with and take advice from our services it will aid them in being more successful. This has the added value of reducing the burden on the Council of dealing with non compliance and failing standards. In that respect robust regulation of those businesses that seek to gain unfair advantage by acting unlawfully or negligently is also a key priority for the services to protect health but also ensure a level playing field for all business.

### **5. Risk management**

- 5.1 The development of this plan allows us to identify our targets for the year ahead and to consider possible impacts on the service when compared with previous years. Should the work of the service carry on in a stable manner we will be able to fulfil our basic statutory duties. Should high levels of unplanned, high risk reactive work arise then all resources will be diverted to dealing with those matters. This will mean the routine work of the service will be reprioritised and as normal service resumes resources will have to be redirected back to fulfilling the inspection programme.
- 5.2. Each year statistical returns are made to the FSA through its Local Authority Enforcement Management System (LAEMS) for scrutiny of Local Authority performance. These results are made public once verified.

### **6. Financial implications**

- 6.1 The service is currently funded from within the council's cash limited budget and the plan will be met from within existing budgets.

### **7. Legal implications**

- 7.1 By virtue of section 12 of the Food Standards Act 1999 the Food Standards Agency has the function of monitoring the performance of enforcement authorities in enforcing relevant legislation. That function includes, in particular, setting standards of performance (whether for enforcement authorities generally or for particular authorities) in relation to the enforcement of any relevant legislation. The Framework Agreement on Official Feed and Food Controls by Local Authorities is the mechanism by which the Agency puts into effect the powers contained in the Food Standards Act 1999. It provides for the following:
- published local service plans to increase transparency of local enforcement services;
  - clear agreed standards for local authority feed and food law enforcement;
  - local authority monitoring data used to select authorities for audit where there are concerns over enforcement performance; and
  - an audit scheme aimed at securing improvements and sharing good practice.

Any plan produced by the Authority should comply with the Framework Agreement.

- 7.2 The Agency's audits of local authority food & feed law enforcement are conducted against the requirements of the Framework Agreement and, more specifically, a document called the Standard.

The Standard sets out the minimum levels of performance expected in relation to the full range of a local authority's feed and food law enforcement activity, including food hygiene, food standards, imported food and feeding stuffs law enforcement.

The Standard draws together the obligations on local authority food and feed law enforcement services arising from legislation and related guidance, and codes of practice. This includes local authority performance in relation to inspections, sampling, complaints, formal enforcement, promotion and advice to business.

- 7.3 The work of the Division pertinent to this report is undertaken pursuant to the provisions of the Food Safety Act 1990 and associated codes of practice, the Food Safety and Hygiene (England) Regulations 2013 and any other such regulations developing from the European Communities Act 1972

The Food Safety Act 1990 states that every food authority shall enforce and execute within their area the provisions of this Act with respect to which the duty is not imposed expressly or by necessary implication on some other authority.

## **9. Property implications**

- 9.1 There are no Property implications within this Report

## **10. Health and wellbeing implications**

- 10.1 The purpose of this Plan and the primary objective of the work of Environmental Health and Trading Standards is to ensure that the health and wellbeing of individuals and indeed communities is protected. The fact the service has a direct link to businesses, residents and partner organisations also places it in a strong position in terms of added value work in terms of interactions on such key issues as obesity, smoking, alcohol and safety at work. Failure to undertake this work would place residents at threat of ill health, disease and particularly for vulnerable persons the possibility of preventable death.
- 10.2 Through joint working with Public Health the service continues to implement the Health Switch Award (3.9 of Appendix A) in order to reward businesses for altering their menus to encourage healthier eating. This forms part of the authorities' strategy to tackle obesity in the Borough but also incentivises business to have a unique selling point and hopefully sustain or increase profits

## **11. Staffing implications**

11.1 The work contained within this report is managed each year based on the resources available to the Service. Any alterations to working practices or priorities will be discussed and agreed with staff prior to any implementation.

## 12. Equality implications

12.1 These proposals seek to benefit all parts of the community equally and will be consistently applied across the Borough. Food sampling programmes and support for local businesses will where possible reflect local needs. Where there are food businesses or consumers with particular language, cultural or other needs these can be addressed with reference to good practice that is shared amongst local authorities within the West Midlands and also nationwide.

## 13. Consultation

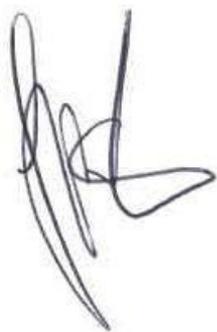
13.1 No consultation has taken place in terms of producing this report. The content is driven by and seeks to reflect the Council's commitment to its statutory responsibilities. Once approved the report will be published so that any interested party may review the achievements of the service.

## Background papers

Food Standards Agency Framework Agreement

### Author

David Elrington  
Regulatory Services Manager  
☎ 653023  
✉ david.elrington@walsall.gov.uk



Simon Neilson  
Executive Director

25 November 2016



Councillor Fitzpatrick  
Portfolio holder

7 December 2016



**Walsall Council**

**Food and Feed  
Law Enforcement  
Service Plan  
2016-2017**

## CONTENTS

### 1.0 AIMS AND OBJECTIVES OF THE FOOD SERVICE

- 1.1 Aims of the Food Service
- 1.2 Objectives of the Food Service
- 1.3 Links to Corporate Objectives and Plans

### 2.0 BACKGROUND

- 2.1 Profile of Walsall MBC
- 2.2 Organisational Structure
- 2.3 Scope of the Food Service
- 2.4 Demands on the Food Service
- 2.5 Enforcement Policies

### 3.0 SERVICE DELIVERY

- 3.1 Interventions at Food and Establishments
- 3.2 Food Hygiene Complaints
- 3.3 Home Authority Principle and Primary Authority Scheme
- 3.4 Advice to Businesses
- 3.5 Food Sampling
- 3.6 Control & Investigation of Food Related Infectious Disease
- 3.7 Food Safety Incidents
- 3.8 Liaison with other Organisations
- 3.9 Food Safety and Standards Promotional Work

### 4.0 Resources

- 4.1 Financial Allocation
- 4.2 Staffing Allocation
- 4.3 Staff Development Plan

### 5.0 QUALITY ASSESSMENT

- 5.1 Quality Assessment and Internal Monitoring
- 5.2 Work Plan 16/17

### 6.0 REVIEW

- 6.1 Review against the Service Plan
- 6.2 Identification of any Variation from the Service Plan
- 6.3 Areas of Improvement

## **1.0 AIMS AND OBJECTIVES OF THE FOOD SERVICE**

### **1.1 AIMS OF THE FOOD SERVICE**

- To protect public health from preventable food and water borne disease.
- To protect public health from contaminated food and undeclared allergens, ensure the integrity of food quality, labelling and compositional standards and to protect consumers from food fraud, food substitution and adulteration.
- To carry out the FSA Animal Feed Delivery Programme
- To promote and implement key aspects of the Public Health agenda
- To have regard to the Regulation Policy when considering enforcement action
- To support those we regulate comply and grow.

### **1.2 OBJECTIVES OF THE FOOD SERVICE**

- To carry out a programme of interventions at food premises allocating resources to those premises posing the most significant risk.
- To assist new or existing businesses through frontline advice or Home or Primary Authority schemes to achieve compliance.
- To publish food hygiene ratings so consumers can make informed choices and businesses strive to raise standards and become more profitable.
- Use intelligence to ensure that food particularly imported food offered or exposed for sale is fit for human consumption and to expedite the removal of hazardous products from the food chain.
- To investigate cases of food poisoning and tackle practices and processes identified as sources of infection.
- To investigate complaints relating to food and food premises and where necessary take appropriate and timely enforcement action
- To review procedures and ensure compliance with the Food Standards Agency Framework Agreement and relevant codes of practice.
- To undertake a microbiological sampling programme at manufacturing premises and in connection with outbreaks of disease or service requests.
- To undertake a sampling programme to ensure that food complies with legal standards relating to presentation, labelling and advertising, compositional standards and the absence of non-permitted or excessive levels of additives, contaminants and residues.
- To undertake an animal feed delivery programme in line with FSA requirements.

### 1.3 LINKS TO CORPORATE OBJECTIVES AND PLANS

The Council has a Corporate Plan 2016-20 as a key element of its performance framework. It is informed by intelligence from the 2011 census, index of Deprivation 2015 and three key thematic needs assessments: Joint Strategic Needs Assessment (JSNA) Economic Needs Assessment and Safer Walsall Community Safety Assessment. The plan is an articulation of the aspirations of the Council expressed as a strategic plan that can be delivered over four years and aligned to the budget. It has been agreed by all elected members at full Council.

To meet its Purpose and Vision the Council will focus on the following key priorities.

- Lifelong health, wealth and happiness
- Safe, resilient and prospering communities
- Sustainable change and improvement for all

However there is also recognition that with less resource available the Council will have to concentrate on protecting the most vulnerable and reduce inequalities.

These priorities provide a focus for the whole council and the Food Service directly supports and contributes to them by ensuring the provision of the following:

- Supporting new and existing businesses to not only survive but thrive despite difficult economic conditions.
- Continue to introduce competition into regulatory standards through the National Food Hygiene Rating Scheme, empowering residents to choose which business should receive their custom.
- To confront those businesses or individuals who seek to gain an unfair advantage over competitors by not complying with regulations and therefore putting their staff and customers at risk.
- Ensuring that unsafe practices and foodstuffs are identified and robustly tackled to ensure the health of the public is protected therefore preventing ill health that places a negative burden on the economy and peoples lives
- To give consumers confidence when shopping in Walsall
- To use the skills and opportunities available to the service to promote and implement key aspects of the Health and Well Being Strategy for example through Healthy Workplace Awards, Making Every Contact Count, the Health Switch Award and tobacco control/smoking cessation projects.
- To prevent outbreaks of communicable disease and where such disease outbreaks take place using the statutory powers available to control and stop their spread as well as bringing to justice those who may be responsible.

## **2.0 BACKGROUND**

### **2.1 PROFILE OF WALSALL MBC**

Walsall is a unitary authority in the West Midlands region and is home to over a quarter of a million people (272,000). Whilst the Borough is predominantly urban, it does have significant areas of open space mainly in the east. Along with Sandwell, Dudley and Wolverhampton, Walsall forms part of the Black Country sub region which was designated a Local Enterprise Partnership in 2010.

Walsall lies at the heart of the national road and rail networks with the M6, M6 toll, M5 and M54 all running through or close to the Borough. Rail and bus routes feed into national networks meaning 5 million people are within 45 minutes of Walsall by public transport.

Walsall town centre is the strategic and economic centre of the borough, but there are also five key district centres: Aldridge, Bloxwich, Brownhills, Darlaston and Willenhall. All of these have distinct histories and identities and are important retail hubs serving their local communities.

Four out of five businesses surveyed serve clients locally in Walsall and around two in three serve the Black Country or West Midlands. Over 60% of businesses have customers in the rest of the UK and over 30% have customers overseas. Only a third of sales are outside the region meaning Walsall Companies are very reliant on the local economy. Over half of working residents are employed in the borough and it is estimated around 4.7% of the Boroughs residents are employed in the food/accommodation sectors. Walsall has a variety of manufacturing and service industries and is an operational base for a number of food wholesalers. There are also several companies producing a variety of food products which are distributed throughout the UK.

Over 1 in 7 Walsall adults 24,960 people (14.9%) are out of work and dependent on a key benefit. Walsall has been ranked as the 35<sup>th</sup> most deprived English local authority. The Borough is ethnically diverse, with 23.1% of Walsall's inhabitants coming from minority ethnic communities. In some wards, up to 70% of the population are from BME groups. Many people in these communities either own, or are employed in small food businesses.

In the past two decades the eating habits of the UK population have evolved rapidly and one of the major changes to the UK diet is that the average person is eating one in six meals outside the home. A number of studies have found that takeaway food outlets are often located in areas of higher socio-economic deprivation; people on low incomes continue to devote a higher proportion of their income to food than people who are better off so there is a clear health inequality.

The food service plays an important role in bridging the link between health and economy by protecting and improving the health of residents whilst also having regard to the economic prosperity of the business sector.

## 2.2 Organisational Structure

The Framework Agreement on Official Feed and Food Controls by Local Authorities provides the Food Standards Agency with a mechanism for implementing its powers under the Food Standards Act to influence and oversee local authority enforcement activity. The Food Safety Act 1990 states that every food authority shall enforce and execute within their area the provisions of this Act with respect to which the duty is not imposed expressly or by necessary implication on some other authority.

Walsall Councils constitution, Part 2, rule 4.01 (a)(ii) lists the Food Law Enforcement Service Plan as a local choice policy that must be approved by full Council before it can become operational. This Plan will therefore be submitted on an annual basis to Cabinet with a recommendation that it is sent to full Council for approval and adoption

The Director of Public Health may authorise members of staff to act on behalf of the Council and to enforce and administer relevant legislation. They are also authorised to appoint or recommend for appointment:

- The Chief and Deputy Chief Inspector of Weights and Measures
- An Inspector to institute legal proceedings in respect of the Health and Safety at Work etc Act 1974
- Public Analyst for the purpose of Section 27 of the Food Safety Act 1990
- Lead Officer for Food

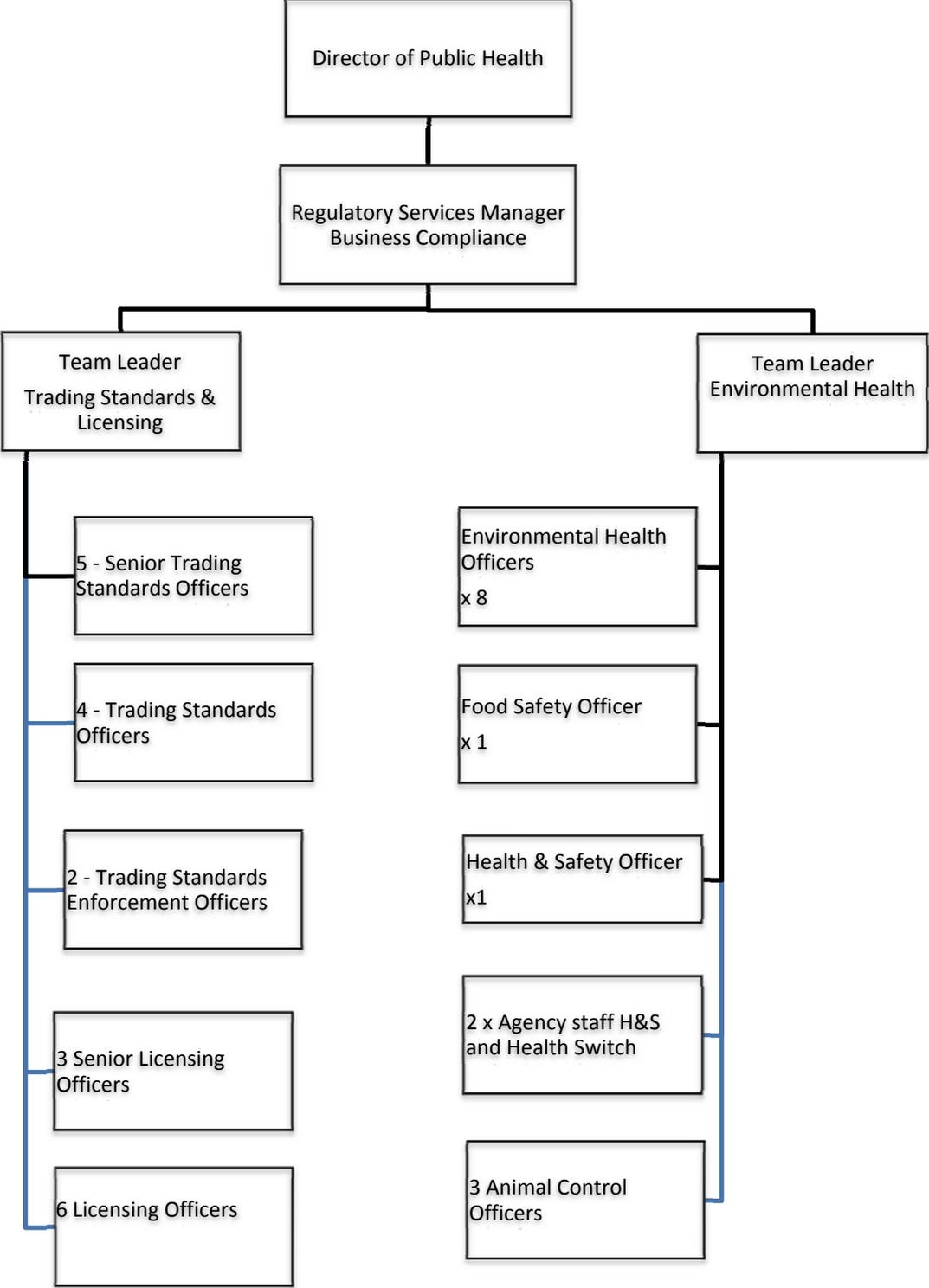
The Regulatory Services Manager (Business and Compliance) is responsible for

1. Managing Environmental Health, Trading Standards and Licensing with respect to enforcing relevant legislative requirements.
2. Acting as a Lead Officer for the Food Safety Act and its codes of practice.
3. To authorise enforcement action including, the institution of legal proceedings, serving of legal notices and the issuing, suspension and revocation of licences and permits.
4. To ensure the service operates and performs in line with its various statutory responsibilities and that evidence of performance is submitted to Central Government for oversight in a timely fashion upon request.

The Team Leader Environmental Health and Trading Standards & Licensing are responsible for delivery of their respective services in line with current corporate, national and regional policies and priorities through the day to day management of a team of officers to achieve appropriate impacts and outcomes for residents, businesses and visitors to Walsall

Operationally there are presently 6.3 FTE Officers qualified to undertake food safety duties within Environmental Health. There are presently 2 FTE Officers undertaking duties relevant to food standards within Trading Standards. The Environmental Health Service use the Public Health England Food, Water & Environmental Microbiology Laboratory via Good Hope Hospital, Sutton Coldfield, Trading Standards use Worcester Scientific Services for compositional food samples.

2.2 Organisational Structure



## **2.3 SCOPE OF THE FOOD SERVICE**

The enforcement of food related legislation is a joint responsibility between Environmental Health and Trading Standards: All services are provided by officers employed by Walsall Council.

**Environmental Health** provide the following services relating to Food:

1. Food safety/hygiene inspections
2. Infectious disease investigations (food poisoning and water borne disease)
3. Microbiological food sampling
4. Food safety advice to new and existing businesses including promotional and educational activities.
5. Food and food hygiene complaint investigations
6. Private drinking water supply - monitoring and assessment
7. Operation of the National Food Hygiene Rating Scheme
8. Commercial complaints in respect of odour, noise, waste & drainage.
9. A statutory consultee in the respect of planning and licence applications.
10. Export Certificates for food & interventions relating to Imported Foods

**Trading Standards** provide the following services relating to Food:

1. Food standards inspections
2. Feed Hygiene Inspections
3. The investigation of complaints in relation to food fraud, labelling, contamination and composition
4. Food sampling for compositional, nutritional and labelling conformity
5. Food standards advice to business
6. Food standards education to consumers
7. Import certificates for food & interventions relating to imported foods.

**Licensing** provide the following services relating to Food:

1. Late Night Refreshment Licences
2. Street Trading Consents
3. Personal and Premises Licences for Alcohol

## 2.4 Demands on the Food Service

A profile of the 2081 food businesses registered on the Service's database is as follows:

<b>FSA CODE</b>	<b>PREMISES TYPE</b>	<b>NO. OF PREMISES</b>
A	Primary Producer	15
C	Manufacturer and Packer	36
E	Importer/exporter	0
F	Distributors/transporters	43
G01	Supermarket/hypermarket	61
G02	Small retailer	470
G03	Other retailer	107
H01	Restaurant/cafe/canteen	267
H02	Hotel guest house	16
H03	Pub/club	239
H04	Takeaway	282
H05	Caring premises	154
H06	School/college	124
H07	Mobile unit	78
H08	Restaurant/caterer other	189
	Total	2081

There are 21 premises approved to produce products of animal origin for distribution throughout the UK and Europe.

There are no red meat slaughterhouses in the borough. There is one small-scale Halal poultry slaughterer that is regulated by the Food Standards Agency.

There are 21 agricultural feeding-stuff (animal feed) establishments registered under the EU Feed Hygiene Regulation (183/2005) with the following breakdown of registration activities:

R6	Manufacture of pet foods	1 establishment
R7	Manufacture and/ or placing on the market of feed materials	9 establishments
R11	Mixing feed on-farm, with compound feedingstuffs which contains additives	1 establishment
R12	Food businesses selling co-products of the food industry which are destined as feed materials	2 establishments
R13	Livestock farms which do not mix feeds or mix feeds without additives	7 establishments
R14	Arable farms growing or selling crops for feed	1 establishment

Walsall as a Borough has a significant number of premises where English isn't the primary language spoken by many of the staff. Within certain sectors of the food industry there also tends to be a relatively high turnover of Food Business Operators meaning officers may not see the same person twice when carrying out visits. This is not conducive to building long term positive relationships where compliance can be improved with mutual cooperation. Many food premises are opened in buildings not originally designed for such a purpose and therefore do not allow easy or economically viable compliance with the structural elements of food hygiene.

<b>Delivery of the Food Service</b>	
<b>Service Delivery Point</b>	Civic Centre, Darwall Street, Walsall, WS1 1TP.
<b>Hours of Opening</b>	Monday to Thursday 8.45am to 5.15pm Friday 8.45pm to 4.45pm
<b>Telephone numbers</b>	EH 01922 653366 TS 0845 330 3313 Out of Hours 01922 650000
<b>E mail</b>	environmentalhealth@walsall.gov.uk trading_standards@walsall.gov.uk
<b>Website</b>	<a href="http://www.walsall.gov.uk">www.walsall.gov.uk</a>
<b>Social Media</b>	<a href="http://www.facebook.com/makemeasavvyshopper">www.facebook.com/makemeasavvyshopper</a> <a href="http://www.facebook.com/safeandsoundaroundtown">www.facebook.com/safeandsoundaroundtown</a> Twitter: @ehwalsall @savvyshopper

## **2.5 REGULATION POLICY.**

An Enforcement Policy is in place which has been approved by full Council; this is published on Walsall Council's web site and a printed copy is available upon request.

[http://www.walsall.gov.uk/enforcement\\_policy](http://www.walsall.gov.uk/enforcement_policy)

Consultation has recently been undertaken to develop and implement a Black Country wide Regulation Policy and associated Service Standards. The intention is to adopt this Policy to reaffirm our commitment to consistency across the Black Country in line with current Government guidance and Policies

## **3.0 SERVICE DELIVERY**

### **3.1 INTERVENTIONS AT FOOD ESTABLISHMENTS**

Interventions are defined as activities designed to monitor, support and increase food law compliance within a food establishment. They include, but are not restricted to, “official controls” which are any form of control for the verification of compliance with food law. Methods and techniques for carrying out tasks related to official controls include monitoring, surveillance, verification, audit, inspection, and sampling and analysis.

In addition to official controls, interventions also include activities that are effective in supporting food businesses to achieve compliance, such as targeted education and advice or information and intelligence gathering.

The FSA considers that an intervention programme is central to a local regulatory and enforcement regime, and Food Authorities must ensure that such a programme is appropriately resourced.

#### **Trading Standards Food Standards Interventions.**

Food Standards interventions are applied in accordance with the Intelligence Operating Model, in a risk-based intelligence-led manner, so that resources are effectively targeted and directed at those businesses that present the greatest risk.

Interventions will also be based upon and result from the national, regional and local sampling programmes that we contribute to. A flexible approach to resourcing enables the service to respond appropriately to incidents and to ensure the necessary protection to the Borough’s food chain. A desk top review of the services database including information sharing with Environmental Health and Licensing will clarify the position in relation to existing and new high risk food premises. All high risk premises identified as requiring an intervention will receive an intervention.

#### **Environmental Health Food Hygiene Interventions**

A rated premises will be subject to a full inspection at the appropriate frequency (6 months). Any other intervention, such as sampling or education/training, will be recorded for monitoring of enforcement actions but will not be used as the planned intervention

B rated premises will be subject to a full inspection at the appropriate frequency (12 months). Any other intervention, such as sampling, education and training, will be recorded for the monitoring of enforcement actions but will not be used as the planned intervention.

Premises rated as C will be subject to a full inspection, partial inspection or audit at the appropriate frequency (18 months).

Premises rated as D will receive an intervention at the appropriate frequency (2 years). Such interventions will alternate between an intervention that is an official control and an intervention that is not an official control.

Premises rated as E will be considered as they arise and an appropriate intervention by an appropriately qualified Officer will be undertaken and recorded. Alternative enforcement strategies for E rated premises will involve sending questionnaires to businesses due for inspection. Some businesses may receive a follow up visit to verify the information provided.

Other triggers for an alternative intervention will be:

- Consumer complaint
- Planning or building regulation applications
- Infectious disease notification
- Changes in activities or management
- Non-return of questionnaire

The number of Food Hygiene inspections planned for 16/17 are as follows:

RISK CATEGORY	A	B	C	D	E	Total
Frequency of visits	6 mths	12 mths	18 mths	2 yrs	Alt Strategy	
Inspections scheduled	16	167	319	238	44	784

It is anticipated that in line with figures from 2015/16 Inspections that do not form part of the standard Intervention Programme may amount to

- 473 New Food Business Registrations and Initial Inspections
- 69 Advisory visits and revisits to premises following an earlier intervention
- 40 Requests for new food advice
- 17 Sampling Visits
- 3 Imported food visits/issues

**The estimated number of visits to food premises for 16/17 will be 1386.**

Walsall Council implemented the Food Hygiene Rating Scheme on the 1<sup>st</sup> April 2011: After five years of operation it is encouraging to see that the proportion of businesses that are ranked “Broadly Compliant” (scoring 3, 4 or 5) has increased year upon year, despite the continued financial pressure on businesses.

Rating (& Descriptor)	Number of businesses				
	April 13	March 14	April 15	Apr16	April 16
5 (Very Good)	328	373	585	565	38%
4 (Good)	308	349	347	368	25%
3 (Generally Satisfactory)	336	353	321	306	20%
2 (Improvement Necessary)	130	121	98	91	6%
1 (Major Improvement Necessary)	180	149	153	153	10%
0 (Urgent Improvement Necessary)	10	8	15	11	0.7
% of Businesses achieving satisfactory ratings	75.2	79.45	81%	83%	

1772 businesses are recorded on the FHRs, 1494 are rated the other 278 being at present exempt, excluded, sensitive or awaiting inspection. Taking 3 and above as satisfactory then 83% of Walsall Businesses are at least satisfactory with 17% requiring varying levels of improvement. Staff are trained in the consistent rating of food premises having attended a number of FSA training sessions relating to this area. The results are therefore an honest reflection of the situation within the Borough.

In 2015/16 27 business owners requested revisits to check improvements they had made. Two business owners appealed against the rating they were given and one premises requested we publish a Right to Reply against their rating on the FHRs web site.

### **Prioritisation**

Should a situation occur whereby demand outstrips staffing levels our priority will be targeted at matters of highest risk to ensure the greatest level of protection is afforded to the public

- an unsafe practice is occurring or has occurred which represents a significant hazard to public health;
- a particular food handling or food preparation practice is found to entail a previously unsuspected hazard to public health;
- a foodstuff previously thought to be safe is found to be hazardous to health;
- a food with widespread distribution is found to be contaminated and thereby presents a significant hazard to public health;
- widely distributed foodstuff is the subject of fraud in labelling or presentation
- in the case of primary production, an occurrence on-farm of a contagious animal disease (such as Blue Tongue) or a natural disaster (such as severe flooding) makes on-farm inspection impractical
- Notifications of single cases of significant infectious disease e.g. E coli 0157
- Outbreaks of infectious disease of any type

As a consequence lower risk work will suffer and a secondary strategy will have to be devised to deal with the back log of work arising from the realignment of priorities. This may include

- Lesser qualified Officers making a first response
- Qualified agency staff brought in on a temporary basis
- Response by phone/letter/email only
- Signposting to other agencies or legal advisors.

### **3.2 FOOD COMPLAINTS**

Prioritisation of complaints will be based on the nature and severity of the matter reported. Many complaints relate to dissatisfaction with the condition of food and often fail because the continuity of evidence has been broken i.e. it is possible the contamination entered the food after opening. With diminishing resources available to the service stricter procedures for the acceptance of complaints will be adopted. Information will still be made available to complainants on actions they may be able to take themselves.

Environmental Health received 261 complaints relating to the condition of food and concerns over food practices or the hygiene of food premises.

Trading Standards received 108 food and drink related complaints and referrals. These ranged from out of date, misdescribed and contaminated food to substandard counterfeit alcohol. Where substantiated, advice and written warnings were issued as appropriate

### **3.3 HOME AUTHORITY PRINCIPLE AND PRIMARY AUTHORITY SCHEME**

#### **Primary Authority**

The Primary Authority Principle has its basis in law and is a significant central Government priority. The authority is permitted to recover its costs for advice given under the scheme and if the business follows the “assured advice” then enforcement action such as a prosecution by other authorities is not likely to be successful. On the 2<sup>nd</sup> July 2014 Cabinet approved the adoption and charging regime for this scheme. To date no Primary Authority partnerships have been signed up to.

#### **Home Authority Principle**

This Principle was developed as an aid to good enforcement practice and aims to:

- Encourage Authorities to place special emphasis on goods and services originating within their area.
- Provide businesses with a Home Authority source of guidance and advice.
- Support efficient liaison between Local Authorities.
- Provide a system for the resolution of problems and disputes.

The principle commands the support of Local Authorities, central Government, Trade and Industry Associations, Consumer and Professional Regulatory bodies.

### **3.4 ADVICE TO BUSINESS**

The Authority has always provided appropriate and competent advice, to local businesses and residents, within available resource constraints.

In recent times there has been an increase in the number of people wanting to prepare food for sale in their domestic kitchens. Officers recognise that certain low risk food items such as cakes can be prepared in a domestic kitchen and a number of factsheets for domestic caterers has been produced.

The services website has been made easier to use, with information about setting up a food business and application forms that businesses and members of the public can download free of charge. More work however is needed to update and amend older information.

Where possible advice is given to businesses before they start trading: It is easier to advise on layout, equipment and practices at the planning stage before a business commences trading. Under the FHRS, a business that does not have a fully implemented Food Safety Management System cannot score higher than 1 (Major Improvement Necessary) so where time permits, officers carry out coaching visits to Food Business Operators to ensure they understand the importance of this requirement.

The Environmental Health twitter account @EHWalsall has since 2014 attracted over 498 followers and over 1179 messages have been 'tweeted'.

The Trading Standards Twitter account @Savvyshopper has 132 followers and has tweeted 541 messages.

We will continue to use social media for communicating food safety, trading standards infectious disease and health and safety messages. The Tweets are made by officers and Managers within the team and are regularly retweeted by other councils, businesses and members of the public.

### **3.5 FOOD SAMPLING**

#### **MICROBIOLOGICAL FOOD SAMPLING**

Microbiological food sampling is carried out to meet four main objectives:

1. To determine the current state of food safety in the Borough
2. To improve the effectiveness of food hygiene inspections.
3. To investigate suspect cases of food poisoning linked with local businesses.
4. To investigate complaints about food.

Microbiological examinations will be carried out using credits allocated by Public Health (England). Samples are taken by the Food Safety Officer; other Officers are authorised and can take samples if necessary.

## **SAMPLING PROGRAMME 2016-2017 Manufacturers selling mainly by retail.**

There are a number of manufacturers in Walsall and we prioritise our sampling regime to ensure the products distributed both locally and nationally are safe.

Historically our own microbiological sampling has given a clear indication of where the manufacturing processes require improvements to secure food safety. Common issues officers find include unsatisfactory levels of microorganisms associated with cleanliness and growth of organisms due to extended shelf life dating of products. Using the results Officers are able to more accurately target interventions with the businesses to correct any poor results as well as to verify where the processes used are working well.

16 manufacturers were visited and 160 samples taken or assessed. 131 samples were returned as satisfactory. Samples that were deemed unsatisfactory were referred to EHO's for liaison with the business to make improvements to their practices and procedures.

Samples were also taken from three premises involved in suspected food poisoning outbreaks. None of the samples resulted in formal action being taken against the businesses.

During 16/17 we will sample food manufactured at the following premises.

<b>Company</b>	<b>Address</b>	<b>Food</b>
Gorman's Pork Pies	Bloxwich.	Pork Pies
Timezone Ltd	Willenhall,	Scotch Eggs
The Sandwich Co.	Walsall.	Scotch eggs
Midland Chilled Products		
T C Morris	Willenhall.	Pork pies
Piquant Ltd	Bloxwich	Mayonnaise
Coopers Butchers	Darlaston	Cooked meats
A E Poxon	Brownhills	Sausages
Madani Frozen Foods	Walsall	Kebabs and Asian snacks
The Traditional Indian Catering Co.	Brownhills.	Asian snacks, sandwiches
Direct Food Solutions	Willenhall.	Curry ready to eat meals & sandwiches
Lawrences	Walsall.	Sausage
Potters Pork Products	Walsall.	Sausage
Fresh Co Sandwich Ltd	Walsall	Sandwiches
The Sandwich Company UK Ltd	Walsall	Sandwiches

## FOOD SAMPLING (Food Standards)

An annual sampling programme is drawn up to ensure that food is accurately labelled and meets compositional and safety standards. It also facilitates the support and auditing of local businesses and contributes to national healthy food / healthy eating campaigns. It is enhanced by additional sampling in response to complaints. The Authority also successfully contributes to regional sampling programmes. This provides economies of scale, associated value for money and a greater impact from a larger results base. We also participate in additional FSA food authenticity projects

The Trading Standards Service targets its proactive sampling at locally produced foods, those products/ingredients from companies that manufacture in, are based in, or import into Walsall. In addition, foods are targeted which are causing current concerns. These are identified through communication with the Food Standards Agency, the Department of the Environment, Food and Rural Affairs and the European Commission; through local, regional and national intelligence held by local authorities; and through consultation with the Public Analyst.

Emerging food fraud risks can also be identified by looking at economic drivers: High value / high volume products, products in short supply; products with rising prices; products with a complex global food chain. Looking at some of these factors gives us a chance of identifying the next horsegate:



### Imported Food

Imported food makes up about 50% of the food consumed in the UK and in line with a letter from the FSA (ENF/E/08/061) the Service is committed to ensuring that at least 10% of all food samples are of

foods imported into the European Union. In addition, since 2008 substantial funding has been obtained from the Food Standards Agency to carry out sampling under their Imported Food Sampling Programme.

All sampling undertaken by officers is in accordance with relevant legislation and all formal food and animal feed samples are taken in accordance with the relevant Food or Feed Law Codes of Practice.

Samples are analysed and/or examined by the Service's Public/Agriculture Analyst appointed in accordance with the procedures laid down in Regulations and relevant Food and Feed Law Codes of Practice. Alternatively some samples are examined/tested in house, if it is appropriate to do so.

## **Food Standards Sampling Projects 2015-16**

The Trading Standards service took 167 samples during 2015/16 with 74 (44%) being analysed as unsatisfactory. This resulted in several FSA Incident reports, recalls and warning letters being issued. The most notable findings from the year's sampling projects include:

### **International Level**

#### **Operation Opson V.**

An annual international operation co-ordinated by Interpol and the FSA investigating the fake and fraudulent supply of food. Opson V resulted in the largest ever seizure of fake food and drink across Europe. More than 10,000 tonnes and one million litres of fake food and drink were seized in operations across 57 countries.

As part of Operation Opson Walsall Trading Standards carried out illicit vodka inspections and investigations into food adulteration. A number of instances of food adulteration were uncovered (see below) and counterfeit duty stamped vodka was discovered but overall compliance was high.

### **National Level.**

#### **FSA Health claims project.**

Walsall took part in the FSA funded month of action on food supplement samples – 6 samples of fat burners and anti-oxidants were taken from local gyms and internet sellers. All of the samples bore illegal health claims and two of the fat burners contained controlled medicines. Local product has been removed from sale and referrals have been made to the FSA and relevant Local Authorities.

#### **FSA National Co-ordinated Food Sampling Programme.**

£11,600 of funding was secured from the FSA to take samples under the National Co-ordinated Food Sampling Programme. The FSA priorities are established via Intel relating to either, an established problem, horizon scanning, or the need for market surveillance. The main issue uncovered was the presence of Aflatoxin in cereals and herbs. Aflatoxin is a known human carcinogen. One cereal product contained 34 times the permitted maximum. A recall of this product was immediately actioned. Other incorrect samples included foreign labelled infant formula milk, visual mould in maize meal and excess chlorate in fruit.

#### **Rhodamine B in Asian sweets**

As well as taking samples identified as FSA priorities funding was also secured for a local project to investigate the presence of an illegal, carcinogenic, industrial dye, Rhodamine B in brightly coloured Asian sweets.

A number of non-compliant samples were found at Asian sweet shops and a local importer. Following trader advice, formal samples will be taken in 2016/17 with a view to legal proceedings if appropriate

This issue is now being considered at a regional and national level for further work.

## **Regional Level**

### **Central England Trading Standards Authorities (CEntSA) Pizza Project.**

This regional project, investigating misdescription of pizza toppings, was initiated and co-ordinated by Walsall Trading Standards. A total of 89 catering outlets were visited across the region and 77% of the outlets were found to be using adulterated cheese, ham or pepperoni on their pizzas. Within Walsall 10 catering outlets were visited with 7 outlets providing misleading information to customers. Outlets in Walsall have been advised and a tailored guidance leaflet has been produced and distributed to ensure consistency across the sector.

This project has also developed an international element in relation to a Belgium supplier identified as the source of a substantial number of Halal meat products adulterated with undeclared meat species and contaminated with pork. In order to tackle these concerns with the Belgium authorities, Walsall Trading Standards is co-ordinating an approach to the FSA, as the Single Liaison Body. Details have also been provided to the National Food Crime Unit.

## **Local Level**

### **Cheese descriptions in cafes**

Following on from the pizza project a cheese sandwich sample was taken from a Walsall cafe which contained no cheese at all. In contrast, and despite the high failure rates, all the pizza cheese toppings in the pizza project contained at least some real cheese. This could prove to be another area worth investigating further.

### **Goat meat substitution.**

A pilot survey of goat meat sold by butchers found that 4 out of 5 samples were, in fact, beef or sheep but **not** goat. Formal samples will be taken in 2016/17 with a view to legal proceedings if appropriate.

### **Non permitted colours in takeaway food**

Three colours, previously permitted in meat sauces at low levels, were banned from use in 2013. The illegal use of these colours was discovered at 4 out of 4 takeaway curry dishes sampled. This is an ongoing problem across the CEntSA region and a business advice project is planned in Walsall for 2016/17 to tackle the problem.

### **Peanuts in takeaway food.**

Over the last few years national and local surveys have shown a high occurrence of undeclared peanuts in takeaway foods. This is either the result of intentional substitution, cross contamination or ignorance. Such activity has resulted in a number of deaths and the high profile prosecution of a restaurateur for manslaughter.

Once again there has been a number of incorrect samples taken and consumer complaints received within in Walsall highlighting that it is an ongoing problem.

Following trader advice formal samples will be taken in 2016/17 with a view to legal proceedings if appropriate.

#### **Lamb substitution in takeaway food.**

A high percentage of lamb dishes sampled from caterers were found to be adulterated with other meat species. 3 lamb tikka dishes sampled contained beef and **no** lamb. Following trader advice formal samples will be taken in 2016/17 with a view to legal proceedings if appropriate.

### **3.6 CONTROL & INVESTIGATION OF FOOD RELATED INFECTIOUS DISEASE**

Public Health England (PHE) have been appointed to act as Proper Officer for Walsall Council in respect of infectious disease notifications. PHE notify Environmental Health of food poisoning cases in the Borough via secure electronic communication. Environmental Health have a statutory duty to carry out an investigation to ascertain the source of the illness and check to ensure that there is no risk of the illness spreading further.

Environmental Health staff work closely with colleagues in PHE and have powers to formally exclude people from work or school if they are classed as a high risk case and their actions place other people at risk of catching communicable disease.

The Authority has a documented procedure for the investigation of incident of reported or suspected cases of food poisoning and a formal plan to cover the management of the investigation outbreaks of food borne infectious disease.

Campylobacter remains the primary pathogen with 165 cases in the Borough. Salmonella accounted for 27 cases, Hepatitis E – 5 cases, Shigella – 5 cases, Ecoli 0157 - 1 case and the water borne diseases Cryptosporidiosis and Giardia accounted for 22 cases.

During 15/16 officers investigated an allegation of a large scale food poisoning outbreak at a wedding in Warwick. Collaborative working with PHE, Public Health, Sandwell Council and Warwick District Council identified possible infective persons for surveillance and interview. Intervention with the company producing the food in Walsall and the venue in Warwick ensured any possible failures in food preparation, practices and hygiene were identified and remedial actions taken to improve for any future events. The alleged outbreak dissipated quickly and no action was required against the food businesses – this alleged outbreak took considerable resources across a range of partner agencies and local authorities.

A second smaller outbreak affecting 9 people attending a restaurant in Walsall was investigated during the summer of 2015. Staff worked alongside Public Health, PHE and the Pathology Lab at Good Hope Hospital to ensure faecal samples were taken from the affected persons, food samples were taken from the premises and food practices and the hygiene at the premises were thoroughly reviewed. The exact cause of the outbreak was unclear and no proceedings were brought however again significant resource was utilised in investigating the matter and preventing any further incidents.

Responses to infectious disease notifications are measured against the PHE document - Roles and Responsibilities for Investigation of Gastrointestinal Infectious Diseases. Having no specific out of hour's duty staff for responding to infectious disease notifications does however pose a difficulty in dealing with emergency notifications i.e. those required within 24 hours. This issue is currently addresses by invoking the Emergency Planning procedure of identifying and contacting relevant Senior Managers.

In a large scale outbreak the Council could draft in staff from other services to assist in some of the basic duties. For additional resource from expert or qualified officers assistance may have to be requested from other West Midlands Councils through the Memorandum of Understanding that all 7 Councils have signed up to.

Year	2011/12	2012/13	2013/14	2014/15	2015/16
<b>Food poisoning cases reported and investigated</b>	299	266	288	253	255

### **3.7 FOOD SAFETY INCIDENTS**

The Food Standards Agency issues information about product withdrawals and recalls to let consumers and local authorities know about problems associated with food. This information is issued electronically to Environmental Health and Trading Standards.

A Product Withdrawal Information Notice or a Product Recall Information Notice is issued where a solution to the problem has been put in place – the product has been, or is being, withdrawn from sale or recalled from consumers, for example.

A Food Alert for Action is issued where enforcement by authorities is required. These notices and alerts are often issued in conjunction with a product withdrawal. During 2015/16 Trading Standards instigated 7 food alerts and corresponding product withdrawals.

### **3.8 LIASION WITH OTHER ORGANISATIONS**

The Authority works in partnership with the following organisations either on an ongoing basis or as the result of targeted work programmes.

1. Food Standards Agency
2. Public Health England
3. Director of Public Health
4. Worcestershire Scientific Services – Public Analyst
5. Staffordshire Scientific Services - Public Analyst
6. Department of Health
7. DEFRA and the Animal and Plant Health Agency

## **Central England Environmental Health Management Board Food Liaison Group**

This Group represents the seven councils in the West Midlands but is also linked by a coordinating board to a Food Liaison Group in Staffordshire and Shropshire and to a Food Liaison Group in Warwickshire and Worcestershire. It aims to provide consistency of enforcement, acts as a facilitator for benchmarking activities and provides 'standardisation' exercises to facilitate consistency. It provides comments on consultations on behalf of the region and provides a valuable link between local authorities and the FSA.

### **CEnTSA Food Standards Liaison Group**

The above Group is made up of food standards lead officers plus the regional Public Analysts. The Walsall lead officer for food standards is Chair of this group and as such is responsible for leading on regional projects including sampling, guidance to business, legislative consultations and sharing best practice. A Walsall representative also attends the Business Needs Group to ensure educational and advisory communications to support businesses are produced in a timely manner and contribute to the production of a quarterly business newsletter.

### **National Food Standards and Labelling Focus Group**

Walsall's Food Standards Lead officer also sits on the National Food Standards and Labelling Focus Group which gives guidance to regulators and industry as well as working with FSA, DEFRA and DoH on consultations and codes of practice.

### **Knowledge Hub**

The Knowledge Hub is the LGA's professional network which helps people in local government connect and share in a secure environment. The Knowledge Hub is used as a vital tool for sharing intelligence and best practice, both regionally and nationally.

### **UK Food Surveillance System (UKFSS)**

In 2009 Walsall Trading Standards became the first Authority in the CEnTSA region to be linked into the FSA's UKFSS national food sampling database. Early adoption of the system has allowed Walsall to secure funding from the FSA for additional sampling projects as well as providing a tool for targeted sampling surveillance. In recent years Walsall has received funding from the FSA to act as a Super-User with a remit to support and train other authorities adopting UKFSS.

### **Rapid alert System for Food and Feed (RASFF) and the European Commission.**

The Rapid Alert System for Food and Feed (RASFF) provides food and feed control authorities with an effective tool to exchange information about measures taken responding to serious risks detected in relation to food or feed. This exchange of information helps Member States to act more rapidly and in a coordinated manner in response to a health threat caused by food or feed.

### **IDB and FSA Intelligence Databases**

Intelligence on food issues is also collected by Trading Standards departments in the CEnTSA region through the national Intelligence Database - IDB which also inputs into the Food Standards Agency food fraud database. Data from IDB and the FSA database is used to produce a Regional Control Strategy.

## **3.9 FOOD SAFETY AND STANDARDS PROMOTIONAL WORK**

### **Food Safety Week 2016 (Monday 4 to Sunday 10 July)**

Food Safety Week 2016 concentrated on food waste and sought to advise people that as a country we throw away 7 million tonnes of food and drink from homes every year, the majority of which could have been eaten. Wasting this food costs the average household £470 a year. The two main reasons for throwing food away are that people buy or make too much and don't use it in time. The promotion sought to educate on the difference between 'Use By' and Best Before' dates, as people don't always know what can be safely cooked or frozen, and that sometimes people are taking risks with their health to make food go further.

### **Social Media Campaigns**

Environmental Health and Trading Standards use Social Media such as Twitter and Facebook to communicate current messages of local, regional or national importance. This can include checking Food Ratings, Food Alerts, latest allergy information etc.

### **Health Switch Award**

The Health Switch Award implemented using funding from Public Health during 14/15 will continue and the service will again aim to work closely with the business to ensure they understand the concepts and principles of basic healthy eating and how they can use this knowledge to positively influence both the food they offer for sale and their business, making changes to their menu. Maintenance of standards and fulfilment of the award criteria will be monitored during routine food hygiene inspections.

Fifty three takeaway premises are currently engaged on this programme as of June 2016 10 businesses have been issued Bronze Awards, two have been issued Silver Awards and four have been issued Gold Awards. During 16/17 the award will develop into the soft play establishments and mobile catering sectors.

It is envisaged that by achieving the award local publicity may increase interest in the premises from residents as well as motivating other premises to come forward leading to a greater roll out of the scheme.

## 4.0 RESOURCES

### 4.1 FINANCIAL ALLOCATION

The table below shows the cost of Food Safety for last year and includes an estimate of its cost for 2016/17.

	<b>15/16 Actual</b>	<b>16/17 Estimate</b>
Staffing Costs	385,461	432,113
Support Services	668	0
Supplies and Services	22,362	34,392
Transport Costs	13,458	13,337
Income	(8,159)	(48,907)
<b>Expenditure</b>	<b>413,791</b>	<b>430,935</b>

### 4.2 STAFFING ALLOCATION

Environmental Health Officers and Trading Standards Officers contribute significant work to health and safety, animal health and welfare, skin piercing, public funerals, product safety, rogue trading, weights and measures, age restricted sales, counterfeiting etc the allocation below relates primarily to the food safety function.

Environmental Health is delivered in one Borough-wide team of 8 EHO's, 1 Food Safety Officer and 1 Health and Safety Officer supervised by a Team Leader. The amount of resource dedicated to Food Safety equates to 6.3 FTE members of staff.

Trading Standards is delivered in one Borough-wide team of 4.5 Senior TSO's, 3.2 TSO's, 1 FTE Enforcement Officer and 1 Compliance Officer supervised by a Team Leader. The amount of resource dedicated to Food Standards equates to 2 FTE members of staff. The amount of resource dedicated to Feed Hygiene equates to 0.10 FTE members of staff. The service also uses a contractor to undertake certain aspects of work coordinated regionally using national FSA funding.

An under spend due to the early departure of the Health and Safety and income received from Public Health for additional works allowed two Agency EHO's to be employed to assist in the provision of the food hygiene (and H&S) service.

The qualifications and competency of food enforcement officers is set out in legislation (Regulation (EC) No.882/2004 on Official Controls) and implemented in the Food law Code of Practice published by the Food Standards Agency.

A recent review of the Food Law COP has clarified the requirements for suitably qualified and competent officers and a review of all staff (including Managers and Supervisors) will have to take place during 16/17 to ensure they are fully compliant. This could result in additional training costs and time out of the Office attending training courses or similar.

Environmental Health Officers all possess a BSc. or MSc. in Environmental Health and registration from the Environmental Health Officers Registration Board

(EHORB) together with other appropriate qualifications. The Food Safety Officer has a Higher Certificate in Food Premises Inspection from the EHORB.

Trading Standards Staff working in food and feed law enforcement possess the relevant qualifications required by the Food/Feed Law Code of Practice.

The FSA Framework Agreement requires a consideration of the level of resources required against those available.

The resource available to Trading Standards is sufficient to allow us to undertake the FSA Food Sampling programme which is agreed regionally. The service also responds to other regional or national priorities insofar as resources allow and uses intelligence to prioritise local interventions. For both services the level of staffing allows for compliance with a basic statutory service. Where work is required beyond that basic service the service will either not be able to fulfil that additional requirement or have to stop other statutory functions in order to carry out the work. In the event of a major emergency all staff will be directed to work to control the emergency and basic work will cease for an agreed period - recovery from this will inevitably take time.

#### **4.3 STAFF DEVELOPMENT**

Walsall Council has a regime of annual Employee Performance Reviews where action plans including training requirements are drawn up for each staff member. These reviews will take account of the new food law code of practice requirements as set out above. This may pose an additional cost to the service to ensure all staff are fully qualified and competent.

External and internal training provision will then identified in accordance with staff and service requirements. To maximise budgetary provision wherever possible support is given to courses provided by CEntSA and the FSA who have proven to be the most cost effective training suppliers. Officers are also able to identify forthcoming training via the CEntSA annual training plan. In house development in the form of workshops and cascade training is also utilised where appropriate.

#### **OFFICER TRAINING PROGRAMME 2015/16**

Food Standards Update	Food allergy Training Online
Food Standards Improvement Notices	Ecoli cross contamination revised guidance workshop
FSA Regional Event	FHRS Consistency exercise
Improving Prosecution Results	Introduction to Odour control systems
Food Standards Practical Sampling	FSA Food Allergy Online Training
Interview Skills/PACE training	FSA National Consistency Exercise
Food Information Regulations Improvement Notices	FSA Introduction to the UK Food Surveillance System
Food labelling e-learning	Legionella Training spa pools, cooling towers

## **5.0 QUALITY ASSESSMENT**

### **5.1 Quality assessment and Internal Monitoring**

The Team Leader makes periodic accompanied visits with Environmental Health Staff this includes the checking of formal Notices and paperwork.

Officers will participate in regional standardisation exercises, benchmarking and peer reviews if they are organised: Walsall Council has taken part in inter-authority audits relating to the operation of the FHRs within the last 12 months.

It will continue to be the Management Team's responsibility to react swiftly to performance monitoring reports. This will include reflection on inspections where non-compliant premises are found to ensure the right level of intervention has taken place.

The Regulatory Services Manager will undertake a quarterly assessment of the work of the service culminating in the Annual Review which is part of the Food & Feed Law Enforcement Service Plan process.

The Council's Internal Audit Team last inspected Environmental Health in 2012 giving an assurance level of Significant.

The FSA last audited Environmental Health in 2010 with a revisit in 2011 on the subject of Local Authority Assessment of Hazard Analysis and Critical Control Points (HACCP) Compliance in Food Business Establishments.

## 5.2 WORKPLAN FOR 2016 - 2017

In order to assist monitoring of Environmental Health performance the following matrix will be used.

Corporate Priorities	Action	Target	Action lead
Lifelong health, wealth and happiness Safe, resilient and prospering communities	Implement the Food & Feed Law Enforcement Service Plan	Plan to be submitted to Council for approval Quarterly monitoring of the Plan shared with Management team and staff.	David Elrington
Safe, resilient and prospering communities	Identify and carry out appropriate interventions at high risk premises in relation to food standards	Premises requiring intervention to be agreed.  100% of identified high risk premises to receive an appropriate intervention	David Elrington
Lifelong health, wealth and happiness Safe, resilient and prospering communities	Identify and carry out appropriate interventions at high risk premises in relation to food hygiene	Premises requiring inspection to be agreed. 100% of premises receive a visit	
Safe, resilient and prospering communities Sustainable change and improvement for all	Maintain the Food Hygiene Rating System	Fortnightly uploads to the national database Results reported back to Inspecting officers All appeals dealt with in compliance with the brand standard. Review of Exempt, Excluded and Sensitive Premises to be undertaken.	David Elrington
Lifelong health, wealth and happiness Safe, resilient and prospering communities	Implement the microbiological food sampling programme focusing on high risk premises and manufacturers	Premises requiring sampling to be agreed. 100% of premises receive a sampling visit 100% of premises where failures or issues identified receive a follow up intervention.	David Elrington
Lifelong health, wealth and happiness Safe, resilient and prospering communities	Implement the FSA national coordinated food sampling programme	Premises requiring sampling to be agreed. 100% of premises receive a sampling visit 100% of premises where failures or issues identified receive a follow up intervention	David Elrington
Lifelong health, wealth	Implement the CEnTSA	Premises requiring sampling to be agreed.	David

and happiness Safe, resilient and prospering communities	regional food sampling programme	100% of premises receive a sampling visit 100% of premises where failures or issues identified receive a follow up intervention	Elrington
Lifelong health, wealth and happiness Safe, resilient and prospering communities	Implement a local food sampling programme	Premises requiring sampling to be agreed. 100% of premises receive a sampling visit 100% of premises where failures or issues identified receive a follow up intervention	David Elrington
Safe, resilient and prospering communities	Implement the FSA Feed delivery programme	Premises requiring inspection to be agreed. 100% of premises receive an inspection 100% of premises where failures or issues identified receive a follow up intervention	David Elrington
Lifelong health, wealth and happiness Safe, resilient and prospering communities	Respond to all disease notifications using timescales developed by PHE	100% response within PHE recommended timescales	David Elrington
Safe, resilient and prospering communities	Respond to requests for advice and visits to new premises within 21 days.	Number of responses Re-establish web authors and a quarterly check of business advice on <a href="http://walsall.gov.uk">walsall.gov.uk</a> Regular Tweets of relevant business advice.	David Elrington
Safe, resilient and prospering communities	First Response to complaints about trading practices within service standards.	100% response within standard timescales and completion of investigations within relevant timescales.	David Elrington
Lifelong health, wealth and happiness Safe, resilient and prospering communities	Continue the Health Switch project.	Identify and work with businesses. Promote attainment of awards through the media.	David Elrington
Lifelong health, wealth and happiness Safe, resilient and prospering communities	Review training opportunities and number of CPD hours per Officer quarterly.	Number of hours per officer and competency submissions submitted, reviewed and action determined.	David Elrington

## 6.0 REVIEW

### 6.1 Review against the 15/16 service plan

Service objectives are reviewed on a quarterly basis the key performance measures from the year 2015/16 are:

Key Service Activity	Action	Target	Action lead
Ensure residents have access to safe & healthy food	Implement the Food & Feed Law Enforcement Service Plan	Plan to be submitted to Council for approval Completed <b>June 15</b> Quarterly monitoring of the Plan shared with Management team and staff. <b>Bimonthly meetings held where performance is discussed with the team</b>	David Elrington
Maintain the Food Hygiene Rating System	Maintain the FHRS	Fortnightly uploads to the national database - <b>Complete</b> Results reported back to Inspecting officers – <b>Bimonthly meetings and results shared after uploads.</b> No of Appeals dealt with within timescales in the brand standard. <b>Complete</b>	David Elrington
Ensure residents have access to safe & healthy food	Implement the microbiological food sampling programme focusing on high risk premises and manufacturers	Premises requiring sampling to be agreed - <b>Complete</b> 100% of premises receive a sampling visit - <b>Complete</b> 100% of premises where failures or issues identified receive a follow up intervention - <b>Complete</b>	David Elrington
Respond to food poisoning and infectious disease notifications.	Respond to all disease notifications using timescales developed by PHE	100% response within PHE recommended timescales <b>97% attainment</b>	David Elrington
Assist new and existing business with relevant and timely advice,	Respond to requests for advice and visits to new premises within 21 days.	<b>100% response 40 new business advice requests, 21 general enquiries</b> Quarterly check of Business advice on walsall.gov.uk <b>Not achieved</b> Regular Tweets of relevant business advice. <b>Achieved</b>	David Elrington
Investigate complaints business.	First Response to complaints about trading practices.	100% response <b>261 – 93% within target timescales.</b>	David Elrington
Ensure residents have access to safe & healthy food	Continue the Health Switch project.	Identify and work with businesses. Promote attainment of awards through the media. <b>Complete and ongoing into 16/17</b>	David Elrington
Ensure officers enforcing food law have relevant CPD for their role	Review training opportunities & number of CPD hours per Officer quarterly.	Number of hours per officer – <b>Review started and ongoing into 16/17</b>	David Elrington

### Prosecutions & Enforcement Actions 2015/16

<b>Date</b>	<b>Premises</b>	<b>Offences</b>	<b>Penalty</b>
27/4/2015	Family Choice, Bloxwich	Unhygienic premises, Contaminated food	£3000 fine £1431.57 costs
15/6/2015	Hungry Pigs, Willenhall.	Unhygienic premises	£200 fine £1018 costs
17/6/2015	Slices, Bloxwich.	Unhygienic premises	Simple Caution
22/6/2015	Coal Pool Pound Force, Coalpool	Unhygienic premises	£680 fines £1096.86 costs
3/8/2015	Laxmi Sweets, Walsall	Unhygienic premises	£1000 fines £1451 costs
3/8/2015	Jeevan Jyot, Walsall	Unhygienic premises - HACCP	£1000 fine £1437.37 costs
16/11/2015	Madhina Foods, Walsall	Unhygienic premises	£3000 £1250.60 costs
4/1/2016	FB Express, Walsall	Unhygienic premises	£1920 fine £1137 costs
11/1/16	Ashirw Aad Sweet Centre, Walsall	Unhygienic premises	£2335 fine £2234.41 costs
18/1/2016	Polish Bakery, Walsall	Unhygienic premises - Contaminated food	£4500 £1258.74
29/2/2016	Little Bengal Ltd, Streetly	Unhygienic premise	£2000 fines £2006.21 costs
29/2/2016	Po Wing, Bloxwich.	Unhygienic premises	£2000 fines £1337.76 costs

During 2015/16 Environmental Health also dealt with:

- 295 planning applications
- 250 licensing application consultations
- 130 complaints about waste associated with commercial businesses
- 132 complaints of noise at commercial premises
- 50 concerns about H&S at food premises
- 8 Emergency Prohibition notices (Closure Notices) served against food premises that posed an imminent risk to health.
- 46 Hygiene Improvement Notices
- 28 Emergency Prohibition notices for Health & Safety matters at food premises often dangerous equipment
- 23 Health & Safety Improvement notices at food premises

## **6.2 Identification of any variation from service plan**

Officers are working hard and achieving a good level of performance in what has been and continues to be a challenging time. The last financial year saw a high degree of focus from management and staff on the inspection programme. As a result by the end of the year of the of the 974 premises due for inspection and the 300 plus unrated premises requiring scrutiny only the following inspections remained outstanding

Two B rated premises - One bar that had stopped doing food temporarily and so the inspection was delayed whilst discussions were ongoing about future requirements. One premises had fallen outside of the inspection programme at some point in its history and has been brought back into the programme and is scheduled for inspection.

One C rated premises - this premises opens erratically and access has been difficult.

Four D Rated premises – One premises is a mobile which had previously stopped trading, one is a revisit to a premises that requires further investigation.

Three E rated premises – two have come about as part of the data cleansing exercise, one is another premises where access is difficult.

There are 45 unrated premises on the system – this is a significant improvement since the 15/16 plan when over 300 unrated premises existed on the system and is testament to hard work carried out by staff to cleanse the database. There will always be a number of unrated premises due to new premises opening and requiring their initial inspection however we now have a better understanding of how to prevent this list building up.

## **6.3 Areas of Improvement**

The following areas of improvement will be necessary in 16/17

1. Review of training and development needs to identify how staff can continue to be compliant with the Food Law Code of Practice Competency Framework.
2. Reviewing the food premises registration process in terms of internal systems so that new registrations are identified and recorded appropriately
3. Undertake a desktop review of the Regulatory Services database (M3) to satisfy ourselves that premises are correctly rated in relation to Food Standards. This will inform priority areas of work both within year and also subsequent years.
4. Ensuring the database is scrutinised more frequently to ensure the statistics reported give an accurate reflection of the work carried out.
5. Identifying efficient work methods to cope with diminishing resources
6. Following the redesign of Regulatory Services to create an internal Food and Feed Liaison Group to share intelligence, develop better understanding of each others roles and to improve the way in which we operate overall.
7. Ensure existing Feed Businesses are registered appropriately.