

Cabinet – 24 October 2018

Food Law Enforcement Service Plan 2018-2019

Portfolio: Councillor G Perry, Community, leisure and culture

Related portfolios: Councillor Wilson Public Health

Service: Regulatory Services (Env Health, Trading Standards & Licensing)

Wards: All

Key decision: No

Forward plan: No

1. Summary

- 1.1 Through the work of its Environmental Health, Trading Standards and Licensing 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 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 (FSA).
- 1.3 Through the work of the Director of Public Health issues around health and well being are at the centre of policy development. The link between the health of residents and the local economy is seen as a key issue in Walsall and is enshrined in the Joint Strategic Needs Assessment, Health and Wellbeing Strategy and Corporate Plan. The aims and objectives of the Plan, contribute significantly to both the health and economy agendas.

2. Recommendation

- 2.1 That Cabinet receive the Food Law Enforcement Service Plan for the year 2018/19 as evidence of the Councils compliance with its statutory duties in relation to food law and recommend it 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 FSA Framework and it is acknowledged that in Walsall resources have reduced over recent years. To fulfil the statutory inspection programme whilst responding to significant amounts of reactive work is a major pressure for the service. We continue to reflect on how we deal with this workload but it has to be acknowledged that moving forward this is likely to mean the full programme of activity cannot be maintained. Risk assessment and use of intelligence to prioritise work load and target the most high risk premises and activities will form the bedrock of the way the service is provided in future years. Resources, Quality Assessment and Review are set out in sections 4, 5 and 6 of the report.
- 3.4 Key areas of work which may be of interest include.
- a. Health Switch Award – a programme commissioned by Public Health and delivered by Environmental Health. Businesses must achieve a good hygiene rating to take part and Environmental Health staff work with the owners to make changes to ingredients and menu choices so that the health impacts on their customers are reduced. This could mean reduced salt, sugar or fat but also increased availability of salad, fruit and vegetables. Over 100 takeaway businesses in Walsall have received the award or are engaged in working toward the award. Each business receives publicity following the award to encourage customers to visit. Section 3.9 of the Plan refers to this scheme.
 - b. A prosecution started in 17/18 but completed in 18/19 saw a food business operator plead guilty to food hygiene offences and be given a 6 month custodial sentence. Walsall Council has in recent years taken a much stronger approach to enforcement against food businesses that pose a risk of harm to the health of its communities and have brought many successful prosecutions forward. This is the first custodial sentence the service has achieved since the recent updates to the sentencing guidelines used by the Courts. Enforcement outcomes are contained in Section 6 of the Food Law Report.
 - c. The number of businesses in Walsall with a satisfactory or better rating on the national Food Hygiene Rating Scheme currently lies at 89% this is the highest it has been in Walsall since the inception of the scheme. There is however still improvement to be made as the regional average is 93% and national average is 94%. The 89% is an accurate reflection of the situation

in Walsall and in comparison we have rated 8-9% more premises (88%) than the Regional (80%) and national average (80%).

- d. Trading Standards sampling programme is an excellent example of using intelligence from national, regional and local sources to inform direct action at food businesses. Substitution of cheap or condemned meat in products is an international issue that causes economic detriment to consumers but also places lives at risk. Other types of contamination such as allergens like peanuts and milk all too often lead to headlines informing of the death of unsuspecting consumers. Whilst reputable food companies ought to have quality assurance systems in place to protect against this type of contamination it is still far too commonly found at all levels of the food supply chain. Trading Standards are at the forefront of identifying and tackling this issue.

The Health Switch scheme to reward good businesses and the robust enforcement action against negligent businesses highlights our strive to maintain food safety standards in the Borough.

4. Council Corporate Plan priorities

Economic growth for all people, communities and businesses

- Our work can support new and existing businesses to not only survive but thrive despite difficult economic conditions.
- Our work gives consumers confidence when shopping in Walsall
- Our work continues to introduce competition into regulatory standards through the National Food Hygiene Rating Scheme, empowering residents to choose which business should receive their custom
- We confront those businesses or individuals who seek to gain an unfair advantage over competitors by not complying with regulations thereby putting their staff and customers at risk.

People have increased independence, improved health and can positively contribute to their communities

- Our service ensures that unsafe practices and foodstuffs are identified and robustly tackled so that the health of the public is protected therefore preventing ill health that places a negative burden on the economy and peoples lives
- We will 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.
- We will work 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.

Internal Focus – All council services are efficient and effective

- We will work with internal partners to give advice and expertise on relation to those matters that fall within our area of expertise. This could be as being a member of the Safety Advisory Group, Health Protection Forum, Training Forum, Directorate Health and Safety Committee, Exploitation Delivery Group, Transformation Groups etc.

Children have the best start and are safe from harm, happy, healthy and learning well

- The work we undertake has equal bearing on the health of children as it does all other members of the community, premises that deal exclusively with children such as schools and nurseries are at present given a higher risk rating score because of the vulnerability or age of the children.

Communities are prospering and resilient with all housing needs met in safe and healthy places that build a strong sense of belonging and cohesion

- Food businesses are often at the centre of each community and their success and regulatory compliance can have a beneficial impact on communities. Likewise poorly run premises with overflowing bins, noisy equipment, late opening and badly prepared food can have a detrimental impact on the image or self esteem of communities. Our services will therefore focus regulatory activity against those businesses having such a detrimental impact on communities.

5. Risk management

- 5.1 The development of this plan allows the council to identify 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.
- 5.3 Should the FSA consider the council as failing in its statutory duties it has the power to intervene and ensure failings are corrected.

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.

8. Procurement implications/Social Value

8.1 There are no Procurement or Social Value implications within this Report.

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. Reducing inequalities

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 public 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

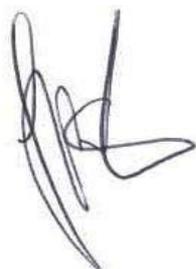
Food Standards Agency Framework Agreement

Author

David Elrington
Regulatory Services Manager – Business Compliance

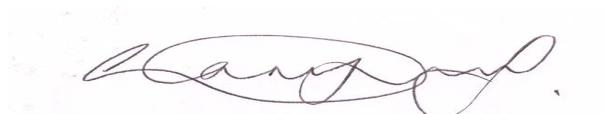
☎ 653023

✉ david.elrington@walsall.gov.uk



Simon Neilson
Executive Director

12 October 2018



Councillor Perry
Portfolio holder

12 October 2018



Walsall Council

Food Law Enforcement Service Plan 2018 -2019

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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 Food Standard Agency (FSA) Animal Feed Delivery Programme
- To promote and implement key aspects of the Public Health agenda
- To comply with the FSA Framework Agreement and relevant codes of practice.
- 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 are encouraged to invest in raising standards and become 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 take appropriate, timely and where necessary robust enforcement action.
- To undertake a microbiological sampling programme proactively at manufacturing premises and where necessary 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 2018-21 that is an articulation of the aspirations of the Council expressed as a strategic plan that can be delivered over the next three years and aligned to the budget. The plan is available at

<https://go.walsall.gov.uk/corporate-plan>

The Strategic Priorities and the ways in which Environmental Health and Trading Standards contribute to them are

Economic growth for all people, communities and businesses

- Our work supports new and existing businesses to not only survive but thrive despite difficult economic conditions.
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- Our work continues to introduce competition into regulatory standards through the National Food Hygiene Rating Scheme, empowering residents to choose which business should receive their custom
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People have increased independence, improved health and can positively contribute to their communities

- 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 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.

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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 35th 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 plan or strategy 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

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

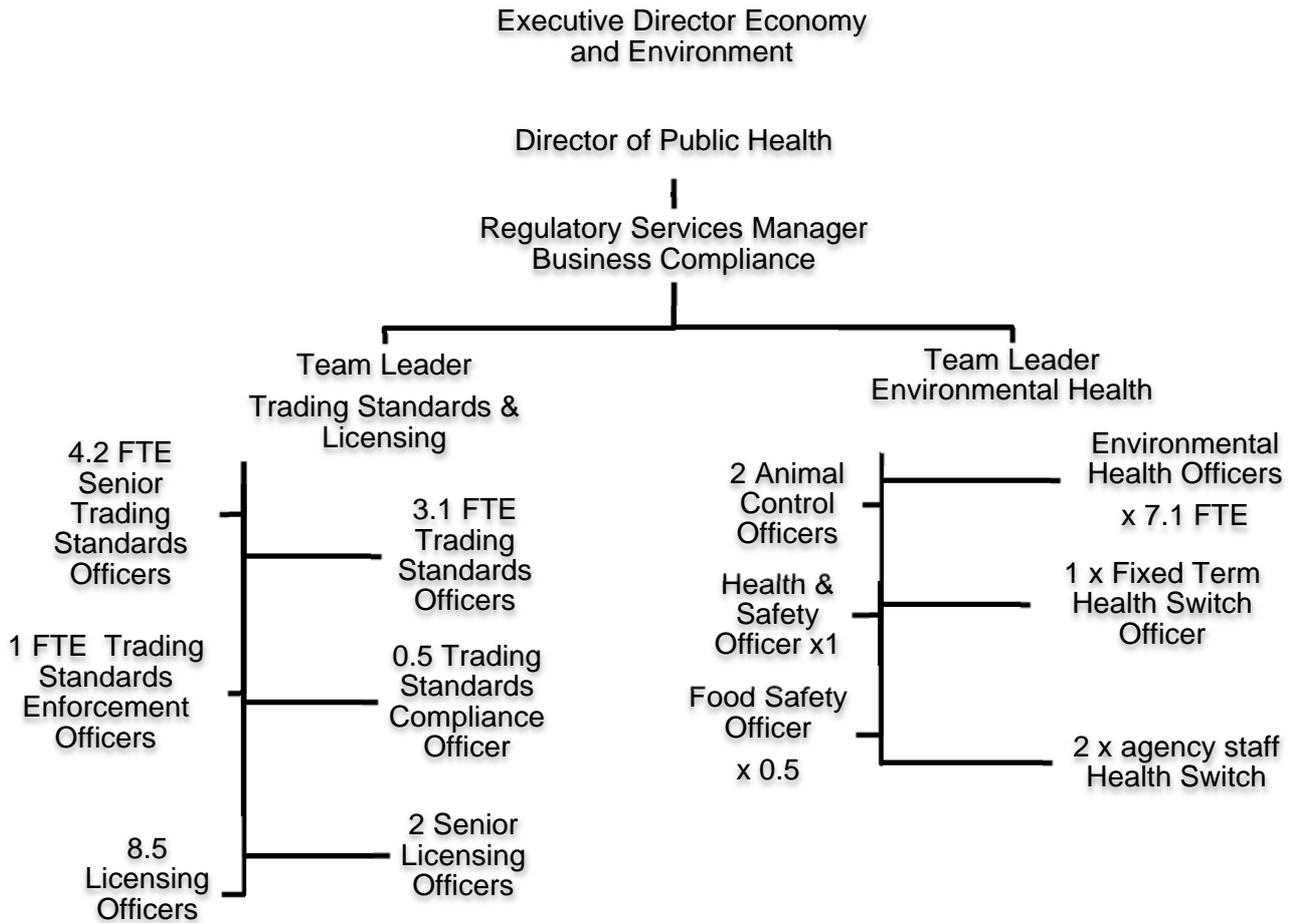
1. Managing Environmental Health, Trading Standards and Licensing with respect to enforcing relevant legislative requirements.
2. Acting as a Lead Officer for the Food Safety Act and its codes of practice.
3. To authorise enforcement action including, the institution of legal proceedings, serving of 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 Team Leader Trading Standards & Licensing are responsible for delivery of their respective services in line with current corporate, regional and national priorities.

Presently there are 11 Environmental Health staff 10 are qualified to undertake food safety duties of which 6 FTE's work predominantly on Food Safety and three work on Health and Safety and Public Health related matters.

There are presently 1.5 FTE Officers undertaking duties relevant to food standards within Trading Standards. Environmental Health use the Public Health England Food, Water & Environmental Microbiology Laboratory via Good Hope Hospital, Sutton Coldfield for any samples taken. Trading Standards use Worcester Scientific Services for compositional food samples.

2.2 Structure of Service and Contact Details



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

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
10. A Responsible Authority in terms of licence applications.
11. Export Certificates for food & interventions relating to Imported Foods
12. Core member of Walsall Council Safety Advisory Group

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 Licences and Consents
3. Personal and Premises Licences for Alcohol

2.4 Demands on the Food Service

A profile of the 2036 food businesses registered with Walsall Council is as follows:

FSA CODE	PREMISES TYPE	NO. OF PREMISES
A	Primary Producer	19
C	Manufacturer and Packer	34
E	Importer/exporter	0
F	Distributors/transporters	43
G01	Supermarket/hypermarket	44
G02	Small retailer	450
G03	Other retailer	105
H01	Restaurant/cafe/canteen	279
H02	Hotel guest house	15
H03	Pub/club	225
H04	Takeaway	275
H05	Caring premises	141
H06	School/college	123
H07	Mobile unit	96
H08	Restaurant/caterer other	182
	Total	2036

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 33 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	2 establishments
R7	Manufacture and/ or placing on the market of feed materials	20 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.

2.5 REGULATION POLICY.

The Regulatory Services Enforcement Policy was approved by Cabinet on the 25th April 2018 it is available at this link <https://tinyurl.com/yb39zvt6>

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. 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 local 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. An annual desk top review of the services database including information sharing with Environmental Health and Licensing assists in clarifying 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 interventions

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 or E will receive an intervention based upon a number of factors including the overall pressures of the food service to deal with higher risk activity, their due date, complaints received, intelligence from other agencies, non compliance with a broader regulatory framework and regional/national project work.

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 18/19 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	24	91	226	187	243	759

It is anticipated that in line with figures from 2017/18 inspections that do not form part of the standard intervention programme may amount to

- 167 Unrated premises to analyse and resolve
- 234 New Food Business Registrations and Initial Inspections
- 62 Advisory visits and revisits to premises following an earlier intervention
- 31 premises from previous inspection period
- 17 Requests for new food advice
- 7 Sampling Visits
- 2 Imported food visits/issues

The estimated number of visits to food premises for 17/18 will be 1279

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 occurs which represents a significant hazard to 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
- 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.

Walsall Council implemented the Food Hygiene Rating Scheme on the 1st April 2011: 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	Number of Businesses					
	April 13	April 14	April 15	April 16	April 17	April 18
5 (Very Good)	328	373	585	565	679	725
4 (Good)	308	349	347	368	390	355
3 (Generally Satisfactory)	336	353	321	306	295	298
2 (Improvement Necessary)	130	121	98	91	91	89
1 (Major Improvement Necessary)	180	149	153	153	118	84
0 (Urgent Improvement Necessary)	10	8	15	11	8	8
% achieving satisfactory ratings	75.2	79.45	81%	83%	86.5 %	88.4 %

1775 businesses are recorded on the FHRs, 1559 are rated the other 216 being at present exempt, excluded, sensitive or awaiting inspection. Taking 3 and above as satisfactory then 88.4% of Walsall Businesses are at least satisfactory with 11.6% 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 2018/18 20 business owners requested revisits to check improvements they had made. No business appealed their Rating or requested that a Right to Reply was published.

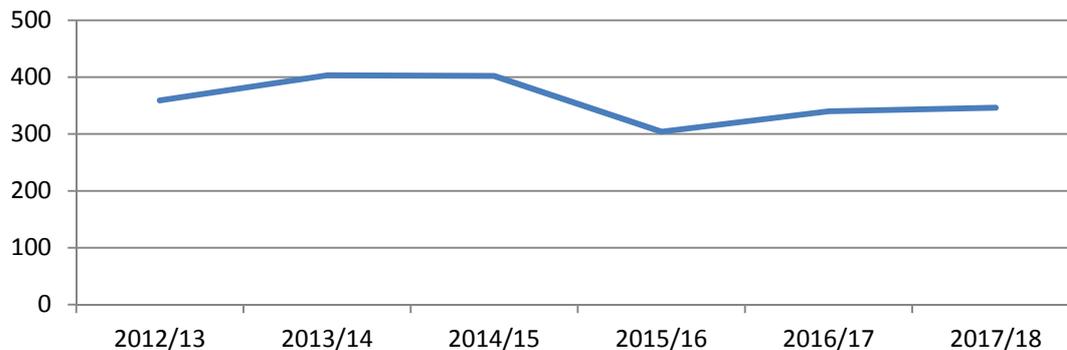
3.2 FOOD COMPLAINTS

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 346 complaints relating to the condition of food and concerns over food practices or the hygiene of food premises in 2017/18.

No of Complaints received regarding food or food hygiene at premises



Trading Standards received 108 food and drink related complaints and referrals. These ranged from out of date, misdescribed, contaminated and incorrectly labelled food to serious allergic reactions, false health claims, food fraud and 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 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 2nd 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 has the support of local authorities, 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 give advice 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 655 followers and over 2924 messages have been 'tweeted'.

The Trading Standards Twitter account @Savvyshopper6 has 342 followers and has tweeted 1725 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:

- To determine the current state of food safety in the Borough
- To improve the effectiveness of food hygiene inspections.
- To investigate suspect cases of food poisoning linked with local businesses.
- 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 2018/19 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.

11 manufacturers were visited between January 2018 and May 2018 and 80 samples taken or assessed. 65 samples were returned as satisfactory. Samples that were deemed unsatisfactory / borderline of acceptability were referred to EHO's for liaison with the business to make improvements to their practices and procedures.

1 sample from a sandwich manufacturer contained *Listeria monocytogenes* which is a dangerous pathogen. The manufacturer was visited and given advice on food handling practices. Follow up sampling took place and all of the samples were found to be satisfactory.

Samples were also taken from a food business involved in a suspected food poisoning outbreak. A prosecution case is pending.

During 2018/19 we plan to sample food manufactured at the following premises.

Company	Address	Food
Gormans Pork Pies	Bloxwich	Pork Pies
Timezone Ltd	Willenhall	Scotch Eggs
Midland Chilled Products		Cooked meat products
T C Morris	Willenhall	Pork pies
Coopers Butchers	Darlaston	Cooked meats
A E Poxon	Brownhills	Sausages
Madni 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 National Food Crime Unit, 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.



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.

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. From 2008 until funding ceased in 2017 the Service secured substantial grants from the Food Standards Agency to carry out sampling under their Imported Food Sampling Programme.

Food Standards Sampling Projects 2017-18

The Trading Standards service took 96 samples during 2017/18 with 57% being analysed as unsatisfactory. This resulted in several FSA incident reports, recalls and warning letters being issued. Many of these samples were taken covertly by Trading Standards Officers posing as customers. The most notable findings from the year's sampling projects include:

Rhodamine B in Asian sweets

As part of ongoing monitoring of the presence of an illegal, carcinogenic, industrial dye - Rhodamine B in brightly coloured Asian sweets, 4 retailers were visited and samples were taken. The results showed that only one retailer was selling a contaminated product. Follow up formal samples have been taken and formal enforcement action will result as necessary.

Goat meat substitution.

There is a continuing problem in some areas of the central England region with the passing off of mutton meat as goat. Goat meat can cost up to double that of mutton on the wholesale market and whilst most butchers do not openly sell goat meat when asked for it some will try and pass off mutton in order to ensure a sale. This year 4 butchers sold mutton as goat to undercover officers. None actually sold goat. Follow up formal samples have been taken and formal enforcement action will result as necessary.

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 in 3 out of 6 takeaway curry dishes sampled. Advice has been given to the businesses.

Allergens - 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 non Walsall based restaurateur for manslaughter.

This year undercover Trading Standards Officers acting as peanut allergy sufferers were sold meals contaminated with peanuts in 4 out of 9 Walsall takeaway/restaurants. This was an improvement on previous years and when follow up purchases were attempted all but 1 establishment was able to provide correct allergy advice to officers. Investigations are ongoing together with further advice to high risk businesses.

Allergens – Milk in takeaway Donner Kebabs.

Following the death of a non Walsall based allergy suffering teenager after eating a donner kebab contaminated with milk, undercover officers posing as milk allergy sufferers bought kebabs from 9 takeaways. Three of these kebabs were found to contain sufficient milk to cause a severe allergic reaction. Follow-up work found that 1 of the premises had come under new ownership since the adverse sample and 1 had changed supplier to a product that declared milk on the label. A formal sample of the raw, frozen product was taken from the third premises to establish whether the takeaway or the supplier were at fault. Results from this sample have not yet been received.

Lamb substitution in takeaway food.

Again this has been a high profile issue over recent years with 60% of lamb dishes sampled from Walsall caterers typically found to be adulterated with other meat species. Some of this has been down to contamination but there has also been a number of instances of food fraud where lamb dishes contained no lamb at all. Following a number of years of intensive business advice, including a regional project led by Walsall Trading Standards, compliance improved dramatically during 2017/18 with no intentional substitution found this year. There remains a high failure rate of contaminated/substituted minced lamb products such as kebabs but this is very often as a result of poor food information given by manufacturers or suppliers.

In order to help address the issues around misleading meat descriptions Walsall Trading Standards also led on a regional project investigating meat traceability at caterers and catering suppliers. The results of this project showed very poor compliance by smaller meat suppliers. In some cases the information provided to caterers did not even stipulate the species of meat being supplied. As many of these suppliers are outside the Borough referrals have been made to the appropriate Trading Standards authorities. Local caterers have been advised to ensure the necessary paperwork is obtained from suppliers and made available to food officers on request.

Fish substitution in takeaway food

As a result of a complaint investigated by Coventry Trading Standards, whereby a restaurant was passing off much cheaper fish as sea bass, Walsall Trading Standards sampled a number of salmon, seabass and trout meals from Indian takeaway/restaurants. 2 out of 8 meals (seabass and salmon) were found to contain cheaper fish than declared. Investigations are ongoing.

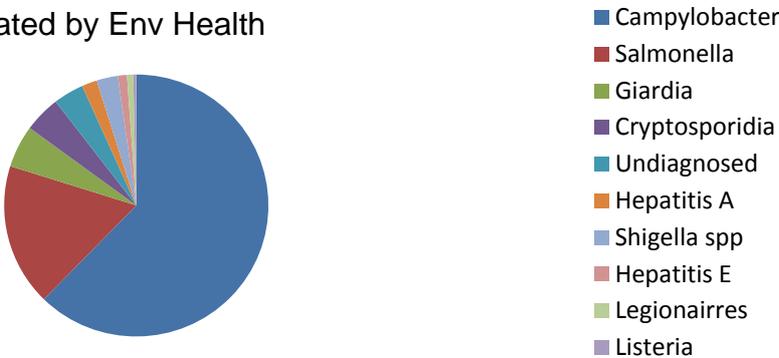
3.6 CONTROL & INVESTIGATION OF FOOD RELATED INFECTIOUS DISEASE

Public Health England (PHE) are 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 167 cases in the Borough with Salmonella accounting for 47 cases. There were two reports of outbreaks of disease to Environmental Health both of which required liaison with PHE however neither escalated into a full investigation. The first originated from outside the Borough but affected several persons within Walsall. The second was at a Care Home but required no major intervention. The service was also involved in discussions around a case of TB, fortunately health protection powers did not have to be enforced to ensure treatment or isolation of the patient.

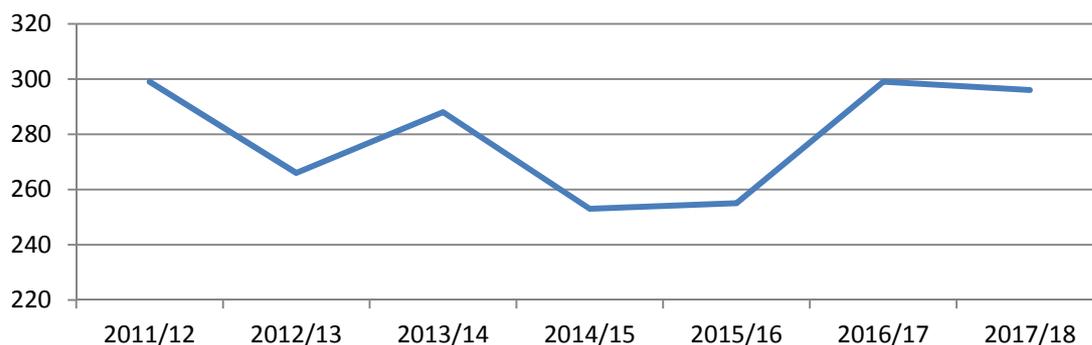
Breakdown of 273 infectious disease notified to and investigated by Env Health



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.

No of Infectious Disease Notifications by Year



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 2017/18 Trading Standards instigated 3 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 (FSA)
2. Public Health England (PHE)
3. Director of Public Health
4. Worcestershire Scientific Services – Public Analyst
5. Staffordshire Scientific Services - Public Analyst
6. Central England Trading Standards Authorities Management Board
7. Central England Env Health Management Board (CEEHMB)
8. Department of Health, DEFRA and the Animal and Plant Health Agency (APHA)

CEEHMB Food Liaison Group

This Group represents the seven West Midlands councils but is also linked by a coordinating board to Food Liaison Groups in Staffordshire and Shropshire, 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. Walsall's Food Standards Lead officer 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.

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. It is used as a vital tool for sharing intelligence and best practice, both regionally and nationally.

Rapid Alert System for Food and Feed (RASFF) and the European Commission.

This system provides food and feed authorities with an effective tool to exchange information about measures taken responding to serious risks. 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 2018 (4th June)

The focus this year was in relation to the work of the FSA staff and thousands of others across the food supply chain working behind-the-scenes to ensure that food is safe and what it says it is.

This wide range of people includes staff in abattoirs, and inspectors who visit vineyards, warehouses, cutting plants and dairies. It also reflected on the work done in partnership with local authorities, who are responsible for checking food safety and hygiene in more than 600,000 food businesses across the country like restaurants and caterers, issuing hygiene ratings under the Food Hygiene Rating Scheme.

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, safe summer food, BBQ's, picnic safety, Christmas food preparation etc.

Trading Standards Business News.

CEnTSA publish a quarterly online business newsletter covering a range of regulatory articles. Walsall Environmental Health and Trading Standards are regularly contributors notably for food safety, allergens, food labelling and have also recently contributed to articles in relation to waste duty of care, licensing of events and pest control.

The articles can be found at <http://tsbn.org.uk/>.

Health Switch Award

The Health Switch Award implemented using funding from Public Health during 18/19 has continued to grow and become more successful.

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.

150 takeaway premises are currently engaged on this programme 63 businesses have been issued Bronze Awards, 34 have been issued Silver Awards and 16 have been issued Gold Awards.

The award has developed since inception including

- A re -design of the resource pack to improve branding, data collection and evaluation including capturing the customers experience and impact.
- A soft play centre pilot is complete and a resource pack being developed based on the outcomes of the pilot.
- A mobile trader pilot is well under way the scope at the moment is looking at 45 premises with a variety of premises type and locations.
- We have had success working with the glebe centre who work with the more vulnerable residents of Walsall. We adapted the award to ensure that we could really make a difference to the service users understanding around the concepts of healthy eating on a tight budget and have produced a resource that we can use with other organisations.
- Created a YOUTUBE clip promoting the health switch award that has had 2333 impressions on twitter and 2.4k views on the councils face book page
- The team have identified an opportunity to work with a large midlands based sauce manufacturer that supplies many of our hot food takeaways with condiments such as ketchup, mayo, BBQ sauce etc. This manufacturer does not currently have any lower fat or sugar/salt options and the team have made initial contact and have had a favourable response with regards to being able to assist them with considering the benefits of looking at alternative formulations for their product.
- Piloting a new approach to recruit 20 premises with a scoring of 3 on the FHRS to increase their score and improve their nutritional offer to residents.

Two of the pilot premises have already reached bronze and we are currently at the point of having two of the pilot premises re-inspected to re rate them on the FHRS.

- Developed a resource leaflet around washing of chicken safely as certain groups still want to wash their chicken contrary to mainstream advice and this was identified by the team and therefore an advice leaflet was developed to minimise risk if people choose to do this.
- 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 17/18 and includes an estimate of its cost for 2018/19.

	17/18 Actual	18/19 Estimate
Staffing Costs	351,221	340,491
Support Services	0	0
Supplies and Services	28,440	29,645
Transport Costs	2,476	4,167
Income	(8,601)	(5,634)
Expenditure	373,536	368,669

4.2 STAFFING ALLOCATION

Environmental Health Trading Standards staff also undertake a great deal of work in relation 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 (7.1 FTE), 1 Food Safety Officer (0.5 FTE) and 1 Health and Safety Officer supervised by a Team Leader. The amount of resource dedicated to Food Safety equates to 6 FTE members of staff.

Trading Standards is delivered in one Borough-wide team of (figures are different to those listed in section 2.2) 4.2 FTE Senior TSO's, 3.1 FTE TSO's, 1 FTE Enforcement Officer and 1 Compliance Officer (0.5 FTE) supervised by a Team Leader. The amount of resource dedicated to Food Standards equates to 1.5 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 funding.

Income received from Public Health for commissioned work allowed two agency officers and a fixed term contract officer to be employed to assist in the provision of the Health Switch programme.

The qualifications and competency of food 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 FSA.

The Food Law COP has clarified the requirements for suitably qualified and competent officers and this will be reviewed each year. 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 are registered with the Environmental Health Officers Registration Board (EHORB). 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.

For both services the level of staffing allows for compliance with a basic statutory service or relevant and agreed national or regional priorities. 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 or other Local Authorities who have proven to be cost effective training suppliers. The FSA have recently withdrawn much of their free training due to their own budget constraints and so alternative providers will need to be sought. 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 2017/18

- Legalities and Technicalities of Food Law Enforcement
- Traceability e learning
- Licensing & Street Trading Training Workshop
- Outbreak Investigation and Management
- Vacuum Packing e learning
- HACCP for food standards

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.

It will 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 regular 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 Councils Internal Audit Team last inspected Environmental Health in 2012 giving an assurance level of Significant. Licensing are being Audited in 2018.

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.

Each May the Service provides data to the FSA through the LAEMS return. This data is scrutinised by the Agency and published on their web site.

6.0 WORKPLAN AND REVIEW

Action	Target		Action lead
Implement the Food Law Enforcement Service Plan	Target 18/19	<ul style="list-style-type: none"> Plan to be submitted to Cabinet & Council for approval Quarterly monitoring of the Plan shared with Management team and staff. 	David Elrington/ Stuart Powell/ Paul Rooney
	Review 17/18	<ul style="list-style-type: none"> Plan was not submitted due to time and resource pressures Food related matters were shared with EH and TS Teams also Health Protection Board and in Portfolio meetings. 	
Identify and carry out appropriate interventions at high risk premises in relation to food standards	Target 18/19	<ul style="list-style-type: none"> Premises requiring intervention to be agreed. 100% of identified high risk premises to receive an appropriate intervention 	David Elrington/ Stuart Powell
	Review 17/18	<ul style="list-style-type: none"> 100% of identified high risk premises received an appropriate intervention 	
Identify and carry out appropriate interventions at high risk premises in relation to food hygiene	Target 18/19	<ul style="list-style-type: none"> Premises requiring inspection to be agreed. 100% of premises receive a visit 	David Elrington/ Paul Rooney
	Review 17/18	<ul style="list-style-type: none"> Premises identified thorough standard inspection programme 96% of due premises received a visit 	
Maintain the Food Hygiene Rating System	Target 18/19	<ul style="list-style-type: none"> 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/ Paul Rooney
	Review 17/18	All complete – review of premises on going	

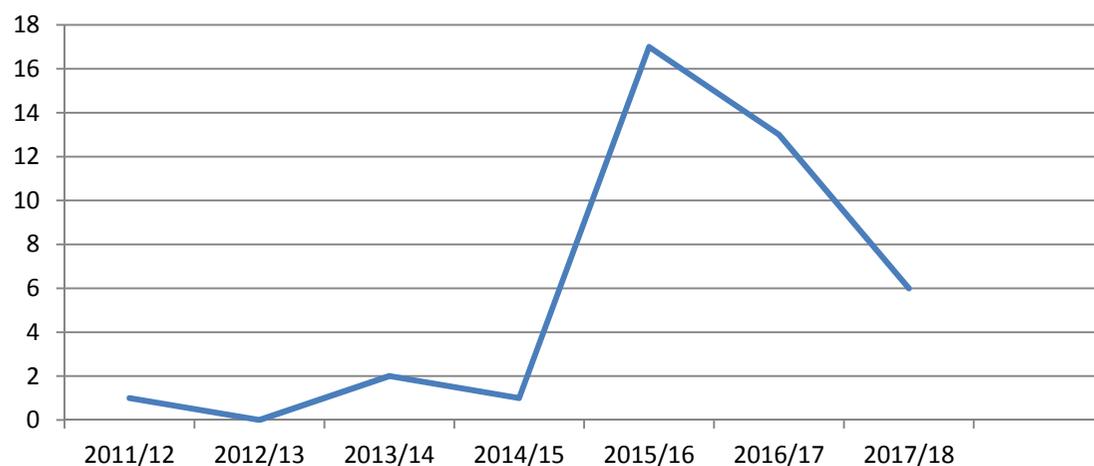
Implement the microbiological food sampling programme focusing on high risk premises and manufacturers	Target 18/19	<ul style="list-style-type: none"> • Premises requiring sampling to be agreed. • 100% of premises receive a sampling visit • 100% of premises where failures or issues identified receive a follow up intervention. 	David Elrington/ Paul Rooney
	Review 17/18	Complete	
	Review 17/18		
Implement the CEnTSA regional food standards sampling programme	Target 18/19	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/ Stuart Powell
	Review 17/18	Complete	
Implement a local food standards sampling programme	Target	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/ Stuart Powell
	Review 17/18	Complete	
Implement the FSA Feed delivery programme	Target	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/ Stuart Powell
	Review 17/18	Complete	
Respond to all disease notifications using timescales developed by PHE	Target	100% response within PHE recommended timescales	David Elrington/ Paul Rooney
	Review 17/18	91% of responses within timescales agreed water borne infection notifications lower than expected and monitoring required moving forward	

Respond to requests for advice and visits to new premises within 21 days.	Target	Number of responses Re-establish web authors and a quarterly check of business advice on walsall.gov.uk Regular Tweets of relevant business advice.	David Elrington/ Stuart Powell/ Paul Rooney
	Review 17/18	54 requests Web Authors were identified however there was slow progress with the web site update due to changes to incorporate the web site and additional training required etc. Regular tweets are successful.	
First Response to complaints about trading practices within service standards.	Target	100% response within standard timescales and completion of investigations within relevant timescales.	David Elrington/ Stuart Powell/ Paul Rooney
	Review 17/18	312 complaints received 84% responded to within current service standard. Occasional delays occur where staff receiving email complaints are on leave and emails stay in their inbox. Systems to overcome this are being considered and will be implemented.	
Continue the Health Switch project.	Target	Identify and work with businesses. Promote attainment of awards through the media.	David Elrington/ Paul Rooney
	Review 17/18	Complete	
Review training opportunities and number of CPD hours per Officer quarterly.	Target	Number of hours per officer and competency submissions submitted, reviewed and action determined.	David Elrington/ Stuart Powell/ Paul Rooney
	Review 7/18	Officers routinely carrying out official food safety controls completed minimum FSA core and non-core CPD requirements. Shortfall in CPD completed by Officers not routinely carrying out official food safety controls identified which will be addressed in training plan for 2018/19 to improve the resilience of the service.	

Prosecutions & Enforcement Actions 1/4/2016 – 31/3/2018

Date	Premises	Offences	Penalty
1/4/2016	Chipmaster, Walsall	Unhygienic premises	£8000 fine, £2977 costs, Company Director Community Service and £300 costs
16/5/2016	Spicy Land, Bloxwich	Unhygienic premises	£6000 fine, £600 Victim of crime surcharge £2204.5 costs
9/5/2016	Pizza Nizza, Walsall	Unhygienic premises	£3840 fine, £120 VOCS, £1609.51 costs
13/6/2016	A&S Supermarket, Walsall	Unhygienic premises	£840 fine, £40 VOCS, £400 costs
17/11/2016	New Wok, Walsall	Unhygienic premises	£1280 fine, £128 VOCS, £2131.18 costs
19/1/2017	Beijing House, Willenhall	Unhygienic premises	£400, VOCs £40, £1500 costs
24/1/2017	Dera, Walsall	Unhygienic premises	Simple Caution
26/1/2017	Freshco, Walsall	Failure to comply with a legal notice	Simple Caution
3/3/2017	Buceresti, Walsall	Unhygienic premises	£1800 fine, £180 VOCS, £2497.5 costs
4/5/2017	East End Tandoori.	Unhygienic premises	£2400 fine, £1615.80 costs, £40 Victim of crime surcharge
3/8/2017	Pizza Point.	Unhygienic premises	£960 fine, £48 Victim of crime surcharge £1837.92 costs
27/4/2017	High Street Cafe	Unhygienic premises	2 x Simple Cautions
17/8/17	FB Supermarket	Unhygienic premises	2 x Simple Cautions

No of Prosecutions or formal legal actions



2015 - 17 were very intense years from the perspective of enforcement. A larger than expected number of rodent infestations led to an increase in closures and subsequent prosecutions. Due to the time taken to bring prosecutions to court those started in one year are often concluded in the following year. The impact of this spike in 15/16 led to a review of enforcement principles and the service is now more experienced and efficient in dealing with such matters. Each case however is scrutinised before deciding upon an appropriate course of action.

During 2017/18 Environmental Health also dealt with:

- 93 planning applications
- 101 complaints about waste associated with commercial businesses
- 149 complaints of noise at commercial premises
- 28 concerns about H&S at food premises
- 6 Emergency Prohibition notices (Closure Notices) served against food premises that posed an imminent risk to health leading to 3 Emergency Prohibition Orders issued by the Magistrates Court.
- 32 Food Hygiene & Health and Safety Improvement Notices at food premises
- 10 Emergency Prohibition notices for Health & Safety matters at food premises often dangerous equipment

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 following inspections remain outstanding from 2017/18 at the time of drafting the report.

100%	A rated premises completed
4/106	B rated premises outstanding
6/291	C rated premises outstanding
7/248	D Rated premises outstanding
14/77	E rated premises outstanding

167 Unrated premises to be analysed and resolved

31 inspections (4%) outstanding and will added to the work programme for 18/19.

There are 167 unrated premises on the system. There will always be a number of unrated premises due to new premises opening and requiring their initial inspection and we have a better understanding of how to control this.

Cooperative working between Trading Standards, Environmental Health and Licensing will continue to stop the creation of duplicate premises and other anomalies which give the impression this number is worse than it actually is. Improvements to the services ICT system including linking to the corporate address gazetteer should also assist with reducing duplicate or inaccurately recorded premises.

The number of compliant businesses using the FHRS system is 88.4% this is lower than regional (93.5%) or national average (94.6%). We believe our figures are accurate and have been arrived at fairly. They have continued to improve each year since the start of the FHRS system. Walsall does have a higher number of total rated premises (88%) than is the regional (80%) or national (81%) average which is positive but may also affect our compliance figures.

6.3 Areas of Improvement

The following areas of improvement will be necessary in 18/19

1. Ongoing review of training and development needs in order to identify how staff can continue to be compliant with the Food Law Code of Practice Competency Framework.
2. Continue to review the various registration and licensing processes internally so that businesses are identified and recorded appropriately e.g. Street Trading Permits, Late Night Refreshment and Premises Licences, Food Registrations and that intelligence flows around the Regulatory Services appropriately and effectively.
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. Identifying efficient work methods to cope with diminishing resources
5. Ensure existing Feed Businesses are registered appropriately.