



**Walsall Council**

# **Food Law Enforcement Service Plan 2021-22**

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

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

- To protect the 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 refreshed Corporate Plan for 2021/22 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

[www.walsall.gov.uk/corporate-plan](http://www.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.
- 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**

- 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 the lives of people.
- 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.

## **Internal Focus – All council services are efficient and effective**

- We will work with internal partners to give advice and expertise in 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 and Walsall Proud Programme etc.

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

- The work we undertake has a bearing on the health of children, 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. Complaints and infectious disease incidents involving children would also receive a higher degree of response or scrutiny on the basis of a potential higher impact on their lives.

## **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.

## 2.0 BACKGROUND

### 2.1 PROFILE OF WALSALL MBC

Walsall is a unitary authority in the West Midlands region and has an estimated population of 286,700 (ONS 2020 Mid-Year Estimates). 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 Borough Local Economic Assessment, V1 July 2011*)

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 and 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. (*Walsall Borough Local Economic Assessment, V1 July 2011*)

The 2019 Index of Multiple Deprivation ranks Walsall as the 25th most deprived English local authority (out of 317), placing Walsall within the most deprived 10% of districts in the country. The labour market profile for claimants in Walsall show that 7% of the working population claim out of work benefits.

(<https://www.walsallintelligence.org.uk/home/demographics/deprivation/>)

(<https://www.nomisweb.co.uk/reports/lmp/la/1946157191/report.aspx#tabidbr>)

The Borough is ethnically diverse and people of Indian, Pakistani and Bangladeshi background form the largest minority ethnic groups 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. The number of non-UK born residents in Walsall increased by 3.7% (or 9,900 people) between the 2001 and 2011 censuses (see chart below) and Walsall now has a small Eastern European population who make up about 1% of the area residents (2,700 people in total).

(<https://www.walsallintelligence.org.uk/home/demographics/diversity/>)

In the past decade there has been a rapid change in the eating habits of the UK population with there being a considerable growth in the consumption of food from outside of the home. (*Rand Europe – Food Consumption in the UK 2020*) Studies have found that takeaway food outlets are often located in areas of higher socio-economic deprivation and that there is a strong association between deprivation and the density of fast food outlets, with more deprived areas having more fast food outlets per 100,000 population. (*Public Health England - Using the planning system to promote healthy weight environments, 2020*) There is also evidence that adults with lower income tend to consume more takeaway meals eaten at home , compared to those with higher income and that there is an evident health inequality (*Rand Europe – Food Consumption in the UK 2020*)

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 Council's constitution, Part 2, Article 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 Resilient Communities 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:

- Lead Officers for Food (Safety and Standards)
- 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

The Regulatory Services Manager (Business 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 are responsible for delivery of their respective services in line with current corporate, regional and national priorities.

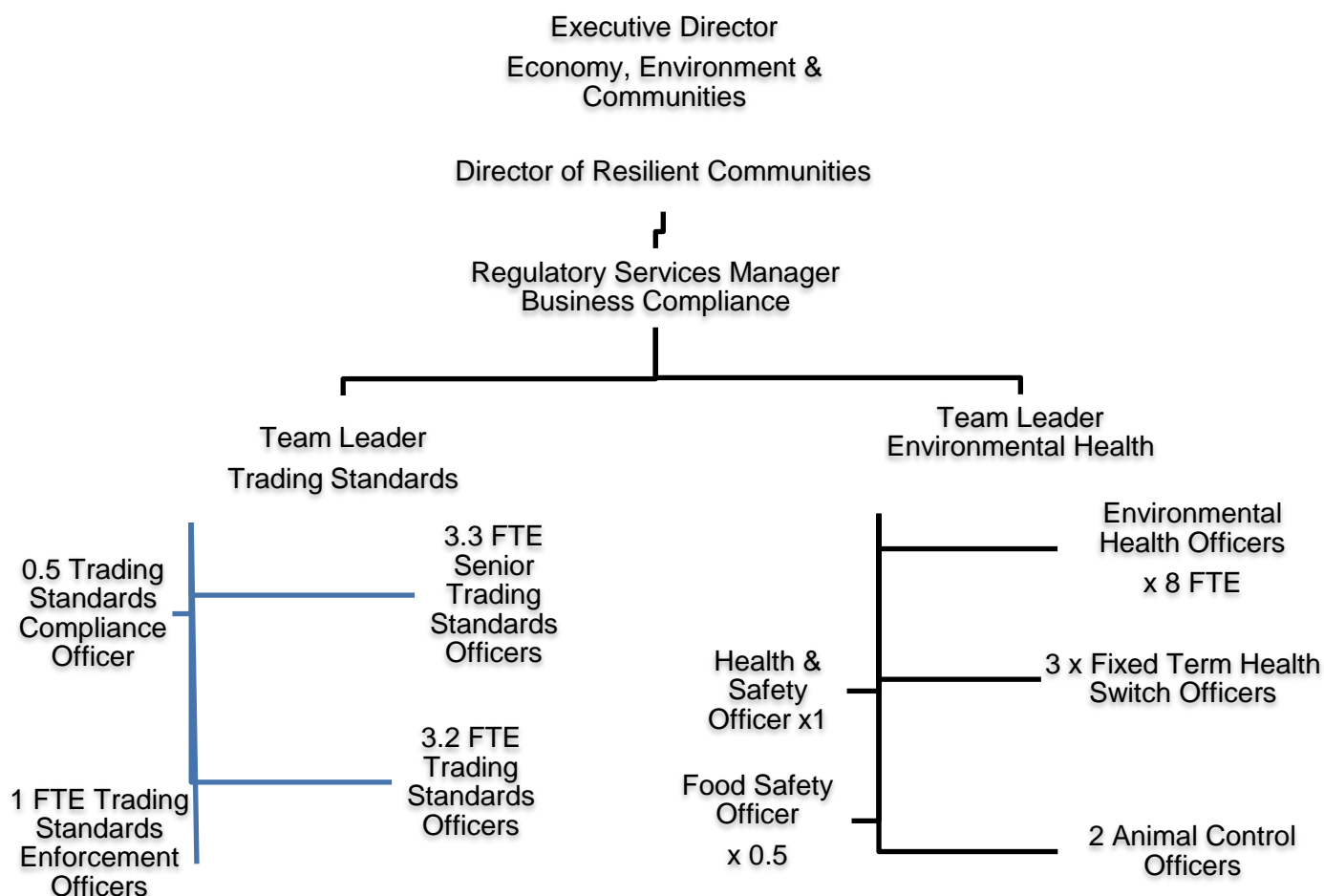
Presently there are 11 Environmental Health posts 10 require a qualification to undertake food safety duties of which 5.6 FTE's work predominantly on Food Safety, 2.5 FTE's work on Health and Safety related matters the remaining 2.9 FTE's work on animal licensing, nuisance, licensing and other regulatory activity.

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 and Environmental Microbiology Laboratory, London for any samples taken.

Trading Standards use Public Analyst Scientific Services (PASS) based in Wolverhampton for compositional analysis of food samples.

## 2.2 STRUCTURE OF SERVICE AND CONTACT DETAILS



Delivery of the Food Service	
<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="https://www.facebook.com/makemeasavvyshopper">www.facebook.com/makemeasavvyshopper</a> <a href="https://www.facebook.com/safeandsoundaroundtown">www.facebook.com/safeandsoundaroundtown</a> 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 and 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.
8. A Responsible Authority in terms of licence applications.
9. Underage sales of alcohol and tobacco.

**Licensing** regulate the following Food related matters:

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 2318 food businesses registered with Walsall Council is as follows:

FSA CODE	PREMISES TYPE	NO. OF PREMISES
A	Primary Producer	27
C	Manufacturer and Packer	42
E	Importer/exporter	0
F	Distributors/transporters	51
G01	Supermarket/hypermarket	42
G02	Small retailer	477
G03	Other retailer	93
H01	Restaurant/cafe/canteen	308
H02	Hotel guest house	12
H03	Pub/club	213
H04	Takeaway	327
H05	Caring premises	144
H06	School/college	128
H07	Mobile unit	117
H08	Restaurant/caterer other	337
	Total	2318

There are 23 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 25<sup>th</sup> 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. Additionally under the FSA's post covid Recovery Plan all premises identified as high risk will receive an intervention.

#### **Environmental Health Food Hygiene Interventions Risk-based Interventions**

During 2019–21, Environmental Health and Trading Standards Officers formed the backbone of the regulatory response to the Covid pandemic response at a local level. Staff

who did not form part of the local Covid response were restricted in the range of duties they could perform due to closure of large parts of the economy.

In recognition of the above the Food Standards Agency (FSA) allowed local authorities to depart from their normal statutory food hygiene intervention programmes which are based on the intervention rating scheme in the Food Law Code of Practice (the Code). Normally, the FSA requires local authorities to conduct interventions accordance with frequencies shown in the table below.

Category	Score	Minimum intervention frequency
A	92 or higher	At least every 6 months
B	72 to 91	At least every 12 months
C	52 to 71	At least every 18 months
D	31 to 51	At least every 24 months
E	0 to 30	A programme of Alternative Enforcement Strategies or interventions every three years

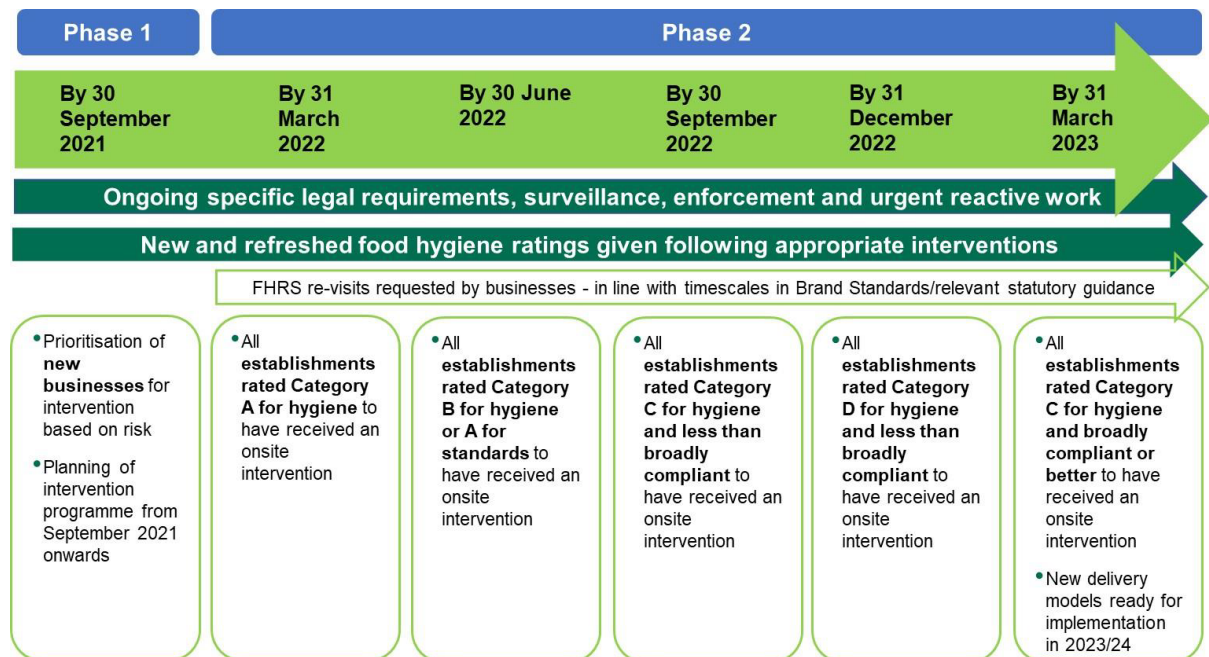
## Recovery Plan

The FSA recently introduced a Recovery Plan requiring local authorities to re-start their food hygiene intervention programme. The Recovery Plan will form the basis of the current Food Law Service Plan. A copy of the Recovery Plan is attached as **Appendix 1**. As a minimum the FSA expects local authorities to deliver official controls as set out in the plan. Additionally, planned interventions should meet the timelines specified for realigning with the requirement of the Food Law Code of Practice (the Code).

The FSA has written to the Chief Executives of English local authorities to draw their attention to the Recovery Plan and ask them to ensure that resources are in place and are protected for the future to allow its implementation. The letter states the importance of progressively shifting back to the delivery of food law regulatory controls to ensure business compliance with food law requirements and to safeguard public health in relation to food. It also reiterates that planned interventions and activities specified in the Recovery Plan are the minimum that local authorities need to undertake to fulfil their statutory duties in relation to food. A copy of this letter is attached as **Appendix 2**

The Recovery Plan is outlined in Figure 1 below and has two phases: Phase 1 (1<sup>st</sup> July to 30<sup>th</sup> September 2021) and Phase 2 (1<sup>st</sup> October 2021 to 2023/24).

**Figure 1 – Outline of Recovery Plan**



Phase 1 addresses the initial inspection of new food businesses which have substantially increased during the pandemic. Currently, there are 327 new business awaiting an initial on-site inspections. During Phase 1 the authority will be expected prioritise new businesses for intervention and to plan an intervention programme for new businesses to run from 1<sup>st</sup> October 2021 onwards.

The authority has obtained grant funding from the FSA to assist it to implement Phase 1. The funding has been provided to employ an administration officer to contact, triage and prioritise new food businesses for an initial on site visits. The administration officer will be employed from August to October 2021.

The breakdown of the type of new food businesses awaiting an initial inspection are shown in Table 2. There is a substantial number of restaurants, takeaways and small retailers which are likely to be identified as a high priority for inspection. Consequently, these would increase the pressure on the service during Phase 2 when local the authority must implement an ongoing programme of inspections of unrated businesses alongside a programme of planned routine interventions for established businesses.

**Table 2 – Businesses Awaiting Inspection**

<b>Businesses Awaiting Inspection (14<sup>th</sup> October 2021)</b>	
Small Retailer	47
Mobile Food Unit	21
Restaurant/Cafe/Canteen	35
Take-Away	40
Pub/Club	10
Caring Premises	6
Restaurant/Caterer - Others	142
Distributors/Transporters	5
School/College	2
Retailer - Other	3

## **Phase 2 of the Recovery Plan**

Phase 2 sets deadlines for the authority to complete on-site interventions for all establishments rated A, B, C (less than Broadly Compliant), D (less than Broadly Compliant) and C (Broadly Compliant). The number of these businesses are shown in Figure 1. Consequently, during the remainder of 2021/22 and during 2022/23 the authority must undertake more than 600 on-site interventions to established businesses. It must also deliver an ongoing programme of initial on-site visits in respect of 320 new businesses awaiting an initial inspection. Additionally, the number of required on-site visits will be augmented by new food businesses which register during this period. On average the authority receives 300 new registrations of food businesses per annum.

In addition to implementing the Recovery Plan the service will have to, during the same period, respond to food related complaints and enquiries concerning food, food borne diseases, premises and practices. During 2020/21 responded to 323 such complaints and enquiries.

## **Prioritisation**

Although guided by the FSA during the emergency period in general terms the authority's response to incidents remains as below. 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 1<sup>st</sup> 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 2013	April 2014	April 2015	April 2016	April 2017	April 2018	April 2019	April 21
5 (Very Good)	328	373	585	565	679	725	751	785
4 (Good)	308	349	347	368	390	355	349	372
3 (Generally Satisfactory)	336	353	321	306	295	298	307	294
2 (Improvement Necessary)	130	121	98	91	91	89	67	51
1 (Major Improvement Necessary)	180	149	153	153	118	84	75	54
0 (Urgent Improvement Necessary)	10	8	15	11	8	8	4	1
% achieving satisfactory ratings	75.2	79.5	81	83	86.5	88.4	90.6	92.9

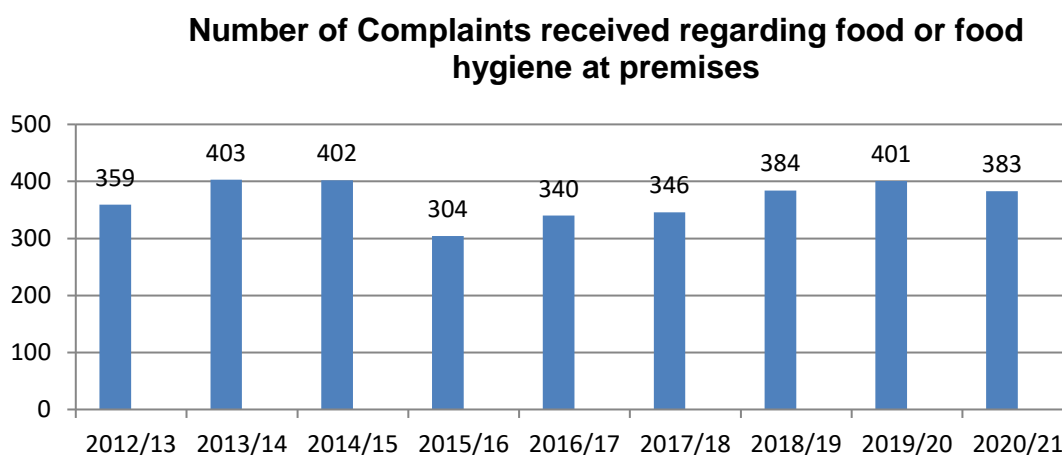
2072 businesses are recorded on the FHRS, 1557 are rated the other 515 being at present exempt, excluded, sensitive or awaiting inspection. Taking 3 and above as satisfactory

then 92.9% of rated Walsall Businesses are at least satisfactory with 7.1% 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.

### **3.2 FOOD COMPLAINTS**

Complaints are prioritised on the basis of 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. To allow staff to focus on areas of highest priority information will be made available to complainants on actions they may be able to take to resolve low risk complaints.

Environmental Health received 401 complaints relating to the condition of food and concerns over food practices or the hygiene of food premises in 2019/20 and 383 in 2020/21.



Trading Standards received 122 food and drink related complaints in 2019/20 and 92 in 2020/21 relating to out of date, food fraud, improperly described, contaminated and incorrectly labelled food.

### **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 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 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 have 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. Additional work is needed to update and amend older information in line with proposals set out in Walsall Councils Proud Programme work streams.

Where possible advice is given to businesses before they commence 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 974 followers and over 3000 messages have been 'tweeted'.

The Trading Standards Twitter account @Savvyshopper6 has 492 followers and has tweeted over 2600 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 will be taken by qualified staff.

#### **Sampling Programme 2018/19 Manufacturers selling mainly by retail.**

No food sampling has been undertaken during the period of restrictions due to COVID19. With the various backlogs of inspections and capacity within the team proactive microbiological sampling will not be undertaken during 2021-22.

Should an outbreak of food borne disease or some major issue be identified at a manufacturer or other food business Officers will undertake relevant reactive sampling.

The situation will be reviewed for the financial year 2022-23 and should sufficient capacity be available to carry out proactive sampling this will be implemented otherwise the service will continue with reactive sampling in response to specific issues.

#### **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.

### **Food Standards Sampling Projects 2019 -21**

The Trading Standards service took 85 samples during 2019/20 and 17 samples during 2020/21 with 40% being analysed as unsatisfactory, including issues with undeclared allergens, labelling, nutrition declaration, misleading claims, and deficient meat contents.. This resulted in several recalls, warning letters and formal cautions. Many of these samples were taken covertly by Trading Standards Officers posing as customers.

### **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 a number of takeaways. Many of these samples were analysed and found to contain milk so further samples were taken of the raw kebabs supplied to the takeaways.

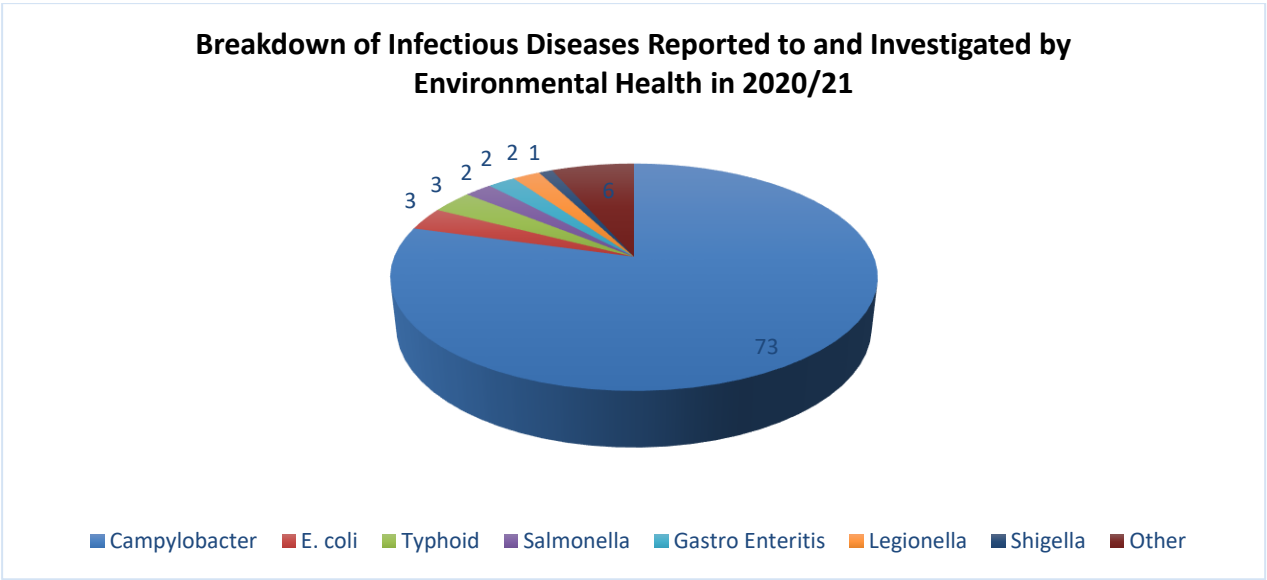
These raw kebabs were also found to contain milk that wasn't declared on the ingredients list. The resultant follow-up work and corrective actions taken by the manufacturers has helped to ensure that takeaways throughout the region can provide accurate allergen information to their customers.

**3.6 CONTROL AND 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.

Campylobacter remains the primary pathogen with 73 notified cases in the Borough. A breakdown of all notified cases of infectious diseases in 19/20/21 is shown in the pie chart below. During 2020/21 the service also received allegations of food poisoning where people claim to have been ill but have not had a formal diagnosis. This led to an additional 73 cases of potential food poisoning highlighting the large amount of undiagnosed food borne illness that may be present in society but not formally identified and recorded.

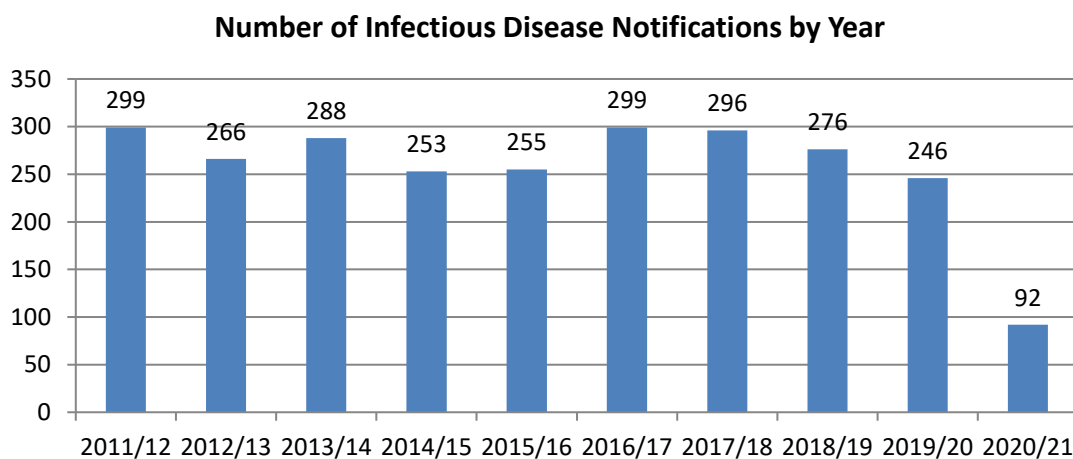


Responses to infectious disease notifications are measured against the PHE document - Roles and Responsibilities for Investigation of Gastrointestinal Infectious Diseases. Having no specific out of hour's duty staff for responding to infectious disease notifications

does however pose a difficulty in dealing with emergency notifications i.e. those required within 24 hours.

This issue is currently addressed by invoking the Emergency Planning procedure of identifying and contacting relevant Senior Managers. The services response rate to infectious disease notifications which is agreed with Public Health England currently stands at 90%

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.



The COVID pandemic clearly had a major impact on the number of reported gastrointestinal illnesses during 2020-21 due to home working, closure of the hospitality sector, GP surgeries restricted and emphasis by PHE and others on the pandemic response. The total number of notifications received in 2020/21 was 92 compared to 246 in 2019/20 and 276 in 2018/19.

### **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 2018/19 Trading Standards instigated 2 food alerts and corresponding product withdrawals

### **3.8 LIAISON 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. Eurofins – Public Analyst
5. Central England Trading Standards Authorities Management Board
6. Central England Environmental Health Management Board (CEEHMB)
7. 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 EU 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. However, the EU-UK trade agreement does not provide the UK with access to the RASFF but it does ensure exchange of food safety information which the FSA can then use as part of its incident detection and management system.

### **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.

### **Walsall Council Safety Advisory Group**

A Representative from Environmental Health, Trading Standards and Licensing attends the Safety Advisory Group to provide advice and direction to event organisers so that events are run safely – food safety is a significant part of the application form and discussions at the meetings.

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

Most of the focus for Environmental Health since 2019 has been COVID 19 messaging. However from Autumn 2021 normal service will be resumed with focus on core areas of work

### **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.

## **Presentations**

From time to time and where resources allow staff will carry out presentations to schools, colleges or other forums to promote the work of the service and the profession.

## **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 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 is implemented using funding from Public Health and has continued to grow and become more successful each year since it began.

The service will again aim to work closely with businesses to ensure that 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.

Activity in relation to the award scheme was significantly curtailed over the last 18 months due to the restrictions placed on businesses during the pandemic. Moving forward the team is implementing a recovery plan to support businesses. During the restrictions the team took the opportunity to revitalise and review all the resources associated with the award scheme and has developed a comprehensive new resource pack and associated promotional material for future use.

It is envisaged that by achieving the award local publicity may heighten public interest in the businesses as well as encouraging other businesses to enrol onto the scheme leading to a greater roll out.

During 2021/22 the team's priorities are:

- Working with the providers of soft play, sports club and children's after school activities using a bespoke young person's pack in order to encourage greater provision of healthier choices for children and younger persons when they snack or eat out.

- Whilst working jointly with Clean and Green and Public Health, in relation to events and festivals, mobile traders will be prioritised to ensure that healthier alternatives are available wherever possible.
- The development of YOU TUBE clips has continued and additional clips to encourage and support healthier food preparation techniques and choices have been added.
- The premises mentoring scheme for those premises achieving a 3 on the FHRS scheme will continue to be rolled out. This initiative which involves mentoring and supporting businesses to improve their FHRS rating alongside the Health Switch offer is very popular with businesses wishing to improve their offer and appeal to customers.
- The Health Switch team have adopted and actively promote the Refill Scheme which is a campaign run by Severn Trent Water and the City to Sea organisation. The campaign aims to reduce plastic pollution by making it easier to reuse and refill your bottle with free tap water rather than buying a new one. It also supports healthier lifestyle choices by encouraging people to consume more water. The team continue to promote this scheme to all businesses' they work with.
- The team have developed a bespoke resource and scheme to work with organisations that work with older and vulnerable people this includes support and resources for organisations working with these groups, carers and individual's to promote the making healthier choices. This will be piloted during 2021/22.

## 4.0 RESOURCES

### 4.1 FINANCIAL ALLOCATION

The table below shows the cost of Food Safety for 2019/20, 2020/21 and includes an estimate of its cost for 2021/2022.

	<b>2019/20</b>	<b>2020/21</b>	<b>2021/22 Estimate</b>
Staffing Costs	342,660	363,914	346,392
Support Services	0	0	0
Supplies and Services	24,672	26,152	27,721
Transport Costs	3,262	1,274	3,572
Income	-6,742	-4,479	-8,118
<b>Expenditure</b>	<b>363,852</b>	<b>386,861</b>	<b>369,567</b>

## **4.1 STAFFING ALLOCATION**

Environmental Health and 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.

The Team Leader Environmental Health and Team Leader Trading Standards are responsible for delivery of their respective services in line with current corporate, regional and national priorities.

Presently there are 11 Environmental Health posts 10 require a qualification to undertake food safety duties of which 5.6 FTE's work predominantly on Food Safety, 2.5 FTE's work on Health and Safety related matters the remaining 2.9 FTE's work on animal licensing, nuisance, licensing and other regulatory activity.

Trading Standards is delivered in one Borough-wide team of 3.3 FTE Senior TSO's, 3 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 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 funding.

Income received from Public Health for commissioned work allowed three fixed term contract officers 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 described above 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 Performance Conversations where action plans including training requirements are drawn up for each staff member. These reviews will take account of the 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 be 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 has recently withdrawn much of its 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**

- Legalities and Technicalities of Food Law Enforcement
- Traceability e learning
- Licensing & Street Trading Training Workshop
- Outbreak Investigation and Management
- Vacuum Packing e learning
- Nutritional Health Claims
- Food Allergens
- Labelling and Compositional 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 national and regional standardisation exercises, benchmarking and peer reviews as and when 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 Law Enforcement Service Plan process.

The Councils 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.

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. For the pandemic period 2020/21 no LAEMS returns were required however basic information was provided to the FSA for a more superficial review of activity.

In October 2019, the Food Standards Agency contacted Walsall Council asking for reassurance in relation to the outstanding inspections from the 2018/19 service plan and LAEMS return. A full response was made and was positively received by the Agency who also asked for examples of work undertaken at Walsall as case studies that may be useful for other authorities with similar burdens.

## 6.0 WORKPLAN AND REVIEW

Action	Target		Action lead
Implement the Food Law Enforcement Service Plan	Target 21/22	<ul style="list-style-type: none"> <li>Plan to be submitted to Cabinet &amp; Council for approval</li> <li>Quarterly monitoring of the Plan shared with Management team and staff.</li> </ul>	David Elrington/ Stuart Powell/ Paul Rooney
	Review		
Identify and carry out appropriate interventions at high risk premises in relation to food standards	Target 21/22	<ul style="list-style-type: none"> <li>Premises requiring intervention to be agreed.</li> <li>100% of identified high risk premises to receive an appropriate intervention</li> </ul>	David Elrington/ Stuart Powell
	Review		
Comply with the requirements of the FSA Recovery Plan	Target 21/22	<ul style="list-style-type: none"> <li>Premises requiring inspection to be identified.</li> <li>100% of premises identified to receive a visit</li> </ul>	David Elrington/ Paul Rooney
	Review		
Maintain the Food Hygiene Rating System	Target 21/22	<ul style="list-style-type: none"> <li>Fortnightly uploads to the national database</li> <li>Results reported back to Inspecting officers</li> <li>All appeals dealt with in compliance with the brand standard.</li> </ul>	David Elrington/ Paul Rooney
	Review		

Carry out a reactive microbiological food sampling programme focusing on high risk premises and manufacturers	Target 21/22	<ul style="list-style-type: none"> <li>100% of premises where failures or issues identified receive a follow up intervention.</li> </ul>	David Elrington/ Paul Rooney
	Review		
Implement the CEnTSA regional food standards sampling programme	Target 21/22	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		
Implement a local food standards sampling programme	Target 21/22	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		
Implement the FSA Feed delivery programme	Target 21/22	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		
	Target 21/22	100% response within PHE recommended timescales	David Elrington/

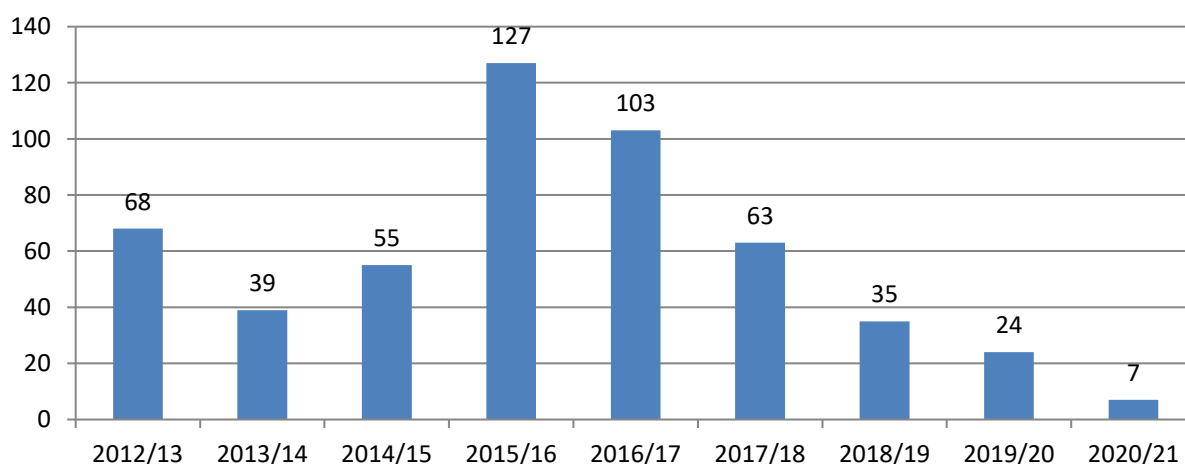


Respond to all disease notifications using timescales developed by PHE	Review		Paul Rooney
Respond to requests for advice and visits to new premises within 21 days.	Target 21/22	Number of responses Re-establish web authors and a quarterly check of business advice on walsall.gov.uk Regular Tweets of relevant business advice.	David Elrington/ Stuart Powell/ Paul Rooney
	Review		
First Response to complaints about trading practices within service standards.	Target 21/22	100% response within standard timescales and completion of investigations within relevant timescales.	David Elrington/ Paul Rooney
	Review		
Continue the Health Switch project.	Target 21/22	Identify and work with businesses. Promote attainment of awards through the media.	David Elrington/ Paul Rooney
	Review		
Review training opportunities and number of CPD hours per Officer quarterly.	Target 21/22	Number of hours per officer and competency submissions submitted, reviewed and action determined.	David Elrington/ Stuart Powell/ Paul Rooney
	Review		

## Prosecutions and Enforcement Actions 1/4/2019 – 14/10/2021

Date	Premises	Offences	Penalty
<b>Prosecutions</b>			
10 <sup>th</sup> March 2021	The Drink Shop	Infestation and unhygienic conditions	£6400 fine, £181 victim surcharge and £2149 costs. (Total = £8,730
27 <sup>th</sup> February 2020	New Kebab Ranch	Infestation and unhygienic conditions	£480.00 fine, £480 victim surcharge and £1,021.81 costs. (Total = £1,549.81)
<b>Simple Cautions</b>			
5 <sup>th</sup> February 2020	Uppal Discount	Infestation	
<b>Closures</b>			
16 <sup>th</sup> August 2021	Dixy Chicken	Infestation	
14 <sup>th</sup> November 2019	Uppal Discount	Infestation	
29 <sup>th</sup> October 2019	The Drink Shop	Infestation	
20 <sup>th</sup> May 2019	New Kebab Ranch	Infestation	

**Number of Prosecutions or Formal Legal Actions**



## Prosecutions and Enforcement Actions 1/4/2019 – 14/10/2021 (Trading Standards)

Date	Premises	Offences	Penalty
<b>Prosecutions</b>			
16 <sup>h</sup> January 2020	Hot Chilli	Allergens	£1332.00 fine, £133 victim surcharge and £1,500 costs. (Total = £2965)
12 <sup>h</sup> December 2019	Warszawa	Unsafe food past it's use-by date	£1460 fine, £73 victim surcharge and £700 costs. (Total = £2233)
<b>Simple Cautions</b>			
20 <sup>th</sup> May 2019	One Stop /Darlaston Post Office	Unsafe food past it's use-by date	
19 March 2020	M&T Supermarket	Unsafe food past it's use-by date	

### 6.1 REVIEW AGAINST THE SERVICE PLAN

The delivery Food Safety service has been restricted since March 2020 by the Covid-19 pandemic. In order to provide a regulatory response to the pandemic it was necessary to create a Covid team which included Officers deployed from the food team. Officers who remained in the food team were restricted in the range of duties they performed as large parts of the economy were closed and because of the constraints of Covid-19 control measures. Consequently, the normal statutory food hygiene inspection programme was not implemented.

The Food Safety service delivered controls and activities prioritised by the FSA aimed at providing immediate/short responses to the pandemic including ongoing proactive surveillance through remote assessments to identify the status of businesses and changes in operation, activities or FBO. Appropriate interventions including visits were undertaken when public health concerns were identified. Additionally, urgent reactive work including the investigation food incidents/complaints and foodborne disease outbreaks and the proactive checking food businesses with Food Hygiene Ratings of 0, 1 or 2 were undertaken.

The pandemic had an unprecedented impact on the nature and quantity of outputs reported by Environmental Health for 2020/21 which included the following:

- 120 remote assessments of food businesses with food hygiene ratings of 0, 1 or 2.
- 10 assessments of overdue Category A and B food businesses.
- 21 programmed inspections of food businesses
- 83 initial inspections of unrated food businesses.
- 89 planning applications
- 5 Health and Safety Prohibition Notices for Health and Safety at food premises mainly relating to dangerous equipment
- 1 Health and Safety Improvement Notice at a food premises
- 388 new registrations of food businesses

Following the easing of restrictions the FSA introduced its national recovery plan in July 2021 setting out timelines for official controls local authorities must deliver in order to re-set their food hygiene intervention programmes. Consequently, the designated Covid-19 team was discontinued (subject to review) and the full Environmental Health team re-established. The response to the Recovery Plan included the appointment of a FSA funded Administration Officer to triage and prioritise unrated food businesses for inspection for a two month period during August and September 2021, the recommencement of the prioritised inspection of Category A and B and unrated food businesses as required by the Recovery Plan.

## **6.2 IDENTIFICATION OF ANY VARIATION FROM SERVICE PLAN**

2020/21 has been a challenging year and the Covid-19 pandemic severely restricted the implementation of the Service Plan in respect of food hygiene interventions. The adverse impact is reflected by there currently being 326 unrated businesses and 500 category B and C inspections that would have been due in a pre-Covid 19 risk based inspection regime. By the introduction of its Recovery Plan the FSA has recognised that this is a national issue and has set out its minimum expectations for local authorities to re-set their food hygiene intervention programmes. Therefore, the Recovery Plan will form the basis of the Walsall 2021/22 Food Law Service Plan.

In order to address the variation from the 2020/21 Service Plan and to implement the Recovery Plan Environmental Health has contacted unrated food businesses and completed **????I telephone questionnaires** which have been used to prioritise their inspection. Additionally, Environmental Health has aligned its intervention with Phases 1 and 2 of the Recovery Plan which is effective from 1<sup>st</sup> August 2021 until 31<sup>st</sup> March 2023

Cooperative working between Trading Standards, Environmental Health and Licensing will continue to stop the creation of duplicate premises and other anomalies

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 91% this is lower than regional (94.1%) or national average (95.4%). 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 (84%) than is the regional (78.5%) or national (81%) average which is positive but may also affect our compliance figures.

For 2021/22 the following strains on the service have been identified:

- The necessity for the authority to undertake Covid-19 regulatory enforcement resulted in some Officers from Environmental Health being taken away from food safety duties and temporarily deployed in a Covid-19 team.
- Following the retirements of an EHO and a Food Safety Officer during 2021/22 it is not possible to recruit for their full time posts before the process of restructuring in Regulatory Services completed. In the interim it is hoped to mitigate their loss by the recruitment of an agency member of staff.
- Fewer inspections undertaken during the pandemic is expected to result in a deterioration of hygiene standards in some businesses and is cause for concern. This could require increased formal enforcement action including closures (HEPN) and prosecutions. Although formal enforcement action is a key component of the Food Law Service Plan it has a major impact on programmed inspection work. It is estimated that closures and prosecution equate to 30 or more programmed inspections. However, it is considered that they are equally, if not more, significant than programmed work since they identify and tackle the most serious premises or products.
- The 'churn' of Food Businesses is an issue within Walsall where more than 10% of businesses change hands in any given year – some businesses change hands 2-3 times per year. Whilst this can lead to improvements in the operation of a business (if investment is made) it can also lead to inconsistent approaches, poor compliance levels and a decline in standards which the officers must repeatedly deal with.
- The development and introduction of protocols to deal with allergens will be an ongoing issue during 2021/22 because their implementation will increase the time to complete inspections undertaken in accordance with the Recovery Plan. Additionally, the introduction in October 2021 of a law on allergen labelling for pre-packed foods

for direct sale has increased regulatory controls that have to be verified during inspections.

- The authority has been engaged in a transformation programme aimed at making it more able to respond to future and ongoing challenges. However, the implementation of the programme has yet to benefit the food service and make a positive impact on service delivery.

Actions to mitigate these strains during 2021/22 have been identified as follows:

- The introduction of the FSA's Recovery Plan in July 2021 mitigates some the adverse impacts of Covid-19 through the suspension of the implementation of the normal statutory risk based programme required by the Food Law Code of Practice and enables local authorities to resume food inspections in accordance with a phased plan.
- The cessation of the designated Covid-19 team in late August 2021 and the consequent return of Officers from this team to Environmental Health has increased the capacity to undertake food hygiene inspections.
- As an interim measure it is planned to mitigate the vacancies arising from the retirements of an EHO and a Food Safety Officer by the recruitment of an agency member of staff to undertake food inspections.
- The shortfall in inspections has been identified on the Services Risk Register in terms of the impact it could have in terms of the view of the Food Standards Agency but also in terms of the impact on traders and the public.
- The shortfall in inspections has been reported to the Health Protection Forum which meets to provide assurance to the Director of Public Health that the health of the public in Walsall is being adequately safeguarded.
- Matters relating to food safety are regularly discussed and updates provided at monthly Portfolio Holder meetings where service and senior managers and the elected member for this area of work meet to discuss issues within the service.

### **6.3 AREAS OF IMPROVEMENT**

In addition to those activities that will mitigate strains on the service the following areas of improvement or activities will be necessary in 2021/22:

- Reducing the administrative burden of food inspections by reviewing and streamlining inspection protocols, developing documentation to expedite the preparation of inspection reports and facilitating a greater use of electronic filing systems.
- Develop, implement and monitor an inspection plan for unrated new food businesses using intelligence gained from the Phase 1 triaging and prioritisation exercises required by the FSA's Recovery Plan.
- Continue to monitor and develop a priority rating/intelligence based system for existing businesses that can be used to target work effectively taking into account statutory responsibilities in relation to the Recovery Plan, Food Law Code of Practice and FHRS Brand Standard
- 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. Specifically during 2021/22 focussed training and policy development is needed around allergens
- 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.
- Identifying efficient work methods to cope with diminishing resources using resources available as part of the Proud Programme – customer contact, income, IT development, Resilient Communities.
- Continue developing relationships with other services and partners to assist with identification of Modern Day Slavery and human trafficking and other community safety priorities.
- Keeping updated and in a state of readiness for the Commonwealth Games.