



**Walsall Council**

# **Food Law Enforcement Service Plan 2023-24**

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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 Council Plan for 2022/25, which sets out the Council's ambitions until 2025. It sets out outcomes and explains how progress towards their achievement will be measured. The Plan is aligned to the Council's four-year Budget Plan and has the following key areas of focus:

**Economic** - Enable greater local opportunities for all people, communities and businesses

**People** - Encourage our residents to lead more active, fulfilling and independent lives to maintain or improve their health and wellbeing

**Internal focus** - Council services are customer focused effective, efficient and equitable

**Children** - Have the best possible start and are safe from harm, happy, healthy and learning well

**Communities** - Empower our communities so that they feel they are connected and belong in Walsall, creating safe and healthy places whilst building a strong sense of community

The plan can be viewed via the following link:

<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** - Enable greater local opportunities 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** - Encourage our residents to lead more active, fulfilling and independent lives to maintain or improve their health and wellbeing

- 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 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** – Council services are customer focused effective, efficient and equitable

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 possible 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** - Empower our communities so that they feel they are connected and belong in Walsall, creating safe and healthy places whilst building a strong sense of community

- 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. The Census 2021 reported that its population size has increased by 5.5%, from around 269,300 in 2011 to 284,100 in 2021. 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*)

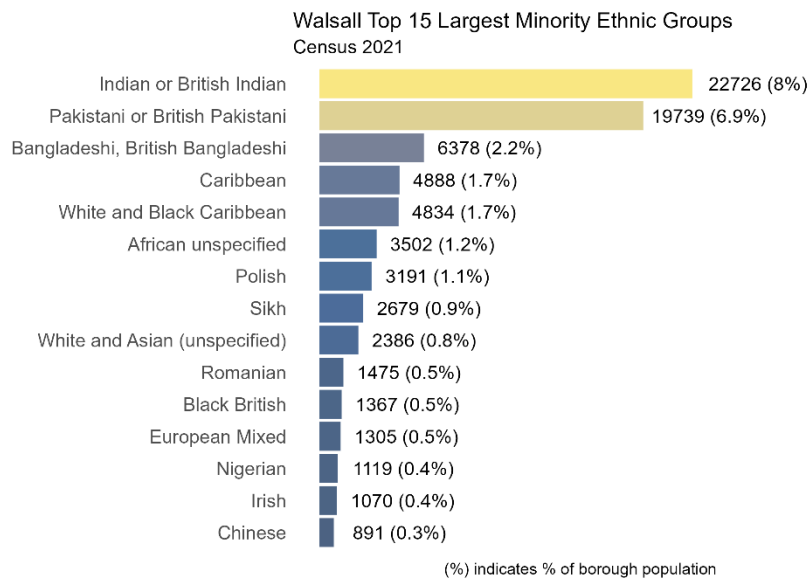
The 2019 Index of Multiple Deprivation ranks Walsall as the 25th most deprived English local authority (out of 317), placing Walsall within the most deprived 10% of districts in the country. The labour market profile for claimants in Walsall (May 2023) show that 5.7% of the working population claim out of work benefits compared to 4.9% in the West Midlands and 3.7% in Great Britain.

[\(https://www.walsallintelligence.org.uk/home/demographics/deprivation/ \)](https://www.walsallintelligence.org.uk/home/demographics/deprivation/)

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

Walsall is a culturally diverse town where people of Indian, Pakistani and Bangladeshi background form the largest minority ethnic groups. White British comprise the largest ethnic group at approximately 67.4% of the borough population, and more broadly the wider White ethnic category at 71.4%. Minority ethnic groups have seen substantial increases,

now accounting for 32.6% (1 in 3) of Walsall's population, compared to 23.1% (1 in 4) a decade prior in 2011. The chart below visualises this in greater detail.



Minority ethnic groups are highly concentrated in certain parts of the borough, predominantly in Southern and Central Walsall (wards including Pleck, Palfrey St. Matthews, Paddock and southern Birchills Leamore).

[\(https://www.walsallintelligence.org.uk/home/demographics/diversity/\)](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 Head of Community Safety and Enforcement 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 permanent Environmental Health posts, of which 10 require a qualification to undertake food safety duties of which 5.7 FTE's work predominantly on Food Safety, 2.02 FTE's work on Health and Safety related matters the remaining 2.3 FTE's work on animal licensing, nuisance, licensing and other regulatory activity. Additionally, 1 FTE Food Safety Support Officer undertakes food safety duties and is subject to a temporary



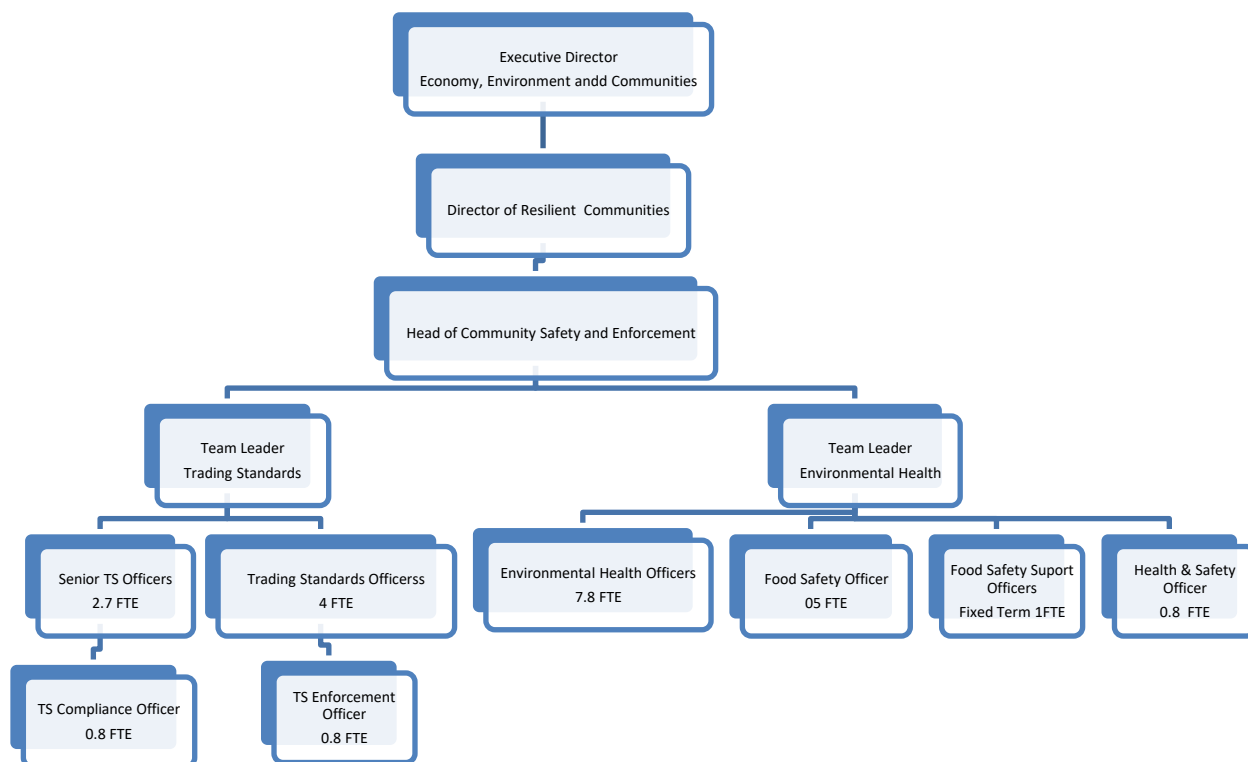
fixed term contract which will expire during the course of 2023/24 and which can only be extended if funding is secured to support the post.

There are presently 4.7 FTE trading standards officers qualified to undertake food standards duties alongside their other trading standards work of which approximately 1 FTE officer time is spent enforcing food standards.

Environmental Health use the UK Health Security Agency 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 650000 TS 0845 330 3313 Out of Hours 01922 650000
<b>E mail</b>	<a href="mailto:environmentalhealth@walsall.gov.uk">environmentalhealth@walsall.gov.uk</a> <a href="mailto:trading_standards@walsall.gov.uk">trading_standards@walsall.gov.uk</a>
<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> 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	29
E	Importer/exporter	4
F	Distributors/transporters	59
G01	Supermarket/hypermarket	53
G02	Small retailer	493
G03	Other retailer	89
H01	Restaurant/cafe/canteen	331
H02	Hotel guest house	13
H03	Pub/club	213
H04	Takeaway	327
H05	Caring premises	159
H06	School/college	132
H07	Mobile unit	143
H08	Restaurant/caterer other	327
	Total	2458

There are 21 premises approved by the local authority to produce products of animal origin for distribution throughout the UK and Europe. There are no red meat slaughterhouses in the borough. The FSA Regulates a small-scale Halal poultry slaughterer in Walsall,.

There are 29 agricultural feeding-stuff (animal feed) establishments registered under the EU Feed Hygiene Regulation (183/2005) with the following breakdown of registration activities:

R6	Manufacture of pet foods	1 establishment
R7	Manufacture and/ or placing on the market of feed materials	20 establishments
R12	Food businesses selling co-products of the food industry which are destined as feed materials	1 establishment
R13	Livestock farms which do not mix feeds or mix feeds without additives	6 establishments
R14	Arable farms growing or selling crops for feed	1 establishment

Walsall as a Borough has a significant number of premises where English is not 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 Recovery Plan all premises identified as high risk will receive an intervention.

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

The pandemic restricted the delivery of Official Controls because of restrictions and the diversion of Officers from food onto Covid-19 enforcement duties. Consequently, a backlog of unrated food businesses or businesses whose inspections were overdue

increased. Therefore, the FSA introduced a national Recovery Plan (effective from 1<sup>st</sup> July 2021 to 31<sup>st</sup> March 2023) which required local authorities to re-start their food hygiene intervention programmes following the restrictions of the pandemic. The Recovery Plan directed 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). Implementation of Phase 2 of the Recovery Plan formed the basis of the authority’s 2022/23 service plan.

On 31<sup>st</sup> March 2023, the FSA ended its Recovery Plan and announced its intention to take a risk-based and pragmatic approach to performance management as services work to realign with the Food Law Code of Practice (the Code) and to ‘catch up’ on backlogs of lower risk premises created by the pandemic. For this purpose, the FSA expects that from 1<sup>st</sup> April 2023 local authorities will:

- Carry out due interventions for establishments that are back in the routine programme of interventions in accordance with the frequencies set out in the Code.
- Work towards realigning with the provisions set out in the Code from 1 April 2023 using the full range of flexibilities already offered by the Code.
- Continue to exercise a risk-based approach to the requirements set out in the Code based on available resource.

The table below shows the frequencies of interventions set by the intervention-rating scheme in the Code.

<b>Category</b>	<b>Score</b>	<b>Minimum intervention frequency</b>
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

During 2023/24, prioritisation of interventions will be in accordance with milestones outlined in the last period of the Recovery Plan and in conjunction with local risk assessment and available intelligence having due regard to the Code.

The programmed number of interventions programmed for 2023/24 is as follows:

<b>Risk Category</b>	A	B	C (0-2)	C (3-5)	D (0-2)	D (30/40)	Unrated	Total
<b>Number of interventions</b>	10	58	33	240	11	138	110	600
<b>Target</b>	100%	100%	100%	Risk	100%	Risk	Risk	

NOTE: Risk = Inspection prioritised according to highest risk.

There are approximately 290 unrated businesses awaiting an inspection. The table below shows the breakdown of the type of these food businesses. Newly registered businesses are immediately prioritised for inspection and are categorised as either high, medium or low priority for inspection. There are substantial numbers of restaurants, takeaways and small retailers, which are likely to be categorised as high priority. Therefore, these businesses will also place a pressure on the capability of the service to complete planned interventions for rated business in accordance with the frequencies set out in the code.

<b>Businesses A waiting Inspection (20<sup>th</sup> June 2023)</b>	
Small Retailer	40
Mobile Food Unit	33
Restaurant/Cafe/Canteen	34
Take-Away	19
Pub/Club	6
Caring Premises	9
Restaurant/Caterer - Others	125
Distributors/Transporters	9
School/College	3
Retailer - Other	3
Importers/Exporters	3
Manufacturers and Packers	2
Manufacturers selling by retail	1
Supermarket/Hypermarket	3

In addition to the implementation of an intervention programme the service will respond to food related complaints and enquiries concerning food, food borne diseases, premises and practices during 2023/24. Based on an average calculated from the number of complaints and enquiries received during the periods 2021/22 and 2022/23 approximately 300 can be expected to be received during 2022/23.

**Prioritisation**

Should a situation occur whereby demand outstrips staffing levels our priority will be matters of highest risk to ensure the greatest level of protection to the public. These matters include:

- 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

Consequently, this would have an adverse impact on lower risk work and would necessitate the development of a secondary strategy to deal with the backlog of work arising from the realignment of priorities. This could 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 generally 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 2021	April 2022	April 2023
5 (Very Good)	328	373	585	565	679	725	751	785	768	884
4 (Good)	308	349	347	368	390	355	349	372	358	370
3 (Generally Satisfactory)	336	353	321	306	295	298	307	294	292	325
2 (Improvement Necessary)	130	121	98	91	91	89	67	51	58	36
1 (Major Improvement Necessary)	180	149	153	153	118	84	75	54	57	38
0 (Urgent Improvement Necessary)	10	8	15	11	8	8	4	1	0	2
% achieving satisfactory ratings	75.2	79.5	81	83	86.5	88.4	90.6	92.9	92.5	95.4

There are 2130 businesses are recorded on the FHRS, 1655 are rated with the other 475 being classified as either exempt, excluded, sensitive or awaiting inspection.



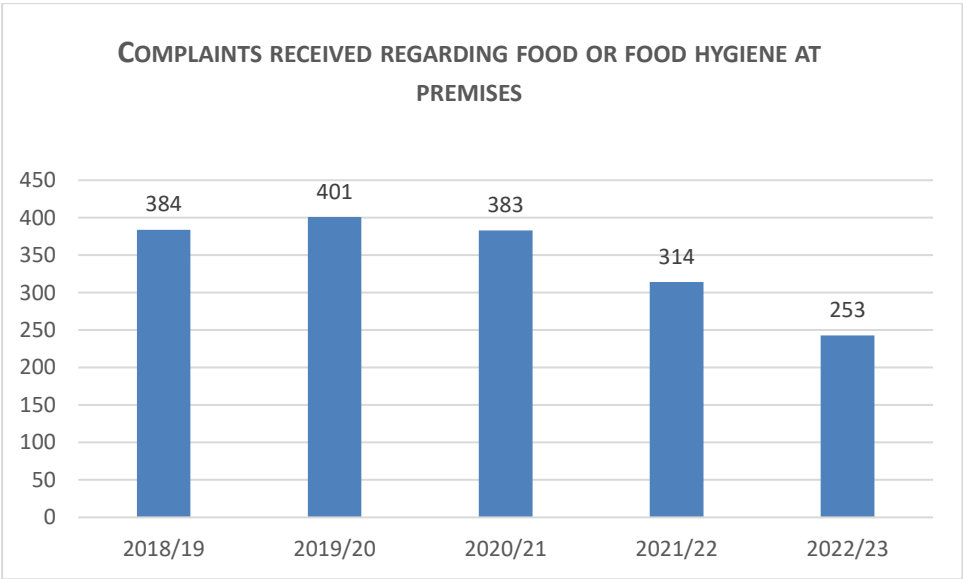
Taking ratings as 3 and above as satisfactory then 95.4% of rated Walsall Businesses are at least satisfactory with 4.6% requiring varying levels of improvement. Staff have receive training in the consistent rating of food premises and have attended a number of FSA training sessions relating to this matter. Therefore, these results should accurately reflect standards within the Borough.

We continue to support the introduction of legislation requiring the mandatory display of ratings stickers.

### 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 243 complaints relating to the condition of food and concerns over food practices or the hygiene of food premises in 2022/23 and 314 in 2021/22.



Trading Standards received 140 food and drink related complaints in 2021/22 and 129 in 2022/23 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 FHS, 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 1006 followers and over 6428 messages have been 'tweeted'.

The Trading Standards Twitter account @Savvyshopper6 has 562 followers and has tweeted over 2883 messages with 48300 impressions in the past year [1<sup>st</sup> June to 31<sup>st</sup> May 2023].

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.

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.

#### **Sampling Programme 2022/23 Sandwich Manufacturers.**

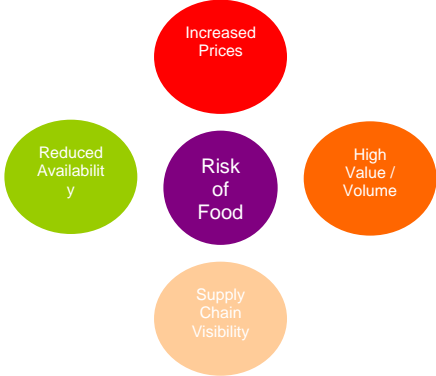
The Food Safety team conducted a proactive study to examine the safety of extended shelf lives (beyond industry guidance) applied to sandwiches by sandwich manufacturers. The study involved the sampling of sandwiches to carry out microbiological durability testing. The team linked with the UK Health Security Agency to conduct microbiological testing of a range of sandwiches from each manufacturer within the borough.

#### **Food Sampling (Food Standards)**

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 2020/21**

The Trading Standards service took 38 samples during 2021/22 with 74% being analysed as unsatisfactory. This mainly related to the authenticity of Yellow Tale wine but also included issues with undeclared allergens, labelling and meat substitution. Investigations are ongoing with a number of these issues.

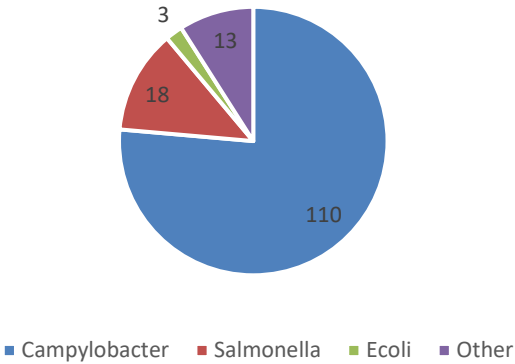
**3.6 Control and Investigation of Food Related Infectious Disease**

The UK Health Security Agency (UKHSA) is appointed to act as Proper Officer for Walsall Council in respect of infectious disease notifications. UKHSA 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 UKHSA 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 110 notified cases in the Borough in 2022/23. A breakdown of all notified cases of infectious diseases is shown in the pie chart below. During this period, 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 52 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.

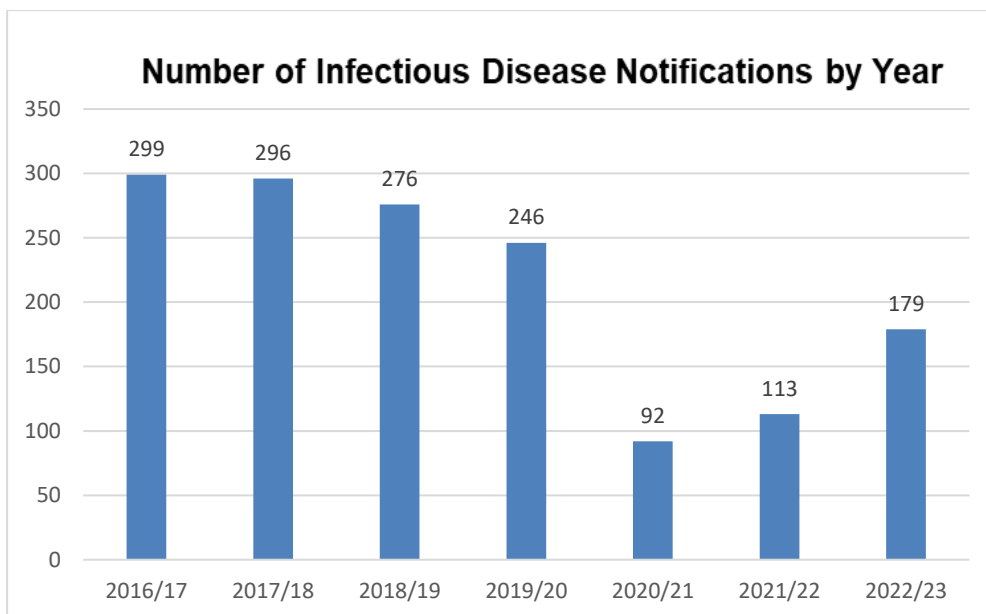
**INFECTIOUS DISEASES REPORTED TO ENVIRONMENTAL HEALTH IN 2022/23**



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 UK-Health Security Agency 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 seven Councils have signed up to.



### **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 2022/23 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. UK Health Security Agency (UKHSA)
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 operate safely – food safety is a significant part of the application form and discussions at the meetings.

## **3.9 Food Safety and Standards Promotional 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/>.

## **4.0 RESOURCES**

### **4.1 FINANCIAL ALLOCATION**

The table below shows the cost of Food Safety for 2012/22, 2022/23 and includes an estimate of its cost for 2023/2024.



	<b>2021/22</b>	<b>2022/23</b>	<b>2023/24 Estimate</b>
Staffing Costs	347,787	301,955	363,573
Support Services	0	0	0
Supplies and Services	13,818	11,446	12,068
Transport Costs	3,512	944	3,799
Income	-9,241	-7,057	-7,042
<b>Expenditure</b>	<b>355,876</b>	<b>307,287</b>	<b>372,337</b>

## 4.2 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 permanent Environmental Health posts, of which 10 require a qualification to undertake food safety duties of which 5.7 FTE's work predominantly on Food Safety, 2.02 FTE's work on Health and Safety related matters the remaining 2.3 FTE's work on animal licensing, nuisance, licensing and other regulatory activity. Additionally, 1 FTE Food Safety Support Officer undertakes food safety duties and is subject to a temporary fixed term contract which will expire during the course of 2023/24 and which can only be extended if funding is secured to support the post

Trading Standards is delivered in one Borough-wide team of 2.7 FTE Senior TSO's, 4 FTE TSO's, 1 FTE Enforcement Officer and 1 Compliance Officer (0.8 FTE) supervised by a Team Leader. The amount of resource dedicated to Food Standards equates to 1 FTE members of staff.

The amount of resource dedicated to Feed Hygiene equates to 0.1 FTE members of staff. The service also uses a contractor to undertake certain aspects of work coordinated regionally using national funding.

Income received from a Service Level Agreement with Public Health supports commissioned work relating to seven objectives as priority work areas including increasing local intelligence relating to the capability opportunity and motivation of takeaway outlets to provide health options.

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 Code 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.

### **4.4 Officer Training Programme**

- Legalities and Technicalities of Food Law Enforcement
- Traceability e learning
- Licensing and Street Trading Training Workshop
- Outbreak Investigation and Management
- Vacuum Packing e learning
- Nutritional Health Claims
- Food Allergens
- Labelling and Compositional Standards

## **5.0 QUALITY ASSESSMENT AND INTERNAL MONITORING**

## **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 Head of Community Safety and Enforcement 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.

Prior to the introduction of the Recovery Plan the Service provided data to the FSA each May through the LAEMS return. The FSA scrutinised this data and reported it on its web site. During 2022/23, the FSA conducted periodic Food Hygiene – Local Authority “temperature check surveys” to monitor the implementation of the Recovery Plan by local authorities. Presently, LAEMS is under review and the FSA is exploring new data collection mechanisms. As part of this process, the FSA is currently undertaking a “new burdens assessment” in respect of proposed new annual and quarterly surveys for local authority returns.

## 6.0 WORKPLAN AND REVIEW

Action	Target		Action lead
Implement the Food Law Enforcement Service Plan	Target 23/24	Plan to be submitted to Cabinet and Council for approval Quarterly monitoring of the Plan shared with Management team and staff.	David Elrington/ Stuart Powell/ Paul Rooney
	Review	To be approved at Cabinet on 6 <sup>th</sup> September 2023	
Identify and carry out appropriate interventions at high risk premises in relation to food standards	Target 23/24	Premises requiring intervention to be agreed. 100% of identified high risk premises to receive an appropriate intervention	David Elrington/ Stuart Powell
	Review	All high risk premises have received intervention alongside others agreed as above.	
Review all new food premises and send Food Standards advice/questionnaire as appropriate. Results from questionnaires will be used to prioritise interventions in line with the Recovery Plan	Target 23/24	Review all new food registrations. Send advice/questionnaire to all premises identified as potential food standards risk Prioritise interventions as necessary	David Elrington/ Stuart Powell
	Review	All new food standards premises to receive advice/questionnaire or physical intervention	
Realign inspections with the Food Law Code of Practice (the Code) and to 'catch up' on backlogs of lower risk premises created by the pandemic	Target 23/24	Due interventions for establishments rated Category A, B, C and less than Broadly Compliant and D and less than Broadly Compliant that are back in the routine programme of interventions to be undertaken in accordance with the frequencies set out in the Code.  Implementation of an ongoing programme of interventions in respect of establishments rated C and Broadly Compliant and unrated establishments adopting a risk based approach and using flexibilities offered by the Code	David Elrington/ Paul Rooney

	Review	On-site interventions undertaken for establishments rated Category A, B, C and less than Broadly Compliant and D and less than Broadly Compliant that are back in the routine programme of intervention in accordance with the frequencies set out in the Code. Implement an ongoing programme of interventions in respect of establishments rated C and Broadly Compliant and unrated establishments adopting a risk based approach and using flexibilities offered by the Code	
Maintain the Food Hygiene Rating System	Target 23/24	Fortnightly uploads to the national database Results reported back to Inspecting officers All appeals dealt with in compliance with the brand standard.	David Elrington/ Paul Rooney
	Review	Uploads completed fortnightly.	
Carry out a reactive microbiological food sampling programme focusing on high risk premises and manufacturers	Target 23/24	Obtain and test food samples from high-risk premises and manufacturers where failures or issues are identified and implement appropriate follow up action.	David Elrington/ Paul Rooney
	Review	Ongoing	
Respond to complaints relating to hygiene or condition of food premises.	Target 23/24	Investigate complaints in accordance with current service standards and enforcement policy Respond to anonymous complaints on a risk assessed basis.	David Elrington/ Paul Rooney
	Review	Number of responses Response times	
Conduct a review of documented policies and procedures relating	Target November 2023	Number of documented policies and procedures reviewed.	Paul Rooney

to enforcement activities covered by this Standard.	Review	Monthly	
Implement the CEnTSA regional food standards sampling programme	Target 22/23	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	CEnTSA did not produce a regional sampling programme so no action possible	
Implement a local food standards sampling programme	Target 22/23	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	Sampling and follow-ups completed	
Implement the FSA Feed delivery programme	Target 22/23	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	All premises inspected and follow-ups completed	
Respond to all disease notifications using timescales developed by UK-Health Security Agency	Target 23/24	100% response within UK-Health Security Agency recommended timescales	David Elrington/ Paul Rooney
	Review	Responses made within UK-Health Security Agency recommended timescales.	
Respond to requests for advice and visits to new premises within 21 days.	Target 23/24	Written, verbal or on-site response to requests for advice/enquiries to be made within 21 days (Due to resources limitations it is not possible to generally grant visits to new premises if requested)	David Elrington/

		Re-establish web authors and a quarterly check of business advice on walsall.gov.uk Regular Tweets of relevant business advice.	Stuart Powell/ Paul Rooney
	Review	Number of responses TS response to all requests within 21 days EH response to requests within 21 days. .	
	Review		
Review training opportunities and number of CPD hours per Officer quarterly.	Target 23/24	Number of hours per officer and competency submissions submitted, reviewed and action determined. Officers to complete required 20 hours of CPD.	David Elrington/ Stuart Powell/ Paul Rooney
	Review	Training opportunities are reviewed weekly and CPD hours reviewed quarterly	



## Enforcement Actions 1<sup>st</sup> April 2022 to 31<sup>st</sup> March 2023

Action	Number	Description
Food Improvement Notices	3	Enforcement Notice
Hygiene Emergency Prohibition Notices	5	Closure of food premises
Emergency Prohibition Orders	5	Court Order confirming closure of food premises
Simple Cautions	2	Formal caution as alternative to prosecution
Prosecutions	2	Conviction secured in Court
Written Warnings	686	Informal letter

### CLOSURES

During 2022/2023, 5 premises were found to present an imminent risk to health and were closed immediately until all necessary works were carried out.

Closures	Premises	Health Risk Condition
5 <sup>th</sup> April 2022	Unique Jamaican Food Store	Mouse infestation
15 <sup>th</sup> September 2022	The Tannery Fish Bar	Rat infestation
11 <sup>th</sup> October 2022	Chicken Palace	Cockroach infestation
27 <sup>th</sup> October 2022	SM Butchers	Cockroach infestation
31 <sup>st</sup> December 2022	Pit Stop	Mouse infestation

### PROSECUTIONS

On 30<sup>th</sup> September 2022, Dixy Chicken, 30 Bradford Street, Walsall was prosecuted at Dudley Magistrates' Court after Environmental Health Officers had served a Hygiene Emergency Prohibition Notice requiring the closure of the premises in August 2021 following the discovery of infestations of rats and mice. The Food Business Operator was sentenced at Wolverhampton Crown Court where the Court imposed a 4-month curfew with electronic tagging on the defendant who was also required to pay £400 costs.

On 18<sup>th</sup> January 2023, Lazeeza Hayat Sweet Centre, 136 Caldmore Road, Walsall was prosecuted at Dudley Magistrates' Court after Environmental Health Officers had served a Hygiene Emergency Prohibition Notice requiring the closure of the premises in February 2022 following the discovery of infestations of rats and mice. The Court imposed a 4-month suspended prison sentence on the Food Business Operator who was also fined £1864, required to pay costs of £675.88 and pay a victim surcharge of £738.

## **6.1 Review against the Service Plan**

The requirement to implement Phase 2 of the Recovery Plan determined the formulation of the Food Service Plan 2022/23. In particular, it required that:

- 1 All establishments rated Category A should have received an on-site intervention in accordance with the 6-month inspection frequency set out in the Food Law Code of Practice.
- 2 All establishments rated Category B should have received an on-site intervention by 30<sup>th</sup> June 2022.
- 3 All establishments rated Category C and less than Broadly Compliant should have received an on-site intervention by 30<sup>th</sup> September 2022.
- 4 All establishments rated Category D and less than Broadly Compliant should have received an on-site intervention by 31<sup>st</sup> December 2022.
- 5 All establishments rated Category C and Broadly Compliant or better should have received an on-site intervention by 31<sup>st</sup> March 2023.
- 6 New and refreshed food hygiene ratings given following appropriate interventions during the course of 2022/23.

The Food Service Plan 2022/23 was aligned to these requirements. Generally, the service met the targets set in the Recovery Plan for Category B, Category C and less than Broadly Compliant, and Category D and less than Broadly Compliant establishments. In particular, the service reported the following outputs at the end of 2022/23:

- 1 7 Category A establishments received an inspection and no establishments in this category were overdue an inspection on 1<sup>st</sup> April 2023.
- 2 59 Category B establishments received an inspection and only one establishment in this category was overdue an inspection on 1<sup>st</sup> April 2023.
- 3 26 Category C and less than Broadly Compliant establishments received an inspection and only one establishment in this category was overdue an inspection on 1<sup>st</sup> April 2023.
- 4 30 Category D and less than Broadly Compliant establishments received an inspection and only one establishment in this category was overdue an inspection on 1<sup>st</sup> April 2023.

- 5 98 rated Category C and Broadly Compliant establishments received an inspection and 239 establishments in this category were overdue an inspection on 1<sup>st</sup> April 2024.
- 6 175 unrated establishments received initial inspections and were subsequently rated during 2022/23. Inspections were allocated on a prioritised risk basis. On 1<sup>st</sup> April 2022/23, there remained 301 unrated establishments.

During 2022/23, Officers noted a deterioration in standards because of prolonged inspection inactivity during the pandemic, which increased the average inspection time. Consequently, this reduced the extent of the food hygiene inspection programme.

Other areas of reported food related work undertaken by Environment Health during 2022/23 included:

- 1 The registration of 301 new food businesses.
- 2 Responding to 253 enquiries/complaints relating to hygiene, practices and premises.
- 3 Responding to 179 food related infectious disease notifications received from UK-Health Security Agency.
- 4 The emergency closure of 5 food businesses following the service of Hygiene Emergency Prohibition Notices
- 5 The service of 3 Food Hygiene Improvement Notices.
- 6 The issue of 686 inspection reports/written warnings.
- 7 The completion of 2 Food Hygiene prosecutions.
- 8 The collection of 18 food samples in conjunction with the service's sandwich manufacturers initiative.

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

2022/23 was a challenging year and the target set by the Recovery Plan to undertake on-site interventions at all establishments rated Category C and Broadly Compliant or better by 31<sup>st</sup> March 2023 could not be met. This was attributable to a combination of factors including insufficient Officers, inspections taking longer to complete because of a deterioration of standards in some businesses following the suspension of inspections during the pandemic and because of other non-food demands on the service. The demand for inspections also increased because of a large number of new registrations (301 in 2022/23). The challenge was reflected by there still being 301 unrated establishments and 239 Category C and Broadly Compliant establishments overdue an inspection on 1<sup>st</sup> April 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 FHR system is 95.4% this is lower than regional (95.7%) or national average (96.8%). We believe our figures are accurate and representative. They have continued to improve each year since the start of the FHR system. Walsall has a higher percentage of total rated premises (77.9%) in comparison to the West Midlands regional average (74.4%). The national average is 80%.

The following strains on the service, during 2023/24, have been identified:

- Following the ending of the Recovery Plan the FSA now expects local authorities to re-align their services with the Code and catch up on the backlogs created by the pandemic. The service does not have the capacity or the resilience to undertake the number of interventions required to do this. In order to meet these requirements approximately 470 Category A, B, C and non-compliant businesses and 70 high and medium risk unrated businesses require an onsite intervention.
- Hygiene standards have deteriorated in some businesses following the pandemic, inspections are taking longer and this has increased the need for formal action. For example, during a two-week period in May 2023, three businesses were closed using emergency powers because of rodent infestations. 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 backlog of unrated businesses is likely to be sustained by the registration of new business registrations. It is projected that the authority will receive approximately 300 new registrations during 2023/24.
  - Other service demands have prevented officers from undertaking food safety duties. Since July 2022, it has been necessary to deploy a food safety officer in the Health and Safety team to assist with a criminal investigation relating to serious and multiple cases of lead poisoning. This deployment is likely to continue in 2023/24.
  - An Officer is currently taking maternity leave until early in 2024, which will reduce the team's capacity.
  - 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 continue to be an ongoing issue during 2023/24 because their implementation will increase the time to complete inspections. 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.

The following actions to mitigate these strains during 2023/24 have been identified:

- As an interim measure, in order to help mitigate the vacancies arising from the retirement of a Food Safety Officer and an EHO taking maternity leave it is hoped to continue the temporary employment of Food Safety Support Officers to undertake food inspections until recruitment issues can be resolved.
- The shortfall in inspections has been listed 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 for 2023/24:

- 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. This will include a review by the Team Leader – Environmental Health of documented policies and procedures relating to enforcement activities.

- The majority of food businesses are involved in catering and have commercial premises from which they trade. Increasingly, many businesses in the retail and catering sectors are moving to domestic and on-line services. This means that many of these businesses, which are subject to the same regulatory compliance rules and checks, require greater resource to track and monitor such activities.
- Dark kitchens, which are businesses operating under the radar of Food Authorities from domestic premises and non-registered food premises, continue to be a high- risk concern. Any complaints or intelligence identifying the existence of such premises will be assigned a high priority for intervention.
- Ghost businesses trading under a variety of different names are also regulated effectively by maintaining the M3 database and retaining a single registration and property index for all the trader names.
- The Environmental Health Information Management system (Northgate M3) is used to maintain and manage all food premises records, all inspections and other related activities. A new additional software system (Assure) will be brought in on-line within the next 12 months to supplement the existing database and provide more functionality to better facilitate customer interaction with the service.
- 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 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 2023/24 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 and IT development.

- Continue developing relationships with other services and partners to assist with identification of Modern Day Slavery and human trafficking and other community safety priorities.