

## **Council – 11th July 2011**

### **The Food Law Enforcement Service Plan for the year 2011/12**

**Service Area:** Neighbourhood Services

**Wards:** All

#### **1. Summary of report**

- 1.1 Through the work of its Environmental Health and Trading Standards Divisions the Council ensures that food produced, prepared or sold in the Borough is safe and without risk to health, is correctly labelled and meets appropriate standards. The Food Law Enforcement Service Plan, attached as **Appendix A** explains how the work of Environmental Health and Trading Standards seeks to achieve this. **Appendix B** indicates the resources required for the service to effectively undertake its duties.
- 1.2 The proposed Plan describes the enforcement of statutory controls through the monitoring of food, premises and personnel which is undertaken through a structured inspection regime. The Plan also outlines the continuous improvement of services and implementation of initiatives to influence and improve food hygiene and food standards thereby addressing local and national priorities.
- 1.3 The Plan will also be used as the basis for any inspection or audit by the Food Standards Agency whose role it is to ensure that the Authority's activities are undertaken in an effective and consistent manner. As the Plan forms part of the Council's Policy Framework it is therefore required to be approved by Council.

#### **2. Recommendation**

- 2.1 That Council approve the Food Law Enforcement Service Plan for the year 2011/12.

#### **3. Background information**

- 3.1 The provision of safe food and the prevention of outbreaks of food and water borne disease is a fundamental principle of protecting public health. It is also consistent with other policy priorities including economic success, improving the quality of our environment, creating opportunity and potential, staying safe, improving health and working smarter.
- 3.2 The Food Law Enforcement Service Plan sets out the Council's commitment to Food Safety Enforcement for the year ahead. The Plan also records the outturn against last year's work programme.
- 3.3 The Plan includes information about the service as well as demonstrating a balance between enforcement action and education of traders.

- 3.4 Pursuant to the Food Standards Act 1999 the Food Standards Agency requires Local Authorities to produce a Food Law Enforcement Service Plan which identifies its strategy and the resources required to fulfil its Food Safety function each year.
- 3.5 In June 2010 the Food Standards Agency audited Walsall Council's Environmental Health Division with regard to its food hygiene activities. A copy of the Executive Summary of this Audit and most up to date audit action plan is attached as **Appendix C**.

#### **4. Resource considerations.**

- 4.1 **Financial:** The Food Law Enforcement Service Plan acknowledges that savings must be achieved to contribute to the corporate financial position. Following a restructure in 2010/11 the number of Principal Environmental Health Officers within the Food Safety and Health and Safety team was reduced from 3 to 1. Within the Trading Standards Service the number of Principal Trading Standards Officers was reduced from 2 to 1. However in an attempt to maintain front line services a Senior Environmental Health Officer post has now been created on the structure
- 4.2 The Division has been reorganised both structurally and thematically with 1 Deputy Manager covering domestic nuisances, animal control and environmental crime and 1 Principal Officer covering food safety, health and safety, infectious disease, sampling and animal health and welfare. We believe at present we will be able to complete the Plan within the resources available. The service will however have to become more reliant on alternative inspection strategies in order to interact with large numbers of its business premises rather than the traditional inspection and face to face liaison traders are used to.
- 4.3 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.

#### **5. Citizen impact**

- 5.1 The Council is committed to achieving its priorities of improving the quality of the environment, economic success, creating opportunity and potential, staying safe, improving health and working smarter. The work of the Environmental Health and Trading Standards services not only safeguards public health but is also intended to encourage businesses to invest in their processes and staff making them economically more viable. This in turn should help strengthen the communities in which the businesses trade.
- 5.2 Where businesses do not invest in safe practices and act in a way that harms public health or puts other businesses at an economic disadvantage the Council should intervene and take robust action.

## **6. Community Safety**

- 6.1 By attaining the targets set out within the Plan, the Council should be able to maintain standards within the majority of high risk establishments for which it is responsible. Working with partner agencies and acting on concerns raised by the public or commercial sectors in relation to areas of legal non compliance should give communities a feeling of well being and confidence in the food they eat

## **7. Environmental impact**

- 7.1 Through the provision of good quality and safe food and water and the adequate control of the cooking and waste disposal processes, businesses should have a beneficial rather than detrimental impact on the environment in which they trade.

## **8. Performance and risk management issues**

- 8.1 The Plan sets out the targets for the year ahead. Through the regular reviews that are built into the service planning process any performance issues can be identified and acted upon before they have a detrimental effect on service delivery.

## **9. Equality implications**

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

## **10. Consultation**

- 10.1 The Environmental Health Division will undertake customer satisfaction surveys during the financial year to gauge how satisfied businesses are with the way in which they have been treated by officers. The Division is also part of the West Midlands Food Liaison Group consisting of representatives from the seven West Midlands authorities where good practice, principles of enforcement and education and joint or collaborative work are discussed. Upon approval of the Plan, it will be uploaded onto the Authority's website and made available for public comment. Food standards sampling programmes are also subject to local consultation.

## **Background papers**

Food Standards Agency Framework Agreement



Jamie Morris  
Executive Director





**Walsall Council**

**Food Law Enforcement  
Service Plan 2011/12**

**DRAFT**

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## 1.0 AIMS AND OBJECTIVES OF THE FOOD REGULATORY SERVICE

### AIMS

- To protect public health by ensuring that high standards of food safety are maintained in food premises and food production by means of education and enforcement
- Where enforcement is deemed the most appropriate course of action officers will act within the standards set in the services Enforcement Policy
- To monitor the quality and availability of food and water and reduce the spread of preventable, communicable illness within the Borough

### OBJECTIVES

- To carry out a programme of routine inspections of food premises concentrating on those premises of highest risk.
- To ensure that 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 communicable disease, including the investigation of practices and processes identified as sources of infection at commercial premises
- To investigate service requests relating to food and the conditions of food premises and where appropriate prepare reports for prosecution
- To implement procedures to ensure compliance with the Food Standards Agency Framework Agreement.
- To produce and undertake a food sampling programme and to undertake reactive sampling as required in connection with outbreaks of disease or service requests.
- To ensure that all food service work is carried out in accordance with relevant codes of practice, quality systems and the service's enforcement policy.
- To respond to requests for advice, and where appropriate liaise with and advise businesses in accordance with the LGR (formerly LACORS) home authority principle.

## 1.1 LINKS TO CORPORATE OBJECTIVES AND PLANS

The Council publishes a Corporate Plan each year as a key element of its performance framework. The plan sets out the council's vision for the borough, its aims and objectives and its strategic priorities for the year ahead.

The Corporate Plan is agreed by all elected Members at full Council and informs the individual plans for each Directorate.

The purpose of the Council as set out in the Corporate Plan is to

“Maintain and improve the physical and economic environment for the health and well-being of all our residents within financial constraints. Operate efficiently and collaboratively within a one council model and with partners to ensure value for money for tax payers and other funders”

This will be achieved through embedding the culture of ‘working smarter’ into the Council which is underpinned by 9 key principles for all employees.

- Right first time
- Devolved problem solving
- Accountability for your actions
- Take personal responsibility
- Control exercised at the lowest possible level
- Unity of purpose - one council
- We exist only to serve residents
- Innovate to improve
- Mutual trust and integrity

The vision for the borough of Walsall is that “Walsall will be a great place to live, work and invest, where

- people get on well with one another
- people can get around easily and safely
- people support and look after one another
- there are more and better jobs for local people
- people can live an independent and healthy life

- there is a wide range of facilities for people to use and enjoy
- people consider the impact of what we do now on
- future generations
- there exist high-quality and distinctive designs of buildings
- and spaces
- growing up is as good as it can be and young people fulfil
- their potential
- people are our strength and have the skills and attitude
- required by employers
- everyone has the chance to live in a home fit for their
- purpose and fit for the future
- people feel proud to live.

The Vision provides a clear focus for the planning of Council services and the allocation of it's resources.

For 2011/12 the Councils priorities are:

- The Economy
- Health and Well Being
- Communities and Neighbourhoods.

These priorities provide a focus for the whole council – the decisions that are taken, and the actions that are taken as a result by each of our directorates, and the services, teams, and individual members of staff working within them.

The Food Service directly supports and contributes to the priorities in the Corporate Plan, the themes, values and objectives of the Sustainable Community Strategy by ensuring the provision of the following:

- Strengthening enforcement and ensuring business compliance to offer a greater level of reassurance and safeguard the health and well being of communities.

## 2.0 BACKGROUND

### 2.1 PROFILE OF WALSALL MBC

Walsall is the northern-most of the Boroughs in the Black Country region and consists of six towns with a total population of 254,500 (2007 mid-year estimate). One side of the Borough is bordered by similar Metropolitan Districts while the other side is bordered by the rural Shire Districts of Staffordshire.

The western side of the Borough is a mixture of industrial and residential areas although much of the traditional heavy engineering has gone, being replaced by light engineering and service industries. A good deal of the housing stock in this area pre-dates 1950; much of it was municipally owned however now falls under the ownership of the Walsall Housing Group.

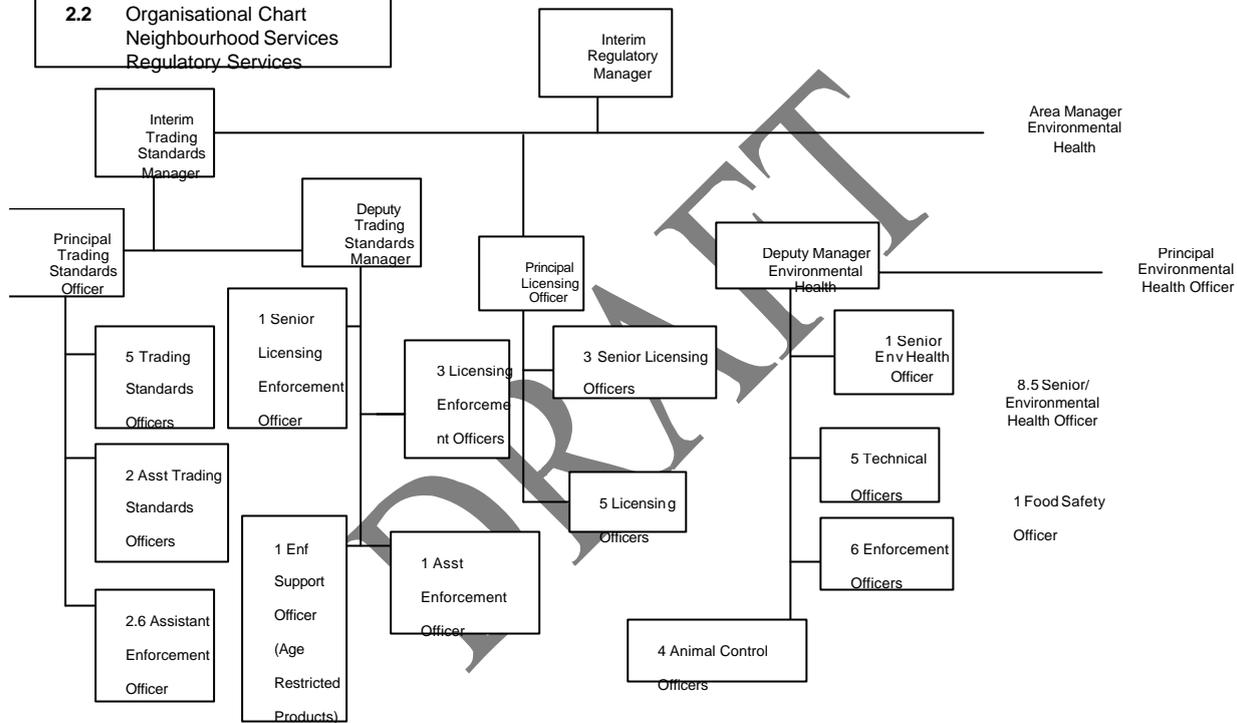
The eastern side of the Borough is much greener with substantial public open space, agricultural land and some light industry. Despite the presence of a number of dairy cattle there are no milk processing plants in the Borough and no sales of untreated milk or milk products. Housing in this side of the Borough tends to be more modern and predominantly privately owned.

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. Of an overall total of 1916 food businesses registered within the Borough, 3 businesses are large-scale manufacturers, producing bread and associated products, and meat products.

There are 54 butchers premises and 16 premises approved to produce products of animal origin for distribution throughout the UK and Europe. Most other businesses are either engaged in the retail or wholesale selling of products prepared or manufactured elsewhere in the UK or abroad. There is one small-scale Halal poultry slaughterer operating throughout the year; food safety enforcement in this premises is undertaken by the Food Standards Agency. There are no red meat slaughterhouses. There are six registered agricultural feeding stuffs establishments.

The Borough is ethnically diverse, with 14% 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.

**2.2 Organisational Chart  
Neighbourhood Services  
Regulatory Services**



### 2.3 SCOPE OF THE FOOD SERVICE

The enforcement of food related legislation is a joint responsibility between Environmental Health and Trading Standards, the former dealing with safety issues and the latter with quality standards and labelling. All services are provided by the Authority's own Officers.

The **Environmental Health** service provides the following services:

- Food safety/hygiene inspections
- Infectious disease investigations, (including food poisoning)
- Microbiological food sampling
- Food safety advice incorporating Safer Food Better Business
- Food and food hygiene complaint investigations
- Drinking water supply - monitoring and assessment
- Promotional and educational activities and initiatives based around food safety and hygiene
- Adherence to the National Food Hygiene Rating System
- Animal Health and Welfare in the domestic, commercial and agricultural sectors including licensing associated with animals and premises.
- Nuisance complaints arising from commercial premises, odour, noise, waste, drainage etc.
- Comments as a statutory body in the respect of Planning applications and Licence applications.
- Paying for and arranging for cremations and burials where no arrangements have been made to bury the dead.
- Monitoring the exhumation of buried human remains in terms of disease control and healthy and safety

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The Health and Safety at work function is delivered alongside the Food Safety service and the work of those Officers is dealt with in the Health and Safety Enforcement Plan 2011/12.

The **Trading Standards** service provides the following services:

1. Food standards inspections (including feeding stuffs inspections)
2. The investigation of complaints in relation to food labelling and composition
3. Food and feeding stuff sampling for compositional and labelling conformity

4. The investigation of complaints in relation to composition and labelling of animal feed and feeding stuffs
5. Food standards advice

The full range of Trading Standards legislation is delivered alongside the food standards service.

<b>DELIVERY OF THE FOOD REGULATORY SERVICE</b>	
<b>Service Delivery Point</b>	Challenge Building, Hatherton Road, Walsall. WS1 1YG
<b>Hours of Opening</b>	Monday to Thursday 8.45am to 5.15pm Friday 8.45pm to 4.45pm
<b>Telephone numbers</b>	01922 652210
<b>E mail</b>	<a href="mailto:foodsafety@walsall.gov.uk">foodsafety@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>

## **2.4 ENFORCEMENT POLICIES.**

An Enforcement Policy is in place for Regulatory Services which has been approved by full Council and which is currently subject to review. Below is the link to the Enforcement Policy on the Walsall Council web site.

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

## **3.0 SERVICE DELIVERY**

### **3.1 FOOD PREMISES – HYGIENE INSPECTIONS**

The Authority follows the priority rating system identified in the Food Safety Code of Practice and aims to inspect 100% of high and medium risk premises every year.

An inspection involves assessing the knowledge of the food business operator, assessing practices and procedures in place as well as conducting a physical inspection of the premises.

#### **Inspection Profile for the Year Beginning 1<sup>st</sup> April 2011**

<b>RISK CATEGORY</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>U</b>	<b>TOTAL</b>
<b>NUMBER OF PREMISES</b>	38	297	931	322	326	2	1916
<b>INSPECTIONS SCHEDULED</b>	74	275	639	(139)	(16)	2	1145

Category A premises are those with the highest risk, whether by the nature of the activities carried on there, or because of poor operating conditions. The minimum inspection frequency for the different categories of premises is given below. Individual businesses are inspected more frequently than this where required. We use a purposefully designed database for logging and tracking our inspections and other activities.

<b>CATEGORY</b>	<b>MINIMUM FREQUENCY OF VISITS</b>
<b>A</b>	6 months
<b>B</b>	12 months
<b>C</b>	18 months
<b>D</b>	2 years
<b>E</b>	Alternative inspection strategy every 3 years

Revisions in the Code of Practice give us the opportunity to deal with low risk premises by means other than an inspection. We will continue to develop our strategy in relation to these premises through the year.

Revisits are made where there are immediate concerns about food safety. The Environmental Health Division has a structured risk based criteria to enable revisits to be prioritised. This was formulated through the West Midlands Food Liaison Group

Our procedures state that we will issue Hygiene Improvement Notices if there are serious concerns about food or where there is a failure to adequately implement a Food Hygiene Management System. These legal notices ensure that improvements are made within a reasonable timescale negotiated with the food business operator.

A Hygiene Emergency Prohibition Notice will be served where there is an imminent risk of injury to health: this will involve the immediate closure of the premises. Common reasons for closing premises are the discovery of pest infestations (mice, cockroaches), the absence of water/hot water; or very poor control over food hazards and/or cleaning. Voluntary closure measures are also available but this course of action must be instigated by the Food Business Operator.

Each year the service deals with approximately:

- 1189 inspections
- 281 requests for service in relation to food premises or food complaints
- 342 Infectious disease notifications
- 442 Planning and Licensing consultations

**Appendix B** provides a breakdown of the demands on the Food Service in terms of staff resources.

### **3.2 Enforcement 2010/11**

88 Hygiene Improvement Notices served on 31 different premises requiring improvement to standards at their premises

4 Premises served with Emergency Prohibition Notices effectively closing the business immediately to protect public health predominantly from mice or rat infestations

- Desi Sweet Centre, Walsall Road, Willenhall.
- Saddlers Fish Bar, Bradford Street, Walsall.
- Kebab Ranch, Bradford Street, Walsall.
- Hajeez, Caldmore Road, Walsall.

2 Voluntary Closures where Food Business Owners and the Inspector agree the premises will close in order to improve conditions without attending Court

1 Simple Caution issued for using food past its use by date against the food Business Operator of

- NJ Café and Catering Services, Stafford Street, Walsall.

2 Notices requiring arrangements made to adequately dispose of waste

4 Noise abatement notices served against licensed premises

2 Building Act notices for defect drainage.

### **3.3 FOOD HYGIENE: ACTIVITIES FOR 2011/12**

#### **National Food Hygiene Rating System**

Walsall Council implemented this national system on the 1<sup>st</sup> April 2011 following a successful bid to the Food Standards Agency of around £8000 to assist with implementation. To 'go live' required several months of intensive work to ensure the Divisions database was up to date, that any premises not having a rating were inspected and that any premises no longer trading were removed from the system.

During April the first 10 premises with a rating of 5 were uploaded onto the National data base.

1. Colin Davis Butchers of Bentley.
2. Community Care Unit, Great Barr.
3. Country Homes and Gardens, Aldridge.
4. Premier Diner, Queen Street, Walsall.
5. Gables Nursery, Aldridge.
6. The Terrace Restaurant, Brownhills.
7. The Rehabilitation Unit, Great Barr.
8. Lidl, Reedswood Retail Park.
9. Leekes, Great Bridge Road.
10. Charlys Cupcakes, Bloxwich.

It is hoped that by the end of the year a clear picture will emerge of the quality of food premises within Walsall. This will give residents for the first time a sense of which food businesses they ought to frequent. This we hope will be an incentive for food businesses to improve standards and therefore profitability.

The Environmental Health Management Team will monitor results throughout the year and this may give an indication of any future priority areas of work particularly amongst businesses having a low rating.

#### **Alternative Inspection Strategy Food Standards and Safety**

The Food Standards Agency has recognised the importance of concentrating resources on high and medium risk rated premises. Therefore, Category C premises that are "Broadly Compliant" can be inspected using an alternative method on alternate planned inspections. The alternative methods that can be employed for food hygiene inspections are detailed below;

1. Postal questionnaire for childminders/traders information
2. Topic based inspections (e.g. temperature control/ stock rotation)
3. Special projects/ surveys covering specific trade areas/ problems
4. Targeted sampling

For category D and E premises, an alternative enforcement strategy will be trialled this year for food hygiene inspections: All businesses in these categories will either receive a postal questionnaire or phone call from an Officer. Dependent on the information provided or failure to return the questionnaire, inspections may be undertaken.

### **Environmental Health Database & Food Standards Agency's Monitoring System (LAEMS)**

Much work has been undertaken within the service to bring our database up to date so that our inspection programmes are as accurate as they can be. This is a continuing process as new businesses open and existing businesses close regularly throughout the year.

The purchase and installation of software allowing us to link to the Council's Land and Property Gazetteer for the first time will enable us to have the most current address database possible.

Having an accurate database also enables us to upload data to the Food Standards Agency statistical monitoring system LAEMS more accurately. The fewer discrepancies are found within the system the easier and quicker the whole process is enabling officers to spend their time more productively on operational matters.

### **Officer Training**

Ensuring officers are trained and competent is a key issue for the service. If competencies aren't maintained or lapse it can bring the Officer and therefore the Council into disrepute in legal proceedings. Training is often costly and with restrictions on spending and reductions in budgets new ways of accessing training need to be found.

Consideration of free, subsidised or low cost training in collaboration with other Councils or Partners will have to be considered. However, it should be noted that current budget constraints are presenting a major challenge and risk that the compulsory CPD requirements will not be met.

### 3.4 FOOD PREMISES – STANDARDS AND FEEDINGSTUFFS

#### Trading Standards Profile of Food Premises – April 2011

FOOD CATEGORY	A	B	C	D	E	F	G	H	I	J	TOTAL
NO. OF PREMISES	5	0	28	0	0	37	585	897	0	21	1573

**\*National Food Category Descriptions** (applicable to the trading standards profile only)

A	Primary Producer	F	Distributor
B	Slaughterhouse	G	Retailer
C	Manufacturer	H	Caterer
D	Packer	I	Materials Supplier
E	Importer/Exporter	J	Manufacturing Retailer

Food Standards interventions are programmed in relation to a risk based assessment of premises established in line with the Food Law Code of Practice. Traditionally, all food premises have been subject to food standards inspections. The Code of Practice now lays out alternative interventions which Local Authorities may adopt. These allow authorised Officers to use their professional judgement to apply a proportionate level of regulatory and enforcement activity to each food business. Interventions will be applied in a risk-based manner so that resources are directed at those businesses that present the greatest risk.

High risk food premises will continue to receive programmed food standards inspections or audits.

Medium risk premises that are broadly compliant can be dealt with by “other official controls” on alternate planned inspections (monitoring, surveillance, verification, sampling as part of wider control).

Low risk premises will be subject to alternative enforcement strategies, such as non analytical sampling, trader information, advice, complaint related inspections or the use of self assessment questionnaires.

The results of alternative enforcement strategies will be assessed by a qualified food standards officer, who may initiate a further intervention if appropriate.

<b>RISK CATEGORY</b>	<b>TOTAL PREMISES</b>	<b>TARGET NO. OF INTERVENTIONS</b>
<b>High</b>	58	58
<b>Medium</b>	1063	212*
<b>Low</b>	307	61
<b>Totals</b>	1428	331

The required target is 50% (531) but due to reduced staffing levels this is not achievable and so this is the realistic delivery target

As required by the Code of Practice new food establishments that come within the scope of food standards will be subject to an initial inspection following which intervention ratings for the establishment will be determined.

In 2010/11 the following actions were undertaken by Trading Standards Officers:

- 1 107 food standards warnings were issued by Trading Standards Officers during the inspection of food premises 2009-2010. By the end of the year 90% of those food premises that were inspected had achieved food standards compliance.
- 2 89 food complaints were received by the Trading Standards Service. These were resolved by a variety of enforcement methods which ranged from LGR / FSA / Home Authority Referrals to business advice and written warnings.
- 3 40 food samples submitted to the Public Analyst were reported as incorrect. This resulted in 14 Home Authority Referrals, 3 FSA food incident alerts, 8 product recalls and 15 warnings to local businesses.
- 4 Samples were also taken for nutritional analysis and any issues uncovered were resolved by business advice and consumer guidance. The nutrition of takeaway food was one such project where several outlets successfully reformulated meals to make them healthier.

### **3.5 FOOD AND FEEDINGSTUFFS COMPLAINTS**

The Authority investigates complaints concerning food produced, stored, distributed, handled, consumed or intended for human consumption within the Borough. Officers act to ensure that food is without risk to the health or safety of the public; it is correctly labelled and meets appropriate compositional or quality standards.

Service standards are set for response times to complaints. Performance against these targets is regularly monitored. In general, complaints will be responded to within 3 working days, however the more urgent the matter, the speedier the response.

All complaints and requests for service are recorded and team leaders regularly monitor progress.

<b>NUMBER OF COMPLAINTS ABOUT FOOD, PREMISES AND PERSONNEL</b>			
<b>Year</b>	2008/09	2009/10	2010/11
<b>Number of complaints</b>	245	181	258 Env Health 89 Trading Standards

### **3.6 FOOD AND FEEDINGSTUFFS SAMPLING**

#### **Microbiological Sampling**

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

1. To determine the current state of food safety in the Borough as part of a structured sampling programme.
2. To improve the effectiveness of food hygiene inspections.
3. To investigate suspect case of food poisoning where a link with a local business is suspected.
4. To investigate complaints about food.

An annual sampling programme is produced with a target of 200 microbiological food samples to be taken for examination. Microbiological examinations will be carried out under the free allocation from the Health Protection Agency using Heartlands Hospital in Birmingham. The samples are taken by the Food Safety Officer; other Officers are authorised and can take samples if necessary. The food sampling programme links with the LGR sampling programme as well as taking account of local trends and needs.

## Food Sampling Programme 2011/12

### Food Manufacturers and Manufacturers Selling Mainly by Retail

Company	Address	Food
Gorman's Pork Pies	48 Central Drive, Bloxwich, Walsall	Pork Pies
Midland Food Products	Unit 64, Morgan Close, Willenhall,	Meat pies
Midland Chilled Foods Ltd	Stringes Lane, Willenhall.	Meat pies
Midland Sandwich Company	Bridgeman Street, Walsall.	Scotch eggs
T C Morris	81 Walsall Street, Willenhall.	Pork pies
Piquant Ltd	Willenhall Lane, Bloxwich	Mayonnaise
Coopers	195 Walsall Road, Darlaston	Cooked meats

### Hospitals

Hospital	Address	Due
Manor Hospital CPU	Moat Road, Walsall	August 2010
Dorothy Pattison Hospital	Alumwell Close, Walsall	October 2010

### LGR/HPA National Surveys:

Survey	Description	Due
Reactive response study*	Awaiting confirmation	Samples to be taken April - September
Pennington response study 3	Awaiting confirmation	October - March
Reactive response study*	Awaiting confirmation	January - March

## West Midlands and Warwickshire Food Surveillance Group Surveys

Survey	Description	Due
Campylobacter in poultry packaging	From display units in supermarkets/retailers	April to September
Fresh herbs	From supermarkets	October to March
Rice from restaurants & takeaways	To concentrate on rice predominantly from takeaway premises	Samples to be taken throughout the year

Where unsatisfactory microbiological samples are taken, businesses are given support to identify any problems in the storage and handling of foodstuffs. Actions necessary to secure improvements are highlighted. Return samples will then be taken to ensure that the necessary improvements have been implemented.

### 3.7 COMPOSITION AND LABELLING (Food Standards Sampling)

An annual sampling programme is drawn up to ensure that food is accurately labelled and meets compositional standards. It also facilitates the support and auditing of local businesses and contributes to the Food Standards Agency's healthy food / healthy eating campaign. The programme is devised following consultation with stakeholders and in adherence with the Corporate Plan, Vision and Values and the priorities identified by the Food Standards Agency's Strategy 2010-2015. It is enhanced by additional sampling in response to complaints and new areas of concern however for 2011/12 the budget for food and non food sampling combined has been cut by £15,000 to just £13,497 which has had a significant impact on the nature and extent of the sampling programme.

In addition since 2008 substantial funding has been obtained from the Food Standards Agency to carry out sampling under their imported food surveillance programme. We continue to identify such sources of funding however these are also becoming more limited as central government also reduces expenditure. The Authority also successfully contributes to regional sampling programmes conducted by the 14 authorities that comprise the Central England Trading Standards Authorities (CeNTSA). This provides economies of scale, associated value for money and a greater impact from a larger results base. We also participate in LGR and additional FSA food authenticity projects.

<b>Year</b>	2007/08	2008/09	2009/10	2010/11
<b>Food samples</b>	494	501	328	259

### **3.8 THE CONTROL AND INVESTIGATION OF OUTBREAKS OF FOOD POISONING AND FOOD/WATER RELATED INFECTIOUS DISEASE**

General Practitioners across the Borough report suspected cases of food poisoning to the Consultant for Communicable Disease Control (CDDC) at the Health Protection Agency. The Local Medical Laboratory advises the CDDC of positive results for food poisoning and food/water related illness. The Food Safety Team is then advised and carries out investigation of such outbreaks.

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

<b>Year</b>	2007/08	2008/09	2009/10	2010/11
<b>Number of individual investigated cases</b>	216	283	285	342

### **3.9 FOOD SAFETY INCIDENTS**

The Food Standards Agency declares food safety incidents from time to time and notifies Food Authorities of these by means of a 'Food Alert' procedure. Some of the notifications require immediate action depending on the local distribution of food and products.

The Authority has a procedure for dealing with Food Safety Incidents that is in line with the requirements of Food Safety codes of Practice. A central log of all Food Alerts is maintained.

### **3.10 ADVICE TO BUSINESSES**

The Authority has always provided appropriate and competent advice, through a variety of different means, to local businesses and residents, within available resource constraints.

Food hygiene and food safety advice is routinely given as part of an inspection or intervention visit and is complemented by the use of targeted business updates, national and local publicity campaigns and other promotional activities.

From 1st January 2006 legislation changed to require all food businesses to have a written food safety system in place based on the principles of HACCP (Hazard Analysis Critical Control Point). The Food Standards Agency programme, Safer Food Better Business (SFBB) is supported by the Authority. Under the scheme, a pre-printed pack of material is available for catering and retail businesses. Officers discuss SFBB at the time of inspection and coaching visits are carried out to help businesses get to grips with the system.

### 3.11 NATIONAL LIAISON WORK

#### Home Authority Principle

The Home Authority Principle has been developed by Food and Trading Standards Authorities as an aid to good enforcement practice. Practices which protect the consumer, encouraging fair trading, consistency and common sense. It aims to:

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

The principle commands the support of Local Authorities, central Government, Trade and Industry Associations, Consumer and Professional Regulatory bodies. Local Authorities have three distinct roles as:

1. **Home Authority:** the authority where the relevant decision making base of an enterprise is located - it's head office
2. **Originating Authority:** an authority in whose area a decentralised enterprise produces goods and services - the manufacturing base
3. **Enforcing Authority:** all authorities when undertaking an inspection, sampling or investigative role

## Walsall MBC

1. Endorses the principles laid down in the LGR Home Authority Principle.
2. Will act as the Home Authority for local businesses as necessary.
3. Where enforcement action impacts on a business's national policy, the Home Authority or Originating Authority will be consulted.
4. The Home Authority will also be consulted regarding, or informed of, local actions.
5. Whenever such consultation/information may be helpful, or indicative of matters with potential national implications.

## **LIAISON WITH OTHER ORGANISATIONS**

The Authority is represented on the regional LGR liaison group CENTSA (Central England Trading Standards Authorities) and refers food issues to this body whenever appropriate. The Authority participates in a discussion forum to ensure consistent enforcement, supports sampling, investigative and publicity initiatives to ensure maximum effect in the use of resources for the benefit of the citizens of Walsall.

The Authority is also a member of the West Midlands Food Hygiene Liaison Group which aims to:

1. Act as a forum to provide consistency of enforcement.
2. Act as a facilitator for benchmarking activities.
3. Provide 'standardisation' exercises to facilitate consistency.

It fully supports decisions taken at the group and actively engages in the programme of activities arranged by the group.

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

1. LGR
2. Food Standards Agency
3. FSA South West & West Midlands Regional Office
4. School Foods Trust
5. The Primary Care Trust.
6. Walsall Catering Services
7. Worcestershire Scientific Services
8. Staffordshire Scientific Services
9. Walsall Hospitals NHS Trust
10. Department of Health (West Midlands).

## 4.0 RESOURCES

### 4.1 FINANCIAL RESOURCES

The table below shows the cost of the Environmental Health Food Safety service for last year and includes an estimate of its cost for 2011/12.

	10/11 (Expenditure)	11/12 (Estimate)
Staffing Costs	241,488	253,261
Support Services	88	1,068
Supplies and Services	23,487	12,103
Transport Costs	14,202	15,309
Income	(2,933)	(6,313)
Expenditure	280,355	272,952

### 4.2 STAFFING ALLOCATION

Environmental Health Food Safety services are delivered in one Borough wide team of 10 (6.35 FTE) Environmental Health Officers and 1 Food Safety Officer all lead by a Principal EHO. Environmental Health Officers all possess a BSc. or MSc. in Environmental Health. The Food Safety Officer has a Higher Certificate in Food Premises Inspection from the Environmental Health Officers Registration Board (EHORB). All Environmental Health Officers hold a registration from EHORB and other appropriate qualifications.

The Environmental Health Officers in the Food Teams are also responsible for Occupational Health and Safety in food premises and therefore some of their time is allocated to non-food work.

When vacancies in the teams occur during the year the work programme is reprioritised and some areas of work may not be carried out. Whereas previously appropriately qualified contractors have been used to fill anticipated shortfalls in inspection targets with the current budgetary constraints this is no longer a realistic option.

## Staff Allocation to Food Safety Service

Post	Level of Competency
1 Service Manager	Registered with EHORB
1 Principal Officer	Registered with EHORB
6.35 FTE Environmental Health Officers	Registered with EHORB
1 Food Safety Officer	Higher certificate

In 2010/11 there were 6.25 FTE Officers dedicated to Environmental Health Food Safety work.

In 2011/12 it is estimated that there will be 6.35 FTE Officers dedicated to Environmental Health Food Safety work.

Food Standards Law enforcement is predominantly carried out by the following staff:-

- 1 x Principal Trading Standards Officer
- 4 ½ x Trading Standards Officers (FTE)
- 2 ½ x Assistant Trading Standards Officers (FTE)

Approximately 20% of their time is spent on food work providing 1.5 full time equivalents for this type of work. The above Officers are qualified to carry out Food Standards work in accordance with Chapter 1.2 of the Food Law Code of Practice (England) 2008.

### 4.3 STAFF DEVELOPMENT

Walsall Council has recently introduced annual Employee Performance Assessments for staff where discussions take place with staff and in the light of the service plan objectives, action plans are drawn up for each individual.

All Food Law Enforcement Officers receive training assessments and evaluation during their 6 monthly Employee Performance Assessment reviews. External and internal training provision is then identified in accordance with staff and service requirements. To maximise budgetary provision wherever possible support is given to courses provided by CeNTSA and the FSA who have proven to be the most cost effective training suppliers. Officers are also able to identify forthcoming training via the CeNTSA annual training plan. In house development in the form of workshops and cascade training is also utilised where appropriate.

Although the recommended minimum training for each officer is 10 hours training specifically on the practical and/or legislative aspects of Food Standards work per year this may be exceeded as requirements demand.

## **5.0 QUALITY ASSESSMENT**

### **5.1 QUALITY ASSESSMENT**

The Food Safety Service utilises a staged and mentored approach to the authorisation of staff.

The Principal Officer makes periodic accompanied visits with Environmental Health Officers/Food Safety Officer. Monitoring includes the checking of formal notices served and paperwork. In addition there is an annual EPA and regular team meetings where pertinent issues can be discussed.

Officers also participate in regional standardisation exercises and peer reviews visits as organised.

The Service Manager undertakes a monthly assessment of the Service's work.

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## 6.0 REVIEW

### 6.1 REVIEW AGAINST SERVICE OBJECTIVES

Service objectives are reviewed on a quarterly basis the key performance measures from the year 2010/11 are:

Performance indicator		Target	Actual
<b>NI 184</b>	Food establishments in the area that are broadly compliant with food hygiene law	No specific target other than improvements on previous year 74.33%	77.7% of premises were Broadly Compliant with food law.
	Number of inspections of food premises	100% of Inspections due (1066)	1189 premises were inspected However 116 premises inspections remain outstanding and will be programmed into the forthcoming years work
	Number of Food Samples taken for microbiological examination	200	47 Samples taken - sampling Officer was on long term sick leave and came back to work on adjusted duties.
	No. of reported cases of food borne disease receiving response within same working day	100% (283 reported cases of food borne disease in 2009/10)	88% (342 reported cases of food borne disease) performance measure fluctuated throughout the year needs further work to ensure consistent response.
	No. of food and food premises complaints receiving a response within 3 working days.	100%	96.80% (281 complaints were received relating to food, premises and personnel)

## 6.2 VARIATION FROM SERVICE PLAN

Officers are generally achieving an acceptable level of performance in what has been and continues to be a challenging time. The Division has made great strides toward having a much better understanding of and control over its database and will continue to improve its use of I.T. this year. The Division will also continue to adhere to efficient and effective procedures and investigate and where possible implement good practice from Regional and National Groups.

The Authority started the year with a target of 1066 inspections to be undertaken. There were also in excess of 300 unrated premises that required attention to determine if they were still trading, and what types of activity were being undertaken at the premises. By year end 1189 inspections had been completed including all but 8 of the unrated premises. 116 premises still require an intervention of some kind and they have been included in the schedule for the forthcoming year.

A major restructure of the service reducing supervisory capacity by 2/3rds and the loss of 2 key officers to long term sickness has hampered the performance of the team. However prioritisation and monitoring of staff performance will need to be more flexible to take account of factors such as these in future.

Calculations show that 77.7% of premises in the Borough are broadly compliant with food hygiene law. With the introduction of the National Food Hygiene Rating System we will stop measuring this Broadly Compliant information in the traditional way and use the Rating System to indicate the level of business compliance in the Borough. This should ensure the data used is far more accurate and meaningful and transparent as businesses and members of the public have access to the ratings.

Where common themes, common types of premises or indeed any geographical similarities are found the Principal will lead a piece of work on interventions that may bring these premises to a higher standard.

It will also be the Environmental Health Management Team's responsibility to react more swiftly to performance monitoring reports. This will include in the day to day supervision of Staff reflection on inspections where non-compliant premises are found to ensure the right level of intervention has taken place to raise the premises standards.

Responses to food borne disease notifications still require sustained improvement. Once the more recent Divisional restructure is embedded singular responsibility for Food Safety and Infectious Disease management will assist in identifying and resolving any administrative issue.

## 7.0 WORK PLAN FOR THE FOOD SAFETY TEAM 20011/12

The Authority seeks to ensure that food produced, prepared and sold in the borough is safe and without risks to health and meets appropriate quality standards. This will be achieved by:

Key Service Activity	Service lead	Action	Action lead
Respond to food poisoning, infectious diseases and animal health incidences.	John Beavon	Respond to all disease notification within 3 working days	David Elrington
Publish a Food Hygiene Rating System for inspections of food businesses	John Beavon	Implement the Food Hygiene Rating System from April 2011 and monitor its progress over the first year to indicate the level of regulatory compliance by food businesses in Walsall.	David Elrington
Ensure residents have access to safe and healthy food	John Beavon	Implement the microbiological food sampling programme focusing on high risk premises and manufacturers	David Elrington
	John Beavon	Implement the Food Law Enforcement Service Plan	David Elrington
	John Beavon	Carry out the Food Standards Plan.	Lorraine Boothman
Investigate complaints and requests for service about business malpractice.	John Beavon	First Response to complaints about trading practices received by the environmental health and trading standards services within service standards.	David Elrington and Lorraine Boothman

## APPENDIX B

### ENVIRONMENTAL HEALTH FOOD SAFETY SERVICE RESOURCE REQUIREMENTS

#### FOOD PREMISES INSPECTIONS

There are **2085** food businesses on the premises database which are subject to inspection. The profile of premises due for inspection in 2011/2012 is:

A	(inspected every 6 months)	64
B	(inspected every 12 months)	275
C	(inspected every 18 months)	639
D	(alternative enforcement strategy)	139
E	(alternative enforcement strategy)	16

Total **1133** premises inspections due

The Authority will aim to inspect 100% of all category A, B, C premises which fall due within the year. For category D and E's an alternative enforcement strategy will be trialled this year for food hygiene inspections: All businesses in these categories will receive a postal questionnaire. Dependent on the information provided or failure to return the questionnaire, inspections may be undertaken.

**Resource requirements 3375 hours**

#### REVISITS

Revisits/ Secondary inspections will continue to be undertaken whenever necessary. To enable Officers to concentrate on risk and to safeguard resources, the 'Revisit Decision Tree' which forms part of the West Midlands Food Liaison Group Enforcement Policy has been introduced. Based on the number of secondary inspections undertaken in previous years it is expected that a similar number (122) will be undertaken during 2011/2012.

As part of the National Food Hygiene Rating Scheme businesses can request a re-visit to check on actions taken to comply with outstanding matters raised at the initial inspection. They can then request the business is re-rated. The numbers of these requests will be recorded to indicate to the management team the potentially increased level of resource taken up by these revisits.

**Resource requirements 122 hours**

## **HACCP**

The Food Hygiene (England) Regulations 2006 were enacted on the 11th January 2006. The Regulations require businesses to implement food safety procedures based on HACCP principles. Following the 2009 Public Inquiry into the September 2005 outbreak of E Coli 0157 in South Wales, ensuring that businesses meet the HACCP requirement of this legislation will continue to be a priority of the team this year. It is envisaged that a greater resource will be required for this. Businesses will be coached in the development of Safer Food Better Business and HACCP following inspections of suitable businesses.

### **Resource Requirement 600 hours**

## **FOOD COMPLAINTS**

Numbers of complaints received during 2009/2010:

Food	149
Food hygiene	132
<b>Total</b>	<b>281</b>

Complaints are dealt with according to the internal policies FHP6 and FHP7 which were developed in accordance with the Food Law Code of Practice and LACORS guidance. It is anticipated that a similar number of complaints will be received in the forthcoming year.

### **Resource requirement 1 686 hours**

## **HOME AUTHORITY PRINCIPLE**

Walsall welcomes the opportunity to work closely with food businesses recognising the benefits to both the business and officers in gaining detailed experience of companies' food safety management systems. Walsall is keen to establish a home authority arrangement where appropriate.

Walsall does not currently act as formal Home Authority for any businesses but there are a number of businesses for which Walsall is the originating authority. This involves providing advice and information to these businesses and other local authorities in whose area they trade:

- One Stop Stores limited: Nationwide convenience stores
- Blakemores/ Spar: Nationwide convenience stores.
- Poundland: Nationwide convenience stores
- Highgate Foods: Cake manufacture and nationwide supply
- Baker Boy: Cake manufacture and nationwide supply
- T C Morris: Approved premises
- Midland Food Products: Approved premises
- G J Simmons: Approved Premises
- C A Gorman: Approved Premises
- Midland Pie Products: Approved Premises
- Piquant Sauces: Manufacturer
- Lawrence Meats: Approved premises
- ACE Pub Supplies: Manufacturing Premises
- Coopers Family Butchers: Approved Premises
- A E Poxon & Sons: Approved Premises
- Chicken Joes: approved Premises
- Tican Chilled: Approved Premises
- Potters Pork Products: Approved Premises
- A & S Foods: Approved Premises
- Empire Cold Storage: Approved Premises
- Baker Boy: Approved Premises

### **Resource requirement 150 hours**

#### **ADVICE TO BUSINESS/ CONSUMERS**

Failure to make advice available can lead to food safety being compromised; this aspect of Walsall's service is therefore seen as essential. During 2009/2010 220 requests for food hygiene advice were received. In view of the emphasis on the requirement for food businesses to comply with the HACCP requirements it is envisaged that greater resources will be required in the forthcoming year.

Advice is also available to all businesses via the food web pages. The web pages will continue to be reviewed and updated according to the needs of our customers and when new guidance is published. Other methods of providing advice and communicating with businesses and the public will be explored as appropriate e.g. newsletters and press releases.

### **Resource requirement 880 hours**

## **FOOD INSPECTION AND SAMPLING**

Although due to budget pressures there is no longer a dedicated sampling budget Walsall Council has an allocation of 200 credits from the Health Protection Agency laboratory and these are used to conduct targeted food sampling.

Analysis and examination of food complaints is undertaken by the Public Analyst and routine food samples are analysed by the Consultant Microbiologist at HPA Good Hope Hospital.

Walsall has committed to sampling its manufacturing premises on a yearly basis.

In addition Walsall participates in relevant LACORS/HPA annual sampling programmes and sampling exercises agreed by the West Midlands Food Liaison Group.

**Resource requirement 400 hours**

## **CONTROL AND INVESTIGATION OF INFECTIOUS DISEASE**

Walsall investigates notified cases of food borne illness as directed by the Consultant in Communicable Disease Control (CCDC). The Team's target is to investigate all cases within 24 hours of notification: Notifications of Campylobacter are dealt with by sending a standard letter. Notified cases of infectious diseases are investigated by officers in accordance with procedure FHP9, to determine their source, prevent further spread of infection and to provide advice to patients. In 2010/2011 342 notifications of infectious diseases were investigated.

Procedure FHP9 outlines the investigation of infectious diseases and requires the CCDC to be contacted in all cases of an outbreak. There is also a Community Outbreak Control Plan drawn up by the CCDC in consultation with the West Midlands Authorities and the Health Protection Agency.

Regular meetings are held between the Principal Environmental Health Officer, CCDC and the Health Protection Agency's infection control nurses.

A Memorandum of Understanding has been established between the local authorities within the West Midlands to provide support in terms of staff and resources should there be a cross boundary outbreak.

### **Resource Requirement 1703 hours**

#### **FOOD ALERTS**

Policy FHP10 outlines the procedure for dealing with Food Alerts: Alerts requiring action will be dealt with as soon as they are received. A central log is kept of all Food Alerts received and the action taken.

### **Resource requirement 100 hours**

#### **LIAISON WITH OTHER ORGANISATIONS**

Walsall regularly participates in the West Midlands Food Liaison Group (WMFLG), which has a direct link to LGR (formerly LACORS). The terms of reference for the WMFLG include ensuring consistency throughout the West Midlands Authorities. Joint projects are undertaken and the group also arranges training opportunities for officers across the group, which promotes consistency of enforcement.

The Joint Meat Enforcement Working Party was established through the WMFLG in recognition of the various bodies involved with enforcement issues in respect of meat. This Working Group provides a forum for representatives from local authorities, MHS and OVS to exchange views and share practice with the aim of improving communication and consistency.

The HPA Laboratory User Group meets regularly to discuss sampling issues and issues relating to sampling results and emerging trends. The meeting is attended by Sampling Officers from the West Midlands Authorities and representatives from the HPA laboratories.

Liaison with the Health Protection Agency and the CCD is carried out through regular meetings. There is regular contact with the Health Protection Agency to discuss sampling programmes and training sessions are held to ensure consistency with regard to infection control issues.

Officers regularly consult the Licensing Team in relation to the licensing of street traders and advise Planning Services in relation to planning

applications. As hot food takeaways become more prevalent throughout the Borough the need to provide comment of these consultations is important to protect residents and other businesses from noise, odours and other nuisances. It is also important to ensure that prior to purchasing or designing new kitchens that companies have taken into account legal requirements and money is not wasted on incorrect fixtures and fittings.

The Team regularly communicates with OFSTED and the Care Quality Commission in relation to nurseries, childminders and residential care homes. Liaison takes place with Walsall Catering Service through inspection of school kitchens.

Relationships with other Directorates of the Council continue to be developed wherever possible.

**Resource requirement 500 hours.**

## **FOOD SAFETY PROMOTION AND NATIONAL FOOD HYGIENE RATING SYSTEM**

The Environmental Health Division regularly publishes press releases relating to emergency closures, prosecutions, food alerts and other important aspects of food safety.

The Environmental Health Division introduced the National Food Hygiene Rating Scheme on the 1st April 2011. In order to ensure files are uploaded onto the National database in line with correct procedures and at the appropriate times Officers will have to take additional care to manage the inspection process. An Officer will also have to be delegated to print and post the certificates at least monthly or sooner for premises rated at 5. It is hoped that in time and once officers are used to the new system the time requirement here will subside but in the first year it is likely to have significant resource implications.

## **GENERAL ADMINISTRATION**

The inputting on inspections onto the M3 database, the drafting of inspection reports, drafting of Notices and completion of the file inspection report sheet is carried out by Officers.

**Resource requirement 1600 hours**

## **STAFF DEVELOPMENT & TRAINING**

Annual staff appraisals and performance reviews are undertaken in accordance with corporate requirements. Procedure FHP14 details the policy for the monitoring of Officer competency.

Training needs are identified and training is undertaken in accordance with the agreed training plan but the current financial climate places significant financial constraints on the training budget.

Wherever possible the Environmental Health Division will run a CPD programme, which involves lunchtime talks on a variety of Environmental Health related subjects. All staff are invited to attend these sessions.

The West Midlands Competency/Training Matrix is used to ensure the competency of newly qualified and returning staff.

**Resource requirement 595 hours**

## SUMMARY

	<b>Units</b>	<b>Time (hours)</b>
Food Premises Inspections	1133	3375
Revisits	122	122
HACCP		600
Food Complaints	281	1686
Home Authority Principle		150
Advice To Businesses/ Consumers	220	880
Food Inspection and Sampling	200	400
Infectious Disease	342	1703
Food Alerts		100
Liaison With Other Organisations		500
Food Safety Promotion & General Administration		1600
Staff Development		595
<b>TOTAL</b>		<b>11711</b>
FTE staff available for Food Safety service		6.35
Number of hours worked per annum		1560
<b>TOTAL</b>		<b>6.35 x 1560 = 9906</b>
<b>Estimated Resource Deficit</b>		<b>1805 hours</b>

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
<p>3.1.6 The Authority should ensure that the food premises database is operated and managed to ensure that it is able to provide reliable information to support the work of the Service and provide accurate monitoring returns to the Agency. [The Standard – 6.4]</p>	<p>Complete</p>	<p>Issues of consistency between those who input data for Environmental Health and Trading Standards have been raised and discussed and will continue to appear on IT Group agendas for future discussion should any problems surface.</p> <p>The Systems Administrator is still training in terms of having an overview of the system and controlling data input and other consistency measures.</p> <p>As this Officer grows in confidence and ability they should be able to oversee this in more detail.</p>	<p>Since the Audit we have undertaken a large piece of 'data cleansing work' on our database.</p> <p>Letters were sent to over 270 Food Business Operators requesting them to complete or update Food Registration forms (letter attached). Of the letters sent out 5 require action although tend to be low risk premises such as social clubs. All the information returned was entered onto the database by a nominated officer and the hard copy file also updated with the most recent form.</p> <p>The Division was successful in a bid from the FSA to implement the National Food Hygiene Rating Scheme. Part of that funding was to ensure the database could accurately upload to the NFHRS database. Along with the piece of work mentioned above we were able to contract an agency EHO to undertake interventions at the premises that had previously been unrated on the database.</p> <p>We believe the work undertaken means the database is the most accurate it has been for many years.</p> <p>We are presently working with our ICT Team to connect to the corporate Land and Property Gazetteer so that the addresses are completely up to date and can be updated regularly to take account of new or changed addresses.</p> <p>This should also assist in ensuring premises have clearly identifiable addresses and avoid the scenario where duplicate premises are created at the same address.</p>

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
<p>3.1.12 Review officer authorisations on a regular basis to ensure that they are kept up to date with current legislation and continue to develop the documented procedure on the authorisation of officers to detail the competency assessment process by which authorisations are linked to the officer's individual training requirements. [The Standard – 5.1]</p>	<p>complete</p>		<p>All authorisations for staff currently working in the Division have been updated and signed by the Head of Service.</p> <p>The authorisations are prominently located in the authorisations file</p> <p>Any old or out of date authorisations have been disposed of.</p> <p>The Environmental Health management team have met and discussed specifically the correct level of authorisation for each officer presently in the division and this has been enshrined in Procedures FHP2 &amp; 13.</p>
<p>3.1.14 Ensure that all officers, including the Lead Officer, receive suitable training consistent with their authorisation and duties in accordance with the Food Law Code of Practice. [The Standard – 5.3]</p>	<p>complete</p>		<p>Last year (1/4/10-31/3/11) 4 elements of training were considered for the officers involved in food inspections (including Management):</p> <ul style="list-style-type: none"> <li>• approved premises,</li> <li>• Inspection consistency (as part of NFHRS agreement),</li> <li>• Vac Pac in butchers,</li> <li>• HACCP training.</li> </ul> <p>Attached are records appertaining to this.</p> <p>Employee Performance Assessments are being undertaken and individual as well as Group training needs will be considered on merit and to ensure Officers keep up to date with CPD and legislative changes.</p>

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
3.1.16 Ensure that complete and sufficiently detailed officer training records are maintained in accordance with the Food Law Code of Practice. [The Standard - 5.4 and 5.5]	complete		Attached is a record of Officers training.  Officers are required to present their CPD/attendance certificates to the Principal Officer or Env Health Manager for verification and so that the training record can be signed off.
3.2.2 Ensure that all food premises, including approved establishments, are inspected in accordance with the frequencies specified by the Food Law Code of Practice. [The Standard – 7.1]	complete		Monthly quantitative reports are produced by the Environmental Health Manager for discussion with the Principal EHO. Actions coming out of that report can be taken back to the Team by the Principal or raised at Divisional Meetings.  Quarterly reports are produced as part of the Directorate Service Planning process and these results are also considered by the Management team and the results fed back to the division.  Issues such as long term sickness and restructuring that may affect performance are acknowledged and reprioritisation of workloads to target high risk areas considered and implemented where necessary.
3.2.6 Ensure that appropriate action is taken on any non-compliance found during inspections, including any contraventions linked to HACCP requirements, in accordance with the Authority's Enforcement Policy, the Food Law Code of Practice and any other centrally issued guidance. [The Standard – 7.3]	complete		Officers have been advised to serve hygiene improvement notices (HINs) in every appropriate instance where contraventions linked to HACCP systems are found.  The Principal Environmental Health Officer monitors HIN's to ensure they are dealt with in a timely manner as part of monthly performance monitoring.

TO ADDRESS (RECOMMENDATION INCLUDING STANDARD PARAGRAPH)	BY (DATE)	PLANNED IMPROVEMENTS	ACTION TAKEN TO DATE
<p>3.3.3 Expand the enforcement procedures to ensure they cover the full range of enforcement activities. [The Standard – 15.3]</p>	<p>complete</p>	<p>Further work to complete simple caution procedure and prosecution procedure required</p>	<p>A procedure for the service of HINs has been written (copy attached) A procedure for the service of RAINs has been written (copy attached). A draft prosecutions procedure is being considered and a simple caution procedure requires completion.</p>
<p>3.3.6 Ensure that hygiene improvement notices have been fully complied with and that all the necessary procedures and documentation specified by the Food Law Code of Practice have been completed. [The Standard – 15.2]</p>	<p>complete</p>		<p>All Notices to be reviewed as part of the monthly performance management review of the division by the Environmental Health Manager and Principal EHO. Principal EHO to discuss with Officers and be satisfied of the outcome associated with the HIN.</p>
<p>3.4.3 Set up, maintain and implement documented internal monitoring procedures for the full range of food law enforcement activities in accordance with the Food Law Code of Practice. [The Standard – 19.1 and 19.2]</p>	<p>complete</p>		<p>Quantitative reports are produced covering each month and the full quarter to be discussed with the Principal EHO in terms of areas requiring attention and areas where improvements have been seen.</p>

## 2. Executive Summary

- 2.1 The Authority had developed a Food Law Enforcement Service Plan for 2010/2011 that was broadly in line with the Service Planning Guidance in the Framework Agreement. The Plan identified a shortfall in staff resources of approximately 0.85 expressed as Full Time Equivalents (FTEs). At the time of the audit the Plan was due to be approved at the appropriate Council Member forum.
- 2.2 A number of the Authority's services shared the premises database. However, there was no dedicated in-house expertise or protocols across the various services to ensure that the information on the database was accurate, up to date and effectively managed. Auditors were informed that as part of the recent restructure the Authority had plans to appoint a database administrator.
- 2.3 The Authority had recently updated the procedure for the review and updating of documented policies and procedures. A number of policies, procedures and documents had recently been updated, however, the Authority acknowledged that further procedures required development to cover the full range of food law enforcement activities.
- 2.4 The Authority had a documented procedure for the authorisation of officers based on their individual qualifications, experience and competency. Officer authorisation documents required some expansion to cover the full range of relevant food law enforcement legislation.
- 2.5 Officer training needs were identified on an annual basis through the staff appraisal process, and the Authority had commenced development of a more systematic method of identifying and prioritising staff training needs based on their level of authorisation and required competencies, in accordance with the Food Law Code of Practice. Generally, officers had undertaken the required number of hours of Continuing Professional Development (CPD) and recent HACCP training. However, the Lead Officer did not have the required competency levels as required by the Food Law Code of Practice and relevant officers required update training in regard to the approval and inspection of product specific establishments. Generally, records of officer qualifications and training were incomplete.
- 2.6 Record checks showed that the Authority had a substantial backlog of overdue inspections and unrated premises awaiting their first inspection. The Authority was not able to fully explain the backlog, although it was acknowledged that database administration was a contributing factor. Premises included in the annual inspection programme had generally been inspected at the frequency required by the Food Law Code of Practice.

- 2.7 The Authority had developed a food premises inspection procedure. The procedure provided useful guidance to officers carrying out food law interventions. However, file checks showed that there was insufficient evidence on file to gain assurance that officers were carrying out thorough assessments of food business compliance, particularly in respect of their food safety management systems (FSMS). In addition, there was evidence that in some cases findings on inspection should have prompted the consideration of the escalation of enforcement action in line with the Authority's Enforcement Policy.
- 2.8 On inspection the Authority's officers had been using a general food premises inspection aide-memoire that did not prompt them to fully record their detailed findings in relation to assessments of food safety management systems. Auditors discussed the need to develop an appropriate aide-memoire to enable officers to better record their detailed observations on inspection.
- 2.9 File checks showed that one product specific establishment subject to controls under Regulation (EC) No. 853/2004 had not been re-approved under current legislation and another had been approved without evidence of a pre-approval inspection. In addition product specific establishments had not always been inspected at a frequency required by the Food Law Code of Practice.
- 2.10 Appropriate product specific aides-memoire had been used to record findings following approved establishment inspections. However, it was not always possible to gain assurance from the information recorded that a thorough assessment of the food business FSMS had been carried out. Generally, approved establishment files were disorganised and the information listed in Annexe 12 of the Food Law Code of Practice Guidance was difficult to retrieve, missing, or out of date.
- 2.11 The Service had developed an Enforcement Policy which was generally in line with centrally issued guidance. The Authority had developed enforcement procedures for most of the Authority's enforcement activities, including the use of hygiene emergency prohibition notices, simple cautions and prosecution. The Authority acknowledged the need to develop and implement a procedure for the service of hygiene improvement notices.
- 2.12 Although there was clear evidence that the Authority was willing to take appropriate and effective enforcement action when required, including the use of hygiene improvement/emergency prohibition notices, simple cautions and prosecution, there was evidence that the Authority had on occasion struggled to carry out appropriate follow-up activities.
- 2.13 Records confirmed that complaints about food and food premises were investigated effectively with appropriate follow-up action being taken. Complaint records were generally found to be complete and accurate.

- 2.14 Records relating to unsatisfactory food sample results showed that the Authority had notified food business operators (FBOs) of the results and had taken appropriate follow-up action in all cases.
- 2.15 The Authority had developed a procedure for internal monitoring, and there was some limited evidence that documented quantitative and qualitative monitoring was being carried out. Auditors discussed the need for monitoring to be risk based, regular, fully documented and extended to cover the full range of food law enforcement activities.
- 2.16 A reality check visit at a food business was undertaken during the audit. The main objective was to assess the effectiveness of the Authority's assessment of food business compliance with food law requirements. The visit confirmed that the officer had knowledge of the business and had carried out discussions with the food business operator in relation to HACCP and FSMS. However, auditors were not able to confirm that the officer had carried out an effective and thorough evaluation of the compliance of the business, as an aide-memoire had not been completed for the most recent inspection.

### 3. Audit Findings

#### 3.1 Organisation and Management

##### *Strategic Framework, Policy and Service Planning*

- 3.1.1 The Authority had developed a Food Law Enforcement Service Plan 2010/2011 which was broadly in line with the Service Planning Guidance in the Framework Agreement. Auditors were informed that the Plan would be agreed at an appropriate Council Member forum in the near future. The Service Plan contained a detailed analysis of resource requirements to deliver the food law service. The analysis identified a shortfall in resources of approximately 0.85 in terms of full time equivalents (FTE). Auditors discussed further development of the Plan to include more detailed information specified by the Service Planning Guidance, for example, in regard to external factors which may affect the delivery of the Service.
- 3.1.2 The Service Plan stated that one of the aims of PH was to *'protect public health by ensuring that high standards of food safety are maintained in food premises and food production by means of education and enforcement'* and a number of key objectives to achieve this were listed, including *'To implement procedures to ensure compliance with the Food Standards Agency Framework Agreement'*. These statements were linked to the Council's Sustainable Community Strategy which stated *'Walsall will be a great place to live, work and invest, where people can live an independent and healthy life.'*
- 3.1.3 The Service Plan set out key objectives for the forthcoming year, which included an aim to carry 100% of due A, B and C category premises. In addition, the Authority was to trial an alternative enforcement strategy to deal with the lower risk D and E category premises. The Plan also acknowledged the Authority's support for the Food Standards Agency's *'Safer food, better business'* (SFBB) and planned to implement a *'Scores on the Doors'* scheme once a commencement date was decided.
- 3.1.4 The Authority's Service Plan also made reference to national indicator 184 (food businesses 'broadly compliant' with food safety requirements). The Plan indicated that 74.33% of businesses in the Borough were 'broadly compliant'.
- 3.1.5 Auditors were informed that the Authority had experienced difficulties in reporting Local Authority Enforcement Monitoring System (LAEMS) data to the Agency. Auditors were informed that the database was used by other Council departments, however there was no formal procedure across the various services using the system to ensure accurate and uniform data entry and data cleansing which often resulted in EH being unaware of the existence of some premises, the