

Cabinet (Resources) Panel

15 June 2022

Time 4.00 pm **Public Meeting?** YES **Type of meeting** Executive
Venue Council Chamber - 4th Floor - Civic Centre, St Peter's Square, Wolverhampton, WV1 1SH

Membership

Chair Cllr Stephen Simkins (Lab)

Labour

Cllr Obaida Ahmed
Cllr Ian Brookfield
Cllr Paula Brookfield
Cllr Chris Burden
Cllr Steve Evans
Cllr Bhupinder Gakhal
Cllr Jasbir Jaspal
Cllr Linda Leach
Cllr Beverley Momenabadi

Quorum for this meeting is three voting members.

Information for the Public

If you have any queries about this meeting, please contact the Democratic Services team:

Contact Dereck Francis, Democratic Services
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Some items are discussed in private because of their confidential or commercial nature. These reports are not available to the public.

Agenda

Part 1 – items open to the press and public

Item No. *Title*

MEETING BUSINESS ITEMS

- 1 **Apologies for absence**
- 2 **Declarations of interest**
- 3 **Minutes of the previous meeting** (Pages 3 - 6)
[To approve the minutes of the previous meeting as a correct record]

DECISION ITEMS (AMBER - DELEGATED TO THE CABINET (RESOURCES) PANEL)

- 4 **Procurement - Award of Contracts for Works, Goods and Services** (Pages 7 - 16)
[To approve the award of contracts for works, goods and services]
- 5 **Food Service Plan** (Pages 17 - 64)
[To approve the Food Service Plan outlining the statutory food hygiene and food standards work for the year 2022 - 2023 undertaken by Environmental Health]
- 6 **Community Asset Transfer - Bilston Town Football Club** (Pages 65 - 76)
[To approve a Community Asset Transfer to Bilston Town Football Club]
- 7 **Exclusion of press and public**
[To pass the following resolution:

That in accordance with Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting for the following item of business as it involves the likely disclosure of exempt information on the grounds shown below]

Part 2 - exempt items, closed to press and public

- | | |
|--|---|
| <ol style="list-style-type: none">8 Procurement - Award of Contracts for Works, Goods and Services (Pages 77 - 86)
[To approve the award of contracts for works, goods and services] | <p>Information relating to the financial or business affairs of any particular person (including the authority holding that information) Para (3)</p> |
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CITY OF WOLVERHAMPTON COUNCIL	Cabinet (Resources) Panel Minutes - 25 May 2022
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Attendance

Members of the Cabinet (Resources) Panel

Cllr Stephen Simkins (Chair)
Cllr Obaida Ahmed
Cllr Bhupinder Gakhal
Cllr Linda Leach
Cllr Beverley Momenabadi

Employees

Mark Taylor	Deputy Chief Executive
David Pattison	Chief Operating Officer
John Roseblade	Director of City Housing and Environment
Becky Wilkinson	Director of Adult Social Services
Jaswinder Kaur	Democratic Services Manager
Dereck Francis	Democratic Services Officer

Part 1 – items open to the press and public

Item No. *Title*

- 1 Apologies for absence**
Apologies for absence were submitted on behalf of Councillors Ian Brookfield, Paula Brookfield, Chis Burden, Steve Evans and Jasbir Jaspal.
- 2 Declarations of interest**
Councillor Linda Leach declared a non-personal interest in item 7 (HRA development of sites at Ettingshall Road, Showell Circus and Villiers Avenue) in relation to her role as a Ward Councillor. David Pattison, Chief Operating Officer advised that it was neither a disclosable pecuniary or disclosable non-pecuniary interest.
- 3 Minutes of the previous meeting**
Resolved:
That the minutes of the previous meeting held on 27 April 2022 be approved as a correct record and signed by the Chair.
- 4 Procurement Award of Contracts for Works, Goods and Services**
Councillor Obaida Ahmed presented the report on the latest procurement activity for approval. She highlighted that several important procurements were coming forward this month across the portfolios for City Environment and Climate Change, and City

Assets and Housing. Also, in line with the Council's commitment to the Wolverhampton Pound and maximising the value of spend with local businesses, evidenced throughout the report were proposals to use procurement methods which would encourage local businesses to submit tenders. The tender for minor works to highway structures was also a good example of collaborative working with other local authorities to reduce duplication of effort and find economies of scale.

Resolved:

1. That authority be delegated to the Cabinet Member for City Environment and Climate Change, in consultation with the Director of City Housing and Environment, to approve the award of a contract for Framework for Minor Works to Highways Structures when the evaluation process is complete.
2. That authority be delegated to the Cabinet Member for City Assets and Housing, in consultation with the Deputy Director of Assets, to approve the award of a contract for Asbestos Removal when the evaluation process is complete.
3. That authority be delegated to the Cabinet Member for City Assets and Housing, in consultation with the Deputy Director of Assets, to approve the award of a contract for Demolition of Void Buildings in Oxley and Hickman Avenue Depot when the evaluation process is complete.
4. That authority be delegated to the Cabinet Member for City Assets and Housing, in consultation with the Deputy Director of Assets, to approve the award of a contract for Fordhouse Industrial Estate – Roof replacement when the evaluation process is complete.
5. That authority be delegated to the Cabinet Member for City Assets and Housing, in consultation with the Deputy Director of Assets, to approve the award of a contract for Former Loxdale School – Conversion of site when the evaluation process is complete.
6. That authority be delegated to the Cabinet Member for City Assets and Housing, in consultation with the Director of City Housing and Environment, to approve the award of a contract for Heath Town Regeneration Project - Phase 2 when the evaluation process is complete.

5 **Exclusion of press and public**

Resolved:

That in accordance with Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting for the following items of business as they involve the likely disclosure of exempt information relating to the financial or business affairs of any particular person (including the authority holding that information).

Part 2 - exempt items, closed to press and public

The Chair reported that as stated previously the meeting was in confidential session as the information included in the reports could, if released into the public domain, prejudice the financial position of the Council or its partners. As such all present are

under a legal duty of confidentiality and must not disclose any confidential information - to do so would not only be a breach of the Council's codes (for councillors and employees) but also a breach of the legal duty of confidentiality.

6 Procurement Award of Contracts for Works, Goods and Services

Councillor Obaida Ahmed presented, for information, the report on exemptions to Contract Procedure Rules approved by the Head of Procurement and Director of Finance during March 2022.

Resolved:

That the exemptions to Contract Procedure Rules approved by the Head of Procurement and Director of Finance from 1 to 31 March 2022 be noted.

7 HRA development of sites at Ettingshall Road, Showell Circus and Villiers Avenue

Councillor Bhupinder Gakhal presented the report on a proposal to develop three sites at Ettingshall Road, Showell Circus and Villiers Avenue for affordable housing. The sites would be developed to the Future Homes Standard specification rather than as a Passivhaus development, thereby reducing construction costs and increasing much needed affordable housing in the city.

Resolved:

1. That the development of the three sites at Ettingshall Road, Showell Circus and Villiers Avenue for affordable housing be approved.
2. That authority be delegated to the Cabinet Member for City Assets and Housing, in consultation with the Director of City Housing and Environment, to approve the appointment of a main contractor for each of the three sites.
3. That it be noted that the three sites formerly identified for Passivhaus would now be developed with the aim of achieving the Government's pending Future Homes Standard.

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CITY OF WOLVERHAMPTON COUNCIL	Cabinet (Resources) Panel 15 June 2022
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Report title	Procurement – Award of Contracts for Works, Goods and Services	
Decision designation	AMBER	
Cabinet member with lead responsibility	Councillor Obaida Ahmed Resources and Digital City	
Key decision	Yes	
In forward plan	Yes	
Wards affected	All Wards	
Accountable Director	Claire Nye, Director of Finance	
Originating service	Procurement	
Accountable employee	John Thompson Tel Email	Head of Procurement 01902 554503 John.thompson@wolverhampton.gov.uk
Report to be/has been considered by	Directorate Leadership Team	

Recommendations for decision:

The Cabinet (Resources) Panel is recommended to:

1. Delegate authority to the Cabinet Member for City Environment and Climate Change, in consultation with the Director of City Housing and Environment, to approve the award of a contract for Environmental Enforcement when the evaluation process is complete.
2. Delegate authority to the Cabinet Member for Health and Wellbeing, in consultation with the Director of Public Health, to approve the award of contracts for Voluntary and Community Sector Contracts when the evaluation process is complete.

1.0 Councillor Steve Evans, Cabinet Member for City Environment and Climate Change

1.1 Delegated Authority to Award a Contract – Environmental Enforcement

Ref no: CWC21144	
Council Plan aim	Climate Conscious
Originating service	Environmental Services
Accountable officer	Shaun Walker, Environmental Crime Service Lead (01902) 554470
Leadership Team approval	22 March 2022
Accountable Lead Cabinet Member	Cllr Steve Evans, Cabinet Member for City Environment and Climate Change (01902) 861498
Date Lead Cabinet Member briefed	1 April 2022
Procurement advisor	Karen Boden, Procurement Manager (01902) 555136

1.2 Background

- 1.3 This new contract aims to build on the success of a previous contract that has existed since August 2015. The contract will focus on the key areas of littering, dog fouling and drinking alcohol in public places. Options to widen the scope of offences during the lifetime of the four year contract will exist. A similar business model to the previous contract will also exist whereby the provider and the City of Wolverhampton Council (CWC) will share an amount from the paid Fixed Penalty Notices (FPNs). This has proven to be fair to both parties rather than payment based on FPNs issued or an officer hourly rate.

Proposed Contract Award	
Contract duration	Four Years
Contract Commencement date	1 September 2022
Annual value	£200,000
Total value	£800,000

1.4 Procurement Process

- 1.5 The intended procurement procedure will be an above threshold open procedure in accordance with Public Contract Regulations 2015, the evaluation scoring balance will be 60% Quality and 40% Price. This procedure has been chosen because it will support fair and transparent competition, and enable small local businesses to bid, further supporting the Wolverhampton Pound.
- 1.6 Any amendments to the procurement procedure will be reported in an Individual Executive Decision Notice (IEDN) to the relevant Cabinet Member in consultation with the relevant Director. This procedure is in accordance with the delegation within this report.
- 1.7 The evaluation team will comprise:

Name	Job Title
Shaun Walker	Service Lead
Kevin Roberts	Senior Legal Executive
Lisa Wycherley	Solicitor

1.8 Evaluation of alternative options

- 1.9 There are three options to consider:
- Cease fixed penalty enforcement activity
 - Deliver enforcement activity in-house using existing resources
 - Outsource the activity to a private company

1.10 Reason for decisions

- 1.11 Failure to carry out any enforcement activity would lead to greater amounts of litter and dog fouling in public places and would frustrate delivery of the Council Plan Part 4.4: Clean, green neighbourhoods and public space.
- 1.12 Litter enforcement was carried out in-house between 2005 – 2015. Only a very small number of FPNs were issued to pedestrians over a ten-year period and was considered an inefficient use of resources.
- 1.13 Outsourcing this type of low level / high volume enforcement activity allows for specialisation to occur and supports CWC's aim to discharge its duty to maintain clean streets. Officers from within CWC can then focus more on complex investigations and larger scale fly tipping offences.

1.14 Financial implications

- 1.15 This contract will be funded from existing revenue budgets held within Environmental Crime, which has an annual expenditure budget of £300,000.
- 1.16 Having effective litter / dog fouling enforcement activity will lead to reduced clean - up costs of our public places.

1.17 Legal implications

- 1.18 The procurement will be an above threshold procedure in accordance with the Public Contract Regulations 2015 and Council's Contract Procedure Rules.

1.19 Equalities implications

- 1.20 The Equality Diversity and Inclusion team were consulted during development of the tender and advised that certain criteria should be part of the specification. For example, the providers staff will, when required, undertake CWC training. This includes but is not limited to:
- Protecting Information via e-learning offered free of charge by CWC
 - Safeguarding Basic Awareness via e-learning offered free of charge by CWC
 - Equality & Diversity via e-learning offered free of charge by CWC
 - The provider will consider how best it can operate a service that is responsive to the requirements of CWC in terms of other protected characteristics described by the Equality Act 2010 and can demonstrate this.
 - The provider must ensure that no group with protected characteristics under the Equality Act 2010 is disproportionately targeted in the performance of this contract and be able to collect adequate equalities related data to demonstrate an unbiased approach.
 - The provider shall have a fully developed communication plan which, as a minimum shall include an office contact telephone number, an SMS text number to support people without access to standard telephones – for example D/deaf people and people without speech. a supervision mobile number and patrol staff mobile phones. These numbers shall be available at all times to CWC's contract manager and CWC's legal team. The plan will also include how the provider plans to communicate with British Sign Language users in their wider communication requirements.

1.21 All other implications

- 1.22 There are no other implications arising from the recommendations of this report.

1.23 Recommendation

- 1.24 Cabinet (Resources) Panel is recommended to delegate authority to the Cabinet Member for City Environment and Climate Change, in consultation with the Director of City Housing and Environment, to approve the award of a contract for Environmental Enforcement when the evaluation process is complete.

2.0 Councillor Jasbir Jaspal, Cabinet Member for Health and Wellbeing

2.1 Delegated Authority to Award a Contract: Voluntary and Community Sector Contracts

Ref no: CWC22067	
Council Plan aim	Fair and Equal
Originating service	Public Health - Communities
Accountable officer	Joanna Grocott, Place Based Manager (01902) 555644
Leadership Team approval	13 October 2021
Accountable Lead Cabinet Member	Councillor Jasbir Jaspal, Cabinet Member for Health and Wellbeing (01902) 551218
Date Lead Cabinet Member briefed	25 November 2021
Procurement advisor	Adebimpe Winjobi, Procurement Manager

2.2 Background

- 2.3 On 6 December 2016 following a tender exercise, Cabinet (Resources) Panel awarded seven contracts to six Voluntary and Community organisations (VCS) for a period of five years. These contracts support a number of city priorities targeting those most in need in the city including job and training support, welfare and advice, voluntary sector engagement and partnership working and volunteering. All seven contracts commenced on 1 April 2017.
- 2.4 All contract providers have endured a particularly challenging year due to the pandemic but have continued to develop, adapt, and most importantly, deliver services to vulnerable people in the City so they get the support they need. All contracts were due to expire on 31 March 2022 but due to ongoing Covid restrictions and the need to respond to emerging priorities in our communities, the tendering process was pushed back, and all contracts extended to 30 September 2022. Subsequent contracts will be aligned to the Council Plan and utilise a Place Based approach, recovering from Covid-19.

Proposed Contract Award	
Contract duration	Five years (3+2)
Contract Commencement date	1 October 2022
Annual value	£697,000
Total value	£3.485 million

2.5 Procurement Process

- 2.6 The intended procurement procedure will be an open procedure in accordance with Public Contract Regulations 2015. This route to market has been decided because CWC is committed to demonstrating that the services it procures represent good value for money which have been sourced using open, transparent, and equitable processes, supporting the Wolverhampton Pound.
- 2.7 The evaluation scoring balance will be 60% quality, 20% social and environmental value, and 20% cost.
- 2.8 Any amendments to the procurement procedure will be reported in an Individual Executive Decision Notice (IEDN) to the relevant Cabinet Member in consultation with the relevant Director in accordance with the delegation within this report.
- 2.9 The evaluation team will comprise:

Name	Job Title	Organisation (if not WCC)
Joanna Grocott	Place Based Manager	
Sue Lindup	Skills and Employability Manager	
Martha Cummings	Voluntary Sector Coordinator	
Voluntary Community Sector Partners	TBC	TBC

2.10 Evaluation of alternative options

- 2.11 In considering the options, the primary outcome is to reduce the risk of any further hardship to vulnerable people. Stopping or reducing current provision was not an option as a period of consultation is required. The original contracts were due to end on 31 March 2022, with no options for further extensions within the current contracts.

- 2.12 The extension of these contracts was approved to ensure the continuation of provisions to those with the most need enabling the organisations providing the provisions a period to also rebuild and recover from the challenges of the pandemic. The aim was to reduce the impact any further disruption may cause to the organisation and the vulnerable people that they serve. All contracts were approved for a six month extension, valued at £348,500 by Cabinet (Resources) Panel.
- 2.13 The planned consultation is already underway, and five sessions have been delivered through independent facilitation. This and other consultation exercises over the coming months will inform a service review of all seven of the current voluntary sector contracts, with the expectation that new service models and contracts will be in place from 1 October 2022.

2.14 Reason for decisions

- 2.15 CWC has worked in partnership for many years with a number of local small, medium and large Voluntary and Community Sector (VCS) organisations in the City, providing financial and/or in-kind support to help some of our most disadvantaged, vulnerable and marginalised communities.
- 2.16 Over the life of contracts, inevitably priorities will change and whilst groups have adapted well, new opportunities and ways of working need to be explored to ensure we maximise our ability to respond to needs in the City and deliver services that are of good social, environment and financial value. The Covid pandemic has highlighted aspects that are working well and those that need improvement in relation to the way we support local people and VCS groups. CWC is committed to ensuring that services do not impact adversely on those who need support the most.
- 2.17 The past two years has seen officers and Voluntary Community Sector partners commit to working practices and initiatives to renew the relationships across the sector to better deliver on council plan priorities in partnership whilst creating stronger and more resilient communities.
- 2.18 Activity is taking place in partnership with the VCS, University of Wolverhampton, strategic partners, and primarily local people to provide an evidence base and a new strategic and joint approach to meet the Council Plan priorities and recovery from Covid-19.
- 2.19 This will also provide an opportunity to explore other models that promote co-production, achieve shared outcomes, and contribute to commissioning being need led, baselining for the sector, living safely with Covid-19, reducing duplication and competition in the sector and that has residents at the heart of outcomes.

2.20 Financial Implications

- 2.21 This contract will be funded from existing revenue budgets held with Public Health.

2.22 Legal implications

- 2.23 The process will follow an above threshold procedure in accordance with the Public Contract Regulations 2015 and Council's Contract Procedure Rules.

2.24 Equalities Implications

- 2.25 As part of the procurement process an equalities impact assessment is currently being completed to inform future areas of consideration within the extension of contract and any adverse impacts regarding access and support as part of the ongoing commissioning process. The equality impact assessment is a live document and continues to be reviewed to ensure that it takes account of inclusion groups and the protected characteristics as covered by the Equality Act 2010.

2.26 All other implications

- 2.27 There are no other implications arising from the recommendations of this report.

2.28 Recommendation

- 2.29 Cabinet (Resources) Panel is recommended to delegate authority to the Cabinet Member for Health and Wellbeing, in consultation with the Director of Public Health, to approve the award of a contract for Voluntary and Community Sector Contracts when the evaluation process is complete.

3.0 Evaluation of alternative options

3.1 All alternative options are included within the relevant section of the report.

4.0 Reasons for decision

4.1 The reason for the recommendations are included within the relevant section of the report.

5.0 Financial implications

5.1 All financial implications are included within the relevant section of the report.
[RP/01062022/Q]

6.0 Legal implications

6.1 All legal implications are included within the relevant section of the report.
[SZ/20052022/P]

7.0 Equalities implications

7.1 The relevant to equalities and progress in terms of equality analysis will vary for each proposal included in this report. Accountable officers have and will ensure that evidence is collected and used to demonstrate compliance with the Council's legal obligations under the Equality Act 2010.

8.0 All other implications

8.1 All other implications are included within the relevant section of the report.

9.0 Schedule of background papers

9.1 Relevant background papers are included within the relevant section of the report.

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CITY OF WOLVERHAMPTON COUNCIL	Cabinet (Resources) Panel 15 June 2022
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Report title	Food Service Plan	
Decision designation	AMBER	
Cabinet member with lead responsibility	Councillor Steve Evans City Environment and Climate Change	
Key decision	Yes	
In forward plan	Yes	
Wards affected	All Wards	
Accountable Director	John Roseblade, Director City Housing and Environment	
Originating service	Regulation	
Accountable employee	Emma Caddick Tel Email	Service Manager 01902 554320 emma.caddick@wolverhampton.gov.uk
Report to be/has been considered by	City Housing & Environment Leadership Team Strategic Executive Board	7 June 2022 9 June 2022

Recommendations for decision:

The Cabinet (Resources) Panel is recommended to:

1. Approve the draft 2022 Food Service Plan as summarised in Appendix 1.
2. Delegate authority to the Cabinet Member for City Environment and Climate Change, in consultation with the Head of Regulation Service, to approve the final version of the Food Service Plan.

Recommendations for noting:

The Cabinet (Resources) Panel is asked to note:

1. The requirement to prepare a Food Service Plan.
2. The Service's key achievements for the year 2021.

1.0 Purpose

- 1.1 To inform the Cabinet (Resources) Panel of the legal requirement to produce a Food Service Plan.
- 1.2 To present, for consideration and approval, the draft Food Service Plan for 2022.
- 1.3 To obtain authority for the Cabinet Member for City Environment and Climate Change, in consultation with the Head of the Regulation Service, to approve the final version of the plan.

2.0 Background

- 2.1 Service delivery plans are recognised by central government as important expressions of a local authority's commitment to the development of their various services. They serve as a quality framework against which a service may be audited and provide a focus on resourcing and delivering aims and objectives. They also establish mechanisms for managing performance.
- 2.2 In January 2001 the Food Standards Agency produced the Framework Agreement on Local Authority Food Law Enforcement. It included the requirement to prepare a Food Service Plan and prescribed in detail which areas of the service should be covered by the plan. This is the 20th City of Wolverhampton Council Food Service Plan.
- 2.3 The Food Service Plan provides a framework upon which a scrutinising body, such as the Food Standards Agency (FSA) can conduct an official audit. It also sets out, within an overall commitment to quality and continual improvement, the general aims and objectives of the service, the scope and levels of the service and the means by which it is delivered. To this end, it also contains a breakdown of the financial and staffing resources available to deliver the service.
- 2.4 The main elements of the plan are summarised in Appendix 1. A full copy of the draft Food Service Plan 2022 can be found in Appendix 2. A copy will be placed on the intranet when final approval is confirmed.
- 2.5 The plan describes how the service is discharged and details the numbers, types and priority ratings of the City's food premises, the frequencies of planned interventions, sampling programmes, reactive work, including responding to food complaints, food hazard warnings and investigating cases of infectious disease.
- 2.6 The Food Standards Agency have recognised the impact the Covid-19 pandemic has had on local authorities and has set out a recovery plan, which deviates from the traditional inspection regime. The expectation for 2022 is that local authorities will prioritise new businesses for intervention based on risk, that all establishments rated B, C and non-compliant D for hygiene should be inspected, and enforcement work should be undertaken where premises are of poor standards.

3.0 Key Achievements in 2021/2022

3.1 The Environmental Health Service has played an integral role in responding to the Covid-19 pandemic and maintaining the provision of the food service during the period. Officers from within the service have achieved a significant amount in 2021, some of the key achievements are:

- Exceeding the Food Standards Agency's 'Recovery Plan' for 2021/2022
- 575 Food hygiene interventions undertaken
- 520 Food standard interventions undertaken
- 1281 complaints relating to food hygiene and standards dealt with
- Established a new Primary Authority Partnership with Little Dessert Shop
- Implemented 'Natasha's Law' including provision of webinar for business and updated website advice
- 541 Covid-19 enquiries dealt with

4.0 Progress

- 4.1 The Food Service Plan is a Statutory Document and is required to be produced annually.
- 4.2 The overall resource provision required to deliver the requirements of the plan fall within the City Housing and Environment Portfolio. For this reason, the Cabinet Member for City Environment and Climate Change is the signatory of the approved plan.
- 4.3 The Service is committed to working towards the inspection and intervention regime prescribed by the Food Standards Agency. It is envisaged that the service will meet all of the requirements of the recovery plan programme this year and will be able to bring forward some visits from 2023/2024 to reduce the overdue inspection numbers. The focus will continue to be on the higher risk businesses detailed on the programme.

5.0 Evaluation of alternative options

- 5.1 Option 1 not produce the statutory service plan, which would be in breach of the requirement set out in the Framework Agreement on Local Authority Food Law Enforcement. The work undertaken by the Service would not be endorsed by members and would be in breach of the requirement set by the Food Standards Agency.
- 5.2 Option 2 produce the statutory service plan, which is set out in the Framework agreement on Local Authority Food Law Enforcement. The work of the Service would be endorsed by members and we would not be in breach of the requirement set out by the Food Standards Agency.

6.0 Reasons for decisions

- 6.1 The Food Service Plan is a Statutory document and is required to be produced annually. The plan sets out the priorities for the Service and is available for members of the public to view so that they are aware of what the authority is doing to help ensure that the food they eat is safe.

7.0 Financial implications

- 7.1 This will be delivered within the approved 2022/2023 revenue budget of £950,000 for the Regulation Service, which includes a budget of £653,070 for Environmental Health. This is monitored as part of the Council's routine quarterly monitoring.
- 7.2 It should be recognised that a wide range of other non-food related services are delivered within the £653,070 Environmental Health team budget which include health and safety, investigation and control of infectious disease and permitted industrial process regulation.
[SB/16052022/O]

8.0 Legal implications

- 8.1 Powers to enable the Food Standards Agency to monitor and audit local authorities' enforcement action are contained in the Food Standards Act 1999. This was the statutory basis for the development of the Framework Agreement that was initially established in 2001 and which has been subsequently amended. The requirement for local authorities to develop and maintain annual Food Service Plans is an important part of the process to ensure national priorities and standards are addressed and delivered locally.
[DA/17/05/2022/1]

9.0 Equalities implications

- 9.1 Implementation of the Food Service Plan will have no adverse equality implications as the same levels of advice and support are provided to all food business proprietors from all sections of the community.
- 9.2 Certain sectors of the food trade are predominantly owned by one or other ethnic groups. In order to ensure a consistent and proportionate approach, all decisions are based solely on considerations of risk, public safety, evidence and public interest. All enforcement policies reflect this approach.

10.0 All other implications

- 10.1 The report may have some indirect environmental implications in so far as it affects the working and commercial environment in Wolverhampton.
- 10.2 A number of food businesses operate from Council assets/properties. In some of these cases the Council will have duty holder responsibilities in ensuring the structure and facilities provided are compliant with food safety legislation. In these cases, the service is advised of its responsibilities by the visiting officer.
- 10.3 Implementation of the Food Service Plan and the subsequent inspection of food businesses within the City helps to ensure that food businesses comply with the law and produce food which is safe to eat. All of the work undertaken by the Service is aimed at securing the health and wellbeing of residents and visitors to the City.

11.0 Schedule of background papers

- 11.1 [Food Service Plan 2021](#) – Cabinet (Resources) Panel 7 July 2021.

12.0 Appendices

- 12.1 Appendix 1 – Summary: Food Service Plan 2022
- 12.2 Appendix 2 – Food Service Plan 2022

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Summary – Statutory Food Service Plan 2022

The Statutory Food Service Plan sets out how the City of Wolverhampton Council will work over the coming year to ensure, so far as is reasonably practicable, the safety and quality of food prepared and sold in Wolverhampton is of the highest standard.

The plan meets the requirements laid down by the Food Standards Agency and is designed to ensure that local people and residents can clearly see what the Service does, how our services are delivered and the resources we have to do this.

In brief the plan explains that the Service carries out:

- a full range of food hygiene and standards work as required by the Food Standards Agency, including inspections, sampling and responding to Service Requests.
- a range of advisory work, to help local businesses and residents ensure that food manufactured sold and consumed in the City of Wolverhampton is safe to eat and is correctly labelled.

The priority areas of work for 2022 are to:

- prioritisation of new businesses based on risk
- 100% of premises rated category B, C and Broadly non-compliant D for hygiene, and category A for food standards should be inspected
- develop primary authority partnerships with businesses
- further develop the consultancy service Trade with Confidence ensuring that businesses within and outside of the City access the Services we offer.

The overall budgetary provision for the Environmental Health Service is anticipated to be in the region of £653,070 for 2022. The services resourced through this budgetary provision include: -

- Food hygiene
- Food standards
- Infectious disease investigation and control
- Compositional and microbiological sampling
- Health and safety including accident investigations, stadia certification, etc.
- Public health (relating to commercial businesses, i.e. nuisance, noise, drainage, etc.)
- Industrial permitted processes

The monitoring of performance against the Service Plan is detailed in the plan and involves the Head of Service, Service Manager and employee groups. In addition, there is external review of performance through the statutory return to the Food Standards Agency.

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City of Wolverhampton Council

Food Service Plan 2022





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1

Introduction

Welcome to the 21st Statutory Food Service Plan for the City of Wolverhampton.

The Food Standards Agency (FSA) Framework Agreement, which was developed in close partnership with the Local Government Association (LGA), requires the annual production of the Statutory Food Service Plan. The agreement applies to local enforcement of all food laws, and incorporates the latest guidance and standards on food law enforcement.

The plan has been reviewed in accordance with the FSA's Service Planning Guidance for Food Law Enforcement and the guidance contained in the Food Law Code of Practice (England) and Guidance. The FSA also requires the service plan be submitted for member approval to ensure local transparency and accountability. All formal actions arising from interventions taken under the provisions of the plan will be compliant with the Better Regulation Delivery Office (BRDO) Regulators' Code and the Black Country Regulators Operating Framework.



The plan is not a stand-alone document; it is an integral part of the council's service delivery programme. It stands alongside other service specific plans such as the Health and Safety Plan and sits within the overall performance management arrangements for the Regulation group of services. All the service plans are aligned to the council's corporate performance and financial planning frameworks.

The service is committed to working towards the inspection and intervention regime prescribed by the Food Standards Agency.

The Food Standards Agency produced a Recovery Plan for Local Authorities during the pandemic, identifying the areas of work that were to be prioritised for response and action. The Recovery Plan was reviewed and updated and has resulted in certain activities being identified for completion by set dates during the 2022/2023 year, as was the case for 2021/2022. It is envisaged that the service will meet these minimum requirements and further undertake additional visits that remain overdue but not highlighted as the minimum required for the year. The focus of these visits will continue to be prioritised based on risk.

In 2018, we launched our consultancy service Trade with Confidence. The service allows us to provide bespoke support to businesses to help them achieve a better star rating or with any other issues or advice that they require. We hope to further develop this area of work.

Should you have any comments or views with respect to this plan please forward these to the Service Manager at **emma.caddick@wolverhampton.gov.uk**



Service wheel:

existing services and priority areas



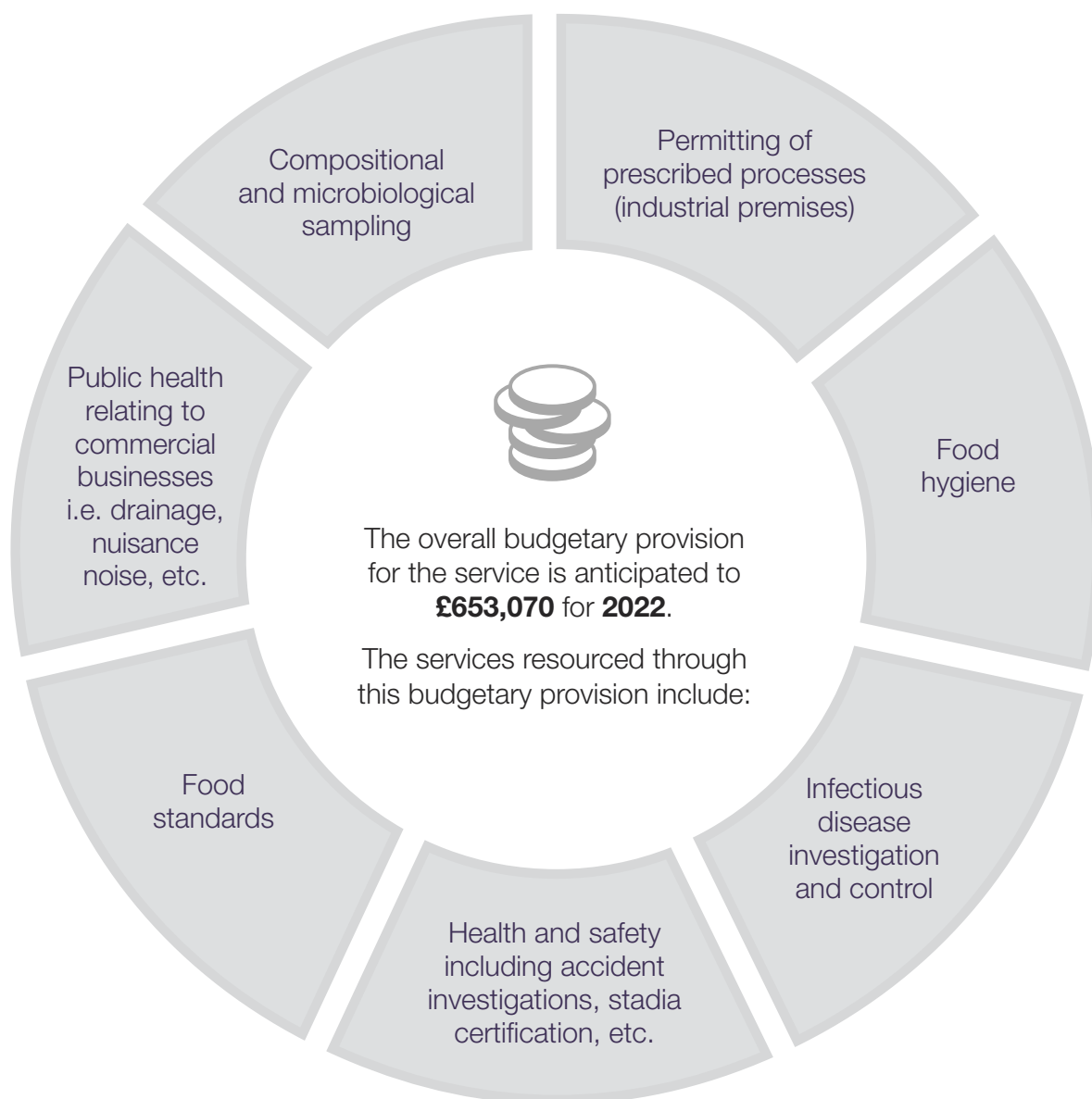
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Summary

The Statutory Food Service Plan sets out how the City of Wolverhampton Council will work over the coming year to ensure, so far as is reasonably practicable, the safety and quality of food prepared and sold in Wolverhampton is of the highest standard.

The plan meets the requirements laid down by the Food Standards Agency and is designed to ensure that local people and residents can clearly see what the service does, how our services are delivered and the resources we have to do this.

Services Resourced



Monitoring

The monitoring of performance against the service plan is detailed in the plan and involves the head of service, service managers and employee groups. In addition, there is external review of performance through the statutory return to the Food Standards Agency.

SERVICE STATEMENT

OUR SERVICE

Environmental Health enforces the law through a programme of interventions and investigations in respect of food and other commercial businesses. It provides information and advice to businesses, customers and other consumers. This service is also responsible for health and safety, infectious disease control, and permitting prescribed industrial processes. The service receives approximately 2,300 requests each year. In addition to dealing with requests and complaints we carry out programmed regulation of shops and businesses in Wolverhampton.

OUR GROUP OF SERVICES

The Regulation Service is responsible for delivering some of the council's statutory duties. It combines Environmental Health, Trading Standards, Licensing and Private Sector Housing into a single regulatory service. Our services are responsible for ensuring that individuals and businesses are treated fairly and that their health and environment are protected.

OUR COUNCIL

In discharging these duties we strive to contribute to the corporate customer service standards, the council's core values and community priorities. Our service contributes to the council's core values in many ways.

Our service plans set the highest standards for us to work to. In our dealings with the public and trade we act in accordance with the principles of the Black Country Regulators Operating Framework ensuring equality and fairness to all combined with honesty, transparency and accountability.

The objectives of these services are protecting people and the environment and, through engaging stakeholders and colleagues in other agencies, we build partnerships. By protecting the social, economic and environmental conditions within the city and by minimising nuisance to neighbourhoods and protecting the health of people at work and play our service contributes to the council's strategic priorities of developing healthy, inclusive communities and support thriving economy in all parts of the city, which we can all be proud of.

3

Service aims and objectives

Aims

Through the effective and efficient use of the resources allocated, to help food businesses provide safe food and ensure that the quality of food prepared and sold in Wolverhampton is of the highest standard.

Objectives

In achieving the aims we will:

- Register, approve and licence, as appropriate, relevant food premises.
- Maintain appropriate food premises intervention programmes which comply with all requirements set out in legislation.
- Respond to and investigate food safety and standards complaints, requests for information made by both business persons and private individuals and complaints of a public health nature, relating to food premises.
- Make appropriate responses to national food alerts and incidents identified by the FSA.
- Support the BEIS Primary and Home Authority Principle.
- Support the workings of the Central England Environmental Health Partnership, West Midlands Food Liaison Group, and the Central England Trading Standards Authorities Food Group.
- Maintain appropriate food sampling regimes which comply with relevant statutory provisions and national guidance.
- Investigate reported cases and outbreaks of infectious disease and support the work of Public Health England in this respect.
- Have regard to enforcement which is helpful, consistent and proportionate and does not impose unnecessary burden, as set out in the Black Country Regulators Operating Framework.
- Ensure all actions and decisions taken by employees and councillors are undertaken in an open and transparent fashion with due regard to the council's policies on equality.
- Ensure that all investigations leading to legal proceedings are completed in accordance with the principles of natural justice and fairness.
- Ensure appropriate monitoring, reporting and response to the actual implementation and delivery of the agreed service plan.

Links to corporate issues

In order to achieve continuous service improvement and strive for performance capable of achieving a sustainable future which reflects the political priorities and values of partners within Wolverhampton, it is important that the statutory service plan links itself visibly to the overall corporate objectives.

Environmental Health produces two service delivery plans detailing the work of the service. They cover the work of the Food Hygiene and Standards Service and the Health and Safety Service.

Approval and review process

The service plan is subject to approval and scrutiny by the director for City Housing and Environment and the Cabinet Member for City Environment and Climate Change.

Progress with delivery of the plan is monitored on a regular basis by The Regulation Management team.



4

Key achievements for 2021/22

- Exceeded the Food Standards Agency's 'Recovery Plan' for 2021 – 2022
- **575** Food hygiene official control interventions undertaken
- **520** Food standards official control interventions undertaken
- **1281** Food hygiene and standards service requests/complaints responded to
- **118** Food samples/environmental swabs obtained and examined
- Implemented 'Natasha's Law' including provision of webinar for business and update of website advice
- Involved in **4** Food Standards Agency recognised Food Incidents, requiring local intervention at relevant Manufacturing premises
- Established a new Primary Authority Partnership with Little Dessert Shop, and approved 2 new food premises
- **541** Covid-19 enquiries responded to, 778 COVID compliance inspections undertaken, supported 605 Covid-19 grant applications
- Implemented a re-structure within the Environmental Health team



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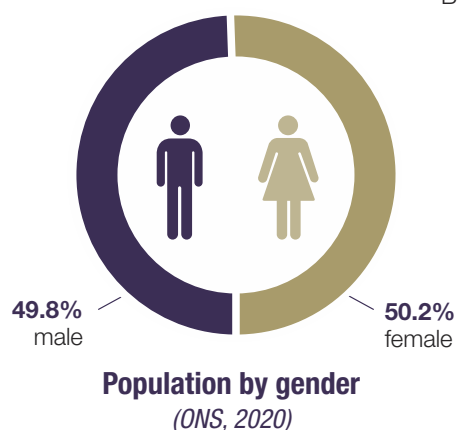
Background information

Authority profile

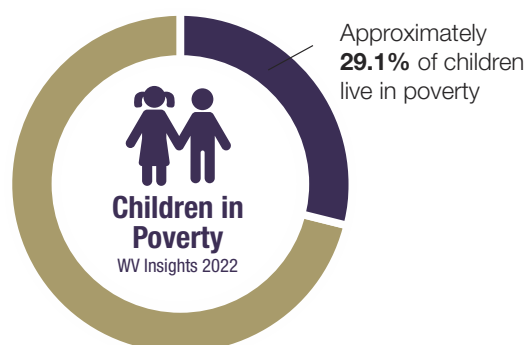
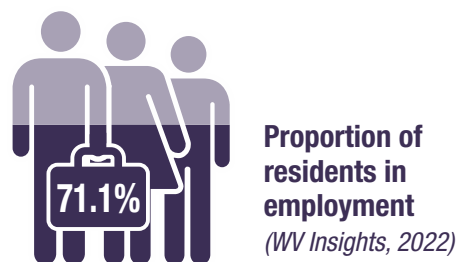
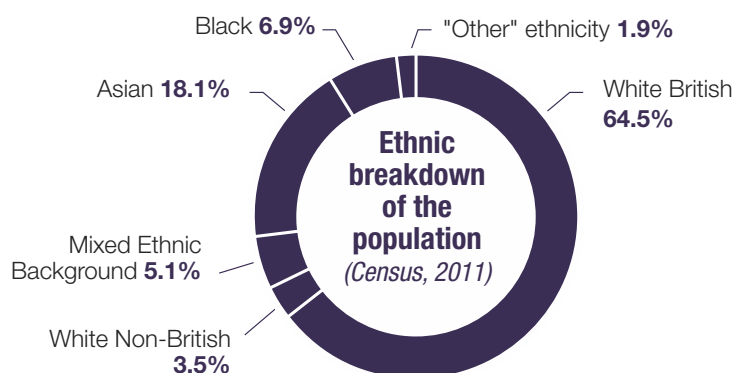
The City of
Wolverhampton has
a population of

264,407

(WVInsight, 2022)



Wolverhampton is ranked as the 24th most deprived local authority area in the country.





The means by which the service is delivered

The political structure of the council is made up of a Leader, Cabinet, Cabinet Panels, Scrutiny Panels and committees. The Cabinet is part of the executive decision making process and is made up of ten councillors and is chaired by the leader of the council. Each cabinet member has a specific area of responsibility, a portfolio. Decisions about the day to day running of council services are taken by Cabinet within the framework of the

council's constitution, budget and plans approved by the council.

The Regulation Service, which sits within the City Housing and Environment group of services, falls under the remit of the Cabinet Member for City Environment and Climate Change along with Waste Services, Public Realm Services, and Bereavement Services.

Scope of the Food Service

The City of Wolverhampton Council's Food Service undertakes:

- Programmed interventions, which include full or part inspections, microbiological and compositional sampling of food, education and advisory visits to food businesses with respect to food hygiene and food standards.
- Operation of the National Food Hygiene Rating Scheme (FHRS)
- Development and maintenance of an 'alternative enforcement strategy' for food businesses for both food hygiene and food standards
- Responses to food complaints
- Response to nuisance complaints and related issues in connection with food business
- Response to food alerts, warnings and other food incidents
- Response to, and determination of, licence applications in relation to food businesses
- Investigation of allegations of food fraud
- Promotion of food related health matters

- Commitment of resources to the Home Authority Principle and Primary Authority Partnership,
- Commitment to the BEIS Better Business for All initiative
- Response to cases and outbreaks of actual and suspected food related infectious disease.
- Provision of advice and assistance to other local authorities and enforcement bodies
- Enforcement of the Health Act 2006, Licensing Act 2003 and Gambling Act 2005
- Consultee role to planning applications.

The service is also responsible for discharging the authority's functions in relation to health and safety at work, infectious disease control, licensing issues and nuisance arising from waste, drainage and noise from food and licenced commercial premises.

Feeding stuffs enforcement is delivered in partnership with Staffordshire County Council who are responsible for undertaking enforcement compliance in this area.

Development of the Food Hygiene Service

In 2022, the Food Service will continue to focus on meeting the inspection and intervention regime prescribed by the Food Standards Agency.

The Food Standards Agency continue to recognise the impact the Covid-19 pandemic has had on local authorities and continues to revise the recovery plan they developed to assist local authorities prioritise their available resource in 2020. As per 2021, the expectation is for the prioritisation for intervention at new high risk establishments, and at higher risk existing establishments that have not received intervention for extended periods of time during the pandemic. In 2022 premises that are rated A,B and C for hygiene and A for standards should be inspected and enforcement action taken where standards are found to be poor.

Food establishments will continue to be risk rated after each official control intervention. The establishment may apply for a paid for re-inspection should they wish to amend this rating.

Officers will continue to signpost businesses to any resources and guidance required to ensure they comply with the law, however more detailed help and support will only be available on a cost recovery basis through the 'Trade with Confidence' consultancy service.

In 2022, an ongoing priority for the service will be the further development of the consultancy service, widening the services remit and ensuring the products on offer meet the needs of the businesses within the city.

Alongside the consultancy service, we will aim to further develop our primary authority partnerships with Marston's and Little Dessert Shop, but also aim to identify further opportunities to create new partnerships with business.

Primary authority is a means for businesses to receive assured and tailored advice on (amongst other areas) meeting environmental health and trading standards regulations through a single point of contact.

The service has been identified to participate in two pilot projects being undertaken by the Food Standards Agency in 2022, including School Food Standards and its impact on childhood obesity linking into the Government's 'Levelling Up' strategy, and in the Food Standards Agency review of their national Food Incidents response and liaison with Local Authorities.

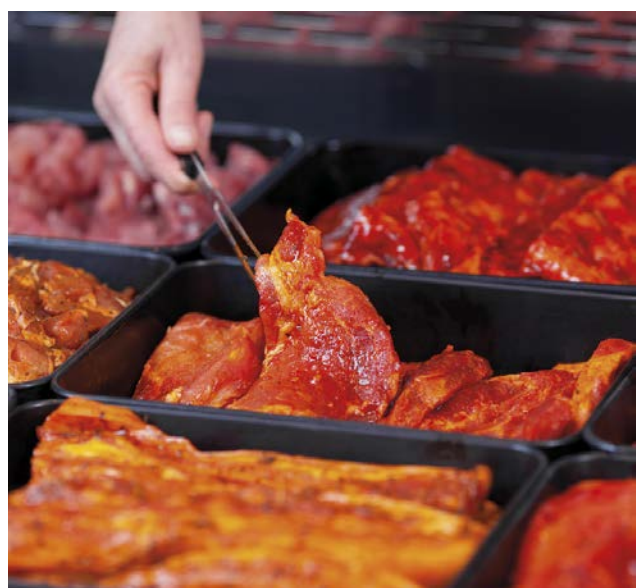
Profile of the Food Service (As of March 2022)

Enforcement of regulations on food standards, safety and hygiene is primarily the responsibility of local authorities, however the Food Standards Agency (FSA) have responsibility for food hygiene enforcement in slaughterhouses, cutting premises, farmed and wild game facilities and co-located minced meat and meat products premises. Local authorities retain responsibility for food standards enforcement within these premises.

The food premises profile for Wolverhampton is set out in the table alongside.

The food premises database of Wolverhampton is currently stored within an IT platform called IDOX.

Premises Type	Total Number of Premises
Caring establishments	192
Distributors & transporters	30
Hotel/guest house	18
Importers and exporters	1
Manufacturers and packers	42
Mobile food unit	72
Pub/club	177
Restaurants, cafes and caterers	655
Retailers	533
Schools/college	99
Supermarket/hypermarket	45
Take-away	300
Totals	2164



Profile of Food Service – feeding stuffs

The authority has entered into a partnership with Staffordshire County Council, who have now assumed responsibility for undertaking enforcement compliance within this area.

45 premises undertake the activity of production, storage or handling of feed stuff(s) for animals.

Regulatory and compliance policy

This is the overarching compliance policy document detailing the operating framework for the service. It has regard to human rights issues and incorporates the principles contained within the Government's Department for Business, Energy and Industrial Strategy BRDO (Better Regulation Delivery Office) 'Regulators Code'. The document was reviewed and approved by Cabinet in October 2021.

The Black Country Regulators Operating Framework, comprising Regulator and Business Charter, Enforcement Policy and Service Standards has now been adopted by all four Black Country authorities. The document was reviewed and approved by cabinet in August 2021.

6

Service delivery

What businesses should expect when a member of staff undertakes an inspection

Staff undertaking food safety work will:

- ✓ Identify themselves by name and title, showing proof of ID if required and give contact details when necessary

- ✓ Be helpful and courteous

- ✓ Carry out their duties in a fair, equitable and consistent manner in accordance with the council's enforcement and equal opportunities policies.

- ✓ Help food businesses in providing safe food for their customers. Discuss and assist in the compliance with legislation, applying a risk based and appropriate approach.

- ✓ Tailor the intervention to the business's needs, minimising the cost of compliance by ensuring any action required is proportionate to the risk.

- ✓ Encourage businesses to seek advice, information and encourage two way communication.

- ✓ Provide information about the council's complaints procedures and any official appeals procedures as appropriate.

- ✓ Issue a report, where non-compliance with the relevant legislation is found.

- ✓ Advise on future changes in relevant legislation and requirement/obligations on food business.

Intervention Programmes

In accordance with the FSA Food Law Code of Practice food premises in Wolverhampton are subject to an intervention in order to establish that food related activities carried out within the premises comply with food law.

The use of interventions was incorporated in UK law through the requirements made under Retained Regulation 882/2004 Article 10 and further through the FSA Food Law Code of Practice. Interventions are defined as activities that are designed to monitor, support and increase food law compliance within a food establishment. They include but are not restricted to “official controls” and are carried out using a risk based approach, which is set out within the FSA Food Law Code of Practice.

There are currently two separate inspection programmes relating to food hygiene and food standards, however for the majority of businesses in Wolverhampton, food standards interventions are normally undertaken at the same time as food hygiene interventions. This is because, for most businesses, the issues of labelling, composition and quality are interlinked with those of the food hygiene and safety and are therefore dealt with during one intervention. However, for larger manufacturing businesses and

cutting plants etc (where the council does not enforce hygiene legislation) separate food standards interventions are arranged.

The adoption of this approach has meant that although all businesses are rated for food standards risk under FSA Food Law Code of Practice, the intervention programme is generally driven by the frequency of food hygiene intervention. The inevitable consequence is that some food standards interventions will be undertaken slightly early and some slightly late. In order to minimise the effect of this on statistical returns a general rule is followed whereby if a food standards intervention will be overdue at 31 March if not carried out at the same time as a food hygiene intervention, it should be done early rather than late.

Serious or significant food standards breaches will be followed up by appropriate intervention and when necessary formal action e.g. prosecution, simple caution etc.

Both programmes adhere to the premises rating schemes contained within the statutory Food Law Codes of Practice produced by the FSA. Using the number of premises in each risk band and the associated inspection frequency, it is possible to estimate the number of inspections due in any given period. The number of revisits is a

function of the levels of compliance identified during an initial visit and any enforcement policy decisions.

The intervention programme is central to food law compliance, and local authorities must ensure that such a programme is appropriately resourced. The purpose of food hygiene inspections is to find out if food being handled and produced hygienically is safe to eat, and to identify factors which have the potential to cause food poisoning or injury. Failure to adequately resource the food programme would result in some premises not receiving an inspection and operating in a manner which could cause harm to public health.

It is estimated that an additional 2 senior/district officers and a compliance officer would be required to achieve full compliance with the Food Standards Agency's requirements on a sustainable basis.



Food hygiene intervention programme for 2022

The table details those due as per the FSA Recovery Plan for the year, the visits due as per the FSA Food Law Code of Practice, and those visits overdue from the previous years.

Category A premises are the highest risk premises. Alternative Enforcement Strategy (AES) premises are the lowest risk premises and are subject to less frequent interventions.

Risk rating	Number of premises identified as part of Recovery Plan for 2022	Premises due in addition to Recovery Plan for 2022	Premises overdue
A	0	4	0
B	25	31	23 <small>(23 premises included in total number of premises identified as part of Recovery Plan for 2022)</small>
C	220	88 <small>(88 premises included in total number of premises identified as part of Recovery Plan for 2022)</small>	131 <small>(131 premises included in total number of premises identified as part of Recovery Plan for 2022)</small>
D	1	154 <small>(88 premises included in total number of premises identified as part of Recovery Plan for 2022)</small>	504
E (AES)	0	242	330
Unrated	75	-	-
Total	321	539	992

Food Standards Intervention Programme 2022

The table below outlines the visits identified for 2021. The table details those due as per the FSA Food Recovery Plan for the year, the visits due as per the FSA Food Law Code of Practice, and those visits overdue from previous years.

Category A premises are the highest risk premises. The FSA Food Law Code of Practice deems that Category C rated premises do not receive an intervention

as they are so low risk they do not justify one. These should be subject to minimum contact via the AES at least once every 5 years in accordance with the FSA Food Code of Practice.

The information in relation to both the Food Standards and the Food Hygiene intervention programme forms part of the data submitted to the FSA on an annual basis.

Risk rating	Number of premises identified as part of Recovery Plan for 2022	Premises due in addition to Recovery Plan for 2022	Premises overdue
A	4	17	3 (3 premises included in total number of premises identified as part of Recovery Plan for 2022)
B	0	133	371
C	0	186	49
Unrated	76	-	-
Total	80	336	423

Feeding stuffs

Wolverhampton has 45 premises where feed is produced, stored or handled. Priority inspection has been contracted to Staffordshire Trading Standards, whom target higher risk premises and those generating complaints, on average premises receive a 3 year inspection.

Priority areas for intervention and targeted activities

Identified enforcement priorities for further development for 2022 are set out below:

- To prioritise new businesses for intervention based on risk and inspect all establishments rated A for hygiene.
- Once all due inspections are completed carry out food hygiene and standards inspections on the next priority inspections set by the Food Standards Agency bringing forward the food programme for 2023
- To carry out full food hygiene and food standards interventions of approved premises and other manufacturers that fall due within the year.
- To develop primary authority partnerships with businesses in the area.
- Develop the consultancy service Trade with Confidence - reviewing products and areas of work where consultancy services can be offered.
- To provide suitable, relevant and informative guidance to businesses to assist their compliance with food labelling legislation, including allergen legislation.
- To ensure a satisfactory level of compliance with food standards issues in manufacturers and processors.
- To implement new legislation, codes of practice and service policy and procedures as required by law and when requiring update.
- To undertake pilot work with the Food Standards Agency on School Food standards and Food Incident procedures with Local Authorities.

Food complaints

The service endeavours to adopt a consistent approach to the receipt and investigation of food complaints, the past year has seen over 50% reduction in specific food related complaints compared to the usual 250 received each year. In general, all food complaints made to the service will give rise to a detailed consideration of the exact circumstances of each case in order to determine whether it would be an appropriate use of resources to pursue the matter. A range of options is available:

- Advise complainant to pursue directly with retailer or manufacturer.
- Accept complaint and refer to either 'home', 'originating' authority and/or primary authorities for information and/or investigation.
- Accept and investigate complaint in liaison with 'home' 'originating and/or 'primary' authorities with a view to further action.

All complaints will be dealt with in accordance with the Food Complaints Policy and Procedure.

All complainants are advised at the earliest opportunity of the course of action the council intends to take. The vast majority of complaints fall into the second of the above categories.

The service will accept and investigate complaints if one or more of the following circumstances are apparent:

- There is 'prima facie' evidence of an offence under the Food Safety Act 1990 or its subordinate regulations and the nature of the offence gives rise to public health or safety concerns.
- The complaint represents a repeat of previous offences by the company/trader concerned and the circumstances of the case indicate the case would withstand legal scrutiny.

In addition to food complaints received each year, additional complaints relating to conditions in or around food premises are also received. These complaints range from allegations of poor hygiene to major defects with drainage systems or rodent infestations etc. The vast majority of these complaints are investigated by a visit from an officer.

The past year saw a 50% reduction in the normal numbers received which are normally in the region of over 550 complaints.

The maximum response time for complaints is 10 working days; however, these are driven by levels of associated risk and prioritised as such.

Home Authority and Primary Authority principle

Businesses operating in the United Kingdom (UK) need to comply with a wide range of legislation. Local authorities, which are responsible for enforcing most legislation, help businesses to comply by providing advice, guidance and information. Businesses usually build up a relationship with, and receive advice and information from, one local authority that is usually based where the business is.

For trading standards and food safety matters, the local government has developed a scheme where that authority, known as the home authority, is the local authority at the location of the business' decision-making base. The Home Authority Principle is a scheme to help businesses by providing contact points for advice and guidance in order to maintain high standards of business services, encourage fair trade and develop a consistent approach to enforcement.

As part of the government's Better Regulation agenda, the Regulatory Enforcement and Sanctions Act 2008 has paved the way for an extension of the Home Authority scheme. The new scheme is known as primary authority. Effectively, primary authority gives statutory backing to the home authority scheme and provides a series of additional benefits. It is currently

administered by the Office for Product Safety and Standards.

The council is committed to supporting the Home and Primary Authority scheme in respect of both proactive and reactive food safety issues. The service has an established primary authority partnership with Marston's PLC focusing primarily on food hygiene and food standards work.

In maintaining our home authority partnerships, officers from the service will:

- respond to enquiries from other local authorities about, or concerning, the business or its operations or procedures
- act on behalf of other local authorities as the primary regulatory link to the business
- provide advice to the companies on the interpretation of legislation
- provide assistance to enforcing authorities in the conduct of investigations and encourage the businesses to offer reasonable assistance.

The authority will have regard to the Primary Authority Partnership Scheme and associated official guidance when considering formal legal action.

Advice to businesses

In order to compliment and enhance its enforcement functions, the service provides advice and information to businesses with the aim of assisting them to comply with their statutory obligations. Businesses will be signposted to information and nationally approved guidance, which will help them comply with legislation.

Apart from the 'feedstuff' related premises, advice to business with implications in relation to feeding stuffs is minimal, because retailers are selling sealed containers of long shelf life products.



Sampling

The services carries out food sampling on both a reactive and proactive basis.

Reactive sampling, for either microbiological examination or compositional analysis takes the following forms:

- Sampling of foods subject to complaint
- Unplanned sampling carried out during an inspection
- Un-programmed sampling associated with a food poisoning investigation
- Programmed sampling as determined by national and regional surveys

Two sampling programmes are operated, one for microbiological examination and one for compositional analysis. These concentrate on businesses that will positively benefit from the taking of samples and the results and advice officers can offer to the business operator.

Microbiological sampling programme

The microbiological sampling programme focuses on assisting food businesses to provide safe food to their customers.

Each sample is subject to 6 standard determinations:

- Aerobic Colony Count (ACC)
- Enterobacteriaceae
- E.coli
- Salmonella
- Staphylococcus aureus
- Listeria

Each sample result is interpreted in accordance with the most recently published guidelines from the Health Protection Agency (HPA).

The microbiological sampling programme incorporates both national surveys and those organised at a local level through the West Midlands Food Liaison Group.

Compositional sampling programme

The compositional sampling programme consists of samples being subject to

- Presence/absence of certain constituents
- Whether food has been subject to certain processes
- Compliance with labelling requirements
- Composition of food, e.g. alcohol substitution, % lean meat, over-use of food colourings

The compositional programme incorporates both national and local surveys. The service will participate in such surveys subject to available resources.

Sampling and surveys are based on the Home Authority Principle and target manufacturing businesses, new and existing. Premises having unsatisfactory results will be subject to follow-up formal sampling.

Water Sampling

There is only one commercial private water supply in Wolverhampton. In order to ensure compliance with the relevant regulations the service ensures that samples of water from all private water supplies are taken and results analysed.

Feeding stuffs sampling

The authority has entered into a partnership with Staffordshire County Council, who have now assumed responsibility for undertaking enforcement compliance within this area.



Infectious disease control

In conjunction with UK Health Security Agency (UKHSA), City of Wolverhampton Council investigates cases of actual or suspected food poisoning and food borne infectious disease. The response is determined by:

- The nature of the (suspected) illness
- The number of cases
- The nature of the employment of affected individuals
- The previous record of implicated food businesses

35 individual cases were notified to the service last year, which was a considerable drop in numbers usually received by the service which can be around 150 cases per year. This may be due to a variety of reasons such as limited out of home food consumption, under-reporting, improved hygiene measures etc.

In all cases implicating known food hazards the standards contained in the document 'Food Handlers - Fitness to Work' are observed.

Under the Public Health (Control of Disease) Act 1984 and associated regulations, duly authorised officers are provided with wider, more flexible powers to deal with food related incidents or emergencies where infection or contamination presents, or could present a risk to human health. It also places a duty on GP's to notify the proper officer of the council of food poisoning cases.

Food Safety Incidents and Alerts

All food alert warnings and food incidents are reviewed, and appropriate response given where there is a local impact requiring attention.

Notification of these to the authority is through the Food Standards Agency.

Liaison arrangements

The City of Wolverhampton Council is committed to open, transparent and proportionate enforcement which is consistent with government advice, guidance and national and regional interpretation of legislative requirements.

In addressing this the importance of collaboration and consultation locally and nationally is recognised. Regionally there are liaison groups at chief officer (head of service) level in respect of Environmental Health and Trading Standards services.

The service will also respond to consultation exercises from the government, the Local Government Association and relevant professional bodies.

Officers from the service also meet and liaise with the following organisations:

- The West Midlands Food Liaison Group
- Central England Trading Standards Authorities Group (CEnTSA) - Quality Standards Sub Group
- Public Health

With respect to liaison arrangements with trade representatives the service can organise periodic food focus groups or forums and attend and support local trade groups when required.

7

Resources

Financial allocation

As with all areas of service the allocation of resources is undertaken in accordance with the agreed Medium - term Financial Strategy for the council.

Food enforcement work benefits from the overall senior management resource provided through the City Housing and Environment team.

This area of activity also benefits from central support services recharged through internal service level agreements.

The overall budgetary provision for the service is in the region of £880,000. A wide range of other non-food related services are delivered within this budgetary provision.

The services resourced through this budgetary provision are not confined to food related matters and include:

- Food hygiene
- Infectious disease investigation and control
- Food standards
- Sampling
- Health and safety
- Public health (relating to commercial businesses, i.e. nuisance, noise, damage, etc)
- Central support services
- Permitting of Prescribed Processes (Industrial Premises)
- City centre compliance and regulation
- Student training

As feeding stuffs enforcement activity is carried out as part of comprehensive Trading Standards duties it is not possible to accurately cost, but it will amount to less than 0.5% of the total budget.

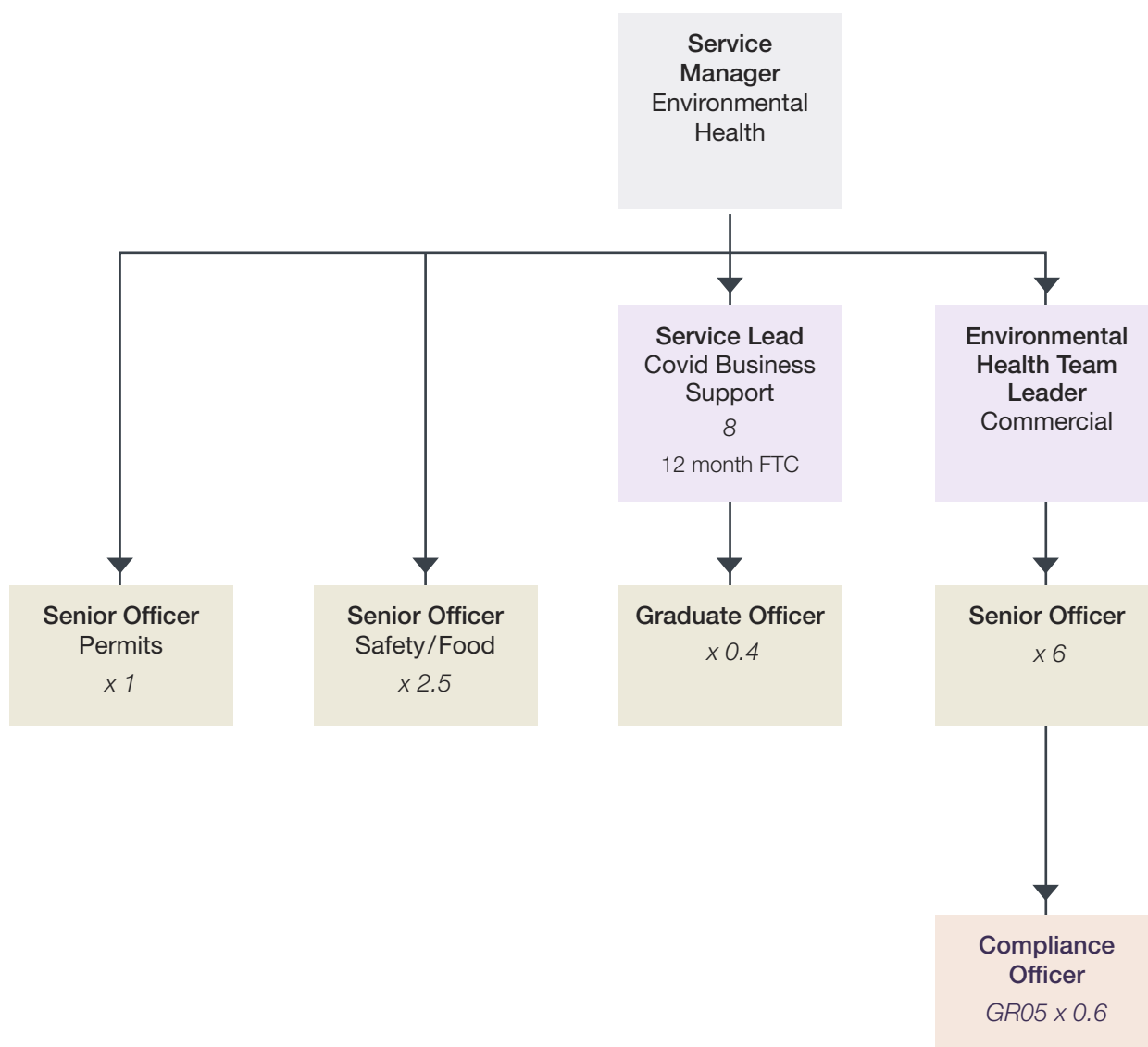
Staffing allocation

The strategic financial, human and service functions are undertaken through the Regulation management team.

A detailed analysis of the proportion of the supervisory and operational time dedicated to food safety is contained in the following table, and the structure of Environmental Health shown below.

Post	% Food Safety	FTE
Head of service (x1)	5%	0.05
Service Manager (x1)	50%	0.5
Team Leader (x1)	80%	0.8
District/senior EHO (8.5)	75%	6.375
Compliance Officer (x0.6)	25%	0.15
Graduate Officer (x0.4)	50%	0.2
Total full time equivalent (FTE)		8.675

The current structural chart for the Environmental Health Service is shown below:



Competency

The service operates a strict regime of supervision and assessment prior to the delegation of responsibility to officers, which is in accordance with the relevant FSA Food Law Code of Practice.

The team leader and senior officer posts, would normally be individuals with full delegated powers under the various statutes within the service's sphere of responsibility.

The Food Law Code of Practice requires that authorised officers demonstrate that they are competent to carry out their functions prior to being authorised. Officers are therefore required to complete a competency assessment with the team leader within 3 months of commencing their role. This assessment should be reviewed at least annually or when restricted activities are reassessed.

Officers with less than six months post qualification experience are subject to regular checking, monitoring and accompanied visits in accordance with the FSA Food Law Code of Practice and partake in regular intervention reflections with other officers.

All officers are subject to one formal monitoring visit per year.

Staff development

As part of the council's aim to provide services efficiently and effectively, four professional conversations will take place with officers. As part of this process officers development needs will be examined to ensure they are trained to a level of competence appropriate to their work. The Food Law Code of Practice requires all officers involved in undertaking official controls to obtain a minimum of 20 hours CPD per year. 10 of which must be on core food matters directly related to the delivery of official controls. There are different ways officers will obtain this training. These include:

- Internal and external training courses/events
- Cascade training delivered by officers who themselves have attended training
- Individual interviews
- Divisional meetings and briefings – used to disseminate information, etc.
- Attendance at ad hoc working groups
- "On the Job" training – as part of the delegation process

- Self-training – suitable journals and up to date information are provided
- Establishment of trainee/student placements
- Placement with other services or teams for training purposes and special projects

The service will ensure staff participate in any regional food standardisation exercise and in any organised in-house. There will also be opportunities for members of the division to attend one-off seminars on topical issues arising during the year. Staff attending these seminars are required to present a feedback session at the next available service meeting where it is deemed appropriate.



8

Quality assessment

Various monitoring techniques are used in order to assess officer performance against set criteria, including the FSA 'Standard', and all other external standards established by various codes of practice.

For example:

- Internal audit
- Accompanied visits
- West Midlands Food Liaison Group
- Inspection monitoring
- Correspondence checking/file review
- Standardisation exercises
- FSA audit

An annual review of requirements set out in the 'Standard' shall also form part of the Service Work Programme.



9

Performance management and review

All areas of council service are subject to service planning and performance measurement and review. This is managed through service plans, corporate strategies and financial planning, etc.

Performance against performance indicators is subject to regular reviews reported to the director for City Housing and Environment. Similarly, there is on-going monitoring of the deployment of financial resources against budgetary provision, again reviewed on a monthly basis.

The monitoring of performance against service plans has been discussed earlier in this document; it involves service directors, head of service, service manager, team leaders officers and

employee groups. This is undertaken during regular Regulation Senior Management meetings, Professional Conversations and 1-2-1's with Officers.

In addition, there is external review of performance through the audit commission, External Audit and statutory returns such as those to the Food Standards Agency (FSA).

Any areas for improvement identified as requiring action will be detailed as part of the review process. These will be addressed by the Regulation Management Team as part of the review process and action taken shall range from immediate action to inclusion in the service plan for future years.

10

Regulatory and Investigatory Powers Act

The service has fully implemented the requirements for the authorisation of officers and surveillance in the required circumstances.

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CITY OF WOLVERHAMPTON COUNCIL	Cabinet (Resources) Panel 25 May 2022
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Report title	Community Asset Transfer – Bilston Town Football Club	
Decision designation	AMBER	
Cabinet member with lead responsibility	Councillor Bhupinder Gakhal City Assets and Housing	
Key decision	No	
In forward plan	Yes	
Wards affected	Bilston East	
Accountable Director	Julia Nock, Deputy Director Assets	
Originating service	Assets	
Accountable employee	Luke Dove Tel Email	Head of Assets 01902 557121 Luke.Dove@wolverhampton.gov.uk
Report to be/has been considered by	City Assets Leadership Team Asset Management Board	23 March 2022 8 June 2022

Recommendations for decision:

The Cabinet (Resources) Panel is recommended to:

1. Approve the Community Asset Transfer of Bilston Town Football Club Stadium, Queen Street, WV14 7EX to Bilston Town Community Football Club for a term of 35 years subject to terms.
2. Approve the Community Asset Transfer of land adjoining Bilston Town FC Stadium, Queen Street, WV14 7EX to Bilston Town Community FC for a term of 35 years subject to further a feasibility assessment and subject to terms.
3. Delegate authority to the Cabinet Member for City Assets and Housing in consultation with the Deputy Director Assets to approve the terms of the Community Asset Transfer and lease.

1.0 Purpose

- 1.1 To propose that Bilston Town FC Stadium and adjacent land be leased to Bilston Town Community Football Club (FC) on a 35-year lease on the basis of a Community Asset Transfer (CAT).

2.0 Background

- 2.1 In November 2020 Cabinet agreed the revised Community Asset Transfer Strategy in relation to all property transactions between the Council and Voluntary and Community Organisations (VCOs).
- 2.2 The CAT Strategy aims to achieve a fair and transparent process for asset transfer between the City of Wolverhampton Council and local community groups. The Strategy assists communities to measure their state of preparedness in taking on greater management responsibility of assets. This Strategy reflects recent experience with the voluntary sector to make it more responsive to the needs of the sector and also risk manage the landlord position of the Council should a charity have difficulties in sourcing grant funding during the early stages of its development.
- 2.3 Community Asset Transfers are essentially the transfer of public land to a community organisation (such as a Development Trust, a Community Interest Company or a social enterprise) for less than market value – to achieve a local social, economic or environmental benefit.
- 2.4 Bilston Town FC Stadium is an active sports ground comprising of a single playing pitch, spectator stands and ancillary buildings for welfare / administrative provision located on Queen Street, Bilston.
- 2.5 The stadium is currently occupied by Bilston Town Community FC by virtue of a lease which was granted in 2013 for a term of 25 years at a rent of £1 per annum.
- 2.6 The stadium is the current home ground for Bilston Town FC.
- 2.7 The land adjacent to Bilston Town FC is a derelict piece of land recently re-acquired by the Council following a previous disposal which was subject to conditions. The land is also located on Queen Street, Bilston
- 2.8 The adjacent land asset is being managed currently as a void property.
- 2.9 As part of the lease renewal negotiations with the Council, Bilston Town Community FC expressed interest for the CAT of the stadium along with the adjacent land (subject to viability) for which a full business case was subsequently received and evaluated.

3.0 Bilston Town Community FC

- 3.1 Bilston Town Community FC is a semi-professional club playing at step 6 in the football pyramid. The club has been in existence for 128 years and has a rich history. The story of the football club is indelibly interlinked and interwoven with the social, cultural and

industrial history of the town of Bilston. More information on the story of a club that has periodically managed to overcome seemingly insurmountable challenges can be found at the website as detailed below.

<https://thehistoryofbilstontownfc.wordpress.com/>

- 3.2 The governance of the football club is conducted by a Board of Directors. The Honorary President is Pat McFadden, the MP for the constituency of which Bilston forms part. The day-to-day management of the football team and associated matters is undertaken by a board of directors.
- 3.3 Under its current management the Board has consciously and clearly recognised that the role of a football club like Bilston should and must be wider than putting a team on the pitch on a Saturday. The club has therefore sought and been awarded charitable status in recognition of its wider remit as a community club. It could be a community resource with potentially extensive wider benefits accessible by the entire community. To oversee and guide this work the club has appointed a board of Charity Trustees.
- 3.4 Bilston Town Community FC is also in the process of setting up a Membership Scheme for supporters. This will enable members to elect a representative to the Board who will then be eligible to vote at the Annual General Meeting.
- 3.5 Bilston Town Community FC is a company limited by guarantee (Company number 08690255) and also a registered charity (Charity number 1155508). It is committed to continuous improvement and working in partnership to adapt to the ever-changing environment whilst working to their core values as detailed below.
- Respect – We respect each other and our tenants. We celebrate diversity of our community and will serve all residents in both a respectful, fair and equitable manner.
 - Teamwork – Together (Board, staff, members, residents and partners) can achieve more.
 - Tenant Focused – Run by tenants for tenants. To provide services reflective of our residents needs and priorities. To value our residents' opinions and to encourage involvement and participation.
 - Excellence – Tenants striving for excellence. To provide the best possible service to our residents.
 - Commitment – We are committed to providing an excellent service to our tenants and committed to a continuous improvement approach.
- 3.6 Bilston Town Community FC operate under a robust set of policies concurrent with the City of Wolverhampton Council values which include safeguarding, anti-bullying, equality and code of conduct.

4.0 Proposed Future Development

- 4.1 The Board will create a Community Development Committee made up of Board members to manage the stadium and ensure the site is fully utilised. The Committee would also be tasked with seeking further funding for three projects via Sport England, The Football

Foundation, The Premier League Development Fund and The National Lottery. The projects are:

- To install a 3G pitch
- To convert the adjacent land into a car park to support the club growth
- To improve the facilities at Bilston Town Football Club

- 4.2 The FA, Sport England and the British government are trying to boost participation in grassroots football around the country, and one of initiatives they are pursuing is a 3G pitch building programme. A 3G pitch is an advanced artificial playing surface that comes close to replicating the experience delivered by a traditional turf pitch.
- 4.3 The installation of a 3G pitch is integral to the club's overall strategy. It will allow football to be played regardless of the weather conditions and will allow the pitch to be used multiple times per day. It would be transformational in allowing the organisation to open up Bilston Town Community Club to any community group, school, college or group who wanted to come and use our facilities.
- 4.4 The transfer of the adjacent land and its subsequent conversion into a car park will improve safety and security in the immediate area. It will replace the current unsightly and overgrown site with a clean and well-maintained car park for the football club improving the appearance of the area.
- 4.5 The proposed transfer of the adjacent land is subject to an assessment currently being undertaken by the Council due to knotweed treatment, known ground conditions and the identification of several mineshafts across the site. This may result in initial expenditure being incurred by the Council to ensure the site can be transferred to the club in a manner suitable for future development. Due to the knotweed treatment and removal, the minimum period required prior to any site development is 12 months. If the grounds conditions prove to be prohibitive for parking provision, a further report will be brought forward to look at alternative options for the same.
- 4.6 Once the CAT has completed and a car park has been constructed and funding for the installation of the 3G pitch has been obtained, the pitch would be moved out to the current area of land towards the Black Country Route that is currently used for car parking. This will create space for the club to improve the existing stand, social club and changing rooms.
- 4.7 Further funding, possibly via the National Lottery, will be sought for this work alongside undertaking a feasibility study to incorporate a gym alongside the side of the main stand. The gym would be bookable by any individual or group, but the club would target advertising the facilities towards underrepresented groups within the community to promote the use of the space for keep fit classes and other forms of physical activity in promoting better public health.
- 4.8 The club would also seek to improve the social club to make it a safe welcoming space for users, to improve the dressing and changing rooms and to upgrade the overall spectator experience at the club.

5.0 Benefits of the proposed CAT

- 5.1 Bilston Town Community FC will expand its role and remit as an integral community asset in a relatively deprived part of the city. Their vision is a club that is open to all, used by all and valued by all.
- 5.2 The club recognises that delivering their vision requires the active participation and involvement of both political and community leaders and so have already widened out the number of positions on the Board to open it up to community leaders and others local groups. They are keen to expand this further and will continue to reach out to all parts of the local community to ensure an inclusive approach.
- 5.3 Bilston Town Community FC and Queen Street Stadium will be a sustainable resource for the town and the community in and around Bilston.
- 5.4 There will be increased opportunity for use of the club facilities for the local community and give all sections of it the chance to use both an indoor and outdoor football pitch and gym facilities with a focus on extending the participation and open up access to underrepresented groups. These include young people, minority ethnic communities, those with disabilities, senior citizens (walking football) and to schools and colleges.
- 5.5 To promote health and fitness for all age groups in the city and help to tackle public health issues through the use of a new community gym.
- 5.6 The CAT will offer the club opportunity to widen its remit to include City of Wolverhampton Council, local community Groups and others to participate in delivering our vision and making Bilston Town FC a genuinely democratic, inclusive and strategic community asset with an embedded vision to play an active role in building community cohesion through sport and fitness.
- 5.7 In addition, there are several benefits to be derived from the transfer and development of the adjacent land into a car park as detailed below.
 - There would be a reduction of on-street parking which can be a nuisance to through traffic, pedestrians and bus services.
 - The transfer of the land and putting it to productive use - would help reduce crime, anti-social behaviour, potential health hazards and fly tipping all present given the current disused state of the site.
 - Bilston Town Community FC will take responsibility to maintain the site, keeping it free of litter and undergrowth.
- 5.8 Following consideration of the business case as received from Bilston Town Community FC, it provides a robust structure both operationally and financially that would ensure the property is correctly maintained in future and provides a valuable asset within the community that would bring excellent benefits to the local economy.

- 5.9 Bilston Town Community FC will oversee the management of the property and will ensure that the property and all associated health and safety regulations and legal requirements are adhered to at all times.
- 5.10 To allow Bilston Town Community FC opportunity to successfully secure grant funding and corporate sponsorship and to support delivery of their community involvement, a long lease would be required with a minimum term of 35 years at peppercorn consideration.

6.0 Supporting Delivery of the Strategic Asset Plan

- 6.1 City Assets have developed a Strategic Asset Plan that was completed and approved by Cabinet on 17 October 2018. This provides the structure and management of the Council's land and property portfolio over following five years, to 2023, and incorporates the Our Assets principle. The plan is structured into three parts:
- Asset Management Policy
 - Asset Management Strategy
 - Asset Management Action Plan
- 6.2 The Asset Management Policy establishes a clear mission with supporting principles for the management of land and buildings, ensuring it is fit for purpose and benefits the people of the City of Wolverhampton and to use land and buildings following rationalisation and disposal of land and buildings, that will enable a financial return to stimulate development and growth, support and encourage local businesses and promote joint-working.
- 6.3 The transfer of Bilston Town FC and the adjacent land supports the policy as outlined and in particular delivery of items A3, A5 and A9 of the Action Plan.

7.0 Evaluation of alternative options

- 7.1 Should the CAT not be approved, the club will not have a long-term solution for the development of the asset as proposed and the associated benefits will not be realised.
- 7.2 If the adjacent land asset was retained as a void property, further revenue costs would be incurred by the Council including, security, insurance and statutory compliance costs. In addition, vacant buildings continue to attract negative public comments and their condition will continue to deteriorate further.
- 7.3 The asset could be re-let on commercial terms, however this would limit the clubs ability to attract grant funding to support the proposed developments.

8.0 Reasons for decision

- 8.1 The CAT of Bilston Town FC stadium and adjacent land supports delivery of the Council Plan in ensuring that a successful, local organisation are empowered to actively improve community facilities in an inclusive manner to support the wellbeing of those it serves.
- 8.2 Should authority be given to transfer the asset, revenue efficiencies will be made through reduction in the holding costs for the adjacent land.

- 8.3 The transfer of the asset provides Bilston Town Community FC with the opportunity to bring the adjacent land back into beneficial use thereby improving the local community and environment meeting the needs of the same.
- 8.4 The club will have exceptional growth potential with the installation of the artificial pitch and development of the car park that will be derived for the CAT.
- 8.5 The current board is being expanded to include community members of standing, and partnerships are being actively sought with other local community based associations. This will ensure the Club is always governed by those who have the best interests of the Club at heart, and no one involved who is there for purely personal gain.

9.0 Financial implications

- 9.1 The proposed CAT of Bilston Town FC stadium to Bilston Town Community FC will transfer responsibility for any future investment requirements to the Club over a 35-year lease period for peppercorn consideration. The stadium is currently leased to the Club on a full repair basis so there will be no impact on the Council's revenue budget.
- 9.2 The proposed CAT of the land adjacent to the stadium will transfer responsibility for any upkeep of the site to the football club. The land has an estimated value of £2,000 as derived from a recent valuation undertaken by the Council's City Assets Estates Team in line with applied land values for amenity land. The Council would forego a revenue receipt of this value if the proposal were approved.
- 9.3 The overall CAT proposal will ensure that a valuable community service continues to operate with enhanced accountability and investment potential, whilst transferring the risk of potential future revenue and capital costs from the Council to the Club.
[RT/18052022/J]

10.0 Legal implications

- 10.1 The terms of the lease must comply with S.123 Local Government Act 1972 which states that local authorities are obliged to obtain the best consideration reasonably available unless Secretary of State consent has been given. There is a general consent that allows disposals at an undervalue provided that the undervalue is for a sum of less than £2.0 million and promotes that social, economic or environmental wellbeing of the area. Leases for a term of more than seven years are deemed to be a disposal.
- 10.2 This disposal will therefore need to be at an undervalue of less than £2.0 million and promote the economic, social or environmental wellbeing of the area.
[TC/08042022/E]

11.0 Equalities implications

- 11.1 All development plans will consider and meet the needs of all people within the local community and an all-inclusive approach will be taken by the City of Wolverhampton Council.

12.0 All other implications

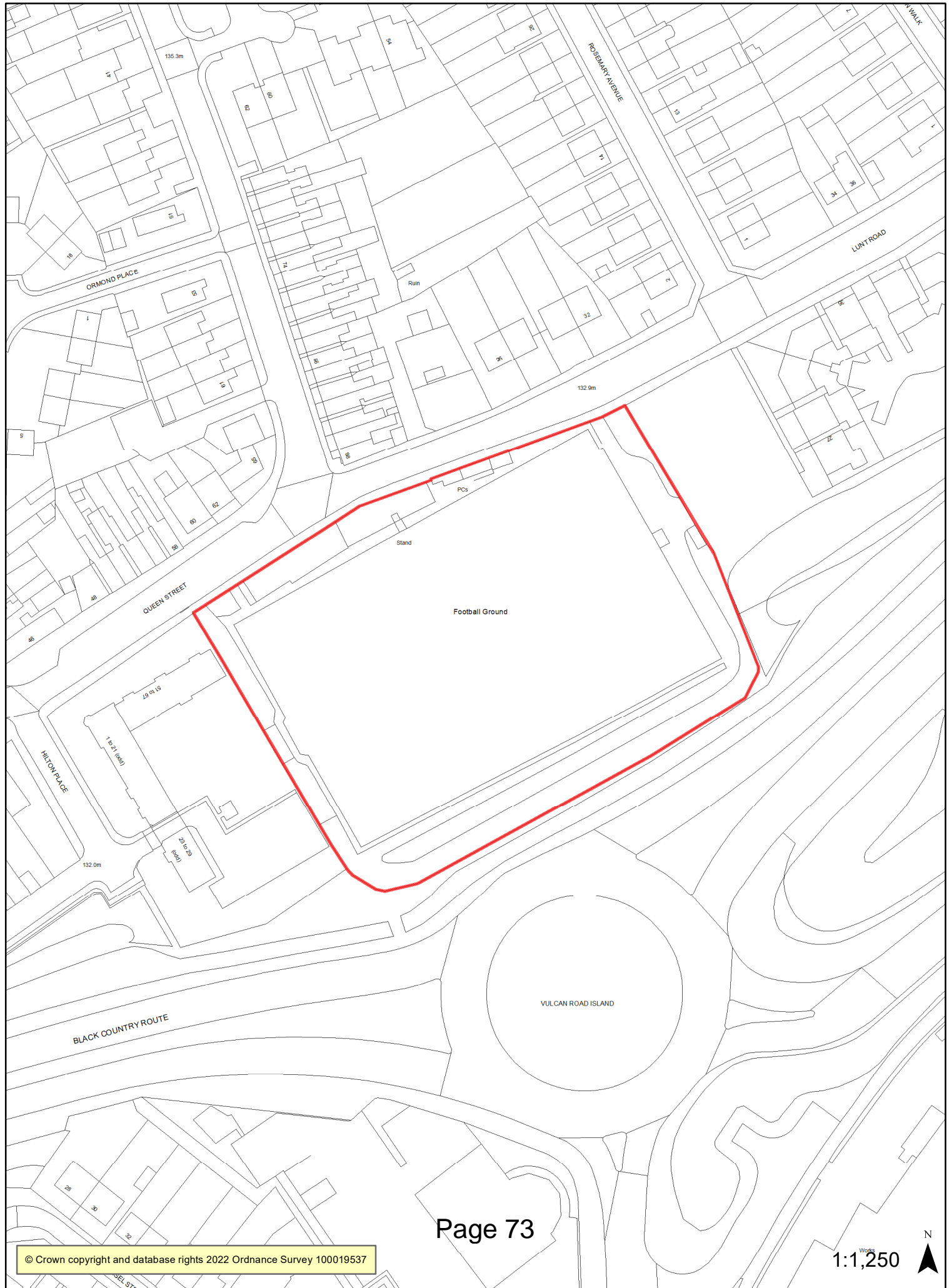
- 12.1 The approval of a CAT of the asset (with regards to the adjacent land) listed in this report will prevent it falling into further disrepair and avoid anti-social behaviour.
- 12.2 The CAT will allow City Assets to prioritise and target expenditure on operational assets that require investment resulting in a reduced maintenance backlog liability for the Council and ensuring assets remain compliant with all relevant legislation.
- 12.3 Transfer of this property will reduce the quantity of void stock requiring management and assist with the regeneration within the Bilston East Ward.
- 12.4 The transfer of the asset will provide an inclusive and positive impact on health and wellbeing within the local community.

13.0 Schedule of Background Papers

- 13.1 [Strategic Asset Plan 2018-2023](#) – Report to Cabinet on 17 October 2018 including:
- Asset Management Policy 2018-2023
 - Asset Management Strategy 2018-2023
 - Asset Management Action Plan

14.0 Appendices

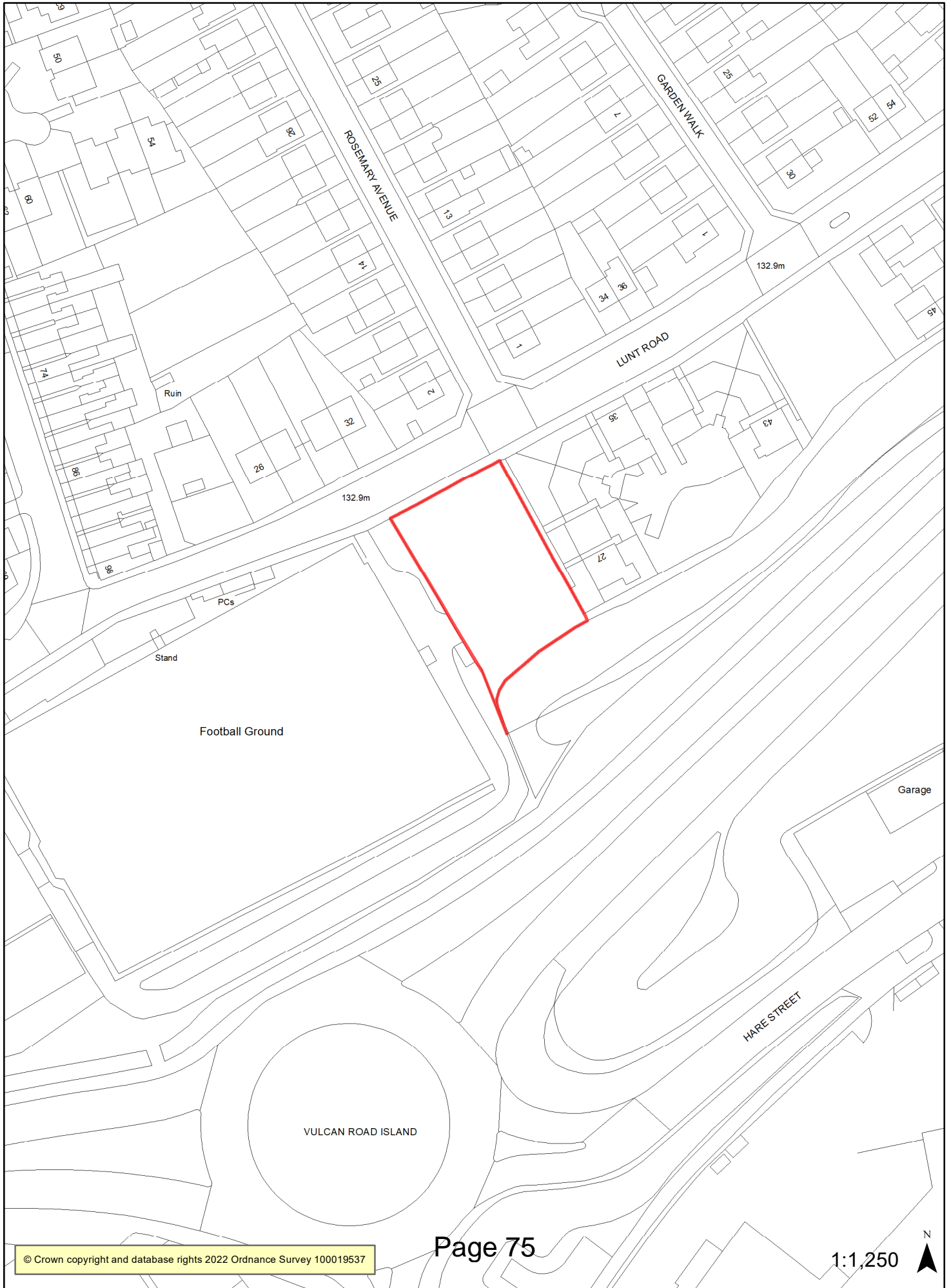
- 14.1 Appendix 1 – Bilston Town FC Stadium Location Plan
- 14.2 Appendix 2 – Land adjacent to Bilston Town FC Plan



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EP0337 - Land South West Of 27 To 31 Lunt Road
Site Area = 1505.27 Sqm - UPRN 010090641561

Appendix 2



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