

Cabinet (Resources) Panel

28 June 2016

Time 5.00 pm **Public Meeting?** YES **Type of meeting** Executive
Venue Committee Room 4 - Civic Centre

Membership

Chair Cllr Andrew Johnson (Lab)
Vice-chair Cllr Roger Lawrence (Lab)

Labour

Cllr Peter Bilson
Cllr Claire Darke
Cllr Steve Evans
Cllr Val Gibson
Cllr John Reynolds
Cllr Milkinderpal Jaspal
Cllr Sandra Samuels
Cllr Paul Sweet

Quorum for this meeting is five Councillors.

Information for the Public

If you have any queries about this meeting, please contact the democratic support team:

Contact Sara Goodwin, Interim Democratic Support Manager
Tel/Email 01902 555043 or sara.goodwin@wolverhampton.gov.uk
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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*

1 **Apologies for absence**

2 **Declarations of interest**

MEETING BUSINESS ITEMS

3 **Minutes of the previous meeting - 7th June 2016** (Pages 3 - 6)
[To approve the minutes of the previous meeting as a correct record.]

4 **Matters arising**
[To consider any matters arising from the minutes.]

DECISION ITEMS (AMBER - DELEGATED TO THE CABINET)

5 **Charging Framework - late payment of invoices** (Pages 7 - 14)

6 **Statutory Food Service Plan 2016/17** (Pages 15 - 46)

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 items of business as they involve the likely disclosure of exempt information on the grounds shown below.]

PART 2 - EXEMPT ITEMS, CLOSED TO PRESS AND PUBLIC

- | | | |
|----|---|--|
| 8 | Corporate Asset Management Fund - Future Years Funding from 2017/18 to 2020/21 (Pages 47 - 56) | Information relating to the financial or business affairs of any particular person (including the authority holding that information) Para (3) |
| 9 | Procurement - award of contracts for works, goods and services (Pages 57 - 72) | Information relating to the financial or business affairs of any particular person (including the authority holding that information) Para (3) |
| 10 | Heath Town Regeneration - Preparation for Procurement (Pages 73 - 78) | Information relating to the financial or business affairs of any particular person (including the authority holding that information) Para (3) |

Attendance

Members of the Cabinet (Resources) Panel

Cllr Andrew Johnson (Chair)
Cllr Peter Bilson
Cllr Claire Darke
Cllr Steve Evans
Cllr Val Gibson
Cllr John Reynolds
Cllr Milkinderpal Jaspal
Cllr Sandra Samuels
Cllr Paul Sweet

Employees

Lesley Roberts	Strategic Director - Housing
Sara Goodwin	Interim Democratic Services Manager
Anita Goldschmied	Graduate Management Trainee
Keith Ireland	Managing Director
Kevin O'Keefe	Director of Governance
Mark Taylor	Director of Finance
Tony Ivko	Service Director - Older People

Part 1 – items open to the press and public

Item No. *Title*

- 1 Apologies for absence**
An apology for absence was submitted on behalf of Councillor Roger Lawrence.
- 2 Declarations of interest**
There were no declarations of interest declared.
- 3 Minutes of the previous meeting (26 April 2016)**
Resolved that the minutes of the meeting of the 26 April 2016 be approved as a correct record.
- 4 Matters arising**
There were no matters arising from the minutes.
- 5 Empty property strategy - 21 Thompson Avenue, Parkfields - property identified for action**
Councillor Bilson presented the report which requested that the Panel authorise Council employees to commence formal negotiations with the owner of 21 Thompson Avenue with a view to acquiring the property by agreement.

Resolved:

1. That it be noted that the property identified for action is 21 Thompson Avenue under the Empty Property Strategy.
2. That authority be given to Council employees to enter into formal negotiations to acquire the property by agreement.
3. That approval in principle be given for the use of compulsory purchase action if required.
4. That the property be declared surplus to council requirements and to dispose of the property on the open market via Auction on condition that the property is refurbished and re-occupied within 6 or 12 months dependent of the scope of works.

6 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 falling within paragraph 3 of Schedule 12A to the Act relating to the financial or business affairs of any particular person (including the authority holding that information).

7 WV Active Aldersley velodrome fence

Councillor Evans presented the report, which sought approval for the establishment of budget to replace the velodrome fence at WV Active Aldersley.

Resolved:

1. That approval be given for the establishment of a budget within the Capital Programme to replace the velodrome fence at WV Active Aldersley which will be fully financed by a British Cycling Grant award.
2. That it be noted that grants from British Cycling and the Bob Maitland Trust Fund had been accepted and also a Grant Agreement and a 10 year Deed of Dedication in favour of British Cycling.

8 Appropriation of sites between the Housing Revenue Account and the General Fund, and disposal of former garage sites by auction

Councillor Bilson presented the report, which sought approval for the appropriation of the Lord Street leisure site from the General Fund into the Housing Revenue Account (HRA), and for the disposal of former garage sites by auction.

Resolved:

1. That approval be given in principle for the appropriation of Green Lanes former garage site (HS0111, shown at Appendix 2) into the General Fund. The site is adjacent to Green Lanes cemetery and is being looked at by the Cemeteries service for future use.

- 1.3 That approval be given to declare two sites as surplus to requirement, and take them to auction, at Beach Avenue / Brynmawr Road and Wrekin Drive.

9 **West Midlands Combined Authority Collective Investment Fund**

The Managing Director, Keith Ireland presented the report which sought approval to enter into a legal agreement with Birmingham City Council to share the risks associated with the establishment of a Collective Investment Fund (CIF) by the West Midlands Combined Authority (WMCA) Board at its meeting on the 10 June 2016.

Resolved:

1. That approval be given to the Council to enter into a legal agreement with Birmingham City Council to share the risks associated with the West Midlands Combined Authority Collective Investment Fund and that any losses be in equal proportions with the other West Midlands Metropolitan District Councils, i.e. one seventh each.
2. That delegated authority be given to the Leader of the Council and Cabinet Member for Resources, in consultation with the Director of Finance and Director of Governance, to finalise the West Midlands Combined Authority Collective Investment Fund risk sharing legal agreement with Birmingham City Council.

10 **Procurement - award of contracts for works, goods and services**

The recommendations for the award of contracts for works, goods and services were introduced by the relevant Cabinet members.

Resolved:

1. That approval be given for the awarding of a contract for the Secondary Schools Review to 1st Planner of Office 8, Stancliffe House, Molyneux Business Centre, Darley Dale, DE4 2HJ for a duration of two months from 13 June 2016 to 19 August 2016 for a total contract value of £206,035.
2. That authority be delegated to the Cabinet Member for Education, in consultation with the Strategic Director for Education, to approve the award of a contract for Microsoft Enrolment for Education Solutions licences when the evaluation process is complete.
3. That authority be delegated to the Cabinet Member for City Assets, in consultation with the Strategic Director for Place, to approve the award for Tower and Fort Housing Development when the evaluation process is complete.
4. That authority be delegated to the Cabinet Member for City Assets, in consultation with the Strategic Director for Housing, to approve the award of a contract for the Heath Town Demolition Works when the evaluation process is complete.

5. That authority be given for the awarding of a contract for Supply of De-Icing Salt to Compass Minerals UK Ltd of Astbury House, Bradford Road, Winsford, Cheshire, CW7 2PA for a duration of four years from 1 July 2016 to 30 June 2020 for a total estimated contract value of £520,000.
6. That approval be given for the awarding of a contract for Secondary Schools Review to 1st Planner Ltd of Office 8, Stancliffe House, Molyneux Business Park, Whitworth Road, Darley Dale, Derbyshire, DE4 2HJ for a duration of two months from 13 June 2016 to 19 August 2016 for a total contract value of £206,035.
7. That authority be delegated to the Cabinet Member for Education, in consultation with the Strategic Director for Education, to approve the award of a contract for Microsoft Enrolment for Education Solutions licences when the evaluation process is complete.
8. That authority be delegated to the Cabinet Member for City Assets, in consultation with the Strategic Director for Place, to approve the award of a contract for Tower and Fort Housing Development when the evaluation process is complete.
9. That delegated authority be given to the Cabinet Member for City Assets, in consultation with the Strategic Director for Housing, to approve the award of a contract for the Heath Town Demolition Works when the evaluation process is complete.
10. That approval be given to the awarding of a contract for Supply of De-icing Salt to Compass Minerals UK Ltd of Astbury House, Bradford Road, Winsford, Cheshire, CW7 2PA for a duration of four years from 1 July 2016 to 30 June 2020 for a total estimated contract value of £520,000.
11. That delegated authority be given to the Director of Governance to execute contracts as required in respect of the above decisions.

11

Staffing matters

The Managing Director, Keith Ireland presented a verbal report on staffing matters.

Resolved:

That approval be given to the termination of employment of the affected employees.

Cabinet (Resources) Panel

28 June 2016

Report title	Charging Framework – late payment of invoices	
Decision designation	AMBER	
Cabinet member with lead responsibility	Councillor Andrew Johnson Resources	
Key decision	Yes	
In forward plan	Yes	
Wards affected	All	
Accountable director	Mark Taylor, Director of Finance	
Originating service	Revenues and Benefits	
Accountable employee(s)	Sue Martin	Head of Revenues and Benefits
	Tel	01902 554772
	Email	Sue.Martin@wolverhampton.gov.uk
Report to be/has been considered by	Strategic Executive Board	14 June 2016

Recommendation(s) for action or decision:

The Cabinet (Resources) Panel is recommended to:

1. Approve the introduction of charges for late payment of invoices.

1.0 Purpose

- 1.1. This report seeks approval from Cabinet (Resources) Panel to the introduction of charges for late payment of invoices by commercial organisations.

2.0 Background

- 2.1. Under late payment legislation the Council can charge towards the cost of recovering a late payment from a commercial organisation. The charge can include a fixed sum and interest. A charging framework has been developed which can be found at appendix A.
- 2.2. Charging for late payment is considered to be a way of prompting payment on time, avoiding costly recovery action and improving collection performance.
- 2.3. Council debts are already subject to interest charges at the point of taking enforcement action through the Court.
- 2.4. Including a fixed fee when debts become overdue as well as interest was one of the proposed savings for 2016/17 with a projected annual value of £25,000.
- 2.5. The proposal was included in the public consultation carried out to support the 2016/17 budget setting decisions. Analysis of the consultation responses showed 80% of respondents supported the proposal.

3.0 Circumstances under which interest and fees can be imposed

- 3.1. When a commercial organisation is late paying for goods or services interest can be charged and a claim for debt recovery costs made.
- 3.2. Payment is considered late 30 days from invoice date unless other terms have been agreed.
- 3.3. The amount of the fixed fee is set by legislation and varies dependent upon the amount of the debt. The current fees, which will be maintained in accordance with the legislation are currently:

Amount of debt	charge
Up to £999.99	£40
£1,000 to £9,999.99	£70
£10,000 or more	£100

- 1.1. Charges may only apply to debts that have arisen in the course of business and so may not apply to private individuals, for example customers making a contribution towards their care charges.

4.0 Financial implications

- 4.1. The primary objective of imposing a late payment fee is to encourage prompt payment of invoices. It is anticipated, however, that the income generated will meet the £25,000 savings target incorporated in the 2016/17 budget.

[GE/09062016/Q]

5.0 Legal implications

- 5.1 The power to charge interest and fees is contained within the Late Payment of Commercial Debts (Interest) Act 1998 as amended (the Act).
- 5.2 The Act applies to **"contracts for the supply of goods or services"** where the purchaser **and** supplier are each acting in the course of a **"business"**. Business includes a profession, a government department and a local authority. A contract for the **"supply of goods or services"** includes:-
- A contract for the sale of goods;
 - A contract for the performance of services;
 - A hiring agreement.
- 5.3 **'Excepted contracts'** are excluded. These are:-
- A consumer credit agreement;
 - A mortgage, charge or other security; or
 - A contract entered into before 7 August 2002.
- 5.4 The Act does not apply to employment contracts and apprenticeships. It may apply to works or construction contracts although standard industry construction contracts now routinely make express provision for interest on late payments.
- 5.5 Unless the commercial contract already has a substantial remedy in respect of late payments the Act and the right to statutory interest will still apply and any term purporting to exclude, vary or provide an alternative remedy to the Act will be void.

[RB/13062016/R]

6.0 Equalities implications

- 6.1. A stage one initial equality analysis has been completed. No equality implications were identified and a full analysis is not required. Equalities considerations will be included in the monitoring of the policy to ensure that it is one that will be able to demonstrate that any fees and interest are imposed fairly and appropriately. In this way councillors can be confident that the approach will meet the requirements of the Public Sector Equality Duty as established by the Equality Act.

7.0 Environmental implications

7.1. There are no environmental implications.

8.0 Human resources implications

8.1. There are no human resources implications.

9.0 Corporate landlord implications

9.1. Where leases are entered into with the council, i.e. leasing of council owned premises, these will make specific reference to the statutory right to claim interest on late payments and compensation for debt recovery costs. Interest and debt recovery costs will be claimed in accordance with the terms of the lease.

10.0 Schedule of background papers

10.1. Late Payment of Commercial Debts (Interest) Act 1998
<http://www.legislation.gov.uk/ukpga/1998/20/contents>

10.2. Report to Cabinet 03/02/2016 Budget 2016/17 – Outcome of Consultation
<http://wolverhampton.moderngov.co.uk/documents/s20279/Budget%20201617%20-%20outcome%20of%20consultation.pdf>

CITY OF
WOLVERHAMPTON
C O U N C I L

Charging Framework – late payment of invoices

- 1 Introduction
- 2 Purpose and Principles of the Framework
- 3 When would interest and fees be charged
- 4 Dealing with complaints and disputes
- 5 Review

1. Introduction

- 1.1 The City of Wolverhampton Council provides a wide range of services for which they charge both individuals and commercial organisations. Where possible, officers must endeavour to obtain payment or raise invoices for all goods or services provided by the council in advance of the goods or service being received by the customer. This helps to minimize the uncertainty of payment and the need for officer time to be spent on recovering overdue payments.
- 1.2 Where it is not possible, or appropriate, for payments to be made in advance of the goods or service being provided, payments are required following receipt of an invoice. Where payments are not made by the due date we will actively pursue the recovery of the debt from the individual or organisations.
- 1.3 When a commercial organisation is late paying for goods or services interest can be charged and a claim for debt recovery costs.

2. Purpose and Principles of the Framework

- 2.1 This framework specifies the instances when the Council has the right to charge interest if a business is late with their payment of an undisputed amount.
- 2.2 The principle of this policy is to minimise amounts outstanding over 30 days by improving the timeliness of payments being made, and therefore reducing the need for bad debt provisions and write-offs.

3. When would interest and fees be charged

- 3.1 When an invoice has not been paid by the due date and is not disputed, interest can be applied to the account through the Late Payment of Commercial Debts (Interest) Act 1998. This allows interest to be charged from the day after the amount becomes due:
 - I. when there is agreement for payment of a debt, or
 - II. otherwise 30 days after the issue of the invoice, or receipt of the goods or service, whichever is the later.
- 3.2 The Secretary of State prescribes the formula for calculating the rate of interest on late commercial payments, known as “statutory interest” which is 8% plus the Bank of England base rate for business to business transactions, unless there is a different rate of interest within the contract.

- 3.3 A claim for debt recovery costs on late payments can also be charged, at a fixed sum, for the cost of recovering a late commercial payment on top of claiming interest, which is dependent on the amount of debt:

Amount of debt	What you can charge
Up to £999.99	£40
£1,000 to £9,999.99	£70
£10,000 or more	£100

- 3.4 Contracts that were concluded prior to 16 March 2013 are excluded from the amended provisions.
- 3.5 Where leases are entered into with the council, i.e. leasing of council owned premises, these will make specific reference to the statutory right to claim interest on late payments and compensation for debt recovery costs. Interest and debt recovery costs will be claimed in accordance with the terms of the lease.
- 3.6 Individual circumstances would be taken into account when considering enforcing the collection of fees and interest where it is deemed to be unreasonable to proceed, for example: insolvency, death or exceptional circumstances.

4. Dealing with complaints and disputes

- 4.1 The Council will endeavour to resolve any disputes regarding the implementation of this framework at the earliest possible opportunity.

5. Review

- 5.1 This framework will be periodically reviewed in line with any new ways of working, any challenges identified and changes in legislation.

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Cabinet (Resources) Panel

7 June 2016

Report title	STATUTORY FOOD SERVICE PLAN 2016/17	
Decision designation	AMBER	
Cabinet member with lead responsibility	Councillor Steve Evans Cabinet Member for City Environment	
Key decision	Yes	
In forward plan	Yes	
Wards affected	All	
Accountable director	Ross Cook Service Director for City Environment	
Originating service	Public Protection	
Accountable employee(s)	Andy Jervis	Head of Public Protection
	Tel	01902 551261
	Email	andy.jervis@wolverhampton.gov.uk
Report to be/has been considered by	None	

Recommendation(s) for action or decision:

The Cabinet is recommended to:

1. Approve the draft 2016/17 Statutory Food Service Plan attached as summarised in Appendix A
2. Authorise the Service Director for City Environment, in consultation with the Cabinet Member for City Environment, to approve the final version of the Statutory Food Service Plan for 2016/17

Recommendation(s) for noting:

1. Note the requirement to prepare a Food Service Plan

2. Note the impact on the ability to deliver the statutory requirements of the plan of the resource reductions arising from the restructure of the service in 2014 and the measures in place to mitigate the impact of further vacancies.
3. Note the positive impact on food safety standards of the development of the food hygiene service following a systems thinking intervention, as set out in section 4.

1.0 Purpose

- 1.1 To inform Cabinet of the legal requirement to produce a Statutory Food Service Plan.
- 1.2 To inform Cabinet of the implications of reduced resources following the restructure of the service and the consequent ability of the service to deliver statutory requirements required by the Food Standards Agency on behalf of central government.
- 1.3 To present, for Cabinet's consideration and approval, the draft Statutory Food Service Plan for 2016 - 2017.
- 1.4 To obtain authority for the Service Director for City Environment, in consultation with the Cabinet Member for City Environment, 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 Statutory Food Service Plan and prescribed in detail which areas of the service should be covered by the plan. This is the sixteenth City of Wolverhampton Council Statutory Food Service Plan.
- 2.3 The Statutory 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 A. A full copy of the draft Statutory Food Service Plan 2016/17 can be found in Appendix B. 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, health promotion activities, reactive work, including responding to food complaints, food hazard warnings and investigating cases of infectious disease.

3.0 Restructure of Regulatory Services

- 3.1 In 2014 a significant restructure of Regulatory Services was undertaken. The restructure resulted in the Service losing one third of its staffing resource. In addition, as part of this process a significant number of experienced staff left the authority resulting in further vacancies that have now been filled.
- 3.2 As a consequence of the resource reductions following the restructure and subsequent vacancies, the inspection and intervention regime prescribed by the Food Standards Agency has not been 100% delivered. In an attempt to mitigate the implications of this, resources have been focussed upon the higher risk premises detailed in the programme.
- 3.3 To further address the inability to deliver all priority work within Public Protection (Commercial) vacant portions of posts have been combined to make one Senior Officer and a vacant District Officer post has been transferred across from Public Protection (Residential). The recruitment process for these posts will begin soon. In addition, we have on going Service Director Approval for the payment of overtime to existing staff to help address the backlogs which have built up.
- 3.4 This year the Service aims to undertake; 100% of all food hygiene inspections of high/medium risk premises (A's, B's and C's) within the city at a frequency which is in accordance with the inspection rating system set out within the Statutory Code of Practice made under the Food Safety Act 1990 and Food Safety and Hygiene (England) Regulations 2013.
- 3.5 The lower risk businesses may not all be visited at the required frequency and many will only be visited in response to a complaint or request for advice and / or support. In these cases, the nature of the complaint or enquiry as well as the type of food handled will be taken into account in prioritising the visit. Where low risk premises are not subject to a visit the Service will endeavour to engage them through an 'Alternative Enforcement Program'.

4.0 Development of the Food hygiene Service.

- 4.1 All food safety interventions are based on the approach developed through the Systems Thinking intervention, of 2011/12. This approach enables officers to work closely with businesses via tailored interactions to assist businesses to provide safe food to their customers. Further details of the development of the food hygiene service can be found in the Cabinet report of the 5 December 2012.
- 4.2 To date, the benefits of this new approach have been:
- Increased understanding of food safety issues amongst food handlers and food business operators to assist them in providing safe food;

- Increased willingness and confidence in food businesses to request advice and help to comply with appropriate legislation from visiting officers;
- Increased time spent with businesses on site, by officers, advising on good practice and its implementation thus assisting in compliance with legislation;
- Providing assistance to businesses to the point where the officer is satisfied that the business has been helped to provide safe food and any risk associated with the business is suitably managed

4.3 The outcomes of the new approach are positive and illustrate the approach is effective in terms of improving food safety standards at the City's food establishments. The key outcomes are:-

- The number of 4 and 5 star rated food businesses has increased from around 25 in 2011 to 1300.
- The number of high risk food businesses in the city has fallen from 40 to 15
- The number of "Broadly Compliant" food businesses has increased from 85% to 90%
- The number of prosecutions initiated against non-compliant businesses has fallen from around 25 per annum to zero for the last year.

5.0 Financial implications

5.1 The overall resource provision required to deliver the requirements of the plan fall within the City Environment portfolio. For this reason the Cabinet Member for City Environment is a signatory of the approved plan.

5.2 The approved budget for Public Protection, which includes the provision of the Food Safety Service, for 2016/17 is £2.3 million. It should be recognised a wide range of other non-food related services are delivered within this budgetary provision (for example, health and safety, investigation and control of infectious disease, environmental protection, trading standards, licensing regulation, street scene and highways enforcement etc.). The level of resource available for the provision of food safety and food standards activities covered by the Statutory Plan is currently in the region of £300,000.

[Finance Code TK/07062016]

6.0 Legal implications

6.1 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 Statutory Food Service Plans is

considered to be an important part of the process to ensure national priorities and standards are addressed and delivered locally.

[Legal Code RB/07062016/C:]

7.0 Equalities implications

7.1 Implementation of the Statutory 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.

7.2 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.

8.0 Environmental implications

8.1 The report may have some indirect environmental implications in so far as it affects the working and commercial environment in Wolverhampton.

9.0 Human resources implications

9.1 There are no direct human resource implications arising from this report.

10.0 Corporate landlord implications

10.1 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 concerned is advised of its responsibilities by the visiting officer.

11.0 Schedule of background papers

11.1 Cabinet Report: December 2012: Development of the Food Hygiene Service

Summary – Statutory Food Service Plan

The Service aims and objectives:

Through the effective and efficient use of the resources allocated, to ensure, so far as is reasonably practicable, the safety and quality of food prepared and sold in Wolverhampton are of the highest standard.

In achieving the Aims we will:

- Register, approve and licence, as appropriate, relevant food premises;
- Maintain appropriate food premises intervention regimes which comply with all requirements set out in legislation, statutory codes of practice and other official guidance;
- 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 identified by the FSA
- Support the Local Government Regulation (LGR) Primary and Home Authority Principle;
- Support the workings of the West Midlands Food Liaison Group, and the Central England Trading Standards Food Group;
- Complement and enhance the inspection, control and enforcement regime with a range of other services designed to promote food related health issues.
- Maintain appropriate food sampling regimes which comply with relevant statutory provisions, codes of practice and official guidance;
- Investigate reported cases and outbreaks of infectious disease and support the work of the HPA in this respect.
- Pursue an approach to enforcement which is helpful, consistent and proportionate and not likely to impose unnecessary burdens on the business owner.
- Ensure all actions and decisions taken by officers 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.
- Update of the Outbreak Plan when deemed necessary.

The above is undertaken by appropriately qualified and experienced officers within the Commercial section of Regulatory Services. (See structure chart within the statutory plan). The overall budgetary provision for the Commercial part of the service is anticipated to be in the region of £1,100,000 for 2016/17. 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.)
- Licensing enforcement (vehicles and premises)
- Street scene regulation
- Trading Standards

Staff undertaking food safety work will implement the general principles contained in the BIS / BRDO 'Better Business for All' initiative, including:-

- Identify themselves by name and title, showing proof of ID.
- Be helpful and courteous.
- Provide a contact point and telephone number for future reference.
- Carry out their duties in a fair, equitable and consistent manner in accordance with the Council's Enforcement and Equal Opportunities Policies.
- Provide information and advice in plain language relating to food legislation which they enforce; should an officer identify a language/communication problem, they will bring it to the attention of their line manager for advice.
- Discuss specific compliance failures or problems with any proprietor experiencing difficulties.
- Minimise the cost of compliance by ensuring any action required is proportionate to the risk.
- Encourage businesses to seek advice/information.
- Provide information about the Council's complaints procedures and any official appeals procedures as appropriate.
- Issue a report where contraventions of food legislation are identified.
- Advise on future changes in relevant legislation and requirement/obligations on food business.

The mechanism of review and performance monitoring

All areas of Council Service are subject to service planning and performance management and review. This is managed through service plans, corporate strategies and financial planning arrangements etc.

Performance against performance indicators are subject to monthly reviews reported to the Service Director for City 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 is detailed in the plan and involves the Head of Service, Service Leads and employee groups. In addition, there is external review of performance through the statutory return to the Food Standards Agency.

**Wolverhampton City
Council**

**ENVIRONMENTAL HEALTH
STATUTORY FOOD
SERVICE
PLAN**

2016/17

**CITY OF
WOLVERHAMPTON
COUNCIL**

Introduction

Welcome to the 16th 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 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.

The Agreement applies to local enforcement of all food laws, and incorporates the latest guidance and standards on food law enforcement.

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, provides details of the proposed service programme for 2016/17 and sits within the overall Performance Management arrangements for Public Protection. All of the Service Plans are aligned to the Council's corporate performance and financial planning frameworks.

In 2015 the Service has seen its first complete year following a substantial restructure that was undertaken in 2014, having seen a third loss in staff and complete service management change. On-going changes have been undertaken during the year to utilise remaining staff to work as effective and efficient as possible whilst accommodating and prioritising pressures and demands on the service.

The Service also continues to interact with food businesses as identified during a review commencing in 2011/2012. All new inspecting food officers, to which the service has seen 3 in the past year, have been inducted into the Systems Thinking approach to undertaking food visits. The coming year will see continued training in the methodology and approach with 100% staff complement (albeit reduced due to maternity leave).

The service is committed to working towards the inspection and intervention regime prescribed by the Food Standards Agency, however may not achieve 100% delivery due to the demands on the Services other performed functions. In an attempt to mitigate the implications of this the remaining resource will need to be focussed upon the higher risk premises detailed in the programme.

Should you have any comments or views with respect to this plan please forward these to the Head of Service; Andy Jervis, Civic Centre, St. Peter's Square, Wolverhampton, WV1 1DA

Councillor Steve Evans
Cabinet Member for City
Environment

Ross Cook
Service Director for City Environment

Date -----

Date -----

WOLVERHAMPTON CITY COUNCIL

STATUTORY FOOD SERVICE PLAN 2016/17

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CITY OF WOLVERHAMPTON

STATUTORY FOOD SERVICE PLAN 2016/17

1.0 Service Aims and Objectives

1.1 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.

1.2 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 identified by the FSA.
- Support the Better Regulation Delivery Office (BRDO) Primary and Home Authority Principle;
- Support the workings of the 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.
- 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.
- Update the Foodborne Infection Outbreak Plan when deemed necessary.

1.3 **Service Statement.**

As part of our commitment to quality service provision each service is required to produce a Service Statement. The Service Statement for the Public Protection (Commercial) is detailed below:

Our Service

Description of Service

Public Protection (Commercial) 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, licensing enforcement, 'street scene' enforcement matters and trading standards issues.

The Service receives approximately 2000 requests for service each year. In addition to dealing with requests and complaints we carry out programmed regulation of shops and businesses in Wolverhampton. Our services are responsible for ensuring you are treated fairly and your health and environment are protected.

Our Council

City Environment is one of three directorates responsible for delivering the Council's statutory duties. 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 Compliance Code 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 goals of developing a stronger economy and stronger communities. By providing advice, support and training to the public and other Council services we also contribute to the strategic goal of encouraging a confident, capable and championing City.

1.4 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.

The Public Protection (Commercial) service 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.

These statutory service plans contribute to the overall service plan for the PLACE directorate by forming the foundation for the Work Programme for the service area.

1.5 Approval and Review Process

The service plan is subject to approval and scrutiny by the Service Director for Place and the Cabinet Member for City Environment.

Progress with delivery of the Plan is monitored on a monthly basis by Public Protection Services Management Team. The directorate Performance Management Board also monitor performance against KPIs on a monthly basis.

2.0 Background Information

2.1 Authority Profile (Based on the 2011 Census)

The City of Wolverhampton has a population of 249,500 comprising approximately 123,400 males and 126,100 females. The ethnic breakdown of the population is:

- White British 64.5%
- White Non-British 3.5%
- Mixed 5.1%
- Asian 18.1%
- Black 6.9%
- "Other" ethnicity 1.9%

95,000 individuals, including self-employed, either live in or travel to Wolverhampton for paid employment, 73,180 of which are full time workers

104,200 local people are either in paid employment or looking for work.

Wolverhampton is in the 6% most deprived areas in the country and the levels of deprivation in the City continue to rise. About 30.2% (15,000) children live in poverty and life expectancy for both men and women is lower than the England average.

2.2 The Means by which the Service is Discharged

Organisational Structure

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 the Cabinet within the framework of the Council's Constitution, budget and plans approved by the Council.

Public Protection Services, which sits within the City Environment group of services in the Place directorate, falls under the remit of the Cabinet Member for City Environment along with Waste Services, Public Realm Services, and Bereavement Services.

In line with shared priorities developed between Central Government and the Local Government Association, Wolverhampton's priorities are;

- Stronger Economy
- Stronger Communities
- Stronger Organisation

2.3 Scope of the Food Service.

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 (NFHRS)
- 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 LGR, Home Authority Principle, Local Better Regulatory Office and Primary Authority Partnership,
- 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
- Statutory consultee role to planning applications.

The Public Protection (Commercial) 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 also delivered as part of a comprehensive Trading Standards Service (also within Public Protection Services) delivered via inspections, sampling and investigation of complaints.

Development of the Food Hygiene Service

In 2011, utilising the Systems Thinking methodology, the then Regulatory Services (Commercial) Service undertook to fundamentally review the delivery of its Food Safety Service, including the alternative intervention techniques, as well as the more traditional inspection regime. This review was keenly focussed upon the promotion of the services' relationship with the operators of local food businesses and ways in which the Council can help them provide safe food to the general public.

During 2012-13 a 'roll-in' process for the training of officers responsible for inspection of such businesses was undertaken. This has resulted in all officers now working in the newly adopted method.

There have been clear benefits from the adoption of the new approach:

- Food handlers and food businesses operators have an increased understanding of food safety issues, assisting them in providing safe food;
- Food businesses are more willing to request advice from visiting officers in order to help them comply with appropriate legislation;
- Officers spend an increased amount of time with businesses on site, advising on good practice and its implementation thus assisting in compliance with legislation;
- Officers are able to provide assistance to businesses to the point where the officer is satisfied that the business has been helped to provide safe food and any risk associated with the business is suitably managed

2.4 Profile of Food Service (As of April 2016)

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 below;

PREM TYPE	Total number of premises	<u>FSA ENFORCED</u>	<u>TOTAL</u>
Primary producer	3	1	4
Restaurant and caterers other	466	0	466
Mobile food unit	79	0	79
Importers and exporters	3	0	1
Retailers(other)	152	0	152
Hotel/guest house	19	0	19
Manufacturers and packers	51	12	51
Pub Club	209	0	209
Take-away	284	0	284
Small retailer	437	0	437
Supermarket/Hypermarket	64	0	64
Caring establishments	306	0	306
Schools/college	115	0	115
Distributors & transporters	34	3	34

The food premises data base of Wolverhampton is currently stored within an I.T. platform called IDOX

2.5 Profile of Food Service – Feedingstuffs.

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 feedstuff(s) for animals.

2.6 Regulatory and Compliance Policy

This is the overarching compliance policy document was approved by Cabinet in October 2014. It has regard to human rights issues and incorporates the principles contained in the Governments BIS / BRDO Regulators Code.

The Black Country Regulators Operating Framework, comprising Service Charter, Regulatory & Compliance Policy and Service Standards has now been adopted by all four Black Country authorities.

3.0 Service Delivery

3.1 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.

3.2 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 EU 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. Unfortunately due to the reduced resource level within Public Protection, the inspection and intervention regime prescribed by the Food Standards Agency will not be 100% deliverable. In an attempt to mitigate the implications of this, the remaining resource will need to be focussed upon the higher risk premises detailed in the programme.

Food Hygiene Intervention Programme for 2016 -17

The table below outlines the visits identified for 2016/17. This includes those inspections not completed in the previous years inspection programme.

Risk Rating	No. premises	Visit frequency
A	1	6 months
B	14	1 year
C	106	18 months
D	482	2 years
AES (E)	404	3 years
UNRATED	160	Determine by next inspection
TOTAL	1167	-

*(THE ABOVE FIGURES INCLUDE OVERDUE PREMISES, FROM THE PREVIOUS YEAR)

Category A premises are the highest risk premises and are subject to an intervention every 6 months, B's yearly, C's every 18 months and D's every two years. AES (Alternative Enforcement Strategy) premises are subject to an Alternative Enforcement Strategy every 3 years)

The AES provides a means of dealing with those premises deemed to be so low risk with respect to food hygiene issues that they can be dealt with other than by intervention from officers. Tailored questionnaires are used to assess premises suitability in being placed in the AES. From the information provided by the business in the questionnaire officers will then assess the suitability of placing a business outside the routine inspection programme.

Food Standards Intervention Programme 2016/17.

The table below outlines the visits identified for 2016/17. This includes those inspections not completed in the previous years inspection programme.

Risk Rating	No premises	Inspection frequency
A	6	Yearly
B	245	2 years
C/AES *	498	5 years
UNRATED	579	Determined by next inspection
TOTAL	1328	

Category A premises are the highest risk premises and are subject to an intervention every 12 months and Category B's premises every 18 months. 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. This annual return, known as LAEM's (Local Authority Enforcement Monitoring) has been operated since 2009. The submission of data is required by all countries within the EU. The figures are derived from information inputted between 1 April the previous year and 31 March in the current year.

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.

3.3 Priority Areas for Intervention and Targeted Activities

In 2014 as a result of the authorities savings programme a significant restructure of the then Regulatory Services was undertaken. The restructure resulted in the Service losing one third of staffing resource including a significant number of experienced staff who left the authority.

As a consequence of the resource reduction following the restructure, the inspection and intervention regime prescribed by the Food Standards Agency will not be 100% deliverable. In an attempt to mitigate the implications of this the remaining resource will need to be focussed upon the higher risk premises detailed in the programme.

Identified enforcement priorities for further development for 2016/17 are set out below:

- To carry out 100% of all food hygiene inspections of high and medium risk premises (A's, B's, C's and unrated) within the City.
- To carry out full food hygiene and food standards interventions of approved premises and other manufacturers that fall due within the year.
- 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.
- Provide advice on, and enforcement of, General Food Regulations 2004 and Food Safety and Hygiene (England) Regulations 2013 and Regulation EU 852, 853/2004 and 178/2002.
- Should resources allow we will undertake an alternative enforcement programme for premises classed as lower risk for food hygiene and food standards inspections.

3.4 Food Complaints

The Service endeavours to adopt a consistent approach to the receipt and investigation of food complaints, approximately 30 of which are 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' or 'Originating' Authority 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, and where appropriate, complainants will be directed to the Service's 'Common Food Complaints' booklet.

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.

Wolverhampton Council is guided by LGR 'Guidance on Food Complaints' in its investigations. These are investigated by sampling and analysis if necessary. In addition to food complaints received each year, in the region of 600 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 maximum response time for complaints is 10 working days; however, these are driven by levels of associated risk and prioritised as such.

3.5 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's 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 public protection, 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 Better Regulation Delivery Office (BRDO).

The Council is committed to supporting the Home and Primary Authority scheme in respect of both proactive and reactive food safety issues. Although the authority is home authority for a number of businesses we currently do not have Primary Authority responsibility for any businesses within Wolverhampton.

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.

3.6 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. Advice is available to those premises starting-up business and to those already trading. Advice includes compliance with legislation and nationally approved guidance.

Advice and information is provided both reactively and proactively on a planned basis in the form of advisory components of all interventions / visits and information provided by the council's website.

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.

3.7 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 the sampling programme

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) issue Nov 2009.

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 organised by CE nTSA (to be transferred this year to the Food Standards Agency) and participates 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

In order to ensure compliance with the relevant regulations the service takes samples of water from all private water supplies.

Feeding stuffs Sampling

Feeding stuffs sampling is limited to complaint investigation, as proprietary products should be sampled at source by the authorities acting as Home Authority for the producer. On average less than 5 samples per annum will be taken.

Documented sampling policies, procedures and programmes are reviewed on an annual basis.

3.8 Infectious Disease Control

In conjunction with Public Health England (PHE), 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

Approximately 220 individual cases are notified to the service every year, a number of these may constitute outbreaks, where a number of cases are associated with the source of the food poisoning.

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.

3.9 Food Safety Incidents

All formal food alert warnings are investigated in line with the local interpretation of the recommended approach attached to each warning. The authority receives notification of each warning through the Food Standards Agency (FSA).

3.10 Liaison Arrangements

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
- The Health Protection Agency
- Public Health
- Wolverhampton NHS Trusts Liaison Group
- Wolverhampton Business Solutions Centre
- The Government Agency Intelligence Network
- The West Midlands Regulatory Services Partnership

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.

Recently, Wolverhampton became actively involved with the partnership between regulators, representatives from trade and industry, the Chamber of Commerce and the

Black Country Consortium. The aim of the partnership is to improve local regulatory delivery to meet business needs. This partnership has produced the Black Country Regulators Operating Framework referred to in section 2.7 above.

Feeding stuffs

Given the very low risk of contravention posed by the retail of feeding stuffs within the City, programmed promotional activities are not undertaken. Any need to warn of specific problems arising would be met by media release. In addition, complaints and any survey works organised by CEnTSA would be undertaken by officers.

4.0 Resources

4.1 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 Place Directorate.

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

The overall budgetary provision for Public Protection (Commercial) is in the region of £1,100,000. A wide range of other non-food related services are delivered within this budgetary provision. Provision for food hygiene and standards is currently £300,000 but as previously stated is subject to on-going review.

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
- Licensing Enforcement
- City Centre compliance and regulation
- Taxi enforcement
- Street Scene Compliance
- 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 for Trading Standards.

4.2 Staffing Allocation

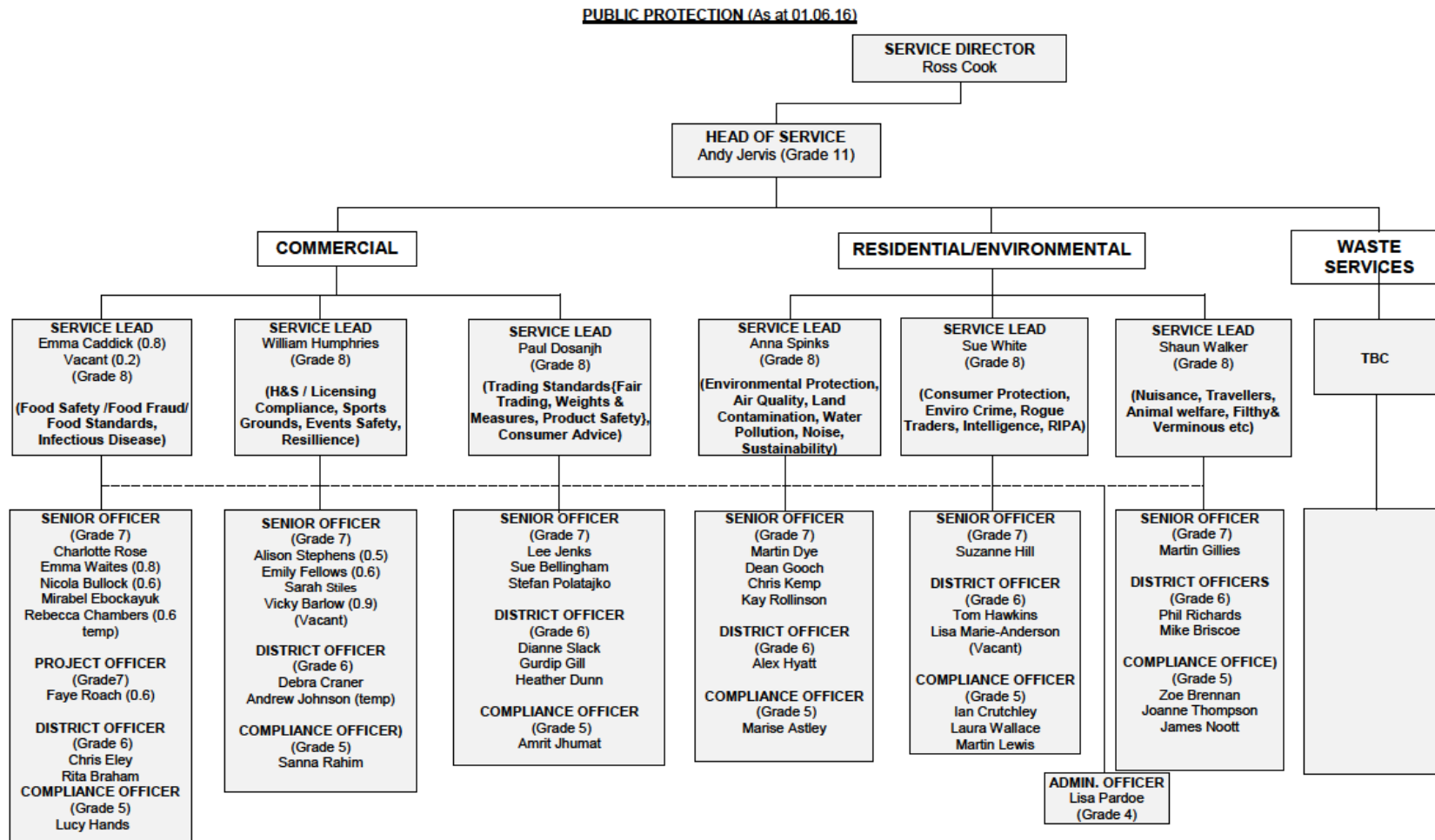
The strategic financial, human and service functions are undertaken through the Public Protection Services Management Team.

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 (Commercial) shown below.

Post	% Food Safety	FTE
Head of Service (x1)	5%	0.05
Section Leader North (x0.8) ##	75%	0.6
Section Leader South (x1)	10%	0.1
District/Senior EHO (x9.1)	50%	4.5
Compliance Officer(Food)(x1)	50%	0.5
Total Full Time Equivalent (FTE)		5.75

- This officer undertakes the authorities 'Food Lead' role.

The current structural chart for Regulatory Services is shown below:



4.3 **Competency**

The service operates to 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.

Service Lead and Senior Officer posts, would normally be individuals with full delegated powers under the various statutes within the service's sphere of responsibility.

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. Prior to the delegation of powers to issue Hygiene Emergency Prohibition Notices (HEPN's) officers are required to pass an Assessment Panel interview.

4.4 **Staff Development**

As part of the Council's aim to provide services efficiently and effectively, an annual appraisal will take place with officers. As part of the appraisal 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.

5.0 Quality Assessment

Various monitoring techniques are used in order to assess officer performance against set criteria, including the FSA 'Standard', the internal Work Programme and all other external standards established by various Codes of Practice and BIS/BRDO guidance etc: - for example

- Internal audit
- West Midlands Food Liaison Group/external audit
- Consultation mechanisms, e.g. Inspection Questionnaire, Food Focus Group
- Inspection monitoring
- Correspondence checking/file review
- Standardisation exercises
- Quarterly review of the Work Programme
- FSA audit

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

NB: See also

'Monitoring System for the Ensurance of Inspection Quality and Uniformity' Issue 4 April 2015.

'Competencies, Training Requirements, Levels of Authority etc.' Issue 4 March 2015.

6.0 Performance Management and Review

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

Performance against performance indicators are subject to monthly reviews reported to the Assistant Director for Regeneration. 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 and Work Programmes has been discussed earlier in this document; it involves Service Directors, Head of Service, Service Lead Officers and employee groups.

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 Public Protection Services 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.

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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