

# ENVIRONMENTAL HEALTH FOOD SERVICE PLAN 2023/24



## Forward

It gives me great pleasure as Cabinet Member with Portfolio for Public Protection and Housing to present this years Environmental Health Food Law Enforcement Service Plan 23/24.

The Local authority has a duty to enforce food safety and standards legislation, and to produce an annual service plan, setting out the arrangements in place to discharge this duty, in accordance with the Food Standards Agency's (FSAs) *Framework Agreement on Official Feed and Food Controls by Local Authorities*. This Food Law Enforcement Service Plan (the Plan) has been produced in response to that requirement, and is designed to inform residents, the business community and other interested parties of the arrangements Merthyr Tydfil County Borough Council has in place to regulate food and feed safety.

The Environmental Health food service is essential in safeguarding public health, protect the interest of consumers and provide a support to businesses in achieving compliance. This Plan contributes to the visions and objectives of Merthyr Tydfil County Borough Council Corporate Plan, 'Acting Today for a Better Tomorrow' [Corporate well being Plan 2023-2028]. The Plan sets out how the Council will ensure food produced, sold, stored, distributed, and consumed in Merthyr Tydfil is safe, what it says it is, and that businesses comply with food law. Environmental Health Officers provide advice, education and guidance on what the law requires, conduct interventions, investigations, sampling, and take enforcement action to secure compliance, where appropriate.

Last year saw the service delivering its Food Law Service Plan in accordance with the *Food Standards Agency Recovery Roadmap*. This allowed for the resumption of 'business as usual' rhythm following Public Protection's resources being diverted from food regulatory activities during the pandemic to ensure local communities were protected, businesses were supported, and government restrictions enforced. Planned food interventions were largely held in abeyance during the pandemic and officers had to rapidly adapt to new ways of working. Whilst the Food Standards Agency Local Authority Recovery Plan ended on 31<sup>st</sup> March 2023 and the Council had successfully delivered against each milestone within the plan. However there still remains significant challenges for the service in scheduling interventions at establishments considered lower risk. Having said that, this service plan identifies how service will be overcoming these challenges and scheduling that work and progressing towards returning to normal inspection frequencies for lower risk businesses.

The food industry has seen changes since the pandemic with rapid growth in online food sales posing new challenges to our Environmental Health team. The delivery of food service plans in protecting consumers and supporting businesses prior to the pandemic had been largely invisible. The recovery period however demonstrated that when there is a scaling back of interventions there is a drop in food hygiene and standards which was experienced by officers in taking greater time in supporting businesses through advice and where necessary, enforcement.

I am convinced by adopting a proportionate, risk based approach to enforcement, the Council remains committed to providing the greatest possible protection for consumers and supporting food businesses in Merthyr to thrive.

**Cllr Michelle Symonds**

**Cabinet Member with Portfolio for Public Protection and Housing.**

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# 1. Introduction

Merthyr Tydfil County Borough Council (MTCBC) has a statutory duty to enforce a range of food safety legislation.

The Food Standards Agency (FSA) has a key role in overseeing local authority enforcement activities in respect of food matters, and has issued guidance on the annual production of food enforcement service plans by local authorities.

This plan has been produced in accordance with guidance issued to Local Authorities by the FSA in the Framework Agreement. The plan is intended to inform residents and the business community about the arrangements MTCBC has in place to regulate and improve both food safety and food standards within the Borough.

The plan is approved by Cabinet and a review of performance against the plan is carried out. The plan is therefore an important tool for ensuring that national and local priorities are addressed and delivered within the Borough.

## 1.1 Food Service Aims and Objectives

### 1.1.1 AIMS

The overall aim of the service is to prevent food poisoning, food-borne and water-borne illness by helping to ensure that food and drink intended for sale for human consumption is produced, stored, distributed, handled and consumed within the Borough without risk to the health and safety of the consumer.

In delivering this service the team aims to:

- ❖ Protect public health from risks which may arise in connection with the consumption of food, and to protect the interests of consumers in relation to food.
- ❖ Support the priorities set out by the Food Standards Agency (FSA) for regulation.
- ❖ Provide support and take targeted, proportionate risk-based enforcement action, including inspections, to protect food safety and prevent food-borne disease.
- ❖ Tackle rogue businesses and take appropriate measures to safeguard the food supply from adulteration, contamination, fraud and mis-description.
- ❖ Provide appropriate targeted, specific, transparent and robust advice, support and incentives to businesses to maximise compliance with food hygiene regulations and general food law.
- ❖ Provide advice and support to consumers to protect public health and promote healthier lifestyles and consumer choice.
- ❖ Provide transparent, robust and consistent approaches to investigating and resolving consumer complaints about food products and food businesses.
- ❖ Improve continuously the quality of services through the effective use and enhancement of staff skills and knowledge.

## 1.1.2 OBJECTIVES

The key objective of the service is to promote and maintain high standards of food hygiene and food standards in premises. This will be achieved by:

- ❖ Ensuring the health and wellbeing of the public by promoting and enforcing safe standards of hygiene and food safety in the preparation, manufacture, storage, distribution, handling and sale of food in all relevant food premises in Merthyr Tydfil County Borough in accordance with the requirements of all relevant food safety legislation.
- ❖ Carrying out a programme of planned food hygiene and food standards enforcement interventions in accordance with statutory requirements
- ❖ Assisting, advising and educating all parties in matters relating to food safety and standards and communicable disease control.
- ❖ Monitoring the safety of food on sale to the public, composition and accuracy of labelling of food by means of a structured sampling programme.
- ❖ Providing and maintaining a fail-safe and informed trading environment for the residents of and visitors to Merthyr Tydfil County Borough
- ❖ Ensuring that human food does not pose health risks and that labelling and compositional standards are complied with.
- ❖ Responding to and investigating consumer and trader complaints relating to food that may be contaminated, unsound or unfit for human consumption.
- ❖ Responding to and investigating cases and outbreaks of communicable and infectious disease notified to the Authority.
- ❖ Protecting consumers from food fraud.
- ❖ Liaising with other Local Authorities, parties and stakeholders.
- ❖ Providing food hygiene advice and information to businesses and the public.
- ❖ Responding promptly and effectively to food alerts and threats to the safety of food sold within Merthyr Tydfil County Borough
- ❖ Ensuring that staff working within the service are adequately qualified and competent to carry out food safety and food standards work and to ensure that adequate equipment and resources are in place.
- ❖ Delivering the service in accordance with quality management systems.

## 1.2 LINK TO CORPORATE OBJECTIVES, SHARED PRIORITIES AND PLANS

Merthyr Tydfil County Borough Council (MTCBC) has developed a Corporate and Well-being Plan – ‘*Acting Today for a Better Tomorrow*’<sup>1</sup>. The plan sets out the vision, values and priorities for MTCBC from 2023 to 2028. The plan was developed through collaborative effort, involving Elected Members, officers, and partners. The four well-being objectives for MTCBC have been identified as:

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<sup>1</sup> [Corporate Well-being Plan 2023-2028 \(merthyr.gov.uk\)](https://www.merthyr.gov.uk)

An Aspirational Merthyr Tydfil focused on learning	A Healthier Merthyr Tydfil	A Safe & Prosperous Merthyr Tydfil	A Clean and Green Merthyr Tydfil
We will strengthen how we enable people to grow and reach their potential	We will empower people to live independent and dignified lives	We will support how our economy recovers and grows	We will support the creation of a clean and green environment now and in the future

The four well-being objectives filter down to Environmental Service via the Public Protection Service Plan/SOAP. The 'Golden Thread' is visible from the Corporate plan through the Public Protection Plan (SOAP) and within this Food Service Plan and individual officers annual review and performance plan.

In addition Welsh Government (WG)<sup>2</sup> has published a set of national enforcement priorities for Welsh local authorities which are:

- i. Protecting individuals from harm and promoting health improvement.
- ii. Ensuring the safety and quality of the food chain to minimise risk to human and animal health.
- iii. Promoting a fair and just trading environment for citizens and business.
- iv. Improving the local environment to positively influence quality of life and promote sustainability.

This Food Service Delivery Plan contributes to each of the four national enforcement priorities.

### 1.2.1 Links to Our Wellbeing Objectives and WG National Priorities

The food service will contribute to the local authority's wellbeing objectives and the WG enforcement priorities by:-

- Undertaking risk based food hygiene and food standards interventions in food premises within the Borough to improve standards of food hygiene and cleanliness. This will contribute to a positive perception of the Borough as a whole. Improved standards will also mean businesses will become more attractive to customers thereby enhancing the local economy.
- Implementations of the Food Hygiene Rating Scheme to facilitate consumer choice and help traders promote good businesses.
- Investigating complaints about food and food premises.
- Taking appropriate enforcement action in accordance with our Compliance and Enforcement Policy against businesses, or individuals, who break Food Laws.
- Undertaking a food sampling programme to monitor the microbiological quality of ready to eat food either manufactured or sold within the Borough on the basis of risk and in conjunction with regional and national initiatives.

<sup>2</sup> [National Enforcement Priorities for Wales \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

- Undertake food standards surveillance programme to ensure that food is:
  - of acceptable nature, substance and quality;
  - is not potentially injurious to the consumer's health or safety;
  - is not falsely described or labelled so as to mislead the consumer;
- Responding promptly and appropriately to all food alerts issued by the Food Standards Agency.
- Ensuring a level playing field for food businesses operators through the provision of advice and consistency of enforcement.
- Working in collaboration with other Local Authorities and Organisations to maximise public health outcomes and financial efficiencies
- Providing advice and support to new businesses thereby encouraging them to locate within the Borough, allow them to develop in the initial stages without making costly mistakes and to achieve the best possible rating under the Food Hygiene Rating Scheme
- Providing advice and support to existing businesses as they expand their product ranges and distribution network.
- Protecting businesses from damage to their reputation as a result of food fraud/crime.
- Tackling food fraud/crime to protect our most vulnerable members of society.
- Working closely with our partners to identify and resolve cross border food safety risks.
- Working with other agencies to promote food safety to the public, young and old, through initiatives such as National Food Safety Week.
- Investigating of cases of food poisoning and provision of advice to cases and contacts.
- Promotion of healthy eating.

## **2. Background**

### **2.1 Profile of the Local Authority**

Merthyr Tydfil is situated in the Heads of the Valleys Region and is the smallest local authority in Wales with an area of around 11,100 hectares. Approximately one fifth of the County Borough lies within the Brecon Beacons National Park to the north, leaving some 8,668 hectares of land under the planning control of the County Borough Council. The County Borough's other neighbouring authorities are Rhondda Cynon Taf County Borough Council to the west and Caerphilly County Borough Council to the east and south.

Merthyr Tydfil has a population of approximately 60,000 of which, approximately 44,000 reside in the main town of Merthyr Tydfil which functions as the main commercial, retail and service centre of the County Borough and the Heads of the Valleys Region. As such, the main town of Merthyr Tydfil contains administrative headquarters (e.g. the County Borough Council), the primary shopping areas, the majority of employment opportunities, a hospital, and many other higher order services and facilities which serve surrounding settlements. The remainder of the population is distributed amongst eight interdependent settlements situated further south along the Taff and Taff Bargoed river valleys. These settlements contain more limited job opportunities and a range of lower order services and facilities serving local needs.

Merthyr Tydfil fulfils a key strategic role at the centre of the Heads of the Valleys region, benefiting from high levels of accessibility through its location at the intersection of the A470 (T) and A465 (T) strategic transport corridors in the north, and the A470 (T) and A472 strategic transport corridors in the south. The County Borough lies just 25 minutes north of Cardiff and the M4 corridor. Currently 1,499,5473 people and 679,4004 jobs are within the South East Wales Region.

### **2.2 Organisational Structure**

2.2.1 Merthyr Tydfil County Borough Council is composed of 30 Councillors who are elected every 4 years as democratic representatives to the constituents in each of the eleven wards.

Independent Councillors hold the political administration. These elected Councillors are nominated into the decision making process which operates under a Cabinet system with individual portfolios. All decisions made by the Cabinet are subject to full Council approval and scrutiny review.

Corporate Management Team (CMT) work alongside the elected Cabinet and this is comprised of the Chief Executive, Deputy Chief Executive and Corporate Directors.

The Council is divided into 3 directorates: -

- People and Performance.
- Place and Transformation.
- Corporate Functions



## 2.2.2 Directorate Structure

The Environmental Health Service sits within the newly formed Public Protection Division within the Place and Transformation Directorate. A new Head of Service and Environmental Health Manager were appointed in 2022, along with the creation of a new Principal Environmental Health Officer role in December 2021.

The food safety service is delivered by a team of 6 officers made up of 4 full-time and 2 part-time Environmental Health Officers, all of whom have responsibilities for other functions.

The Public Health Team is directly responsible to the Principal Environmental Health Officer who acts as lead officer for food safety and has a shared Lead responsibility for Food standards with another Senior Environmental Health officer within the team.

A copy of the current Departmental Management Structure is attached in **Appendix 1**. A copy of the Organisational Management structure for the Council is attached in **Appendix 2**.

Officers are authorised under the Council's Constitution to a level, which is commensurate with their qualifications and experience in accordance with the Statutory Food Law Code of Practice.

## 2.2.3 Links to Other External Specialist Services

### Specialist Services

**Chemical and physical analysis of feed and foodstuffs-** The Authority has appointed Mr Alastair Low, B.Sc.(Hons), M.Sc., M.Chem.A., C.Chem of Minton, Treharne & Davies (MTD) Ltd, Laboratories Division, Long Wood Drive, Forest Farm Industrial Estate, Coryton, Cardiff, Wales CF14 7HY to act as Public Analyst to the Authority, as required by Section 27 of the Food Safety Act 1990. There is a charge to the Local Authority for the use of this service.

**Food Examiner for microbiological examination of foodstuffs and faecal samples-** The Authority also has an agreement with Public Health Wales who provide a microbiological analysis and an advice service based at the Microbiology Department, Llandough Hospital, Penlan Road, Penarth, Vale of Glamorgan and a faecal analysis service based at the University of Wales Hospital, The Heath, Cardiff. The service is subject to a formal Service Level Agreement (SLA) that determines the funding allocated to the LA and the types of samples that can be submitted as a part of that allocation.

**Campden BRI-** The Local Authority is a member of Campden BRI based in Chipping Campden, Gloucestershire who provides advice on various specialist food matters, as necessary. Analytical services are also available and there is a charge for each sample submitted.

**Specialist Contractors-** Employed as and when required.

## 2.3 Scope of the Food Service

Merthyr Tydfil County Borough Council is designated as a Food Authority under the Food Safety Act 1990.

The Council's Public Health Team that sits within the Environmental Health Department are responsible for the delivery of a food safety, food standards services as well as the control of infectious disease, health and safety functions, private water supplies and public health funerals. The team undertake a wide range of activities in order to provide a comprehensive service to its customers combining enforcement, educational and advisory elements. The team will: -

- ❖ **Maintain an up to date register of food business establishments**
- ❖ **Receive, respond to and process all applications for the registration of food premises** - A number of applications for the registration of food premises are received every year and a significant increase has been noted in the past few years
- ❖ **Undertake risk based interventions at premises where food is produced or sold to verify compliance with food hygiene / standards legislation in accordance with the Food Law Code of Practice** - A large proportion of officer time is spent carrying out food hygiene/standards inspections and other interventions in food premises throughout the County Borough.
- ❖ **Approve and inspect food businesses handling food products of animal origin within scope of Retained Regulation (EC) No. 853/2004** - .The team is responsible for processing and responding to all applications and ultimately approving or refusing them. In some instances conditional approval may be granted.
- ❖ **Carry out visits/re-visits between programmed interventions where significant contraventions were highlighted** - Following an inspection of premises where significant issues are found, officers are required to carry out a follow up inspection.
- ❖ **Implement the requirements of the statutory Food Hygiene Rating Scheme**
- ❖ **Implement a food sampling programme for the microbiological and compositional analysis of food** - Officers regularly take food samples for the purpose of determining the microbiological quality, the compositional requirement of food and allergen testing. Where samples fail to meet the required standards officer follow up any issues and further analysis is carried out.
- ❖ **Delivering imported food controls as an Inland Authority through sampling, inspection and enforcement**
- ❖ **Issuing Export Health certificates to businesses exporting certain foods**

- ❖ **Respond to and investigate complaints relating to the condition of food premises and the sale of food which may be unfit for consumption or contaminated** - These complaints may be food-related or relate to a food premises. Complaints originating within the Council are investigated by the food service. Where a complaint originates outside of the County Borough, officers work closely with the relevant food authority. Where premises have a Primary Authority, officers liaise with that Primary Authority to resolve the issue. This may also include the detention and/or seizure of unsound and unwholesome food stuffs.
- ❖ **Respond to and investigate complaints/notifications relation to infectious and food borne disease** - The service regularly receives notifications of cases of food poisoning. Officers investigate all notifications of sporadic and any outbreaks of food borne and viral infections.
- ❖ **React promptly and appropriately to notifications of Food Alerts which are received from the Food Standards Agency** - Throughout the year the service receives a number of food alerts. Food alerts which require action are actioned as appropriate by officers.
- ❖ **Collect and submit intelligence on food incidents and criminal activity involving food.**
- ❖ **Investigate actual and alleged cases of food and water-borne illnesses.**
- ❖ **Provide advice to business and the wider community on infectious disease matters.**
- ❖ **Undertake special projects, surveys etc. as the need arises and when resources permit.**
- ❖ **Examine and respond to planning and licensing applications in relation to food establishments.**
- ❖ **Act as Home/Primary Authority for premises** – The Council acts informally as Home Authority for OP Chocolates, a large manufacturer located within the County Borough. The authority does not currently have any formal Primary Authority agreement in place.
- ❖ **Provision of advice and guidance to food premises** – Providing advice and guidance to local businesses and members of the public is a key part of our work. We provide advice / guidance / advisory leaflets to food businesses on how to comply with legislative requirements.
- ❖ **Undertake food hygiene awareness and promotional activities** – the Department utilises the Local Authorities website and social media platforms to engage the public / businesses and promote the Food Standards Agency’s Food Hygiene Awareness Campaigns.

- ❖ **Examine and respond to planning and licensing / ESAG applications in relation to food premises and events.**

### **2.3.1 Other services delivered alongside the Food Service**

Alongside the food hygiene / standards service function, the Public Health Team also deliver the Local Authority's:

- ❖ Communicable disease control service
- ❖ health and safety service
- ❖ registration of special procedures
- ❖ regulate private water supplies within the Borough
- ❖ public health funerals
- ❖ Enforcement of no smoking legislation and public health regulations.
- ❖ Licencing of sports grounds

## **2.4 Demands on the Food Service**

- a) The Public:

We serve 3 'types' of customer:

- ❖ The 60,000 residents of the Borough,
- ❖ An unknown number of consumers who live outside the Borough but who shop/eat in the Borough,
- ❖ An unknown number of consumers who live outside of the Borough but who have purchased food that is manufactured at premises located within the Borough.

- b) Businesses:

At 1<sup>st</sup> April 2023 the Borough had approximately **591** food premises registered on its database. All of the businesses are subject to a programme of risk-based interventions determined in accordance with by the Statutory Food Law Code of Practice (Wales).

### **2.4.1 Food Premises**

There are 591 registered food premises in Merthyr Tydfil County Borough as of 1<sup>st</sup> April 2023. The profile of these businesses is set out below. Food business Operators (FBO's) must register their businesses with the Council, except where the establishment requires approval.

**Food Business Profile by Premises Category – 1 April 2023**

Type of Premises (by former LAEMS category)	Number of Premises 2023/2024
Distributors	10
Manufacturers/Packers	3
Producers	2
Slaughterhouses	1
Supermarket/hypermarket	10
Small retailers	71
Retailers others	69
Restaurant/café/canteen	92
Hostel/guest house	9
Pub/club	81
Take-away	76
Caring establishment	55
School/college	41
Mobile food unit	23
Restaurant/caterer – others	48
<b>TOTAL</b>	<b>591</b>

**Food Hygiene Premises Profile by Risk Rating – 1 April 2023**

Premises Rating category	No. of Premises 2023/2024
A	3
B	43
C	227
D	65
E	237
Unrated	14
Outside risk rating scheme	2
<b>Total</b>	<b>591</b>

<b>Food Standards Premises Profile by Risk Rating – 1 April 2023</b>	
<b>Premises Rating category</b>	<b>No. of Premises 2023/2024</b>
A	0
B	39
C	539
Unrated	14
Outside risk rating scheme	2
<b>Total</b>	<b>594</b>

## 2.4.2 Approved Premises

<b>Approved Establishments - 1 April 2023</b>	
<b>Establishment type</b>	<b>Number</b>
Cold store	1
Cold Store with re-wrapping and/or re-packaging	1
<b>Total</b>	<b>2</b>

The Authority currently has **two** approved premises located within the County Borough, both of which are stand-alone cold stores. One cold store is also approved for re- wrapping activities.

A major cutting plant is also based within the Borough which is approved by the Food Standards Agency Wales (FSA) , however the enforcement of food standards legislation falls within the remit of this service.

## 2.4.3 Service delivery points

The service operates out of one conveniently located central point i.e. the Civic Centre, Castle Street, Merthyr Tydfil. The Civic Centre is accessible to our customers by road, rail and bus services. Normal office hours are 8.30am – 5.00pm Monday to Thursday and 8.30am – 4.30pm on Friday. Tel: 01685 725000. The Civic Offices are physically open to the public between the hours of 10-12 and 2-4 pm as access has been scaled back during the COVID pandemic.

The Authority has moved to a model of agile working where officers mainly work from home and from the Civic Centre.

Officers who are not office-based are contactable by mobile telephone or soft phones installed on their laptops. Service users can also email [PublicHealth@merthyr.gov.uk](mailto:PublicHealth@merthyr.gov.uk).

#### 2.4.4 Out of Hours Service

The service primarily operates office hours from Monday to Friday. However, increasingly businesses are open outside of these hours and officers regularly carry out routine inspections during evenings and weekends.

There is currently no formal out of hour's emergency service although informal arrangements have allowed the service to respond to emergency situations in the past with officers attending on a good-will basis. The service has entered into an arrangement with neighbouring Rhondda Cynon Taff Council (RCT) to provide reciprocal cover if officers are unavailable from either authority during an out of hours emergency situation. RCT to have a formalised out of hours service for emergencies.

#### 2.4.5 External demands on the service

##### **Ongoing Covid – 19 Food Recovery work**

The legacy of the Covid-19 pandemic has resulted in a significant backlog of overdue inspections as many businesses closed for extended periods and Officers were fully diverted to provide a front line response to protect public health in vulnerable settings up until 1<sup>st</sup> July 2022.

Local Authority Food hygiene/ standards services were provided with ministerial dispensation to depart from the Food Law Codes of Practice up until 1<sup>st</sup> April 2023. The Food Standards Agency (FSA) developed a 'Recovery Plan' which ran up until the 31<sup>st</sup> March 2023. This provided a framework for Local Authorities to 'catch up' on the backlog of high risk inspections. Milestones were established by the FSA for completion of Category A – C hygiene / Category A food standards inspections and other pro-active / reactive work. Regular quarterly 'temperature check' returns were submitted to the FSA and Senior Management within the Local Authority for performance monitoring purposes during this period.

The service successfully completed the FSA Recovery plan ensuring that **all** category A-C inspections were up to date and brought back within the statutory framework for planned interventions. Pro-active and re-active work was also successfully completed, along with the resumption of food sampling work.

Whilst the service moved at a faster pace than the milestones within the Recovery Plan and started to make in -roads into dealing with outstanding lower risk rated premises, there is still a significant backlog of overdue Category D and E food hygiene inspections that need to be carefully programmed into the service intervention plan.

As of 1<sup>st</sup> April 2023 there are 39 D rated and 161 E rated inspections overdue. As these premises have not been inspected for 2-3 years due to the COVID-19 pandemic this has created an unprecedentedly low number of category D and E inspections naturally due for inspection this year and this trend will continue to show over the next 2-3 years. This backlog needs to be gradually integrated back into the system over the next three years to avoid the creation of several peak waves of inspections which would place an additional demand on service resource in future years.

In terms of food standards, there are a small number of category B and C rated inspections overdue as the FSA's recovery plan only established milestones for category A inspections up until the end of March 2023.

### **Allergen control and management**

Food allergies can be fatal, and an estimated 1-2% of adults and 5-8% of children have a food allergy, which accounts for around 2 million people in the UK. There have been several high-profile cases involving the deaths of teenagers following the consumption of undeclared allergens. Generally, business compliance with new allergen labelling requirements has been found to be poor. The provision of information and assistance to businesses to help them comply with the requirements has had, and continues to have, resource implications for the service.

Each inspection is also taking on average 1 hour longer to complete because of the increasing demands of Food standards work relating to allergen management and ensuring compliance with new legislation relating to products which are pre-packed for direct sale (PPDS) as a result of the introduction of Natasha's Law in October 2021.

### **Officers developing competencies.**

During 2022, two new officers were appointed to undertake food hygiene / standards official controls. Whilst these Officers are developing their competencies, their authorisations are limited, which means they cannot undertake the full range of duties. An officer is also due to leave the service in August 2023 and based on recent recruitment it is envisaged that it is unlikely that the service will be able to recruit a fully competent officer.

### **Retention and Recruitment of Staff**

There is a significant workforce resilience issue within the Environmental Health profession as outlined in the Chartered Institute of Environmental Health (CIEH's) Environmental Health Workforce Survey report.

Recruiting competent and experienced Environmental Health Officers is a significant challenge and this is reflective of the current landscape across Wales and England. The situation is further compounded by the differentiation in salary rates which results in Officers moving from one Local Authority to another.

There are several factors which are contributing to this significantly depleting and limited pool of professionals. These include: an ageing workforce, senior officers retiring, the loss of officers to other sectors / agencies such as the Food Standards Agency / Public Health Wales / Private Consultancy firms/ secondment to Welsh Government, all of whom often offer higher remuneration / benefits than Local Government.

The Directors of Public Protection Wales report, *Building for the Future*, highlighted the vital importance of Public Protection services and their important contribution to public health. The report made a number of recommendations, which included Local Authorities, and Welsh Government recognising the vital role of Public Protection / Environmental Health services and



commit to increase the investment in budgets for those services to enable growth in frontline staffing levels to a more resilient level, utilising core budget investment or long-term grant funding mechanisms. The creation of a funded Public Protection workforce development programme to recruit and retain a workforce with the requisite skills to meet existing and emerging demands and the establishment and financial support of a fully funded Regulatory Compliance Officer apprenticeship in Wales was also recommended.

### **Increased Enforcement Activity**

There is continued evidence to indicate that one of the legacies of the COVID-19 pandemic is that standards in food premises and levels of compliance have declined. This has been further exacerbated by the on-going cost of living crisis, which increases the likelihood that businesses will implement cost saving measures such as turning refrigeration equipment off over night or using foods past their use by date.

Officers within our Department, are reporting an increasing number of premises that are being rated 0-2 (non-broadly compliant). There is a consequent corresponding increase in the level of enforcement action being taken, including revisits, voluntary or enforced business closures, the service of Hygiene Improvement Notices and prosecutions.

This has an impact on service delivery, as enforcement action is time consuming due to increased legal paperwork, multiple revisits to ensure urgently required remedial actions are addressed, court attendances, all of which detracts officer resources away from conducting inspections. These businesses are then re-categorised as high risk for a new intervention.

In addition, when businesses receive a poor food hygiene rating, they typically request a re-rating visit in attempt to improve their 'scores on the doors' which they have to legally display. The number of re-rating requests significantly increased during 2022-23 in comparison to previous years and it is anticipated that this trend will continue. These re-rating visits will also have to be prioritised, in line with the statutory requirement to complete the re-rating inspection within 3 months of a paid application being submitted to the Authority.

### **Welsh Government Free School Meals Initiative**

The introduction of the Welsh Government Free School Meals Initiative has resulted in an increase in the number of schools that have now moved into the Category B for food hygiene inspection premises risk rating. This is attributable to an extra score that is given for high risk vulnerable groups where more than 20 meals are served to under 5 year olds, The service currently has 7 schools which as of 1<sup>st</sup> April 2023 now fall within a 12 month inspection regime and this is anticipated to increase in 2023-24 as the backlog of the current Category D schools are inspected.

### **New business demands**

The number of registered food businesses fluctuates because of new businesses opening for trade, existing businesses which cease trading, and businesses where there is a change in ownership, management and/or food activities.

All new food businesses need to be inspected to assess compliance with food hygiene / standards legislation and receive a food hygiene rating. It is always difficult to predict the number of new businesses that will commence trading, although it should be noted that in recent years there has been a significant increase in the number of new businesses registering with the Council. This impacts other areas of programmed work carried out by food hygiene and food standards officers.

On 1 April 2023, there were 14 newly registered businesses awaiting inspection in respect of food hygiene and standards. These businesses are desk top risk assessed based on inherent risk and prioritised accordingly for inspection.

In recent years it has been noted that businesses often start up and then cease trading within a relatively short time period, this proves to be an unavoidable waste of resources. The business typically will then be re-opened by a new food business operator and will require another new inspection. The current 'cost of living crisis' is likely to see this trend continue as the small business sector continues to be unstable.

### **Statutory Food Hygiene Rating Scheme (FHRS) safeguards**

The FHRS incorporates safeguards to ensure it is fair for businesses. This includes an appeals procedure, a 'right to reply' and a mechanism for requesting a re-inspection or revisit for a re-rating. The additional work these safeguards generate cannot be predicted year on year, although a fee is payable where re-visits are requested.

### **Improved intelligence**

Better intelligence in relation to local, regional, and national food crime has increased the number of requests to work with partner agencies. Again, the impact is difficult to quantify but it can be significant and affect planned intervention programmes.

### **Impact of new laboratory molecular diagnostic techniques**

The Authority is anticipating a significant increase in the number of confirmed cases of pathogens requiring investigation due to the introduction of new molecular testing methods in microbiology laboratories. The new (PCR) testing regime is more sensitive than traditional methods putting increased demands on the service. There are already signs of this increasing trend.

### **Freedom of Information and Environmental Information requests**

Increased public awareness has led to a rise in Freedom of Information and Environmental Information requests, placing increased demands on officers.

### **FSA transformation programmes**

For several years, the FSA has been focusing on programmes to modernise how businesses are regulated. The [Operational Transformation Programme](#) and [Achieving Business Compliance \(ABC\) Programme](#) places increased demands on local authorities to inform this work. Increased requests for data, consultations, requests to participate in pilot studies have all added to

pressures on already stretched food hygiene / standards services across Wales, particularly during an ongoing period of post pandemic recovery.

### **Cultural and Ethnic Diversity**

The number of food businesses in the County Borough whose first language is not English has traditionally been low. However in recent years there has been an increase in the number of businesses run by food business operators of Eastern European origin and other ethnicities. That said, this still accounts for only a small percentage of food businesses within the Borough and the impact on the service is low.

The service uses both Language line and the Wales Interpretation and Translation Service (WITS) to assist with communication if required. Businesses are also directed to the Food Standards Agency's website [www.food.gov.uk](http://www.food.gov.uk) to obtain Safer Food Better Business packs which are available in various languages to reduce the language barrier. Multi-lingual information leaflets are enclosed with notices, if deemed necessary, to advise of the importance of issued legal documents.

Where necessary, consideration will be given to equality and diversity when policies and procedures are being revised to ensure there is no discrimination or exclusion.

### **Food Manufacturers**

In addition to the approved premises, there are two other food manufacturers located within the Borough. The largest of which is OP chocolates, a manufacturer and exporter of luxury confectionary products. The other business is a small manufacturer of cheesecakes.

### **Imported Food responsibilities**

Although Merthyr Tydfil is an inland Local Authority the service still has an important role to play in food security checks to ensure that imported foods meet food safety requirements. This role has become increasingly important as a result of EU exit and the Government [announcement](#) that physical checks on imported food at border controls posts would not commence in July 2022 as planned.

A new global regime for controlling imported food and feed products entering the U.K. in the form of a Border Target operating Model (BTOM) was proposed in April 2023 with controls being phased in from October 2023. In the absence of full UK import controls for high risk foods there is a continued impact for inland local authorities such as Merthyr Tydfil

During the inspection of food premises, officers consider the origin of imported foods. Any indications that food may not have been subject to correct import controls are investigated and, where necessary, the food is removed from the food chain. Imported foods may also be subject to examination as part of our sampling programme which is informed by the Food standards Agency's UK National Monitoring plan which outlines sampling priorities for 2023-24 based on global intelligence and also via notifications from the Food Standards Agency's Smarter Communications platform.

Enforcement activity in this area has increased in the past few months, particularly in relation to the imports of products originally intended for the American market and which do not comply with U.K. legislative food safety requirements in that they contain illegal additives.

Since 1<sup>st</sup> April 2023, within the County Borough, 106 bottles of Prime drink containing tri-magnesium citrate have been formally seized and removed from the market and 8 bottles were subject to voluntary surrender. 18 bars of prime chocolate were also seized for failing to meet food labelling requirements. Three incidents were raised with the Food standards Agency Wales and the National Food crime Unit and the Primary Authority for Mars Confectionary were notified of brand protection issues as their Galaxy bars were being overwrapped with Prime wrapping. This reactive and investigatory work diverted three officers away from being able to conduct routine food hygiene inspections for a 2 week period.



In addition, In December 2022, 31 boxes of imported Swedish Confectionary containing an unauthorised white mineral oil additive were removed from the food chain in Merthyr Tydfil by voluntary surrender as these products were not legally permitted to be sold within the U.K. market.



Based on recent trends, it is anticipated that this type of work will continue to increase in 2023/24.

### **Seasonal Businesses**

The number of seasonal businesses is low and does not present any difficulties.

## **2.5 Compliance and Enforcement Policy**

The Authority has formally adopted a Compliance and Enforcement Policy<sup>5</sup>. The policy was subject to 5 year review in line with the requirements of the Regulatory Enforcement and Sanctions Act 2008 and was approved by Council in March 2019.

In coming to any enforcement decisions, consideration will be given to the following factors:

- ❖ The seriousness of the offence
- ❖ The past history of the business
- ❖ Confidence in management
- ❖ The consequences of non-compliance
- ❖ The likely effectiveness of various enforcement options
- ❖ The attitude of the operator/proprietor

The Policy reflects the principles of proportionality, targeting, consistency, transparency and accountability. The policy sets out our current approach to law enforcement and is based upon the principles espoused by, the Regulators Code<sup>6</sup> and has regard to current government guidance. The policy is available on the Local Authority's website and a hard copy can be obtained by contacting the Environmental Health Manager, Merthyr Tydfil County Borough Council, Environmental Health Department, Civic Centre, Castle Street, Merthyr Tydfil, CF47 8AN.

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<sup>5</sup> [Compliance and Enforcement Policy 2019 \(merthyr.gov.uk\)](https://www.merthyr.gov.uk)

<sup>6</sup> [Regulators' Code \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk)

## 3. Service Delivery

### 3.1 Food Hygiene/Standards Interventions

The Food Law Code of Practice (Wales) allows a flexible approach to food law enforcement whereby Local Authorities can use a range of interventions to monitor, support and increase business compliance. It is the policy of Merthyr Tydfil's Food Service to ensure that all food businesses within the Borough receive interventions in accordance with The Food Law Code of Practice (Wales) and Practice Guidance.

#### 3.1.1 Food Hygiene

Interventions consist of official and non-official controls:

##### Official Controls

- Inspections
- Monitoring
- Surveillance
- Verification
- Audit
- Sampling where analysis is to be carried out by an official laboratory

##### Non-Official Controls

- Education, advice and coaching
- Information and intelligence gathering (including sampling where the analysis or examination is not to be carried out by an official laboratory).

Interventions are applied on a risk-based approach such that more intensive regulation can be directed at those food businesses that present the greatest risk to public health.

The Covid 19 pandemic has resulted in a significant backlog of overdue interventions and this years service plan interventions take into account the outstanding Category D / E food hygiene overdue inspections and Category B/C standards interventions.

The Food Standards Agency's Recovery Plan ran until 31<sup>st</sup> March 2023 and there is now an expectation for Local authorities to return to adherence to the food hygiene and standards intervention frequencies prescribed within the Food Law Code of Practice. The FSA have acknowledged that all Local Authorities are in varying positions with the numbers of premises that are still outstanding for intervention and at the time of writing this plan further guidance is being awaited from the FSA as to how to address this backlog.

The Code of Practice requires that the highest risk rated premises be subject to a full or part inspection, or audit. The service is committed to carrying out full inspections in our highest risk premises categorised as A or B rated at intervals specified in the Code.

There is an opportunity for the service to alternate between one or more interventions comprising official controls in category C premises if the premise is deemed to be broadly compliant, rather than carrying out a full inspection, partial inspection or audit. Our experience has shown us that in the current economic climate businesses are increasingly willing to cut corners or branch out into new markets or processes to make ends meet. We believe that shortfalls in food hygiene are more likely to be identified as a result of a thorough inspection and we will continue to use a full, partial inspection or audit as our chosen method of intervention in these premises. Conducting full, partial inspections or audits of Category C businesses also means that the interval between awards of a food hygiene rating will not be more than 18 months. Leaving long periods between re ratings has the potential to undermine the statutory food hygiene rating scheme.

Category D premises can be subject to interventions, which alternate between interventions that are official and non-official controls. The team currently has a policy of carrying out official controls in D rated businesses.

Category E premises can be subject to an alternative enforcement strategy which could include making use of questionnaires / surveys / project based inspections / intelligence gathering visits. We will however carry out an inspection:

- ❖ when they are subject of a complaint.
- ❖ When we become aware of a significant change in the nature of the business, which is likely to alter the risk rating e.g. through planning applications, local knowledge, requests for advice from the proprietor
- ❖ We will identify and target specific groups of premises for food safety initiatives.
- ❖ We will make contact with all low risk premises at least once every 3 years to ascertain their status.

Due to the current backlog of category E inspections, a mixture of approaches will be taken dependant upon risk and in a way that 'effectively flattens the peak' of inspections for future service years. It is anticipated that the backlog will be managed over a 3 year period.

## **Establishment Profile**

Table 1 below provides a profile of the number of premises within each food hygiene risk rating category within the Borough. The table illustrates that since the COVID-19 pandemic, the number of Hygiene Category A and B premises has increased. The Category A profile has risen from 0 and has remained consistently higher in the last two financial years. The most notable increase however has occurred within the Category B risk rating, where the number of premises has almost doubled. It is also of note that the service has effectively reduced the number of unrated businesses.

**Table 1 – Profile of premises within each food hygiene risk rating category**

<b>CATEGORY</b>	<b>Number of Premises 2021/2022</b>	<b>Number of premises 2022/2023</b>	<b>Numbers of premises 2023/24</b>
Risk Rating A	0	3	3
Risk Rating B	26	25	43
Risk Rating C	269	246	227
Risk Rating D	66	67	65
Risk Rating E	197	222	237
Unrated	48	40	14

Premises which are subject to food inspections and interventions are risk-rated. The risk rating is carried out in accordance with Annex 1 of the Food Law Code of Practice Wales (July 2021) the frequency of the inspection/intervention is determined by the risk rating as outlined in **Table 2** below. Frequency of inspection can vary from once every 6 months, if the premises are a category A, to once every 3 years for category E. The minimum frequency that a food business should receive an intervention in accordance with the Food law Code of Practice is set out below:

**Table 2 – Food Hygiene minimum intervention frequencies**

<b>Category</b>	<b>Intervention Frequency</b>
<b>A</b>	At least every 6 months
<b>B</b>	At least every 12 months
<b>C</b>	At least every 18 months
<b>D</b>	At least every 2 years
<b>E</b>	At least every 3 years

The database is updated to reflect any changes to existing businesses, new businesses which have commenced trading and businesses which have ceased trading. New businesses will be visited and risk-rated in accordance with The Food Law Code of Practice Wales.

It is the aim of the food service to carry out a programme of planned inspections and interventions of food premises for 2023/24 in accordance with the Food Law Code of Practice requirement, also utilising the flexibilities contained within the Code as outlined in **Table 3**.



**Table 3 Summary of Work Programme for Food hygiene inspections for 2023 /24 based on risk, inspection due dates and including overdue inspections generated by the COVID-19 pandemic**

Risk Category	No. of Due / Overdue Inspections	No of visits Planned	Type of Visit
A	3	3	Full Inspection
B	43	43	Full inspection
C	227	227	Full inspection
D (due)	12	12	Full inspection
D (overdue)	39	39	Full inspection
E (due)	14	14	AES / Full inspection dependant upon risk /
E (overdue)	161	50	AES / Full inspection dependant upon risk
New premises (including unrated)	14 unrated at start of year – estimate total of 90 over year	14 unrated at start of year – estimated at total of 90 over year	Full inspection
Revisits to all categories	Estimate of 70	70	Official control- Revisit to check compliance
Re rating requested under the FHRs	Estimate of 19	19	Full inspection
<b>Total</b>	<b>678</b>	<b>567</b>	

### 3.1.2 Food Standards

**Table 4 Establishment Profile**

CATEGORY	Number of Premises 2021/2022	Number of premises 2022/2023	Numbers of premises 2023/24
Risk Rating A	0	0	0
Risk Rating B	27	29	39
Risk Rating C	446	498	539

**Table 5 Summary of Work Programme for Food standards inspections for 2023 /24 based on risk, inspection due dates and including overdue inspections generated by the COVID-19 pandemic**

Risk Category	No of Inspections Due / overdue	No of visits Planned	Type of Visit
A	0	0	Full Inspection
B (due)	3	3	Full inspection
B (overdue)	4	4	Full inspection
C	65	65	Full inspection
C (overdue)	55	55	Full inspection
Total	127	127	

**Table 6 – Food standards minimum Intervention frequencies**

Category	Intervention Frequency
A	At least every 12 months
B	At least every 24 months
C	Alternative enforcement strategy or intervention every 5 years

Trading Standards have traditionally enforced food standards legislation including composition, labelling claims, allergens, chemical contamination, compositional standards, additives genetically modified ingredients and foods, and articles that come into contact with food such as plastics. However, the function was transferred to the Environmental Health Service in 2014 as part of an efficiency agenda without any additional resource.

As a result the frequency of food standards interventions, in all but a few cases, follow the food hygiene rating which has been given as this will usually be more frequent than a scheduled standards inspection. This will ensure that only one visit is undertaken where hygiene and standards inspections are undertaken at the same time. Our customer survey results show that businesses value enforcement visits and want coordination of Council functions to reduce the burden on their business. Where a standards visit is due before the hygiene (this is usually a very small number) this will either be carried out separately or the hygiene inspection brought forward so that the inspections are carried out at the same time. Standards visits becoming naturally due for inspection and the requirement to return to the intervention frequencies stipulated within the Food Law Code of Practice has become more of an issue in 2023-24 due to the backlog of Category D and E Hygiene inspections which are also Category C for standards.

The impact of new legislation surrounding labelling requirements for pre-packed for direct sale foods (PPDS) and the requirements surrounding allergen management as part of a food hygiene management system has resulted in a substantial increase in the duration of inspections.

There is one Food Standards Agency approved premise, namely a large slaughterhouse and cutting plant, where food hygiene is the responsibility of the FSA but standards and labelling is enforced by the local authority's public health team.

### 3.1.3 New Businesses

The service will continue to proactively identify new businesses by a variety of methods i.e. routine arrangements with other internal Local Authority departments such as Grant Regeneration, Planning, Business Rates Licensing, Trading Standards and Environmental Services, as well as local intelligence via surveillance on social media websites.

All new businesses are recorded on the shared new premises and Tascomi databases. As soon as a new business, or change of ownership is identified new food business operators are sent a link to the Food Standards Agency's online food premises registration form (or provided with a paper copy if they do not have access to the internet), food safety enforcement questionnaire and information about the Food Hygiene Rating Scheme as a matter of course.

Once a registration form / new business questionnaire is received the business is desk top risk rated based on perceived inherent risk utilising a Red/ Amber /Green (RAG) rating system which effectively categorises the business as high, medium or low risk for prioritising hygiene / standards inspections.

It is impossible to predict how many new businesses will open or change ownership but based on historical data the team normally inspects approximately 80- 90 new food businesses each year.

It is also worth noting that many of the new business fail within their first year of trading and this has particularly been the case since March 2020. This has had a knock on impact on the inspection programme and this work is not reflected in our overall reportable figures. Mobile premises continue to present a particular problem, a lot of investment is made in these businesses by the service but this is not reflected in the end of year statistics as many cease trading after a few months.

The Food Law Practice Guidance (Wales) stipulates that all new food businesses should receive an inspection within 28 days of opening or registering. The turnover of premises means that this continues to be a challenge to achieve. The Food Law Practice Guidance states that "where the establishment is believed to be undertaking high risk food activities the Authority should undertake an initial inspection within 28 days of commencement of operations". There are also flexibilities around the 28 day timescale within the code to ensure that lower risk premises are not inspected at the expense of higher risk premises, this ensures that we are targeting our resources at premises which present the greatest public health risk.

The service will continue to undertake desk top risk assessments of new businesses, RAG rate them and prioritise inspections on the basis of the information provided on the food premises registration form, food safety enforcement questionnaire and/or local knowledge, with those that potentially pose the greatest risk to public health being inspected first.

The service aims to inspect these premises within the following time scales, utilising the flexibilities contained within the Food Law Code of Practice:

- Red – 28 days
- Amber – 2 months
- Green – 3 months

### 3.1.4 Revisits

Revisits are an essential part of any effective intervention programme and the service has adopted the All Wales Food Safety Expert Panels Policy on undertaking revisits.

- **Food Hygiene-** Revisits and any appropriate follow up action will be carried out in all Category A & B premises and all premises which are found not to be broadly compliant with the Food Hygiene Rating Scheme. The timing of the revisit will be dependent upon the nature of the food safety contraventions identified and in accordance with the revisit policy. In addition, as a result of conducting a focussed audit on 3 rated premises the service established that businesses with food safety management failings that were not revisited tended not to undertake the required improvements and dropped to a lower non-broadly compliant rating on the next scheduled inspection. Officers will therefore exercise discretion and revisit some premises that are deemed broadly compliant in order to mitigate future non-compliance / poor food hygiene ratings being awarded. Where necessary further enforcement visits, coupled with legal action in some cases, may be undertaken.

It is difficult to give an exact number of revisits but historical pre- covid data allows us to predict that approximately 70 food hygiene revisits will be required. 47 revisits were recorded on Tascomi as having been undertaken in 2022/23. However, an audit undertaken by the Principal Environmental Health officer into the unusually low number of recorded revisits identified that a greater number of revisits were actually undertaken but had only been coded as one visit on Tascomi as they had been recorded on one action progress sheet.

**Food Standards-** As for food hygiene where significant breaches of food standards legislation are identified revisits and follow up enforcement action will be taken in accordance with the revisit policy.

### 3.1.5 Specific Project work

This financial year the service intends to undertake the following project work:

- Participate in relevant microbiological sampling specific projects that have been agreed through the Welsh Food Microbiological Forum
- Participate in food standards sampling project work as agreed through the Glamorgan Food Standards Group
- Continue to promote information on Pre-packed for direct sale (PPDS) legislation
- Undertake a focused project with local Butcher shops within the Borough to update their food safety management systems, resources permitting

### 3.1.6 Specialised processes

Approved premises - Only officers that are fully competent and authorised to undertake inspections of approved premises are permitted to undertake these inspections. The County Borough has two stand alone cold stores which undertake low risk operations.

A number of businesses, in particular butcher shops utilise vacuum packing machines and only officers that have the necessary competencies will inspect these premises.

Officers have completed sous vide refresher training in the first quarter of 2023/24, however the service is not currently aware of any business that employs this method of cooking.

In the event that any new business undertakes a specialist process which Officers do not have the relevant competency / experience in, then informal cross boundary arrangements agreed through the South East Wales Regional Food Group are in place to seek the expertise of an officer in another Local Authority.

A register of expertise is currently being developed by the Welsh Heads of Environmental Health Group, which can also be used to access expertise / gain practical experience in specific manufacturing / approved premises/ complex processes inspections.

### 3.1.7 Food Hygiene Rating Scheme

The service is committed to the Food Hygiene Rating Scheme (FHRS) which aims to promote consumer choice.

There were **3** appeals received by the service against the hygiene ratings awarded in 2022/23 in comparison with **1** in 2021/22.

The scheme has resulted in an increase in workload as a result of requests for re ratings; **19** re rating applications were received in 2022/23 and it is again anticipated based on the previous years statistics that this number will continue to remain high because of the general deterioration in food hygiene standards generated by the impact of the pandemic / cost of living crisis.

In order to retain credibility it is also necessary to police the scheme to ensure ratings are correctly displayed. In 2022/23, a total of **9** fixed penalty notices were served for either failure to display a valid / conspicuous food hygiene rating or for failure to have the correct bilingual statement on promotional material. This number has tripled in comparison with 21/22 figures when only **3** fixed penalty notices were served.

**The Estimated Resources Required to deliver Food Hygiene/Food Standards interventions is 3.1 F.T.E**

## 3.2 Food Complaints

Investigation of food complaints is an important part of the Environmental Health Food Service. It is the policy of the service to investigate every food complaint relating to unfit, unsound or unwholesome food that is sold and manufactured within our area that is brought to its attention. Complaints into the labelling and composition of food are also investigated along with complaints of unsatisfactory conditions in food premises.

Complaints are investigated in accordance with the Food Complaints procedure and Food Law Code of Practice (Wales). In practice this means that all food complaints will be assessed by an officer upon receipt and the most appropriate course of action determined. Complaints are generally received by the service from members of the public or via the Food Standards Agency's on line Local Government complaint referral service. Details of service requests are recorded on the TASCOMI Database.

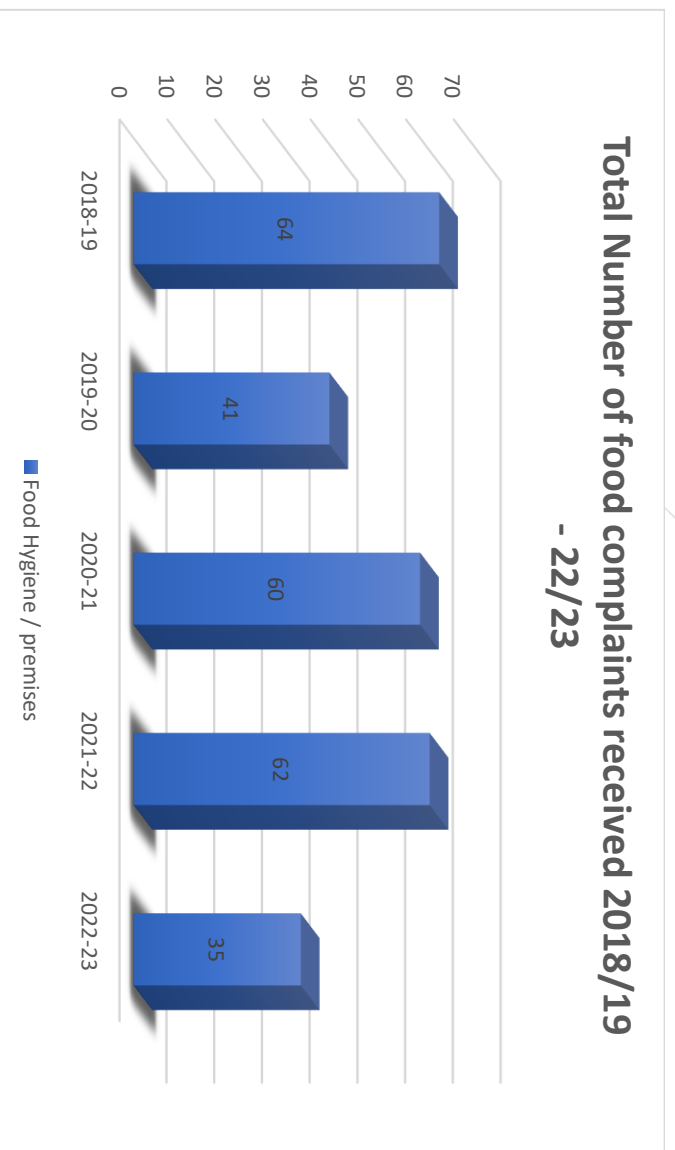
In circumstances when the food, which is the subject of complaint, was manufactured outside of the County Borough, details of the complaint are also referred to the Originating, Home and/or Primary Authority. When a resident of the Borough has purchased food in another Local Authority's area the food is collected and referred to the appropriate Local Authority for investigation.

The investigation of complaints may also involve microbiological or chemical analysis being undertaken and this has a financial implication for the service.

We act as a home authority to one manufacturer in the area and therefore investigate complaints arising from this premises.

Complaints have generally remained steady over recent years as depicted in the graph below, however there was a notable unexplained decline in the number of complaints received in 2022/23. The graph serves to illustrate that it is difficult to predict the volume of complaints that will be received in 2023/2024 and consequently the exact level of resources that will be required.

On previous years trends it is estimated that approximately **35 – 60** complaints are likely to be received in 2023/24.



During 2022/23 a total number of 35 food hygiene complaints were received, **19** relating to food and **16** relating to the hygiene of premises. A further **15** complaints were received about food standards issues. All of these complaints were investigated and enforcement action taken in accordance with the LA's food safety enforcement policy.

**The Estimated Resources Required to deliver this service is 0.3 F.T.E**

### **3.3 Home Authority Principle/Primary Authority Scheme**

#### **3.3.1 Home Authority Principle**

The Home Authority Principle applies to businesses that have their 'decision making' base within the Borough and whose decisions have national or international impact. The principle provides a mechanism for efficient liaison between Authorities with multiple-site businesses and it is the policy of Merthyr Tydfil County Borough Council to operate the Home Authority Principle in accordance with guidance issued. The Local Authority has no formal arrangements with the manufacturers located within the Borough however does informally act as home authority for 1 major manufacturer .

Furthermore the service will:-

- Provide advice to all Home Authority businesses on matters relating to food, either when requested, or in response to a referral from another Local Authority.
- Have regard to any information or advice it has received as a result of liaison with home and/or originating Authorities.
- Having initiated liaison with any home and/ or originating Authority, notify that Authority of the outcome.

#### **3.3.2 Primary Authority Scheme**

Primary Authority enables businesses to obtain consistent advice on compliance with regulation from local authorities. The Primary Authority may direct against enforcement action if it is inconsistent with assured advice given. The scheme is statutory and was established by the Regulatory and Enforcement and Sanctions Act 2008. The service will:

- Consult with the Primary Authority where the service has concerns about compliance of a multi-site business operating in the Borough.
- Have regard to any advice or inspection plan issued by a Primary Authority.
- Notify the Primary Authority of any proposed enforcement action.



The Service does not have a Primary Authority relationship with any business in Merthyr Tydfil, however as an increasing number of National businesses are looking to develop Primary Authority partnerships with Local Authorities in Wales this is an area of the service that we would look to develop, resources permitting.

### 3.4 Advice to Business

Business advice is offered to all businesses at the point of contact and this service remains free of charge.

In addition we aim to assist businesses wherever possible by providing food safety advice disseminated through a variety of channels, such as:-

- Upon receipt of a food premises registration form
- Advice provided as part of the intervention process;
- A variety of information leaflets are available in various languages;
- The provision of training and seminars subject to external funding.
- Participation in national events, such as National Food Safety Week;
- Providing advice to organisers of events;
- Advice in response to planning / ESAG applications and on receipt of Temporary Events Notices where applicable;
- When new legislation or guidance is issued information is provided by the most effective means to appropriate target groups e.g. mail shot, workshops/seminars/ social media posts
- Bespoke coaching sessions for businesses subject to external funding e.g. town centre food and drink improvement grant.
- Bespoke coaching where inspections have revealed that businesses are struggling to understand and meet specific legal requirements e.g. allergen control or businesses with poor FHS ratings
- Use of the Council website and social media.
- Working in conjunction with the Local Authority's regeneration team to provide advice to businesses that have received grant aid funding.

We continue to support and promote the Food Standards Agency's Safer Food Better Business Pack in assisting businesses with complying with the requirements of Article 5.

It is difficult to predict the number of requests for advice that will be received each year. Factors such as the introduction of new legislation and/or guidance or an influx of new businesses may increase the number of requests received. However, based on the trends over the past two financial years, it is estimated that approximately 40 - 50 requests for business advice will be received for food hygiene and 5-10 for food standards.

During **2022/23** the service responded to **40** requests for Hygiene / safety advice from food businesses and **8** requests for food standards advice.



### 3.4.1 Food Hygiene & Other Training

The service does not have the resource to be able to deliver food hygiene courses as this provision is better met by the private sector, thus enabling the officers within the Team to concentrate on the core statutory duties of the Authority in relation to food safety enforcement. Other Training in relation to Food Law issues is facilitated as and when the need arises and where resources are available. Where appropriate the Council will write to food business operators in the area highlighting training opportunities which may be relevant to their food business.

### 3.5 Food Sampling

Sampling carried out for Food Hygiene (both surveillance and targeted) is undertaken to protect public health and to improve the microbiological quality of food. The service is required to undertake a suitable and sufficient sampling programme as part of the framework arrangement between the FSA and Merthyr Tydfil County Borough Council.

The sampling programme includes:

- a) Welsh Food Microbiological Forum (WFMF) programme;
- b) Public Health Wales (where appropriate);
- c) Risk based sampling;
- d) Intelligence lead;
- e) Imported foods (where appropriate).

The proactive sampling programme is based on a notional monetary allocation which is contained within the service level agreement between the Local Authority and Public Health Wales. Merthyr Tydfil has a baseline allocation equivalent to **£6044.00** for **2023/24**. This sampling allocation relates to all food, water and environmental samples requiring a microbiological examination. The Local Authority must resource samples taken in excess of this allowance unless they are specifically associated with an outbreak investigation.

The Service plays an active role in the Welsh Food Microbiological Forum (WFMF). The Forum's main strengths are the ability to produce a co-ordinated food-sampling programme for the whole of Wales, which allows standardisation of protocols, pooling of data and the sharing of information derived from it.

As at the 1st April 2023 the Welsh Food Microbiological Forum (WFMF) shopping basket No. 15 a (amended) sampling programme has closed and at the time of writing this plan no new shopping basket or targeted surveys have been finalised for this financial year. It is however anticipated that two new targeted surveys will focus on the microbiological quality of ready to eat salads from takeaway premises based on intelligence derived from an outbreak of *Giardia* in a SE Wales Local Authority area and the microbiological quality of ready to eat cheese products due to increased reports of *Listeria Monocytogenes*. It is anticipated that the finalised protocols for these surveys will be available at the end of June 2023. These surveys will then run concurrently from July 2023 – January 2024.

The number and type of samples collected for analysis varies year on year, This is partly due to the availability of human resource to collect the samples and deliver them to the laboratories and

also on unpredictable events such as outbreaks of food poisoning. Samples are normally collected on a routine basis once a week, however this is predicted to be once every 2-3 weeks in the first quarter of 2023 due to staffing shortages.

Samples that give rise to poor results will also have to be followed up in accordance with the services policies and procedures, this will typically involve an investigation as to how the failure occurred. Since the producer or manufacturer of the food will often be located outside of the Borough this will necessitate liaison with other Local Authorities.

Samples requiring chemical analysis or identification of foreign matter, are usually associated with complaints and are submitted to the Public Analyst appointed by the Local Authority and are paid for on an individual basis.

Bids for additional funding to carry out local or collaborative sampling projects will also be made when monies are available.

The local authority is required to produce a sampling plan contained in **Appendix 3** which must be drawn up in consultation with Public Health Wales. The sampling programme is based on a risk-based approach and only samples with public health significance will be taken. The planned programme of sampling will include: -

- Welsh Food Microbiological Forum (WFMF) shopping basket survey, which is an ongoing routine surveillance programme, but is suspended, when specific targeted WFMF surveys are taking place.
- Participation in proactive structured sampling programmes coordinated through WFMF, FSA, Health Protection Agency surveys and Local Government Regulation.
- Samples taken during a food poisoning investigation.
- Samples taken in response to local need which will include food and environmental samples taken during inspections, following complaints.

At the start of the year it is not possible to stipulate exactly how many samples will be taken from each of the above categories.

Other non-food samples that may be taken include:

- Drinking water samples as a result of a complaint or as part of an inspection.
- Private water supplies
- Swimming pool waters for verification purposes
- Recreational waters
- Environmental samples e.g. swabs of equipment, surfaces etc. taken as part of an investigation.

The timing and number of samples is approximate and may vary from the plan. Additional surveys and sampling according to local need will be undertaken throughout the year.

The Local Authority recognises that sampling makes an important contribution to the protection of Public Health and the Food Law enforcement function.

The Local Authority's Food Service will therefore continue its policy of taking food samples in the following situations: -

- To participate in National, Regional and locally co-ordinated surveys/programmes.
- From local food producers.
- Home/originating Authority samples
- In response to complaints
- In order to monitor processes
- As part of a special investigations/initiatives
- During inspections to validate the effectiveness of food safety management systems
- To assess durability of products
- For surveillance/screening processes
- Targeting premises which present the highest risk to consumers within the Borough ie. premises rated 0-2

In order to carry out the above the food service will:-

- a) Comply with the requirements of the Statutory Food Law Code of Practice (Wales).
- b) Have regard to guidance issued by Food Standards Agency and industry guides.
- c) Have regard to the Food Standards Agency's UK National Monitoring Plan (NMP) sampling priorities table for the import of products of animal origin (POAO) and foods not of animal origin (FNAO).  
The objective of the NMP is to help ensure that food imported into the UK complies with relevant legislation, and to detect residues, pathogenic organisms, or other substances hazardous to humans, animals, or the environment.
- d) Resources permitting take part in regional and national sampling initiatives put forward by the Food Standards Agency, Welsh Food Microbiological Forum, Food Standards and Agriculture Group, Welsh Heads of Trading Standards (WHoTS), Glamorgan Trading Standards Food Group, Public Health Wales and the Food Safety Task Groups.
- e) When microbiological examination is required submit samples to Public Health Wales based in Llandough Hospital, Penarth who provide the services of a formal food examiner.

- f) When samples require analysis for extraneous matter, chemical contamination, composition etc. samples are to the Public Analyst appointed by the Local Authority or other appropriate laboratory.
- g) Produce a sampling programme for both food hygiene and food standards. The food hygiene programme is a “live document” and is updated on a monthly basis in consultation with Public Health Wales.
- h) Respond to referrals of unsatisfactory results generated by the Food Standards Agency’s Surveillance Sampling programme

### 3.5.1 Food Hygiene Samples

During 2020 - 22 sampling was significantly impacted by the COVID-19 pandemic as resources were diverted into the COVID-19 response. During 2022-23, sampling resumed to normal service levels and **169** samples were obtained for microbiological analysis.

It is estimated that approximately **170** microbiological samples will be taken during 2023-24, resources permitting.

Samples taken in connection with complaints, alleged outbreaks of food poisoning etc. may be submitted at any time.

Proprietors will always be advised when samples produce a borderline or unsatisfactory result in line with the services food sampling policy and procedure. Action will then be taken to identify the reason for the borderline / unsatisfactory result and follow up samples will be taken as necessary.

### 3.5.2 Food Standards Samples

Food Standards sampling (both initiative & targeted) is undertaken to ensure food meets safety requirements, specific legislative criteria as set by food standards legislation and is labelled correctly and described correctly.

As part of the Councils efficiency programme there is no longer a specific budget allocated for food standards sampling. Sampling will only be undertaken where local intelligence suggests there is a need including response to complaints, or where external funding can be secured to participate in targeted surveys.

In **2023/2024** the service is again looking to participate in the Glamorgan Trading Standards Food Groups sampling project work, resources permitting and if sampling funding can be secured through the Food Standards Agency.

The Glamorgan Trading Standards Groups sampling programme for the **2023/24** financial year is as follows:

- **QTR 1:** due to time constraints the group did not set a sampling survey for Quarter 1

- **QTR 2: Honey from local producers** – scope of study / analysis yet to be confirmed at the time of writing this plan
- **QTR 3: Kebabs – speciation** : follow up on sampling surveys from 2022/23
- **QTR 4 – Allergens in Catering Establishments or OPSON** – dependent on subject of OPSON

It is estimated that approximately **25 - 30** samples will be obtained. Food standards samples will be collected in blocks as part of the targeted programme, however complaint samples may be submitted at any time and it is difficult to predict the numbers of the latter that will be received.

Proprietors will always be advised when samples produce an unsatisfactory result in line with the services food sampling policy and procedure. Action will then be taken to identify the reason for the unsatisfactory result and follow up samples will be taken as necessary.

**The authority has appointed the following for the purposes of food analysis:**

**Food Analyst-** The County Borough has appointed Mr Alistair Low of Alastair Low, B.Sc.(Hons), M.Sc., M.Chem.A., C.Chem Minton, Treharne & Davies (MTD) , Long Wood Drive, Forest Farm Industrial Estate, Coryton, Cardiff, Wales CF14 7HY to act as Public Analyst to the Authority, as required by Section 27 of the Food Safety Act 1990. There is a charge to the Local Authority for the use of this service.

**Food Examiner-** The Authority also has an agreement with the Public Health Wales who provide a microbiological analysis and an advice service, which is based at the Microbiology Department, Llandough Hospital, Penlan Road, Penarth, Vale of Glamorgan. The service is subject to a formal Service Level Agreement (SLA) that determines the funding allocated to the LA and the types of samples that can be submitted as a part of that allocation.

**Campden BRI-** The Local Authority is a member of Campden BRI based in Chipping Campden, Gloucestershire who provides advice on various specialist food matters, as necessary. Analytical services are also available and there is a charge for each sample submitted.

**The Estimated Resources required to undertake Food Hygiene and food Standards sampling is 0.2 F.T.E**

### **3.6 Food Safety Incidents**

The Food Standards Agency (FSA) Incidents Branch deals with environmental contamination incidents with the potential to affect the food chain.

All food officers have access to the internet and e-mail facilities. The FSA has contact details for officers to allow for direct communication of alerts via their Smarter Communications platform and they also hold contact details of the Lead Officer for Food safety.

The service responds to all Food Alerts and Product Withdrawal / Recall information Notices in accordance with the advice and guidance issued by the FSA and the Food Law Codes of Practice.

The level of action required is determined by the Category assigned to the alert and its relevance to premises, and the food offered for sale within the County Borough.

A Product Withdrawal Information Notice or a Product Recall Information Notice is issued where a solution to the problem has been put in place; the product has been, or is being, withdrawn from sale or recalled from consumers, for example. A Food Alert for Action is issued where intervention by enforcement authorities is required. The latest product withdrawals and recalls are listed on the Food Standards Agency website and are regularly posted on their social media websites.

Our service is making increasing use of the Council's social media platforms to share the Food Standards Agency's posts relating to Product Withdrawal and Product Recall Information Notices/ Allergy alerts.

Alerts requiring substantial reactive action will occur occasionally and irregularly, though it is noted that this work has doubled from the previous financial year. Sufficient resources will be allocated to deal with each warning as it arises, although this may require diversion from the planned programme of work dependant upon the scale / severity of the incident.

In the period **2022/23**, the service responded to **4** incidents for action from the Food Standards Agency Wales Incident team and effectively removed from sale affected products.

These related to:

- National recall of specified Kinder egg products due to the potential presence of salmonella
- Pasta King Allergy alert due to mislabelled noodles – this product had been supplied to a school within the County Borough
- The supply of pickles / jams to a premises in the Borough from an unapproved / unregistered manufacturer
- The sale of Swedish fish confectionary within the Borough which contained an unauthorised white mineral oil food additive.

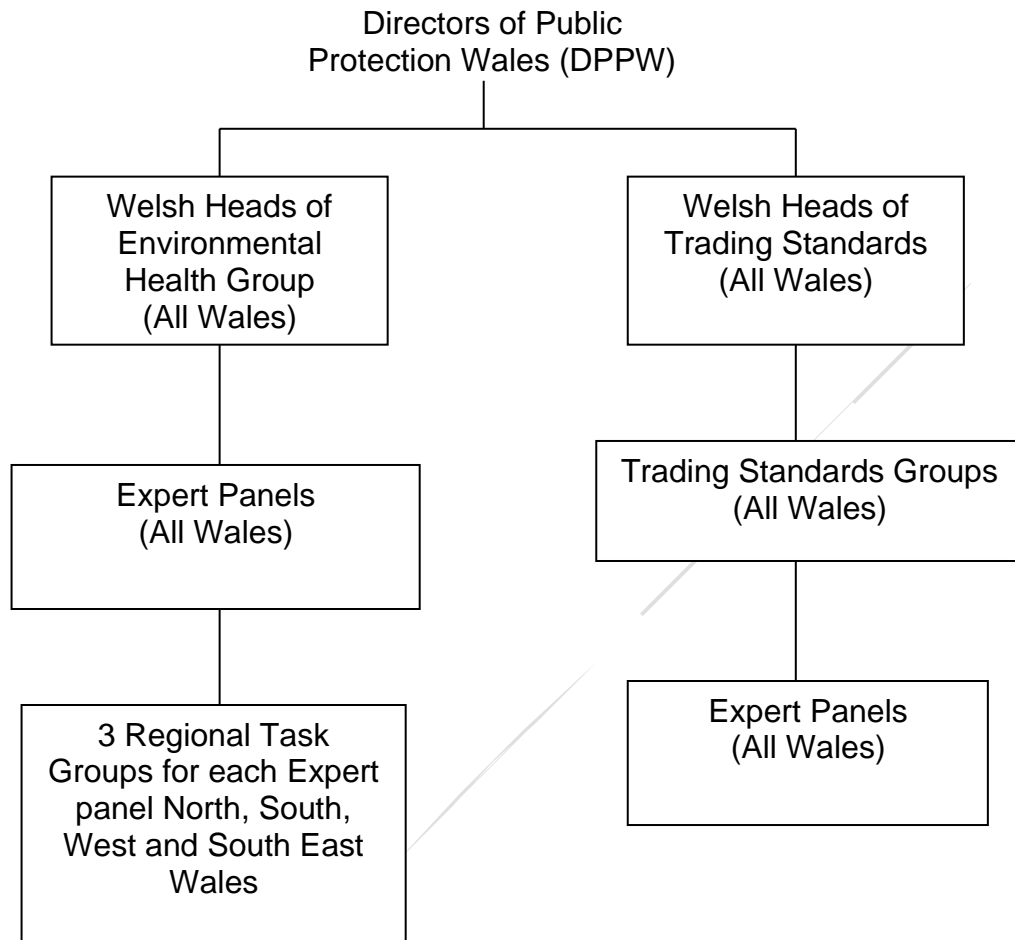
The number of incidents requests for action is unpredictable as it is governed by external factors beyond the services control. It is estimated upon historical data that approximately 2-4 requests for action are received each year, however this is anticipated to potentially increase particularly due to delays in legislative U.K. controls around Imported foods.

**The Estimated Resources required to deliver this service is 0.10 F.T.E**

### 3.7 Liaison with Other Organisations

The Environmental Health Food Service endeavours to ensure that its actions are consistent with those of neighbouring Local Authorities.

Liaison between the Local Authorities is facilitated through a number of groups and panels:



Regionally and nationally liaison takes place as follows:-

Membership of Group	Frequency of Meetings /year (Approx)
SE Wales Food Safety task group	5
SE Wales Infectious Disease task group	6
Glamorgan Food Group(standards)	
All Wales Food Safety Expert Panel and consultative group	6 and when required
Welsh Food Microbiological Forum	2
Wales National Food Hygiene rating scheme steering group	3
Environmental Health Wales	5
National Exports working	4

Merthyr Tydfil County Borough Council is represented on the Food and Infectious Disease Regional Task Groups, the All Wales Food Safety Expert Panel, Environmental Health Wales and DPPW meetings. The Principal and Lead Food Safety Officer also holds the position of Secretary of the All Wales Food Safety Expert Panel.

Close liaison is also maintained with the following bodies: -

- Food Standards Agency;
- Public Health Wales;
- Communicable Disease Surveillance Centre;
- Chartered Institute of Environmental Health, The Royal Society of Health, and the Royal Institute of Public Health & Hygiene;
- Liaison with other Council Services, such as Planning, Building Control, Education, School Meals Service, Social Services, Regeneration, Procurement;
- Welsh Government;
- Welsh Food Microbiological Forum;
- H M Revenue and Customs;
- Home Office;
- Liaison with and commitment to Better Regulation;
- Food Standards and Agriculture Group;
- National Food Crime Unit.

**The Estimated Resources required to deliver this function is 0.10 F.T.E**

### **3.8 Food Safety and Standards Promotion**

The Service will participate in promotional activities whenever these are appropriate to local needs and priorities, and where resources permit, but not at the expense of the other food and feed safety and standards activities such as inspections, complaint investigations, etc. Consequently, it is difficult to estimate the resource implication for promotional activities.

The Public Health Team is committed to promoting a positive food safety culture through a variety of channels, some of which are externally funded and are not always available.

- Provision of advice and information to businesses and members of the public through inspections, complaints and notifications;
- Provision of Food Hygiene training courses in various languages;
- Provision of training courses in other languages based on local need;
- Leaflets in different languages covering food issues;
- Participation in national events such as Food Safety Week;
- Promotion of Food Hygiene Rating Scheme;
- Guidance to assist businesses in particular sectors such as childminders, and mobile traders;
- Advice through Council's website and social media including links to other sources of information;
- Targeted education, advice and seminars in various languages;



- Newspaper Publications such as the Contact magazine which is distributed to every household in the Borough;
- Working with other colleagues responsible for Regeneration and the town centre to promote and improve food safety in local businesses and at events.
- Bespoke coaching and advice to individual businesses upon request.

In **2023-24** the service will again promote the following campaigns via social media platforms:

'Speak up for Allergens' - this campaign has a dual focus targeting both food businesses to increase their awareness of allergies and also young people aged 18-21 to provide them with the confidence to speak up about their allergies.

' Register your food business' campaign aimed at increasing business awareness around the legal requirement to register food businesses with the Local Authority.

2023 marked the Coronation of King Charles III and the Authority has shared FSA social media posts to promote food safety at street party events.



The service will continue to support and promote any new food hygiene awareness campaigns throughout the financial year and share on-line resources made available by the Food Standards Agency in relation to free on line allergen training, promotion of Safer Food Better Business packs and their newly launched 'Here to help' food business advisory/ guidance hub. References to the FSA's new business guidance hub will also be included within routine correspondence sent to businesses so as to maximise the use of limited resources and ensure a wider audience base is reached.



Promotional work will continue to be undertaken in 2023 -24 around promoting Natasha's Law which required changes to the labelling of food which is pre-packed for Direct Sale (PPDS), through sharing social media posts and also via information contained within letters sent to new and existing businesses.

The Council remains committed to continuing to promote Welsh Government's flagship mandatory Food Hygiene Rating Scheme in Wales. 28 November 2023 marks 10 years since the Senedd introduced a statutory Food Hygiene Rating Scheme (FHRS) for Wales under the Food Hygiene Rating (Wales) Act 2013. To celebrate this milestone, the service will seek to utilise the toolkit and social media resources anticipated to be provided by the Food Standards Agency to celebrate the Anniversary. Throughout the year the service will also seek to promote through social media the importance of the public checking the food hygiene rating of a business when eating out.

The service regularly shares the Food Standards Agency's social media posts on our various social media platforms, drawing attention to product recalls / Allergen alerts.

Historically there has been no specific mechanism in place to evaluate the effectiveness of any food safety / standards promotional work that has been undertaken. In order to address this, it is intended this year to amend the Customer satisfaction questionnaire that is issued to food business operators following an inspection, to determine whether information via social media posts and within the informal notices is reaching the targeted audience.

### 3.9 Control and Investigation of Outbreaks and Food Related Infectious Disease

The Communicable Disease Outbreak Plan for Wales lays out the approach to managing all communicable disease outbreaks with public health implications across Wales. The Plan is overseen by the Welsh Government and prescribes the manner in which outbreaks are identified, managed and controlled.

Consultants in Communicable Disease (CCDC) have been appointed by the Local Authority as the proper officer for the purposes of the Public Health (Control of Diseases) Act 1984 as amended by the Health and Social Care Act 2008. Environmental Health Officers have also been appointed as proper officers for the purpose of power of entry.

It is the policy of the Public Health Team to investigate all reported cases of confirmed and suspected food and water borne illness including food poisoning.

Reports of illness may originate from a number of sources: -

- Public Health Wales (PHW) laboratories
- Medical Practitioners
- Patients
- Employers
- Other Local Authorities

All cases are investigated wherever possible by direct contact with the case via telephone and/or visit as appropriate. The purpose of this is to: -

- Determine the cause;
- Prevent the spread of infection;
- Provide infection control advice to households;
- To trace carriers and cases;
- Detect outbreaks/clusters of disease;
- Assist surveillance systems;
- Determine whether criminal offences have been committed.

The nature of communicable disease control means that the Public Health Team has a number of partners with whom it works to deliver communicable disease function:-

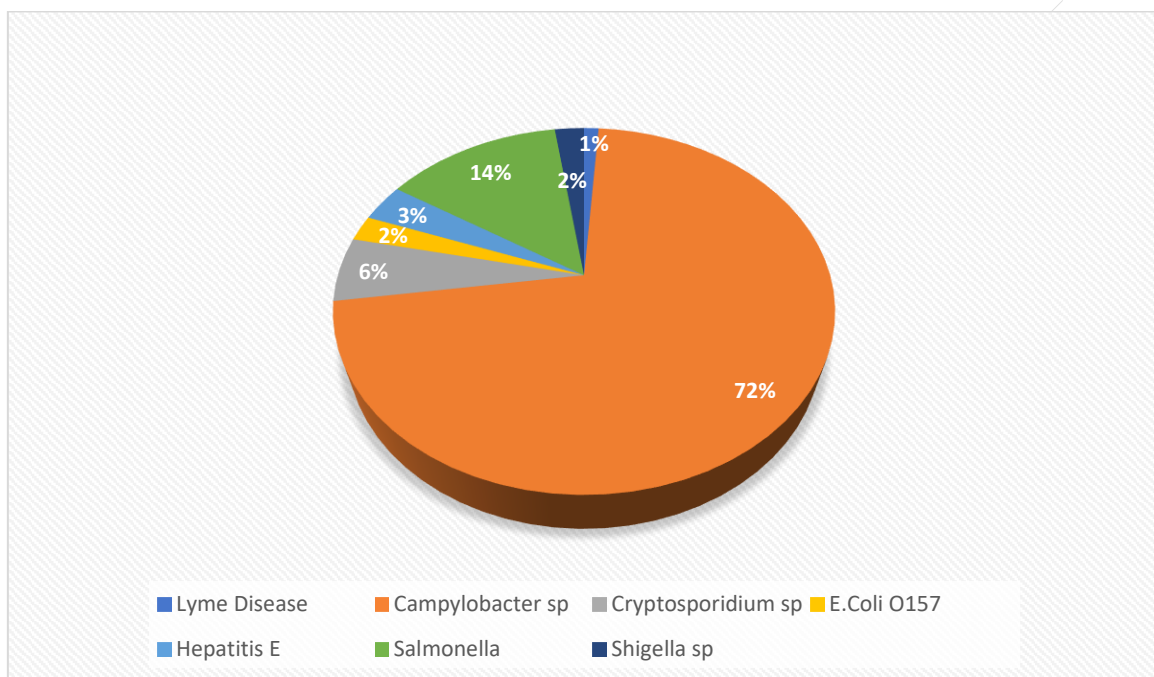
- Public Health Wales who provide specialist services to the Local Authority.
- PHW Consultant in Microbiology – all faeces, food and environmental samples obtained in connection with a food poisoning investigation are submitted to the Microbiology Department based at Llandough Hospital, Cardiff.
- Regional Epidemiologist – The Communicable Disease Surveillance Centre (CDSC) is part of the PHW and has a specific responsibility for co-ordinating the national response to communicable disease.
- CDSC provides advice and information to Local Authorities through the regional Epidemiologist when dealing with problematical communicable diseases, in outbreaks

where more than one Local Authority is involved, or when there are national/international implications.

- The Local Authority is represented on the South East Wales Communicable Disease Task Group, the South East Wales Communicable Disease Liaison Group and the All Wales Communicable Disease Expert panel group.

During 2022/23 **88** confirmed cases of communicable disease were investigated. The pie chart below shows the percentage distribution of diseases investigated by organism.

**Chart Showing Types of Communicable Diseases Notifications Received During 2022/23 (Non COVID-19)**



In addition, the team investigated an additional **8** norovirus type outbreaks in settings which included schools, private nurseries and care homes.

It is difficult to predict the number of communicable disease notifications that will be received in any given year and hence the resource that will be required to undertake appropriate investigations. However the Local Authority undertakes to provide sufficient resources to investigating and controlling outbreaks of communicable disease by sacrificing routine work and if necessary by utilising reciprocal arrangements with neighbouring Local Authorities where necessary.

**The Estimated Resources required to deliver this function is 1.0 F.T.E**

## 4. Resources

### 4.1 Financial Allocation 2023/24

<b>Food Safety, Food Standards and Prevention of Infectious Diseases: Investigation, Monitoring and Enforcement (4077)</b>	<b>Budget 2023/24 £</b>
<b><u>Expenditure</u></b>	
-	
<u>Employee Costs</u>	
Salaries	252,305
Staff Training	3,000
<u>Transport Related Expenditure</u>	
Car Allowances	2,270
<u>Supplies &amp; Services</u>	
Equipment, Furniture & Materials	1,030
Printing & Stationery	130
Professional Fees	590
Telephones, Broadband, & Postages	800
Protective Clothing & Uniforms	650
Analysis Fees	2,250
<b>Gross Expenditure</b>	<b>263,025</b>
<b><u>Income</u></b>	
Fees & Charges	3,300
Search Fees	2,200
<b>Gross Income</b>	<b>5,500</b>
<b>Net Expenditure</b>	<b>257,525</b>

The graph below shows the budgetary growth for the period 2019 - 2024

	Budget 2019/20 £	Budget 2020/21 £	Budget 2021/22 £	Budget 2022/23 £	Budget 2023/4 £
<b><u>Expenditure</u></b>					
- <u>Employee Costs</u>					
Salaries	179,420	175,080	183,965	241,301	252,305
Staff Training	370	380	380	380	3,000
<u>Transport Related Expenditure</u>					
Car Allowances	2,270	2,270	2,270	2,270	2,270
<u>Supplies &amp; Services</u>					
Equipment Tools & Materials	1,010	1,030	1,030	1,030	1,030
Printing, Stationery & Advertising	130	130	130	130	130
Insurance					
Postage and Telephones	180	800	800	800	800
Notification Fees - General	0				
Professional Fees	580	590	590	590	590
Analysis Fees	2,250	2,250	2,250	2,250	2,250
Holiday Cover Balance to be relinquished					
Budget Reduction Efficiencies					
<b>Gross Expenditure</b>	<b>186,210</b>	<b>182,530</b>	<b>191,415</b>	<b>248,751</b>	<b>263,025</b>
<b><u>Income</u></b>					
Re-rating Income	3,000	3,000	3,000	3,000	3,300
Court Costs	2,200	2,200	2,200	2,200	2,200
<b>Gross Income</b>	<b>5,200</b>	<b>5,200</b>	<b>5,200</b>	<b>5,200</b>	<b>5,500</b>
<b>Net Expenditure</b>	<b>181,010</b>	<b>177,330</b>	<b>186,215</b>	<b>243,551</b>	<b>257,525</b>

Although there is no specific allocated budget for legal fees and food standards sampling, should the need arise financial support will be found from within the Public Protection budget. Food Sampling activities are often funded through external funding from the Food Standards Agency Wales.

An earmark reserve of £27,000 was secured in October 2021 and remains available exclusively to support the delivery of the 23/24 Food service plan and the on-going recovery process.

## 4.2 Staffing Allocation

The Public Health Team comprises the following officers:

<u>Position</u>	<u>Function</u>	<u>EHRB Registration</u>	<u>Food Safety Experience</u>	<u>Food Standards Experience</u>
Principal Environmental Health Officer Manager (lead officer for food safety)	Environmental Health includes: Food Safety & standards, Communicable Disease, Health and Safety, special procedures , private water supplies, smoke free legislation, petroleum licencing	1996	22 years	9 years
Environmental Health Officer (lead officer for communicable disease) Part Time post – 29.6 hours	Food Safety, Food Standards Communicable Disease, Health and Safety, special procedures	2002	20 years	9 years
Environmental Health Officer (lead officer for food standards and food fraud)	Food Safety, Food Standards Communicable Disease, Health and Safety, special procedures	1996	18 years	9 years
Environmental Health Officer (lead officer for health and safety / special procedures)	Food Safety, Food Standards, Communicable Disease, Health and Safety, petroleum licencing.	2015	8 years	8 years

	Special procedures			
Environmental Health Officer	Food Safety, Food Standards Communicable Disease, Health and Safety, Private water supplies, special procedures	2012	< 1 year	< 1 year
Environmental Health Officer Part Time post 28 hours	Food Safety, Food Standards Communicable Disease, Health and Safety, special procedures	2014	8 ½ years	3 years

It is difficult to estimate the number of full time equivalent (FTE) officers employed compared to the number that are necessary to perform a particular function, as the team is multi-disciplinary and resources are continuously being vired between functions to respond to demand for front line service delivery.

The estimated resources to provide the service outlined in Chapter 3 of the plan requires the following numbers of operational staff.

Service Activity	Estimated Resources FTE
Food Safety & Standards Interventions	3.1
Food Safety & Standards Complaints	0.3
Food Safety & Standards Business Advice	0.4
Food Safety & Standards Sampling	0.2
Control of Communicable Disease (excl COVID)	1.0
Food Safety/Standards Incidents	0.1
Liaison and Promotion	0.1
<b>Total</b>	<b>5.2</b>
<b>Total Public Health Team Current Staff Resource</b>	
Food Safety & Standards Interventions	3.0
Food Safety & Standards Complaints	0.3
Food Safety & Standards Business Advice	0.4
Food Safety & Standards Sampling	0.2



Control of Communicable Disease (exl.COVID)	0.7
Food Safety/Standards Incidents Liaison and Promotion	0.1
<b>Total</b>	<b>4.8</b>

<b>Food Service</b>	<b>Actual number of FTE for 23/24</b>	<b>Estimated Required FTE for 2023/24</b>	<b>Variance</b>
	4.8	5.2	0.4

Capacity has increased since 2018/19 by the creation of 1FTE post, however this increase was partially offset by the retirement of the Environmental Health Manager (EHM) (March 2022) who met the full Competency framework requirements of the Food Law Code of Practice (Wales). The new Environmental Health Manager is a qualified Chartered Environmental Health Practitioner and is able to bring managerial and leadership skills to the Food Service but does not have recent food hygiene/standards/ communicable disease experience that would meet the competency requirements.

This service year, the Department has had a full time officer leaving the service on 31<sup>st</sup> March 2023 with the post remaining vacant for a period of two months.. In addition, a part time officer (28hrs/wk) is leaving the service for private sector at the beginning of August 2023 and it is anticipated that this post will remain vacant for a period of 3 + months whilst recruitment takes place. In order to increase capacity of the service and offset the 0.4 variance between the estimated and actual resources required, a request has been made to Corporate Management team to secure funding to increase this part time position to a full time post. This has now been approved as a 37 hour full time contract post for a two year period.

The current pool of officers who are actively seeking employment who meet the Competency framework of the Food Law Code of Practice (Wales) is extremely limited. In such circumstances Merthyr Tydfil CBC have appointed qualified Environmental Health Practitioners who will require significant further development to meet the Competency framework to be available to deliver a full range of functions contained within this service plan. This process of gaining full authorisation and competency can take up to two years.

There is no dedicated business support for the service, but it has access to the business support officer within corporate services.

### **Use of Contractors**

Where a shortfall in capacity is identified, the Council has, and will continue to appoint suitably qualified and competent contractors to assist in carrying out interventions in food establishments.

Contractors will need to satisfy the competency requirements outlined within the Competency framework of the Food Law Code of Practice (Wales), be validated and authorised by the Local Authority.

It is currently proving challenging to source suitable contractors due to high levels of demand from all Local Authorities and therefore the option of paying overtime to existing competent officers has been deemed a more suitable approach.

### 4.3 Staff Development Plan

Merthyr Tydfil County Borough Council attaches significant importance to the development and training of its staff to meet the needs of its customers.

All staff engaged in Food Safety work are qualified Environmental Health Officers. In determining the level of competency of officer, regard is had to the competency framework requirements stipulated within the Food Law Code of Practice (Wales), Service Authorisation and Training procedures.

At service level the Local Authority endeavours to provide support for all employees to fulfil their identified training needs. Currently two officers do not have the full range of food hygiene competencies under the framework and an annual training plan is in place to develop the needs of these officers in line with the framework established by the Food Standards Agency.

The service will lose a part time officer in August 2023 and a training plan will need to be developed for a new replacement officer to ensure that the requirements of the competency framework are attained.

The Principal Environmental Health Officer undertakes an annual review of individual training needs in addition to the corporately required Focus on Performance Annual Appraisals and regular one to ones. Officers are only authorised to act on behalf of the Local Authority in accordance with their established level of training and competency. Any identified training need is addressed during the year by way of internal and external training courses.

Food officers have access to up-to-date reference material, through:

- The FSA's Smarter Communications database (RIAMS)
- Online courses delivered through the FSA
- Peer to peer discussion on Knowledge Hub
- Dedicated shared team folders and access to the internet
- Access to National / International Food Safety news e-mails

Development opportunities arise throughout the year and officers are encouraged to attend training appropriate to their role. Examples include:

- FSA funded training
- Training offered by professional bodies e.g., CIEH, CTSI
- National consistency training exercises provided by the FSA

Continuing professional development is actively encouraged, monitored and recorded to ensure that every officer attains the minimum number of points required by the statutory Food Law Code of Practice and if applicable for membership of the Chartered Institute of Environmental Health. Officers carrying out official food controls and other official activities must undertake a minimum of 20 hours CPD each year and 30 hours to maintain Chartered Membership status. The Code

requires that at least 10 hours CPD must be spent on subject matters set out in Chapter 1 of Annex II of Retained Regulation (EU) 2017/625.

Regular team meetings take place to afford officers the opportunity to discuss inspection and enforcement issues, promote consistency of enforcement and to enable them to be kept up to date on food safety enforcement issues. All officers also participate in National Consistency exercises organised by the Food Standards Agency.

A number of years ago the Food Standards function was transferred to the service from Trading Standards. Additional training needs have been identified to further develop officers in this area of work.

## **5. Quality Assessment**

There are, at present, no formally recognised quality management systems in place. However the service recognises the need to measure effectiveness and strongly supports the ethos of continuous improvement.

The Service therefore participates and undertakes a number of activities to ensure that work is of a high standard and opportunities to identify and implement improvements are taken.

### **5.1 Documented Procedures**

To ensure the quality and consistency of our activities the Public Protection Department review all of its policies and procedures relating to food safety/standards annually. These are contained in the Quality Manual which is read only and available to all staff electronically.

Due to the impact of the Covid-pandemic, policies and procedures have not been reviewed / updated since January 2020 and an action plan is in place to ensure that these are brought up to date by July 2023.

### **5.2 Assessment and audits**

The monitoring of the quality of our policies and procedures is assessed in a number of ways, namely:-

- Internal audit of documented procedures
- Audits undertaken by the Food Standards Agency.
- Customer consultation and feedback;
- Review of corporate complaints and compliments about the service.

In addition the actions are implemented:

- The Principal Environmental Health and Lead Food Safety Officer or other nominated senior officer reviews a selection of correspondence.
- The Principal Environmental Health and Lead Food Safety Officer or other nominated senior officer conducts a minimum of 1 peer audit with each officer per year.
- The Principal Environmental Health and Lead Food Safety Officer or other nominated senior officer audits a selection of inspections, complaints, and investigations on a risk based approach.

- Team meetings are held at regular intervals and action notes kept.
- Consistency exercises are undertaken both internally as well as participation in National Consistency Training exercises

### **5.3 Customer consultation and feedback**

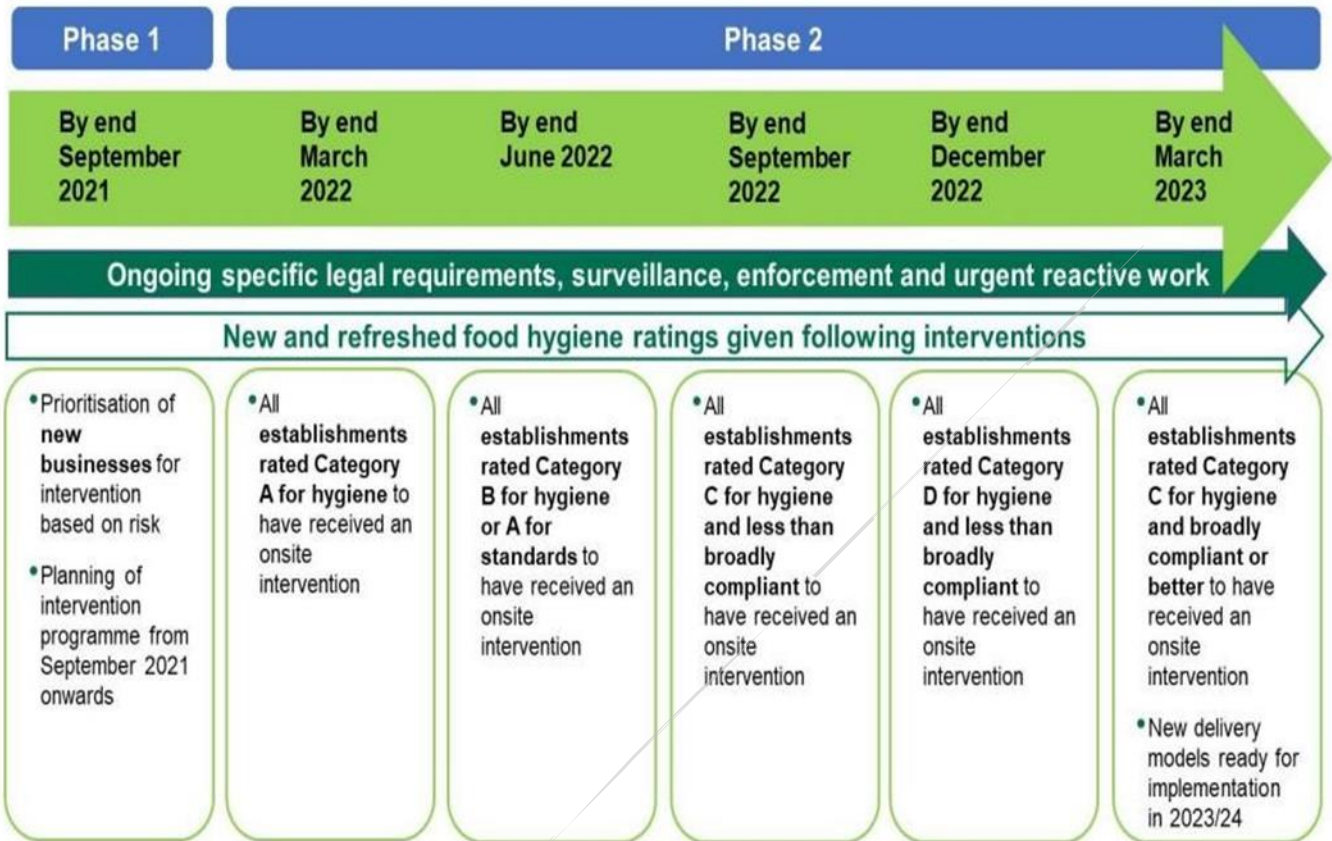
We are committed to involving customers in the continuous improvement of services and recognise the need to have structured methods of obtaining service users views and perception of the service. These include:-

- A customer satisfaction questionnaire is sent to all food businesses operators following an inspection .This can be returned using the reply paid envelope or completed online. The questionnaires are regularly analysed and results disseminated to staff with a view to driving service improvements;
- Corporate complaints and compliments.

## 6. Review

### 6.1 Review against the service plan

The service plan produced for 2022/23 was based upon the milestones / requirements outlined within the Food Standards Agency’s Local Authorities Recovery Plan.



The service completed the Recovery plan in full and performed well given the challenging circumstances which included staff recruitment and retention issues and the diversion of staff into the Covid response. All milestones up to and including December 2022 had been completed by the end of June 2022.

By the end of March 2023, all Category C for hygiene broadly compliant premises that were actively trading had received an onsite intervention.

#### **Programmed interventions in Category A (Hygiene)**

Full inspections of 100% of all businesses scheduled for inspection were undertaken.

#### **Programmed interventions in Category B (Hygiene)**

Full inspections of 100% of all businesses scheduled for inspection were undertaken.

#### **Programmed interventions in Category C (Hygiene)**

Full inspections of 100% of all businesses scheduled for inspection that were actively trading were undertaken.

### **Programmed interventions in D rated premises (Hygiene)**

Category D premises did not form part of the FSA recovery plan and there is a current backlog of **39** premises overdue an intervention. The service plan for 2022/23 highlighted that Category D inspections would not be undertaken unless the service received a complaint or intelligence to indicate that the inherent risk had changed. The service undertook **7 inspections** of Category D premises and made progress beyond the expectations of the Recovery Plan.

### **Programmed Interventions in E Rated premises (Hygiene)**

Category E inspections did not form part of the FSA Recovery plan, however **3** inspections were undertaken as a result of intelligence / complaints.

## **Food Standards**

### **Programmed Interventions in Category A**

The service does not have any Category A premises.

### **Programmed Interventions in Category B**

There were no planned interventions for Category B premises in the 2022-23 service plan as this did not form part of the FSA recovery plan milestones, however the service moved at a faster pace and 21 interventions were conducted, which included 9 inspections.

### **Programmed Interventions in Category C**

As the service undertakes standards inspections at the same time as hygiene inspections, where a hygiene Cat A -C inspection was undertaken, 187 interventions were carried out for Category C standards premises.

Performance against the requirements of the Recovery Plan is monitored by the Principal Environmental Health / Lead Food Safety Officer. Temperature check returns are completed and submitted to the Food Standards Agency at requested intervals which correlate with the milestones and targets stipulated within the plan. These temperature check returns are reported to the Environmental Health Manager and Head of Service as part of performance monitoring.

The current LAEMS end of year recording system has been switched off by the FSA. Currently bespoke end of year returns are submitted via on line surveys to report requested data.

In **2022/23**, the Council delivered the following number of food hygiene interventions which include on site inspections/ revisits/ sampling visits :

**20** at A rated businesses  
**41** at B rated businesses  
**237** at C rated businesses  
**18** at D rated businesses  
**14** at E rated businesses  
**69** at Unrated new food businesses

As reflected in the figures, the service moved at a faster pace than anticipated in the 2022/23 service plan by starting to make in roads into inspecting the overdue Category D and E inspections as it was envisaged that no inspections would be undertaken of premises that fell within these Categories unless intelligence indicated that inherent risk had changed.

### **Food Hygiene sampling**

**169** microbiological samples taken during 2022/23.

**26** borderline and **5** unsatisfactory results were followed up with investigations.

### **Food Standards Sampling Project Based Activity**

In **2022/2023** the service secured **£3512.25 + VAT** external funding from the Food Standards Agency to participate in the Glamorgan Trading Standards Food Group Sampling Plan Programme.

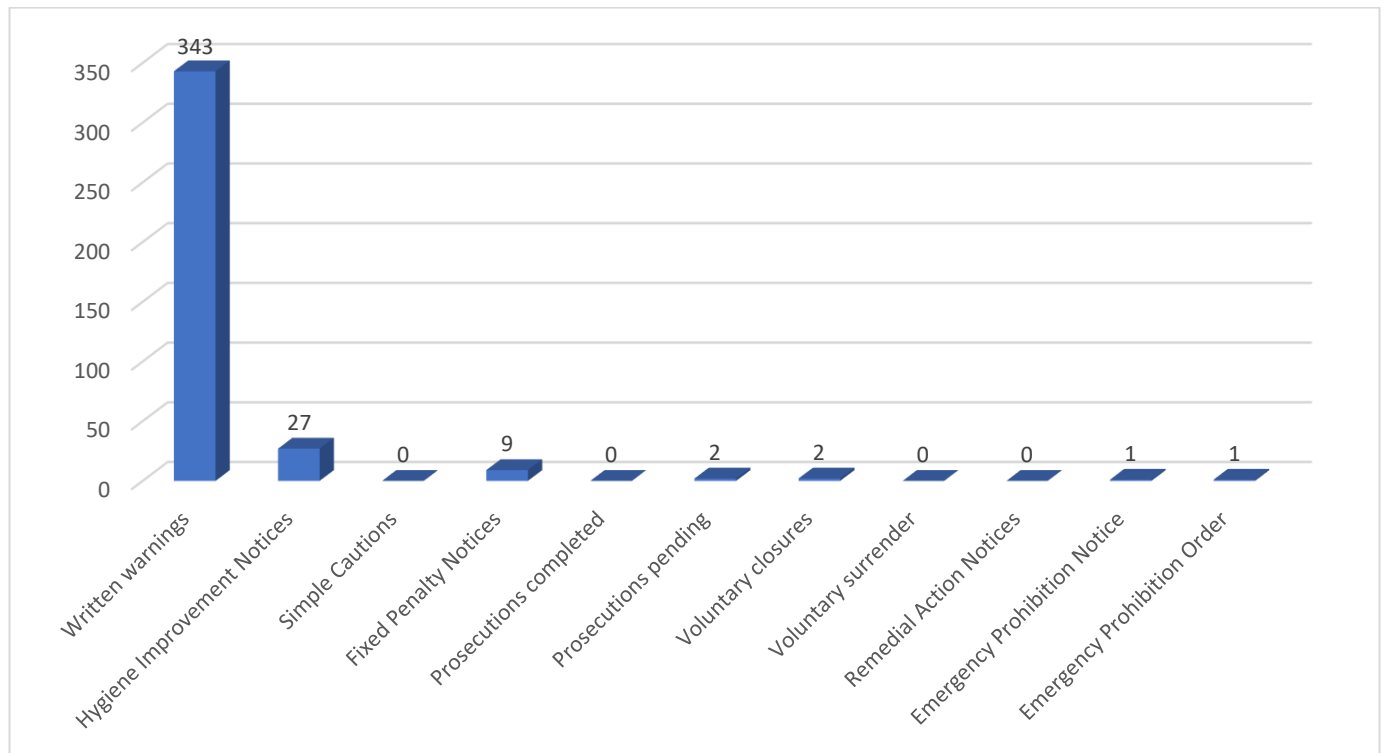
The service only participated in Quarter 3 meat speciation survey which specifically focused on identifying potential substitution of minced lamb kebabs and minced chicken kebabs from takeaway establishments. As part of this survey **9** samples were obtained and sent to the Public Analyst.

A summary of the food standards sampling results for 2022/23 is contained within **Appendix 4**

### **Summary of Activities and Enforcement Action**

The service collects a substantial amount of data each year which is used to analyse performance and improve service delivery and outcomes. The following chart summarises the enforcement actions taken during 2022/23:

## Number of Different Food Enforcement Actions Taken in 2022-23 – Food Hygiene

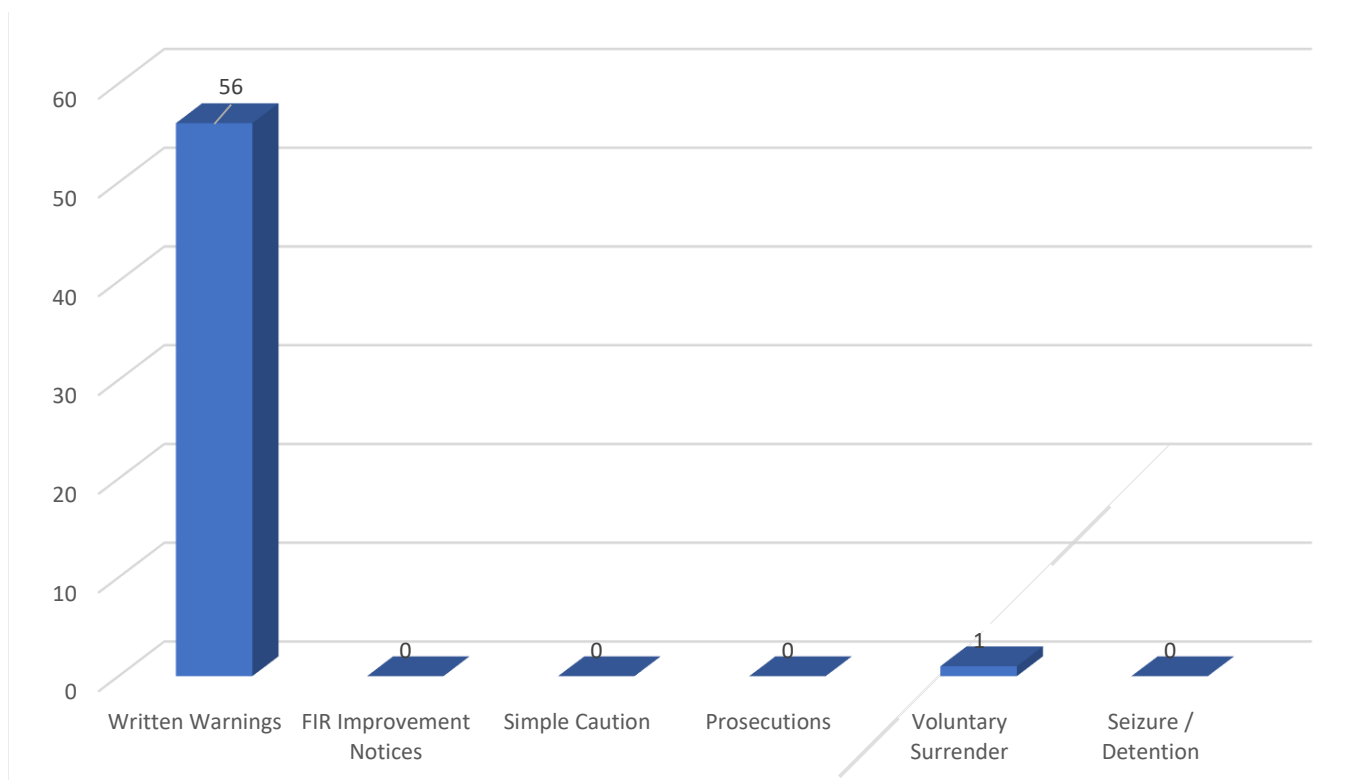


### Prosecutions

There were no completed prosecutions in 2022-23, however the service currently has **2** prosecutions pending from the last service years enforcement activity.



## Number of Different Food Enforcement Actions Taken in 2022/23 - Food Standards



## Food Hygiene Rating Scheme

Number of Food Establishments Scoring 0-5 Rating 2018 - 2023	Food Hygiene Rating					
	0	1	2	3	4	5
2022/2023	0.35%	10.25%	5.30%	18.73%	28.27%	37.10%
2021/2022	1.05%	14.14%	4.71%	18.85%	24.08%	37.17%
2020/2021	0%	18.84%	1.45%	15.94%	21.74%	42.03%
2019/2020	0.30%	8.11%	5.11%	14.71%	24.92%	46.85%
2018/2019	1.08%	7.58%	2.89%	18.05%	23.10%	47.29%

## 6.2 Identification of Variances

The mechanisms in place to review performance enable remedial action to be put in place should any shortfalls against targets or plans occur during the year. Consideration will be given to the various factors that may contribute to any shortfalls and whether additional resources, re-allocation of staff resources or re-prioritisation of workload is required to resolve any problems. Any issues that may not have been resolved at the end of the year will be included in the service Plan for the following year.

To this end some of the areas of improvement noted in last year's service plan have either been omitted or carried over into this year's service plan. The service was and still is in a period of 'recovery' which will take a number of years to address. Resources were directed in to prioritising the full achievement of the Recovery plan, therefore the increased development and use of Tascomi were held in abeyance.

The development of a new Primary Authority partnership has been omitted from this year's service plan as there are insufficient resources to fulfil the requirements of such a commitment at present. There is additional uncertainty around the potential increased resource implications for Primary Authorities should the FSA's Enterprise regulation scheme as part of its proposed ABC Transformation programme come into effect.

The service aimed to undertake **15** food standards samples in the **22-23** service plan, however only **9** samples were obtained. The reasons for this variance are two fold. For several months the service was operating without a full complement of officers so resources were limited and had to be effectively targeted in areas of highest risk priority. Secondly, the service elected not to participate in Q2 sampling as we do not have any local craft gin or beer producers within the Borough. Sampling such products from supermarket shelves was considered not to be an effective use of limited resources and would be of limited public health benefit.

The service therefore focused on prioritising higher risk work which included focusing on improving inspection targets for new businesses and following up borderline / unsatisfactory micro-biological sampling results. The service exceeded its projected **100** food hygiene microbiological samples as **169** samples were obtained.

The Head of Public Protection is responsible for ensuring appropriate action to mitigate risks associated with any shortfalls in performance is identified, implemented, and where necessary, escalated to the Corporate Management Team. The Head of Public Protection has implemented a number of mitigating actions to support recovery, which include:

- The offer of overtime to officers for additional food hygiene interventions
- Approval of part time post (28 hrs) to be increased for a two year fixed term to a 37 hour contract

### 6.2.1 Measuring Performance

In order to ensure continuous improvement, it is essential that performance is regularly monitored. The following actions are taken:

- The Council has developed its Service Improvement Framework (SIF), a simplified and more outcome focussed approach to performance management and self-assessment. It outlines the mechanisms in place to ensure accountability. The framework places self-evaluation at its heart and mechanisms have been established to facilitate this, namely line of inquiry meetings and challenge sessions.
- Cabinet approves this Service Plan which sets out the work programme for the service and reviews performance against the programme via the self-evaluation process;
- Each department is required to produce a Strategy on a Page (SOAP) that details their overall vision, priority areas, measurable and desirable outcomes. Food safety is included within the SOAP. Performance is monitored on a quarterly basis with reports submitted to the relevant scrutiny committee;
- Monthly one to one meetings are held between the Head of Public Protection and the Environmental Health Manager on how the service is performing day to day;
- Overall performance of the service and individual performance is monitored monthly when inspections are allocated;
- Performance is reviewed at team meetings;
- Performance of individuals is managed through staff meetings and one to ones.
- Periodic temperature check returns to the Food Standards Agency
- End of year returns to the Food Standards Agency

Any significant shortfalls in the service will be reported to the Environmental Health Manager, Head of Service and the relevant member scrutiny committee, together with recommendations for appropriate remedial action.

## 6.2.2 Food Hygiene

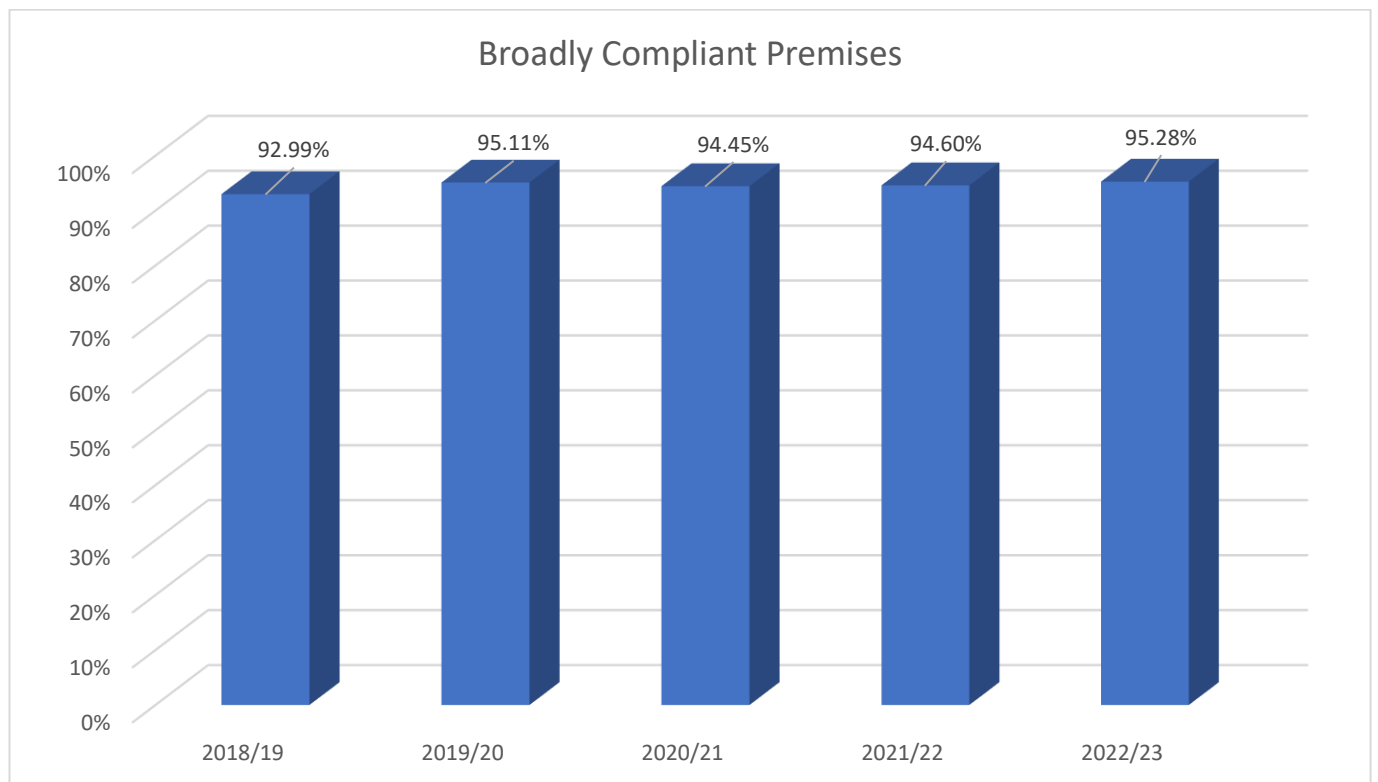
The only current Welsh Government performance indicator relevant to Food Safety is Performance accountability measure PAM 023 which measures the percentage of premises which are “broadly compliant” with food hygiene standards. On 1<sup>st</sup> April 2022, within Merthyr Tydfil an average of 95.28 % businesses were deemed to be broadly compliant, the graph below depicts the percentage fluctuations over the past five financial years. The number of food businesses is the smallest in Wales and small numbers of businesses which are not broadly compliant can affect the overall percentage disproportionately.

Full details of performance against National Strategic and Core Performance Indicators are available on the Wales Data Unit website at: <http://www.dataunitwales.gov.uk/data>

There are significant limitations in terms of the influence that the Council can have in respect of performance against the broadly compliant indicator as it is a measure of the level of compliance

a food business is assessed as having achieved at the time of undertaking the statutory intervention. The level of compliance with the relevant legislation is a matter within the food business operator's control rather than that of the Council. The Council as the regulator can attempt to influence the overall level of compliance using a range of enforcement approaches, including for example provision of advice, issuing of written warnings, service of legal notices, prosecution etc. Therefore dependant on the level of non-compliance identified during the year the Council will adjust its approach accordingly.

**Graph Showing Percentage of Broadly compliant Premises 1/4/18 – 1/4/22**



## 6.3 Areas for Improvement

In **2022/23**, the Council's food law enforcement service was audited by the Regional Internal Audit service and given an overall 'reasonable assurance' audit opinion. The Action Plan arising from that audit identified **two** medium and **two** low risk areas of improvement which included:

- Updating the service's policies and procedures
- Incorrect due dates for inspections were being set in Tascomi for new businesses – this was identified as being an issue with Tascomi which affected all Local Authorities using this Management Information system
- Improved recording of revisits on the Tascomi system, including recording seasonal closures
- Reviewing and cross -referencing the accuracy of the information held on both the Enterprise and Tascomi systems

The Council is committed to the continual improvement of services and will ensure appropriate action is taken to implement the audit recommendations above, within the timescales agreed within the action plan.

The service has also identified its own areas for improvement in **2023/24**:

- ❖ In previous service plans it has been highlighted that the service struggles to inspect existing businesses within 28 days of their due date and new businesses within 28 days of commencement of trading (subject to risk) which is a requirement stipulated within the Food Law Code of Practice. This year is no exception, as due to the legacy of the COVID-19 pandemic there is an acceptance that there is a backlog of both Category D and E food hygiene inspections and Category B and C Food Standards inspections from 2020-23 which are overdue an inspection by significantly more than 28 days. The service will continue to focus on improving target times for the inspections of new businesses, particularly high risk businesses.
- ❖ Highlight the need to Senior Management to increase resource in Business Administration support to ensure the effective implementation of our policies and procedures and the accuracy of information held on the Tascomi database.
- ❖ Improve the reliability and accuracy of the information inputted into the Tascomi database, including checks to ensure the accurate coding of service requests.
- ❖ Continue to improve accessibility to advice, especially for new businesses to ensure the best possible start and improve their FHRS ratings.
- ❖ Continue to improve links with Internal Departments eg. Regeneration who provide Grant Aid to new businesses, the School Catering department and Social Services.
- ❖ Develop Improvements in efficiency and effectiveness including ongoing enhancements to the Tascomi database.

- ❖ Further develop the use of the Tascomi data base ensuring that officers are adequately trained on expanded use of the system with the long term aim of storing all data on one data base.
- ❖ Continue to respond to consultations as necessary.
- ❖ Continue to promote food safety issues/ information / guidance via social media
- ❖ Development of a validation policy and procedure for the appointment of new officers
  - ❖ Further develop agile working across the team whilst fully utilising mobile ICT equipment.
  - ❖ Secure additional medium / long term funding for re-instatement of Student Environmental Health Officers post and Technical Officer
- ❖ Review of the customer satisfaction survey to include questions around assessing the effectiveness of promotional work via correspondence, mailshots and social media posts

## **7. Service Plan Appendices.**

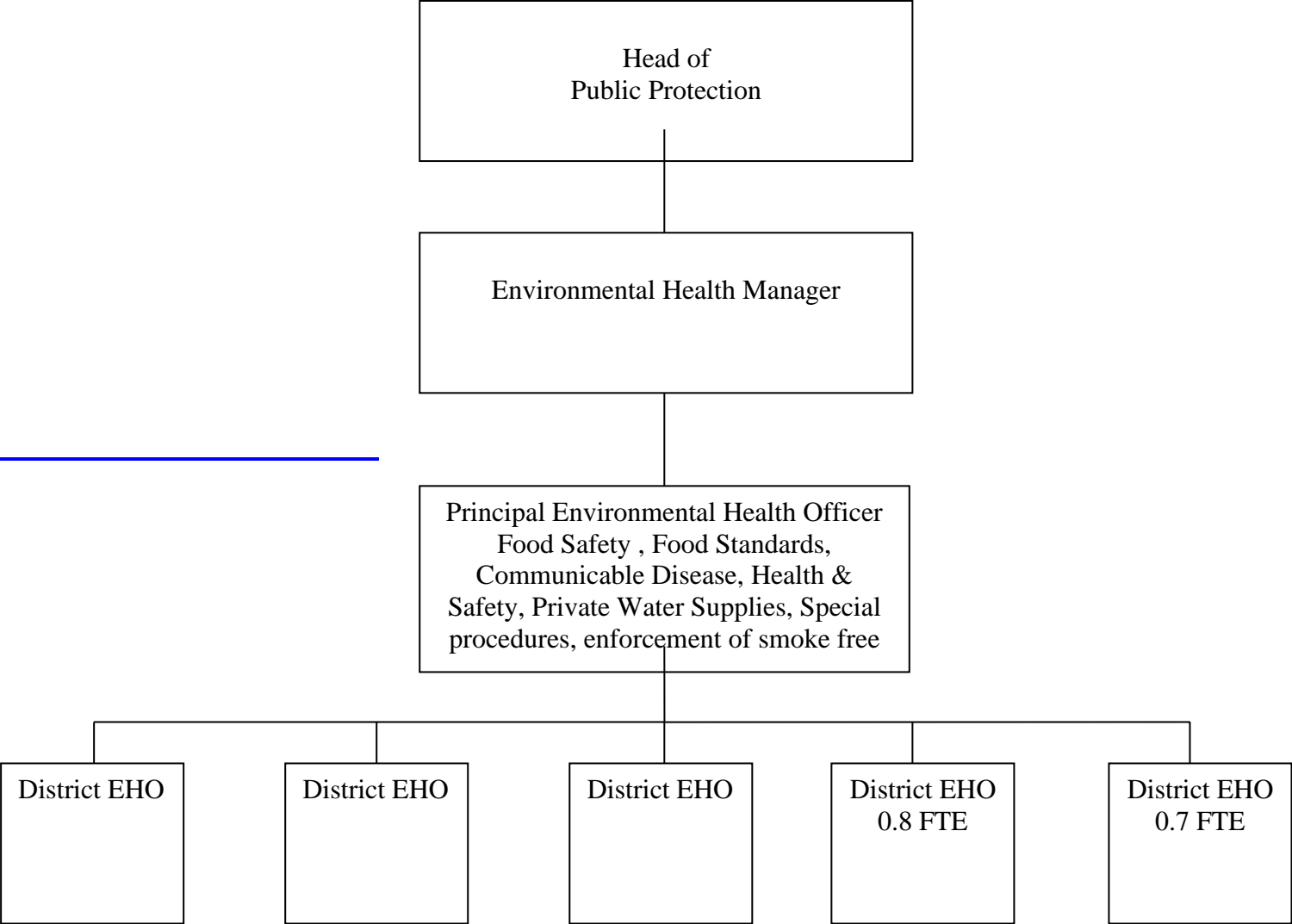
**Appendix 1 Departmental Management Structure**

**Appendix 2 Merthyr Tydfil County Borough Council Organisational Structure**

**Appendix 3 Microbiological sampling plan 2023/24**

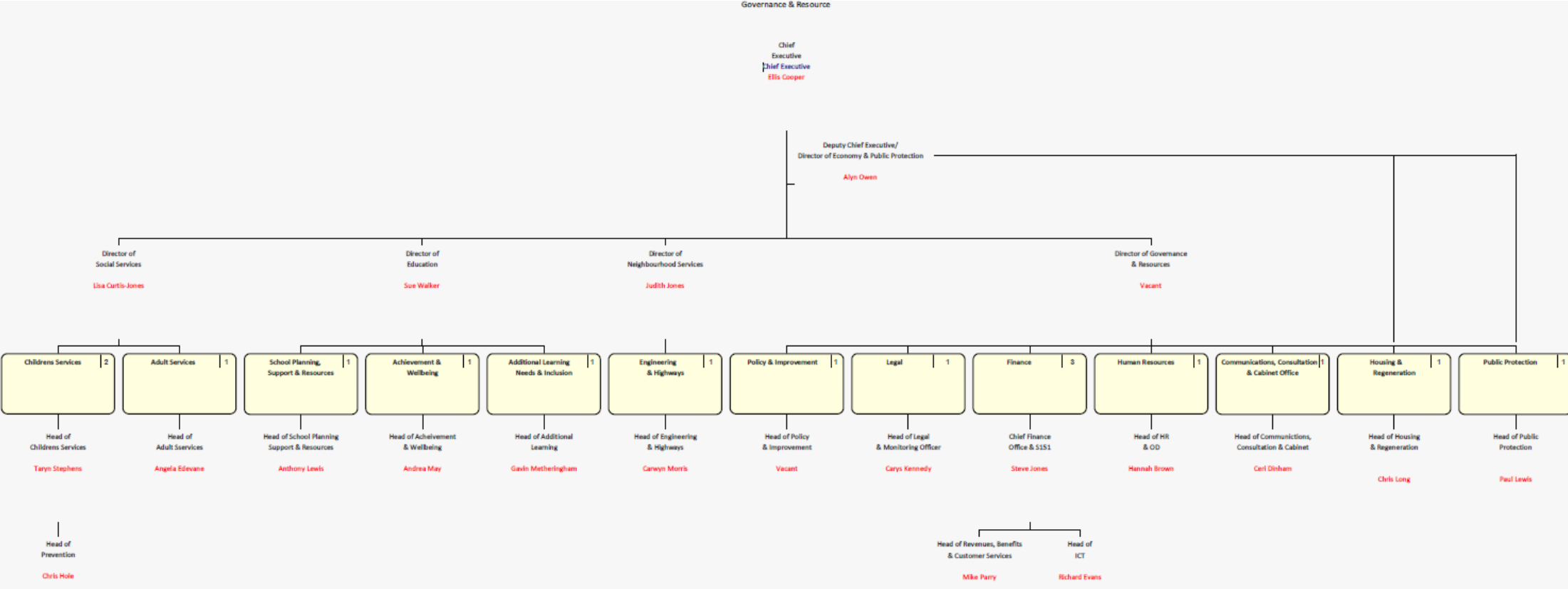
**Appendix 4 Food Standards Sampling Results 2022/23**

Appendix 1 –Departmental Management Structure





# Appendix 2: Merthyr Tydfil County Borough Council Organisational Structure 2023





## Appendix 4 - Food Standards Sampling results 2023/2024

SAMPLING DETAILS									RESULTS		FOLLOW-UP				
LA Sample Reference / Number	Date of Sampling (date sample was procured)	Time of Sampling	Type of Premises	Product Sampled	Description	Country of origin	Sample Tested For (e.g. specific allergens, speciation tests etc.)	Additional Sampling Information (e.g. declarations at point of sale, allergen claims etc.)	Results Detail	Comments / Observations	Specify Informal Follow-up Action Taken (other than advising of results e.g. advice provided)	Specify Formal Follow-up Action Taken (e.g. prosecution file prepared)	Incident Reported to FSA Incident Team Y/N	Details of Action Taken (please feel free to provide additional information in any accompanying email. We are particularly interested to hear details of outcomes arising from sampling undertaken)	Action Complete Y/N
MTCBC/Q3/SH1	11/10/2022	18:10	Takeaway	Kofte Kebab	Kofte Kebab made with only lamb mince		Meat speciation	Verbal confirmation at point of sale that kofte kebab was all lamb	genetic material consistent with sheep only		None	None	N	Satisfactory letter sent 14/3/23	Y
MTCBC/Q3/SH2	11/10/2022	18:40	Takeaway	Kofte Kebab	Kofte Kebab made with only lamb mince		Meat speciation	Verbal confirmation at point of sale that kofte kebab was all lamb	genetic material consistent with sheep only		None	NONE	N	Satisfactory letter sent 14/3/23	Y
MTCBC/Q3/ST3	12/10/2022	17:12	Takeaway	Kofte Kebab	Kofte Kebab made with fresh minced lamb with parsley and oriental herbs		Meat speciation	Checked menu description	Sheep species only as described/advertised.		None	None	N	Satisfactory letter sent 14/3/23	Y
MTCBC/Q3/ST4	12/10/2022	17:35	Takeaway	Kofte Wrap	Lamb kofte wrap		Meat speciation	Checked menu description	level of cross-contamination beef/chicken		None	None	N	Satisfactory letter sent 14/3/23	Y
MTCBC/Q3/OE5	13/10/2022	17:23	Takeaway	Kofte Kebab	Kofte kebab lamb made with lamb mince, staff advised contains lamb only (over the phone and during pick-up)		Meat speciation	Verbal confirmation when order placed over the phone and during pick up that the kebab was all lamb	10-50% bovine +10-50% ovine	PA opinion it would mislead consumer				I revisited the premises on 28.02.2023 and spoke to the FBO/Owner. He advised that the staff made a mistake. The FBO advised that they buy the Kofte kebab from a supplier. I asked to see the packaging and it shows that the kebab was a mix of lamb and beef. I advised FBO to ensure staff provides correct information by checking the packaging of the product and not guessing information when asked by customers. I advised FBO to make it clear in their menu that the kofte kebab they sell is a mix of lamb and beef.	
MTCBC/Q3/OE6	13/10/2022	17:36	Takeaway	Kofte Kebab	Kofte kebab lamb w/ lamb mince only, FBO verbally confirmed that it contains lamb only (when order placed over the phone and during pick up)		Meat speciation	Verbal confirmation when order placed over the phone and during pick up that the kebab was all lamb	1-5% bovine	PA opinion it would mislead consumer				I revisited the premises on 28.02.2023 and spoke to the FBO/Owner. He advised that they make the kebab from scratch using the leg of lamb. I was shown the equipment for mincing the meat. The FBO advised that they don't sell beef at the premises apart from the beef burger which comes as frozen. I established that there was a risk of contamination of the lamb kofte kebab because they use the same grill from cooking the beef burgers and the lamb kofte. They also use the same tongs for both products during cooking. No other beef products were found at the premises during the revisit.	
MTCBC/Q3/ISR7	19/10/2022	16:30	Takeaway	Kofte Kebab	Kofte Kebab made with only lamb mince		Meat speciation		medium level of beef	PA opinion it would mislead consumer	None	None	N	FBO has changed since time of sampling. 28/02/23 - advised previous FBO via email and will discuss with new FBO. Letter sent to new FBO on 08/03/23 for information. Officer to discuss with new FBO at next inspection.	
MTCBC/Q3/OIG8	03/11/2022	17:15	Takeaway	Lamb Kofte Kebab	Kofte Kebab. Advertised as lamb kofte, FBO advised contains just lamb.		Meat speciation		Sheep species only as described/advertised		None	None	N	Satisfactory letter sent 11/4/23	Y
MTCBC/Q3/ISR9	15/02/2023	17:50	restaurant	goat curry	Goat curry		Meat speciation	SR sampled as part of inspection. FBO initially advised that the product was goat curry. No invoices at business for traceability for goat. Purpose of sampling was to determine whether sample was goat or lamb as at time of sampling FBO advised that it was a lamb curry not a goat curry. SL updated spreadsheet as SR on leave.	No traces of goat - genetic material consistent with ovine (sheep) only	PA opinion it would mislead consumer	Informal warning Letter sent 16/3/23	No formal action at this juncture	N	RV will be required to check menu descriptions have been changed or that the FBO actually does stock goat.	