

CITY OF  
WOLVERHAMPTON  
C O U N C I L

## Response to Request for Information

Reference      FOI 000749  
Date            4 January 2017

### ***Eat4Less***

#### **Request:**

I would like to request to see a copy of the report made on Eat4Less in Dudley St, Wolverhampton, following an inspection which took place on November 15 last year.

In respect of your above question, it has been established after careful consideration that the Council does not hold a report made on Eat4Less in Dudley Street, Wolverhampton following an inspection which took place on November 15 last year. Consequently, we are unable to provide any information relating to the above, and are informing you as required by Section 1(1) (a) of the Act, that states:

"Any person making a request for information to a public authority is entitled to be informed in writing by the public authority whether it holds information of the description specified in the request".

However, under Section 16 of the Freedom of Information Act to provide advice and assistance to the requestor, I can inform you that a letter was issued following a visit on 15 November 2016. We have therefore provided you with this information on the next page.

However, we have redacted some of the information as the Council considers that the provisions of Section 40(2) relating to personal data is engaged and that release of this information would contravene the first data protection principle.

To explain further, a disclosure made under the provisions of the Act is judged to be a disclosure to the wider world and here the Council must consider disclosure of personal information in line with the provisions of the DPA.

18<sup>th</sup> November 2016

FAO: The Company Secretary  
Foods 1 Ltd  
Unit 7, Bilston Key Industrial Estate  
Bilston  
Wolverhampton  
WV14 7DW

Dear Sir/Madam,

**Food Safety and Hygiene (England) Regulations 2013, Regulation (EC) No 852/2004  
Premises: Eat 4 Less, 4 Dudley Street, Wolverhampton**

I refer to the series of visits made to the above premises on the 28<sup>th</sup> June, 12<sup>th</sup> July, 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup>, 5<sup>th</sup> and 15<sup>th</sup> November 2016.

The purpose of the collective visits was to check compliance with food hygiene legislation through an assessment of working practices, staff competence and facilities provided.

It was apparent through observations made during these visits that you are not complying with your legal obligations as a food business operator, and it was disappointing to note that food handling staff had a lack of understanding relating to basic food hygiene requirements to their work activity. There was also a lack of implementation and monitoring of your food safety management system.

I refer you to my previous reports dated the 12<sup>th</sup> July and 2<sup>nd</sup> November 2016 to which I enclose for your examination. I would summarise the points below for your immediate attention and remedy that still remain outstanding:

1. On the 28<sup>th</sup> June and 15<sup>th</sup> November staff were observed not washing their hands after handling raw meat and eggs. This would allow the spread of contamination of ready to eat products and hand contact services.

**Under (EC) No 852/2004 Annex II Chapter VII paragraph (1):**

**“Every person working in a food-handling area is to maintain a high degree of personal cleanliness”.**

2. On the 2<sup>nd</sup> November it was established that there was an active infestation of mice at the premises, where by you agreed to voluntary close until the assessment made by Officers of the Council, namely my colleague Senior Environmental Health Officer, and I were satisfied that an imminent risk no longer existed. It was established that there were a number of pest entry points. On the 15<sup>th</sup> November the premises was still not adequately pest proofed.

**Under (EC) No 852/2004 Annex II Chapter I paragraph (2) (c):**

**“The layout, design, construction, siting and size of premises are to permit good food hygiene practices, including protection against contamination and, in particular, pest control” and;**

**Under (EC) No 852/2004 Annex II Chapter IX paragraph (4):**

**“Adequate procedures are to be in place to control pests”.**

3. On the 12<sup>th</sup> July during a meeting held with it was brought to my attention that you had established and put into place a management system based on HACCP principles, this included opening checks for fridge temperatures. On the 15<sup>th</sup> November it was established that checks were not being made and you were not aware if food which was stored within fridges for such long periods of time was safe to eat. The store manager advised that staff should have been making checks and he advised that had not been making his own checks to verify such matters.

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**Under (EC) No 852/2004 Article 5:**

**Food business operators shall identify...“the critical control points at the step or steps at which control is essential to prevent or eliminate a hazard or reduce it to acceptable levels” and establish “critical limits at critical control points which separate acceptability from unacceptability for the prevention, elimination or reduction of identified hazards”.**

4. On the 15<sup>th</sup> November the newly installed display which is above the steam cooker and hot hold is made of a material that is absorbent and not readily cleansable. I would recommend that you paint this with a suitable paint or cover with plastic sheeting.

**Under (EC) No 852/2004 Annex II Chapter II (1) (b):**

**“ In rooms where food is prepared, treated or processed the design and layout are to permit good food hygiene practices, including protection against contamination between and during operation” In particular:**

**“ wall surfaces are to be maintained in a sound condition, be easy to clean, and require the use of impervious, non-absorbent, washable and non-toxic material, and require a smooth surface.”**

I have since reviewed your Food Management System and note that you have established procedures based on HACCP(Hazard Analysis and Critical Control Points) principles. Given previous history and the above mentioned issues, you as the Food Business Operator have not implemented nor maintained such procedures. I also have reasonable grounds for believing that food handlers are not adequately supervised and/or trained in food hygiene matters commensurate with their work activity.

**Under Regulation (EC) 852/2004, Article 5 paragraph 1 & 2 (A – G):**

**It requires food business operators to put into place, implement and maintain a permanent procedure based on the HACCP principles.**

During my appointment made with Area Manager, \_\_\_\_\_ on the **23<sup>rd</sup> November**, I will need to see a sufficient plan of action for addressing the issues as mentioned above, and for a way of moving forward.

I would also take this opportunity to advise you that failure to attend to these items will result in the consideration of formal action being instigated against you.

If you feel any of the issues above are unjustified, please contact \_\_\_\_\_ Senior Environmental Health Officer (Food Lead)

Should you have any enquiries in the meantime, please do not hesitate to contact me.

Yours sincerely,

Senior Environmental Health Officer  
Environmental Health (Commercial)  
Regulatory Services