West Lancashire Borough Council

Food Safety Service Plan

2012/13

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Introduction

This is West Lancashire Borough Council's Food Safety Service Plan. It covers all elements of food safety and hygiene for which the Authority has enforcement responsibility. This Plan also covers those objectives relating to non-enforcement activity, including food hygiene education/health promotion and partnership working.

This Food Safety Service Plan is a requirement of the Food Standards Agency and has been drawn up in accordance with the Food Standards Agency's Framework Agreement (Amendment 5, April 2010). This ensures a consist approach across England and Wales, which enables the Food Standards Agency to assess how we are doing and allows other Local Authorities to compare and contrast performance and service delivery.

This Plan is also an expression of the Council's ongoing commitment to food safety in the Borough and the development of its Food Safety Service.

D P Tilleray Assistant Director Community Services

Approved by the Portfolio Holder for Health, Leisure and Community Safety on 2 November 2012

1.0 Aims and Objectives

Service aims and objectives

- 1.1 West Lancashire Borough Council (the Council) has responsibility for food safety enforcement of relevant businesses under the Food Safety 1990 (the Act), associated legislation and guidance. These duties are discharged by the Food Safety Service (the Service), which is part of the Commercial, Safety and Licensing Section (the Section).
- 1.2 The aim of the Service is to protect the health of residents and the wider community by ensuring that all commercial production of food in the Borough is carried out safely and is fit for human consumption. The work of the Service is supplemented by the Health Promotion unit, which provides of a range of promotional and educational roles in respect of food safety matters.
- 1.3 In order to achieve these aims, the objectives of the Service are to:
 - Ensure that it acts in accordance with the relevant Food Standards Agency Code of Practice and other official guidance;
 - Encourage businesses to comply with the law by offering advice;
 - Apply the principle of continuous improvement by comparing and measuring its performance and rectifying any shortcomings;
 - Responding to local need and ensuring the Service is accessible to everyone;
 - Ensure that the delivery of the Service is undertaken in a manner so as not to be discriminatory towards equality target groups and accessible to all who request or receive the Service.
- 1.4 This Food Safety Service Plan (the Plan) is produced annually by the Assistant Director Community Services and the Commercial, Safety and Licensing Manager. The Plan was approved by the Portfolio Holder for Health, Leisure and Community Safety on 2 November 2012 and was also presented as an update to the Council's Corporate and Environmental Overview and Scrutiny Committee on 13 December 2012. Performance reviews are undertaken on a quarterly basis and related performance indictors are reported to Cabinet.

Links to Corporate Priorities

- 1.5 The Council's vision is "to be a Council to be proud of delivering services that are lean, local and fair". Several values have been established to deliver this vision by continuing to be an innovative organisation which:
 - Prioritises customers and the services that are most important to quality of life;
 - Work as 'one council' to provide a joined up approach;
 - Is open and accountable in the way that it makes decisions;
 - Develops and values employees;
 - Promotes equality and diversity; and
 - Works in partnership to benefit the Borough. Our values underpin the way in which we will deliver our priorities and achieve our vision.

- 1.6 Over the next 3 years (2012/13 2014/15), the Council has established several Corporate Priorities, which are detailed below. The Service works toward these priorities in the following areas:
 - Balancing the budget and providing the best possible services within the resources available;
 By continuing to employ new and modern ways of working, the Service is flexible, responsive, efficient and effective representing excellent value for money.

The Service is targeted and proportionate in activity, intervening only when necessary and using remedies that are appropriate to the risk posed, so that costs are identified and minimised.

The Service is accountable and will be able to justify decisions that are subject to public scrutiny. Accordingly, the Service will be consistent and open and will try to convey the requirements of the law in a simple and user-friendly way - within the limitations of legislative requirements.

- Focussing upon sustainable regeneration and growth within the Borough;
- Caring for our Borough delivering the small improvements that can make a big difference;

Recognising that food is a key marker of social inclusion, food safety issues can impact on reducing health inequalities and incidences of food poisoning, the reduction of which has a positive impact on the community's health. The Service will continue to carry out educational and promotional activities as an integral part of their routine food safety inspections, as well as specialist activities targeting both consumers and businesses to promote food safety, better nutrition and healthy choices.

By assisting food businesses through support, education and enforcement to improve and comply with hygiene standards, so improving quality of life now and for future generations for the people of West Lancashire making the Borough a better place to live, work, invest in and visit.

- Minimising uncertainty for staff and stakeholders by continuing to implement a managed approach to change; and
- Exploring innovation as a means to secure further value for money.

The Service is committed to continuous improvement in service delivery, and addressing the needs of our community by using our resources innovatively and to best effect.

2.0 Background

Profile of the Borough

- 2.1 West Lancashire is the most southerly of the Local Authorities within Lancashire. It has a population of 110,700 (National Census 2011) and covers an area of over 34,000 hectares, a large proportion of which is good and versatile agricultural land. The Borough has two market towns: Ormskirk and Burscough, with mainly rural parishes and villages to the north and the former New Town of Skelmersdale to the east.
- 2.2 Based on current available data, the breakdown of businesses within West Lancashire is as follows:

Agriculture and fishing	13.6%
Mining, energy and water	0.1%
Manufacturing	8.6%
Construction	12.5%
Wholesale and retail	21.4%
Hotels and catering	6.2%
Transport and communications	6.7%
Financial intermediation	0.7%
Business services	23.2%
Public administration and other services	5.7%
Education and health	1.2%
All industries and services	100.0%

Organisational and team structure

2.3 The Service is part of the Commercial, Safety and Licensing Section within Community Services. The work of the Service is supplemented by the Health Promotion unit, which allows the provision of a range of promotional and educational roles. A structural chart of Community Services is provided at Appendix 1.

3.0 Service Delivery

Scope of the Service

3.1 In respect of food safety matters, the Service will:

- Carry out a programme of food hygiene interventions in accordance with the Food Safety Act 1990 Code of Practice;
- Investigate and resolve complaints about food and food hygiene, practices and procedures;
- Take informal or statutory action including the service of notices, food seizure, premises closure or prosecution (amongst other available actions) in accordance with our Enforcement Policy to secure compliance with food safety legislation;
- Identify and assess premises requiring approval in respect of specific food products or processes and to ensure that they are granted conditional or full approval as necessary;
- Ensure that all food premises located or trading within the Borough are registered, and to maintain an accurate database of food premises in the Borough.
- Record inspection information and enable performance data to be provided to the FSA;
- Receive and investigate all relevant Food Standards Agency Food Alerts for action and their updates as appropriate, and to communicate with business to disseminate relevant information concerning relevant food risks;
- Provide advice and assistance to businesses and consumers on food related issues;
- Investigate incidences of food borne disease and take action, including liaison with other bodies to identify the source and prevent further infection;
- Implement the Food Sampling Programme for survey and monitoring purposes;
- Provide guidance and advice on food law requirements and compliance to meet local needs;
- Provide and review systems and procedures in line with FSA Framework Agreement;
- Act as Home/Primary Authority and implement Service Level Agreements where appropriate;
- Participate and maintain the Food Standards Agency National Food Hygiene Rating System to publish the hygiene ratings for those food businesses within the Borough;
- Comment on proposed food legislation codes of practice and other official documents as necessary and as requested.
- Issue Health Certificates;
- Monitor the shellfish beds within the Borough;
- Operate imported food controls;
- Promote food safety through education and promotional events;
- Notify the Food Standards Agency of any serious local food problem;
- Provide input to various licensing processes on food safety matters;
- Maintain an internal Quality System relating to food safety matters.

Demands on the Service

3.2 There are a total of 835 registered food premises in the Borough for which the Service has enforcement responsibility. These businesses can be divided into the following classifications:

FSA food business type	Total
Caring establishments	58
Distributors	17
Hotel / guest house	9
Importer	1
Manufacturers / processors	17
Mobile food unit	36
Packers	9
Producer	21
Pub / club	125
Restaurant / café / canteen	136
Restaurant / caterer other	52
Retail other	43
School / college	121
Slaughterhouses (seasonal)	2
Small retailers	112
Supermarket / hypermarket	15
Take away	61
TOTAL	835

3.3 The current food safety risk rating profile of the above food businesses is as follows:

Food safety risk rating	Total
Category A	4
Category B	73
Category C	435
Category D	132
Category E	189
Category F	2
TOTAL	835

Enforcement policy

3.4 A Corporate Enforcement Policy was agreed by Council in October 2009. The aim of this Policy is to promote consistency across the Council and it provides the principles of the Council's approaches to enforcement. The Community Services Enforcement Policy, also agreed by Council in October 2009, is positioned below the Corporate Policy and contains more service specific information relating to legislation, approach etc. Both Policies are published on the Council's website and include aspects of the Food Standards Agency Service Plan requirement, which is implemented by the Plan. Accordingly, all recipients of letters and notices relating to food safety issues are advised of the Enforcement Policy.

Food premises inspections and interventions

- 3.5 Programmed inspections and interventions of premises will be carried out in accordance with:
 - The minimum inspection frequencies and requirements detailed in the Food Standards Agency Food Law Code of Practice (June 2008);
 - The Council and Community Services Enforcement Policies.
- 3.6 The revised Code of Practice, published June 2008, introduced the term "broadly compliant". This term originates from NPI 184 and is based on the specific risk ratings given for compliance using the new statutory Code of Practice. It shows how well a food business operator is complying with food safety standards at the time of the inspection. The Code of Practice also allows authorities some limited flexibility in dealing with businesses' compliance with food safety legislation, so as to try to achieve an improvement in the number of businesses which are "broadly compliant".

Inspection and Intervention Programme

3.7 The proposed Inspection and Intervention Programme for 2012/2013 is as follows:

Premises Risk Category	No. of Premises at 01/04/12	No. of outstanding inspections at 01/04/12	No. of interventions due 01/04/12- 31/03/13	Estimated no. of revisits 01/04/12- 31/03/13
А	4	1	3	3
В	73	7	54	10
С	435	108	207	22
D	132	74	38	7
E	189	112	29	7
F	2	2	0	1
Total	835	304	331	50
Non-rated	38	-	-	-

3.8 The Service Work Programme for 2012/13 also includes the following:

General

- Develop an Annual Service Plan, which reflects FSA strategic themes and continuing aims;
- Ensure the food safety premises database is an accurate reflection of the premises in the West Lancashire area;
- Maintain a Quality Management System for the Service as part of the Council's Environmental Health Service Quality System;
- Further develop service information on the Council's website.

Training

- Undertake annual training needs analysis. Ensure adequate resources are available to meet training needs;
- Maintain competency of all Officers involved in food safety enforcement work;
- Implement food safety training programme;
- Undertake at least 8 accompanied interventions per year;

Food safety education/promotion

- Continue to provide the CIEH Level 2 Award in Food Safety in Catering Course;
- Continue to make available a full range of food safety leaflets;
- Provide at least one seminar for local businesses, annually;
- Participate in at least one food safety campaign, annually during National Food safety Week.

Communication with stakeholders

- Establish greater consultation with both businesses and the wider public;
- Distribute at least one Commercial Safety Newsletter to businesses, annually.

Imported food controls

3.9 The Service also enforces the legislation relating to imported foods. Documented procedures are in place for the enforcement of the legislation relating to imported Products of Animal Origin (POAO) and imported Food Not of Animal Origin (FNOA).

This includes the following legislation:

- Food Safety Act 1990
- European Communities Act 1972;
- The General Food Regulations 2004;
- The Official Feed and Food Controls (England) Regulations 2006 (as amended);
- Products of Animal Origin (Third Country Imports) (England) Regulations 2006 (as amended);
- Products of Animal Origin (Import and Export) Regulations 1996 as amended;
- EU Regulation 882/2004, 178/2002 and 852/2004;
- Contaminants in Food (England) Regulations 2007;
- The organic products (Imports from Third countries) Regulations 2003;
- The Food Hygiene (England) Regulations 2006 (as amended).

Visits to new premises / non programmed inspections

3.10 A time allowance will be included in the Plan for the initial intervention of new premises. Once such premises have been inspected and risk rated using the risk rating system, they will be included in the overall general intervention/intervention programme.

Revisits to check compliance

3.11 Revisits are undertaken if a further visit is needed to assess compliance with an enforcement notice or if contraventions found during an intervention are of such a risk that enforcement action may be required before the next programmed intervention.

Food and food premises complaints

- 3.12 Food complaints (for example where the food contains a foreign body, is contaminated or is not cooked properly) are investigated in line with procedures laid down in the Environmental Health Quality System. Action is determined by the nature of the complaint and the potential threat posed to public health.
- 3.13 Similarly, complaints about food hygiene practices or the condition of food premises are also investigated according to the potential to cause harm. Follow up action may be immediate or delayed to the next programmed inspection provided the time period is not excessive.
- 3.14 Based on previous data, the Service receives approximately 25 food complaints and 60 complaints about food premises each year. Whilst the Service aims to give a first response to all such complaints within 3 working days, the length of time taken to resolve a complaint can vary considerably.

EC Approved Premises

3.15 Regulation EC 853/2004 requires wholesale businesses that handle, store or produce products of animal origin to be approved by the Local Authority and be issued with an EC approval number. With the exception of catering butchers, responsibility for the approval and inspection of such premises rests with the Local Authority. The list of approved premises is published on the FSA website. The EC Commission annually arranges audits of selected approved premises in member states of the EC to ensure that the controls are being applied and implemented by local authorities to a satisfactory standard. There are 7 premises currently approved and are listed below:

Fishery Products	3
Meat Products	2
Dairy Products	2
TOTAL	

Primary Authority Scheme and Home Authority Principle

3.16 The Service subscribes to the current LGR Home Authority Principle (HAP). At present, the Service has not been approached by, nor is aware of, any local company who wish to enter into a formal agreement within the remit of the HAP. However, the Service does take on the role of "Originating" Authority for several businesses that operate on a regional and/or national basis and gives advice on

food safety matters. Accordingly, much of the input from the Service is generated by requests for service from other enforcement authorities. Based on previous data, the Service receives approximately 4 originating authority referrals and 4 enquiries each year.

- 3.17 The Primary Authority Scheme (PAS) has been in operation since 2009, when the Regulatory Enforcement and Sanctions Act 2008, came into force. This scheme ensures a consistent approach between local authorities and companies having a number of outlets throughout the country.
- 3.18 The operation of the PAS is the statutory responsibility of the LBRO whose role is to register partnerships, issue guidance and resolve disputes. The PAS enables companies to form a statutory partnership with a single Local Authority, which then provides robust and reliable advice for other Local Authorities to take account of when carrying out inspections or dealing with non-compliance.
- 3.19 Accordingly, Local Authorities are required to contact the relevant Primary Authority for a company covered by the PAS before taking any enforcement action.

Advice to businesses

3.20 The Service is committed to providing advice to any business within the Borough or to members of the public. Based on previous data, it is anticipated that approximately 50 such requests will be dealt with verbally and 30 requests will result in a visit and written response each year. The response time required by performance indicators is 10 days.

Food sampling

- 3.21 The food and drink supplied, produced and sold within the Borough is sampled to assess its safety and quality. The Service carries out this responsibility in accordance with a planned sampling programme and where necessary, in response to food complaints/investigations. The Service also participates in regional, national and European sampling programmes. Further details can be found in the Food Sampling Policy for 2012/2013.
- 3.22 Samples are analysed by the HPA Food, Water and Environmental Microbiology Network (Preston Laboratory) for microbiological content and the Public Analyst Laboratory in Preston for chemical and/or other content.
- 3.23 Additional sampling is required for the cockle and mussel production beds, which are located in the Ribble to the North of the Borough. Routine microbiological and algal toxin samples are taken and monitored through the Centre for Environment and Aquamarine Culture and Science (CEFAS). The beds are officially classified according to the quality and safety standards for potential harvesting. The national classification Scheme ensures shellfish used for food is fit for human consumption.
- 3.24 There are a small number of private water supplies monitored by the Service. These are routinely sampled and any complaints are investigated. The Service is working to ensure it complies with the Private Water Supplies Regulations 2009, which requires full compliance by 2015.

Control and investigation of outbreak and incidents of food related infectious disease

3.25 This work is undertaken by the Service and involves contact with Consultants in Health Protection, Director of Public Health and Control of Infection Teams. Investigations and outbreak controls are undertaken in line with agreed written procedures and documentation between these organisations.

Food safety incidents and requests

3.26 The Service will comply with the Food Standards Agency Code of Practice in relation to the handling of food alerts. Accordingly, documented procedures are in place as part of the Environmental Health Quality system. The number of notifications has increased since the commencement of the FSA, and based on previous data, that the Service will respond to approximately 70 such alerts each year.

Liaison with other organisations

- 3.27 In order to implement the Plan, the Service works closely with a number of other agencies and organisations to ensure a consistent approach to enforcement action. Accordingly, the Service will disseminate information to other regulators where there is a wider regulatory interest. These organisations include:
 - Food Standards Agency (FSA);
 - Local Government Regulation (LGR);
 - Local Better Regulation Office (LBRO);
 - Cumbria and Lancashire Health Protection Agency (HPA);
 - NHS Central Lancashire;
 - HPA Food, Water and Environmental Microbiology Network (based at Preston laboratory);
 - Environmental Health Lancashire (EHL);
 - Lancashire Food Officers Group;
 - Lancashire County Analyst;
 - United Utilities Plc;
 - Lancashire County Council Trading Standards;
 - Other Local Authorities to ensure a comprehensive and consistent approach to food law enforcement.

Food safety promotion

- 3.28 The Service recognises the importance of food safety promotional work to improve hygiene standards. The Health Promotion Unit provides this function and routinely engages in the following activities:
 - Food Safety Week;
 - CIEH Level 2 Award in Food Safety in Catering Courses;
 - CIEH Level 2 Award in Healthier Food and Special Diets Courses;
 - Specific seminars / initiatives as appropriate;
 - Promotion of the FSA's Safer Food Better Business Scheme.

National Food Hygiene Rating System

3.29 The Council introduced the Food Hygiene Rating Scheme, based on the FSA's national model, on 1st June 2011. A rating of 0 to 5 is published on the FSA website for each registered food premises to which the public would normally have access. The rating for each premise is based on the risk rating that Council Officers have determined on the most recent food hygiene inspection. The Scheme aims to help consumers make informed choices about where to eat or buy food by allowing them to easily compare one business with another within their own area or more widely. The Scheme also aims to benefit businesses by providing an incentive for them to improve standards and do better than their competitors - i.e. a good food hygiene rating will be good for business, whilst a poor food hygiene rating may make their customers decide to purchase food elsewhere.

4.0 Resources

Financial allocation

4.1 The total cost of the Service is £142,830 comprising of the following:

Staff and associated costs	£127,390
Equipment, materials, sampling etc.	£15,440

Staffing allocation

- 4.2 The resources allocated within the Section for food safety matters equate to 3.0 FTE. This is comprised of the following:
 - Commercial, Safety and Licensing Manager (0.2 FTE);
 - Senior Environmental Health Officers (1.75 FTE);
 - Environmental Health Assistants (1.05 FTE).
- 4.3 In accordance with the Council's business plan, the Major Service Review (MSR) process is ongoing. The staffing of the Section was reduced in October 2009, which has resulted in a reduced level of service for the key areas of work of the Service, including food hygiene inspections.
- 4.4 Further savings in 2012/13 yielded by the MSR process have resulted in the deletion of the Commercial Safety Manager post and amalgamating these responsibilities with the existing Public Protection and Licensing Manager post to create a new post of Commercial, Safety and Licensing Manager. The result is that less management time can be spent on food safety matters. Furthermore, the accreditation of the Environmental Health Service Quality System has been discontinued, but the documented procedures for all work activities remain and are being updated.

Staff development plan

- 4.5 The Service, in accordance with the Food Standards Agency Food Law Code of Practice (published June 2008), is committed to providing each member of the Food Safety Service with a minimum of 10 hours ongoing/updating training each year. Records of training needs and competency levels are kept as part of the Environmental Health Service Quality System. Attendance on appropriate training courses is undertaken is complemented by in-house training on specific developments during meetings or workshops.
- 4.6 The qualifications, experience and training of staff is sufficient to ensure that the Authority has the expertise to ensure competent inspection of the premises and processes in the Borough. Staff development is primarily assessed through the Employee Development Appraisal Interview, which is undertaken annually. The Service also participates in the EHL Food Safety Annual Training Programme. The qualifications, experience and training of staff is sufficient to ensure that the Authority has the expertise to ensure competent inspection of the premises and processes in our area.

5.0 Quality assessment

- 5.1 It is our policy to undertake all functions of the Service in accordance with the procedures laid down in the Environmental Health Service Quality System.
- 5.2 The Service is an active member of EHL and the Food Officers Group (FOG) area and is committed to developing FOG's liaison, training, peer review, inter-authority auditing, benchmarking and consistency processes. Through FOG, the Authority participates in inter-authority auditing of the Food Safety Services in Lancashire against the Standard laid down by the FSA.

6.0 Review

Review against the Service Plan 2011/2012

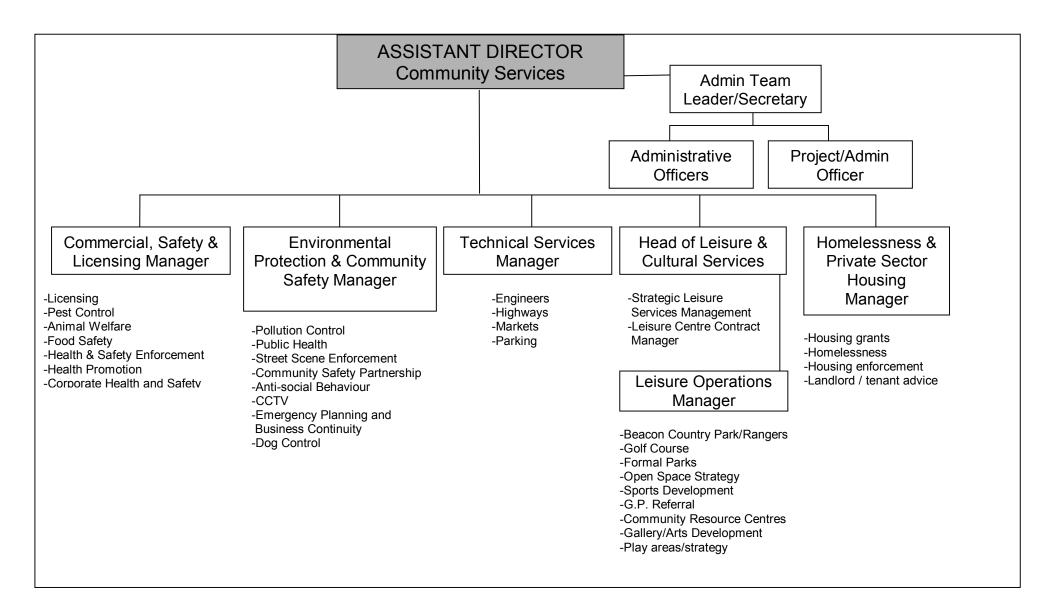
- 6.1 Performance was monitored in the following way:
 - Monthly performance figures for the Food Safety Premises Inspection Programme;
 - Submission of performance figures against target figures to elected members on a quarterly basis;
 - Performance was subject to Audit Commission scrutiny and data provided to the Food Standards Agency on an annual basis;
 - Performance was reviewed at regular Team meetings;
 - An inspection rate of 77% was achieved for premises in the 2011/2012 Inspection Programme, against a target of 90%. However, 35 inspections were carried out of those food premises due for inspection during previous Service Plans.
 - 37 new businesses were inspected during 2011/12 that were not part of the inspection programme.
- 6.2 The level of achievement reflects the pro-rata absence of a part time Environmental Health Officer post due to maternity leave for the majority of 2011/2012.
- 6.3 The premises that have not received a routine inspection during 2011/12 are mainly low risk (category D to F). However, a number of category C premises inspections are also outstanding. The method to address this backlog of inspections is detailed below.

Areas for improvement in 2012/2013

- The target inspection rate for the 2012/2013 Inspection Programme is 90% for all high risk premises (category A to C). Lower risk premises (category D to F) will receive an alternative intervention.
- To address the back log of inspections, an alternative enforcement strategy will be implemented to ensure targeted interventions in accordance with FSA guidance as follows:
 - Greater use of non-conformance reports issued to food business operators at the time of inspection. This will remove the need to compile and issue a formal letter following the inspection.
 - Category C premises will receive a partial inspection focusing on temperature control, cross contamination and training. A full inspection will only be carried out where Officers find evidence of an additional risk to food safety.
 - Category D, E and F premises will receive a written intervention to:
 - (i) confirm the food business operator contact details
 - (ii) provide a source of food safety advice and information
 - (iii) to ascertain that there have been no material changes in the food business that would impact on the risk rating allocated to that business (where a potential risk to food safety is evident, a more targeted intervention will take place).
- The target response rate to food safety requests within 3 working days is 95% for 2012/2013;
- To further develop the M3PP software system used for the recording, programming and monitoring of food safety premises and the Food Safety Premises Inspection Programme;
- To continue and maintain the FSA Local Authority Enforcement Monitoring System (LAEMS);

- To develop a methodology for addressing key issues at those premises which do not achieve the level of being 'broadly compliant' so that that this level of compliance can be achieved. Thereby, increasing the percentage of food businesses which are 'broadly compliant';
- To produce at least one Commercial Safety Newsletter for businesses that will include information on important food safety enforcement issues;
- Further develop and implement, in partnership with the Lancashire County Council Trading Standards Service, the Recipe 4 Health Award Scheme;
- To continue and maintain the National Food Hygiene Rating Scheme for food businesses in the area in accordance with the FSA brand standard for the scheme.

Appendix 1: Structure of Community Services



Appendix 2: Useful contacts

Further information on West Lancashire Borough Council's Food Safety Service can be obtained from:

West Lancashire Borough Council, Food safety Service, Robert Hodge Centre, Stanley Way, Skelmersdale, Lancashire WN8 8EE

Telephone:	01695 577177
Fax:	01695 585126
Email:	envhealth.admin@westlancs.gov.uk
Webpage:	www.westlancs.gov.uk

Opening Hours: 08.45 – 17.00 (Monday-Thursday) 08.45 – 16.45 (Friday)

Out of Hours: Emergency Service is available by contacting 01695 577177.

The 'out of hours' emergency service is available 24 hours a day, 7 days a week. An appropriate Officer from the Environmental Health Service can be contacted through this number in an emergency e.g. food poisoning outbreak.