

Midlothian Food Safety Enforcement Service Plan Review 2013-2014

1. Introduction

- 1.1 The Framework Agreement on Official Feed and Food Controls by Local Authorities between local authorities issued by the Food Standards Agency requires food authorities to report on the performance of their food enforcement service each year.
- 1.2 This review reports on the activity of the Environmental Health food service against the Food Service plan for the period 1 April 2013 to 31 March 2014.
- 1.3 The end of the 2013-14 plan saw changes continuing for enforcement services generally.

The Scottish Government agreed in June 2012 to create a new Scottish body for food safety, food standards, nutrition, and food labelling and meat inspection. The body will be a separate organisation to the UK Food Standards Agency. This follows the recommendations of the Scudamore review, which was commissioned by the Scottish Government as a result of the UK Government's 2010 decision to move responsibility for nutrition and food labelling in England from the Food Standards Agency to the Department of Health and the Department of Environment, Food and Rural Affairs.

A bill to establish the new food body was introduced to the Scottish Parliament in January 2014 and is now proceeding through the committee process. It is anticipated the new body will be formed later in 2014 and start operating in April 2015.

Local authority food enforcement services work closely with the Food Standards Agency Scotland mainly through the Scottish Food Enforcement Liaison Committee (SFELC). SFELC will enable local authorities to contribute to development of the new national food safety and standards body.

- 1.4 The Food Standards Agency carried out no audits of the Midlothian Council food service during the 2013-14 plan.
- 1.5 The service was deprived of one member of staff until the 3rd quarter of the year. We were unable to find a temporary replacement and this had a significant effect on our sampling programme.
- 1.6 The service was entered into a Partnership project with East Lothian Council in November 2013 as part of an arrangement to manage the Environmental Health and Trading Standards functions across both authorities. Responsibility for the management of the Food services for Midlothian and East Lothian Councils was taken on by Midlothian staff. (A reciprocal arrangement existing for Trading Standards).
- 1.7 The service contributes to the Community Safety and Economic growth outcomes of the Midlothian Single Plan by providing its food related public protection functions to each of the residents of Midlothian **for less than one penny per day***. For this amount residents and food businesses gett;
 - The inspection of food premises for hygiene and standards purposes and the regulation of those businesses to make sure they produce safe food
 - The investigation of requests for service relating to food safety matters,
 - The investigation and control of cases of food related disease,
 - The sampling of food to check that it was safe to eat and appropriately labelled

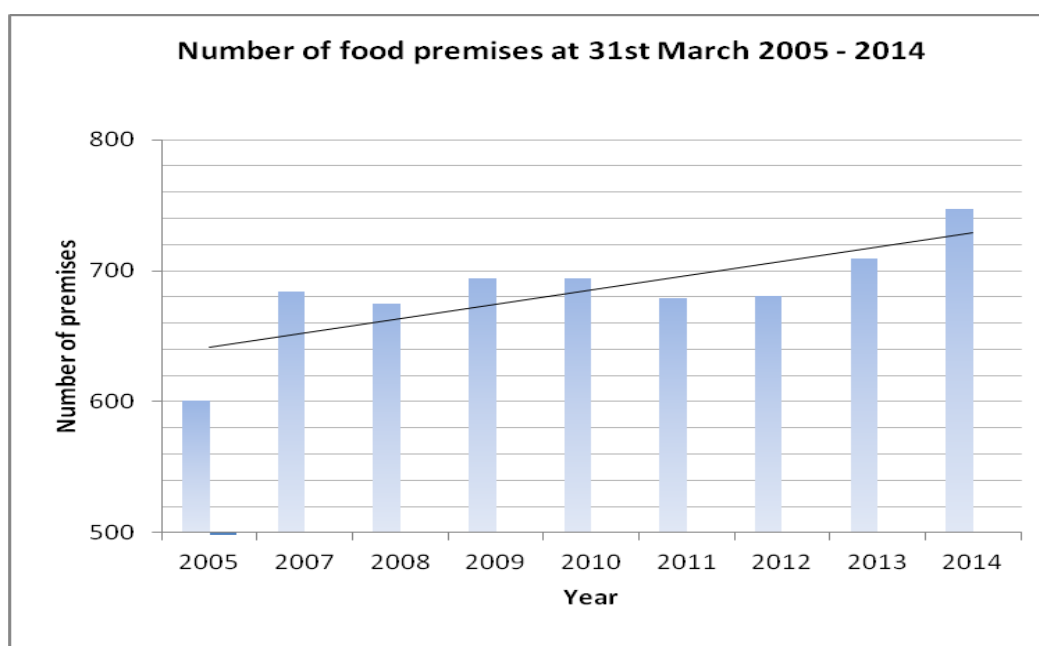
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- Checking and advising on food premises related planning applications and building warrants.

* 82000 people for £171267 = £2.09 pa or 0.57pence/day

- 1.8 For businesses the service offers advice and guidance on compliance with the law at the start up stages and within reason, on an on-demand basis. This contributes to the Midlothian Single Plan Economic Growth outcome. For many small businesses the Environmental Health Food team are their only source of assistance in understanding and interpreting food law and producing food safely. New businesses are routinely referred by the food team to Midlothian Business Gateway for help with business plans.
- 2.0 Premises profile
- 2.1 **As of 31 March 2014 there were 747 operating food premises in Midlothian** – a 5% increase on the previous year (Figure 1). Overall the trend shows a very gradual rise in the number of premises.

Figure1



An analysis of the change in premises types between April 2007 and April 2014 (see Table 1) suggests that for most sectors, typically thought of as being food businesses, there have been quite significant changes over this time. Broadly almost all sectors have experienced a decline in number although there may be limited evidence of some recovery this year. Childminding and home based food businesses appear the areas which have seen considerable expansion, although the numbers involved are still low.

Midlothian Food Safety Enforcement Service Plan Review 2013-2014**Table 1****Change in % of food premises between April 07 and April 14**

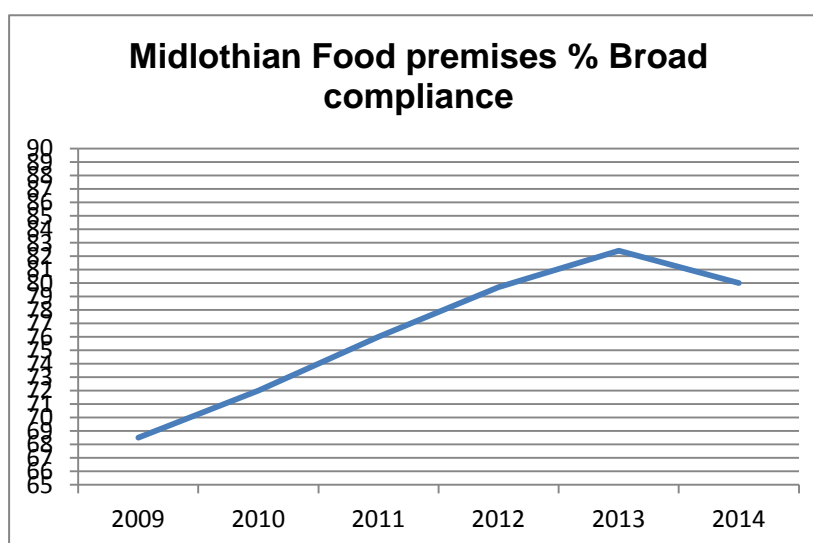
Type of premises	April 07	April 13	April 14	% change in numbers
Bakehouses	9	6	5	-44%
Bed and Breakfast	12	7	7	-42%
Butcher – Manufacturing	9	6	5	-33%
Café	42	24	31	-44%
Care Home - Nursing/Residential	35	25	35	0%
Caterer	26	12	15	-42%
Childcare services, Playgroup, Nursery - private and LA	66	78	58	-12%
Childminders	12	37	30	+150%
Educational Establishment kitchen	54	35	37	-32%
Home Caterer/Domestic Premises based	4	26	30	+650%
Hotel/Guest House	15	16	18	+20%
Licensed Club	40	36	37	-1%
Mobile Shop - Caterer/food retail	58	51	52	-10%
Public House - Full Catering	24	18	19	-21%
Public House – Snacks	32	23	23	-28%
Restaurant	39	33	32	-18%
Retail – Baker	14	10	11	-21%
Retail – Butcher	2	2	3	+50%
Retail – Food	56	47	49	-12.5%
Retail - Newsagent, Confectionery	19	12	16	-16%
Supermarket	14	12	13	-7%
Take-Away food	71	57	65	-8.5%

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3. Premises Inspection

- 3.1 During the year **the Service carried out 589 inspections of food premises** for hygiene and standards.
- 3.2 The proportion of premises which were rated as broadly compliant with the food **hygiene** law following inspection has decreased by just under 2% to just over 80% (Figure 2). This is slightly less than the target in the service plan for 2013-14 and reflects, in part, the increased national emphasis put on scrutiny of compliance with cross contamination and hygiene controls.

Figure 2



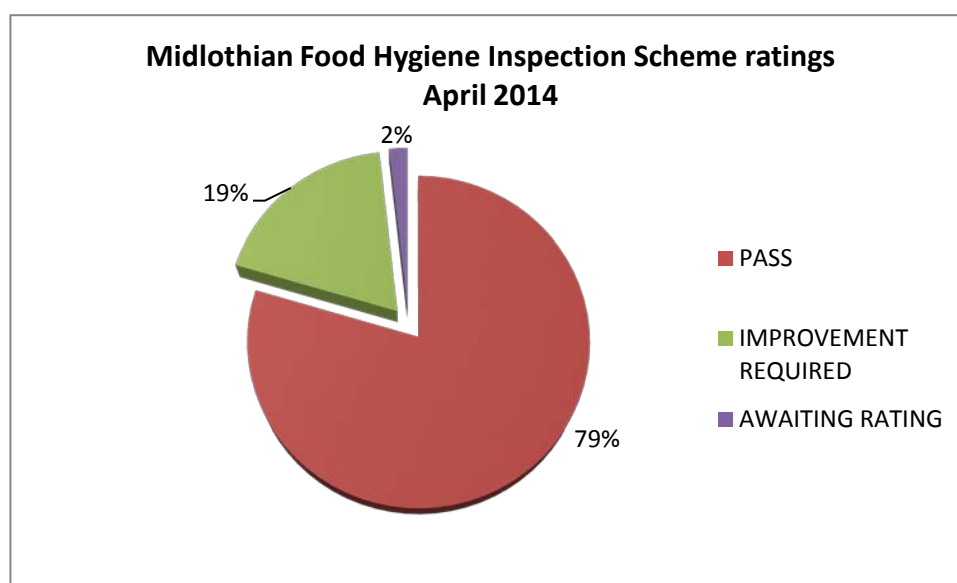
- 3.4. **The Food Hygiene Information Scheme (FHIS)** was introduced by Midlothian Council during October 2010. It allows consumers to see the assessment made of the business when it was last inspected by the food service. Businesses may display a certificate at the premises and consumers can check the rating for any premises covered by the scheme on the Food Standards Agency website at <http://www.food.gov.uk/scotland/>



As of April 2014 there were 31 local authorities operating the scheme in Scotland reporting on the assessment of over 32,000 food premises. Similar schemes operate in the rest of the UK. The Welsh assembly has introduced legislation which makes display of rating certificates compulsory. The 2013 survey of Midlothian premises indicated that only 72% of food businesses awarded PASS certificates were displaying them. The FHIS is now part of the Midlothian Food and Drink award scheme and directory in that only businesses with a PASS status will be allowed into the award scheme. The ratings for Midlothian food premises at the end of March 2014 are illustrated in Figure 3.

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Figure 3



4.0 Food Sampling

4.1 A total of 144 samples of food were taken for examination or analysis during the service plan. This was far fewer samples than planned because of the lack of staff. A breakdown of the sample results is given in Table 8.

4.2 84 **Compositional samples** were taken to check the make up of food e.g. how much eat there was in a meat pie, the nature and amounts of colouring or additives used, presence of mould toxins or other contaminants, evidence of irradiation or evidence of substitution. Techniques involving DNA extraction now allow the public analyst to identify species of meat sold in meat products. The reasons for the unsatisfactory results are shown below. On receipt of unsatisfactory results, visits are made or letters are sent to the business concerned to inform them of the breach, the Public Analyst's comments and our advice in order to ensure that appropriate remedial action is taken.

As shown in Table 2 no major compositional contraventions were found during the sampling plan.

Table 2

Results of Compositional sampling			
Total No. Samples	No. Satisfactory	No. Unsatisfactory	
84	79	5	Reason
		3	Herbs and spices – due to evidence of irradiation and hydrocarbon
		1	Honey product showing evidence of having exceeded its shelf life
		1	Raw poultry – Minor labelling infringements

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- 4.3 60 Microbiological samples** (Table 3) were taken to look for the presence of potential food poisoning bacteria and to assess the hygiene of businesses producing foods. The principles applied within a food safety management system are meant to design out harmful microbial contamination or multiplication of same in food premises. Food sampling provides a method of checking that a management system is working.

Table3

Total No. Samples	60
No. Satisfactory	55
No. Unsatisfactory	5

Sampling is directed at ready to eat foodstuffs which previous experience suggests are most likely to give rise to harm. This year's 5 unsatisfactory results were all cases where the presence of "indicator" bacteria were detected. These are bacteria whose presence indicates poor handling practices, poor personal hygiene practices, and temperature control abuse and so on. Unsatisfactory results are always followed up by visit or letter to the business concerned to inform them of the matter and to ensure appropriate corrective action is taken. Follow up samples are also often taken. As reported above all failures were for "indicator organisms" and none of the samples taken by us during the year have failed due to the presence of food poisoning organisms.

5.0 Reactive work

- 5.1 The service received and responded to 395 service requests during the year of which 335 related to food safety matters. These food matters are summarised in Table 4

Table 4: Food related service requests 2013-14

Type of request	Number of requests
alcohol Food certificate s50	7
Alleged food poisoning	10
Drainage	1
Flooding	1
Food Alert	2
food complaint other	16
Food labelling/composition	3
Food premises registration	14
foreign body contamination	15
Freedom of Info Request	22
General Odours	1
Infectious Diseases	1
Late hours catering licence	1
Markets	1
Marriage Solemnisation	11
Pest activity/infestation	3
Planning consultation	54
Poor food premises hygiene/practices	24
Public Entertainments Licence	24
Rats	1
Request for food law/hygiene advice	52

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Septic tanks	1
Skin piercing licence	3
street trader food certificate s39	25
Street Traders Licence	23
Temporary Market Operators Licence	5
Use by/Best before concerns	5
Waste storage arrangements	8
Grand Total	335

6.0 Enforcement Activity

- 6.1. The nature and **levels of enforcement activity** remains similar to the previous year and is summarised in table 5 . No reports to the Procurator Fiscal were made. The service has relied on being able to secure compliance through legal notices, written warnings and robust advice.

However, in order to try and maximise compliance amongst those businesses in the 20 % which remain non-compliant, an adjustment to the enforcement policy may be required to allow for a zero tolerance approach in certain cases.

Table 5

Enforcement Activity	Number each year							
	06-07	07-08	08-09	09-10	10-11	11-12	12-13	13-14
Remedial Action Notices	0	0	0	0	0	0	2	3
Hygiene Improvement Notices	9	14	39	46	32	27	14	13
Emergency Hygiene Prohibition Notices	0	0	0	0	0	0	0	0
Voluntary Closures	2	0	0	0	0	1	0	0
Written Warnings re hygiene or standards contraventions	Data not available		221	194	229	394	338	382
Reports to the Procurator Fiscal	1	0	0	0	0	0	0	0
Food Seizures	0	0	0	1	0	0	1	0

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7.0 Customer feedback

- 7.1. A further **customer satisfaction survey** (see format Appendix) sent to 100 food premises inspected during the 2013-2014 plan produced a 38% return - somewhat down on previous surveys and therefore difficult to draw firm conclusions from – other than perhaps survey fatigue. The results are summarised in Table 6 below.

Table 6

Survey question results	08-10	10-11	11-12	12-13	13-14
Agreed reason for inspection explained	93%	93%	98%	97%	97%
Received sufficient advice or information	95.6%	95.6%	100%	95%	97%
Overall impression of inspection good or excellent	90%	93.4%	95%	90%	92%
Written communications good or excellent	83%	90.9%	90.9%	72%	89%
Not enough time to rectify contraventions	18%	21.7%	20.5%	18%	21%
Have you heard of the Food Hygiene Information Scheme (FHIS)? From 2012-13 only	87%				79%
Do you display your FHIS Pass certificate or sticker? From 2012-13 only	72% said yes				58% said yes

The results are broadly similar to previous surveys and appear to show that respondents in the business community regulated by the Food Service are generally satisfied with the way in which regulation is being carried out. Although a significant proportion of businesses say they are aware of the Food Hygiene Information Scheme only over half appear to display their rating for customers to see.

8. Summary of Performance against service objectives for 2013-2014
Table 7

Objective		Performance	
1	Improve the % of premises which are broadly compliant for Food Hygiene from 80% to 84%	There was no change to broad compliance which remained at 80%	
2	Improve the % of premises which are broadly compliant for Food Standards to 74%	Although broad compliance increased slightly (an increase of 0.6% to 66.8%) did not meet objective	
3	Complete planned % of Food Hygiene Inspections - 331 inspections after adjustment for in plan closure of premises (target time means no later than 28 days from the date of scheduled inspection)	High “A” risk	100%
		High “B” risk	100% - 87% within target time
		Medium “C” and “D” low risk	92% - 59% within target time

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4	Complete planned % of Food Standards inspections – 35 inspections	High “A” risk	100%												
		Medium”B” risk	94%												
		Low “C” risk	None planned												
5	Carry out alternative intervention at low risk food premises (% of planned)	Food hygiene	94%												
		Food standards	90%												
6	Complete planned % of feeding stuffs inspections	Not undertaken due to lack of staff in trading standards													
7	Complete planned sampling programme	34 % of the planned programme was achieved (below target)													
8	Complete sampling from approved premises														
9	Complete contributions to planned sampling surveys (national and locally organised)														
10	Investigate 100% of complaints and requests for service made to the service within 5 working days	81% within target time													
<u>Food related illness</u> 35 sporadic cases were notified and investigated – similar in numbers to the previous year. Levels of food related illness appear to have remained at or below about 5 per 10,000 population over the last 6 years <div><p style="text-align: center;">Infectious disease notifications 2013-14</p><table><thead><tr><th>Pathogen</th><th>Notifications</th></tr></thead><tbody><tr><td>Salmonella</td><td>13</td></tr><tr><td>Cryptosporidium</td><td>9</td></tr><tr><td>Giardia</td><td>8</td></tr><tr><td>E.coli</td><td>4</td></tr><tr><td>Shigella</td><td>1</td></tr></tbody></table></div>				Pathogen	Notifications	Salmonella	13	Cryptosporidium	9	Giardia	8	E.coli	4	Shigella	1
Pathogen	Notifications														
Salmonella	13														
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Shigella	1														
11	Ensure all authorised officer receive a minimum of 10 hours food related competency training	Objective achieved													

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Table 8

Food Samples submitted April 2013- March 2014		Analysis type		
Category of food	Food description	For composition	For microbiology	Total
Bakery Products and Cereal	BREAD BATON	1		1
	BREAD ROLL		1	1
	CEREAL SNACK BAR PEANUT BAR		1	1
	CEREAL SNACK BAR TROPICAL FRUIT		1	1
	CHEESE KNOT		1	1
	CIABATTA ROLL		1	1
	CRUSTY ROLL		1	1
	GRANARY ROLL		1	1
	MORNING ROLL		1	1
	PLAIN SCONE		1	1
	SEDED ROLL		1	1
	SUPER NOODLES	1		1
	WHITE PLAIT ROLL		1	1
Total		2	11	13
Cakes and Confectionary	CHERRY & COCONUT SCONE		1	1
	TREACLE SCONE		1	1
Total			2	2
Dairy Products	BRESSE BLEU 245G		1	1
	CAMEMBERT NOSTALGIE (UNPAST COWS MILK CHEESE)		1	1
	CHEDDAR CHEESE		2	2
	FRENCH BRIE, DELI COUNTER, 194G		1	1
	HANSI GEWURTZTRAMINER (UNPAST COWS MILK CHEESE)		1	1
	RAW WHOLE MILK	2	4	6
	SCOTTISH ORGANIC FRESH PASTEURISED 1 LTR	1	1	2
	SCOTTISH ORGANIC FRESH PASTEURISED 2LTR		1	1
	SCOTTISH ORGANIC FRESH PASTEURISED SEMI SKIMMED 1 LTR	1	1	2
	SCOTTISH ORGANIC FRESH PASTEURISED SEMI SKIMMED 2LTR		1	1
	SOMERSET BRIE		1	1
Total		4	15	19
Drinks	DRINK - SUMMER FRUIT FLAVOUR	1		1
	SMOOTH ORANGE JUICE	1		1
	VODKA	1		1
Total		3		3
Eggs and Egg Products	EGGS ORGANIC	1		1
Fish and Shellfish	12 COD FISH FINGERS	1		1
	ATLANTIC COD LOIN 100G	1		1
	FRIED COD FILLET	1		1

Appendix B

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	FRIED HADDOCK FILLET	1		1
	SCOTTISH CAUGHT SKINLESS HADDOCK BLOCK	1		1
	SKINLESS & BONELESS HADDOCK FILLET	1		1
	SMOKED HADDOCK FISHCAKES	1		1
Total		7		7
Fruit and Vegetables	CONFERENCE PEARS	1		1
	DRIED PEAS	1		1
	SWEETENED BANANA CHIPS	1		1
Total		3		3
Herbs and Spices	BLACK PPEPPER 40G (X3)	1		1
	CRUSHED CHILLIES	1		1
	DRIED BASIL	1		1
	GRINDER HOT CHILLI & GARLIC	1		1
	GRINDER, BLACK PEPPER	1		1
	GROUND SAIGON CINNAMON	2		2
	SUMAC	1		1
Total		8		8
Ice Cream and Desserts	MCFLURRY (FESTIVE MINT)		1	1
	SOFT SERVE ICE CREAM		2	2
	SOFT SERVE ICE CREAM CONE		1	1
Total			4	4
Materials and Articles in Contact with Food	MELAMINE COOKWARE	1		1
	MELAMINE FOOD TRAY, M50 (NESSIE)	1		1
	POTATO MASHER (WITH NYLON HEAD)	1		1
	SLOTTED TURNER (WITH NYLON HEAD)	1		1
Total		4		4
Meat and Meat Products, Game and Poultry	PORK AND CHIVES DUMPLINGS	1		1
	PORK AND CORIANDER DUMPLINGS (SPANISH)	1		1
	BRUSSELS PATE		1	1
	CHICKEN BREASTS	1		1
	CHICKEN LIVER PATE		5	5
	CHICKEN TANDOORI BAGGETTE		1	1
	COOKED CHICKEN		1	1
	COOKED SLICED HAM		1	1
	CUMBERLAND PORK SAUSAGE	1		1
	DONER KEBAB	4		4
	DONER KEBAB MEAT	3		3
	DUMPLINGS	1		1
	HONEY ROAST AYRSHIRE HAM		2	2
	KEBAB	2		2
	KEBAB LAMB BEEF CHICKEN AND CHICKEN MSM	1		1
	MILD LAMB AND CHICKEN DONER KEBAB	2		2
	MINCED BEEF	1		1
	PEPERONI PIZZA	2	1	3
	PORK LIVER	1		1
	ROAST BEEF		1	1
	ROAST CHICKEN SLICED, 164G,		1	1

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	DELI COUNTER			
	SCOTCH BEEF LORNE SAUSAGE	1		1
	SCOTTISH HONEY ROAST HAM, 212G, DELI COUNTER		1	1
	SPICY BBQ CHICKEN PIZZA		1	1
	TRADITIONAL HAGGIS 225G	1	1	2
	TRADITIONAL HAGGIS	1		1
	TRADITIONAL SLICED HAGGIS	1	1	2
	WHITE PUDDING	1	1	2
Total		26	19	45
Nuts and Nut Products, Snacks	JALFREZI MIX	2	1	3
	SEA SALT & CIDER VINEGAR CRISPS 150G	1		1
	SEA SALT & MALT VINEGAR CRISPS 120G	1		1
	SPICY CHICK PEAS	2	1	3
Total		6	2	8
Others	BLOSSOM HONEY	5		5
	CLEANING CLOTH		2	2
	HONEY	1		1
Total		6	2	8
Prepared Dishes	CHICKEN CURRY		1	1
	CUMBERLAND SAUSAGE RING	1		1
	FESTIVE BURGER	1		1
	HAGGIS PIZZA	1	1	2
	LARGE FRIES	1		1
	LARGE PORTION CHIPS	3		3
	LUNCHTIME MEAL AIMED AT SCHOOL CHILDREN	5		5
	MARGHERITA	1	1	2
	TRIPPLE CHEESE PIZZA	1	1	2
Total		14	4	18
Soups, Broths and Sauces	KETCHUP		1	1
Grand Total		84	60	144

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Appendix

INSPECTIONS OR VISITS TO YOUR PREMISES

1. When a Food Safety Inspector last called at your premises:-
 - a) What do you think the reason for the inspection was?

 - b) Did the Officer clearly explain the reason for the visit? ☐Yes ☐No
2. How would you describe the Officer's manner? - *tick all of the boxes that apply*
☐Professional ☐Courteous ☐Helpful ☐All right ☐Unhelpful
☐Surly ☐Hostile
3.
 - a) In your opinion was the time spent at your premises:
☐too long ☐too short ☐about right
 - b) Do you feel the Officer you gave sufficient information or advice during the visit? ☐Yes ☐No
 - c) What was your opinion of any information or advice given to you?
☐Poor ☐Fair ☐Good ☐Excellent
 - d) What was your overall impression of the inspection/visit
☐Poor ☐Fair ☐Good ☐Excellent
4. How often do you think your premises needs to be inspected by us? Every -
☐6 months ☐Year ☐2 Years ☐3 Years ☐Never

AFTER THE INSPECTION

1. Did you receive any written requirements or advice? ☐Yes ☐No
(a Record of Inspection, a Report or a Notice)
2. Was this information easy to read and understand? ☐Yes ☐No
3. Was a clear distinction made between what were contraventions of the law and what were recommendations of good practice? ☐Yes ☐No
4. Do you think you were given enough time to comply with the legal requirements? ☐Yes ☐No
5. Was the timescale for compliance with the legal requirements agreed with you? ☐Yes ☐No
6. What was your overall impression of the letter/Report you received?
☐Poor ☐Fair ☐Good ☐Excellent
7. Have you heard of the Food Hygiene information Scheme (FHIS)? ☐Yes ☐No
8. Do you display your FHIS PASS certificate or sticker? ☐Yes ☐No