

Midlothian Business Regulation 2021 -2022

Midlothian Food Law Enforcement

Review of Food Service plan 2021-2022

Food Standards Scotland require each local Food Authority to produce a periodic review of the authority's annual plan showing how it met the duty of the Authority to regulate and enforce food law in its area. The coronavirus pandemic caused the cessation of almost all routine on-site food inspection work from March 2020 onwards. This review covers the period from April 2021 to end of March 2022. During that period a plan to restart inspections work from October 2021 was presented to Council. However, the Omicron coronavirus variant and a further spike in COVID 19 cases in later 2021 significantly hampered the ability of the service to carry out inspection work.

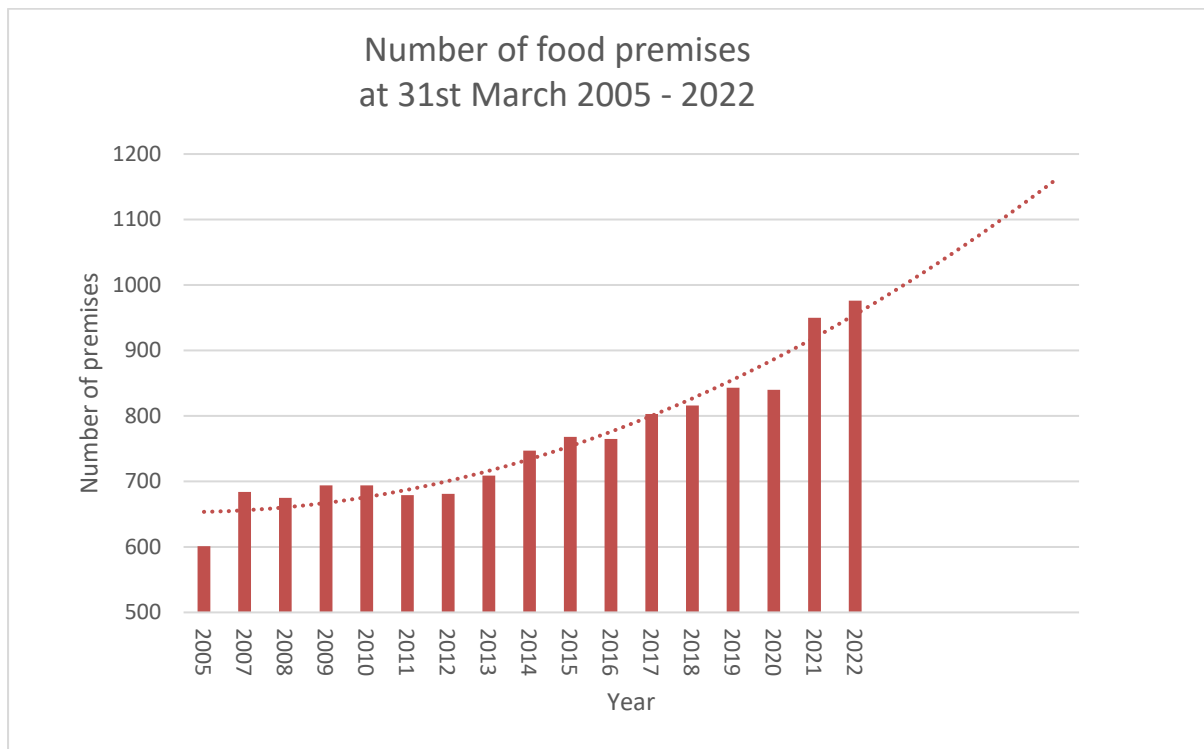
1.0 Introduction

- 1.1 The role of the food service is to ensure that food businesses protect the public of Midlothian from harm that might arise from food; be it food borne infection, lack of labelling of allergens, fraud or contamination. We do this by the regular inspection of businesses, taking samples of food, through providing advice and by investigating complaints and concerns. We have enforcement powers to compel compliance with the law and to report offenders to the Procurator Fiscal. The customer base for our inspection, sampling and other regulatory activity is all of the food businesses operating in Midlothian.
- 1.2 The Framework Agreement on Official Feed and Food Controls by Local Authorities, issued by Food Standards Agency, requires food authorities to report on the performance of their food enforcement service each year.
- 1.3 This review reports on the activity of the Environmental Health Food Enforcement Service during the financial year 2021-22 and against the Food Service plan for the period 1 October 2021 to 31 March 2022. Due to pandemic demands on the service and infection control restrictions no food inspection plan was drawn up to start April 21.
- 1.4 During the plan staff numbers were affected by the loss of a part time Environmental Health Officer (EHO) and the recruitment of a full time one on a temporary basis. Staffing remains a challenge for the Service which is currently 25% under strength. The availability of qualified EHOs is currently an issue for all local authorities in Scotland.
- 1.5 Food Service staff continued to provide support to the Covid 19 testing site and testing kit distribution, to the operation of the Council mortuary and worked closely with NHS Lothian Health Protection Team regards coronavirus outbreaks in identified premises.
- 1.6 A student undergraduate joined the establishment and has been progressing through their professional practice with a view to obtaining their degree and subsequently achieving their professional qualification in September 2023.

Midlothian Business Regulation 2021 -2022**2.0 Food Business profile****2.1 As of 31 March 2022 there were 1015 registered food businesses in Midlothian.**

The number of food businesses in Midlothian continues to grow slowly at about 3% a year. (Figure 1) New or changed business registrations continued throughout the pandemic. Of note is that for the last 3 years 26% of the growth in food business numbers has come from domestic based operations – mostly small scale baking or confectionery making.

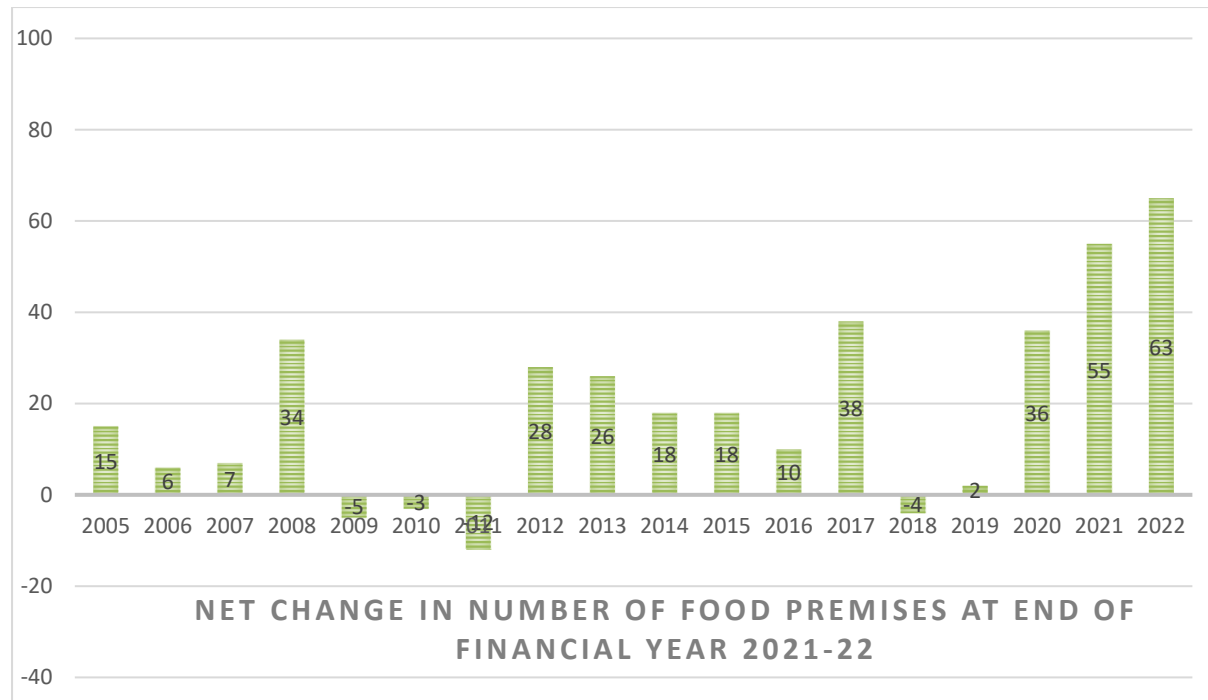
Figure 1



The effect of the pandemic on food business viability was unclear at the end of March 2022. Although food business operators are required to notify the authority when they cease trading few do. Information about changes in ownership is gathered from new registrations of existing premises when they change hands or when officers visit. Figure 2 shows the net change in food businesses over recent years.

Figure 2

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3.0 Performance against service plan objectives

Objective 1: Complete programmed Food Law inspections

- 3.1 During the financial year **the Service carried out inspections at 108 food businesses to assess compliance with food law (hygiene and food standards).**
- 3.2 A new inspection programme was introduced to start in October 2021 and run for 6 months. However, the development of the Omicron variant of the coronavirus and the increase in COVID 19 numbers delayed and reduced inspection work.
- In particular locations with populations more vulnerable to Covid 19 infection such as care homes and nurseries were postponed. Overall the Service accomplished 39% of the planned programme. (Table 1)

Objective 2: Approved premises intervention

- 3.3 Approved food manufacturing premises had contact during the pandemic but no on-site inspections of existing businesses were carried out. However, it was possible to complete the Approval of a new premises manufacturing meals for nursery school children.

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Table 1

Planned Food Safety Inspections		
Premises Risk Rating	Number of planned inspections	Number achieved
High risk (Annex 5 rated A and B premises. FLRS rated Group E and D premises)	86	38 (44.2%)
Medium risk (Annex 5 rated C premises. FLRS rated Group C premises)	80	18 (22.5%)
Low risk (Annex 5 rated D premises. FLRS rated Group A and B premises)	49	19 (38.8%)
New unrated premises	49	25 (51%)
Total	276	108 (39%)

Objectives 3 and 4: Complete sampling from manufacturing premises in Midlothian and National Sampling plans

- 3.4 During the financial year 106 official control samples were taken of which 76 were planned. The food sampling objectives for the October 21 to March 22 were substantially achieved. Details of the samples taken are given in Table 4.
- 3.5 About 18% of the samples taken have been reported as failing to comply with all requirements; some examples are shown below.

Labelling/compositional contraventions	
Dried meat and sausage	Product labels on a variety of products from the same Midlothian manufacture were missing allergen information, meat content, nutritional information of cooking instructions
Pasteurised milk	Insufficient fat in a sampled bottle of whole milk from Midlothian bottler
Chicken pakora and falafel	Labels on products from Midlothian manufacturer missing required nutritional information
Gin	2 products from manufacturer not properly labelled with alcohol content or a durability date
Physical contamination	

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Metal contamination of pasta meal and prepared sandwiches	Problem traced to damaged tin opener cutting blade which was tearing metal from the tin lids as it cut. The opener was replaced and a survey of other openers carried out by the food business operator to remove others which might also be damaged
Hard object in Blueberry and honey porridge oat bar	Object was identified as a stone probably introduced with cereal ingredients
Shelf stable orange juice with "growth"	Growth identified as fungal mat. A consequence of the seal on the container failing and drawing in fungal spores. Only a minute hole is required to admit air. Damage of this nature to the packing is usually very difficult to detect until the product is opened
Mouldy potato in tin of vegetable soup	Item was discovered to be piece of carrot which was likely mouldy before the tin was cooked by the manufacturer
Microbiological contamination	
Chicken and ham fried rice meal complainant alleges had made them ill	Food sampled grew an unsatisfactory level of enterobacteria which are an indication of poor storage conditions post cooking.

Objective 5 Commence investigation of 100% of food safety related requests for service within target working days

- 3.6 The Service received and responded to 508 service requests and complaints during the year of which 355 (70%) related to food safety matters. (Table 2)

The Service was able to respond to 72% of food service requests within target time.

In an average year, based on data from the last 10 years, the team receive approximately 430 service requests. However, officer numbers have been reduced and consequently the work is spread across fewer staff. This has also had an impact on programmed food inspection work. Early indications following the resumption of planned inspections are that standards in food premises have reduced requiring increased levels of intervention by officers to get the businesses back into a state of compliance.

The Service provided significant assistance to the Council catering service in relation to matters concerning allergen control and labelling. An investigation into contamination of school meals required significant resource.

Midlothian Business Regulation 2021 -2022**Table 2: Service requests dealt with by Food Service 2021-22**

Nature of service request	Number
Alcohol Food certificate s50	5
Alleged food poisoning	27
ASB noise general	1
Building Standards Consultation	1
Caravan/Camping Sites	7
Contact from other LA about our premises	5
Contact tracing	8
Covid19	87
Employee workplace complaint	4
Engineers inspection defects report	3
Export certification	33
Food Alert for info PRIN AA	1
Food business registration	5
Food complaint other	24
Foreign body contamination	15
Freedom of Info Request	9
General Odours	2
Health and safety advice	24
Infectious Diseases	1
Labelling/composition	5
Late hours catering licence	4
Litter complaints	5
Miscellaneous Animals / Rodents	1
Pests present/infestation	3
Planning consultation	3
Poor hygiene/practices	19
Public complaint about workplace	3
Public enquiry	1
Public Entertainments Licence	25
Request for food law advice	65
Safety Advisory Group	50
Skin piercing licence	16
Street trader food certificate s39	13
Street Traders Licence	1
Temporary Market Operators Licence	6
Use by/best before	5
Waste storage arrangements	21
(blank)	
Grand Total	508

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3.7 The team were significantly engaged in additional activities including Covid 19 related work which accounted for 18% of requests. In 2021-22 Covid 19 requests made up 57% of all reactive activity. In addition the service also investigated 21 report of accidents in workplaces. One incident required a report to the Procurator Fiscal.

There has been an increase in workload associated with the Safety Advisory Group (SAG). This multidisciplinary group considers applications from organisers wishing to hold events in Midlothian.

Objective 6: Ensure all Authorised Officers receive a minimum of 10 hours food related competency training

3.8 The ongoing impact of the coronavirus pandemic restricted availability for training. One officer completed official training to become competent to authorise food export certificates.

4.0 Food Law Enforcement Activity

4.1 The nature and **levels of food law enforcement activity** required is summarised in Table 3.

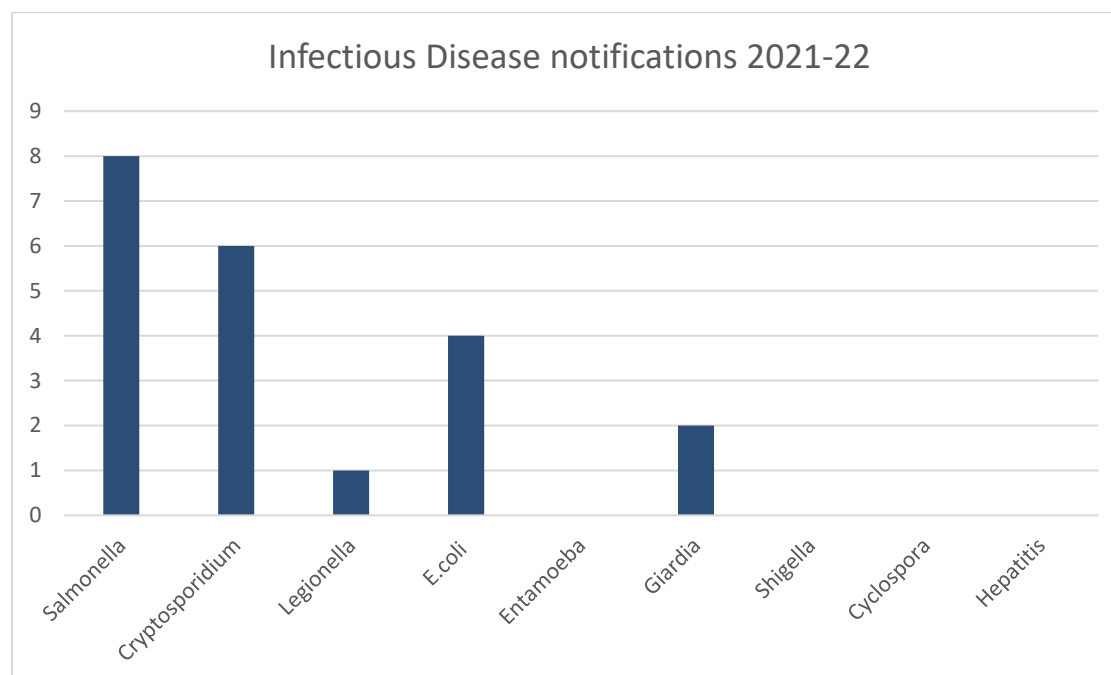
Table 3: Enforcement and regulatory actions

Enforcement activity	Year										21-22
	11-12	12-13	13-14	14-15	15-16	16-17	17-18	18-19	19-20	20-21	
Remedial Action Notices	NA	2	3	0	1	0	5	2	2	1	2
Food detention Notices	0	0	0	0	0	0	1	0	0	0	0
Hygiene Improvement Notices	27	14	13	16	6	5	15	12	1	2	5
Hygiene Emergency Prohibition Notices	0	0	0	0	0	0	0	0	0	0	0
Voluntary Closures	1	0	0	1	0	1	0	0	0	0	0
Written Warnings re hygiene or standards contraventions	394	338	382	236	276	202	295	243	109	1	50
Reports to the Procurator Fiscal	0	0	0	0	0	1	0	1	0	0	0
Food surrenders or seizures	0	1	0	0	3	1	1	0	0	0	1

5.0 Food related illness

- 5.1 Twenty cases of food related illness were notified and investigated, shown in figure 3. There were no identified food related outbreaks. Levels of notified food related illness appear to have been depressed during the pandemic. Levels have generally remained at or below about 5 per 10,000 population over the last 9 years. (Excluding Campylobacter infection which is not routinely notified to Midlothian EH).

Figure 3



- 5.2 A non-food related infection investigation was carried out into a case of legionella. Comprehensive environmental sampling was carried out at the case address with examination performed by the public analyst. The causative organism was traced to potting compost and compost in a potted plant. As a consequence of the investigation the NHS Lothian updated its information concerning risks from potting compost and the analyst developed their techniques for examination of environmental soil and water samples.
- 5.3 A non-food related infection investigation was carried out into a case of Psittacosis – a disease associated with birds. The infection was likely to have been acquired at the patient's work as the individual often entered roof spaces and other area frequented by wild birds. However, the inside of a premises used by the business for storage was found to be contaminated with pigeon droppings and it is also possible that the infection was contracted at the business premises. Improvements to safety practices were subsequently required.
- 6.0 The **Food Hygiene Information Scheme (FHIS)** continues to operation across Scotland. This allows consumers to see the outcome of the assessment made of any

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business in the scheme when it was last inspected by the Environmental Health food service. A similar 5 star system operates in other parts of the UK. Businesses can choose to 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/>. Display of ratings certificates is only compulsory in Northern Ireland and Wales. An inadvertent side effect of the scheme may be that it has seen some driving up of standards. For example, businesses are finding that a FHIS status of either “awaiting rating” or “PASS” is required for participation in on-line ordering platforms such as “Just Eat”.

Generally a FHIS PASS certificate is a requirement for food vendors attending events in Midlothian which require a public entertainment licence.

The ratings for 681 relevant Midlothian food premises at the end of March 2022 are illustrated in Figure 3.

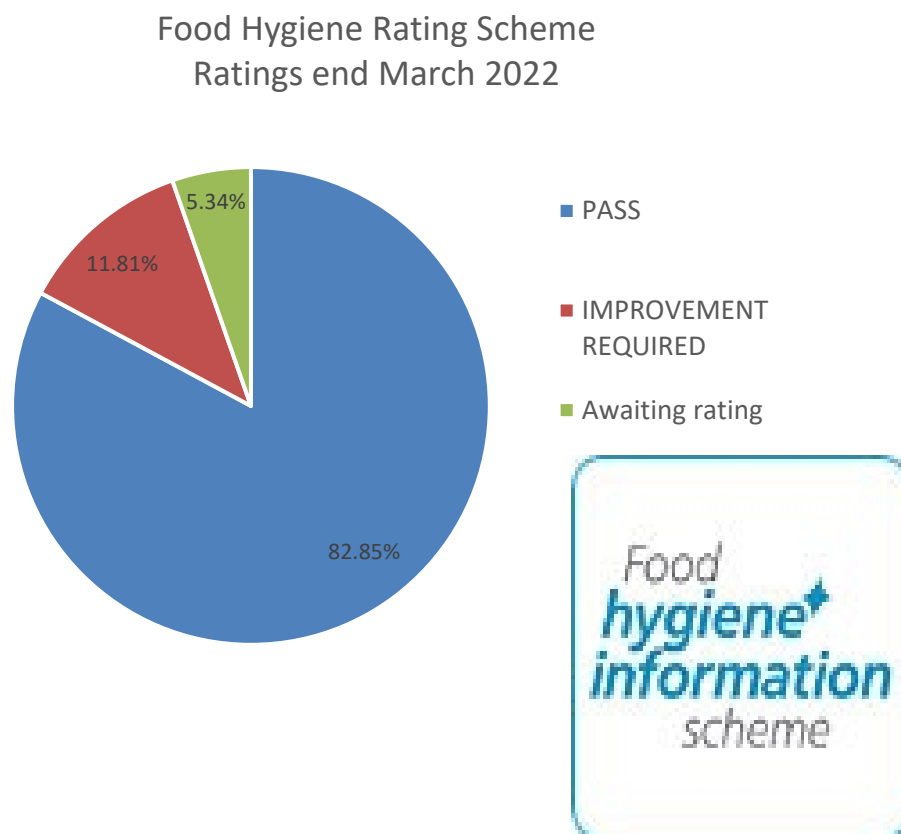


Table 4: Details of food samples taken 2020-21

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(not all results were available at the time of this report)

Count of Analysis type		Analysis type		
Category	Food description	Composition	Microbiology	Grand Total
Additives	ORGANIC RICE, ENZYMES & MICROBES		1	1
Additives Total				1
Bakery Products and Cereal	BERRY GRANOLA CEREAL	1	0	1
	BLUEBERRY AND HONEY PORRIDGE OAT BAR	1	0	1
	CHOCOLATE CHIP OAT BISCUIT BREAKS	1	0	1
	PORRIDGE ROLLED OATS	1	0	1
Bakery Products and Cereal Total		4		4
Dairy Products	COMTE	1	1	2
	COWS CREAM	2	2	4
	COWS MILK	1	3	4
	COWS MILK - SEMI SKIMMED	1	0	1
	DOUBLE CREAM	1	1	2
	MORBIER		1	1
	PASTEURISED SEMI SKIMMED MILK	1	0	1
	PASTEURISED WHOLE MILK	2	0	2
	RACLETTE		1	1
	SEMI SKIMMED MILK		2	2
	SEMI SKIMMED PASTEURISED MILK	2	0	2
	SINGLE CREAM	1	1	2
	SKIMMED		1	1
	SKIMMED MILK	3	1	4
	WHOLE MILK		2	2
Dairy Products Total		15	16	31
Drinks	LDN DRY GIN	1		1
	ORANGE JUICE SMOOTH FROM CONCENTRATE		1	1
	TARTAN JUICE GIN	1		1
Drinks Total		2	1	3
Eggs and Egg Products	EGGS		1	1
Eggs and Egg Products Total			1	1
Fruit and Vegetables	ALMOND DRINK WITH ADDED CALCIUM AND VITAMINS	1		1
	BLUEBERRIED FRESHLY FROZEN		1	1
	DRINKING COCONUT MILK	1		1
	OAT DRINK	1		1
	SPINACH		1	1
Fruit and Vegetables Total		3	2	5
Meat and Meat Products, Game and Poultry	4 RICH AND SAVOURY BLACK PUDDING SLICES	1		1
	BEEF AND PORK RAW SAUSAGES	1		1
	BEEF AND PORK SAUSAGES	1		1
	BEEF SAUSAGES	1		1
	BEEF SNACK MAP PACKED		1	1
	BLACK PUDDING	1		1

Appendix B

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	ECONOMY BURGERS	1		1
	GLUTEN FREE HAGGIS	1		1
	HAGGIS	4		4
	HAGGIS PUDDING	1		1
	LAMBS LIVER		1	1
	LEAN BEEF STEAK MINCE 5% FAT	1		1
	MAP PACKED BEEF SNACK	2		2
	MAP RTE BEEF SNACK	1		1
	MAP RTE BEEF SNACK	1		1
	MICROWAVABLE HAGGIS 130G	1		1
	RAW PIGEON BREAST		1	1
	RTE BEEF SNACK, MAP	1		1
	SCOTCH PIE	1		1
	SCOTCH PIES	1		1
	STEAK PIE	1		1
	STEAK PIES	1		1
	TRADITIONAL HAGGIS 454G	1		1
	TURKEY DINOSAURS	0	1	1
	VACPACKED BEEF SNACK	0	3	3
	VACPACKED BEEF SNACK	0	1	1
	VEGE HAGGIS	1		1
	VEGETARIAN HAGGIS	1		1
	WHITE PUDDING	1		1
Meat and Meat Products, Game and Poultry Total		27	8	35
Prepared Dishes	CHEESE SAVORY	0	1	1
	CHICKEN AND BACON	0	1	1
	CHICKEN AND HAM FRIED RICE	0	1	1
	CHICKEN PAKORA	1	1	2
	CHICKEN TIKKA		1	1
	CHICKEN W/TOMATO KORMA	1		1
	CHINESE CHICKEN		1	1
	CREAMY CHICKEN KORMA W/RICE	1	0	1
	FALAFEL	1	1	2
	HAGGIS PAKORA	1	1	2
	HAGGIS PIE	1	1	2
	HONEY CHILLI CHICKEN	0	1	1
	SANDWHICH	0	1	1
	VEGETABLE PAKORA	0	1	1
	VEGGIE QUICHE	1	1	2
Prepared Dishes Total		7	13	20
Soups, Broths and Sauces	TINNED SOUP		1	1
	Soups, Broths and Sauces Total		1	1
Grand Total		58	43	101