

## Midlothian Food Safety Enforcement Service Plan Review 2018-2019

### Midlothian Food Safety Enforcement Service

#### Plan Review 2018-2019



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#### **1. Introduction**

- 1.1 The Framework Agreement on Official Feed and Food Controls by Local Authorities, requires food authorities to report publically 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 their Food Service plan for the period 1 April 2018 to 31 March 2019.
- 1.3 There were no audits of the Food Service by Food Standards Scotland (FSS) during the 2018-19 plan. Due to the burden of preparations for leaving the EU the FSS audit team suspended work on audits.
- 1.4 The Environmental Health budget was reduced as a result of Midlothian Council Financial Strategy budget decisions. To achieve the savings required of the Service two posts were deleted from the Public Health Team and two posts effectively from the Food & Safety team as these were not recruited into. This 33% reduction in food and safety team personnel is equivalent to an effective reduction of food enforcement staff of about 1.5 FTE.

#### **2.0 Service Demands**

The work of the Food safety team can be categorised in a number of ways.

Our role 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, through providing advice and by investigating complaints and concerns. As the “food police” 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.

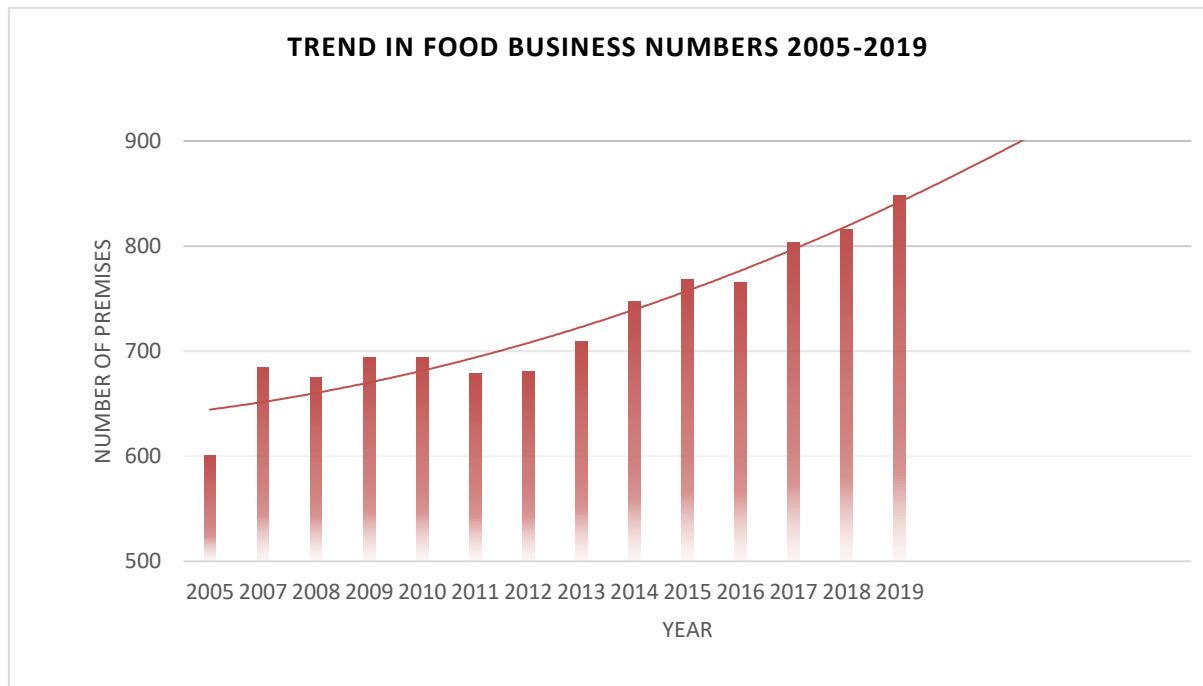
#### **Food Premises profile**

- 2.1 **As of 31 March 2019 there were 815 registered food businesses in Midlothian.**

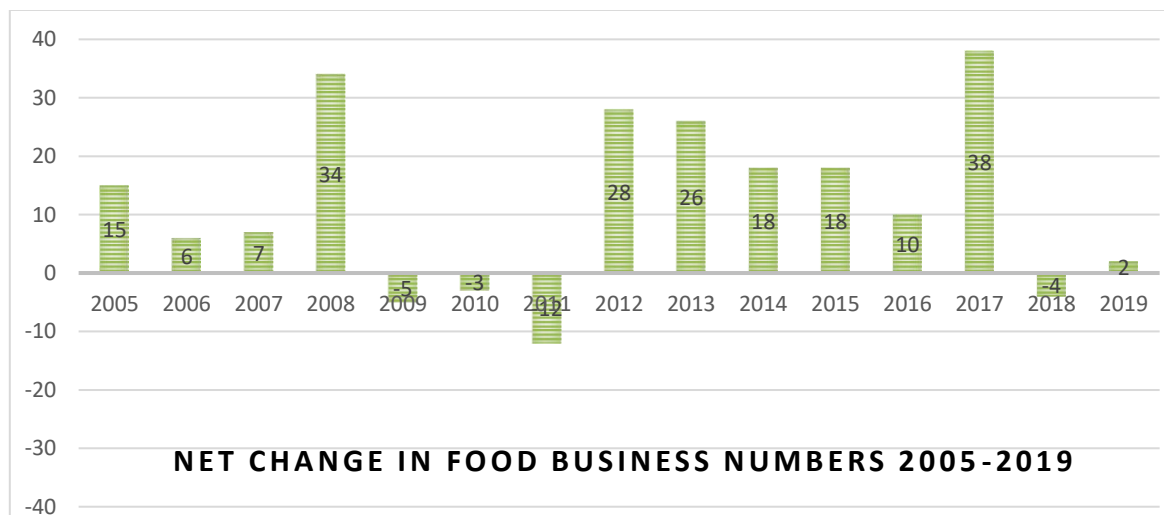
The number of food businesses in Midlothian continues to grow slowly at about 3% a year.

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The turnover of food businesses varies from year to year. There seems to be some evidence that the banking failures of 2008 had an impact on business start-ups, but generally, variation is probably due to other factors. Whilst the area now hosts six craft brewers and two small distillers, Midlothian has few remaining independent butchers or bakers. Cake decorating and other home based businesses have become popular but these have an average “life-span” of between two and three years.

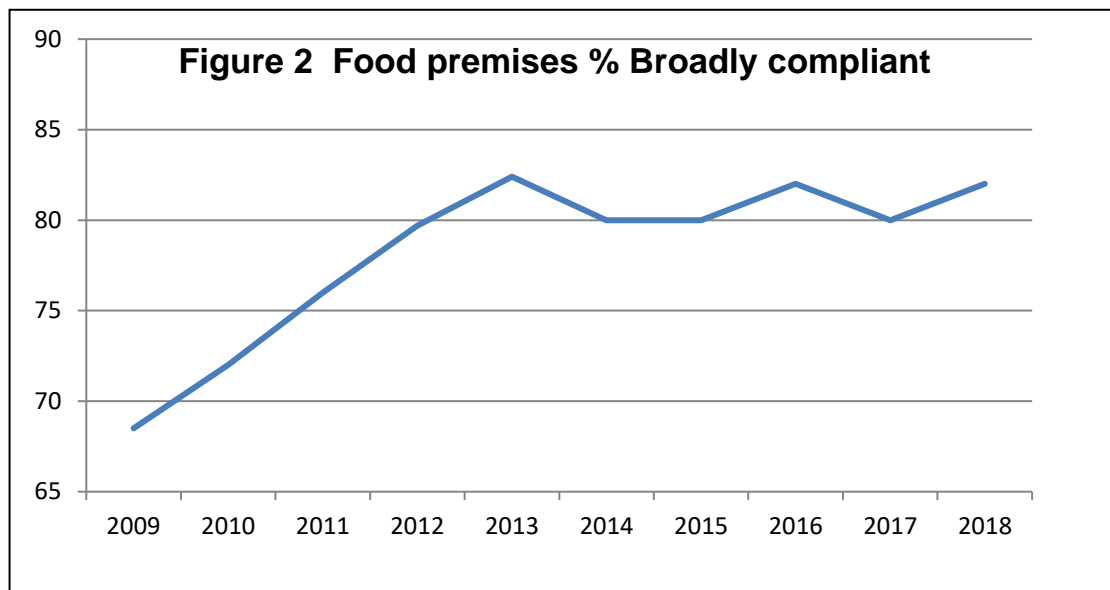


Takeway businesses are more durable, lasting on average 8 to 9 years, although about 25% fail in the first 2 years. Similarly about 33% of independent cafés fail in the first 2 years and the average life span is about 5 years.

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#### 3.0 Premises Inspection

- 3.1 During the year **the Service carried out 613 inspections at 385 food businesses to assess food hygiene and food standards.**
- 3.2 Broad compliance with food hygiene law measures the hygiene and structure of the premises and the confidence in the way in which the business is run. The level of compliance following inspection has remained at about the same level for the last 4 years, between 80 and 82% - that is eight out of ten food businesses are operating with sufficient levels of safely when they are inspected. (Figure 2).



Broad compliance can act as a rough measure of the effectiveness of enforcement staff in bringing about sustained improvements.

However, it appears to be difficult to get beyond the 20% of non-compliant businesses using measures available. There are various possible reasons for this. Some food businesses operate on the margins of profitability and so spend on the structure and facilities in a business will be minimal. Any improvement achieved following an inspection may “cancelled out” by the deterioration in different parts of the structure or facilities by the next inspection. Parts of the food sector are known to experience a high turnover of staff. Wages are low and hours are long. There are no predisposing requirements for training in food safety or to hold a licence. A person intending to operate a food business only has to register with the Council before opening. Often a new businesses opens up (or existing ones change hands) without sufficient knowledge of the food safety controls needed by the operator. A number of businesses do not become compliant until the food service has become involved with them. Businesses often close or change hands between inspection cycles meaning any regulatory gains are lost.

- 3.3 Apart from the routine inspection of businesses the food service tries to address this issue in a number of ways. We have advisory information on the Council website for new businesses. We scrutinise planning application and building warrant lists to try to pick up businesses prior to opening. We share some

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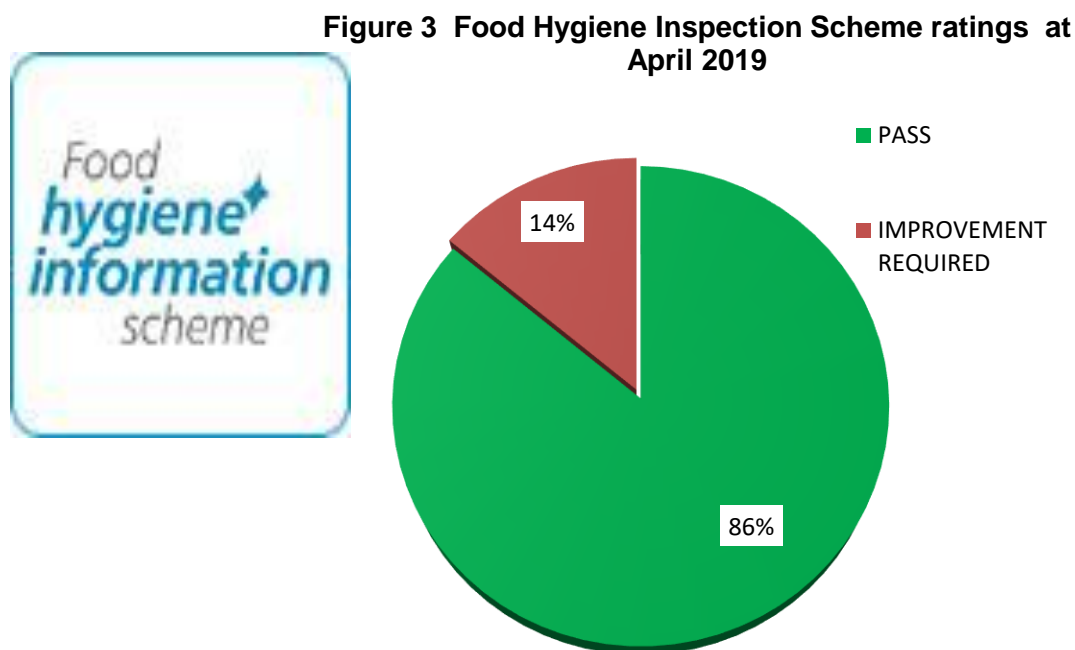
information with the business advisory unit. We also participate in the Food Hygiene Information Scheme.

- 3.4. **The Food Hygiene Information Scheme (FHIS)** allows consumers to see the outcome of the assessment made of a business in the scheme when it was last inspected by the 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 FHIS PASS certificate is an “entry requirement” for the Midlothian Food and Drink award scheme and is also used by organisers of events in Midlothian when seeking food vendors.

The ratings for Midlothian food premises at the end of March 2019 are illustrated in Figure 3.



### 4.0 Food Sampling



4.1 The Food service samples food from all of the major manufacturers in the area and a number of the businesses selling ready to eat “high risk” foodstuffs that have the potential to cause harm. We also sample food as part of local or national campaigns or where there have been complaints.

4.2 167 official control samples of food were taken for examination and/ or analysis during the service plan. A breakdown of the foods sampled for which results are available is given in Table 7.

4.3 About 18% of all samples taken proved to be unsatisfactory but not immediately unsafe. Unsatisfactory results are followed up with the Midlothian business concerned. Further samples may be taken to check that matters have been addressed. **64 samples** were examined to check for the presence of potential food poisoning bacteria and to assess the hygiene of businesses producing foods. Of the samples examined 12 samples from nine businesses were unsatisfactory.

The reasons for the unsatisfactory results are shown below in Table 1 and Table 2

**Table 1: Unsatisfactory microbiological samples**

What sampled	Reason
Oregano	Borderline levels of Clostridium perfringens in dried sample herb
Fudge coated fresh cream bun	Raised bacterial colony count – no pathogenic bacteria found but indicators of lack of cleanliness
Fresh cream pastry	Borderline levels of pathogenic bacteria
Unpasteurised cheese	Raised bacterial colony count – no pathogenic bacteria found but indicators of cleanliness
Pasteurised cheese	Raised enterobacteria levels but typical of this sort of cheese
Sandwiches x3 – egg mayo baguette, tuna mayo, coronation chicken	Raised bacterial colony count – no pathogenic bacteria found but indicators of cleanliness
Butter analogue	Significant mould growth
Chopping board , takeaway container and white towel from same premises	Various bacteria at raised levels indicative of lack of cleanliness
Tinned sweetcorn from opened container	Raised bacterial colony count and borderline levels of pathogenic bacteria found - all indicators of cleanliness

**Table 2: Unsatisfactory compositional samples**

Reason	
PEPPERONI PIZZA	Incorrect compositional details on the nutrition labelling to the product
MOROCCAN HAGGIS	Product development samples which failed on compositional controls for Clostridium botulinum growth. No product was available to the public
WILD BOAR HAGGIS	
VENISON HAGGIS	
Chocolate and chilli black pudding 227kg	
VEGETARIAN BURGER Customer complaint	A Piece of string found in the veggie burger had bits of meat in the string. The string probably come from a meat product.
TUNA MAYO SANDWICH	Undeclared allergen information
SCOTCH PIE	No “use by” date on label Misdescription of additives
STEAK PIE	
ECONOMY BEEF BURGERS	
HAGGIS PUDDING	Incorrect description of allergen on label
WHITE PUDDING	
RTE Coronation chicken sandwich	Salt content higher than National guidance for manufactures.
Irish Sea spaghetti Irish Purple laver Flaked Irish wakame seaweed.	Various labelling issues relating to seaweed; No ingredients list, no indication of storage conditions ,no instructions for use were given, the amounts of minerals declared incorrect
Beef Sausages	The labelling of this product indicated a meat content of 30%. This is the minimum permitted by the meat products regulations. Products found to contain 63% meat i.e. 2 times the minimum amount
Takeaway meal containing a beetle	Analysis indicates beetle was cooked suggesting it was incorporated into the meal during preparation



### 5.0 Reactive work

5.1 The Service received and responded to 575 service requests and complaints during the year of which 526 related to food safety matters. (Table 3)



The market for food supplements based on hemp extracts has increased considerably. Hemp can be cold pressed to produce an oil called CBD which has alleged health benefits. However, the oil can also contain traces of the psycho active substance THC – the active element in cannabis. Legally speaking hemp oils are classified as novel foods. None have authorisation to be on sale in the EU. A small quantity was seized by the food and safety team with assistance from the Police. Investigations are ongoing into a manufacturer of the substance based in Midlothian.

**Table 3: Service requests dealt with by Food Service 2018-19**

Type of request or area of work	Number requests
Accident - not reported	1
alcohol Food certificate s50	8
Alleged food poisoning	30
Building Standards Consultation	16
Caravan Sites	12
Contact from other LA about our premises	1
employee workplace complaint	5
Engineers inspection defects report	2
Export certification	32
Food Alert for ACTION	1
Food Alert for information	118
food complaint other	12
Food labelling/composition	6
Food premises registration	3
foreign body contamination	10
Freedom of Info Request	26
General Odours	1
Health and safety advice	14
Late hours catering licence	1
Pest activity/infestation	7
Planning consultation	39



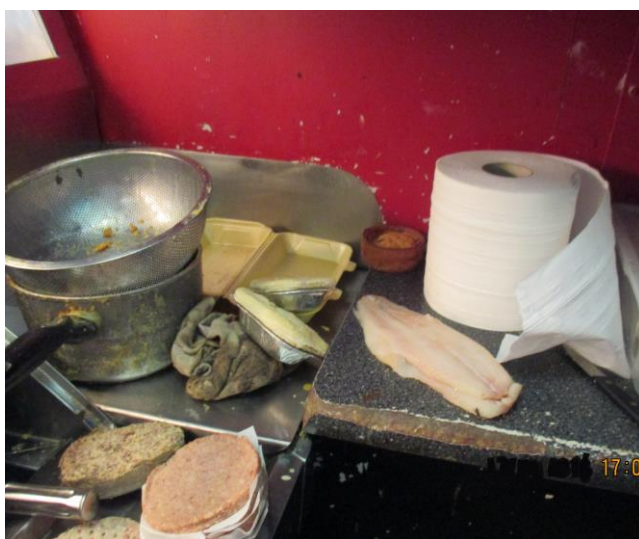
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Poor food premises hygiene/practices	43
public complaint about workplace	9
public enquiry	1
Public Entertainments Licence	58
Request for food law advice/new business	55
Skin piercing licence	15
Smoke/ fumes complaint	1
street trader food certificate s39	21
temp public entertainment licence	1
Temporary Market Operators Licence	3
Use by/Best before concerns	3
Waste storage arrangements	20
<b>Grand Total</b>	<b>575</b>

#### 6.0 Enforcement Activity

- 6.1 The nature and **levels of enforcement activity** required is summarised in Table 4.



The food business operator of this takeaway business was reported to the Procurator Fiscal for hygiene offences. Otherwise, the service has relied on being able to secure compliance through legal notices, written warnings and robust advice.

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**Table 4: Enforcement and regulatory actions**

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

**7. Summary of Performance against service objectives for 2018-2019**

Table 5: Summary of the performance of the food service against the objectives set for it in the 2018-2019 service plan.

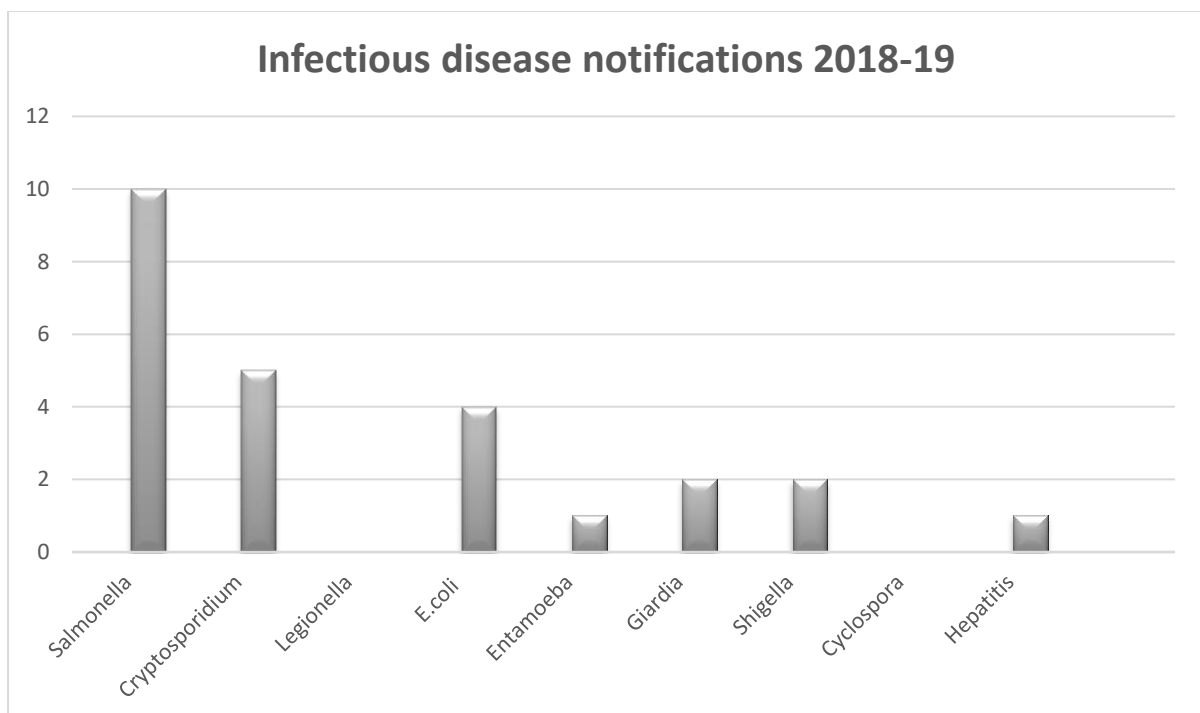
**Table 5**

Objective		Performance	
1	Improve the % of premises which are broadly compliant for Food Hygiene from 80% to 84%	Broad compliance at 82%	
2	Complete planned % of Food Hygiene Inspections / audits by end of plan	High "A" risk	100%
		High "B" risk	100%
		Medium "C" and "D" low risk	67%
3	Complete planned % of Food Standards inspections by end of plan	High "A" risk	100%
		Medium "B" risk	76%
4	Carry out alternative intervention at low risk food premises (% of planned)	Food hygiene "E" risk	32%
		Food standards "C" risk	44%
5 6 7	Complete sampling from approved premises Complete other targeted sampling Complete contributions to planned sampling surveys (national and locally organised)	81 % of the planned programme was achieved	
8	Investigate 100% of complaints and requests for service made to the service within target times	87 % within target time	

#### Food related illness



Twenty five cases affecting individuals were notified and investigated. There were no identified food related outbreaks. There was one outbreak due to Norovirus investigated at a wedding venue. Levels of notified food related illness appear to have 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)



- 9 All authorised officers attended a minimum of 10 hours food related competency training. Training included a mix of courses and seminars covering subjects such as, microbiology, modelling shelf life of foods, wild game, brewing, fraud involving fish and the new food safety risk rating scheme to be introduced in 2019.

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Food sampled		Analysis type		
		Composition	Microbiology	Total
<b>Bakery Products and Cereal</b>	BREAD	1		1
	PEARL BARLEY		1	1
Total		1	1	2
<b>Cakes and Confectionary</b>	COCOA AND VANILLA CREAM WHEELS	1		1
	FRESH CREAM BUN	1	1	2
	FUDGE FLAVOURED FRESH CREAM BUN	1	1	2
	PEAR DROPS		1	1
	SALTED CARAMEL CHOCOLATE BROWNIE -GLUTEN FREE		1	1
Total		3	4	7
<b>Dairy Products</b>	BUTTER		1	1
	CUSTARD	1		1
	MILK	1		1
	MOZZARELLA CHEESE	1		1
	PASTUERISED CHEESE		1	1
	RAW MILK	2	4	6
	SEMI SKIMMED 1LTR	1	1	2
	SEMI SKIMMED MILK 2LTR	1	1	2
	SIKIMMED MILK 2LTR	1		1
	SINGLE CREAM 100ML	1	1	2
	SKIMMED MILK 2LTR		1	1
	SKIMMED MILK 500ML	1	1	2
	TESCO INSTANT DRIED MILK POWDER 340G		1	1
	UNPASTUERISED CHEESE		1	1
	WHIPPED CREAM 100ML	1	1	2
	WHOLE MILK 1LTR	1	1	2
	WHOLE MILK 2LTR	1	1	2
Total		13	16	29
<b>Eggs and Egg Products</b>	LARGE CAGED EGGS		1	1
	Total		1	1
<b>Fish and Shellfish</b>	CHINESE FRESHWATER CRAYFISH IN DILL BRINE	1		1
	SALMON AND RICOTTA CHILLED RAVIOLI		1	1
	SALMON AND RICOTTA FROZEN RAVIOLI	1		1
Total		2	1	3
<b>Fruit and Vegetables</b>	MOROCCAN HAGGIS	1		1
	MOULDY ITEM SUSPECTED TO BE GREEN FRESH CHILLI		1	1
	PROCESSED CHICKPEAS AND ONION MIX	1		1
	PROCESSED SWEETCORN		1	1

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	PROCESSED VEGETABLES	1		1
	RTE LEAFY SALAD		1	1
	SWEETCORN		1	1
Total		3	4	7
Herbs and Spices	OREGANO		1	1
Total			1	1
Ice Cream and Desserts	DAIRY FREE LOLLIES	1		1
Total		1		1
Materials and Articles in Contact with Food	CLEANING CLOTH ABOVE VEGE STEAMERS		1	1
	DIRTY WATER FROM INTERIOR OF WET VAC CLEANER		1	1
	DOOR SEAL MODULINE OVEN 1		1	1
	DOOR SEAL MODULINE OVEN 2		1	1
	DOOR SEAL MODULINE OVEN 3		1	1
	DOOR SEAL MODULINE OVEN 4		1	1
	DRIP TRAY MODULINE OVENS 1 & 3		1	1
	DRIP TRAY MODULINE OVENS 2 & 4		1	1
	HAND WASH BASIN RAW AREA DRAIN PIPE		1	1
	OPEN DRAIN BELOW HAND WASH BASIN KITCHEN		1	1
	OVEN CONDENSATE DRAIN MODULINE OVEN 1		1	1
	OVEN CONDENSATE DRAIN MODULINE OVEN 2		1	1
	OVEN CONDENSATE DRAIN MODULINE OVEN 3		1	1
	OVEN CONTROLS SURFACES		1	1
	PROBE THERMOMETER WIRE OVEN 2		1	1
Total			15	15
Meat and Meat Products, Game and Poultry	BALMORAL CHICKEN CHILLED RAVIOLI	1	1	2
	BLACK PUDDING	1		1
	BLACK PUDDING, APPLE AND SULTANA CHILLED RAVIOLI		1	1
	BLACK PUDDING, APPLE AND SULTANA FROZEN RAVIOLI	1		1
	CHICKEN		1	1
	CHICKEN AND MUSHROOM CHILLED RAVIOLI		1	1
	CHICKEN AND MUSHROOM FROZEN RAVIOLI	1		1
	CHICKEN MARYLAND		1	1
	CHICKEN MAYO		1	1
	CHOCOLATE AND CHILLI BLACK PUDDING	1		1
	DUCK LEGS		1	1
	ECONOMY BEEF BURGERS	1		1
	FRESH HALAL CHICKEN		1	1
	FRESH STEAK MINCE	1		1
	GAMMON MEAT	1		1

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	GLUTEN FREE PORK SAUSAGES	1		1
	GLUTEN FREE SAUSAGES	1		1
	HAGGIS PUDDING	1		1
	HAGGIS, NEEPS AND TATTIES	1	1	2
	CHILLED RAVIOLI			
	PORK LOIN CHOP		1	1
	PROCESSED CHICKEN	1		1
	PROCESSED HAGGIS	1		1
	RTE CHICKEN STRIPS		1	1
	SAUSAGES	1		1
	SCOTCH PIE	1		1
	SMOKED BACK BACON	1		1
	STEAK PIE	1		1
	VENISON HAGGIS	1		1
	WHITE PUDDING	1		1
	WILD BOAR HAGGIS	1		1
Total		21	11	32
<b>Others</b>	BUTTERNUT SQUASH AND RICOTTA CHILLED RAVIOLI		1	1
	BUTTERNUT SQUASH AND RICOTTA FROZEN RAVIOLI	1		1
	FLAKED IRISH WAKAME SEAWEED	1	1	2
	GOAT'S CHEESE AND CRANBERRY CHILLED RAVIOLI		1	1
	GOAT'S CHEESE AND CRANBERRY FROZEN RAVIOI	1		1
	GOAT'S CHEESE AND RED PEPPERS CHILLED RAVIOLI		1	1
	GOAT'S CHEESE AND RED PEPPERS FROZEN RAVIOLI	1		1
	GREEN CHOPPING BOARD		1	1
	IRISH PURPLE LAYER SEAWEED	1	1	2
	IRISH SEA SPAGHETTI SEAWEED	1	1	2
	CBD OIL	1		1
	SURFACE SWAB		3	3
	OCEAN SEASONS SEASONING	1	1	2
	PIECE OF CORD	1		1
	RICOTTA AND SPINACH CHILLED RAVIOLI		1	1
	RICOTTA AND SPINACH FROZEN RAVIOLI	1		1
	TAKEAWAY CONTAINER		1	1
	UNREFINED HEMP PASTE		1	1
	WHITE TOWEL		1	1
Total		10	15	25
<b>Prepared Dishes</b>	MINCED BEEF AND MASH READY MEAL WITH ONION AND BEEF GRAVY	1		1
	BACON ROLL WITH BUTTER	1	1	2
	BBQ CHICKEN PIZZA	1		1
	CHICKEN MAYO AND SWEETCORN SANDWICH		1	1
	CORONATION CHICKEN SANDWICH - MILD	1	1	2



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	CORONATION CHICKEN SANDWICH - SPICY	1	1	2
	EGG MAYO AND CHEESE SANDWICH		1	1
	EGG MAYO BAGUETTE W/O BUTTER	1	1	2
	GLUTEN FREE MARGHERITA PIZZA	1		1
	GLUTEN FREE PIZZA	1		1
	HAM AND CHEESE SANDWICH		1	2
	ITALIAN STYLE PASTA	1	1	2
	MOROCCAN PORK CASSEROLE		1	1
	MUSHROOM POTATO STEW	1		1
	PEPPERONI PIZZA	1		1
	PORTION OF FRIES	1		1
	SANDWICH	1	1	2
	TUNA AND SWEETCORN PASTA	1	1	2
	TUNA MAYO SANDWICH		1	1
Total		14	12	27
<b>Soups, Broths and Sauces</b>	BEER AND APPLE CHUTNEY	1	1	2
	EXTRA HOT CHILLI SAUCE		1	1
	FERMENTED CABBAGE, BEETROOT AND GINGER	1		1
	FERMENTED CABBAGE, CARROT, RADISH , SPING ONION	1		1
	GALIC, MAYO, MILK, DRIED OREGANO		1	1
	GRAVY	1		1
	HOT CHILLI SAUCE	1	1	2
	MOROCCAN PRUNE CHUTNEY	1	1	2
	ONION, BLACK PEPPER, RED CHILLI POWDER, OREGANO AND KETCHUP		1	1
	PICKLED BEETROOT	1		1
	PICKLED CUCUMBER	1		1
	PICKLED RED ONION	1		1
	SAUCE	1		1
	SWEET CHILLI & TOMATO RELISH CHUTNEY	1		1
	SWEET CHILLI & TOMATO RELISH CHUTNEY	1		1
Total		12	6	18
Grand Total		80	87	167