

Midlothian Council
Food Safety Service Plan 2019-2020

**Food Safety Service Plan 2019-2020****1. Service Aims and Objectives**

- 1.1 The main aim of the Food Safety Service is to protect public health by ensuring that food produced or consumed in Midlothian, is described properly to the consumer and is safe to eat.
- 1.2 The Food Safety Service carries out the statutory duties required of Midlothian Council as a Food Authority. The Food Safety Service is part of the Environmental Health Service.
- 1.3 A mapping of how the Service contributes to the Midlothian Single Plan priorities is given at Table 1.
- 1.4 The Council has adopted local performance indicators to measure how the service carries out its work. For this plan these indicators are:
 - the percentage of planned food premises inspections achieved; and
- 1.5 The Food Safety Service Plan has been prepared in accordance with the requirements of the Food Standards Agency Framework Agreement on Official Food and Feed Controls by Local Authorities issued in April 2010. It covers the financial year from 1st April 2019 to 31st March 2020.

2. Background**2.1 Profile of Local Authority**

Midlothian Council is located to the south of Scotland's capital city Edinburgh and serves a growing population currently of about 86,200. Midlothian is now pro rata, the fastest expanding area of Scotland for population growth and housing development with consequent pressures on Council services. The Council is one of the smallest in Scotland covering a geographical area of 35,527 hectares. It shares its borders with East Lothian, Edinburgh City and Scottish Borders. Public services, including local government, education and the health service, comprise 31% of Midlothian's employment. The food and retail industry sectors account for about 28% of the workforce – more than 99% of these being small or medium sized enterprises. The main centres of population are currently around Dalkeith, Bonnyrigg and Penicuik with much of the area rural in nature with small towns and villages.

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2.2 Scope of the Food Safety Service

The Food Safety team is part of the Environmental Health Service. The team carries out a range of activities to meet the legal requirements of the Service plan. These include regulating food businesses through:

- The regular inspection of food premises for food safety (hygiene and food standards.)
- The approval and licensing of certain premises.
- The sampling of food to check on hygiene, composition and labelling.
- Investigation of complaints from the public about food, food labelling and food premises.
- Investigation of food related cases of infectious diseases.
- Investigation of food related fraud.
- Enforcement of the legislation in relation to the above activities.
- Providing advice and assistance to new or existing food business operators and to the public.

The Food and Safety team is also responsible for

- enforcement of Health and Safety legislation in many workplaces in the Midlothian area, including the investigation of accidents and incidents;
- enforcement of the Public Health (Scotland) Act and in partnership with Lothian NHS, investigation and control of certain infectious diseases and other public health concerns; and
- *the licensing and regulation of a variety of premises and activities, including caravan sites, zoos and places of public entertainment.*

The Food Service is based at Fairfield House 8 Lothian Road, Dalkeith, EH22 3ZN - Tel 0131 271 3559. Email foodandsafety@midlothian.gov.uk

Midlothian Council core office hours are 9-5pm Monday to Thursday and 9-3.45pm Friday. However, the service carries out a certain amount of inspection work "out of hours" in order to access businesses that open in the early mornings, evenings or at weekends.

Outwith core hours contact for emergency purposes is on an ad-hoc "whom-failing" response via the Midlothian Contact Centre - Telephone number 0131 663 7211.

The organisational structure, lines of responsibility and establishment of the Environmental Health and Trading Standards sections are shown in Figure 1 below.

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2.3 Staffing Allocation

In order to carry out the work described in this plan the team would typically need to use the equivalent of 3.5 full time staff (FTE). In addition to conducting planned work the food team must maintain some capability to deal with unplanned matters – some of which is not food safety related and the nature of which requires that priority is given to it.

At April 2019 the food and safety team had a complement of four staff. Two vacant posts had not been recruited to in order to meet some of the continuing budgetary savings required of the Environmental Health Service in 2018-19.

Maintaining the ability of the team to respond to, for example, serious health and safety or environmental incidents, preparing prosecution reports, new licensing regimes, changes to operational procedures means there is now only the equivalent of 2.3 full time staff to carry out scheduled Food Safety work.

2.4 Financial Allocation for Food and Safety Team*

Direct Staffing costs	127230
Inspection Services equipment and maintenance costs	3708
Provision for scientific services	37358
Total	168296

* *proportion of annual budget of £217738 attributed to 2.3 FTE for food service*

2.5 Staff Development

Food Standards Scotland (FSS) Code of Practice requires all food enforcement officers to obtain at least 10 hours of update training in food related matters during the year to maintain their competency. Food Safety service staff are subject to the Council's appraisal process – Making Performance Matter. This sets and monitors individual performance targets and identifies training and development needs.

2.6 Service User Profile

As of 1 April 2019, there were 815 registered and operating food premises in Midlothian. The majority of the food premises in the area are small to medium enterprises employing less than ten people (see Table 2). Many of these businesses rely on regular contact from the food safety team for advice and guidance on food safety and legal requirements. There are eight premises located in the area approved for the manufacture and supply of food to national and international markets. A small number of businesses export to non-EU countries.

2.7 Service demands

2.7.1 Safe Food and Compliance with the Law

Environmental Health, Food & Safety team regulate the activities of food The service contributed to the Community Safety and Economic growth outcomes of the Midlothian Single Plan by providing its food related public protection functions by the following mechanisms:

- The inspection of food businesses 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
- Checking and advising on food premises related planning applications and building warrants.

2.7.2 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. It also meets the requirement in the Regulatory Reform (Scotland) Act 2014 which imposes a duty on regulators to *“contribute to achieving sustainable economic growth, except to the extent that it would be inconsistent with the exercise of those functions to do so”*. 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 businesses through a mix of enforcement and advisory action.

2.7.3 Central to the regulation of food businesses is the assessment by inspectors of the risk of harm the business present to consumers. Higher risk businesses receive more regular “Official Controls” in the way of inspections and food sampling. Available staff resources are therefore directed at those businesses first with lower risk premises subject to inspections if resources allow for it or they come to our attention, e.g. through complaints or major changes to the sorts of food activity.

2.7.4



Risk rating of food businesses also underpins the Food Hygiene Information Scheme (FHIS). This non-statutory scheme allows consumers to find out how inspectors assessed food hygiene at the last inspection and rates them as a PASS or IMPROVEMENT REQUIRED.

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The public can see the results for all businesses subject to the scheme on the Food Standards Scotland website (<http://www.foodstandards.gov.scot/consumers/food-safety/buying-food-eating-out/food-hygiene-information-scheme>)

Certificates are provided to food businesses to display at their premises at the discretion of the food business operator. As of April 2019, about 87% of Midlothian food businesses in the scheme had a PASS status.

2.7.5 Changes to enforcement practice

In early 2019 Food Standards Scotland issued an updated Food Safety Code of Practice. Changes are introduced from April 2019 in the way in which food businesses are risk assessed during inspections. This is a significantly different system to the one previously used (although the end result is still that the each food business will be “rated” and the rating and type of business will determine the frequency at which it is next inspected). Inspections will assess food safety overall, rather than treating food hygiene and food standards as separate issues. New elements covering exporting and the possibility of food fraud are introduced.

Changes will be required to the Information Management system by the software developer (IDOX) to cope with this and there will be a transitional period of some months as food businesses are moved from one assessment regime to another. As the new system does away with the principal of broad compliance this will not feature as a performance measure for this plan.

The ratings currently used will be reversed. Research done by Food Standards Scotland suggested that an “A” risk business would be perceived by the public as being the lowest risk – under the existing scheme an “A” risk business is considered the most risky. The new risk assessment scheme will result in changes to the frequency of inspections.

The consequence of this for the current plan is that two risk assessment schemes will be run in parallel. As businesses are inspected they will be risk assessed using the new scheme. As the old scheme has an inspection cycle that extends over three years it is hoped that desk top assessment of lower risk business will allow for a shortening of the implementation period.

In addition the way in which Approved premises are inspected is expected to change with more frequent and in depth auditing of their operations being required. Associated with this change in approach are training requirements amounting to 12-16 FTE days.

Following a number of deaths involving allergic reactions to food constituents and high profile coverage in the media the UK Government has asked for a review of current controls to be carried out by the Food Standards Agency. Possible changes being seriously considered are to require any business which packs a

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food to have both the ingredients and the allergens highlighted on labels. This would be a major change for businesses such as takeaways and sandwich shops and would require major amounts of regulatory advice from the Food Safety team

2.7.6 The effect of the decision to leave the European Union

At the time of writing the full implications of leaving the EU (should this come about) remain to be fully understood. Work has been on-going at national level to “re-title” existing EU based food legislation so that there is no interruption to regulatory controls or reduction in existing standards in either of the “deal” or “no deal” scenarios. Whatever the outcome of the on-going deliberations it is recognised by both the EH profession, FSS and the Scottish Government that there could be significant demands on the resources of LA food services.

For example, in the event of a “no deal” situation, where the UK becomes a “third-country” in relation to the EU, there will be a greatly increased requirement for export hygiene certificates for food entering the EU. The most obvious business sector affected in Scotland is the fish and fish products one. Businesses in some parts of Scotland export large quantities of fisheries products to the EU. At the moment Scottish LA food services sign very few export hygiene certificates for fish and fisheries products. In a “no deal” scenario each consignment would need an export certificate to enter the EU. It is estimated these would run into thousands of certificates each year. Since the “signing off” of batches of food for export is not a legal requirement of LAs many food services could find themselves spending time doing this instead of their regulatory functions.

Issuing export health certificates is not anticipated to be a concern for Midlothian. However, there is the matter of the inspection of imported food. We have little knowledge of the amount of food currently imported into Midlothian from the EU. One solution to the inability of UK ports to deal with delays induced by extra customs and borders checks is that these are deferred to “inland authorities”. In effect LAs well away from the coast will carry out regulatory checks on food coming into the UK.

2.8 Policy on Enforcement

The Authority has a documented food enforcement policy (last reviewed April 2018) that sets out how the food service will deal with law breaking and how we intervene to bring businesses back into compliance.

3 Service Objectives

3.1 Inspection work

The Service has the following planned food safety inspection work to carry out based on the risk ratings of the existing “old” system. Not that each business

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visited for food hygiene will normally receive a standards inspection at the same time.

Objective 3 Complete programmed Food Hygiene inspections or audits

Planned Food Hygiene Inspections		
Premises Risk Rating	Inspection Target	Number of planned inspections
A (at least at every 6 months)	100% of High risk	11
B (at least every 12 months)		68
C (at least every 18 months)	95% of Medium risk	133
As resources allow		
D (at least every 24 months)		107
New premises		46
Outstanding missed inspections medium risk		
Total		389

Objective 4 Complete programmed Food Standards inspections or audits

Planned Food Standards Inspections		
Premises risk rating	Inspection Target	Number of planned inspections
A (at least every 12 months)	100% of High	9
B (at least every 24 months)	100% of Medium	77
As resources allow		
New premises		46
Outstanding missed inspections medium risk		
Total		89

Objective 5 Carry out Alternative Intervention at low risk food premises

Where a business was rated as a very low risk to the consumer i.e. those rated as "E" for food hygiene and "C" for Food Standards we do not normally carry out a routine inspection at every programmed interval. This reduces the regulatory burden on the business and allows us to direct resources to higher risk

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operations. We can send Self-assessment questionnaires to these premises as an alternative and aim to carry out an inspection every second inspection cycle. We may also inspect where questionnaires are not returned or indicate a significant change in the food operations at the premises or if we receive a complaint about a premises.

Premises risk rating		Number of premises
Food Hygiene	E	55
Food Standards	C	25

3.2 Food Sampling

The sampling of food is integral part of the work of the Service. Sampling programmes can cover local outlets and manufacturers and also nationally organised campaigns. Food “sampling” involves assessing both ingredients and final products. Food sample microbiology gives an indication of the hygiene or cleanliness of the food, where it is produced and of the people producing it. Food standards sample analysis tells what the food has been made from. Food submitted for analysis of their ingredients is also assessed on the legality of their labeling.

Food sampling is targeted at high risk premises and products and is carried out in line with the Authority’s documented procedure. Food samples are submitted to Edinburgh Scientific Services who employ the Authority’s appointed Food Examiner, Public Analyst and Agricultural Analyst.

The Service contributes to sampling surveys organized by Food Standards Scotland, Lothian and Borders Food Liaison Group and the Scottish Food Enforcement Liaison Committee (SFELC).

Sampling programmes and priorities may be identified by Food Standards Scotland or the Scottish Food Enforcement Liaison Committee as issues affecting food in Scotland. Sampling is carried out by local food safety teams across Scotland and the results collated centrally. This work may be resourced by FSS and is co-ordinated by SFELC in collaboration with the Public Analyst. It is delivered by local authority food enforcement services. An indicative list of the FSS sampling projects is given at Objective 8 below.

Given the reduced resources available, the Service will prioritise sample taking as follows:

Objective 6 Priority 1 Sampling from manufacturing premises in Midlothian

These are businesses that make and package food that is supplied to other businesses and have a distribution of their products beyond the Midlothian area

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Sampling from Approved premises		
Food Sampled	Samples for Microbiological Examination	Samples for Chemical Analysis
Processed Milk	6	6
Cream	2	2
Meat Products	6	6
Pizzas and Ready Made Meals	5	5
Savoury dumplings/pasta	5	5
Haggis/Savoury Puddings	3	3
Fish	0	2
Pate	1	1
Total	27	30

Objective 7 Priority 2 Sampling from Producers of High risk foods in Midlothian

These are businesses that produce and sell high risk* foods to consumers in Midlothian

Food Sampled	No samples	
	Microbiological contamination	Chemical Contamination or composition
Cooked sliced meats from manufacturing butchers	4	4
Fresh Cream products from manufacturing bakers and retailers	4	4
Self-serve lunch ingredients Supermarkets	3	3
Sandwiches from sandwich makers	6	6
Ready to eat foods including meals from takeaway premises	3	3
Baked goods	0	9
Meals from care premises	3	3
Following Food Complaints	5	5
Total	28	37

*A high risk food is food that is ready to eat and likely to support the growth of pathogenic bacteria if not cooked properly, stored at chilled temperature or eaten after the “use by” date if packaged. For food sampling purposes it may also be a low risk food manufactured in high volumes.

Objective 8 Priority 3 Contribute to National sampling surveys if resources allow for it

Where this sampling corresponds with a higher sampling priority in Midlothian the team will contribute. Otherwise Priority 3 samples will only be taken if resources allow. Possible sampling projects for this year include;

Microbiological quality of cooked meats and cheeses of EU origin
Microbiological quality of ready to eat fresh produce from EU and 3 rd country origin
Histamine and preservatives in fresh tuna and mackerel from EU and 3 rd country origin
Presence of mycotoxins in dried fruits
Presence of colouring matter in spices
Microbiological quality of dairy and non-dairy cream cakes;
Microbiological quality of smoked fish and fish pates;
PAH levels in smoked meat and fish products at processing establishments;
Meat and fish speciation at catering establishments;
Authenticity of ham and cheese toppings on pizzas at catering establishments;
Presence of undeclared nuts in nut powders and mixes and sauces used in catering establishments;
Presence of undeclared allergens in 'free from' products.
Imported smoked salmon products for the presence of <i>Listeria monocytogenes</i>
Duck meat and duck liver sampled either raw from butchers/retailers or cooked at catering establishments for the presence of <i>Campylobacter</i> and <i>Salmonella</i> .
The identification of meat species in meat free products (e.g. sausages, haggis, soya based products, ready meals) at retail and catering establishments.

3.3 Unplanned work

A proportion of the Service's work relates to dealing with incidents and requests for service about matters relating to food safety. The team receives approximately 450 requests each year. All incidents and service requests, where we have a statutory function, must receive some response. Therefore, this work must take priority over planned inspection work.

Food related requests relate to such things as,

- Complaints about food that people have bought or consumed

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- Food premises which appear to be being run unhygienically
- Requests for advice about starting food businesses, legal requirements, food hygiene training or the layout and fittings of proposed premises
- Licensing of street traders
- Scrutinising planning applications and building warrants received by the Council relating to food premises and offering advice to applicants regarding premises layout, fittings etc.
- Investigating cases and outbreaks of infectious disease in partnership with NHS Lothian associated with the consumption of food or water ("food poisoning")
- Responding to notifications of incidents of public health significance
- Responding to intelligence concerning food or alcohol fraud

Some requests may result in significant amounts of work being required to resolve them. For example, a complaint about an unhygienic premises which leads to enforcement action and a subsequent report to the Procurator Fiscal; a new food manufacturer requiring significant research into the processes involved; a fatal or serious workplace accident; a major infection control or public health incident. Previously we have responded to 95% of service requests within our target times (which range from 1 day to 14 days) but given the reduction in staffing it is unlikely that this response rate will be maintained.

Objective 9 Commence investigation of 100% of requests for service made to the service about food and food businesses within target working days

3.4 Liaison with other Organisations

The Food Service meets at two monthly intervals with representatives of other local authority food enforcement teams at the Lothian and Borders Food Liaison group. The group is also attended by representatives from Food Standards Scotland and the Public Analyst. The group provides a forum for the discussion of relevant topics, sharing best practice guidance, initiating surveys or projects and co-ordinating specific investigations. These local liaison groups support the work of the national Scottish Food Enforcement Liaison Committee (SFELC). The Scottish Food Enforcement Liaison Committee supports the work of FSS by providing information and expert advice in relation to food law enforcement. SFELC contributes to the development and implementation of FSS strategies and policies. <http://www.foodstandards.gov.scot/business-and-industry/safety-and-regulation/scottish-food-enforcement-liaison-committee>

Regular liaison also takes place with NHS Lothian's Health Protection Team and Scottish Water on matters of infection control.

All Food Service Officers are appointed as investigators under the Public Health etc. (Scotland) Act 2008 (the Act). They may be involved in dealing with outbreaks of food poisoning and other public health emergencies in partnership with the NHS Lothian Health Protection team. More senior EH staff are

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appointed as “Competent Persons” under the Act. The service may be required to act in partnership with Food Standards Scotland to ensure food which is regionally or nationally distributed and has some problem associated with it, is removed from sale by food businesses in Midlothian.

3.5 Quality Assessment

The Service relies on the professional skills of its authorised officers for the delivery of the service plan. In order to maintain the quality of work we;

- Continually review our operational procedures to improve our service delivery and to take into account legislative and practice changes.
- Evaluate the consistency of our inspections through activities such as accompanied inspections by senior inspectors, team meetings and review of inspection reports to ensure consistency in the work of the Service.
- Ensure that Officers appointed as food inspectors complete at least 10 hours food related training each year as part of the maintaining of their competency.
- Are subject to periodic independent audit by Food Standards Scotland.
- Survey businesses that have been inspected to find out what they thought of the experience.
- Report the performance of a number of our planned objectives to elected members at regular intervals.

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

Figure 1 Organisational Structure and Establishment

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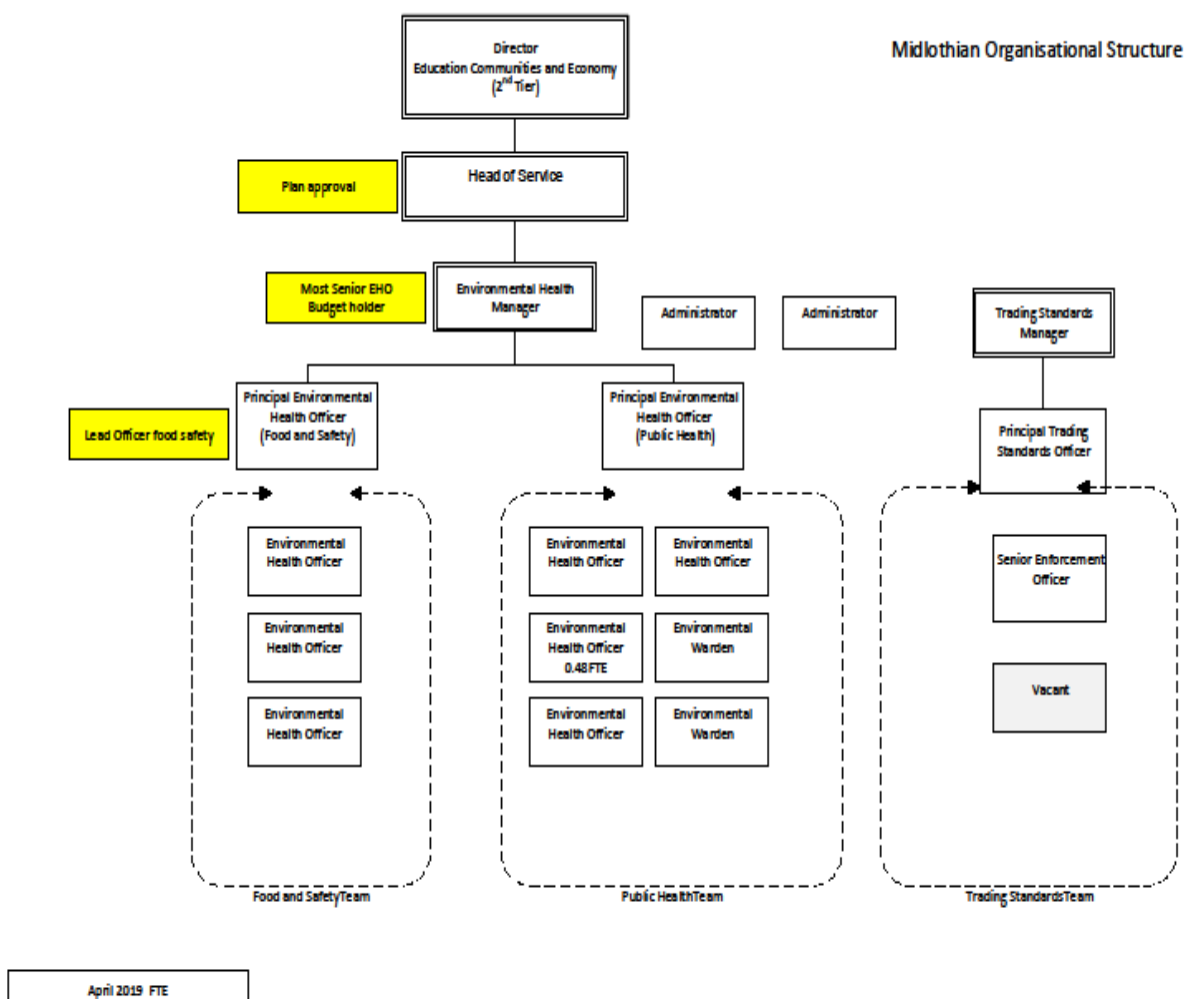


Table 1: Mapping of Food Service activity to Midlothian Single Plan outcomes

	Single Plan Outcome
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Food Service activity	<i>Reducing inequalities in the health of our population</i>	<i>Reducing inequalities in the outcomes of learning in our population</i>	<i>Reducing inequalities in the economic circumstances of our population</i>
The regular inspection of food premises for food hygiene and food standards	✓		✓
The sampling of food and animal feedstuffs to check on microbiological quality and composition	✓		✓
Investigation of food related cases of infectious diseases	✓		✓
Investigation of food related fraud			✓
Investigation of complaints from the public about food, food labelling and food premises.	✓		✓
Enforcement of the legislation in relation to the above activities	✓		✓
Providing advice and assistance to new or existing food business operators and to the public.	✓	✓	✓

Table 2: Types and location of Midlothian Businesses registered for the provision of food

Location of food business	Number of businesses
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Army Barracks / Premises	2
Bakehouse	3
Bakehouse-Manufacturing	3
Bed and Breakfast	1
Bingo Hall	1
Bookmaker with food	1
Bowling Club	4
Brewery	5
Butcher - Manufacturing	5
Cafe	38
Care Home - Nursing	8
Care Home - Residential	15
Care Home - Residential Midlothian	7
Care in the Community Premises	4
Cash and Carry	1
Caterer	10
Childcare, playgroup, nursery - private	38
Childcare, playgroup, nursery -LA	33
Childminder	45
Church with food	23
Club	2
Community Building/Church Hall	13
Confectionery manufacturer	1
Dairy - Pasteurising	1
Day Care - Elderly / Disabled	3
Distribution - Food	10
Distribution food Cold Store	3
Distribution Foodbank	2
Domestic Premises based food business	36
Educational Establishment kitchen	2
Egg Packing Centre	1
Events/Venue Management	1
Factory Kitchen/Staff Canteen	5
Farm - Milk production holding	3
Farm shop	2
Fishery Products	1
Fishmonger Mobile	5
food basket/sandwich retail	1
Food Haulier	2
Food Manufacturer	9
Food Packer or repacker	1
Game larder/dealer	1
Golf - Driving Range	1
Golf Course	5

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High School kitchen	5
HMO with food	3
Holiday let/self-catering	1
Hospital Kitchen	2
Hotel/Guest House	14
House in multiple occupation	6
Importer	1
Indoor activity centre	1
internet food sales	1
Licensed Club	32
Market Garden / Pick your own	1
Market trader	4
Materials and Articles Manufacturer/ Sup	1
Midlothian Council Cafe	4
Midlothian Council Community Centre	1
Midlothian Council Day Care- Elderly/Dis	2
Midlothian Council Leisure Centre	3
Mini market	2
Mobile Shop - Caterer	22
Mobile Shop - Food Retailer	30
Offices - Large with staff canteen	1
Offices - Small	1
Off-Sales	1
Outside/peripatetic Caterer	5
Park pavilion	1
Pasta Manufacturer	1
Petrol Station with food	6
Post Office with food	2
Primary school kitchen	31
Private Leisure Centre	1
Public House - Full Catering	17
Public House - Snacks	18
Removals/Haulage	1
Restaurant	39
Retail - Baker	9
Retail - Butcher	3
Retail - Clothing	2
Retail - Craft Shop	1
Retail - Deli	2
Retail - Food	46
Retail - Freezer Shop	2
Retail - Greengrocer	1
Retail - Miscellaneous	7
Retail - Newsagent, Confectionery/snacks	16

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Retail - Pharmacy/Chemist	17
Retail - Stationery	1
Sheltered Housing with food	2
Sports Ground	3
Street Market	2
Supermarket	16
Takeaway Asian style	5
Takeaway Chinese style	23
Takeaway Fish and Chips only	2
Take-Away mixed comestibles	31
Theatre, Museum, Galleries	1
Warehouse - Food	3
Zoo licensed premises	1
(blank)	
Grand Total	815