

### Midlothian Food Safety Enforcement Service Plan Review 2016-2017

#### 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 2016 to 31 March 2017.
- 1.3 There were no audits of the Food Service by Food Standards Scotland during the 2016-17 plan.
- 1.4 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 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
  - Checking and advising on food premises related planning applications and building warrants.
- 1.5 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 2017 there were 803 registered food businesses in Midlothian.**

During the year two additional businesses were Approved, for fish products and meat products. A well known manufacturer of oatcakes opened a factory making gluten free varieties of its products. There was a small increase in requests for export certification from a number of producers.

A simple analysis of the changes in food premises numbers between April 2007 and March 2017 is given in Figures 1 and 2. The net positive change in food business numbers in the last 6 years amounts to an average of growth of about 3% per year (Figure 2).

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Figure 1: The change in total number of food premises, April 2005 - March 2017

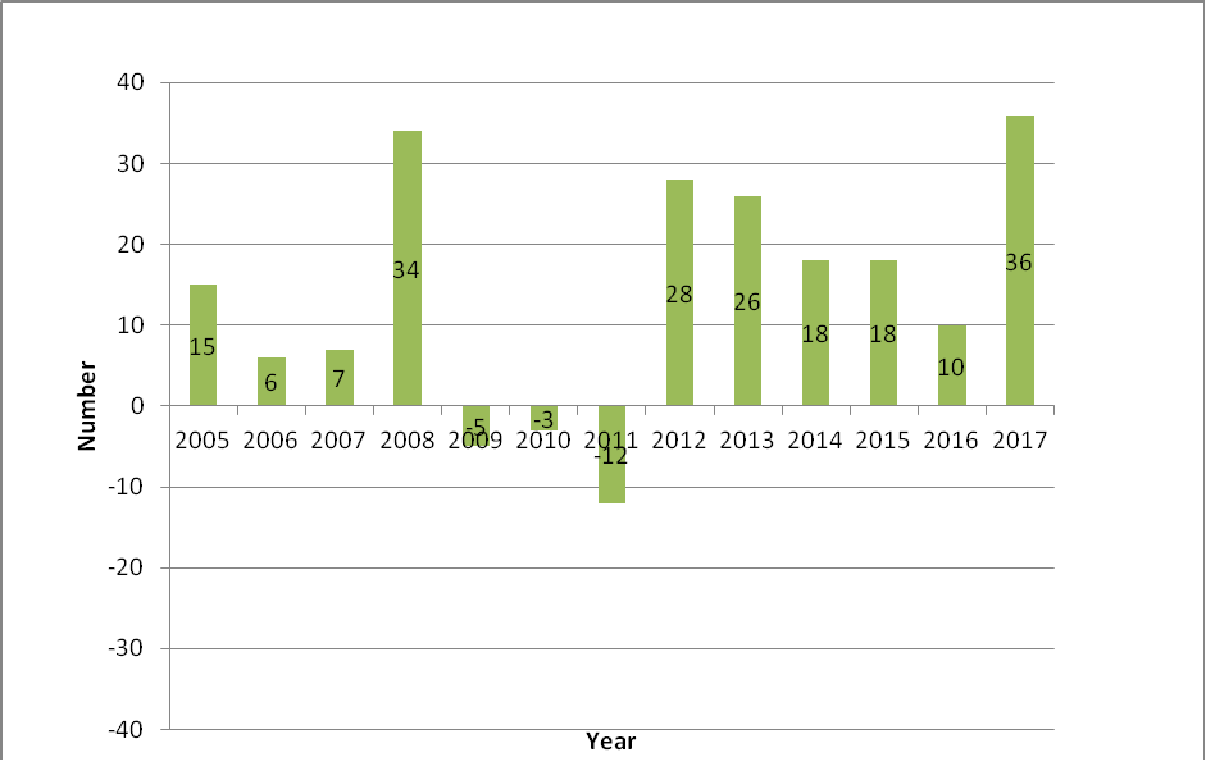
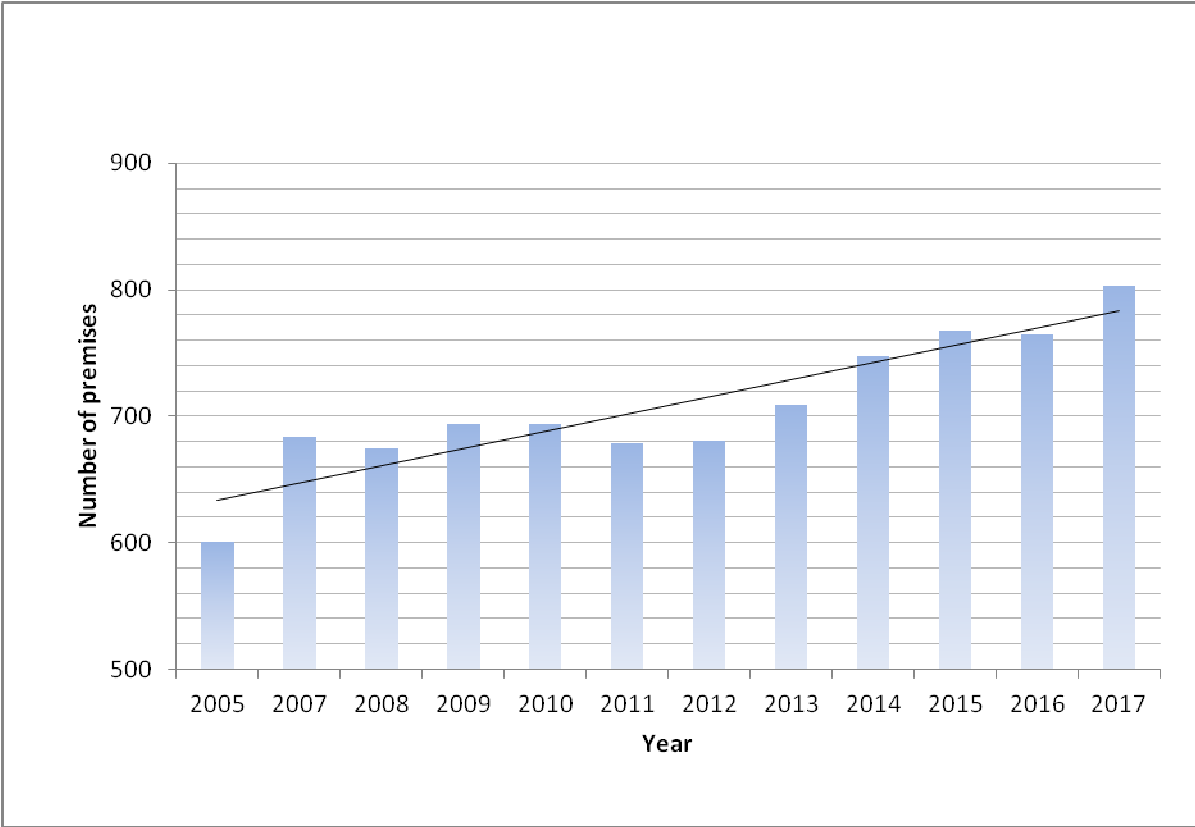


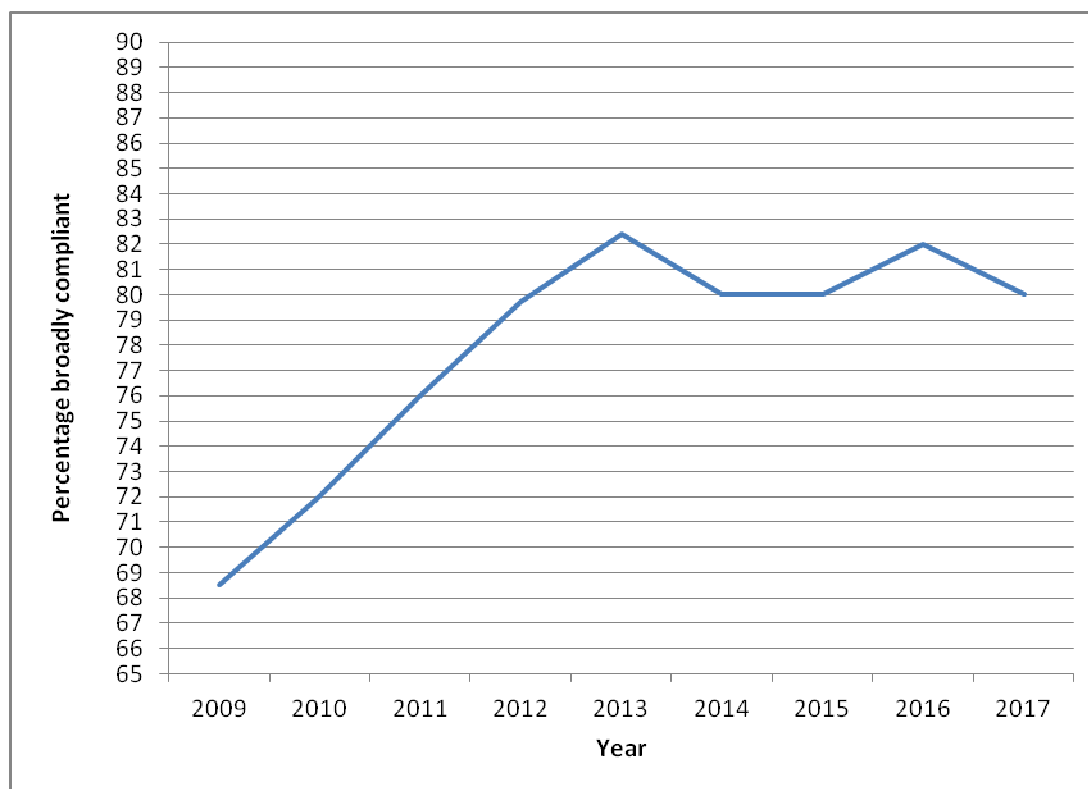
Figure 2: Number of food premises at 31<sup>st</sup> March 2005 – 31<sup>st</sup> March 2017



**Midlothian Food Safety Enforcement Service Plan Review 2016-2017****3. Premises Inspection**

- 3.1 During the year **the Service carried out 757 visits to food premises** for hygiene and standards inspections. Of these 202 inspections were further assessed as part of an ongoing review of the premises risk rating scheme being carried out in partnership with Food Standards Scotland.
- 3.2 The proportion of premises which were rated as broadly compliant with the food **hygiene** law following inspection has remained at about the same level for the last 4 years at between 80 and 82% (Figure 3).

Figure 3: Midlothian Food premises - % Broadly Complaint



Where a new businesses opens up (or existing ones change hands) this is often without sufficient food safety controls in place. A number of businesses do not become compliant until the food service has become involved with them. Some become non-compliant again between inspections. Premises may operate on the margins of profitability. The food sector is known to be one where there is a high turnover of staff.

- 3.3 The food service has put significant advisory information on the Council website for new businesses. We also scrutinise planning application and building warrant lists to try and pick up businesses prior to opening. Further regulatory tools may help drive up compliance – mandatory display of Food Hygiene Information Scheme

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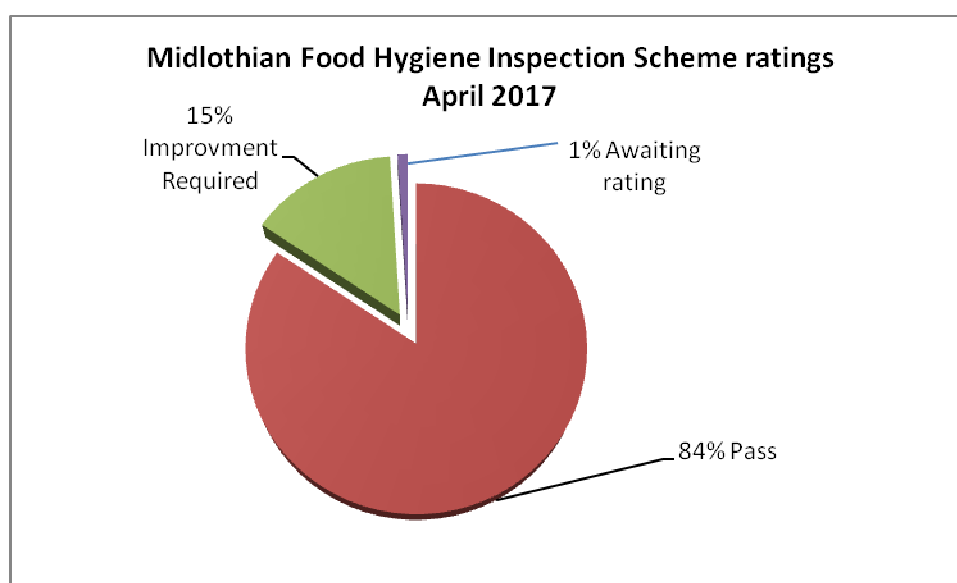
certificates, fixed penalty notices or licences to operate. All are being considered by Food Standards Scotland as part of their review of food regulation.

- 3.4. **The Food Hygiene Information Scheme (FHIS)** was introduced by Midlothian Council during October 2010. It allows consumers to see the outcome of 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/>



All local authorities have been operating the scheme in Scotland since April 2016 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. This has improved slightly. 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 2017 are illustrated in Figure 4.

**Figure 4: Midlothian Food Hygiene Inspection Scheme ratings April 2017**



## 4.0 Food Sampling

- 4.1 Sampling activity is directed at the major manufacturers in the area and businesses selling ready to eat foodstuffs which previous experience suggests have the potential to cause harm. A total of 138 official control samples of food were taken for examination and/ or analysis during the service plan. A breakdown of the foods sampled is given in Table 7. About 19% of the samples taken proved to be unsatisfactory. This year's 26 unsatisfactory results included instances where a packed food was being given a use by date in excess of 10 days. Without suitable compositional controls (over acidity, moisture content or salt levels) such extended shelf life foods are at risk of growing botulinum bacteria. There were also cases where the presence of "indicator" bacteria were detected in ready to eat food.

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Elevated levels of these bacteria indicate poor handling practices, poor personal hygiene practices or temperature control abuse.

In one instance the finding of substituted cheese was reported to the local authority where the cheese originated.

Unsatisfactory results are always followed up with the business concerned to inform them of the matter and to ensure appropriate corrective action is taken. Follow up samples are also often taken.

- 4.2 **66 Compositional samples** were analysed to check the make up of food e.g. how much meat 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.

Of the compositional results received 10 were unsatisfactory. The reasons for the unsatisfactory results are shown below in Table 1.

**Table 1: Unsatisfactory compositional samples**

Foodstuff sampled		Reason
WHITE PUDDING	Raw	Botulinum controls not sufficient to justify shelf life
HAGGIS PUDDING	Raw	Botulinum controls not sufficient to justify shelf life
PORK SAUSAGES (X 4)	Raw	Gluten content did not justify gluten free label
SPICY BBQ CHICKEN PIZZA	Processed	Substitution of mozzarella cheese with non-milk fat product
HAGGIS PIZZA	Ready to Eat	Substitution of mozzarella cheese with non-milk fat product
FRESH SCOTTISH DOUBLE CREAM	Ready to Eat	Labelling error relating to net weight
FRESH SCOTTISH WHIPPING CREAM	Ready to Eat	Labelling errors relating to fat content
CHIPS	Ready to Eat	Excess acryl amide
GLUTEN FREE FLAPJACK	Ready to Eat	Gluten content did not justify gluten free label
SMALL DONNER KEBAB	Processed	Contained poultry protein inconsistent with expectation of sheep only

- 4.3 **72 Microbiological samples** were examined to check for the presence of potential food poisoning bacteria and to assess the hygiene of businesses producing foods. Food businesses require a food safety management system, the purpose of which

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is to ensure harmful microbial contamination or multiplication does not take place in the food handled or produced by the business. Food sampling provides a method of checking that a management system is working. Of the samples examined 16 were unsatisfactory. The reasons for the unsatisfactory results are shown below in Table 2.

**Table 2: Unsatisfactory microbiological food samples**

Foodstuff etc sampled		Reason
PILAU RICE	READY TO EAT	Borderline colony count
FRESH SCOTTISH WHOLE MILK	READY TO EAT	Entero contamination
FRESH SCOTTISH SEMI SKIMMED MILK	READY TO EAT	Entero contamination
FRESH SCOTTISH SEMI SKIMMED MILK	READY TO EAT	Bacterial contamination
ANCHOVIES PROVENCALE	READY TO EAT	Borderline colony count
GRATED CHEDDAR	READY TO EAT	Borderline staph aureas
FRESH CREAM FILLED DOUGHNUT	READY TO EAT	Borderline colony count
BROCCOLI QUICHE	READY TO EAT	Borderline colony count
SMOKED SALMON PATE	READY TO EAT	Unsatisfactory colony count
GROUND BLACK PEPPER	RAW	Borderline Clostridium sp
GROUND CORIANDER	RAW	Borderline Clostridium sp unsatisfactory entero
CHICKEN CHOW MEIN	READY TO EAT	Borderline colony
SMOKED CHICKEN	READY TO EAT	Borderline colony
COOKED SMOKED HAM	READY TO EAT	Borderline colony
CORONATION CHICKEN SANDWICH FILLING	READY TO EAT	Entero contamination

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CORONATION CHICKEN ROLL	READY TO EAT	Entero borderline
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**5.0 Reactive work**

- 5.1** The Service received and responded to 532 recorded service requests (Table 3) during the year of which 328 related to food safety matters.

**Table 3: Service requests dealt with by Food Service 2016-17**

<b>Type of Request</b>	<b>Number of requests</b>
Accident report	1
Accumulations	1
Alcohol Food certificate s50	2
Alleged food poisoning	34
Building Standards Consultation	12
Car Hire Booking Office Licence	1
Caravan Sites	6
Complaint about property condition	1
Contact from other LA about our premises	1
Cooling towers	1
Dampness	1
Engineers inspection defects report	3
Enquiries made with other depts	2
Export certification	9
Flooding	1
Food Alerts for information	107
Food complaint other	22
Food labelling/composition	1
Food premises registration	9
Foreign body contamination	7
Freedom of Info Request	34
Health and safety advice	22
Health and safety workplace complaint	1
Infectious Diseases	2
Late hours catering licence	8
Major public event	1
Noise Commercial	1
Pest activity/infestation	6
Planning consultation	19
Poor food premises hygiene/practices	26
Public building water quality	1
Public complaint about workplace	9
Public Entertainment licence	27
Request for food law advice	60
Skin piercing licence	10

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Smoke Complaints	1
Smoking on premises	1
street trader food certificate s39	32
Street Traders Licence	6
Temporary Market Operators Licence	12
Use by/Best before concerns	5
Waste storage arrangements	25
water quality enquiry	1
<b>Grand Total</b>	<b>532</b>

**6.0 Enforcement Activity**

- 6.1 The nature and **levels of enforcement activity** required is summarised in Table 4. One food business operator of a takeaway business was reported to the Procurator Fiscal. The service was also involved in an incident with other regulators which resulted in the Police questioning person involved in the door to door selling of frozen fish. Otherwise the service has relied on being able to secure compliance through legal notices, written warnings and robust advice.

**Table 4: Enforcement and regulatory actions**

Enforcement Activity	Number each year										
	06-07	07-08	08-09	09-10	10-11	11-12	12-13	13-14	14-15	15-16	16-17
Remedial Action Notices							2	3	0	1	0
Hygiene Improvement Notices	9	14	39	46	32	27	14	13	16	6	5
Emergency Hygiene Prohibition Notices	0	0	0	0	0	0	0	0	0	0	0
Voluntary Closures	2	0	0	0	0	1	0	0	1	0	1
Written Warnings re hygiene or standards contraventions	Data not available		221	194	229	394	338	382	236	276	202
Reports to the Procurator Fiscal	1	0	0	0	0	0	0	0	0	0	1
Food surrenders or seizures	0	0	0	1	0	0	1	0	0	3	1

**7.0 Customer feedback**

- 7.1 A further **customer satisfaction survey** (see format Appendix 1) sent to 100 food premises inspected during the 2016-2017 plan produced a 45% return. Findings seem relatively consistent over the last 5 years (Table 5). There appears to be more recognition of the Food Hygiene Information Scheme (FHIS) but not all proprietors choose to display certificates. The operation of FHIS is part of the reviews being carried out by Food Standards Scotland.



**Midlothian Food Safety Enforcement Service Plan Review 2016-2017****Table 5: Return from customer satisfaction surveys**

Survey question results	08-10	10-11	11-12	12-13	13-14	14-15	15-16	16-17
Agreed reason for inspection explained	93%	93%	98%	97%	97%	98%	95%	100%
Received sufficient advice or information	95.6%	95.6%	100%	95%	97%	98%	97.5%	93%
Overall impression of inspection good or excellent	90%	93.4%	95%	90%	92%	90%	95%	93%
Written communications good or excellent	83%	90.9%	90.9%	72%	89%	93%	80%	87%
Not enough time to rectify contraventions	18%	21.7%	20.5%	18%	21%	16%	22.5%	18%
Have you heard of the Food Hygiene Information Scheme (FHIS)? From <b>2012-13 only</b>				87%	79%	80%	92.5%	89%
Now display their FHIS Pass certificate				72%	58%	74%	82.5%	76%

**8. Summary of Performance against service objectives for 2016-2017**

Table 6: Summary of the performance of the food service against the objectives set for it in the 2016-2017 service plan.

**Table 6**

Objective		Performance	
1	Improve the % of premises which are broadly compliant for Food Hygiene from 80% to 84%	Broad compliance remained at 80%	
2	Improve the % of premises which are broadly compliant for Food Standards to 75%	Although broad compliance increased slightly (an increase of 0.6% to 66.8%) did not meet objective	
3	Complete planned % of Food Hygiene Inspections / audits	High "A" risk	100%
		High "B" risk	100%
		Medium "C" and "D" low risk	96%

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4	Complete planned % of Food Standards inspections	High “A” risk	100%																		
		Medium”B” risk	85%																		
5	Carry out alternative intervention at low risk food premises (% of planned)	Food hygiene “E” risk	75%																		
		Food standards “C” risk	87%																		
6	Complete sampling from approved premises	100 % of the planned programme was achieved																			
7	Complete other targeted sampling																				
8	Complete contributions to planned sampling surveys (national and locally organised)																				
9	Investigate 100% of complaints and requests for service made to the service within target times	95% within target time																			
<u>Food related illness</u>  25 sporadic cases were notified and investigated. There were no identified food related outbreaks. Levels of notified food related illness appear to have remained at or below about 5 per 10,000 population over the last 7 years. (Excluding Campylobacter infection which is not routinely notified to Midlothian EH)																					
<div><p>Infectious disease notifications 2016-17</p><table><thead><tr><th>Infectious Disease</th><th>Number of notifications</th></tr></thead><tbody><tr><td>Salmonella</td><td>9</td></tr><tr><td>Cryptosporidium</td><td>7</td></tr><tr><td>Legionella</td><td>1</td></tr><tr><td>E.coli</td><td>2</td></tr><tr><td>Entamoeba</td><td>1</td></tr><tr><td>Giardia</td><td>2</td></tr><tr><td>Shigella</td><td>1</td></tr><tr><td>Cyclospora</td><td>2</td></tr></tbody></table></div>				Infectious Disease	Number of notifications	Salmonella	9	Cryptosporidium	7	Legionella	1	E.coli	2	Entamoeba	1	Giardia	2	Shigella	1	Cyclospora	2
Infectious Disease	Number of notifications																				
Salmonella	9																				
Cryptosporidium	7																				
Legionella	1																				
E.coli	2																				
Entamoeba	1																				
Giardia	2																				
Shigella	1																				
Cyclospora	2																				
11	Ensure all authorised officer receive a minimum of 10 hours food related competency training	Objective achieved																			

**Midlothian Food Safety Enforcement Service Plan Review 2016-2017****Table 7: Details of food samples taken 2016-17**

Category	Food description	Analysis type		
		Chemical composition	Microbial contamination	Total
Bakery Products and Cereal	2 GARLIC & CORIANDER NAAN BREADS	1		1
	2 PLAIN NAAN BREADS	1		1
	COCONUT FLOUR		1	1
	PASTA	1	2	3
	PASTA- RAGU RAVIOLI		1	1
	PASTA- RAGU RAVIOLI	1	1	2
	PASTA- RAVIOLI- SPINACH AND RICOTTA		2	2
	RAVIOLI PASTA- SPINACH AND RICOTTA	1		1
	RICE FLAKE PORRIDGE	1		1
	STRONG BREAD FLOUR	1		1
Total		7	7	14
Cakes and Confectionary	FRESH CREAM FILLED DOUGHNUT		1	1
	GLUTEN FREE BLUEBERRY CAKE	1		1
	GLUTEN FREE CHOCOLATE BROWNIE	1		1
	GLUTEN FREE FLAPJACK	1		1
Total		3	1	4
Dairy Products	BLUE STILTON (COLSTON BASSET)		1	1
	BRIE DE MEAUX		1	1
	FRESH SCOTTISH DOUBLE CREAM	1	1	2
	FRESH SCOTTISH SEMI SKIMMED MILK	2	2	4
	FRESH SCOTTISH WHIPPING CREAM	1	1	2
	FRESH SCOTTISH WHOLE MILK	2	2	4
	GRATED CHEDDAR		2	2
	GRATED CHEDDAR (SALAD COUNTER)		1	1
	MOZZARELLA	1		1
	MOZZARELLA	1		1
	ROYAL CANADIAN VINTAGE CHEDDAR		1	1
	SWISS CRU RESERVE GRUYERE		1	1
Total		8	13	21
Drinks	VODKA	1		1
Total		1		1
Eggs and Egg Products	6 SHELL EGGS		1	1
	SHELL EGGS X 6		1	1
Total			2	2
Fish and Shellfish	ANCHOVIES PROVENCALE		1	1
	DILL MARINATED HERRING		1	1
	HAND PREPARED SQUID	1		1
	MUSSELS (COOKED, DEFROSTED )		1	1
	RAW PEELED TIGER PRAWNS	1		1
	REFROMED HERRING PRODUCT		1	1
	SCOTTISH SMOKED LOCH TROUT		1	1
	SMOKED SALMON PATE		1	1
Total		2	6	8
Food for Particular Nutritional Uses	FREE FROM MINCE PIES	1		1
	FREE FROM TIFFIN BITES	1		1

## Appendix B

### Midlothian Food Safety Enforcement Service Plan Review 2016-2017

Total		2		2
Fruit and Vegetables	CHICKPEA DAHL SALAD (WITH CURRIED LENTILS, RED PEPPER & CORIANDER)		1	1
	MEDITERRANEAN COUSCOUS SALAD (SALAD COUNTER)		1	1
	MINTED BEAN SALAD (SALAD COUNTER)		1	1
	PEA AND EDAMAME SALAD GARNISH		1	1
	UNWASHED BEAN SPROUTS		1	1
	Total		6	6
Herbs and Spices	CURRY PASTE	1	3	4
	GROUND ALLSPICE		1	1
	GROUND BLACK PEPPER		1	1
	GROUND CORIANDER		1	1
	GROUND MACE		1	1
	GROUND WHITE PEPPER		1	1
	NUTMEG		1	1
	ORGANIC GROUND NUTMEG	1		1
Total		2	9	11
Meat and Meat Products, Game and Poultry	HAGGIS PIZZA	1	1	2
	SPICY BBQ CHICKEN PIZZA	1	1	2
	BRIDIES		1	1
	BURGERS - STEAK MINCE (X 3)	1		1
	CHARGRILLED STEAK BURGERS	1		1
	CHICKEN BREAST PORTIONS	1		1
	COOKED SMOKED HAM		1	1
	DONNER KEBAB MEAT	1		1
	FAMILY SIZE PORK PIE	1		1
	HAGGIS PUDDING	2		2
	LAREG PORK PIE	1		1
	MEDIUM STEAK PIE	1		1
	PORK SAUSAGES	1		1
	PORK SAUSAGES (X 4)	1		1
	SCOTCH PIES (3)	1		1
	SMALL STEAK PIE	1		1
	SMOKED CHICKEN		1	1
	STEAK PIE	1		1
	WHITE PUDDING	2		2
	Total	18	5	23
Nuts and Nut Products, Snacks	ALMOND POWDER	1		1
	GROUND ALMONDS/NUTS(?)	1		1
	MIXED NUT POWDER	1		1
	PEANUT AND ALMOND POWDER MIX	1		1
Total		4		4
Others	HYGIENE SWAB - MEAT SLICER BLADE		1	1
Total			1	1
Prepared Dishes	BEEF & TOMATO	1		1
	BROCCOLI QUICHE		1	1
	CHEESE TOASTIE		1	1
	CHICKEN CHOW MEIN		2	2
	CHICKEN DONNER KABAB		1	1
	CHICKEN NOODLES		1	1
	CHICKEN RICE		1	1
	CHIPS	1		1

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### Midlothian Food Safety Enforcement Service Plan Review 2016-2017

	CORONATION CHICKEN ROLL		1	1
	CORONATION CHICKEN SANDWICH FILLING		1	1
	CURRY CHICKEN	1		1
	FRIED RICE		1	1
	GAMMON ROLL		1	1
	GLUTEN FREE CHICKEN AND MUSHROOM PIZZA	1		1
	HAM, CHEESE & PICKLE SANDWICH (NO MAYO) ON MALTED BREAD		1	1
	MARGHERITA PIZZA	1	1	2
	MASSALA SAUCE		1	1
	MEXICAN SPICE CHICKEN ROLL		1	1
	MICROWAVE RICE	1		1
	PAKORA SAUCE		1	1
	PEKING SPARE RIBS	1		1
	PEPPERONI PIZZA	1	1	2
	PILAU RICE		1	1
	SALAD		1	1
	SINGLE FISH	3		3
	SINGLE FISH (DESCRIBED AS HADDOCK)	1		1
	SINGLE FISH (DESCROBED AS HADDOCK)	1		1
	SINGLE HADDOCK	1		1
	SMALL DONNER KEBAB	1		1
	SWEET & SOUR SAUCE	1		1
	THAI CHICKEN	1		1
	TRIPLE CHEESE PIZZA	1	1	2
	VEGETABLE CHOW MEIN		1	1
	VEGETABLE FRIED RICE		1	1
	Total	18	22	40
Soups, Broths and Sauces	RECIPE BASE INDIAN BUTTER CHICKEN	1		1
	Total	1		1
	Grand Total	66	72	138

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**Appendix 1**

**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

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8. Do you display your FHIS PASS certificate or sticker? ☐Yes ☐No