

Midlothian Food Safety Enforcement Service Plan Review 2017-2018

1. Introduction

- 1.1 The Framework Agreement on Official Feed and Food Controls by Local Authorities, 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 2017 to 31 March 2018.
- 1.3 There were no audits of the Food Service by Food Standards Scotland (FSS) during the 2017-18 plan. It is highly likely that an audit will be carried out in 2018.
- 1.4 Two experienced members of the Food & Safety Team left to take up employment with other local authorities in early 2018.

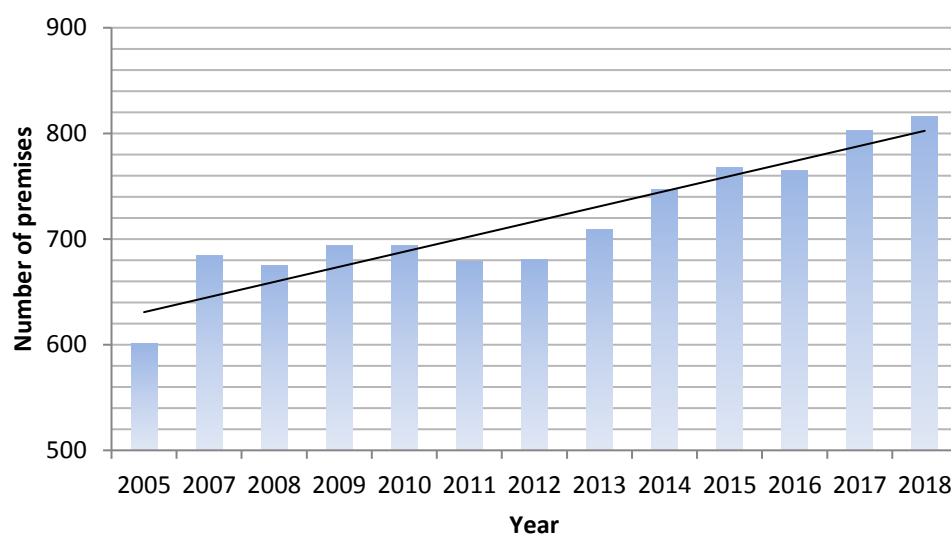
As a result of the Midlothian Council Financial Strategy the Environmental Health budget is to reduce. To achieve the required savings the Service is currently the subject of a service review; and this review includes careful assessment of the risks associated with reduced staff capacity.

- 1.5 The service concluded its 12 month involvement with FSS review of the way businesses are risk rated.
- 1.6 The service contributed to the development of the Care Inspectorate design guide "Space to Grow" for nursery services.
- 1.7 A incident involving a local food manufacturer resulted in a national recall of affected product. Significant team resources were required over a number of months to both control this situation and begin bringing about recovery of the business.
- 1.8 A report to the Procurator Fiscal about unhygienic conditions in a takeaway premises resulted in a conviction and a £4800 fine.
- 1.9 The implications of leaving the EU on food enforcement services remains unclear.

2.0 Premises profile

- 2.1 **As of 31 March 2018 there were 815 registered food businesses in Midlothian.**

A simple analysis of the changes in food premises numbers between April 2007 and March 2018 is given in Figure 1. The net positive change in food business numbers in the last 6 years amounts to an average of growth of about 3% per year). 2017-18 was the first year for 5 years where business closures exceeded openings.

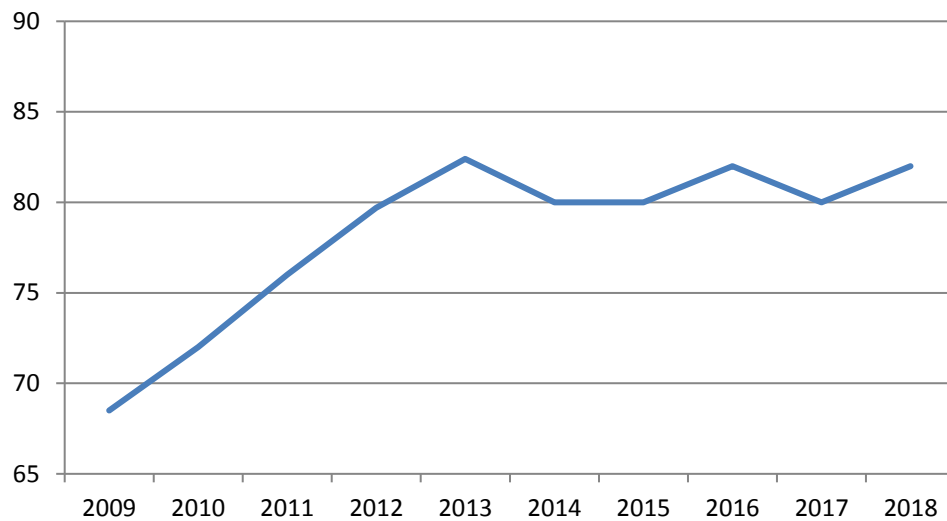
Midlothian Food Safety Enforcement Service Plan Review 2017-2018**Figure 1 Number of food premises at 31st March 2005 - 2018****3. Premises Inspection**

3.1 During the year **the Service carried out inspections at 473 food businesses to assess food hygiene and food standards.**

3.2 Broad compliance with the food **hygiene** law following inspection has remained at about the same level for the last 4 years, between 80 and 82% (Figure 2).

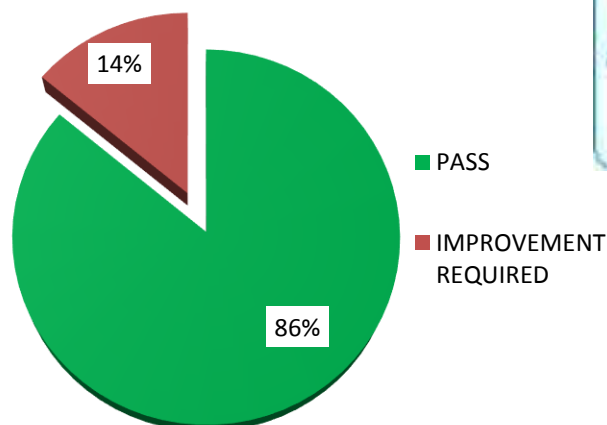
There are various possible reasons for this. Some food businesses operate on the margins of profitability. Parts of the food sector are known to experience a high turnover of staff. Often a new businesses opens up (or existing ones change hands) without sufficient knowledge of the food safety controls needed. A number of businesses do not become compliant until the food service has become involved with them. Some become non-compliant again between inspections. A person intending to operate a food business only has to register with the Council before opening.

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

Midlothian Food Safety Enforcement Service Plan Review 2017-2018**Figure 2 Food premises % Broad compliance**

- 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. Businesses can 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/>

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 to participate in the award scheme. The ratings for Midlothian food premises at the end of March 2018 are illustrated in Figure 3.

Figure 3 Food Hygiene Inspection Scheme ratings April 2018

Midlothian Food Safety Enforcement Service Plan Review 2017-2018

4.0 Food Sampling

- 4.1 Routine sampling activity is directed at major manufacturers in the area and 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.
- 4.2 A 197 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.

Reason taken	Analysis type	Total
Enforcement/Investigation	Composition	18
	Microbiology	6
Surveillance/Monitoring	Composition	93
	Microbiology	80
Grand Total		197

- 4.3 About 25% of all samples taken proved to be unsatisfactory. Unsatisfactory results are followed up with the Midlothian business concerned. Further samples may be taken to check that matters have been addressed.

In 2017/18 unsatisfactory results included products from a manufacturer 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 Clostridium botulinum bacteria. There were also cases where the presence of “indicator” bacteria were detected in ready to eat food. Elevated levels of these bacteria indicate poor handling practices, poor personal hygiene practices or temperature control abuse.

- 4.4 **113 Compositional samples** were analysed to check what food was made from 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 37 were unsatisfactory. The reasons for the unsatisfactory results are shown below in Table 1.

Midlothian Food Safety Enforcement Service Plan Review 2017-2018**Table 1: Unsatisfactory compositional samples**

Foodstuff sampled		Reason
HAGGIS Meat and Vegetarian PUDDING	Raw	Clostridium botulinum controls not sufficient to justify shelf life
PORK SAUSAGES	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 acrylamide
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

- 4.5 **86 Microbiological 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 2.

Table 2: Unsatisfactory microbiological food samples

What sampled	Reason
Hygiene swabs of equipment and food contact surfaces	Raised bacterial colony count – no pathogenic bacteria found but indicators of uncleanliness
Sliced Roast lamb	Raised bacterial colony count – no pathogenic bacteria found but indicators of uncleanliness
Onion powder, oregano and fresh chives	Borderline levels of pathogenic bacteria
Egg and tuna filled rolls with mayonnaise	Raised bacterial colony count – no pathogenic bacteria found but indicators of uncleanliness
Organic Brie style cheese	Raised enterobacteria levels but typical of this sort of cheese
Whipping cream	Raised bacterial colony count – no pathogenic bacteria found but indicators of uncleanliness
Sliced cured meat	Raised bacterial colony count – no pathogenic bacteria found but indicators of uncleanliness

Midlothian Food Safety Enforcement Service Plan Review 2017-2018**5.0 Reactive work**

- 5.1 The Service received and responded to 406 service requests (Table 3) during the year of which 328 related to food safety matters.

Table 3: Service requests dealt with by Food Service 2017-18

Type of request or area of work	Number of requests
Accident - not reported	1
Alcohol Food certificate s50	4
Alleged food poisoning	25
Building Standards Consultation	14
Caravan Sites	12
Complaint about property condition	1
Contact from other LA about our premises	2
Cooking Odours	1
Cooling towers	1
Drainage	1
Employee workplace complaint	7
Engineers inspection defects report	3
Export certification	20
Food Alert for info PRIN AA	1
food complaint other	28
Food labelling/composition	2
Food premises registration	4
Foreign body contamination	5
Freedom of Info Request	23
HACCP/Cooksafe/training advice	1
Health and safety advice	15
Infectious Diseases	1
Late hours catering licence	4
Pest activity/infestation	6
Planning consultation	22
Poor food premises hygiene/practices	36
Public complaint about workplace	14
Public Entertainments Licence	43
Request for food law/hygiene advice	47
Skin piercing licence	11
Smoking advice	1
Street trader food certificate s39	14
Street Traders Licence	1
Temporary Market Operators Licence	6
Use by/Best before concerns	3
Waste storage arrangements	24
Zoo licence	2

Midlothian Food Safety Enforcement Service Plan Review 2017-2018**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 resulting in a conviction and a £4800 fine for hygiene offences. 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	Year									
	08-09	09-10	10-11	11-12	12-13	13-14	14-15	15-16	16-17	17-18
Remedial Action Notices					2	3	0	1	0	5
Food detention Notices										1
Hygiene Improvement Notices	39	46	32	27	14	13	16	6	5	15
Emergency Hygiene Prohibition Notices	0	0	0	0	0	0	0	0	0	0
Voluntary Closures	0	0	0	1	0	0	1	0	1	0
Written Warnings re hygiene or standards contraventions	221	194	229	394	338	382	236	276	202	295
Reports to the Procurator Fiscal	0	0	0	0	0	0	0	0	1	0
Food surrenders or seizures	0	1	0	0	1	0	0	3	1	1

7.0 Customer feedback

- 7.1 No **customer satisfaction survey** was carried out this year.

8. Summary of Performance against service objectives for 2017-2018

- 8.1 Table 6: Summary of the performance of the food service against the objectives set for it in the 2017-2018 service plan.

Table 6

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	High "A" risk	100%
		High "B" risk	99%

Midlothian Food Safety Enforcement Service Plan Review 2017-2018

		Medium “C” and “D” low risk	90%																		
3	Complete planned % of Food Standards inspections	High “A” risk	100%																		
		Medium ”B” risk	100%																		
4	Carry out alternative intervention at low risk food premises (% of planned)	Food hygiene “E” risk	71%																		
		Food standards “C” risk	76%																		
5	Complete sampling from approved premises	100 % of the planned programme was achieved																			
6	Complete other targeted sampling																				
7	Complete contributions to planned sampling surveys (national and locally organised)																				
8	Investigate 100% of complaints and requests for service made to the service within target times	87 % within target time																			
<u>Food related illness</u> 24 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 8 years. (Excluding Campylobacter infection which is not routinely notified to Midlothian EH)																					
<div><p>Infectious disease notifications 2017-18</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>5</td></tr><tr><td>Legionella</td><td>0</td></tr><tr><td>E.coli</td><td>4</td></tr><tr><td>Entamoeba</td><td>0</td></tr><tr><td>Giardia</td><td>2</td></tr><tr><td>Shigella</td><td>0</td></tr><tr><td>Cyclospora</td><td>0</td></tr></tbody></table></div>				Pathogen	Notifications	Salmonella	13	Cryptosporidium	5	Legionella	0	E.coli	4	Entamoeba	0	Giardia	2	Shigella	0	Cyclospora	0
Pathogen	Notifications																				
Salmonella	13																				
Cryptosporidium	5																				
Legionella	0																				
E.coli	4																				
Entamoeba	0																				
Giardia	2																				
Shigella	0																				
Cyclospora	0																				
9	Ensure all authorised officer receive a minimum of 10 hours food related competency training	Objective achieved																			

Midlothian Food Safety Enforcement Service Plan Review 2017-2018**Table 7: Details of food samples taken 2017-18**

Food sampled		Analysis type		
		Chemical	Microbiology	Grand Total
Bakery and flour products	SPAGHETTI ALLA CHITARRA-ARTISAN AND FRESH EGG PASTA	1	1	2
	SPECIAL FLAKES	1		1
Total		5	4	9
Cakes and Confectionary	MACAROON BAR	1		1
Dairy Products	DOUBLE CREAM 2L	1	1	2
	HIGHLANDER CHEESE		1	1
	MOZZARELLA	1		1
	ORGANIC CLAVA BRIE STYLE CHEESE		1	1
	PACKED SEALED BOTTLE		1	1
	SEMI SKIMMED MILK	2	2	4
	SEMI SKIMMED MILK 1L	1	1	2
	SEMI SKIMMED MILK 2L	1	1	2
	SEMI SKIMMED MILK 500ML	1	1	2
	SKIMMED MILK	2	2	4
	SKIMMED MILK 2L	1	1	2
	SKIMMED MILK 500ML	1	1	2
	WHIPPING CREAM	1	1	2
	WHIPPING CREAM 2L	1	1	2
	WHOLE MILK	3	2	5
	WHOLE MILK 1L	1	1	2
	WHOLE MILK 2L	1	1	2
	WHOLE MILK 2LTR	1		1
	WHOLE MILK 500ML	2	1	3
Total		21	20	41
Fish and Shellfish	CURED SALMON		1	1
	10 COD FISH FINGERS	1		1
	2 SALMON FISHCAKES WITH CHILLI & GINGER	1		1
	26 CRISPY FISH BITES	1		1
	COD FILLET & PARSLEY MELT IN THE MIDDLE FISHCAKES	1		1
	KILN ROASTED RAINBOW TROUT FLAKES		1	1
	MACKEREL IN JELLY	1		1
	REDUCED FAT PRAWN COCKTAIL		1	1
	SHELL ON COLDWATER PRAWNS		1	1
	SMOKED MACKEREL		1	1
	SWEET MARINATED HERRING		1	1
Total		5	6	11
Food for Particular Nutritional Uses	6 ASSORTED JAM TARTS	1		1
	DAIRY FREE CHOCOVERED RAISINS	1		1
	GF OAT GRAHAMS STEM GINGER	1		1

Appendix B

Midlothian Food Safety Enforcement Service Plan Review 2017-2018

	SALTED CARAMEL FLAVOUR COCONUT MILK YOGHURT	1		1
	Total	4		4
Fruit and Vegetables	BABY POTATOES (VARIETY MARIS PEER)	1		1
	EAST LOTHIAN POTATOES	1		1
	SALAD BAR CRUDITES (PEPPERS, CUCUMBER, RADISHES, BABY CORN, CHERRY TOMATOES)		1	1
	SALAD COUNTER (NON PREPACKED) LETTUCE, SPINACH, TOMATOES, PEPPERS, BABY CORN, RADISH, CUCUMBER		1	1
	SIDE SALAD (FROM DONNER KEBAB MEAL)		2	2
	SIDE SALAD (SERVED WITH DONER KEBAB)		1	1
	SIDE SALAD (SERVED WITH KEBAB)		1	1
	Total	9	7	16
Herbs and Spices	FRESH CHIVES		1	1
	FRESH CORIANDER		1	1
	GARLIC POWDER		1	1
	GROUND TURMERIC	1		1
	NUTMEG		1	1
	ONION POWDER		1	1
	OREGANO		1	1
	WHITE PEPPER		1	1
	Total	1	7	8
Animal Feed	ANIMAL FEED	1	1	2
Meat and Meat Products, Game and Poultry	10 FRANKFURTERS		1	1
	10 MINI CHICKEN SKEWERS		1	1
	4 KABANOS (LOOSE FROM DELI COUNTER)		1	1
	5 SLICES ROAST LAMB		1	1
	ALDI HAGGIS SLICE	1		1
	ARDENNES PATE		1	1
	BBQ CHICKEN PIZZA	1	1	2
	BLACK PUDDING	3		3
	BOOKER BLACK PUDDING	1		1
	DELI COUNTER 5 SLICES BOILED HAM		1	1
	DELI COUNTER 5 SLICES COOKED BEEF		1	1
	DONNER MEAT - FROZEN	1		1
	GLUTEN FREE 454G DED HAGGIS	1		1
	GLUTEN FREE HAGGIS	1	1	2
	HAGGIS	1	1	2
	HAGGIS 454G	1		1
	HAGGIS "IN A HURRY" SLICES	1		1
	HAGGIS PIZZA	1	1	2
	HOME MADE 90% PORK SAUSAGES	1		1

Midlothian Food Safety Enforcement Service Plan Review 2017-2018

	KABANOS SAUSAGE		1	1
	LAMB - FROZEN	1		1
	M&S PROVENDER (TRADITIONAL HAGGIS)	1		1
	M+S BLACK PUDDING SLICE	1		1
	M+S PORK HAGGIS SLICE	1		1
	M+S WHITE PUDDING	1		1
	MACSWEEN DED HAGGIS 454G	2		2
	MACSWEEN GLUTEN FREE HAGGIS 454G	1		1
	MEATBALL PIZZA	1	1	2
	MOE 454G DED HAGGIS	1		1
	MOE BLACK PUDDING SLICE M7210 CATERING SIZE	1		1
	MOE EXPORT HAGGIS 454G	1		1
	MOE PROFESSIONAL BLACK PUDDING	1		1
	MOE TRADITIONAL HAGGIS	1		1
	PEPPERONI PIZZA	1	1	2
	POLISH SOPOCKA		1	1
	PORK & BEEF SAUSAGE (POLISH CURED MEAT - NO ENGLISH ON LABEL)		1	1
	PORK SAUSAGES	1		1
	PROVENDER HAGGIS	1		1
	SCOTCH PIE	1		1
	SCOTTISH HAGGIS	2		2
	SCOTTISH STEAK MINCE	1		1
	SMALL PORK PIE	1		1
	SMOKED DUCK (WITH CORIANDER, GARLIC & THYME)		1	1
	SMOKED HOME CURED DRY BACON	1		1
	STEAK BURGERS	2		2
	THICK CARVED BARLEY MALT CURED BRITISH HAM SLICES		1	1
	TOP CRUST STEAK PIE	1		1
	TURKEY SAUSAGES	1		1
	M&S VEGETARIAN HAGGIS	1		1
	MACSWEEN VEG IN A HURRY HAGGIS 130G	1		1
	M&S VEGETARIAN HAGGIS	1		1
	VEGETARIAN HAGGIS	2	1	3
	VEGETARIAN HAGGIS 454G	1		1
	VEGETARIAN HAGGIS 500G	1		1
	VENISON CHIPMEAT BURGERS	1		1
	VENISON SAUSAGES	1		1
	WAITROSE BLACK PUDDING	1		1
	Total	51	19	70
Nuts and Nut Products, Snacks	POWDERED ALMONDS	1		1
	WALNUT OIL	1		1
	Total	2		2

Appendix B

Midlothian Food Safety Enforcement Service Plan Review 2017-2018

Others	SURFACE AND EQUIPMENT SWAB		13	13
	BONE HEALTH CALCIUM & VITAMIN	1		1
	MULTI VITAMIN LIQUID	1		1
	VEGETABLE OIL		1	1
Total		2	14	16
Prepared Dishes	CHICKEN CHOW MEIN		1	1
	CHICKEN MAYO FILLED ROLL		1	1
	EGG MAYO FILLED ROLL		2	2
	HAGGIS RAVIOLI	1	1	2
	HAM PIZZA	1		1
	HOME PROCESSED CHUTNEY		1	1
	LAMB BIRYANI	2		2
	LAMB SHISH KEBAB	1		1
	MAGHERITA PIZZA	1	1	2
	MOZZARELLA AND TOMATO PIZZA	1		1
	MOZZARELLA AND HAM PIZZA	1		1
	RAVIOII- RICOTTA CHEESE AND SPINACH		1	1
	RAVIOII- SALMON PISTACCHIO PESTO AND MASCARPONE CHEESE		1	1
	RICOTTA CHEESE AND SPINACH Ravioli	1		1
	RICOTTA SMOKED SALMON PISTACCHIO PESTO AND MASCARPONE CHEESE	1		1
	SCOTTISH STOVIES (MINCED BEEF & ONIONS WITH POTATOES)	1		1
	SINGLE FISH (HADDOCK)		1	1
	SMALL DONER KEBAB	1		1
	SMALL DONNER KEBAB	1		1
	SMALL DONNER KEBAB	1		1
	SMALL SINGLE FISH (HADDOCK)	2		2
	TRIPLE CHEESE PIZZA	1	1	2
	TUNA MAYO FILLED ROLL		1	1
Total		18	12	30
Jams and preserves	FIG CHUTNEY	1		1
Grand Total		111	86	197