

Regulatory Committee

10.00am, Monday, 1 May 2023

Food Health and Safety Business Plan 2023/24

Executive/routine Wards Council Commitments	All
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1. Recommendations

- 1.1. Committee is asked to note this report and that the Business Plan will be submitted to Food Standards Scotland when requested.

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Report

Food, Health and Safety Business Plan 2023/24

2. Executive Summary

- 2.1 The City of Edinburgh Council has produced an annual Food Health and Safety Business Plan (Appendix 1). The format and content of the plan relating to food is governed by the Framework Agreement on Local Authority Food Law Enforcement.
- 2.2 Following audit feedback from Food Standards Scotland (FSS), the Business Plan is submitted for Committee for noting to provide oversight of the plan before it is made available to FSS.
- 2.3 Following the changes to Council political management arrangements which took effect from 17 April 2023, the Regulatory Committee terms of reference have widened to include the Council's Environmental Health and Trading Standards functions.

3. Background

- 3.1 In order to comply with the Food Law Code of Practice (Scotland) (CoP), the Council must produce an annual Food Service Business Plan (Appendix 1).
- 3.2 In previous years the Food Health and Safety Business Plan was approved by the appropriate Service Director (previously known as Head of Service). However, in 2019, Transport and Environment Committee considered a report on the outcome of a [Capacity and Capability Audit by FSS](#). Audit feedback from FSS advised that it was best practice for Elected Members to have awareness of the services provided, and that one way to do this was for the Business Plan to be made available to Committee for noting in advance of providing it to FSS.
- 3.3 Between March 2020 and October 2021, the food safety programme was largely put on hold due to the COVID-19 pandemic to ensure that Environmental Health resources were available to prioritise public health duties and COVID-19 business support. Therefore business plans for those years were not completed.
- 3.4 Ensuring that food businesses meet their statutory obligations is an integral part of Environmental Health, which investigates (among other issues) noise, public health, air quality, health and safety and environmental assessment. The Council is under a statutory duty to follow the CoP, and where necessary to cooperate with FSS.

4. Main report

- 4.1 Following the hiatus over the COVID-19 pandemic period and subsequent return to normal duties, the Environmental Health Service has produced an annual Food Health and Safety Business Plan (Appendix 1) as required by FSS.
- 4.2 FSS audits Local Authorities to ensure that they comply with the Framework Agreement, an audit report is agreed and, if required, an action plan is produced. It is a requirement of the audit that a Committee-approved Business Plan is in place.
- 4.3 The key points from the plan are as follows:
 - 4.3.1 The Food Health and Safety service (FHS) comprises 25 FTE across three teams managed by three Team Leaders. However, FHS is currently operating with 8.4 FTE vacancies, meaning there are only 16.8 FTE available. This challenge with staff numbers is consistent with other local authorities in Scotland;
 - 4.3.2 At the end of February 2023 there were 7,394 food businesses operating in Edinburgh, an increase of 177 since February 2022. However, as there is a significant turnover of food businesses in the city, so the increase does not represent the total number of new businesses. In fact, in the past 12 months, 608 new food businesses in the city have been recorded. These businesses typically require more support than well established businesses. This places additional pressure on the service and the inspection programme.
 - 4.3.3 Between 1 February 2022 to 31 January 2023, FHS inspected 1,168 businesses, resulting in 4,729 interventions of which 1,415 were enforcement actions. 612 food complaints were investigated, and 404 requests for advice were received and responded to.
 - 4.3.4 Inspections take place according to a risk rating scheme that places greatest emphasis on the highest risk businesses. With limited resources, it is not possible to inspect all premises, but using the CoP rating scheme ensures that FHS activities provide the best food protection for the residents and visitors to Edinburgh.
 - 4.3.5 Despite challenges with staff numbers, the services' assessment is that the city remains a safe place to eat. Monitoring of data available, including the number of infections notified by the NHS (113 in both years) and the number of self-reported food poisonings (218 in 2021/22 and 177 in 2022/23), shows that infections rates remain broadly similar to last year. This in itself was lower than in previous years. Additionally, the number and frequency of necessary formal enforcement actions remains low.

5. Next Steps

- 5.1 Officers will submit the Business Plan to FSS when requested.

6. Financial impact

- 6.1 There are no direct financial impacts from this report.

7. Stakeholder/Community Impact

- 7.1 The aims and objectives of the Business Plan are to ensure that food and drink intended for sale for human consumption which are produced, stored, distributed, handled, traded or consumed within the City of Edinburgh are without risk to the consumer.

8. Background reading/external references

- 8.1 None.

9. Appendices

- 9.1 Appendix 1 – Food, Health and Safety Business Plan 2023/24

Appendix 1

Food, Health and Safety Business Plan 2023/24

Version 1

FOOD HEALTH AND SAFETY BUSINESS PLAN 2023 - 2024

Business Plan 2023-24

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Overview

This Business Plan is prepared in order to comply with the Food Law Code of Practice (Scotland) (CoP). The City of Edinburgh Council is required to produce and approve an annual Food Service Business Plan. The content of the plan is governed by the requirements of the Framework Agreement on Local Authority Food Law Enforcement.

Mission Statement

The Food, Health and Safety Team exists to protect and enhance Edinburgh for all its citizens, businesses and visitors, ensuring that the law is complied with and that Council objectives are achieved so that all may thrive.

Aims and Objectives

We will ensure that food and drink intended for sale for human consumption, which are produced, stored, distributed, handled, traded or consumed within the City of Edinburgh are without risk to the consumer. We will regulate Health and Safety as required in Local Authority enforced premises in order to protect members of the public and employees. We will do this through inspection, investigation, education and enforcement.

Profile of Edinburgh

The City of Edinburgh Council is a predominantly urban Local Authority covering a land area of 264 square kilometres, with a population of over 522,000. The city is a popular tourist destination, with visitors coming to see the city's attractions, including museums, and monuments, as well as some of the most famous festivals in the world. It is estimated that the city's population doubles during the summer festivals due to an influx of artists and visitors. This increase in population requires resources and facilities adequate to meet these needs including tourist accommodation, entertainment, restaurants, bars and cafes, and places additional pressure on the Council including the Environmental Health Service.

There are over 7,000 food businesses in the city, of which over 4,000 are restaurants and other caterers. This is a dynamic operating environment, with the number of businesses overall increasing and number of Food Business Operators (FBO) changing. Very often new FBOs are relative 'beginners' in the food industry without full awareness of the obligations regarding food safety. Consequently, the Service has to give significant support to these businesses. This often includes having to proactively search for these businesses, as many are unaware of the legal obligation to register with the Local Authority.

Scope of the Food, Health and Safety Teams

The Food Health and Safety (FHS) service was redeployed for Covid enforcement during the Coronavirus (Covid-19) pandemic. A Local Authority Recovery Plan was agreed by the 32 Local Authorities and Food Standards Scotland (FSS). The FHS service resumed routine inspections in October 2021, but due to a new Covid-19 variant of concern around mid-December there followed a further two month hiatus, with inspections resuming in mid-February. This was reported to FSS.

From October 2021, the FHS teams followed the requirements of the document 'Interventions Food Law Code of Practice (Scotland)', which changed ways of working by

implementing the new food law inspections, which encompass what would have been food hygiene and food standards inspections and introduced a new risk rating scheme.

The FHS teams aim to provide a comprehensive, primarily enforcement-based range of services across the city, encompassing food safety, food standards, health and safety and related activities.

The teams carry out Food Law inspections in all food premises in the city according to the risk rating applied at each inspection. This risk rating determines the frequency with which each business should be inspected and is calculated in accordance with the Food Law Rating System (FLRS).

In the course of Inspections, officers will guide Food Business Operators (FBO) on required actions in order to comply with food law legislation. Officers will either leave a written report or email an electronic report. Guidance provided may be informal or formal depending upon the level of non-compliance. Formal action can range from allowing a FBO to voluntarily close an unsatisfactory premises, to closing the premises by way of a Statutory Notice and/or reporting a FBO to the Procurator Fiscal. Other options are available, and the approach is detailed in the Service's Food Law Enforcement Policy.

The 2023/24 budget for the service is **TBC**.

In support of the Council's values, all Food Law interventions are carried out with integrity, respect for FBOs and other customers and with appropriate flexibility.

The Service contributes directly towards one of the three strategic outcomes set out in the Edinburgh Partnership Community Plan (SOA 2018-28):

- That Edinburgh is a good place to live

In addition, the Council supports Food Standards Scotland's (FSS) Corporate Plan:

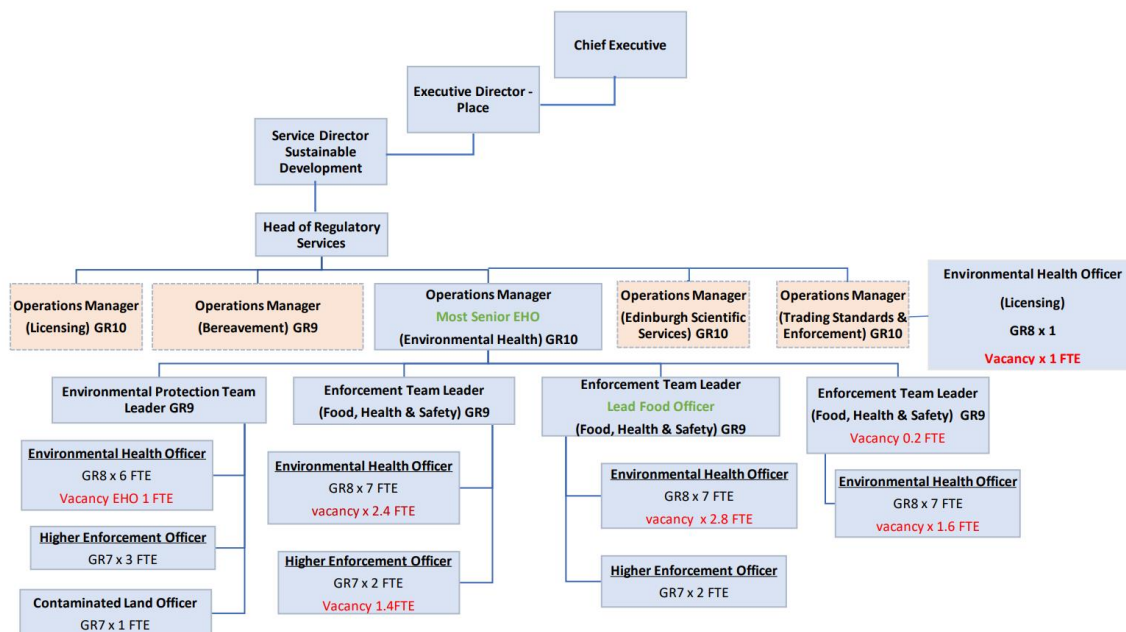
- Food is safe;
- Food is authentic;
- Consumers have healthier diets; and
- Responsible food businesses flourish.

Feed and primary production enforcement is undertaken by the Council's Trading Standards Service. All food and feed law enforcement services are part of the Place Directorate of the Council.

Operational Context

FHS has a flexible establishment of 21 full time equivalent (FTE) Environmental Health Officers (EHO) and four FTE Higher Enforcement Officers divided into three geographical team groupings. Staffing levels have been falling in recent years. Despite carrying out recruitment exercises in the past six years, it has not been possible to return to full complement. FHS carries a 0.2FTE Team Leader vacancy and 6.8SFTE EHO vacancies. Additionally, the FHS Teams have 1.4FTE vacancies for Higher Enforcement Officers, making the total vacancies 8.4 FTE. This is equivalent to one team of officers.

The Environmental Health Service overall has 8.8 EHO vacancies (one within Licensing Enforcement), and operates with 70% fewer EHOs than in 2005.



The most recent statistics (2019) provided by the Society of Chief Officers of Environmental Health Scotland (SOCOEHS) show that Edinburgh operates with the lowest ratio of EHOs to population among the seven most comparable Local Authorities in Scotland. This is in part because the service is currently running below establishment. However, even if the service was at full establishment the ratio would only be 5.2 EHOs/100,000 population and still the lowest ratio in the benchmarking group.






	EHOs per 100K population
Scotland – highest	10.6
Scottish average	7.6
Edinburgh (if all posts filled)	5.2
<i>Edinburgh 2022</i>	3.9

The Environmental Health Service continues to train two students with the hope that they will seek to be employed by the Council at the end of their training. It is hoped that we will train more students in the coming year.

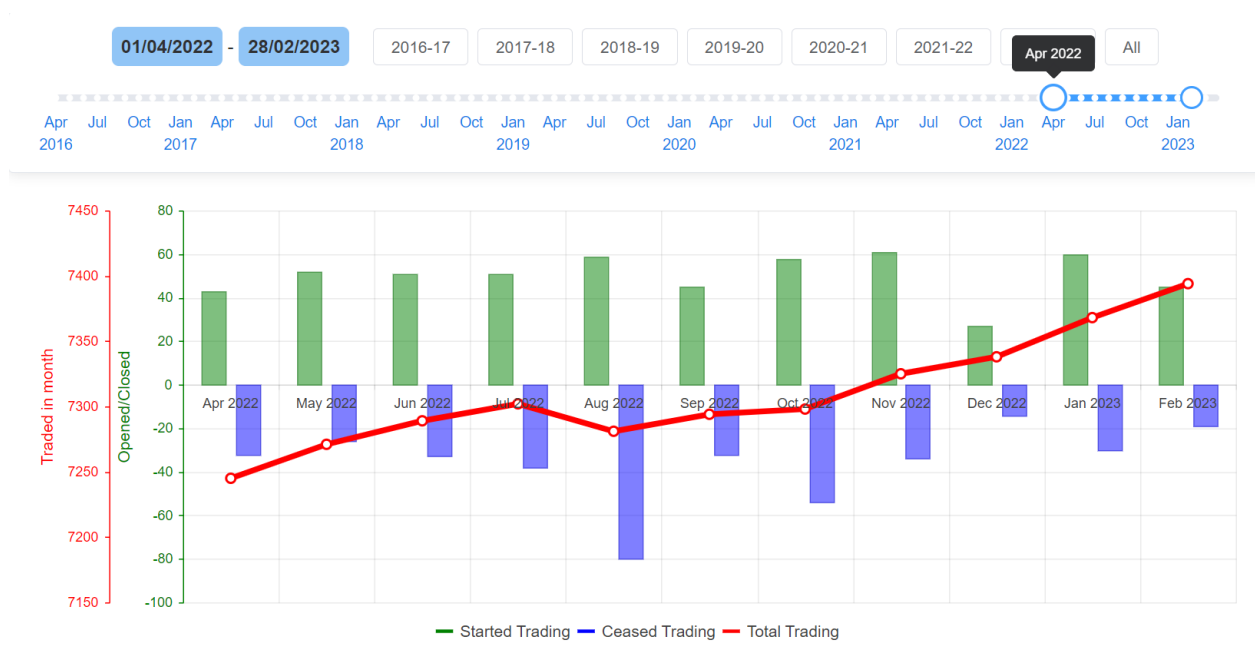
An additional significant impact on service delivery is the need to ensure that festivals, events, street markets and other temporary venues are adequately monitored. This includes the Royal Highland Show, Edinburgh International Festival, Edinburgh Festival Fringe and a variety of temporary markets. Food law and occupational health and safety matters at these events are normally coordinated by an EHO attached to the Licensing Team, supported by colleagues from Environmental Health when inspections and other interventions are required. Due to this post currently being vacant, this role is currently being covered by the Food teams. Although some of these events occur annually, the

participants are different each year and those who return often have new premises layouts. Consequently, these cannot be part of the programmed inspection list and must be dealt with as and when they arise. The work involved in carrying out these non-programmed inspections and associated activities is equivalent to two FTEs over a whole calendar year. However, the nature of the events means that the workload is not evenly distributed throughout the year.

Food Health & Safety statistics

 <p>7,394 FOOD BUSINESSES 6,505 REGISTERED</p>	 <p>4729 INTERVENTIONS TOOK PLACE IN FOOD BUSINESSES, OF WHICH 1168 WERE INSPECTIONS AND 1415 ENFORCEMENT ACTIONS</p>	<p>152 FOOD SAMPLES TAKEN</p> 	<p>612 FOOD COMPLAINTS INVESTIGATED</p> 	<p>440 REQUESTS FOR ADVICE</p> 
 <p>177 SELF-REPORTED FOOD POISONINGS INVESTIGATED</p>	<p>48 SHIPS INSPECTED AND SANITATION CERTIFICATES</p> 	<p>12 APPROVED PREMISES REQUIRING APPROVAL</p> 	<p>16,000 PREMISES FOR HEALTH & SAFETY ENFORCEMENT</p> 	<p>3 SERIOUS ACCIDENTS INVESTIGATED</p> <p>4 PROHIBITION NOTICES SERVED</p> 
<p>75 FBOs WITH AN EATSAFE AWARD</p> 	<p>8 BUSINESSES WITH 22 COOLING TOWERS BETWEEN THEM</p> 	<p>205 HEALTH AND SAFETY VISITS</p> 	<p>1728 FOOD LAW RE-VISITS CARRIED OUT</p> 	<p>113 NHS REPORTED COMMUNICABLE DISEASES INVESTIGATED</p> 

Edinburgh has the highest number of food business in Scotland and at the end of February 2023 the total stands at 7,394. This is 177 more food businesses in Edinburgh than were registered at the beginning of April 2022. This is not the entire picture however, as during this period many businesses closed and others opened to replace them. This means that there are actually many more 'new' businesses than 177. In the graph below the green bars show how many businesses closed in each month and the blue bar how many new businesses opened. This shows that during the period April 2022 to the end of February 2023, 608 new businesses opened in Edinburgh. The red line indicates a steady increase in the number of food businesses in Edinburgh. This increasing trend has been going on since at least 2016. New businesses can put extra strain on the Service, as owners who are new to running a food business often require more assistance than experienced FBOs.



Service Improvement and Monitoring

The effects of both technological and legislative change require a strong focus on staff training and continuous professional development for the Food Health and Safety service to ensure the highest standards of competency, quality of service delivery and professionalism. In order to ensure that such standards are maintained, the competencies of officers in specific subject areas are rigorously and continuously assessed. Team Leaders also monitor officers' outputs to assess compliance with internal quality checks, including data input standards. This monitoring is supplemented by Team Leaders' observation of officer practice during onsite visits. Additionally, officers who are newly qualified, new to the Council or returning to food law enforcement after a long period elsewhere, follow a structured mentoring programme. These officers are assessed by the Lead Food Officer before being allowed to carry out the full range of food enforcement duties.

In response to ongoing changes to statutory guidance on food and health and safety, additional training is provided on any new or unusual foods and processes. For example, of a number of staff trained in Hazard Analysis and Critical Control Point (HACCP) to HACCP 4 level, a number have gone on to complete the Official Controls Verification (OCV) course for the inspection of approved premises.

APSE is used to benchmark against Local Authorities of a similar nature to enable the assessment of service performance. This was paused during the pandemic and we intend to return to this process this year.

Obligations Placed on the Service

Food Law sets out obligations that apply in relation to the delivery of Official Food Controls by Local Authorities, which include ensuring:

- The effectiveness and appropriateness of Official Controls;
- That controls are applied at an appropriate risk-based frequency;

- c. That they have a sufficient number of suitably qualified and experienced competent staff as well as adequate facilities and equipment to carry out their duties properly;
- d. That staff are free from conflicts of interest;
- e. That they have access to an adequate laboratory with capacity and capability for testing.

Local Authorities are required by statute to have regard to the Food Law Code of Practice (Scotland) Issue 2019 (CoP) when discharging their duties. If they do not have due regard to the requirements of the CoP, FSS may, after consulting the Scottish Ministers, give a Local Authority a direction requiring it to take specified steps in order to comply with the CoP. This means, in effect, that Local Authorities must follow and implement the provisions of the CoP that apply to them.

These statutory requirements must be brought to the attention of local authority officials and/or elected member bodies responsible for agreeing budgets or other service arrangements relevant to the delivery of Official Controls.

The City of Edinburgh Council has a documented Food Enforcement Policy that underpins the requirements of the CoP.

Food Law

A Local Authority Recovery Plan was agreed with FSS and was implemented in October 2021. A desktop exercise was undertaken to convert the existing CoP Annex 5 risk rating scores to the Food Law Interventions Performance Ladder Bands. Thereafter the premises were reviewed and allocated inspection dates, with the earliest dates being given to those premises with the highest risk and taking into account the date of the last inspection.

The FHS teams continue to follow the Local Authority Recovery Plan and to carry out interventions with respect to those businesses already inspected under the Food Law Rating System (FLRS) when they become due, using the intervention frequency as set out in the table below.

Since the beginning of October 2021 until the end of January 2023 we have completed all Group 1 premises (122) and all Group 2 Band D (927). In addition, we have completed 518 Group 2 Band C, with 745 still to do. At the time of writing, due to an increased number of re-inspections, the number of unrated premises needing inspection and a staff shortage, these were not completed by the end of March 2023. There are 104 Group 3 Band D premises that have not been inspected. These are in Band D for relatively minor issues but are all low-risk premises. Other premises were targeted ahead of these as they represented greater risk to the public.

Food authorities are required to risk rate their food businesses for food law. Information on the Performance Ladder Bands risk ratings and inspection frequencies are as follows:

5. Food Law Rating System

5.1 The Ladder

Group 1 Business	Performance Levels	Band	Intervention Frequency
<ul style="list-style-type: none"> Manufacturer of High Risk Foods. Manufacturer, Caterer, Processor or Retailer that undertakes a specific method of processing that has the potential to increase the risk to public health beyond that of normal preparation, storage or cooking. Manufacturers of Foods for Specific Groups. All Exporters. Manufacturers, Processors, Importers, Wholesaler, Distributor, Food Broker, Packers of Food at enhanced risk of food fraud, substitution, adulteration or contamination. 	Sustained Compliance	1A	18 Months
	Compliant and confident in compliance going forward	1B	12 Months
	Minor Non-compliance and/or gaps in confidence in compliance going forward	1C	6 Months
	Significant Non-Compliance and/or no confidence in compliance going forward	1D	3 Months
	Sustained non-compliance and/or Issues of Public Health Significance or Fraudulent Activity	1E	Intensive Intervention. 1 Month.
Group 2 Business	Performance Levels	Band	Intervention Frequency
<ul style="list-style-type: none"> All other Manufacturers, Processors, and Caterers. Importers, packers, wholesalers and distributors of high-risk foods not in Group 1. Head Office Business that undertakes a regional/national decision making function. Retailers handling open high-risk foods. 	Sustained Compliance	2A	24 Months
	Compliant and confident in compliance going forward	2B	18 Months
	Minor Non-compliance and/or gaps in confidence in compliance going forward	2C	12 Months
	Significant Non-Compliance and/or no confidence in compliance going forward	2D	3 Months
	Sustained non-compliance and/or Issues of Public Health Significance or Fraudulent Activity	2E	Intensive Intervention. 1 Month.
Group 3 Business	Performance Levels	Band	Intervention Frequency
<ul style="list-style-type: none"> All other retailers, Food Brokers, Importers, packers, wholesalers and distributors. Public Houses and similar Licenced Business not providing catering. Business providing limited refreshments (e.g. tea, coffee, soft drinks) as an adjunct to main activity. Child minders. Supported Living Business. Business producing low risk food based from a domestic dwelling. Bed & Breakfasts. 	Sustained Compliance or Businesses where information available at point of registration, indicates there is minimal inherent risk	3A	No proactive Intervention or 60 months.
	Compliant and confident in compliance going forward	3B	36 Months
	Minor Non-Compliance and/or gaps in confidence in compliance going forward	3C	24 Months
	Significant Non-Compliance and/or no confidence in compliance going forward	3D	3 Months.
	Sustained Non-Compliance and/or Issues of Public Health Significance or Fraudulent Activity	3E	Intensive Intervention. 1 month.

In the 12 months between 1 February 2022 and 31 January 2023, 1,168 food law inspections took place. The businesses were risk rated as shown in the graph below. It should be noted that this is a snapshot of businesses on a particular day, as the graph evolves over the course of a year. It shows the businesses that have been inspected under FLRS but it does not represent the number of inspections undertaken.

FLRS

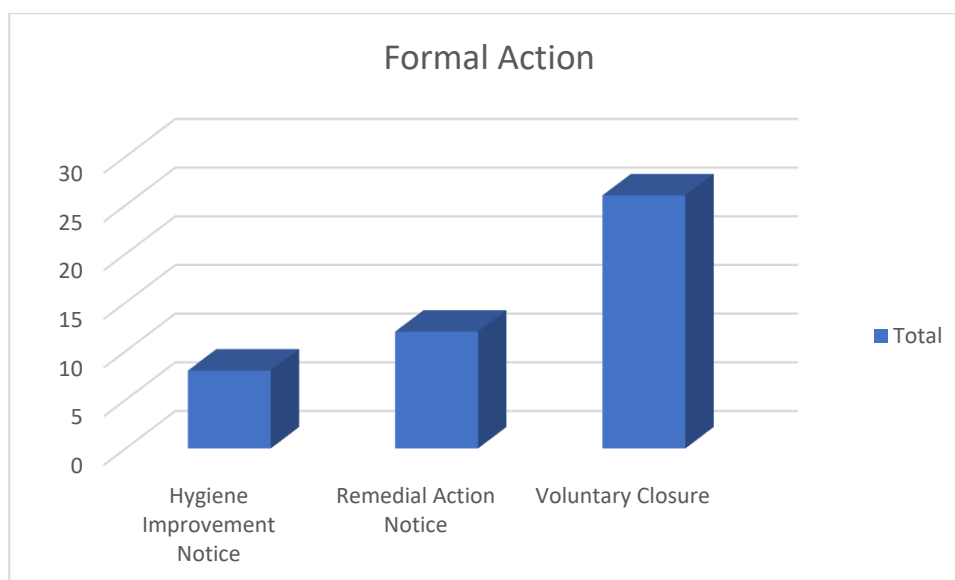


The teams continue to respond to complaints and enquiries regarding a wide variety of food law issues. During 2022/23, FHS responded to 1,906 service requests including alleged food poisoning, foreign bodies in food, food labelling and unhygienic premises and practices.

A number of enquiries received are requests for advice from businesses. This is part of the routine work undertaken on a daily basis.

During 2022-23 eight Hygiene Improvement Notices were served, 12 Remedial Action Notices were served on premises and no Hygiene Emergency Prohibition Notices were served. 26 food businesses were closed by Voluntary Closure procedures.





Food Law Incidents

All Food Law incidents are dealt with by following documented procedures and any incident that is required to be notified to FSS is sent timeously. Throughout the year FHS is notified by FSS of food alerts, and on receiving this information officers are notified. Those alerts requiring action are escalated and a response is returned to FSS. An estimate of the resource required is difficult to provide, but any alert for action will be resourced appropriately.

Food Crime and Fraudulent Activities

Officers work closely with FSS on food crime and fraud notifications as per the CoP. One of our staff is a 'Food Crime Champion' who has access to the intelligence database to receive or log notifications. This work is variable and is undertaken within the existing resource allocation.

Approved Premises

Approved premises handle products of animal origin for further distribution to other retailers/caterers. There are 12 approved premises, at which inspections are carried out by two officers, to ensure there is both consistency and that the appropriate level of focus on safe food production is achieved.

Food Sampling

The Council will continue to carry out a comprehensive Food Sampling Programme to ensure that the food on sale within Edinburgh complies with food law requirements.

In partnership with the Lothian and Borders Food Liaison Group, the Council will participate in the Coordinated Food Sampling Programme for 2023-24. The programme is funded by FSS and each year LAs within their Food Liaison Groups are encouraged to apply for funding. In 2023-24 it is intended to take approximately 120 samples across a range of categories specified by FSS.

The programme for this year has not yet been determined but this plan will be updated when the range of foods has been agreed.

In 2023/24, the team proposes to submit up to a further 200 samples for chemical testing and 200 samples for microbiological testing.

In addition to this programme, food enforcement staff will continue to monitor the safety and quality of locally available imported and manufactured foods by taking samples during routine inspections of premises.

The Council does not currently have any formal home authority or other agreement with any Edinburgh food business. However, the Council does accept referrals from other food authorities, acting as the originating authority for several Edinburgh businesses where the principal issues are food standards in nature. Currently, the Primary Authority principle, which is used in other parts of the UK, does not apply to food issues in Scotland but may be introduced by FSS at any time.



Health Improvement

Under normal circumstances the FHS teams participate in national campaigns, e.g. Food Safety Week, and give presentations to schools and community groups as requested. With the end of the pandemic it is expected that we will return to this work when resources permit.

Some officers hold qualifications in Food and Nutrition, which ensures that health improvement and nutrition are considered during inspections, with advice and expertise offered at appropriate opportunities. We believe it is essential that officers are aware of the key Scottish Government strategic objective which aims for a healthier society, and ensuring our officers are knowledgeable and skilled in health outcomes is integral to this.

FSS has a strong focus on nutrition and healthy eating and supports the Council's desire to improve health and nutrition while performing statutory duties. It is our intention to increase officer knowledge in this area and we will continue to support FSS in food sampling initiatives and surveys, along with our partners in Lothian and Scottish Borders Food Liaison Group to improve health outcomes, especially in children.



External Monitoring of Food Law Performance

FSS uses the Scottish National Database (SND) to monitor LAs' food law enforcement service against the standards set out in both the Framework Agreement and the CoP. From this FSS will provide the Scottish Food Enforcement Annual Return (SFEAR) to LAs. FSS carries out regular audits of all 32 LAs on the basis of this data.

The Framework Agreement between FSS and local authorities including the Council requires that a detailed review of an authority's performance against its previous stated objective be carried out and that this should be scrutinised. This review will be done annually following receipt of the SFEAR report from FSS. As part of this process, an action plan must be developed to address any shortfall in performance against targets.

At the time of writing the total number of registered food premises in Edinburgh was 6,505, although, with additional intelligence available we believe the true figure of food businesses to be 7,394. This is a constantly changing figure as new businesses open and others close. However, for some years now (including during the pandemic) the total figure has steadily increased. The legal responsibility to register a food business with the local authority rests with the food business operator. As part of routine inspection and audit duties the registration status of a business is checked, and assistance given to the operator to meet their legal obligation.

Development Activities



As resources and workload permit, we aspire to make the following improvements to the food service.

- We will increase our involvement with nutrition.
- We will explore the use of customer satisfaction questionnaires.
- We will improve our online presence.
- We will develop a system for charging for discretionary advice and training.

The FSA/FSS sponsored Food Hygiene Information Scheme covers the whole Council area. The Scheme's 'Pass' and 'Improvement Required' grades give clear and concise

information to the public on the hygiene standards achieved at the most recent inspection. The easily understood information on hygiene standards is a benefit to potential consumers and is expected to continue to drive up standards in catering establishments in the longer term. The current ratings for Edinburgh's food businesses are available on the FSA/FSS websites via a link from the Council website, with food businesses being issued with the appropriate certificate for display following inspection. FSS had started a consultation process that could result in various changes to Food Hygiene Information Scheme (FHIS), including the compulsory display of 'Pass' and 'Improvement Required' certificates on the food premises. This is on hold as it has to be refined due to the change to FLRS

In 2023/24, in conjunction with the Council's Media Team, FHS will continue to produce Facebook posts regarding local and national environmental health matters.



The FHS teams support local businesses by providing the Food Safety Management System ('CookSafe') guidance free of charge. The teams also provide advice on Covid-19 regulations and ways to keep staff and customers safe.

Translation services are arranged when required and all printed materials provided by FSS are available in several languages. There will be a continuing need for this business support in 2023-24, particularly as the trend for a substantial number of businesses to change hands each year continues.



To support and encourage food businesses which are doing more than meeting legal requirements, recognition is given to those businesses which are achieving levels of excellence. The Service will continue to engage with proprietors whose businesses qualify and seek to promote the Eat Safe Award sponsored by the FSA, which recognises businesses that exceed legal compliance. The details are published on the Eat Safe website, which can also be accessed via our website. There are currently 75 Edinburgh premises with an Eat Safe award.

Key Internal Partners

Within the Council, principal internal partners are the four localities. Arrangements have been put in place to assist the Locality Managers to quickly resolve issues coming within the scope of the responsibilities of Environmental Health.

In line with the concept of Better Regulation and a reduction of regulatory burdens on businesses, FHS works closely with other teams in the Directorate of Place, in particular Licensing. The Licensing Service takes the lead in relation to street trading issues and events planning.

FHS also works with Business Growth and Inclusion to encourage responsible businesses and best practice.

FHS works closely with Edinburgh Scientific Services as its Food Analyst/Examiner and Agricultural Analyst, and uses its laboratory expertise in respect of the food sampling programme, food complaints and other forms of analysis and examination.

Principal External Partners

FHS will seek to maintain and expand its involvement with stakeholders and partners throughout the year. External partners include:

- Food Standards Scotland
- Lothian and Scottish Borders Food and Health and Safety Liaison Groups.
- Scottish Food Enforcement Liaison Committee (SFELC)
- National Health and Safety Co-ordinating Group (HASCOG) for Scotland
- Society of Chief Officers of Environmental Health
- Approved Establishment Working Group
- National Food Crime Advisory Group
- Scottish National Database Development Group
- Skin Piercing Working Group
- Health and Safety Executive (HSE)
- NHS Lothian Department of Public Health Medicine
- Scottish Fire & Rescue Service
- Crown Office and Procurator Fiscal Service,
- Police Scotland
- Care Inspectorate.
- Other LAs
- Scottish Food Enforcement Liaison Committee (SFELC)

The Joint Health Protection Plan

The Joint Health Protection Plan (JHPP) (a requirement under the Public Health etc (Scotland) Act 2008 ('the 2008 Act')) has been prepared with close collaboration between NHS Lothian and the four Lothian LAs. The current plan covers the period from April 2018 to March 2020. This was not updated as the pandemic interrupted 'normal' work. It remains on hold at present as a consequence of new regional arrangements for the NHS Health Boards; it is not clear if there will be a regional plan or if local plans will remain.

NHS Lothian's Health Protection Team works closely with Environmental Health Services in the Lothian LAs in the investigation and management of cases involving communicable diseases and environmental hazards. The 2008 Act sets out roles and responsibilities in these arrangements. The key communicable disease and environmental health functions of NHS Lothian and LAs are:

- To reduce preventable illness and death from communicable disease;
- To identify potential outbreaks of communicable disease at an early stage so that effective control measures can be put in place as soon as possible;
- To improve the ability to prevent further outbreaks;
- To work with other agencies to reduce any adverse environmental impact on health.

The 2008 Act has also provided an opportunity to develop planning processes, not only linking local departmental plans but also ensuring that the objectives match closely with those of the wider NHS and Lothian LAs' planning systems. An example of this is the close cooperation between Edinburgh's Environmental Health Service and Lothian NHS during the pandemic, which saw daily briefings and sharing of staff.

Communicable Diseases

We will continue to work closely with our colleagues in NHS Lothian's Health Protection Team (HPT) to investigate all cases of food poisoning and other cases of enteric infection notified to them within the population of Edinburgh. All cases are investigated in accordance with the protocol laid down in the document 'Standard Procedures for the Investigation and Management of Sporadic Cases of Gastrointestinal Infection in Lothian'. The purpose of investigating cases is to control the spread of infection within the community and the wider population. On occasion, this can require the person and/or contacts to be excluded from their school, childcare or work until cleared by microbiological screening or risk assessment.

During the year 2022/23 FHS received 113 notifications of infections (food borne disease and other infections) from NHS Lothian to follow up and an additional 218 reports of alleged food poisoning directly from the public. These numbers remain lower than in previous years and it is believed that this is still due to people's habits changing due to the Covid-19 pandemic.

In the event of an emerging potential public health incident or outbreak of gastrointestinal infection or Legionnaires' disease affecting the population of Edinburgh, we are required to provide suitably experienced staff to be part of a Problem Assessment Group or Incident Management Team. Such outbreaks and incidents may extend outwith the City boundary which will necessitate liaison with other LAs, the Scottish Government and other agencies e.g. FSS/FSA, HSE, Health Protection Scotland, SEPA.

We will continue to support and play an active part in the Lothian Health Protection Liaison Group. The Group, which comprises representatives from NHS Lothian, Scottish Water, the Animal and Plant Health Agency (APHA) and the four LAs in the Lothian area, meets four times per year. The Group discusses issues of mutual concern and interest and provides plans for the control of gastrointestinal infection and other conditions within the Lothian area. The Group also organises and participates in training exercises to test the Major Outbreak Plan and the Waterborne Hazard Plan.

Port Health

This area of work includes the two sea ports (Leith Docks and Hound Point Oil Terminal at South Queensferry) and Edinburgh Airport. At present the inspection of ocean-going vessels comprises much of the work as we implement the provisions of the Ship Sanitation regime, which is designed to address all possible vectors of disease and risk to human health on ships. 48 ship sanitation inspections were carried out in 2022-23.

The main area of work connected with Edinburgh International Airport is associated with reports of illness aboard inbound aircraft. In this regard, we work closely with NHS Lothian's Consultant in Public Health Medicine (CPHM), HPT and the airport operator. When required, officers will meet an inbound aircraft as it arrives, accompanied by the CPHM, and ensure that the aircraft is properly disinfected, if necessary, prior to commencing its outbound flight. Contact and destination details of the other passengers can be obtained in this situation, as required.

There are established Airport Call Out procedures and these are kept under review in conjunction with other agencies.

Occupational Health and Safety

Local Authorities (LAs) have a statutory duty to enforce occupational health and safety legislation at appropriate premises within their area.

To support this, HSE issued the 'National Local Authority Enforcement Code' and supplementary guidance in 2013. The most recent updated guidance was published in January 2018. LAs are obliged to have regard to this Code and guidance.

As previously stated, LAs have a statutory duty to enforce occupational health and safety legislation at appropriate premises within their area. Health and safety enforcement is undertaken by either the Health and Safety Executive (HSE) or LAs, depending on the type of premises or work activity.

LAs are responsible for enforcement in:

- retail shops;
- some warehouses;
- offices;
- catering establishments;
- provision of residential accommodation such as residential care homes, hotels and hostels;
- leisure and entertainment premises; and
- consumer services such as hairdressers, beauty salons and launderettes/dry cleaners.

There are approximately 16,000 premises in Edinburgh for which the Council has enforcement responsibility.

FHS teams deliver a combination of programmed inspections (based on a risk scoring system), participation in local and national initiatives, reacting and responding to enquiries and investigating complaints, accidents and cases of occupational ill health.

The most effective way in which standards of occupational health and safety can be improved is by an appropriately resourced and targeted programme of inspections. Occupational health and safety is a reserved function and the UK Government has produced statutory guidance requiring LAs to significantly reduce their inspection programmes.

Unlike the proactive inspection programme required for food premises, when it comes to occupational health and safety LAs are expected to limit proactive inspection activity. Instead LAs are encouraged to use other interventions to assist businesses in complying with legislation. Nevertheless, LAs are required to retain the skills to enforce the legislation as necessary, either through accident investigations or by responding to complaints and enquiries. HSE guidance acknowledges that LA officers undertake visits to businesses for a range of purposes e.g. food hygiene or civic government licensing, and recognises that during these visits it will be appropriate to provide health and safety advice to address matters of evident concern.

In accordance with UK Government and HSE policy, we would have carried out only a limited number of pro-active inspections. However, due to the legacy of Covid

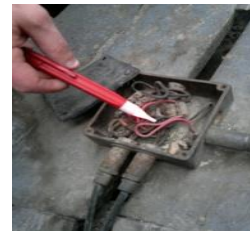
work, prioritising the re-starting of food work and embedding FLRS, prioritising existing and additional H&S reactive workload we undertook no pro-active inspection in 2022/23.

We did 205 Health and Safety visits in total. 84 visits were as a result of receiving complaints about Health and Safety standards in connection with work/workplaces. This resulted in 15 revisits to check compliance. 24 visits were done as a result of Health and Safety incidents (three accidents were fatal, and two were serious). 82 visits were done following requests from businesses.

A FTE of four officers undertook occupational health and safety enforcement and related work activities in 2022/23 as opposed to 5.7 in 2019/20. Whilst we aim to restart our Health and Safety inspections following the pandemic, these will be at a reduced level as we continue to follow Government requirements regarding inspections.

Improvements in standards of health and safety within businesses are often achieved without the need for formal enforcement action. However, where necessary, FHS will serve Improvement and Prohibition Notices to ensure compliance and will submit reports to the Procurator Fiscal for prosecution. During 2022/23, three serious accidents were investigated, no Improvement Notices were issued and four Prohibition Notices were served under health and safety legislation.

Since the mid-1990s, FHS has been involved in the Lead Authority Partnership (LAP) schemes whereby companies with outlets across LA boundaries formed a partnership with a Council (the 'Lead Authority') with a view to improving standards of health and safety management within the company and to improve consistency of enforcement by LAs. Edinburgh had LAPs with three major UK employers in the past. LAPs are no longer actively supported by HSE and a wide range of regulatory functions (currently reserved matters only) are now covered by the more prescriptive and statutory Primary Authority (PA) scheme. The Council's remaining LAP was approved by the Secretary of State as a PA partnership in March 2016 and since then guidance has been provided to the company and advice given to other LAs making enquiries to the City of Edinburgh Council.



The Control of Legionella by Private Businesses

FHS has a key role in ensuring that legionella in water systems in workplaces is controlled and poses minimal risk to the community.

The Service maintains a statutory register of 'notifiable devices' (cooling towers and evaporative condensers) located in the city. Details of sites that operate cooling towers or evaporative condensers are available to the public on the Council's website. There are

currently eight sites within Edinburgh which have between them 22 cooling towers/evaporative condensers or other notifiable system types in operation. One site has three cooling towers which are enforced by the Council and the rest are enforced by the Health and Safety Executive (HSE).

Legionella can be spread by water droplets from systems other than notifiable devices, e.g. water droplets from showers, spas, fountains, misting devices and hose and irrigation systems. When inspecting workplaces with these systems, officers have the authority to require businesses to improve the control of legionella in water systems, or indeed to prohibit their use. However, the HSE's National Local Authority Enforcement Code (a statutory code) means that the Council can no longer prioritise premises for inspection simply because they contain systems which may present a legionella risk, unless they operate a notifiable device.

Future Threats

Some of the issues that may arise during the life of this Business Plan are:

1. The situation regarding Covid-19 has settled in the UK but it remains unpredictable in other parts of the world. Accordingly, we must remain vigilant with respect to variants of concern, Although we have returned to normal work practices we need to be ready to respond to any resurgence of the virus or its variants.
2. FSS may decide to change or modify the available enforcement options. Such changes could include new types of notices or guidance on the use of notices.
3. FSS is currently exploring a project called Scottish Authorities Food Enforcement Rebuild (SAFER). This is a long term project involving LAs and has the potential to significantly change the way that LAs fulfil their statutory food law duties.
4. Possible changes to FHIS, including compulsory display of certificates on premises and amending the scoring scheme. Such changes, although potentially positive from a customer information angle, will have resource implications for FHS in terms of increased administrative and enforcement work.
5. Following the introduction in December 2014 of the Food Information Regulations there continues to be associated challenges with respect to embedding understanding of allergen awareness issues etc in the catering community. In the past year we have submitted two reports to the Procurator Fiscal regarding allergen incidents that were serious enough to warrant hospital treatment and we are currently investigating two further incidents.
6. Increasing financial pressures in local government.
7. The adequate resourcing of food and health and safety inspections and interventions and other activities, in the context of Edinburgh's ongoing year on year increase in the number of food businesses within the City which now exceeds 7,300.

8. Meeting the ongoing training and development needs of staff in a fast-changing legislative and technological environment.
9. FSS may set up a Primary Authority (PA) scheme for food law as this is a devolved matter for Scotland and, if a PA scheme is established, it is anticipated that the Service would receive requests from food businesses to be a PA.
10. Addressing the need to have a greater capacity as a service. We are frequently required to divert resources from programmed work in order to carry out important investigations e.g. multiple serious or fatal accidents concurrently. Responding to the pandemic has been the greatest example of this but also diverting staff to the Ukrainian refugee crisis.
11. The as yet unknown impacts of further devolution, e.g. Health and Safety at Work etc legislation is set to remain a reserved matter, however there may be a Scottish dimension to HSE's approach and, as a consequence, the enforcement and other related activities of Scottish local authorities.
12. Environmental Health has an ageing workforce and is facing problems in recruiting due to a lack of suitably qualified EHOs. This may cause future issues with respect to the number of staff available to inspect businesses. This situation is exacerbated by the fact that there are insufficient students studying Environmental Health to replace the anticipated level of retirees.

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