

Regulatory Committee

10.00am, Friday, 21 June 2024

Food Health and Safety Business Plan 2024/25

Executive/routine
Wards

All

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 2024/25

2. Executive Summary

- 2.1 The City of Edinburgh Council produces an annual Food Health and Safety Business Plan (Appendix 1). The format and content of the plan is governed by the Framework Agreement on Local Authority Food Law Enforcement. The Business Plan has been approved by the Service Director for Sustainable Development and is submitted to Committee for noting and oversight prior to it being made available to Food Standards Scotland ('FSS').

3. Background

- 3.1 To comply with the [Food Law Code of Practice \(Scotland\)](#) ('CoP'), the Council must produce an annual Food Service Business Plan (Appendix 1). The Council is under a statutory duty to follow the CoP, and where necessary to cooperate with Food Standards Scotland (FSS).
- 3.2 Ensuring that food businesses meet their statutory obligations is an integral part of the Environmental Health service, which investigates (among other issues) noise, public health, air quality, health and safety and environmental assessment.

4. Main report

- 4.1 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 an approved Business Plan is in place, and it is considered best practice that the relevant Council committee has oversight of the approved plan.
- 4.3 The key points from the plan are as follows:
- 4.3.1 The Food Health and Safety team ('FHS') comprises 25 FTE across three teams managed by three Team Leaders. However, FHS is currently

operating with 7.8 FTE vacancies, meaning only 17.2 FTE are available. This challenge with staff numbers is consistent with that faced by other Scottish local authorities;

- 4.3.2 On 1 February 2024, 7,769 food businesses were operating in Edinburgh, an increase of 375 since 1 February 2023. However, as there is a significant turnover of food businesses in the city, 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, which places additional pressure on the service and the inspection programme;
- 4.3.3 Between 1 February 2023 and 31 January 2024, FHS inspected 1,666 businesses, resulting in 3,569 interventions of which 1,903 were enforcement actions. 588 food complaints were investigated, and 1,906 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 current 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; and
- 4.3.5 Despite challenges with staff numbers, the service's assessment is that the city remains a safe place to eat. Monitoring of data available, including the number of infections notified by the NHS and the number of self-reported food poisonings, shows that infection rates remain broadly similar to last year. 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 Delivery of the business plan is funded by the Council's revenue budget.

7. Equality and Poverty Impact

- 7.1 There are no equality or poverty impacts arising from this report.

8. Climate and Nature Emergency Implications

- 8.1 There are no climate or nature emergency implications arising from this report.

9. Risk, policy, compliance, governance and community impact

- 9.1 The Council is required to have a Food Safety Business Plan in place. Failure to do so risks reputational damage.
- 9.2 City of Edinburgh Council's Environmental Health Service is not currently meeting the requirements of the [Food Law Code of Practice](#) and this could cause reputational risk. This has been highlighted on the Council's risk register and there is a similar picture across Scotland which has been raised at a National level with Scottish Government. Historical staff shortages, the impact of COVID-19 and the age profile of current staff mean that this situation is unlikely to improve in the short to medium term. The Environmental Health Service is committed to recruitment, retention and training of students and will continue to respond reactively to all Food Law concerns.

10. Background reading/external references

- 10.1 [Report to Regulatory Committee 1 May 2023](#)

11. Appendices

Appendix 1 – Food, Health and Safety Business Plan 2024/25.

Appendix 1

Food, Health and Safety Business Plan 2024/25

Version 1

**FOOD HEALTH AND SAFETY
BUSINESS PLAN
2024/25**

Business Plan 2024/25

Food, Health and Safety

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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 526,500. 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 7,700 food businesses in the city, of which over 5,400 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

Since 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.

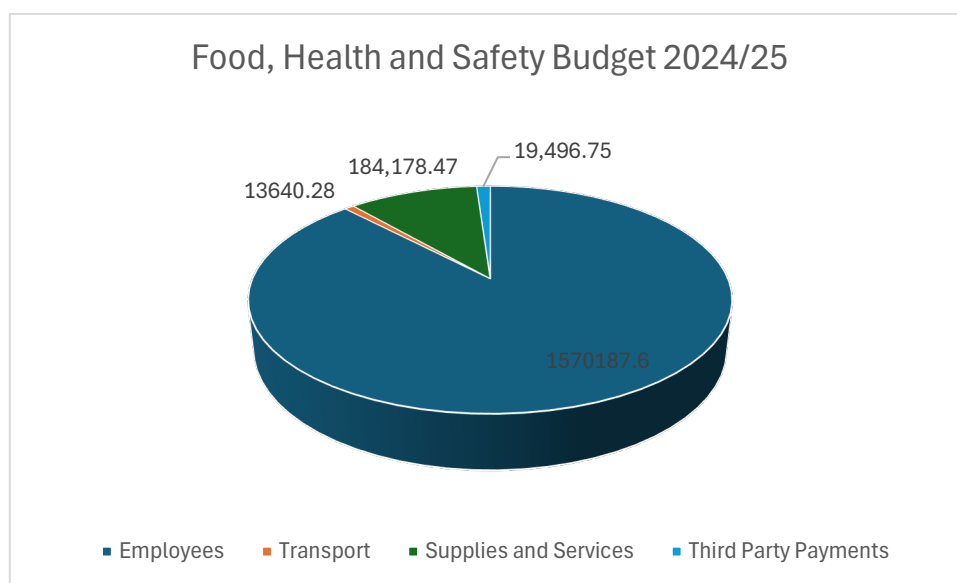
The FHS teams aim to provide a comprehensive, primarily enforcement-based range of services across the city, encompassing food safety, food standards, health and safety and related activities.

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 2024/25 budget for the Food, Health and Safety is £1.78 million and further detail is provided in the chart below:



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 are able to thrive.

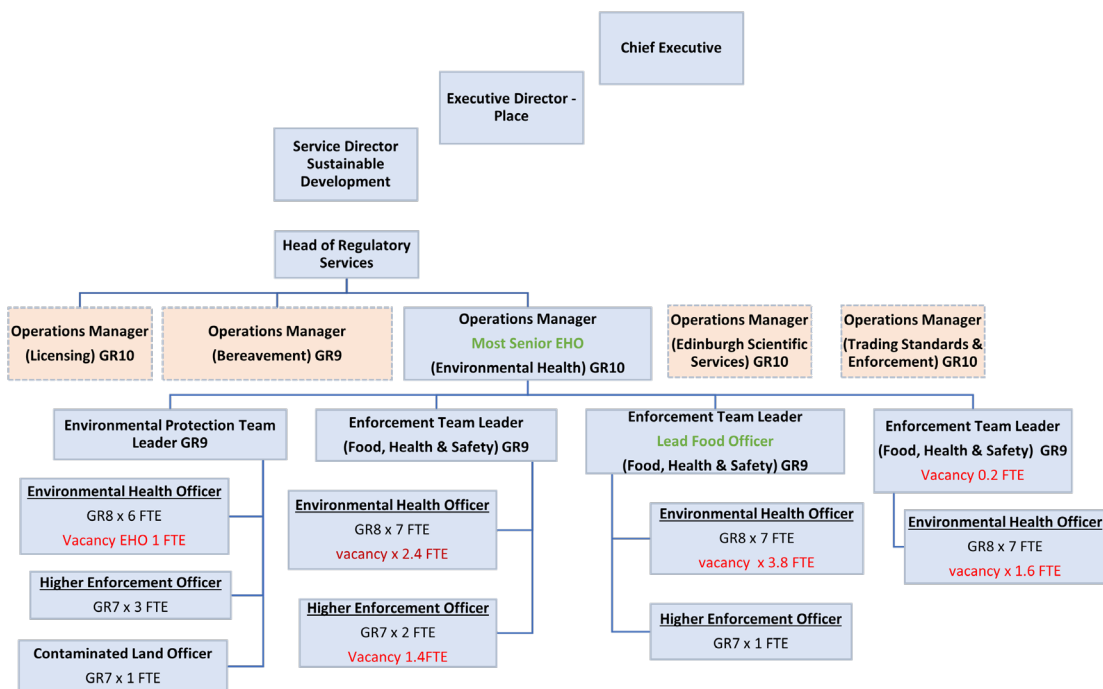
Feed and primary production enforcement is undertaken by the Council's Trading Standards Service. All food and feed law enforcement services are part of the Place Directorate of the Council.

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, making a total of 25 FTE. 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 7.8 FTE EHO vacancies. Additionally, the FHS Teams have 1.3FTE vacancies for Higher Enforcement Officers, making the total vacancies 8.8 FTE. This is equivalent to more than one team of officers.

The Environmental Health Service overall has 9.8 EHO vacancies (one within Licensing Enforcement), and operates with 78% fewer EHOs than in 2005.

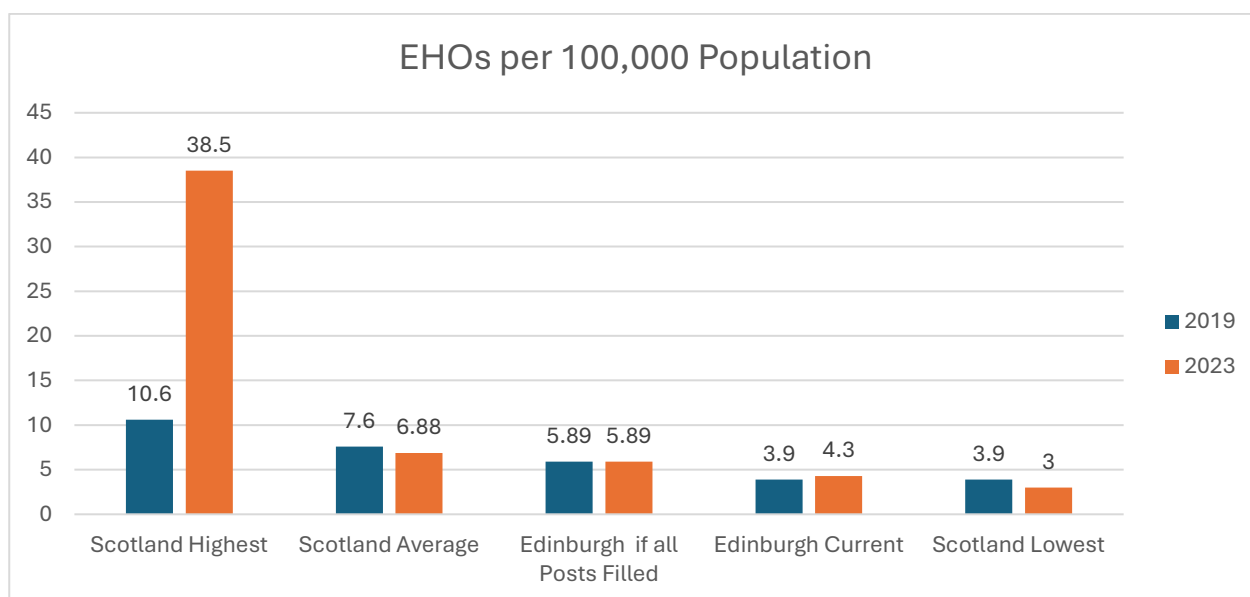
The Environmental Health Manager retired at the end of financial year 2023/24. An interim appointment has been made pending a full-service review of Regulatory Services. This means that the total number of vacancies will be 12.1.



The most recent statistics (2023) provided by the Society of Chief Officers of Environmental Health Scotland (SOCOEHS) showed that at that time 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. The

situation has probably changed it's believed that the position will remain similar. We are aware that like Edinburgh other Local Authorities are having recruitment problems as well. In 2023 we recruited three new EHOs, including our student. However, we also lost three EHOs, hence the increase in vacancies.

	EHOs per 100K population	
Scotland – highest	10.6	38.5
Scottish average	7.6	6.88
Scottish Lowest	3	
Edinburgh (if all posts filled)	5.2	5.89
Edinburgh 2023	3.9	4.3



The Environmental Health Service trained two students over recent years with the hope that they will seek to be employed by the Council at the end of their training. We were able to complete the training of one of these students In September 2023 and we went on to employ them in October 2023. The other student went to another Local Authority before the exams. We aim to train more students in the coming years. This has been aided by the Royal Environmental Health Institute creating new pathways into the profession and we are in discussions with HR to create some student EHO and Student FSO posts using money saved from our vacancies.

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-

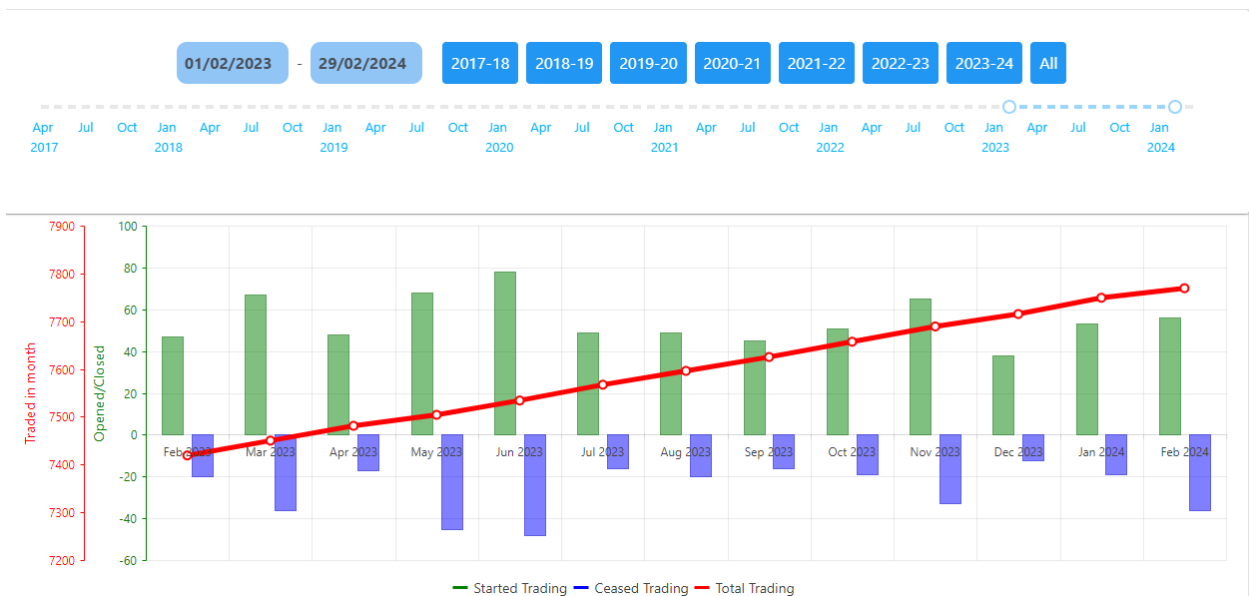
programmed inspections and associated activities is equivalent to two FTEs over a whole calendar year. However, the nature of the events means that the workload is not evenly distributed throughout the year.

Food Health & Safety Statistics

 <p>FOOD 7,769 FOOD BUSINESSES 6,715 REGISTERED</p>	 <p>3569 INTERVENTIONS TOOK PLACE IN FOOD BUSINESSES, OF WHICH 1666 WERE INSPECTIONS AND 1903 ENFORCEMENT ACTIONS</p>	<p>181 FOOD SAMPLES TAKEN</p> 	<p>588 FOOD COMPLAINTS INVESTIGATED</p> 	<p>658 REQUESTS FOR ADVICE</p> 
 <p>233 SELF-REPORTED FOOD POISONINGS INVESTIGATED</p>	<p>16 SHIPS INSPECTED AND SANITATION CERTIFICATES</p> 	<p>7 APPROVED PREMISES REQUIRING APPROVAL</p> 	<p>16,000 PREMISES FOR HEALTH & SAFETY ENFORCEMENT</p> 	<p>2 SERIOUS ACCIDENTS INVESTIGATED 12 PROHIBITION NOTICES SERVED</p> 
<p>75 FBOs WITH AN EATSAFE AWARD</p> 	<p>8 BUSINESSES WITH 21 COOLING TOWERS BETWEEN THEM</p> 	<p>157 HEALTH AND SAFETY VISITS</p> 	<p>999 FOOD LAW RE-VISITS CARRIED OUT</p> 	<p>215 NHS REPORTED COMMUNICABLE DISEASES INVESTIGATED</p> 

Edinburgh has the highest number of food business in Scotland and on 31 January 2024 the total stands at 7,769. This is 375 more food businesses in Edinburgh than were registered on 31 January 2023. 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 375. 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 1 February 2023 to 31 January 2024, 667 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 to ensure they meet the requirements of the CoP 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. In the period 30 November 2022 to 29 November 2023 we had 50 training events for staff in FHS covering issues such as Level IV HACCP, reporting to the Procurator Fiscal, Laser Safety, Enforcement sanctions etc.

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 intended to return to the process in 2023–24, unfortunately we did not take part in the year 2023/24 due to resources and administrative issues and we hope to begin again in 2024/25.

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:

- a. The effectiveness and appropriateness of Official Controls;
- b. 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. As in last year's plan, despite multiple recruitment exercises, our limited resources has meant that we have been unable to meet the requirements of the recovery plan.

As background to this this situation has arisen as there have been issues with the ability to keep up with the requirements in the recovery plan due to the 18 months when food businesses were not inspected during the pandemic and the standards within food businesses declined. This has meant that many of the inspected businesses have become category D premises and require a 3 month inspection cycle. The number visits that this has generated has caused a backlog of lower risk inspections and unrated / new businesses. Inspections are undertaken mainly on the highest risk business groups to ensure the standard of the business and the safety of the consumer. A list of these business is kept and when resources permit, they will be targeted.

As a response to this situation, which affects most LAs across Scotland, FSS are reviewing FLRS using the Scottish Authorities Food Enforcement Rebuild (SAFER) initiative. This will hopefully provide a solution that will make the system better. The SAFER project is a collaborative approach between FSS and LAs. The CoP allows LAs to deviate from their inspection plan to deal with national priorities such as SAFER.

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 2023 and 31 January 2024, 1,666 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.

New businesses are incorporated into the inspection plan on a risk basis looking at the highest risk in the first instances as resources permit. In the coming year it is estimated that approximately 1,500 inspections will be carried out with the existing resources and will increase as resources permit.

A number of colleagues have agreed to working overtime to assist with the backlog of inspections. This has been welcomed and it is hoped to continue this in the coming year.

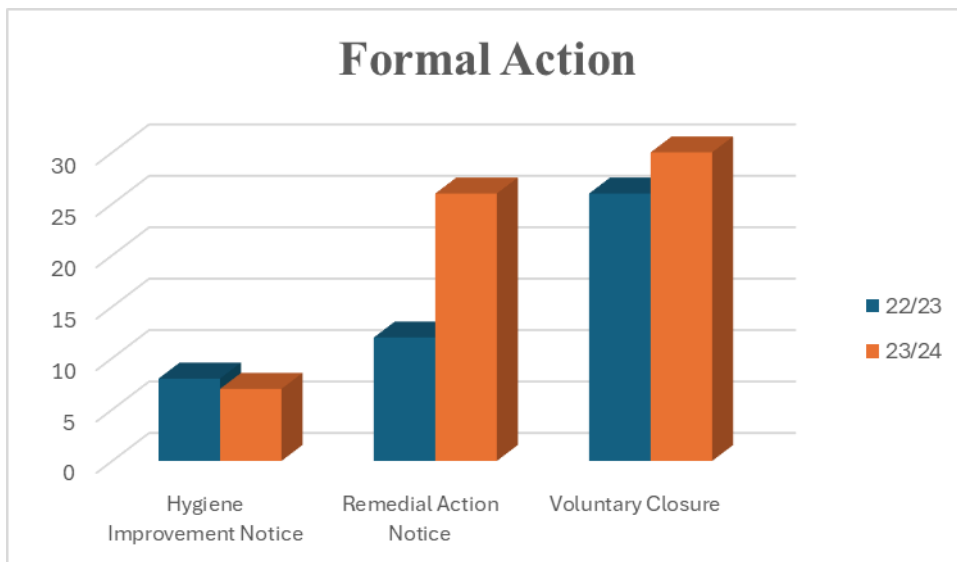


The teams continue to respond to complaints and enquiries regarding a wide variety of food law issues. During 2023/24, FHS responded to 1,710 service requests including alleged food poisoning, foreign bodies in food, food labelling and unhygienic premises and practices.

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

During 2023/24 seven Hygiene Improvement Notices were served, 26 Remedial Action Notices were served on premises and no Hygiene Emergency Prohibition Notices were served. 30 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 team 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 seven 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. The Official Control Verification process is being applied to all Approved premises.

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 2024/25. The programme is funded by FSS and each year LAs within their Food Liaison Groups are encouraged to apply for funding. In 2023/24 we took 181 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 and we will participate as much as resources allow.

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. We will return to this as soon as resources allow.

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 6,715, although, with additional intelligence available we believe the true figure of food businesses to be 7,769. 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.

Due to the limited number of staff, we were unable to progress any of the above items in 2023/24. However, they remain on this list as we intend to pursue these when we have sufficient resources.

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 2024/25, 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 2024/25, 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

- SFELC Data Standards and Digital Group
- Skin Piercing Working Group
- Health and Safety Executive (HSE)
- NHS East Region Health Protection Team (ERHPT).
- 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 previous 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 has been suggested within the Health Board that a move to regional plan would be appropriate. The Health Board intend to consult with Local Authorities on how best to take that forward. The services believes that the issues arising in city authorities are different from those in rural authorities and we will be aiming to maintain Local Plans in order to ensure the JHPP remains relevant to CEC.

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 ERHPT 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 ERHPT in the ongoing training of staff in the use of the powers in the Public Health Act and under Port Health Legislation using presentations and scenarios so that when staff from both organisations need to work together they do so seamlessly and with a common understanding.

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 2023/24 FHS received 233 notifications of infections (food borne disease and other infections) from NHS Lothian to follow up and an additional 224 reports of alleged food poisoning directly from the public.

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. 16 ship sanitation inspections were carried out in 2023/24.

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 direct local authorities on their enforcement responsibilities and activities, the Health and Safety Executive (HSE) issued the statutory guidance, the 'National Local Authority Enforcement Code' in 2013. LAs are obliged to have regard to this Code. The HSE also publishes guidance annually on how LAs should prioritise their planning and targeting of interventions to comply with the requirements of the Code.

Health and safety enforcement is undertaken by either the 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.

When it comes to proactive occupational health and safety interventions, LAs are expected to target our resources to intervene on high-risk work activities, supporting the wider strategy for the health and safety regulatory system in GB and on locally identified priorities for Edinburgh. LAs are encouraged to use a range of interventions to ensure businesses comply with legislation to protect their workers and the general public. LAs are required to retain the skills to enforce the legislation, either through proactive interventions, 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 or to address matters of evident concern.

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 six proactive inspections in 2023/24.

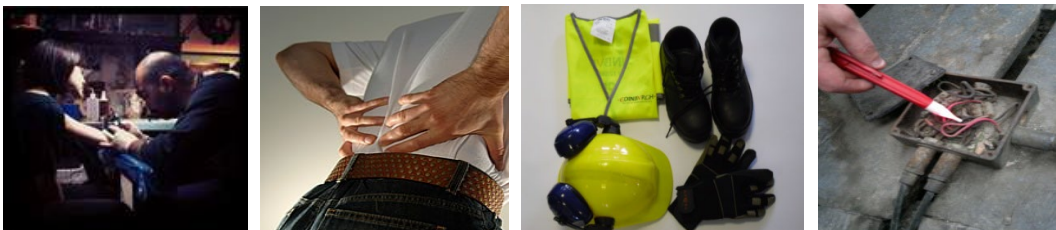
We did 157 Health and Safety visits in total. 92 visits were as a result of receiving complaints about Health and Safety standards in connection with work/workplaces. This resulted in 21 revisits to check compliance. 38 visits were done as a result of Health and

Safety incidents (two were serious non-fatal accidents). Both of these were falls from height which is the single most common cause of fatal injuries in the workplace.

A FTE of two officers undertook occupational health and safety enforcement and related work activities in 2023/24. Whilst we aimed to restart our proactive Health and Safety interventions following the pandemic, these remained at a reduced level to deal with the backlog in food safety 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 2023/24, two serious accidents were investigated, seven Improvement Notices were issued, and 12 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 21 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

Most of the issues that could arise during the life of this Business Plan have not changed, although there have been subtle changes or new information associated with them. They 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. Examples of this are that in November and December of 2023 a respiratory disease affecting children was noted in China and a case of Swine Flu was noted in the UK.
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. This programme is ongoing and suffering delays.
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. We continue to assist the Procurator Fiscal develop a case regarding allergens that we submitted last year.
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 sits at 7,769.
8. Meeting the ongoing training and development needs of staff in a fast-changing legislative and technological environment e.g. compliance notices are a new enforcement tool in relation to food standards offenses.
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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