



Environmental Services Department

Food Safety Guidance for Businesses

Food Hygiene Inspections

All businesses will, at some time or other, be inspected to ensure that they comply with food safety law. The object of this guidance is to inform employers about what to expect from the inspector and what he or she will expect from you.

Who will carry out the inspection?

The inspection will be carried out by an Environmental Health Officer, a Scientific Officer or a Technical Officer who is employed by the Environmental Services Department of the Council. All officers carry identification containing a photograph of the officer concerned.

Why are they doing the inspection?

Inspectors are concerned that your business premises and handling practices conform to food safety laws. These were made to protect the public from illness caused by food contaminated by bacteria and other materials.

How often will they come?

This will depend on a number of things including the type of business, whether the food which is stored, handled, prepared or manufactured is of a type which poses a high risk of causing food poisoning and what the conditions were like at previous visits.

Will they tell me when they are coming?

No. In general inspections are carried out without advance notice.

Do I have to let them in?

Yes. The inspector's authorisation gives them the power of access **at all reasonable times**, which, in practice, means when the premises are open for business. However, in the case of food businesses run from domestic premises 24 hours notice of entry must be given.

It may be that the inspector calls at a genuinely inconvenient time. In this case the inspector will endeavour to co-operate and call again at a time convenient for both parties. However, if inspectors feel that the proprietor is simply trying to prevent them gaining access to his premises, then they have the power to obtain a warrant from a Justice of the Peace to enable them to enter the premises. If inspectors feel they may encounter serious obstruction then they may request the assistance of a police officer. This, however, is the exception rather than the rule.

Obstruction of an inspector is an offence which could result in legal action being taken.

What other powers does the inspector have?

As well as the power of entry the inspector's powers also include:

- entry into certain food premises outside of the council's area
- to take with them any other authorised person
- to examine any records (including those held on computer)
- the seizure or detention of any records which the inspector requires for evidence in legal proceedings

Inspectors must not disclose any information with regard to a trade secret which they obtain as part of their inspections unless the disclosure was made as part of their duties.

Failure to comply with this could render the Inspector liable to prosecution

What can I expect from the Inspector?

You can expect:

- to be treated in a courteous manner;
- to be shown identification if you request to see it. Inspectors are encouraged to show you identification as a routine but there is no legal requirement to do so unless asked. (It is, however, good practice for you to request to see it for your own security);
- to be given feedback on any hazards which the inspector has noted during the inspection including guidance on how they could be avoided;
- to be given a clear indication in any letter which you may receive as regards which matters are **legally required** and which are **recommended** as good practice.
- where there is an apparent breach of the law, to be given a statement of what that law says;
- to be given **reasonable time** to meet legal requirements **except where there is an immediate risk to public health**;
- to be told the procedures for appealing against local authority action.

How will I be told about the Inspectors findings?

Following an inspection you will receive a report in writing. This may be a letter which will contain details of matters which require your attention in order to comply with the law. These must be attended to as soon as possible and **priority should be given to matters which pose the greatest risk.**

The letter may also contain **items of good practice**, i.e. suggestions for matters which contribute to food safety.

If you disagree with the contents of a letter you should contact the inspector concerned to discuss the matter or speak to the Manager whose details will be in the letter. If you are still unhappy you should write to the Director of Environmental Services who is the head of the department.

What about formal action?

In some circumstances an Inspector will decide that there is such a serious risk to the safety of the public that a legal notice is needed to require conditions to improve. This could be an Improvement Notice where standards are lacking and a date will be set by which the work must be completed. Failure to complete the work by this date would result in a prosecution.

An Emergency Prohibition Notice may be issued where the inspector feels there is an imminent risk of injury to health, and that food production/sale must stop immediately. This is a very serious situation and the effect of the Notice is that your business, or part of it, will be closed down until the risk has been removed. Such serious conditions are likely to result in prosecution as well.

Any action taken will be in accordance with the Department's Enforcement Policy.

What standards will the inspector be asking for?

The inspector will be asking for standards which are **reasonably practicable**, i.e standards which can reasonably be expected, taking into account, for example, the risks involved and the cost of reducing the risk or whether the ordinary person would consider those standards acceptable.

Don't forget . . .

Inspectors are more than willing to give advice at any time, especially before you make changes to the operation of your business. In addition, a number of guidance leaflets dealing with many aspects of food safety are available **free of charge** from this department.

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These notes are only intended as a simplified guide to Food Safety matters and do not cover all aspects in detail. If you require more specific advice on any aspect of food, please contact:



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