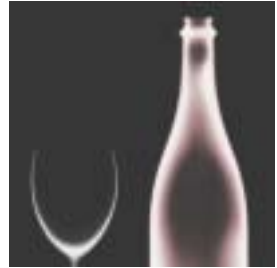


Food law inspections and your business



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Why are food businesses inspected?

Businesses that produce or prepare food for the public are inspected to make sure that:

- the food is safe to eat
- the description of the food doesn't mislead the customer

These inspections are to make sure you are following food law.



Who will inspect my business?

Environmental health officers and trading standards officers from your local authority (district council in Northern Ireland) will come to inspect your business. In general, environmental health officers check on food hygiene, and trading standards officers look at food standards such as composition (what food contains) and labelling. In Scotland and Northern Ireland environmental health officers will inspect both food hygiene and food standards.

When will my business be inspected?

The inspectors might come on a routine inspection, or they might visit because of a complaint. How often the inspectors routinely inspect your business depends on the type of business and its previous record. Some premises might be inspected at least every six months, others much less often.

Environmental health officers and trading standards officers have the right to enter and inspect food premises at all reasonable hours. They do not have to make an appointment and will usually come without notice.

What will the inspectors do when they visit?

The inspectors will look at how you operate your business to identify potential hazards, and to make sure that your business is following the law.

When inspectors visit, they must follow the Food Standards Agency's Framework Agreement on local authority food law enforcement, and the Food Law Code of Practice. The Framework Agreement sets standards for how local authorities carry out their enforcement duties. You can read it on the Food Standards Agency website at www.food.gov.uk

You can expect the inspectors to show you identification when they arrive and be polite throughout the visit. They should always give you feedback on an inspection. This means they will tell you about any hazards they have identified and advise you about how they can be avoided.

If inspectors advise you to do something, they must tell you whether you need to do it to comply with the law, or whether it would simply be good practice.

If you are asked to take any action as a result of the inspection, you must be given the reasons in writing. If the inspectors decide that you are breaking a law, they must tell you what that law is.

The inspectors should give you a reasonable amount of time to make changes, except where there is an immediate risk to public health. They must also tell you how you can appeal against their actions (see 'How can I appeal?' on page 6).

What further action can the inspectors take?

When they think it is necessary, inspectors can take 'enforcement action', to protect the public. For example, they can:

- take samples and photographs of food, and inspect your records
- write to you informally, asking you to put right any problems
- serve you with an 'improvement notice' if you are breaking the law, which sets out certain things that you must do to comply
- detain or seize suspect foods



- serve an ‘emergency prohibition notice’, which forbids the use of certain processes, premises or equipment (this notice must be confirmed by a court)
- recommend a prosecution, in serious cases

If a prosecution is successful, the court may prohibit you from using certain processes, premises or equipment, or you could be banned from managing a food business. It could also lead to a fine or imprisonment.

From 1 January 2006, improvement notices covering specific hygiene offences will be known as ‘hygiene improvement notices’ and emergency prohibition notices will be replaced by ‘hygiene emergency prohibition notices’. But these notices will still work in the same way.

There will also be wider use of a type of notice called a ‘remedial action notice’. A remedial action notice could, for example, forbid a business from using certain equipment or parts of its premises, forbid a business from carrying out certain processes, or impose conditions on how it carries out a process. This is similar to a hygiene emergency prohibition notice, but it does not need to be confirmed by a court.



How can I appeal?

Every local authority must have a formal procedure to deal with complaints about its service. So if you do not agree with action taken by an inspector, you should contact the head of environmental health or trading standards services at your local authority, to see if the problem can be resolved through talking or writing letters. If you still disagree after that, you could approach your local councillor.

If you think your local authority is applying the law in a different way from other authorities, you can seek advice from the Local Authorities Co-ordinators of Regulatory Services (LACORS), or the Scottish Food Co-ordinating Committee, either through your trade association or your local authority.

You can appeal to the magistrates' court (or a Sheriff in Scotland) about an improvement notice, or your local authority's decision not to lift an emergency prohibition order. When there is a ban on an individual, this can only be lifted by the court.

When inspectors impose an emergency prohibition notice on premises, a process, or a piece of equipment, they must apply to the court (or a Sheriff in Scotland)

for confirmation within a specified period of time. Food that has been seized by an inspector can only be condemned as unfit for human consumption on the authority of a Justice of the Peace (or a Sheriff). You can attend the court hearing if you want to. If the court decides that premises have been shut without proper reason, or food has been wrongly seized or detained, you have a right to compensation.

Where can I get advice to help me follow food law?

Your local authority can advise you about food law and appropriate training. Trade associations and independent consultancy services might also be able to help.

You can visit the Food Standards Agency website at www.food.gov.uk for more information about food law and good practice.

The Food Standards Agency booklet, **Guide to food hygiene** gives general advice about food hygiene.

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The **Food Standards Agency** is a UK-wide, independent Government agency, providing advice and information to the public and Government on food safety, nutrition and diet.

The Agency was created to protect the interests of consumers and its guiding principles are to:

- put the consumer first
- be open and accessible
- be an independent voice

The Agency's advice is based on the best scientific evidence available from independent expert advisory committees, and all its advice is made public.

www.food.gov.uk

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