



FOOD
STANDARDS
AGENCY

**FOOD LAW
INSPECTIONS
AND YOUR
BUSINESS**



Food law inspections and your business

If you run a business that makes or prepares food, it will be inspected to make sure you are following food law. The inspectors will be enforcement officers from your local authority (or district council in Northern Ireland).

This booklet explains what inspections might involve and the action that inspectors can take if they find a problem in your business.

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What inspections are for

Making sure food is safe to eat

The inspectors will check if your business produces food that is safe to eat. To do this, they will look at:

- > your premises
- > the kinds of food you make or prepare
- > how you work
- > your food safety management system

For information about the legal requirements on food hygiene, see the Food Standards Agency (FSA) booklet 'Food hygiene – a guide for businesses' or contact the environmental health service at your local authority.

Making sure descriptions are not misleading

The inspectors will also look at how you describe food, for example on a menu or label, to make sure the description is not misleading for customers.

For more information on describing food visit the FSA website: www.food.gov.uk

Frequency of inspections

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.

Inspectors 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
inspectors
do

Inspection visits

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 FSA website: 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 problems 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 is 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 page 7).

What inspectors do

Taking action

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

- > inspect your records
- > take samples and photographs of food
- > write to you informally, asking you to put right any problems
- > detain or seize suspect foods

They can also serve you with a notice. There are three main types of notice:

- > 'hygiene improvement notice', which sets out certain things that you must do to comply, if your business is breaking the law
- > 'hygiene emergency prohibition notice', which forbids the use of certain processes, premises or equipment and must be confirmed by a court
- > 'remedial action notice' (approved establishments only), which forbids the use of certain processes, premises or equipment, or imposes conditions on how a process is carried out – it is similar to a hygiene emergency prohibition notice, but it does not need to be confirmed by a court

Inspectors can also 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.

What inspectors do

Making an 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 a local authority's decision to issue a hygiene improvement notice or remedial notice, or not to lift a hygiene emergency prohibition order. When there is a ban on an individual, this can only be lifted by the court.

When inspectors impose a hygiene 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.

Further information

Your local authority can advise you about food law and the food safety knowledge needed for you and your staff. You can also find information on the FSA website: www.food.gov.uk and from the publications listed below.

Food Standards Agency publications

Food hygiene – a guide for businesses

– general guide to food hygiene regulations

Starting up – Your first steps to running a catering business

– a guide for new catering businesses

To order copies of these booklets or other publications produced by the FSA, see the contact details on the back of this booklet.

Food safety management packs

If you run a small catering or food retail business, there are packs available from the FSA to help you put in place a food safety management system. Contact your local authority for more information or visit the FSA website: www.food.gov.uk

Good practice guides

Good practice guides produced by industry also give advice on how to comply with food hygiene regulations. A number of new guides are being developed. For details, visit the FSA website: www.food.gov.uk



Food Standards Agency Publications

To order copies of this booklet or other publications produced by the Agency, contact Food Standards Agency Publications:

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Visit the Food Standards Agency's website at www.food.gov.uk

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