

**THE FOOD SAFETY  
ENFORCEMENT AND  
PROSECUTION POLICY OF  
WYRE FOREST DISTRICT COUNCIL**

**REVIEWED MARCH 2008**

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**REVIEWED FEBRUARY 2008**

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**THE FOOD SAFETY ENFORCEMENT AND PROSECUTION POLICY**  
**OF WYRE FOREST DISTRICT COUNCIL**

**1. General**

The content of this policy will be revised as necessary to meet changing circumstances. The policy will be reviewed by Officers at least annually and proposed amendments shall be submitted to The Cabinet for approval. This policy is the result of a review carried out in March 2008 of an original policy last approved by the Executive Committee on 14th February, 2002

All relevant Officers of the Planning, Health & Environment Division and the Legal and Democratic Services Division are required to support and comply with, the Food Safety Enforcement and Prosecution Policy and the general Enforcement policy for Environmental health and Licensing.

The Council has signed the Enforcement Concordat issued by the Cabinet Office which has been superseded by the Better Regulators Compliance Code

The policy takes into account the guidance set out in the "Code for Crown Prosecutors".

The Council recognises that there are many situations where there is a shared or complimentary role with other agencies. All relevant Officers of the Planning Health & Environment Division will work together with other agencies to ensure that the best possible outcome is achieved within the terms of this policy. This will require actively seeking collaboration with agencies such as the Health Protection Agency, Police, Fire Authority, Magistrates Courts, Trading Standards, Health & Safety Executive, DEFRA Office of Fair Trading as well as internal agencies such as Planning, Building Control and Legal Services. This list of agencies is indicative but is by no means exhaustive.

This policy is available to the general public on request; it will also be available on the Council's website [www.wyreforestdc.gov.uk](http://www.wyreforestdc.gov.uk)

The Council has made provision for visits out of normal office hours including inspections of late night and weekend activities.

This policy is monitored for compliance and reported through the Council's cabinet Committee by means of the Service Business Plan. Any deviation from the policy is highlighted in a report.

**1.1 Statement of Objectives**

It is the Council's policy to meet the requirements of the Food Standards Agency's Framework Agreement and to ensure that food and drink intended for human consumption, which is produced, stored, distributed, handled or consumed within the Authority's area is without risk, where possible, to the health and safety of the consumer.

The aim of this policy is to ensure that all complaints, inspections etc. are dealt with in a consistent manner which is transparent, reasonable, proportional and consistent helpful and targeted to the populace of the district.

Enforcement decisions will be fair, consistent and relate to common standards whilst facilitating a fair trading climate.

## **2. Decision Making Authorisation**

Food Safety inspections will be carried out as prescribed by the Food Law Code of Practice (England) issued under section 40 of The Food Safety Act 1990, Regulation 24 of The Food Hygiene (England) Regulations 2006 and Regulation 6 of The Official Feed and Food Controls (England) Regulations 2006 the strategy for these inspections is referred to in the annual work plan for Food Inspections as detailed in the Business plan.

The Council will ensure that all Officers who are authorised to carry out enforcement under The Food Safety Act 1990as amended and The European Communities Act 1972 are suitably qualified, experienced and competent to carry out the range of tasks and duties they are authorised to perform in accordance with EC regulations 882/ 2004 Qualifications and Experience of Authorised Officers

### **2.1 Specific Qualification Requirements**

Lead Officer – Environmental Health Officer with specialist knowledge and lead responsibility for food hygiene and safety matters.

Lead Officer –Kate James Principal Environmental Health Officer

### **2.2 Officers Appointed to Carry out Food Hygiene Enforcement**

The Council will, prior to the appointment of every Food Officer, satisfy themselves that the Officer holds the appropriate qualification as detailed below, is competent to carry out the inspection and has the competencies contained in paragraphs 1.2.9.1.4. of Food Law Code of Practice (England) and Chapter 1 of Annex 2 to Regulation 882/ 2004.

<b>CATEGORY</b>	<b>QUALIFICATION</b>
1. Premises which fall within risk categories A and B according to the inspection rating scheme in Annex 5 of Code of Practice Revised 2006  All food manufacturers and processors classified as substantial premises which are approved or require approval under product-specific food hygiene regulations	Environmental Health Officers, Official Veterinary Surgeons (where appropriate), or Officers holding the Higher Certificate in Food Premises Inspection.  1.2.9.1.3 Food Law CoP only undertaken by authorised officers who have a detailed knowledge of enforcement in approved premises.
2. All other premises	As above, or those who hold an Ordinary Certificate in Food Premises Inspection.
3. Change of risk category from C to B	Inspections carried out by holders of the Ordinary Certificate must be validated by Officers in Category 1.
Officers must demonstrate that they are registered with the Environmental Health Officers' Registration Board (EHORB) or its antecedents or by equivalent qualifications granted in Scotland by the Royal Environmental Health Institute of Scotland (REHIS).	
The Higher or Ordinary Certificate in Food Premises Inspection may be awarded by:- - EHORB - The Scottish Food Safety Officers' Registration Board (SFSORB) - The Institute of Food Science and Technology (IFST).	

#### 2.4 Extent of Authorisation

<b>POWER/PROVISION</b>	<b>AUTHORISATION</b>
Issue of reports of Inspection and audits	- EHORB registered EHO's and holders of Higher Certificate - authorised by Head of EH&CS.as detailed in 1.2.9 code of practice
Issue of letters	- All staff
Prosecutions Formal Cautions	- EHORB registered EHO's in consultation with Lead Officer and HL&DS
Service of Improvement Notices	- EHORB registered EHO - EHORB, holders of Higher Certificate - EHORB, holders of Ordinary Certificate in Food Premises may be authorised to sign Improvement Notices in respect of C-F premises.

Service of Emergency Prohibition Notices	- EHORB registered EHO with two years post qualification experience in Food Safety Matters and who are currently involved in Food Enforcement.
Inspection, Detention and Seizure of Food Stuffs	- EHORB registered EHO's - Official Veterinary Surgeons (where appropriate)
Meat only	- Officers qualified in accordance with the Authorised Officers (Meat Inspections) Regulations 1987.
Sampling	- EHORB registered EHO's - Officers meeting the requirements of the Food Safety (Sampling and Qualification) Regulations 1990 and Code of Practice No.7. As detailed in section 1.2.7 of the code of practice

## 2.5 Training

All authorised officers will receive ongoing training in all new aspects of food legislation. Each food officer will undertake a minimum of 10 hours C.P.D a year. Specific training needs will be identified in the Employees Development Review and actioned. Copies of all training certificates will be held on the training register. Training needs will also be linked with the Lacors competence Framework.

## 3.0 Prosecution Policy

There are two main areas of Food Safety where enforcement is required. These are:-

- Food Hygiene Inspections
- Investigation of Food and Food Premises Complaints

### 3.1 Purpose of Food Hygiene Inspections

- To identify potential hazards and assess their impact.
- To establish whether food is being handled and produced hygienically.
- To establish whether food is, or will be, having regard to further processing, safe to eat.
- To identify foreseeable incidences of food poisoning or injury as a consequence of consumption of food.
- To identify specific contraventions of The Food Safety Act 1990 as amended and Food Hygiene and Processing Regulations and seek to have them corrected.
- Assessment of the hazard analysis or Hazard Analysis and Critical Control Point (HACCP) based food safety management system operated by the business.

### 3.2 Food Complaint Investigation

All food complaints will be thoroughly investigated to ensure authenticity, to establish the cause of complaint and so assist food businesses to improve their manufacturing, delivery or quality systems, and to assess their compliance with statutory requirements, thereby ensuring higher food safety standards.

- See *Food Complaint Strategy* for further details.

In accordance with recent case law and to comply with the Human Rights Act 1998, all Officers will issue a PACE Code B Notice prior to carrying out a search (see Appendix 1).

A shared enforcement role exists between this Council and Worcestershire County Council regarding enforcement of Section 8 of the Food Safety Act 1990. A formal agreement exists with the County Council Trading Standards service permitting either Council to take appropriate action with the prior knowledge of the other. The prior notification includes an offer to transfer the complaint details or other information to the other enforcing body where it is more appropriate to do so. There is a memorandum of understanding between the two organisations detailing the specific roles.

### 3.3 Priority Planning and Programme of Food Hygiene Inspections

The Authority will set up and maintain a database of food premises in the area and will have a documented procedure to ensure its food database is accurate and up to date.

The Authority will implement and maintain a documented programme for food hygiene inspections in accordance with the inspection rating (See Appendix 2). This assessment will determine the date of the next inspection and will ensure that those premises posing a greater risk will be inspected more frequently than those premises with a lesser risk.

The categories and minimum frequency of interventions shall be as follows:-

CATEGORY	MINIMUM FREQUENCY OF INTERVENTION
A	At least every 6 months
B	At least every year
C	At least every 18 months
D	At least every 2 years
E	A Programme of Alternative enforcement strategies or interventions every 3 years.

An intervention programme will be detailed in the food team service plan which details the minimum frequency of interventions.

Interventions which **are official controls** include:

- Inspections
- Monitoring
- Surveillance
- Verification



- Audit
- Sampling where the analysis/ examination is carried out by an official laboratory.

Interventions which are **not official controls** include:

- Education
- Information and intelligence gathering
- Annex H of Food Law Code of Practice (England) gives further clarification.

### 3.4 Combined Visits

The Hampton Principle is reflected in our food enforcement policy in that wherever practicable and appropriate, food hygiene inspections will be combined with:

- Food Standards Inspection
- Food complaint Investigation
- Any other inspection carried out under different legislation.

## 4. Inspection Protocol

A food hygiene inspection can be broken down into five stages:-

- Planning for the Inspection
- Preliminary Interview
- The Inspection
- Post Inspection Interview
- Post Inspection Administration

### 4.1 Planning for the Inspection

Before a programmed inspection is carried out it is important that Officers take account of a number of issues. Some of these are detailed below although not all will necessarily apply in every case because much will depend on the nature and size of the food business.

Premises file record:

- Previous risk assessment score
- Individual risk assessment criteria ratings
- Relevant complaints
- Information on food business management systems
- Information on lay-out and processing operations
- Response to previous inspection outcomes

Timing of Inspection:

- Optimum time to view specific processes or operations

Equipment availability for inspection:

- Digital thermometer

- Calibration certificate for digital thermometer
- Sampling equipment
- Torch

Appropriate protective clothing:

- The Council's policy on protective clothing
- Food business' policy on protective clothing

#### 4.2 Preliminary Interview

A preliminary interview with the proprietor of the food business should be carried out, where practicable, prior to undertaking the food hygiene inspection. The interview should include an explanation of the purpose behind, and approach being taken to, the inspection.

Where the proprietor is not available, a suitable alternative management representative or senior person should be found.

Where no suitable persons are present the officer should consider postponing the inspection but, if proceeding, shall make contact with the proprietor at the earliest opportunity to confirm/clarify any outstanding matters resulting from the inspection.

It may be appropriate that an Officer gains access to certain areas, particularly the high risk ones, at the earliest possible stage of the visit; this may be the most appropriate place for the preliminary interview to take place.

An essential part of the inspection process is the assessment of food safety standards associated with the business. This assessment should begin at the preliminary interview and will help to identify those areas of the operation which require closer scrutiny during the subsequent inspection.

Examples of the type of information officers should obtain as part of the preliminary assessment of food safety hazards, include:

- Type and quantity of food handled
- Number and types of consumers
- Method of processing/handling of food
- Management control
- Competence of management
- Food safety management
- Staff training
- Technical expertise available
- Quality systems in place
- Documented procedures

An examination of any available documentation and the questioning of management will be a significant part of any preliminary interview. It must be recognised that small businesses would not be expected to have documented procedures and there is not a legal requirement for them to keep such documentation.

Examples of the types of documentation that should be examined if available are listed below:-

- Management structure
- Quality assurance procedures
- Details of any food safety management system
- Monitoring systems for -
  - Temperature control
  - Cleaning and disinfection
  - Hygiene checklists
  
- Food hygiene training policy
- Product specifications
- Supplier auditing
- Schedule of -
  - Cleaning
  - Maintenance
  
- Contracts for -
  - Pest control
  - Waste Control
- Relevant complaint records

**NB:** Food Law Code Of Practice (England)(paragraphs 4.1.3 recognises that the approach to food hygiene inspections and the assessment of food safety hazards associated with a business will, in part, be determined by whether or not the business has developed hazard analysis systems.

## **5. The Inspection**

The inspection must identify all the food related activities undertaken by the business e.g. the areas of the premises used for the preparation/production/storage of food stuffs, the processes used, and the staff involved.

- Identification of the customer base of the business.
- Identification of the food safety management systems that should be in use.
- A physical examination of the premises to assess whether all the critical controls have been identified, whether those controls are in place and to assess compliance with the relevant legislation.
- An assessment of whether to take microbiological or chemical samples.

- All food safety hazards, risks and contraventions of the legislation shall be recorded in the Officer's notebook during the course of the inspection. Officers should continue to raise and discuss issues during the inspection, particularly where such issues relate to the effectiveness of control systems and the safety of food.

## **6. Post Inspection Interview**

Having carried out a food hygiene inspection it is important that Officers have a closing meeting with the Duty Manager/Proprietor which should include:-

- a discussion regarding any hazards that have been identified by the Officer that have not been covered by the business' systems;
- a discussion regarding any failure to implement or monitor any critical controls that have been identified by the business
- A discussion regarding any contravention of the relevant legislation.
- any recommendations of best practice the business may wish to consider.
- A discussion regarding the timescale for any corrective actions needed and any follow-up action the Officer intends to take.
- The officer should discuss where appropriate the anticipated risk rating score along with an indication of the stars to be awarded under The Sores on Doors Scheme.
- The Inspection report form must be completed at the time of the inspection and a copy given to the Food Business Operator detailing briefly the contraventions of the legislation. A copy must then be filed on the M3 system.

In this closing meeting and in subsequent reports, Officers must clearly differentiate between work required to comply with legal requirements and recommendations of best practice.

To ensure that inspections are carried out in a consistent manner then an aide-memoir/food hygiene audit compliance sheet (Appendix 3) must be regarded as a minimum and completed by Officers at the time of the inspection. However, where Officers undertake an inspection which does not include all elements covered by the food hygiene audit compliance sheet, then this should be recorded.

## **7. Post Inspection Administration**

Officers are required to provide a written report to the business within 10 working days. The report of the inspection should confirm all the matters discussed at the closing meeting. A report must be issued even if the standards found were satisfactory. Officers must complete and leave the Council's Inspection Report (see Appendix 4) at the time of the inspection.

A record of the inspection findings and outcomes must be recorded on the premises' file and copied to the M3 system

Officers must review the risk rating scores allocated to the premises following each inspection (see Appendix 5). Officers must complete the Authorisation for downgrading or upgrading of Food Safety Risk Assessment and liaise with the Environmental Health Manager in the event that the inspection rating of a previous originally rated A or B

needs to be reduced. No Officer can reduce the risk rating without approval from the Lead Officer/Environmental Health Manager.

## **8. File Records**

File records which must be computer based should include:

- Information on the size and scale of the business.
- Information on the type of food activities undertaken by the business including any special equipment, process or features.
- Copies of any correspondence with the company including documentation associated with approvals or licensing.
- An assessment of the company's compliance with the appropriate hazard analysis requirement, or HACCP requirement in product specific food hygiene regulations EC Regulation 853/2004.
  
- Information on the hygiene training undertaken by employees.
- For premises approved under product specific hygiene legislation, details of any derogation in force, details of approved products and cleaning methods employed, must be recorded.

All inspection reports must be retained for a period of at least 6 years.

## **9. Enforcement Options**

This Council recognises and affirms the importance of achieving and maintaining consistency in its approach to all decisions made which concern food safety enforcement action, including prosecution. To achieve this, the guidance given in statutory Codes of Practice, and The Regulators Compliance Code and advice agreed in relation to LACORS Home Authority Principle will always be considered and followed where appropriate.

To ensure that enforcement decisions are always consistent and proportional, and transparent to businesses whilst being targeted and helpful and relate to common standards and yet ensure that the public is adequately protected by being accountable, many criteria will have to be assessed.

Such criteria include:

The criteria detailed in the generic Environmental Health and Licensing Policy (see Appendix 7) in brief means:

- Seriousness of the offence
- The past history of the enterprise
- Confidence in the management of the enterprise.
- The likely effectiveness of the various enforcement options.

Having considered all relevant information and evidence, the options for action are -

- To take no action
- To take informal action
- To take formal action by service of statutory notices
- Formal caution
- Prosecution
- Prohibition of a person from operating a food business

In the event of this Council considering taking enforcement action the home or principal authority should be contacted and where the Council becomes aware or is informed that the action is, inconsistent with that adopted by other enforcement authorities or advice issued by LACORS, the matter will be referred to the Herefordshire and Worcestershire Chief Environmental Health Officers' Food Enforcement Liaison Group, for an opinion. In the event that there is not a consensus of opinion in the Group, or if the matter is of national significance, then the it will be referred to LACORS National Food Safety Panel and to The Department for Business Enterprise and Regulatory Reform BERR.

In the event that this Council considers taking enforcement action which it believes may be contrary to any advice issued by the relevant Home Authority, then the matter will be discussed with the relevant authority, then the LACORS arbitration procedure and advice from BERR the department for Business Enterprise and Regulatory Reform will be followed before this Council finally decides upon the course of action to be taken.

The protocol on Enforcement Procedures is found in the Formal Food Enforcement Procedures Manual.

## **10. Issue of Verbal and Written Advice**

Officers should offer verbal advice during the inspection and at the post-inspection interview. Verbal advice should also be given whenever it is requested.

Verbal advice can be on a wide variety of topics related to food hygiene e.g. interpretation of the regulations; acceptable practice or remedies to meet the requirements of regulations; and hazard identification.

Officers must always ensure that the proprietor is aware of the difference between those items which are verbal or written advice and those items which are legal requirements.

Written advice whether included with any informal written warning, statutory notice or issued on its own shall be prefaced with the sentence, "this list of works/advice does not form part of any Improvement Notice or letter requiring works to be carried out to comply with the legislation."

#### **11. Use of Informal Written Warnings**

Informal written warnings shall be given in those circumstances where it is reasonable to assume from the inspection interviews that the proprietor will carry out necessary modifications to practices and corrective action in respect of contraventions of the legislation without the need for formal action by way of an Improvement Notice.

The circumstances when informal written warnings shall be given may include -

- The act or omission is not serious enough to warrant formal action.
- From the past history of the individual/enterprise it can be reasonably expected that informal action will achieve compliance.
- Confidence in the individual/enterprise's management is high.
- The consequences of non-compliance will not pose a significant risk to public health.

Informal action shall be taken, in the first instance, in respect of food businesses associated with voluntary organisations using volunteers unless the food business poses a significant risk to public health as detailed in 13 and 14 below.

Informal written warnings are not appropriate in cases where food safety is seriously prejudiced, only where minor matters are concerned.

Where food safety is seriously prejudiced, action under Section 13 or 14 below shall be taken. Where minor matters are concerned, Officer's expectations as to remedial works and timescale for completion should be communicated verbally to the proprietor at the post-inspection interview.

#### **12. Formal Action**

Formal action to secure compliance with the legislation includes service of Hygiene Improvement Notices, and Hygiene Emergency Prohibition Notices, the use of formal cautions and prosecution. The details are contained in Sections 13, 14, 15 and 18.

#### **13. Use of Hygiene Improvement Notices**

Hygiene Improvement Notices shall be issued in the following circumstances -

- Where practices seriously prejudice food safety but do not pose an imminent risk to health.

- Where numerous or serious contraventions of food hygiene or food processing regulations are found but which do not pose an imminent risk to health.
- Where there is a history of non-compliance with informal action.
- Where there are strong indications from the inspection interviews that necessary modifications to practices and corrective action in respect of contraventions of the legislation will not be taken unless they are made the subject of a Hygiene Improvement Notice. This action is not appropriate where the matters pose an imminent risk to health.
- Standards are generally poor with little management awareness of statutory requirements.
- The consequences of non-compliance could be potentially serious to public health.
- Although it is intended to prosecute, effective action also needs to be taken as quickly as possible to remedy conditions which are serious or deteriorating.

Failure to comply with a Hygiene Improvement Notice will, in general, result in court proceedings being instituted.

Hygiene Improvement Notices may be appealed; consequently, officers should be satisfied before deciding to issue a notice that all information and evidence has been obtained including such additional evidence which would be needed to form a substantiated case for example photographs and documentation.

Hygiene Improvement Notices shall be issued by fully qualified Environmental Health Officers and Official Veterinary Surgeons only unless Higher and Ordinary Certificate holders are duly authorised.

Hygiene Improvement Notices shall be served on the Food Business Operator. Where it is not possible to identify the Food Business Operator the notice shall be served on the owner of the premises and left at the premises. The Officer serving a notice should ensure wherever possible that the person who is responsible for taking action receives a copy of the notice.

The use of Improvement Notices must be related to risk to health and must follow all relevant codes of practice and advice detailed above. The limits for completion of works and remedies must be realistic and preferably be agreed with the food business operator. Home Authorities must be informed of action taken where appropriate.

#### **14. Use of Hygiene Emergency Prohibition Notices**

A notice prohibiting the use of premises shall be served where the following circumstances apply:-

- The consequences of not taking immediate and decisive action to protect public health would be unacceptable.



- An imminent risk of injury to health can be demonstrated. This may include evidence from relevant experts, including a food analyst or food examiner.
- Serious active infestation by rats, mice, cockroaches or other vermin (including birds) or a combination of these infestations resulting in actual food contamination, or a real risk of food contamination.
- Serious drainage defects or flooding of the premises leading to actual contamination or a real risk of food contamination.
- Premises or practices which seriously contravene The Food Hygiene (England) Regulations 2006 and have been, or are, involved with an outbreak of food poisoning.
- Any combination of the above or the cumulative effect of contraventions which together represent an imminent risk of injury to health.
- There is no confidence in the integrity of an unprompted offer made by a proprietor voluntarily to close premises or cease the use of any equipment, process or treatment associated with the imminent risk (see below).
- A proprietor is unwilling to confirm in writing his/her unprompted offer of a voluntary prohibition.

A notice prohibiting the use of equipment shall be served where the following circumstances apply:-

- Use of defective equipment, for example, a pasteuriser incapable of achieving the required pasteurising temperature
- Use of equipment involving high risk foods which has been inadequately cleaned or disinfected or which is obviously grossly contaminated and can no longer be properly cleaned. (This would not apply, for example, to a potato peeler - and in circumstances where cleaning is possible, the officer should consider issuing a Hygiene Improvement Notice)

A Hygiene prohibition procedure should be used where the following circumstances apply:-

- Serious risk of cross contamination.
- Inadequate temperature control, for example, failure to achieve sufficiently high cooking temperatures.
- Operation outside critical control criteria, for example, incorrect pH of a product which might allow *Clostridium botulinum* to multiply.
- The use of a process for a product to which it is inappropriate.

If, during the course of an inspection, an Officer working alone discovers any of the circumstances set out in the above sections, he shall contact the offices forthwith to summon the assistance of another Officer.

If the owner of a food business offers to close the premises voluntarily the Officer shall:-

- Consider whether there is any risk of the premises being re-opened without the Officer's knowledge and/or agreement.
- Explain to the proprietor that, by making the offer to close, he is relinquishing rights to compensation if a court subsequently declines to make a Hygiene Emergency Prohibition Order.
- Obtain written confirmation of the proprietor's offer to close the premises and an undertaking not to re-open without specific permission.

Officers shall not prompt an owner of a food business to close voluntarily.

The use of the notice must follow all relevant codes of practice and guidance as detailed above. Home Authorities must be informed of action taken where appropriate.

Hygiene Prohibition Notices and Hygiene Emergency Prohibition Notices shall be issued by fully qualified Environmental Health Officers and Official Veterinary Surgeons only.

Once a Hygiene Emergency Prohibition Notice has been issued, an application for a Hygiene Emergency Prohibition Order must be made to the Magistrates' Court within three days. Failure to do so will entitle the Food Business Operator to compensation.

Officers shall make every effort to serve a Hygiene Prohibition, Procedure, Hygiene Emergency Prohibition Order or a Hygiene Emergency Prohibition Notice by delivering it to the Food Business Operator by hand.

Officers shall ensure that a proprietor is aware of those matters which are considered to constitute imminent risk.

## **15. Formal Cautions**

As recommended by the Food law code of practice on Legal Matters this Council will consider issuing a formal caution as an alternative to a prosecution.

Home Office Circular 30/2005 on Formal Cautions states that the purpose of the formal caution is:-

- To deal quickly and simply with less serious offences.
- To divert less serious offences away from the courts.

- To reduce the chances of repeat offences.

To safeguard the suspected offender's interests, the following conditions must be fulfilled before a formal caution is administered:-

- There must be sufficient evidence of the suspected offender's guilt to give a realistic prospect of conviction.
- The suspected offender must admit the offence.
- The suspected offender must understand the significance of a formal caution and give an informed consent to being cautioned.

If there is insufficient evidence to consider taking a prosecution, then by implication the conditions are not satisfied for the use of a formal caution. It will also be inappropriate to use a formal caution where the suspected offender does not make clear and reliable admission of the offence. It should be noted that there is no legal obligation on any person to accept the offer of a formal caution and no pressure may be applied to accept a formal caution. Where the offence is not admitted or the formal caution is refused, prosecution shall be considered.

Formal cautions are appropriate where the Environmental Health Manager, in prior consultation with the Legal and Democratic Services Division is of the opinion that all the criteria have been met and that this is the most appropriate form of action in the case being considered.

Formal cautions shall be in accordance with the relevant Code of Practice and advice detailed above. Home Authorities must be informed of action taken where appropriate.

#### **16. Investigation of Food Complaints (see Council's Policy on Food complaints)**

All complaints of unsound food meeting any of the following criteria shall be thoroughly and properly investigated:-

- Indications of unfitness for human consumption.
- Potential for, or actual, harm to health, including poor handling and temperature control.
- Indications of serious contraventions of food hygiene or food processing regulations.
- Food from manufacturers or retailers with a history of similar complaints.
- Indications of significant deficiencies in the nature or quality of the food.

All complaints of unsound food not meeting the above criteria shall be recorded on the M3 system for the premises where the food is sold, produced or manufactured in the Wyre Forest District.

If unsound food is produced or manufactured outside the Wyre Forest District, details of the complaint shall be sent to the Environmental Health Manager acting as the "Home Authority" for the producer or manufacturer.

If the unsound food is produced or manufactured abroad within EC or outside EC only the complaint shall be referred to the Food standards Agency.

**17. Prosecution Policy (see *Prosecution Policy*)**

This Council recognises that the decision to prosecute is a very significant one and that in reaching this decision all relevant evidence and information must be considered to enable a consistent, fair and objective decision to be made.

Before deciding whether a prosecution should be taken, the authorised Officers shall consider the following:-

- The seriousness of the alleged offence.
- The previous history of the party concerned.
- The likelihood of the defendant being able to establish a due diligence defence.
- The ability of any important witnesses and their willingness to co-operate.
- The willingness of the party concerned to prevent a recurrence of the problem.
- The probable public benefit of a prosecution and the importance of the case, e.g. whether it might establish legal precedent.
- The codes of practice and guidance detailed above.
- Whether other action, such as issuing a formal caution in accordance with Home Office Circular 30/2005, or a Hygiene Improvement Notice or imposing a Hygiene prohibition would be more appropriate or effective.
- Any explanation offered by the affected company.
- The quality of all the evidence available to the Officer.

The circumstances likely to warrant prosecution are likely to be characterised by one or more of the following:-

- The alleged offence involves a flagrant breach of the law such that public health, safety or well-being is, or has been, put at risk.
- The alleged offence involves a failure by the suspected offender to correct an identified serious potential risk to food safety having been given a reasonable opportunity to comply with the lawful requirements of an authorised Officer.
- The offence involves a failure to comply in full, or in part, with the requirements of a statutory notice.
- There is a history of similar offences related to risk to public health.

A court may impose a Hygiene Prohibition Order following certain prosecutions if satisfied that there is a risk of injury to health. Therefore, Officers must ensure that the evidence submitted supports the action.

Before a prosecution proceeds, the Environmental Health Manager and the Legal and Democratic Services Division must be satisfied that there is relevant, admissible, substantial and reliable evidence that an offence has been committed by an identifiable person or company.

In addition to being satisfied that there is sufficient evidence to provide a realistic prospect of conviction, there must be a positive decision, based on relevant criteria that it is in the public's interest to prosecute. The Code of Practice for Crown Prosecutors, issued by the Crown Prosecution Service provides guidance which should be considered, including relevant public interest criteria.

If it is decided to proceed, evidence shall be presented to the Head of Legal & Democratic Services at the earliest possible time to ensure that the prosecution is brought without unnecessary delay.

Home authorities must be advised of action taken and the outcome where appropriate.

#### **18. Detention/Seizure of Food**

Where an Officer has good reason to suspect that food does not satisfy food safety requirements, then a detention of food notice shall be served.

If the Officer is in possession of adverse information or evidence concerning the food, then the food shall be seized using regulation 27 of The Food Hygiene (England) Regulations 2006 and then a section 9 Notice under The Food Safety Act as amended shall be used warning of the intention to apply for condemnation shall be served.

Annex 7 of The food law code of Practice gives model notices where none exist on The Shaws system.

Wherever possible the food should be dealt with by a Justice of the Peace within 2 days. In the case of highly perishable food the food should be dealt with by a Justice of the Peace as soon as possible.

If the Officer has any doubts about the security or physical care of the food, the detention of food notice shall specify a place to which the food should be removed.

The decision to detain or seize food shall only be taken by a fully qualified Environmental Health Officer or Official Veterinary Surgeon.

Notices in connection with detention and seizure of food shall, as far as is reasonably practicable, be served by hand on the person in charge of the food. If it is practicable, the Officer should also notify the owner of the food.

The person in charge of the food or the owner shall be allowed to accompany the food when it is dealt with by the Justice of the Peace.

Where the food is voluntarily surrendered for destruction, a receipt shall be issued and the description of the food should include the phrase, "voluntarily surrendered for destruction." The receipt should be signed by the person surrendering the food.

#### **19. Follow-up Visits**

If contraventions of food hygiene or processing regulations and/or poor hygiene practices are found during the programmed inspection, the Council will arrange to carry out a further visit to the business. The timing of this visit will be determined by the action taken by the Food Officer as a result of the original inspection.

The revisit date must be indicated on the correspondence and must, where possible, be carried out by the original inspecting Officer. The same criteria as on initial inspection must be followed at the revisit when deciding on the most appropriate course of action.

#### **20. Monitoring of the Inspection Programme and the Quality of Inspections**

The Council's approach to enforcement of the law will be informed by the principles of the Regulators Compliance code

- Proportionality, in applying the law and in securing compliance
- Consistency of approach.
- Transparency, about how the Council as a regulator operates and what those regulated may expect.
- Targeting, to channel resources into high risk areas.
- Helpfulness, as the Council believes that prevention is better than cure.
- Standards, to be drawn up in consultation with interested parties setting out our service levels and expected performance.
- Accountability Procedure, to deal with complaints of poor, inappropriate or non-existent service, the procedure will be well publicised, effective and readily accessible to all.
- Public interest, it must be in the public interest to prosecute.

Proportionality - means relating enforcement action to the risks. Those whom the law protects and those on whom it places duties can expect that action by the Council to achieve compliance will be proportionate to any risks to public health.

Consistency in this approach will be achieved by having regular team meetings and having guidelines on the appropriate action to be taken in any particular situation.

Consistency - means taking a similar approach in similar circumstances to achieve similar aims.

In line with the Food Standards Agency Code of Practice No.9, the following measures will be taken to ensure that food inspections are carried out consistently:-

#### **Guidelines**

All Officers shall have regard to the Food Standards Agency Food law Codes of Practice, LACORS and in-house guidance when carrying out food inspections.

The mechanism for disseminating information will be through the Lead Officer. The Lead Officer is responsible for ensuring that Officers carrying out food inspections are aware of all relevant documents and guidance and adhere to the advice contained in them; such information will also be discussed at Food Team Meetings.

#### Food and Safety Team Meetings

Team meetings will be held monthly. Interim meetings will be held in the event of significant changes in legislation, guidance etc. or problems experienced. The meetings will be chaired by the Lead Officer who will be responsible for overseeing the monitoring process and initiating any corrective action.

The aim of these meetings shall be to encourage a consistent approach to food inspections -

- (a) Enabling Officers to share problems in food enforcement and practice and to exchange information.
- (b) Discussing proposed new legislation, guidance etc. and to make Officers aware of such documents.
- (c) Discussing training needs on food matters.
- (d) Where necessary, progressing problems through the Herefordshire and Worcestershire Food Enforcement Liaison Group.

#### Monitoring

In order to monitor whether food inspections are being carried out consistently and in line with appropriate guidance, the following systems will operate:-

(i) Post-Inspection Audits

The Lead Officer will carry out two post-inspection audits per year for each Officer who undertakes food inspection.

(ii) Accompanied Inspections

In addition to post-inspection audits, the Lead Officer will accompany Officers on two programmed inspections per year.

(iii) Standardisation Exercises

Every Officer who carries out food inspections will take part in at least one standardisation exercise in every two year period. Any problem will be discussed with the Officer and appropriate action, where necessary, shall be taken by the Lead Officer (such as further training, guidance, re-issue of relevant documents).

(iv) Inter-Authority Exercises

The Division will support and participate in any inter-authority standardisation exercises and audits organised by the Herefordshire and Worcestershire Food Enforcement Liaison Group.

(v) Auditing Food Hygiene (England) Regulations 2006 notices and correspondence

An audit will be carried out, once per year, of all notices and correspondence relating to food.

(vi) Review of Inspection Rating

A sample of the risk rating of inspections will be reviewed by the Lead Officer on a bi-monthly basis to check consistency.

(vii) Enforcement Consistency

Standard letters will be used in most cases and regard will be given to the use of standard phrases.

(viii) Targeting

The Department will endeavour to inspect all high risk premises within the target period. Food Enforcement Campaigns will also be devised to target high risk activities.

(ix) Standardisation and Customer Satisfaction

A Customer Satisfaction Questionnaire (see Appendix 6) will be sent where appropriate with post-inspection report or left at the premises at the time of the inspection.

The questionnaires will be analysed monthly by the Lead Officer to check for any problems and any matters will be discussed with individual Officers.



Wyre Forest District Council  
Environmental Health & Community Safety Division  
Duke House  
Clensmore Street  
Kidderminster  
Worcestershire  
DY10 2JX

**APPENDIX 1**

**NOTICE OF POWERS AND RIGHTS ISSUED UNDER PARAGRAPH 5.7 OF CODE B, POLICE AND CRIMINAL EVIDENCE ACT 1984**

Premises .....  
Name of Person Receiving Notice .....

---

**POWER UNDER WHICH SEARCH IS MADE**

**INSPECTION USING STATUTORY POWERS**

Under the Acts of Parliament listed below, an authorised Officer may, at all reasonable times and on production of his/her credentials if requested, enter any business premises for the purpose of ascertaining any contravention of the Act/s or for taking any action or executing works authorised or required by the Act/s.

This inspection visit is being carried out using statutory powers contained within the Acts indicated below. The powers may vary between Acts.

- |  |  |
|--|--|
| <input type="checkbox"/> Food Safety Act 1990 – Section 32                         | <input type="checkbox"/> Health and Safety at Work etc. Act 1974-Section 20                |
| <input type="checkbox"/> Environmental Protection Act 1990 – Section 17            | <input type="checkbox"/> Building Act 1984 – Section 20                                    |
| <input type="checkbox"/> Public Health (Control of Diseases) Act 1984 – Section 61 | <input type="checkbox"/> Local Government (Miscellaneous Provisions) Act 1982 – Section 17 |
| <input type="checkbox"/> Prevention of Damage by Pests Act 1949 – Section 22       | <input type="checkbox"/> Public Health Act 1936 – Section 287                              |
| <input type="checkbox"/> By warrant under .....                                    | <input type="checkbox"/> Other (specify) .....   |

If during the inspection the Officer has reason to suspect that an offence may have been committed, then (s)he may wish to exercise additional statutory powers. Some of these additional powers have been summarised, as far as practicable on the reverse of this Notice. A summary of your rights also appears on the reverse of this Notice.

**OR**

INSPECTION WITH WRITTEN CONSENT (only applicable where above powers are not exercised)

I hereby consent to .....  
Signature .....  
Age .....

(Name of officer(s)) searching the above named premises  
Name (Capitals)  
Status relative to premises

OFFICER IN CHARGE OF INSPECTION .....

OTHER OFFICERS OR PERSONS PRESENT .....

DATE ..... TIME .....am/pm

SUMMARY OF YOUR RIGHTS – These rights are taken from Code B of The Police and Criminal Evidence Act 1984, (Code of Practice for the Searching of Premises and The Seizure of Property Found on Persons or Premises) and should be considered as a summary only. A copy of the Code is available for inspection at the Environmental Health & Community Safety Division, Wyre Forest District Council, 7/8 New Street, Stourport on Severn, Worcestershire DY13 8UL (Tel. No. 01562 820505).

If you have any complaint concerning the conduct of Officers on this inspection visit, then details of the Authority's Corporate Complaint Procedure are available. Please contact the Head of Environmental Health & Community Safety, either at the address above or telephone 01562 820505. Compensation may be payable for damage caused in entering and searching premises. Any application should be directed to the Head of Environmental Health & Community Safety.

The inspection visit may be carried out at any reasonable hour, in practice this will normally mean at any time whilst the premises are open for business. Admission to any premises used only as a private dwelling shall not be demanded as of right unless 24 hours' notice of intention has been given to the occupier. You will normally be entitled to have another person present to witness the inspection or search.

If an Officer seizes any article or substance he shall leave a notice giving particulars of that article or substance to identify it stating that he has taken possession of it. Before taking possession of any substance an inspector shall if it is practicable for him to do so, take a sample thereof and give a portion of the same to a responsible person at the premises in a manner sufficient to identify it.

You do not have to produce any document which you are entitled to withhold on the grounds of legal professional privilege.

Where practicable, you or your representative will be allowed supervised access to your property after it has been seized, so that you can examine it or have it photographed. This access will be at your own expense. You may also request a copy or photograph to be provided, again at your own expense.

SUMMARY OF OFFICER'S POWERS: This Notice should be considered as a summary only as it is impracticable to list all the powers in full for each statute. The powers will vary between each statute.

POWER TO ENTER PREMISES: A duly authorised Officer may, at all reasonable times and on production of his/her credentials if requested, enter any business premises for the purpose of ascertaining if there has been a contravention of the Act/s or for taking any action or executing any works authorised or required by the Act/s. An Officer may also enter by virtue of a warrant granted under an Act.

#### SPECIFIC ADDITIONAL POWERS

FOOD SAFETY ACT 1990: An Officer may inspect any records, in whatever form they are held. Where records are kept on computer, the Officer may have access to the computer including any associated apparatus and may require assistance to operate the computer or apparatus. An Officer may seize and detail any records which he/she has reason to believe may be required as evidence and where records are kept by means of computer, may require the records to be produced in a form in which they may be taken away.

- An Officer may:
- (a) Purchase a sample of any food, or any substance capable of being used in the preparation of food;
  - (b) Take a sample of any food, or any such substance, which:-
    - 1. appears to him/her to be intended for sale, or to have been sold, for human consumption; or
    - 2. is found by him/her on or in any premises.
  - (c) Take a sample from any food source, or a sample of any contact material, which is found by him/her on or in any such premises;
  - (d) Take a sample of any article or substance which is found by him/her on or in any premises and which he/she has reason to believe may be required as evidence;
  - (e) An Officer may inspect any food intended for human consumption which:-
    - 1. has been sold or is offered or exposed for sale; or
    - 2. is in the possession of, or has been deposited with or consigned to any person for the purpose of sale or of preparation for sale.
  - (f) An Officer may take with him/her such other persons as he/she considers necessary.  
If an Officer has reasonable cause to believe that any food fails to comply with food safety requirements (s)he may either:-
    - 1. give notice that the food is not to be used for human consumption and is not to be removed; or
    - 2. seize the food and remove it in order to have it dealt with by a Justice of the Peace.

HEALTH AND SAFETY AT WORK ETC. ACT 1974: For the purpose of carrying out his duties under the Act an Inspector may:-

- 1. at any reasonable time enter any premises (or in a situation which in his opinion is or may be dangerous at any time),
- 2. take with him a constable if he has reasonable cause to apprehend any serious obstruction in the execution of his duty,
- 3. take with him any other person duly authorised and any equipment or materials required for any purpose for which the power of entry is being exercised,
- 4. make such examination and investigation as may be necessary,
- 5. require that any premises or part therein or anything therein is left undisturbed for so long as is reasonably necessary for the purpose of any examination or investigation,
- 6. take such measurements and photographs and make such recordings as he considers necessary for the purpose of any examination or investigation,
- 7. take samples of articles or substances found in any premises or of the atmosphere in or in the vicinity of any such premises,
- 8. cause any article or substance which appears to him to have caused or is likely to cause danger to health or safety to be dismantled or subjected to any process or test.
- 9. take possession or detail any articles or substance,
- 10. require any person whom he has reasonable cause to believe to be able to give any information relevant to any examination or investigation to answer such questions as the Inspector thinks fit,
- 11. require the production of, inspect, and take copies of any entry in any books or documents,
- 12. require any person to afford him all necessary facilities and assistance.

**RISK ASSESSMENT SCORES**

**APPENDIX 2**

RISK ASSESSMENT – FOOD HYGIENE – SEE FOOD LAW CODE OF PRACTICE (ENGLAND)					RISK ASSESSMENT – FOOD STANDARDS			
A5.3.1								
1. POTENTIAL HAZARD					1. QUALITY SYSTEM EFFECTIVENESS			
(A) TYPE OF FOOD & METHOD OF HANDLING		CATEGORY	INSPECTION RATING	MINIMUM FREQUENCY				
HANDLING LOW RISK FOODS	5	A	92 OR HIGHER	AT LEAST EVERY 6 MONTHS	NEGLECTIBLE	1	6	
HANDLING HIGH RISK	10	B	72 TO 91	AT LEAST EVERY 12 MONTHS	LOW	2	12	
PREPARATION HIGH RISK	30	C	42 TO 71	EVERY 8 MONTHS	MEDIUM TO LOW	3	18	
PRODUCTION HIGH RISK	40	D	31 TO 41	AT LEAST EVEYR 2 YEARS	MEDIUM TO HIGH	4	24	
		E	0 TO 3	ALTERNATIVE ENFORCEMENT STRATEGY	HIGH	5	30	
					MAJOR	6	36	
(B) METHOD OF PROCESSING								
LOW RISK	0				2. PUBLIC RISK			
HIGH RISK	20				NEGLECTIBLE	1	10	
						2	20	
(C) CONSUMERS AT RISK						3	30	
VERY FEW	0	<b>RISK ASSESSMENT – FOOD STANDARDS</b>					4	40
FEW	5	1. QUALITY SYSTEM EFFECTIVENESS					5	50
INTERMEDIATE	10	GOOD		A	1	6	60	
SUBSTANTIAL	15	GOOD		B	2			
		AVERAGE		C	3	3. CONFIDENCE IN MANAGEMENT		
		AVERAGE		D	4	EXTREMELY CONFIDENT	1 10	
2. COMPLIANCE		POOR		E	5	VERY CONFIDENT	2 20	
(A) FOOD HYGIENE AND SAFETY		NO SYSTEM		F	6	REASONABLY CONFIDENT	3 30	
VERY GOOD	A 0					A LITTLE CONFIDENCE	4 40	
GOOD	B 5						5 50	
FAIR	C 10							
POOR	D 15							
BAD	E 20							
VERY BAD	F 25							
3. CONFIDENCE IN MANAGEMENT/CONTROL SYSTEMS								
HIGHLY CONFIDENT	A 0							
MODERATE CONFIDENCE	B 5							
SOME CONFIDENCE	C 10							
LITTLE CONFIDENCE	D 20							
NO CONFIDENCE	E 30							
4. VULNERABLE GROUP ADJUSTMENT								
NO ADJUSTMENT	A 0							
ADJUSTMENT	B 22							
5. ECOLI, CL BOT ADJUSTMENT								
NO ADJUSTMENT	A 0							
ADJUSTMENT	B 20							



## Wyre Forest District Council Planning, Health and Environment Division

### INSPECTION REPORT FORM

**THIS REPORT ONLY COVERS AREAS INSPECTED AT THE TIME OF THE INSPECTION  
IT DOES NOT INDICATE COMPLIANCE WITH FOOD SAFETY LAW. IT IS NOT A STATUTORY NOTICE.**

OFFICERS NAME \_\_\_\_\_

DESIGNATION \_\_\_\_\_ TEL. NO. \_\_\_\_\_

OFFICE ADDRESS \_\_\_\_\_

OFFICERS SIGNATURE \_\_\_\_\_

MANAGERS NAME (of Officer ) \_\_\_\_\_

DATE \_\_\_\_\_ TIME OF ARRIVAL \_\_\_\_\_

**INSPECTION CARRIED OUT UNDER:**

FOOD SAFETY ACT 1990	<input type="checkbox"/>
THE FOOD HYGIENE (ENGLAND) REGULATIONS 2006	<input type="checkbox"/>
EC DIRECTIVE 852	<input type="checkbox"/>
EC DIRECTIVE 853	<input type="checkbox"/>
EC DIRECTIVE 854	<input type="checkbox"/>
HEALTH & SAFETY AT WORK ETC ACT 1974 AND ASSOCIATED REGULATIONS	<input type="checkbox"/>

HEARTBEAT AWARD INSPECTION

CLEAN FOOD AWARD INSPECTION

IS SAFER FOOD BETTER BUSINESS APPLICABLE?

NAME OF PREMISES \_\_\_\_\_

ADDRESS \_\_\_\_\_

TYPE OF PREMISES \_\_\_\_\_

TEL. NO. \_\_\_\_\_

HEAD OFFICE (if different) \_\_\_\_\_

PROPRIETOR \_\_\_\_\_

SOLE PROPRIETOR  PARTNERSHIP  LIMITED COMPANY

PERSON(S) SEEN \_\_\_\_\_

OPENING HOURS \_\_\_\_\_

AREAS INSPECTED \_\_\_\_\_

**RECORDS/DOCUMENTS EXAMINED:** TEMPERATURE CONTROL  HAZARD ANALYSIS   
 CRITICAL CONTROL POINTS  CLEANING SCHEDULE  PEST CONTROL RECORDS   
 STAFF TRAINING  SICKNESS POLICY/RECORDS  CUSTOMER COMPLAINTS

**SAMPLES TAKEN BY OFFICER**

FOOD HYGIENE  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Any reply to:  
 \_\_\_\_\_

**SPECIAL PROCESSORS/EQUIPMENT:**  
 COOK CHILL  COOK FREEZE  MODIFIED ATMOSPHERE PACKAGING   
 VACUUM PACKING  BOTTLING  CANNING   
 PRODUCTION COOKED MEAT  REGENERATION OF COOK CHILL/FREEZE   
 OTHER  Specify \_\_\_\_\_

**SIZE AND SCOPE OF BUSINESS:**  
 CUSTOMER BASE (tick all that apply): RETAIL  CATERING  DELIVERY   
 WHOLESALE TO RETAILERS  WHOLESALERS TO CATERERS   
 OUTSIDE CATERING  SPECIAL EVENTS  OTHER  Specify \_\_\_\_\_  
 VOLUME OF FOOD PRODUCED (complete as appropriate)  
 NUMBER OF MEALS DAILY \_\_\_\_\_  
 OR VOLUME OF PRODUCE PRODUCED WEEKLY (TONNES OR UNITS) \_\_\_\_\_  
 SCOPE: LOCAL  REGIONAL  NATIONAL

**FOOD HYGIENE TRAINING**

NUMBER OF FOOD HANDLERS HANDLING OPEN / HIGH RISK FOOD	
NUMBER OF FOOD HANDLERS HANDLING LOW RISK FOOD	
NUMBER OF AUXILLARY STAFF eg. cleaners, drivers	
NUMBER OF STAFF TRAINED:	
SUPERVISED AND / OR INSTRUCTED	
BASIC FOOD HYGIENE	
INTERMEDIATE FOOD HYGIENE / EQUIVALENT	
ADVANCED FOOD HYGIENE EQUIVALENT	
TRAINED IN HACCP PRINCIPLES - IS TRAINING / SUPERVISION ADEQUATE?	YES <input type="checkbox"/> NO <input type="checkbox"/>
COMMENTS:	

SICKNESS CONTROL POLICY IN PLACE?	YES <input type="checkbox"/> NO <input type="checkbox"/>
IS IT WRITTEN?	YES <input type="checkbox"/> NO <input type="checkbox"/>

**DELIVERY VEHICLES**

DELIVERY VEHICLE(S) USED	YES <input type="checkbox"/>	NO <input type="checkbox"/>
NUMBER OF TEMPERATURE CONTROLLED VEHICLES		
NUMBER OF NON-TEMPERATURE CONTROLLED VEHICLES		
VEHICLES INSPECTED?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
CONDITION: GOOD / ACCEPTABLE / POOR / NOT INSPECTED		
COMMENTS:		

**TEMPRATURES TAKEN BY OFFICER**

<b>AREA / EQUIPMENT</b>	<b>AIR TEMP</b>	<b>FOOD TEMP</b>	<b>COMMENTS</b>



**DETAILS OF WORKS REQUIRED OR RECOMMENDED  
ANDTIMESCALEFOR COMPLIANCE**

<b>LEGAL REQUIREMENTS</b>	<b>TIMESCALE</b>
<b>RECOMMENDATIONS:</b>	
INSPECTION DISCUSSED WITH PROPRIETOR / MANAGER / REPRESENTATIVE?    Yes <input type="checkbox"/> No <input type="checkbox"/> <b>FURTHER ACTION TO BE TAKEN BY LOCAL AUTHORITY:</b> NONE <input type="checkbox"/> LETTER <input type="checkbox"/> STATUTORY NOTICE <input type="checkbox"/> OTHER <input type="checkbox"/> (specify) _____	





**REPORT OF AN INSPECTION  
FOOD SAFETY ACT 1990\*  
HEALTH AND SAFETY AT WORK ETC ACT 1974\***

**Section A: to be completed in all cases**

1. NAME AND ADDRESS OF PREMISES:
2. PERSON(S) SEEN/INTERVIEWED:
3. TYPE OF PREMISES:
4. DATE AND TIME OF INSPECTION:
5. SPECIFIC LEGISLATION UNDER WHICH INSPECTION CONDUCTED:
6. AREAS INSPECTED:  
WHOLE OF PREMISES/PART OF PREMISES\* (specify areas):
7. RECORDS/DOCUMENTS EXAMINED (and outcome):
8. DETAILS OF ANY SAMPLES PROCURED (e.g. description, batch number):
9. SUMMARY OF MATTERS DISCUSSED AT CLOSING MEETING
10. SUMMARY OF ACTION TO BE TAKEN BY THE AUTHORITY:  
(eg follow-up action, letter, service of improvement notice):

**Section B: Information relating to the inspection at the discretion of food authority, eg matters that in the opinion of the officer require attention.**

**SIGNED BY:**

**NAME IN CAPITALS:**

**DESIGNATION:**

**TELEPHONE: (01562) 820505 EXT:**

**DATE:**

*\*Delete as necessary*

**This report was issued by the Food and Safety Section, Planning Health and Environment Duke House, Clensmore Street, Kidderminster, DY10 2JX**

Planning Health and Environment Division

Licensing & Environmental Committee 07/04/08

**AGENDA ITEM NO. 6  
APPENDIX 4**

**WYRE FOREST DISTRICT COUNCIL**  
**AUTHORISATION FOR DOWN-GRADING AND UP GRADING OF**  
**FOOD SAFETY RISK ASSESSMENT**

I, ..... one of the Food Safety Officers have decided to downgrade the  
risk rating score from ..... at the following premises

.....  
.....

The reasons for my decision are:-

.....  
.....  
.....

**Signed** \_\_\_\_\_ **Designation:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**WYRE FOREST DISTRICT COUNCIL**

**ENVIRONMENTAL HEALTH & COMMUNITY SAFETY DIVISION**

Wyre Forest District Council is committed to improving the services that it provides to local people and its partners in the business community and voluntary sector. In order to listen to the views of those people and organisations who receive Council Services we provide the opportunity through questionnaires such as this.

We would be grateful if you could spend a few minutes completing this questionnaire and returning it in the pre-paid envelope provided. You are not asked to provide your name (although you may do so should you require a reply) and any information given will be treated as strictly confidential and will not be passed on to any other third party.

**Q1 Please indicate the service you contacted within the EH&CS Division**

Pollution Control	Recycling	<input type="checkbox"/>
Noise Control	Housing Grants	<input type="checkbox"/>
Licensing	Food Safety	<input type="checkbox"/>
Concessionary Travel	Health & Safety	<input type="checkbox"/>
Community Safety	Housing Information	<input type="checkbox"/>
Health Promotion	Pest Control / Dog Warden	<input type="checkbox"/>
	Other please specify	<input type="checkbox"/>

**Q2 When Contacting the EH&CS Division how did you rate the following?**

	<b>Very Good</b>	<b>Good</b>	<b>Satisfactory</b>	<b>Poor</b>	<b>Not Applicable</b>
The ease in obtaining information or advice	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Efficiency in dealing with your enquiry/request	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Keeping you informed	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The quality of the advice /service you received	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Promptness in replying	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Telephone manner	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Personal Manner	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Q3 With regard to the visit / inspection**

	<b>Yes</b>	<b>No</b>
If an appointment was made, was the officer punctual?	<input type="checkbox"/>	<input type="checkbox"/>
Did the officer identify him/herself by showing identification?	<input type="checkbox"/>	<input type="checkbox"/>
Did the officer approach the job in a professional manner?	<input type="checkbox"/>	<input type="checkbox"/>
Was the work carried out to your satisfaction?	<input type="checkbox"/>	<input type="checkbox"/>
Did the officer explain what materials were being used?	<input type="checkbox"/>	<input type="checkbox"/>
Did the officer explain about any precautions which need to be taken?	<input type="checkbox"/>	<input type="checkbox"/>

Q4

**How useful did you find the following**

	<b>Very Good</b>	<b>Good</b>	<b>Satisfactory</b>	<b>Poor</b>	<b>Not Applicable</b>
Printed information about the Service	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Overall the Service you received	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ease of completing the relevant forms	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Are there any additional comments that you wish to make about the service?

Please enter your Name and address, should you require a response

**Thank you for your Time and Assistance**