

FOOD LAW INSPECTIONS AND YOUR BUSINESS

This leaflet describes: -

- ⊙ What to expect when your business is inspected under the Food Safety Act 1990;
- ⊙ What to do if you think the outcome of an inspection is wrong or not fair.

INTRODUCTION

The Food Safety Act 1990 and Regulations made under it aim to make sure that all food offered to the public is safe to eat. The information overleaf explains the role of Environmental Health Officers and Food Safety Officers in helping you to produce safe food and to meet your other responsibilities. This leaflet is based on national guidance and is not intended as a complete statement of the law.

WHO WILL INSPECT YOUR BUSINESS?

Environmental Health Officers and Food Safety Officers have the right to enter and inspect food premises at any reasonable time. They do not have to make an appointment and they will usually visit without advance notice. They carry out routine inspections and may also visit as a result of a complaint. How often routine inspections happen depends on the potential risk posed by the type of business and its previous record. Some premises may be inspected at least every six months, others much less often.

- ⊙ If you think Nuneaton and Bedworth Borough Council 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) either through your trade association or your local authority.
- ⊙ You have a right of appeal to a Magistrates' Court against an improvement notice or a refusal by a local authority to lift an emergency prohibition order.
- ⊙ A Magistrates' Court must confirm the emergency closure of a business or the seizure of food. If Magistrates decide premises have been shut without proper reason, or food has been wrongly seized or detained, you have a right to compensation.

FINALLY, REMEMBER:

- ✓ Nuneaton and Bedworth Borough Council officers are ready to help if you need any advice on food safety;
- ✓ Trade associations and independent consultancy services can also help;
- ✓ Closer partnership between food businesses and local authorities means better public protection.

FOOD SAFETY TEAM CONTACT DETAILS

Tel: (024) 7637 6135 or (024) 7637 6401
Fax: (024) 7637 6214
E-mail: env.health@nuneatonandbedworth.gov.uk

Inspectors will look at the way you operate your business in order to identify potential hazards and to make sure it complies with the law. They will discuss any problems with you and advise on possible solutions. They also have powers that they can use when they think it necessary to protect the public. These are explained below.

WHAT ARE YOU ENTITLED TO EXPECT FROM INSPECTORS?

- ⊙ A courteous manner;
- ⊙ To be shown identification;
- ⊙ Information on hazards which have been identified and guidance on how they can be avoided;
- ⊙ A clear distinction between what the inspector is recommending you do because it is good practice and what you must do to comply with the law;
- ⊙ To be given the reasons in writing for any action you are asked to take;
- ⊙ Where there is an apparent breach of law, a statement of what that law is;
- ⊙ Reasonable time to meet statutory requirements, except where there is an immediate risk to public health;
- ⊙ To be told the procedures for appealing against local authority action.

WHAT POWERS DO INSPECTORS HAVE?

- ⊙ They can take samples and photographs, and inspect records. To obstruct an inspector is an offence.
- ⊙ They may write to you informally asking you to put right any problems they find. Where breaches of the law are identified which must be put right they may serve you with an improvement notice.
- ⊙ They can detain or seize suspect foods.
- ⊙ In serious cases they may decide to initiate a prosecution. If the prosecution is successful, the Court may impose prohibitions on processes and the use of the premises or equipment, fines and possibly imprisonment.
- ⊙ If there is an imminent health risk to consumers, inspectors can serve an emergency prohibition notice which forbids the use of the premises or equipment. Such a notice must be confirmed by the Court.

WHAT CAN YOU DO IF YOU THINK THE OUTCOME IS UNFAIR?

If you do not agree with the action taken by the inspector, you should first contact the Head of Food and Occupational Safety at Nuneaton and Bedworth Borough Council to see if the problem can be resolved informally. If disagreement remains after that, you could approach your local Councillor.