

Guidance Note: Food Hygiene Inspection and Enforcement

1. Introduction

- 1.1 The enforcement of food hygiene is the responsibility of the local authority.
- 1.2 These guidance notes are likely to be involved if your local authority undertakes an inspection of your business.
- 1.3 These guidance notes explain your right of appeal against any findings or investigations during the inspection and

2. Law Enforcement

- 2.1 Local authority enforcement officers monitor adherence to food hygiene laws in businesses that make or sell food to the public.
- 2.2 These enforcement officers have the right to enter your business at any reasonable time to conduct an inspection.
- 2.3 The enforcement officer will give you prior notice of an inspection.
- 2.4 An inspection may be initiated by:
 - 2.4.1 A complaint received from the general public, from a customer or from an employee.
 - 2.4.2 A routine visit. There is no set pattern to the frequency of visits. However, businesses with a poor food hygiene record are more likely to be re-visited.

3. Food Hygiene Inspectors

- Food hygiene inspectors have the following enforcement actions, as they see fit, in order to protect public health:
- 3.1.1 take food samples for analysis;
 - 3.1.2 take photographs;
 - 3.1.3 review your records;
 - 3.1.4 confiscate food that is unsafe for consumption;
 - 3.1.5 issue an information notice requiring you to rectify any problems;
 - 3.1.6 serve a formal notice;
 - 3.1.7 propose a prosecution.

4. Legal Notices and Prosecutions

- 4.1 The food hygiene inspectors have the right to issue a legal notice. There are three main types of legal notice. They represent increasing levels of severity in respect of the hygiene breaches concerned as follows:

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4.1.1 Hygiene Imp that you are law.

notice provides a list of changes and being in breach of food hygiene

4.1.2 Hygiene En business fr (including m have been c

notice. This notice prohibits your cesses, equipment or premises order to be valid this notice must ourt.

4.1.3 Remedial Ac Food Busine certain pre conditions u not need to issued by the

will only be issued to an Approved prohibits your business from using ocesses but it can also impose an be continued. This notice does evant court and therefore can be speed and ease.

4.2 If the local author enough it can reco be guilty as charged

n of food hygiene to be serious you are prosecuted and found to

4.2.1 prevent you

ment, premises or processes;

4.2.2 disqualify yo

business;

4.2.3 impose a fin

4.2.4 sentence yo

4.3 Tougher sentencing and Safety offences offences. Under the severity of the incid your company. In th that would put the c this is an acceptable

uced in February 2016 for Health ater and Food Safety and Hygiene y fines levied will be based on the d the size and financial status of e Court could potentially levy fines altogether if the Court deems that mmitting of the offence.

4.4 If the Court finds connivance or negle potentially give the maximum of 2 years

company to be guilty of “consent, e most serious offences, they can or even a prison sentence up to a

5. What Is Inspected

5.1 In order for the insp they concentrate on

ty of food for human consumption,

5.1.1 your busines

5.1.2 the types of

prepare;

5.1.3 your food ha

5.1.4 your food sa

ds.

5.2 The local authority sell or produce to c For this purpose the price tags.

n which you describe the food you s are not misleading to customers. n items such as menus, labels and

* Please refer to the Guidance Notes: Approved business.

business for the definition of an approved food

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6. The Right To Appeal

- 6.1 Each local authority has a formal procedure for dealing with complaints about its actions. If you wish to appeal against the action of the local authority, you should follow the relevant procedure. If you are a trader, you should follow the relevant procedure for traders. If you are a consumer, you should follow the relevant procedure for consumers.
- 6.2 Normally, to challenge a decision, the first step would be to contact the head of trading standards services at the local authority by telephone. If you may be able to resolve the problem at this level, you may disagree with the reasoning of the decision. You should contact your local councillor.
- 6.3 If you believe that the food hygiene laws differ from the Local Authorities' best way to contact your local authority. If food inspectors are enforcing the food hygiene laws, you can get advice from the Local Authorities' Regulatory Services (LACORS). The best way to contact your trade association or local authority.
- 6.4 To appeal against a Hygiene Improvement Notice, a Hygiene Prohibition Order) or a Hygiene Emergency Prohibition Order, you need to contact the relevant court within a specified period. Please note that the Hygiene Emergency Prohibition Order has been confirmed by the appropriate authority to be valid.
- 6.5 If your local authority has declared your food unfit for human consumption, you should contact the Justice of the Peace. If the declaration has been authorised by a declaration the declaration will not be valid.
- 6.6 You have the right to appeal against an action against your food business.
- 6.7 You have the right to appeal against an action against your food business' premises if the court decides that your food business' premises are unfit for use. If your food is confiscated by the local authority without prior notice, you should contact the relevant authority.