

Commercial Environmental Health Sampling Policy 2017/18

1. Introduction

This policy has been prepared having regard to the Food Safety (Sampling and Qualifications) Regulations 1990, the Food Safety Act 1990, the Food Safety and Hygiene (England) Regulations 2013, Food Law Code of Practice (England), Food Standards Agency Framework Agreement on Local Authority Food Law Enforcement, LACORS guidance on food sampling for microbiological examination January 2002 and **Food Standards Agency (FSA) Practical Sampling Guidance for Food Standards and Feeding Stuffs May 2004**.

This policy will be published and reviewed annually. The views of stakeholders will be sought and considered. In particular, the Public Analyst and Food Examiner will be consulted on the policy.

2. Objectives

Food sampling has a crucial role to play in supporting the aims of Haringey Council in relation to food hygiene and food standards.

These aims include:

- The protection of consumers through effective monitoring and enforcement of standards relating to the safety, composition and quality of foods
- To support consumer choice through ensuring accurate and legally compliant labelling of foods
- To ensure that animal feeding stuffs produced, sold and supplied in Haringey meet the relevant legal requirements
- To ensure that foods comply with relevant legislation
- To ensure fair trading within the Borough.

The role of food sampling to help to achieve these aims, which are enshrined in European legislation. The Food Standards Agency (FSA) monitors the performance of local authorities in relation to the sampling of feed and food through Local Authority Audits.

3. Priorities

The Council's sampling activities will be directed by the annual food sampling programme, which detail specific surveys that will be undertaken. The inclusion of surveys in the programme is determined by national, regional and local priorities.

The following activities and factors are considered when devising the sampling programme:

- Investigation into cases of food poisoning and food-borne illness
- Investigation of complaints about food
- Responding to local or national food alerts and hazard warnings/incidents
- Participation in EU and national surveys co-ordinated by the Food Standards Agency, Local Authorities, Public Health England Food, Water & Environmental Microbiology Laboratory London, and regional surveys as determined and/or coordinated by the North West London Sector Food Liaison Group or the London Food Co-ordinating Group (LFCG) in order to address local and national concerns.
- Supporting the food hygiene and food standards inspection programme with a view to identifying poor hygiene/safety practices or verifying food safety management systems
- Responding to current issues affecting food safety and food standards. In particular, there will be a continuing emphasis on food labelling provided to consumers, food fraud

and imported from 3rd Countries (e.g. countries outside the EU) inline with the Food Standards Agency's priorities

- Consideration of the number, type and inspection risk rating of food businesses in the Borough
- **The Council's responsibilities in relation to food businesses** for which it acts as the Home, Originating and/or Primary Authority
- The number of manufacturers/producers and/or importers of food in the Borough, particularly high risk foods
- The needs and expectations of the local community.

4. Sampling Programme

Sampling activities will normally be carried out in accordance with the annual sampling programme. Sampling protocols are devised for individual surveys in collaboration with the Public Analyst and Food Examiner. However, allowances will be made for unplanned emergencies, areas of emerging risk and in the event of a food poisoning outbreak or food alert for action. These will be determined in accordance with the:

- type of business
- foods handled,
- controls in place to reduce food safety risks
- amount of in-house quality control procedures, and
- documentation demonstrated by the business

The Council's food sampling activities are determined by available resources, the objectives outlined in the Commercial Environment Health Service Plan and any obligations placed on the Authority by the FSA and/or relevant legislation.

Progress towards completing the programme will be reviewed in year to ensure that sampling is effective. A summary report will be produced and relevant follow up action taken. The results and outcomes of surveys will also be examined in the light of the Commercial Environment Health Service Plan and the service objectives will be amended where necessary. Re-sampling will be considered and undertaken when required and in according to sampling budget (e.g. where previous samples have been found to be unsatisfactory or unacceptable).

Emphasis will be placed on food operations subject to EC Regulation 853/2004, food importers and distributors of high risk foods operating within the Borough.

5. Appointment of designated Public Analyst / Food Examiner

The Council's appointed Public Analyst is:

Duncan Arthur (Public Analyst)
Public Analyst Scientific Services Limited.
28-32 Brunel Road
London
W3 7XR

Phone: +44 208 222 6073 (Direct) +44 208 222 6070 (Switchboard))

Fax: +44 208 222 6080

Email: DuncanArthur@PublicAnalystServices.co.uk

Web: <http://publicanalystservices.co.uk>

The Council's designated Food Examiner is:

Public Health England's
Food, Water & Environmental Microbiology Laboratory London
61 Colindale Avenue, London, NW9 5EQ

Fax 020 8327 6542
Tel 020 8327 6548/49/50
Email fwem@hpa.org.uk

They will be consulted on the sampling policy and sampling programme.

6. Types of Sample

All sampling will be carried out in accordance with the following requirements:

- Food Safety Act 1990
- Food Safety and Hygiene (England) Regulations 2013
- Food Safety (Sampling and Qualifications) Regulations 1990
- Relevant European law
- Food Law Code of Practice and Practice Guidance
- Commercial Environmental Health Sampling Procedures.

Consideration will also be given to any relevant guidance provided by the Knowledge Hub, sampling protocols produced for specific surveys and the comments of the Public Analyst and Food Examiner. Formal sampling will be undertaken by suitably qualified officers authorised by the Council in accordance with the Food Safety Act 1990 and the Food Safety and Hygiene (England) Regulations 2013; and who meet the relevant requirements of the Food Law Code of Practice. Other officers may only take informal samples.

Samples taken for microbiological examination will generally be taken formally in accordance with the criteria laid down in Code of Practice and the Food Safety (Sampling and Qualifications) Regulations 1990. Samples taken for analysis will generally be informal; however formal analytical samples will be taken in certain circumstances including:

- Where contraventions of legislation are suspected
- Where results are thought not to be repeatable
- As part of food complaint investigations
- Following an unsatisfactory informal sample where follow up action is being taken.

Where an offence under relevant food law is suspected, samples will be taken formally. Samples may be taken **or purchased at the officer's discretion or in accordance with** the requirements of the relevant sampling protocol. Action regarding unsatisfactory samples will be taken in accordance with the Commercial Environmental Health Sampling Procedures and the Service Enforcement Policy.

As sampling may give rise to criminal proceedings, the integrity of samples and continuity of evidence will be maintained in accordance with the Food Law Code of Practice, the Police and Criminal Evidence Act 1984 and Commercial Environmental Health Sampling Procedures.

Sampling officers should consult the Public Analyst or Food Examiner as appropriate for

guidance on sampling methods, particularly in relation to foods having specific sampling requirements and large consignments or batches where statistical methods may need to be applied.

7. Review

The overall responsibility for food sampling will be under the control of the Food Safety Lead Officer, supervised by Commercial Environmental Health & Trading Standards Manager. The sampling policy will be reviewed annually in order to take into account any changes to legislation, codes of practice and/or FSA guidance.

8. Sampling Procedure and Co-Ordination

Sampling procedures exist as part of the Commercial Environmental Health standard policies. Policies and procedures are audited, reviewed and amended annually. The results of sampling initiatives will be collated and conclusions or significant results produced by Public Analyst Scientific Services Limited or Food, Water & Environmental Microbiology Laboratory London. The sampling results will also be discussed and shared with members of the North West Food Liaison Group and where necessary the London Food Coordinating Group and/or relevant groups e.g. London Approvals Group or Food Fraud Group.

In cases where there are potential national implications, the requirements of Code of Practice issued by the FSA in respect of food hazard warnings will be adhered to.