



**HOUSING AND ENVIRONMENTAL HEALTH
HEALTH PROTECTION TEAM**

**POLICY ON FOOD, WATER AND ENVIRONMENTAL SAMPLING
FROM FOOD BUSINESSES**

APPROVED BY: PORTFOLIO HOLDER FOR HOUSING AND ENVIRONMENTAL HEALTH

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POLICY ON FOOD, WATER AND ENVIRONMENTAL SAMPLING FROM FOOD BUSINESSES

1.0 BACKGROUND

1.1 One of the powers conferred upon officers authorised by Test Valley Borough Council under relevant food legislation is to either take or procure samples of food (including drink), food sources, contact materials, or any article or substance.

1.2 The Food Standards Agency's 'Framework Agreement on Official Feed and Food Controls by Local Authorities' requires that:

"The Authority shall set up, maintain and implement a documented sampling policy and programme that shall accord with any centrally issued or relevant guidance, and relevant Codes of Practice and shall include reference to its approach to any relevant national sampling programme centrally co-ordinated by the Food Standards Agency."

1.3 The Food Standards Agency's Food Law Code of Practice (England) requires the Council to prepare and publish a Sampling Policy and make it available to businesses and consumers. The Code of Practice states that the Policy:

"Must set out the Competent Authority's approach to food sampling."

2.0 PURPOSE

2.1 The purpose of this Policy is to set out the Council's approach to food, water and environmental sampling, relevant to food hygiene legislation, to ensure that sampling activities are targeted at those areas where results can best contribute to improvements in consumer safety both locally, regionally and nationally.

2.2 The Council can exercise a wide degree of discretion over how, what, where and when food, water and environmental samples are obtained and tested. This Policy aims to ensure that such discretion is exercised with due regard to local, regional and national circumstances and requirements in a consistent way. The Policy has been drawn up in accordance with the Food Standards Agency Framework Agreement on Official Feed and Food Controls by Local Authorities, the Food Law Code of Practice (England), and other relevant centrally issued guidance on sampling.

2.3 In implementing the Policy, the Council recognises that the main aims and objectives of sampling are as below.

2.3.1 To protect the consumer through the enforcement of legislation.

2.3.2 To identify food and water that could pose a hazard to the consumer because of significant levels of pathogenic bacteria.

2.3.3 To identify any contraventions of relevant food or water legislation.

- 2.3.4 To help evaluate temperature control, food handling and processing practices.
- 2.3.5 To help determine whether advice or enforcement action would be appropriate where poor practices and procedures exist.
- 2.3.6 To give advice and guidance, if appropriate, on food hygiene and water quality matters to businesses and consumers.

3.0 SCOPE

- 3.1 The scope of this Policy covers food, water and environmental sampling for examination or analysis in one or more of the below circumstances.
 - 3.1.1 As part of food hygiene interventions, principally from those businesses posing the highest risks to food safety.
 - 3.1.2 Monitoring production methods and standards, principally from food producers and manufacturers.
 - 3.1.3 As part of a local, regional or national survey.
 - 3.1.4 Monitoring of imported food.
 - 3.1.5 Whilst investigating a case or outbreak of food poisoning or food borne disease.
 - 3.1.6 As part of a food complaint investigation.
 - 3.1.7 As part of a Primary Authority Partnership.
 - 3.1.8 To support legal proceedings.
 - 3.1.9 To respond to requests from the Food Standards Agency.
- 3.2 The scope of the Policy does not include samples taken from private water supplies under private water supply legislation, nor public or private swimming pools or spas. It also does not include samples of public drinking water as this is monitored by the statutory water undertaker.

4.0 RESOURCES FOR SAMPLING

4.1 Sampling Officers

- 4.2 Samples will only be taken or procured by authorised officers in accordance with the following.
 - 4.2.1 Formal samples – formal samples are those taken in accordance with the Food Safety (Sampling and Qualifications) Regulations 2013 and Food Law Code of Practice (England), and which have been submitted to an accredited laboratory, and which may be used as a basis for formal enforcement action.

Formal samples may only be taken by Environmental Health Officers and Health Protection Officers authorised in accordance with the internal procedure on 'Authorisation of Officers Undertaking Official Food Controls'. An officer not so authorised may only take such a sample if accompanied and supervised by an authorised officer.

- 4.2.2 Informal samples – informal samples are those taken where there is no intention of formal action. Such samples will not have been taken in accordance with the aforementioned Regulations and Code of Practice, and/or have not been sent to an accredited laboratory, and therefore cannot be used as a basis for formal enforcement action.

Informal samples may be taken by any Environmental Health Officer or Health Protection Officer, so long as the officer has sufficient knowledge and ability to use appropriate sampling techniques.

4.3 Budgetary Provision

- 4.4 The Council receives an annual financial allocation for sampling from the UK Health Security Agency (UKHSA). Once this has been spent, the UKHSA will invoice the Council per sample taken in accordance with a set of standard charges. In addition, the Environmental Health Manager is responsible for determining sampling priorities and for allocating an appropriate level of the Environmental Health budget for sampling each year.

4.5 Sampling Equipment

- 4.6 Most of the equipment necessary for sampling is provided by the UKHSA and replenished without charge as used. The cost of essential equipment needed and not provided by the UKHSA will be met from the Environmental Health budget.

4.7 Recovery of Costs Following Legal Action

- 4.8 Following successful legal action, the Council will seek to recover all sampling costs reasonably incurred in bringing the case.

5.0 SAMPLING PRIORITY AREAS

- 5.1 The UKHSA sampling allocation will be allocated with regard to the priority sampling areas below, which will be used to produce the annual Sampling Programme.

5.1.1 Local primary production of food which will support the growth or survival of micro-organisms, but which will not undergo any further steps to eliminate pathogens prior to consumption, e.g. unpasteurised dairy products, watercress packing.

5.1.2 Local manufacturers producing ready to eat foods which can support the growth or survival of micro-organisms, e.g. dairy products, meat products and fishery products.

- 5.1.3 Sampling as part of a food hygiene intervention to help assess hygiene standards and procedures.

Priority will be given to sampling as part of a food hygiene intervention from those businesses that present the highest risks to food safety, such as those with a low food hygiene rating. However, ad hoc samples from other businesses will also be taken at the discretion of the officer upon discovery of unsatisfactory practices or conditions.

- 5.1.4 Sampling of imported food from third countries. Although Test Valley is an inland authority without a border control post or other point of entry, the aim will be for imported food samples to account for at least 10% of all annual samples.

- 5.1.5 Sampling of food implicated in food poisoning incidents.

Ad hoc samples will be taken where available from any food business where there are grounds to suspect that a food is linked with an incident or outbreak of food poisoning or food borne disease.

- 5.1.6 Sampling necessary to secure evidence for the purposes of possible legal proceedings.

Ad hoc samples will be taken where available and necessary to support any possible legal proceedings.

- 5.1.7 Participation in national co-ordinated sampling programmes.

Each year there are national sampling programmes co-ordinated by the Food Standards Agency and UKHSA. The Council will aim to participate in these programmes, subject to resources and other sampling priorities.

- 5.1.8 The Council will also participate in any local or regional sampling programmes co-ordinated by the Hampshire and Isle of Wight Food Advisory Committee, subject to resources and other sampling priorities.

- 5.1.9 Sampling to assist in the investigation of food complaints.

The Council will undertake ad hoc sampling as part of food complaint investigations where necessary to resolving the case.

- 5.1.10 Sampling to comply with requests from the Food Standard Agency.

The Council will undertake ad hoc sampling following requests from the Food Standards Agency, such as via a Food Alert.

- 5.1.11 Informal samples not taken in accordance with the Code of Practice but solely for the purpose of surveillance, monitoring and providing advice to food business operators.

6.0 OBTAINING SAMPLES

- 6.1 The sampling officer will liaise closely with laboratory personnel as necessary in relation to the sample size and any special packaging and transport arrangements.
- 6.2 The sampling officer will at all times use good techniques and methods in accordance with the internal procedure on 'Food, Water and Environmental Sampling from Food Businesses'.
- 6.3 Samples may be either taken or procured.
- 6.4 On written request from the food business operator, the business will be reimbursed for the reasonable costs of the foods sampled.
- 6.5 Where items are taken (e.g. aprons, cloths, chopping boards etc for environmental sampling purposes) the officer will seek the co-operation of the food business operator. If this is refused and the sample is part of a survey then the officer will respect the wishes of the food business operator.
- 6.6 If the sample is required to support formal action then the officer will take it in accordance with relevant legislation and the aforementioned Code of Practice.

7.0 LABORATORY ARRANGEMENTS

- 7.1 **Scientific Examination or Analysis of Food, Water and Environmental Samples**
- 7.2 The Council will use a suitably accredited laboratory for any examination and/or analytical work necessary. Where possible, any laboratory used will be accredited for the work under the United Kingdom Accreditation Service (UKAS), use standard or approved methodologies, and appear on the list of official food control laboratories.

8.0 NOTIFICATION OF SAMPLING

- 8.1 Written notification that a sample has been taken or procured will be given using the standard report of visit form left by the officer at the time of the intervention. If the identity of other interested parties (e.g. manufacturer, packer etc) of food that has been processed is available on the food packaging and the address is in the UK, the officer will, where relevant, notify that party in writing.
- 8.2 All reasonable requests to provide information on the selection of the sample, sampling method and method of examination or analysis will be met, to enable the supplier, manufacturer or importer of the food to assess the result, or repeat the examination or analysis.

9.0 INTERPRETATION OF RESULTS

9.1 Microbiological Results

- 9.1.1 Microbiological sample results will be interpreted in accordance with the

relevant legislative standard and/or guidance. Where none exists, the comments of the Food Examiner, or other expert third party (e.g. the Food Standards Agency) will be used as a basis for interpreting the result.

- 9.1.2 On receipt of a result that meets the relevant legal and/or guideline standard, the food business operator will be notified in writing no later than 5 working days after receipt.
- 9.1.3 On receipt of a result that does not meet the relevant legal and/or guideline standard, the food business operator will be notified by the quickest possible means, and this confirmed in writing no later than 3 working days from then.

Where appropriate the officer will make arrangements to visit the business as soon as possible to try and establish the reasons for the result and means of remedying it. If appropriate, the officer will resample.

When notifying the food business operator of such a result that indicates a possible legal offence, the officer will, where appropriate, caution him/her in accordance with the Police and Criminal Evidence Act 1984 and begin to gather legally admissible evidence.

Where relevant, the food manufacturer will be notified of any alleged offence as soon as is reasonably practicable. If the alleged offence is believed to be related to the manufacturer, they should be informed by the quickest possible means. The importer, or their agent, will be notified for imported food.

A copy of the certificate of examination will be provided, on request, to the owner of the food, manufacturer, importer or their agent, unless the release of the certificate will compromise the investigation.

- 9.1.4 Interpretations of microbiological quality based on guidelines will not in themselves be used to determine if there has been a breach of legal food safety standards.
- 9.1.5 Where appropriate the Primary, Home and/or Originating Authority for the business will be notified in writing.
- 9.1.6 Any enforcement action taken following receipt of microbiological examination results will be taken in accordance with the Environmental Health Enforcement Policy.

9.2 Analytical Results

- 9.2.1 The Public Analyst will provide a report on the physical and/or chemical composition of the sample as appropriate, and an opinion as to whether it meets food safety requirements, or fails to meet the nature, substance and/or quality demanded by the purchaser.
- 9.2.2 The Council will take into account the report and opinion of the Public

Analyst, or other expert third party (e.g. Food Standards Agency), in determining whether there has been a breach of legislation.

9.2.3 If the certificate of analysis from the Public Analyst indicates that the sample does comply with the food safety requirements, the food business operator will be notified in writing no later than 5 working days from receipt.

9.2.4 If the certificate of analysis indicates that the sample does not comply with legal requirements the food business operator, manufacturer, importer, and/or producer will be notified by the quickest possible means, and then this confirmed in writing no later than 3 working days from then.

When notifying the food business operator of a result that indicates a possible legal offence, the officer, where appropriate, will caution him/her in accordance with the Police and Criminal Evidence Act 1984.

A copy of the certificate of analysis will be provided, on request, to the owner of the food, manufacturer, importer or their agent, unless the release of the certificate will compromise the investigation.

9.2.5 All actions taken following receipt of analytical results will be taken in accordance with the Environmental Health Enforcement Policy.

10.0 PUBLICISING THE POLICY

10.1 The Policy will be published and made available to businesses and the public via the Council's web site www.testvalley.gov.uk.

11.0 REVIEW

11.1 The Policy will be subject to a programmed review every five years. The review will be conducted by the Lead Food Officer.

11.2 The Lead Food Officer will also review the Policy in between programmed reviews, as necessary, if there are changes in legislation and/or guidance relevant to food, water and environmental sampling.

11.3 Following a review the Lead Food Officer will make recommendations for any amendments, as necessary, to the Environmental Health Manager. Any revised approved Policy will immediately supersede any previous revision.