



**West Devon
Borough
Council**



**South Hams
District Council**

SOUTH HAMS DISTRICT COUNCIL WEST DEVON BOROUGH COUNCIL

Food Safety Sampling Policy

April 2017

FOOD SAFETY SAMPLING POLICY

SOUTH HAMS AND WEST DEVON COUNCIL

1 Introduction

- 1.1 This document has been produced as the result of a requirement of the Food Standards Agency in its Framework Agreement document on Local Authority Food Law Enforcement and the Food Standards Agency Code of Practice on Food Law. The Agency recognises that effective routine sampling is an essential part of a well balanced enforcement service and should feature in the Sampling Policy of all Food Authorities.
- 1.2 The policy which has received Council approval in 2002, and now revised to take account of recent changes in food law, sets out South Hams and West Devon Council's general approach to food sampling and that taken in more specific situations which are described within the document. It has been compiled in consultation with the PHE Laboratory in Porton who undertake food examination for the Council and also other food authorities in Devon.
- 1.3 This policy document is implemented and supported by various sampling procedures and an active programme of sampling adopted by the Council.
- 1.4 A copy of this food sampling policy is available free of charge from the Council's offices at Follaton House, Plymouth Road, Totnes (tel. 01803 861234) and is available on the Council's website at www.southhams.gov.uk or West Devon Borough Council, Kilworthy Park, Drake Road, Tavistock, Devon, PL19 0BZ, Telephone: 01822 813600 and is available on the Council's website at www.westdevon.gov.uk.

2 General Statement and Approach to Food Sampling

- 2.1 Whilst there is a statutory duty by virtue of Regulation (EC) No 2073/2005 which imposes upon food businesses to undertake a certain amount of their own sampling work, South Hams and West Devon Council recognises that food sampling plays an important role in the protection of public health and contributes towards its food law enforcement function in helping to ensure so far as possible that food and drink intended for human consumption is safe. The Council also recognises that the implementation of its policy by the sampling programme provides benefit and assurance to local businesses about the quality of food they produce.
- 2.2 Food sampling assists in fulfilling the objectives set out in the Council's Food Safety Service Plan and the Council's corporate aims of 'Creating the conditions for the growth and maintenance of quality economic activity'. The Council will therefore commit the necessary resources to food sampling work as part of its larger food safety function.

2.3 The routine food sampling programme will take account of the number, type and risk ratings of food businesses within the area, the Council's 'Primary Authority' responsibilities to certain businesses as necessary and the need to ensure that food laws are enforced. The programme will therefore focus on foods which are produced/manufactured within the South Hams and West Devon areas and those posing a greater risk to the consumer's health. Whenever possible the programme will be scheduled to work in collaboration with any national or local sampling initiatives. The programme will also take account of the sampling of food from:

- a) premises where there are, or have been recent hygiene concerns, previous complaints and food poisoning incidents;
- b) those premises importing/exporting food for which the Council has a statutory responsibility,
- c) those businesses working in collaboration with the Council with a view to improving standards.
- d) shellfish harvesting areas for the purposes of classification and algal toxin monitoring programmes in conjunction with CEFAS (Centre for Environment, Fisheries and Aquaculture Science) and the FSA (Food Standards Agency) in order to fulfil the Council's statutory programme.

2.2 Food sampling will be undertaken in accordance with the Council's adopted procedures and Food Standards Agency's Code of Practice and Practice Guidance and the Food Safety (Sampling and Qualifications) Regulations 1990. Where sampling fulfils a role in the enforcement of food legislation, it will be undertaken in accordance with the Council's enforcement policy.

2.3 The Council accepts that sampling should not place an unnecessary burden on a business and therefore in most cases the sample will be purchased and receipts will normally be issued to the owner of the food. Results of examination/analysis will be made known to the owner of the food without undue delay together with any advice/follow up action.

2.4 All food samples will be taken by authorised officers of the Council being suitably trained, experienced and qualified in accordance with the Council's documented procedures.

3 Sampling in Specific Situations

3.1 Routine Sampling

Routine sampling will take place to monitor the safety of foods manufactured, distributed and retailed in the South Hams and West Devon. All routine samples may be purchased anonymously or taken with the consent of the owners of the food by an authorised officer. These informal food samples will be analysed or examined by the appointed Public Analyst or Food Examiner respectively.

3.2 Informal Sampling

The majority of samples taken for microbiological purposes will be informal, and form part of the monitoring/surveillance programme. Samples of food that are the subject of a consumer complaint and are brought to the Department are also classed as informal, as are food samples submitted for expert opinion, pest identification, and those taken as evidence in their own right e.g. use by dates.

3.3 Formal Sampling

Formal samples will be purchased or taken in accordance with the Food Standards Agency's Code of Practice and Practice Guidance, by suitably trained, qualified and experienced authorised officers. They will be examined or analysed by the appointed Food Examiner or Public Analyst. Formal samples will be taken where enforcement action may result if an adverse report is received following examination or analysis.

3.4 Process Monitoring

Samples may be taken from manufacturers of foods, during the manufacturing process, for the purpose of ensuring the safety of the end product and for assessing the effectiveness of the critical controls in the process. The manufacturer will be notified of the result of any such sample analysis or examination.

3.5 Primary Authority Principle

In support of the Government's Business, Energy and Industrial Strategy Primary Authority Principle, Council has home or originating authority responsibility. Where sampling identifies a problem with a food manufactured outside the area, the relevant home or originating authority will be notified and a copy of the certificate of analysis or examination forwarded to them. (A Primary Authority is the local authority having responsibility for the decision making base of a company and an originating authority is one where the food originates i.e. manufactured).

3.6 Routine Inspections

Sampling may form part of a routine inspection of a food business. It may take place if, during the inspection, the authorised officer identifies a particular problem that needs further investigation or for obtaining evidence to support investigation. It may also take place during an inspection for process monitoring purposes.

3.7 Food Related Complaints

On receipt of a food complaint, the food may be submitted for analysis, examination, or for expert identification, if this is deemed necessary for the suitable investigation of the complaint.

3.8 Food Borne Disease Investigations

Where a particular premises or food produced in the South Hams and West Devon is implicated in a case or cases of food borne disease, food samples may be taken and submitted for examination for the purposes of identifying any likely source of infection and controlling any risk to public health. These samples are likely to be taken formally. In the event of an outbreak of food-borne disease, relevant samples will be identified in consultation with the Consultant in Communicable Disease Control employed by the Health Protection Agency.

3.9 Statutory Sampling

Food samples will be taken and submitted wherever the Council has a statutory duty to do so. The sampling of shellfish i.e. bivalve molluscs, in commercial shellfish production areas will be maintained, for the purpose of maintaining the necessary EC classifications for those areas.

3.10 Special Investigations

Food samples may be taken and submitted as part of a special investigation, e.g. in response to a food hazard warning, or to other intelligence received about potential food safety issues. This may form part of a 'food incident' involving liaison with the Food Standards Agency.

3.11 Co-ordinating Programmes

The South Hams and West Devon Council recognises the merit in participation in co-ordinated sampling programmes which will enable effective use of the Council's resources. The Council therefore will participate as appropriate in European, national, regional and locally co-ordinated programmes. This will include Public Health England surveys in collaboration with other local authorities in Devon via the Devon Food Safety Liaison Group.

4.0 Food Examiners and Food Analysts

- 1.1 South Hams and West Devon Council engage the Public Health Laboratory, Porton to provide food examiners (microbiological examination) and The Public Analyst recognised by South Hams and West Devon Council is Public Analyst Scientific Services (PASS), Wolverhampton. Tel: 01902 627241 Tel: info@publicanalystservices.co.uk.
web: www.publicanalystservices.co.uk undertake work for microbiological examination and have nominated Food Examiners.
- 4.2 The Council has entered into an annual service level agreement with the Health Protection Agency laboratory regarding food examination and engages the PASS for analytical services on an ad-hoc basis. Both these laboratories are recognised as 'Official Control' laboratories for the purpose of food law enforcement. The Council will seek to ensure that the laboratories used are appropriately accredited to process any particular sample or type of sample and that their staff are qualified in accordance with the Food Safety (Sampling and Qualifications) Regulations 1990.
- 4.3 The Council will seek to ensure that by liaison with the laboratories that the service provided is efficient and fit for purpose and which reflects this policy and the Council's sampling programme.

5.0 Review

- 5.1 In addition to the annual review of service level agreements detailed in paragraph 4.2, the Council in conjunction with Devon local authorities and other stakeholders will review annually its policy on food sampling and the sampling programme.