



# **Food Sampling Policy**

## **2022-2023**

**Teignbridge District Council  
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## **Food Sampling Policy**

### **1.0 Introduction**

- 1.1 This document has been produced as a result of the Food Standards Agency's Food Law Code of Practice (England) March 2021, 4.5 Sampling
- 1.2 This policy sets out Teignbridge District Council's general approach to food sampling and the approach to more specific situations such as Primary Authority, Home Authority Principle, Process Monitoring in Approved Premises, Inspections, Complaints, Special Investigations and Nationally and Locally Co-ordinated Sampling programmes. These are detailed within the document.
- 1.3 This policy has been drawn up in consultation with the Food, Water & Environmental Lab (FWEM) at Porton Down and the Public Analyst which undertakes food examination for Teignbridge District Council.
- 1.4 A copy of this food sampling policy is available from the Council offices at: Environmental Health, Forde House, Brunel Road, Newton Abbot, TQ12 4XX and is available on the Council's website on [www.teignbridge.gov.uk](http://www.teignbridge.gov.uk)

### **2.0 Purpose of Food Sampling**

- 2.1 The purpose of food sampling can be summarised as follows:
- Protect the consumer through the enforcement of food safety legislation and the encouragement of fair trading;
  - Investigate complaints, food poisoning and food contamination incidents;
  - Identify foods that could pose a hazard to the consumer because they contain significant levels of pathogenic bacteria and/or associated toxins;
  - Identify contraventions of food safety legislation;

- Highlight poor food handling and processing practices;
- Help determine whether advice or enforcement action is appropriate;
- Assess the microbiological quality of food manufactured, distributed or retailed in the authority's area;
- Give guidance to local businesses where appropriate on food hygiene matters

### **3.0 Statement of Policy and Approach to Food Sampling**

- 3.1 Teignbridge District Council recognises the important role that food sampling plays in the protection of public health and the Food Law enforcement functions of the Authority in that it helps to ensure, so far as is possible, that the food and drink intended for human consumption is safe.
- 3.2 Food sampling assists in fulfilling objectives set out in the Council's Food Safety Service Plan and Teignbridge District Council Goals which include ensuring that the district is a clean and safe environment in which to live, work and play. There is also a statutory duty to sample some shellfish (bivalve molluscs) for classification purposes.
- 3.3 Sampling is seen as an important part of effective enforcement activity. However, Teignbridge District Council accepts that food sampling should not place any unreasonable burdens financial or otherwise on businesses. Wherever possible, during routine sampling, Teignbridge will promote a partnership approach and encourage businesses to bear the cost of the sample, whilst the authority will meet the cost of analysis. A receipt will be issued where requested.
- 3.4 All results will be made known to the owner of the food as soon as possible after receipt, together with any follow-up action or advice.
- 3.5 All food samples will be taken by Authorised Officers of the Council who are suitably trained, experienced and qualified in accordance with the Council's procedures. Sampling will be in accordance with Food Law Code of Practice (England) March 2021,

Chapter 4, Delivery of interventions. Where sampling is undertaken in the enforcement of food legislation, it will be done so in accordance with the Teignbridge District Council Environmental Health Enforcement Policy.

#### **4.0 Annual Sampling Programme**

- 4.1 A sampling programme will be drawn up annually and will take into account the number, type, risk rating and confidence in management of food businesses within Teignbridge, the Council's Primary Authority responsibilities and the need to ensure that food laws are enforced adequately.
- 4.2 The sampling programme will also provide benefit and assurance to local businesses about the quality of food they produce. The programme will work in conjunction with any national or local initiatives, whilst remaining flexible should any emergencies or areas of particular concern arise.
- 4.3 Teignbridge District Council has taken a risk based approach in developing this policy. The District is made up of a variety of premises as outlined in the Food Law Enforcement Service Plan. The Sampling Programme will therefore be prioritised according to risk with food being routinely sampled from the following areas:
- Premises which are approved under Regulation 853/2004 and produce Ready to Eat foods.
  - Premises within the District where there are hygiene concerns, complaints or food poisoning incidents;
  - Commercial shellfish harvesting areas where the Authority has a statutory responsibility in the line with the relevant shellfish and fish products regulations;
  - Food Standards Agency (FSA) or other nationally coordinated programmes;
  - Devon wide sampling programmes through the Food Liaison Group;

- Any special surveys where there are concerns which may have public health implications

## **5.0 Types of Sampling**

### **5.1 Routine / Informal**

Routine sampling will ensure the safety of foods manufactured in Teignbridge.

Samples may either be purchased anonymously or taken with the consent of the owners of the food by an Authorised Officer. Samples will be analysed or examined by a Food Examiner of the appointed Public Examiner.

### **5.2 Formal**

Formal samples must be purchased or taken in accordance with the Food Law Code of Practice by a suitably qualified, trained and experienced Authorised Officer. The appointed Food Examiner or Public Analyst will examine or analyse the samples. An official Certificate will be issued to the Council and a copy forwarded to the food business as necessary. If an adverse report is received and enforcement action is likely, then formal samples will be taken. Samples submitted as a result of food products complaints are also regarded as formal.

### **5.3 Routine Inspections**

Sampling will not usually form part of a routine food hygiene inspection. If, however, the Authorised Officer identifies a particular problem, sampling should be considered.

### **5.4 Statutory**

Food samples will be taken wherever the Council has a statutory duty to do so.

Shellfish sampling (i.e. bi-valve molluscs such as oyster and mussels) in commercial shellfish production areas will be maintained for the continuation of the necessary classifications for those areas.

### 5.5 **Primary Authority and Home Authority**

We will carry out sampling as required by inspection plans. Where sampling identifies a problem with food manufactured outside Teignbridge, the relevant local authority will be notified in accordance with the Primary Authority scheme

[www.gov.uk/guidance/local-regulation-primary-authority](http://www.gov.uk/guidance/local-regulation-primary-authority) and a copy of the result or examination sent to them.

### 5.6 **Process Monitoring**

Samples may be taken from food manufacturers during the manufacturing process to ensure end product fitness and the effectiveness of critical control points in the process. Manufacturers will be notified of any results.

### 5.7 **Complaints**

Food that is the subject of a complaint may be submitted for analysis, examination or expert identification if deemed necessary for the investigation of the complaint. Food complaints will be investigated in accordance with the Teignbridge District Council Food Complaints Policy and Procedures.

### 5.8 **Food Borne Disease Investigations**

Food Samples will be taken from food premises or from food locally produced within Teignbridge, during investigation of a case/cases of food borne disease. These samples will be submitted to the FW&E laboratory and examined to identify any likely source of infection and to control any risk to public health. Samples are likely to be taken in an informal manner as outlined in paragraph 5.1. In the event of any outbreak of food borne disease, relevant samples will be identified in consultation with the CCDC (Consultant in Communicable Disease Control).

## 5.9 **Special Investigations**

FSA Food Hazard Warnings or other warnings concerning potential food safety issues may lead to the taking and submission of food samples.

## 5.10 **Co-ordinated Programmes**

Teignbridge District Council will participate in National, Regional and locally co-ordinated sampling programmes. This will include Public Health England surveys in conjunction with other local authorities in Devon and Cornwall via the Food Liaison Group.

## 6.0 **Food Examiners and Food Analysts**

6.1 Teignbridge District Council has engaged Health Protection England at Porton Down to provide food examiners and Public Analyst Scientific Services, i54 Business Park, Valiant Way, Wolverhampton, WV9 5GB, as food analysts.

6.2 The Council will only use those laboratories which are appropriately accredited to process any particular sample and to ensure that appropriate staff are qualified in accordance with [The Food Safety \(Sampling and Qualifications\) \(England\) Regulations 2013 \(legislation.gov.uk\)](#)

## 7.0 **Review**

7.1 Teignbridge District Council will review its Food Sampling Policy and sampling programme from time to time taking into account legislation changes and other centrally issued guidance.