

Setting Up a New Food Business - Advice on compliance with food safety legislation

If you are considering or intending to start up a new Food Business we hope that these guidance notes are helpful to you but you should note that every food business poses different potential problems eg. the requirements for a large restaurant will be very different to those of a sweet shop or premises selling only wrapped food. These notes are designed to help you, please do not hesitate to contact us before starting up your food business or if you need any further advice or help.

FOOD HYGIENE LEGISLATION

If you are running a food business or thinking of starting one you will need to ensure that the food (or drink) you will be producing is both safe and wholesome.

Under the Food Safety Act 1990:

- A food business is any undertaking, whether carried on for profit or not and whether public or private, carrying out any or all of the following operations: preparation, processing, manufacture, packaging, storage, transportation, distribution, handling of, or offering for sale, food.
- Food prepared in a food business to be put up for sale should be free of contamination, of the nature substance and quality demanded and be fit for human consumption.
- Food is classed as being for sale if it is anywhere within a food premises and is intended for sale and any food that is offered as a prize or reward or given away for the purpose of promotion or advertising.

The Food Safety (General Food Hygiene) Regulations 1995 and the Food Safety (Temperature Control) Regulations 1995 set out more specifically the standards you must meet in order to ensure food safety These notes are designed to give you basic guidelines on the preparation surfaces, equipment and facilities and some of food hygiene practices you will need to comply with.

The first requirement before you start up your business is that you register your premises with the Local Authority twenty-eight days before opening. Registration forms are available from the Commercial Team, Public Protection Division telephone 388799 Fax 388555 or e mail publicprotection@darlington.gov.uk

An Environmental Health Officer will then come and make an initial inspection soon after you have opened. Different food businesses pose different potential risks to consumers. This depends on the type of food sold, the scale of production, how food is handled, treated and stored and the condition of the premises. During inspection the Officer will make an assessment of the risks and decide how often revisits to the premises will be made so that they can work with you to improve the premises or the food hygiene systems used.

If food or drink is consumed on your premises after 10.00 pm then you will also need a Late Night Refreshment House Licence from the Council. During 2005

the Licensing laws are changing and this license will no longer exist. In future if you are proposing to sell hot food or hot drinks after 11.00pm you will need a 'premises licence' from the Council (even if you operate as a 'take-away' only and do not have seating). You should contact the Council's Licensing Section if you require an application form or to check if you need a licence by telephoning 388 or e mail licensing@darlington.gov.uk.

The following information gives advice on the minimum standards expected please read these notes carefully so that you may be complying as fully as possible with the legislation. The Regulations emphasise the necessity for each person running the food business to assess the risks in their operation and take any measures needed to eliminate or minimise problems. Certain trade organisations are producing voluntary guidelines and you should check if your business is one of those covered.

There is a wide variety of both materials and equipment that can be used in different situations. Should you need further help or advice, please contact us prior to commencing work on site.

INITIAL CONSIDERATIONS & CONTACTS

Food Manufacturers

Some food businesses may need to carry out extra work not detailed here as they come under separate European legislation. These include manufacturers of:

- Meat and Fish Products
- Meat Preparations
- Milk Products

Please contact the Commercial Section for advice.

Planning Permission

If you are starting a food business in a premises that has not been used previously for this purpose you may need to obtain planning permission. Please check with the Council's Planning and Technical Services Dept.

Statutory Nuisance to others

It is necessary to ensure that your premises are not the cause of a Statutory Nuisance to others in neighbouring properties. This covers matters such as smoke, fumes, gases, dust, steam, smell, noise or accumulations or deposits that are prejudicial to health or a nuisance.

Storage and Disposal of Waste

Adequate arrangements must be made for the storage and disposal of waste.. Information regarding the Council's service is available through the Council's Contract Services Dept.

Liquor Licence

If you wish to have a liquor licence for your business then it will be necessary for you to speak to the Clerk to the Licensing Justices

Public Sanitary Accommodation

You will need to provide public toilets if you are running a business classed as a place of entertainment or you are selling food or drink to the public for consumption on the premises. Guidelines on the number of toilets needed are given in the British Standard 6465: PART 1: 1984.

Health and Safety

Every employer has a duty under the Health and Safety at Work etc. Act 1974 to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all your employees, customers, visitors and on site contractors and this may impact on the design, construction and operation of food premises. You should therefore assess the risk to the health safety and welfare of anyone who is affected by the undertakings of the business.

An assessment of risk involves a careful examination of what, in your work, could cause harm to people. You must then decide whether you have taken adequate precautions to control these risks or should do more to prevent them.

Accidents and ill health can ruin lives, and affect your business too if output is lost. If you have fewer than five employees you do not need to write anything down, but if you have five or more employees you must record the findings of your assessment.

STARTING YOUR FOOD BUSINESS

When first planning to set up a food business it is important that you consider carefully the type of food you will be producing or handling, the amount of equipment you will need and the space and layout that will be required. For example, you may need different areas for the preparation of raw and cooked foods. The legal requirements are set out in the Food Safety (General Food Hygiene) Regulations 1995 and these are outlined below as well as guidance as to how these requirements may best be complied with.

Premises Structure

The walls, floors, ceilings, doors and windows to all food premises must be maintained in good repair and condition to permit adequate cleaning and disinfection with no danger of contamination by any external sources such as pests.

Drainage facilities must be adequate and they must be designed and constructed to avoid the risk of contamination of foodstuffs.

Guidance:

The type of material used for surfaces will of course depend on the activity in each room. It is recommended that areas which are subject to intense use and therefore more liable to damage are finished to provide a more durable surface.

Equipment

All items that come into contact with food, including packaging, must be kept clean, be in good condition and made of suitable material so as to minimise the risk of contamination. You must ensure that equipment will be thoroughly cleaned and where necessary disinfected and be installed so that the surrounding area can be adequately cleaned.

The equipment you choose should be suitable for the job. It should be non-toxic, smooth, inert to both food and cleaning materials and most importantly must be capable of being cleaned/disinfected. To prevent any risk of contamination between open raw and open cooked food it is recommended that separate surfaces/equipment are used.

Cleaning Facilities

Separate facilities must be provided for washing food or equipment and must be kept clean and provided with an adequate supply of hot and/or cold wholesome water.

The number of sinks for washing food and equipment will be related to the type and scale of the food business planned. Whilst two sinks (one for washing, rinsing and disinfection of equipment and one for washing food) is ideal, just one sink may be acceptable in small operations provided there is no risk of contamination.

Lighting and Ventilation

Adequate ventilation must be provided and must not flow from a contaminated area to a clean area. In addition, all parts of the ventilation system, including filters, must be accessible for cleaning and maintenance. Adequate natural and/or artificial lighting must be provided to all parts of the premises.

There is no definition of 'adequate' but the levels of lighting should be enough to ensure that the work can be carried out easily and safely. Good lighting will also help to ensure that cleaning is being carried out properly. Adequate ventilation is also necessary to reduce any build up of steam and condensation and prevent mould growth.

Some food rooms such as kitchens, especially if large-scale cooking is proposed, may require mechanical extraction ventilation whilst dry food stores may only need airbricks or an openable window.

Sanitary Conveniences

An adequate number of suitable toilets must be readily available and they must not lead directly into any room where food is handled. In addition you must ensure adequate natural or mechanical ventilation is provided.

Wash Hand Basins

An adequate number of designated wash hand basins must be readily available and they must be provided with a supply of hot and cold running water and materials for cleaning and drying the hands.

Although it may not be necessary to install a wash hand basin in every food room, you must assess the risk and pay particular attention to your food handling operations. It is necessary to consider the need for regular hand washing especially if you will be handling both open raw and open cooked foods to prevent cross-contamination. In premises where no open food is handled then the provision of a wash hand basin associated with the sanitary accommodation may be sufficient.

Staff Training

It is now a legal requirement for all food handlers to be trained in food hygiene matters according to their work activities. The proprietor of a food business must ensure that staff are properly trained, supervised and/or instructed in food hygiene matters. The extent of the training must be appropriate for the work being carried out so that the more involved the work or greater the risk then the more extensive the training needs to be.

The level and content of training for food handlers will be for you to determine, having regard to the nature of your work and the role played by the food handler within your business. For example, in a supermarket an assistant working at the delicatessen counter handling high risk ready to eat food will need more in depth training about bacterial contamination of food than the checkout operator handling wrapped food. In many businesses dealing with low risk foods, the provision of suitable written or oral advice to a food handler with active supervision may be sufficient to satisfy the legal requirements.

At the very least before staff are allowed to start work for the first time as a food handler they must receive written or verbal instruction in the Essentials of Food Hygiene:

- Keep yourself clean and wear clean clothing.

- Always wash your hands thoroughly: before handling food, after using the toilet, handling raw foods or waste, before starting work, after every break, after blowing your nose.
- Tell your supervisor, before commencing work, of any skin, nose, throat, stomach or bowel trouble or infected wound. You are breaking the law if you do not.
- Ensure cuts and sores are covered with waterproof, high visibility dressing.
- Avoid unnecessary handling of food.
- Do not smoke, eat or drink in a food room, and never cough or sneeze over food.
- If you see something wrong - tell your supervisor.
- Do not prepare food too far in advance of service.
- Keep perishable food either refrigerated or piping hot.
- Keep the preparation of raw and cooked food strictly separate.
- When re-heating foods ensure it gets piping hot.
- Clean as you go. Keep all equipment and surfaces clean.
- Follow any food safety instructions either on food packaging or from your supervisor.

Further guidance on the level of training, supervision or instruction to be given to food handling staff performing various activities can be found in the Industry Guide to Good Hygiene Practice Catering Guide (HMSO ISBN 0 11 32 1899 0). A list of training centres is available from the Environmental Health Section, telephone 01388 816166.

Transportation

If food is to be dispatched from your premises it is still subject to hygiene legislation and the same hygiene rules apply to vehicles and containers used in the transportation of food.

- Vehicles or containers must be kept clean and in good condition and repair so that they may protect food from contamination.
- They must be designed and constructed to permit adequate cleaning and disinfection
- Receptacles in vehicles or containers must not be used for anything other than foodstuffs where there is a danger of contamination.
- Where food is subject to temperature control, a refrigerated vehicle should be used. Temperature controlled vehicles/containers must be designed to enable the temperature to be maintained and, where necessary, monitored

FOOD HYGIENE PRACTICES

Hazard Analysis and Risk Assessment

As the proprietor of a food business you must assess food preparation processes, identify any possible hazards and decide how these can be reduced or eliminated so that the end product is safe. To comply with this requirement adequately is to comply with the rest of the following individual requirements set out below. Not all of the hazards to food will ultimately result in harm or prejudice to the consumer. At certain points within your

process, however, there will be hazards that do. These are known as Critical Control Points because if strict control is not exercised it may result in a product being sold which is unsafe or is not of the substance or quality demanded. In other words it may not comply with The Food Safety Act 1990. Having assessed the hazards and introduced some form of control they should then be monitored regularly. This preventative approach should result in fewer food safety problems and should have benefits to the general running of the business.

The following is a step by step guide to undertaking a Hazard Analysis.

Break your food production process down into steps. This may be done by tasks or by separate items on the menu. The method most frequently used is: **DELIVERY - STORAGE - PREPARATION/HANDLING - DISPLAY - SALE.**

Identify the potential food hazards at each step of the process. Food safety hazards are any substance that could potentially contaminate the food. There are three types, they are as follows:

- **MICROBIOLOGICAL** - Bacteria, mould and yeast, etc. may contaminate food and grow to harmful levels if the food is not stored below 8C
- **PHYSICAL** - Physical foreign bodies like metal, wood, glass fragments, cigarette ash, flakes of paint, plasters and tin-foil.
- **CHEMICAL** - Bleach, acid de-scaler, rodent bait and general cleaning chemicals.

Determine whether any of the hazards occurs at a critical point. To establish if a step is critical you must decide whether any further preparation or treatment of the food beyond this particular step will make it safe if it has been exposed to a hazard at this point. If the answer is 'no' then the step is a critical point in your process or 'Critical Control Point'. Generally, controls are only critical if ready to eat food is being prepared or handled or if a food will not receive any further cooking or re-heating.

Identify and implement effective controls where any 'Critical Control Points' have been identified.

Once an appropriate control for each critical point has been established, it is important to introduce a monitoring procedure to ensure the controls are both effective and being properly implemented. An example of this is temperature monitoring. This should ideally be done by a supervisor or by you as the proprietor.

Any assessments, controls and monitoring procedures should be reviewed from time to time or whenever food operations change. Smaller food businesses or those only dealing with lower risk foods will not require formal, documented hazard analysis systems. They will, however, need to show that they have considered all the possible food hazards and have adequate measures to control them. For example, the owner of a grocery shop selling mainly packaged goods and fruit and vegetables would need to show that there were adequate systems in place for checking stock rotation, that the chilled display unit was operating at the correct temperature and that food was stored correctly. Whilst these are not exhaustive measures by any means, they would show that the owner had at least started to think through the systems that would need special attention.

Cleaning

Food premises must be kept clean and maintained in good repair and condition. Cleaning should not be limited only to the surfaces and equipment that come into contact with food. This is of course essential on a daily basis or between operations but the premises must also be kept clean and in good condition to; protect against the accumulation of dirt which

may give rise to contamination or attract pests, and minimise the risk of particles being shed into food.

If the temperature of the water used for cleaning equipment and surfaces in contact with food is not high enough to achieve disinfection (get rid of bacteria) then a disinfectant or sanitiser (combined detergent and disinfectant) could be used so that any bacterial contamination may be eradicated. For the rest of the premises reasonably hot water and detergent are adequate.

Personal Hygiene

Every person working in a food handling area must maintain a high degree of personal cleanliness and where appropriate wear suitable clean clothing. No person known or suspected to be suffering from or be a carrier of a disease which can be passed on through food (e.g. by infected wounds, skin infection, sores, diarrhoea or vomiting) may work in any food handling area. If any of your staff are suffering from any of the above they must inform you in order that you take appropriate action.

Obviously, adequate changing facilities for staff must be provided. Food poisoning organisms are present throughout the environment and on us so dirty staff with poor hygiene practices will increase the risk of food poisoning and lead to loss of business and reputation. Maintaining a high degree of personal cleanliness includes no smoking and frequent hand washing preferably with antibacterial liquid soap.

You may need to exclude food handlers suffering from certain infections to prevent any risk of food poisoning being passed on to your customers. Further advice can be obtained from the Council's Environmental Health Section. Generally speaking, any person who has sickness and diarrhoea must be excluded from the premises and not return to work until they have had a 48 hour symptom free period.

Temperature Requirements

Subject to certain exemptions food must be stored at a temperature of 8C or below if it is likely to support the growth of pathogenic organisms or the formation of toxins. Cooked food to be sold hot should be kept at or above 63C.

Good temperature control plays a very important role in preventing food poisoning. High-risk food such as cooked products containing meat, fish, eggs etc should be kept at low refrigeration temperatures below 8C or above 63C following thorough cooking.

COLD SERVICE FOODS - serve high-risk foods as soon as possible after removing from refrigerated storage to avoid them getting warm and allowing bacteria to grow

HOT FOOD - serve hot foods quickly to prevent them cooling down to a temperature at which bacteria may grow.

IT IS ESSENTIAL THAT HIGH RISK FOODS ARE NOT KEPT AT WARM OR ROOM TEMPERATURE FOR LONGER THAN NECESSARY.

It is also recommended that you have a system for checking and recording the temperatures of the refrigerators and freezers every day to ensure that food is stored at the correct temperatures. It is recommended that you maintain the temperature of your refrigerators at or below 5C to allow for the discrepancy that may exist between the temperature of the air inside the fridge and the temperature of the food. The temperature of your freezer should be maintained at or below -18C.

Each year the cause of many food poisoning outbreaks can be traced to the incorrect storage and handling of cooked and raw products. Raw meats contain bacteria that can cause food poisoning which are normally controlled by the cooking process. Since cooked

meats may not be cooked again extra care must be taken to ensure that they are protected from any contamination. Bacteria can easily be transferred from raw meat to unwrapped cooked meats, either directly or by hands, equipment or surfaces that have touched raw meat.

It is essential that you separate raw and cooked products. Ideally, a work flow from delivery-storage-preparation-cooking-service should be considered, together with the use of separate knives, surfaces and cutting boards preferably colour-coded to prevent cross-contamination of raw and cooked products.

REQUIREMENTS FOR MOBILE VEHICLES, STALLS, TEMPORARY PREMISES, VENDING MACHINES ETC.

These must be sited, designated, constructed and kept clean, in good repair and condition so as to avoid any risk of contaminating food or harbouring pests. They fall under the same legislation as all other food businesses; however, because the nature of catering operations is so different in terms of the actual premises methods of compliance may differ somewhat.

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- Where necessary, there must be adequate washing, sanitary and changing facilities provided for staff.
- All surfaces in contact with food should be smooth and in good condition and capable of being readily cleaned and disinfected. Impervious surfaces are recommended.
- An adequate supply of hot and/or cold wholesome water must be provided and adequate provision must be made for cleaning of foodstuffs and washing of hands together with facilities for washing and disinfecting all equipment.
- There must be adequate facilities for the storage and disposal of all waste.
- Adequate facilities for maintaining and monitoring food temperatures must be provided.
- Provisions must be made so that foodstuffs may be stored to minimise the risk of contamination

Please remember should you require any further information concerning any of the above matters do not hesitate to contact:

Commercial Team

Environmental Health Section

Public Protection Division

11 Houndgate, Darlington, DL1 5RF

publicprotection@darlington.gov.uk

telephone 01325 388977