



East Dunbartonshire Council

**EAST DUNBARTONSHIRE COUNCIL
HOUSING & PROTECTIVE SERVICES**

FOOD SAMPLING POLICY

Revision 3 – 16th January 2007

**RECORD OF DOCUMENT REVISION
FOOD SAMPLING POLICY**

Revision Status	Date of Revision	Revision Description	Signature
2	06/08/02	Changes to policy to reflect the changes to sampling programme for year 2002.	
3	16 th January 2007	Changes to policy to reflect changes in Food Law and The Food Law: Code of Practice & Practice Guidance (Scotland)	

EAST DUNBARTONSHIRE COUNCIL

HOUSING & PROTECTIVE SERVICES

FOOD SAMPLING POLICY

1.0 SECTION ONE - INTRODUCTION

- 1.1 Housing & Protective Services of East Dunbartonshire Council, recognises that the activities entailed in the sampling, analysis and examination of foodstuffs are integral components of its role as a statutory Food Authority.
- 1.2 Sampling and analysis/examination of foodstuffs are carried out for the following purposes in terms of both food enforcement and surveillance:-
- (a) preventing risks to public health and supporting enforcement action, where appropriate;
 - (b) ensuring good manufacturing practice, fair trading practices and maintenance of quality assurance procedures;
 - (c) Verifying the effectiveness of a food business's Hazard Analysis and Critical control Point Plan and;
 - (d) gathering information through food surveillance programmes to form a data base for food law enforcement and consumer information.
- 1.3 In order to achieve a meaningful programme of food law enforcement and surveillance of food in general, Housing & Protective Services shall undertake to devise and implement on an annual basis a bacteriological and chemical food sampling programme.
- 1.4 The purpose of this Policy is to provide a rationale on which the chemical and bacteriological sampling programmes for food are prepared.

(The Food Sampling Policy has been approved by the Technical Services Committee of East Dunbartonshire Council on 16th January 2007)

2.0 SECTION TWO - STATUTORY FRAMEWORK

- 2.1 Housing & Protective Services has the following statutory obligations in relation to the sampling component of food standards.

(I) **E.C. Regulation 882/2004 On official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare role.**

This Regulation is aimed at bringing about a single market in foodstuffs. One of the aims of the Regulations is to ensure that member states can have confidence in each others food law enforcement arrangements. The Regulation relies on food being inspected at the point of production , processing and distribution within each member state to remove the need for regular border controls when food is exported.

(II) **The Food Safety Act 1990 The General Food Regulations 2004 and EC Regulation 178/2002**

The Council is an Enforcement Authority in terms of the above Act and regulations and as such it is required to enforce the provisions. The main provision of the Act and regulations in relation to food standards concerns the offences of rendering food injurious to health. The Act deals with consumer protection in relation to selling food not of the nature substance or quality demanded and falsely describing or presenting food. The Act empowers enforcing authorities to take samples of food and submit this food for analysis or examination.

(III) **Food Law: Code of Practice (Scotland)**

Section 6 of the Code of Practice directs local Authorities in the execution of their food sampling duties. It is the policy of Housing & Protective Services to comply with the code and to reflect the direction given in this sampling policy.

This policy shall reflect the balanced approach between sampling for formal enforcement purposes and general surveillance, monitoring and to provide advice to businesses.

It is the policy of Housing & Protective Services to ensure that all resources necessary will be made available to carry out its food sampling programme. This policy will also be made available to businesses and consumers, however the food sampling programme will not normally be made available. Housing & Protective Services will adhere to the procedure detailed in the code for the handling and submission of samples, as well as handling of subsequent information. It is the policy of Housing & Protective Services to submit samples for analysis or examination to an accredited laboratory who are listed on the official control laboratory list.

(IV) **Food Law: Practice Guidance (Scotland)**

Section 6 of the practice guidance provides guidance on the protocols to be followed when food samples are procured in the terms of the Food Hygiene (Scotland) Regulations 2006, Section 29 of the Food Safety Act 1990 and the associated requirement of the Food Safety (Sampling & Qualifications) Regulations 1990.

It is the policy that all samples taken by Housing & Protective Services will be processed in accordance with the guidance contained in this section.

It is also the policy of Housing & Protective Services that all details of formal microbiological samples will be recorded on the Food Surveillance System.

3.0 SECTION THREE - CRITERIA APPLIED IN FORMULATING A PROGRAMME

3.1 Housing & Protective Services shall, on an annual basis produce a sampling programme.

The sampling programme shall cover the fullest range of foodstuffs, raw materials, ingredients, intermediates, technological aides as appropriate and packaging, wrapping etc in direct contact with food. The level of sampling from premises is related to the activity concerned and the risk assessment of the food business. Local knowledge of traders and trading practices will influence these considerations. The frequency of sampling visits will depend on:-

- (i) the area of distribution of products and range of outlets;
- (ii) the number of product lines;
- (iii) the consequences of product failure;
- (iv) the risk associated with the process and the efficiency of the controls applied;
- (v) the history of any failures to meet the required standards and
- (vi) new legislation and guidance .

The sampling programmes are prepared using risk assessment principles and placing greater emphasis on local manufacturers.

4.0 SECTION FOUR - FORMULATION OF SAMPLING PROGRAMMES

4.1 It is the policy of Housing & Protective Services that during Food Standards and Food Hygiene Inspections, consideration will be given to taking samples for analysis. For this purpose resources have been made available for a small number of samples to be taken during such inspections for chemical analysis however due to time constraints it is not always possible to take samples at the same time as inspections are being carried out. In order to meet statutory obligations it is necessary therefore to produce a sampling programme. Sampling programmes are prepared each year for both bacteriological and chemical samples.

5.0 SECTION FIVE - CHEMICAL SAMPLING PROGRAMME

5.1 The number of samples proposed shall be within the sample limits based on the population of the Council. The allocation of food samples is presently set at 204 per annum (approximately two per thousand head of population).

5.2 Home Authority Element

The Home Authority Principle requires Housing & Protective Services to monitor food manufactured or processed within the area. Accordingly, the sampling programme devotes most of sampling resources to manufacturing, and processing premises who shall be sampled at least annually.

The visit frequency shall be increased to more than once per year for premises where the size of the operation is substantial, if there is a history of sample failures or food standards contraventions, if they are a new processor or if by local knowledge it is considered appropriate. The number of samples per visit is determined by the range of products manufactured or processed.

Where there are a large number of products manufactured, or a large number of ingredients used, then at least two samples per visit shall be taken. The allocation of sampling resources to premises will be heavily influenced by local knowledge and past experience of the premises.

5.3 Routine monitoring element

Non-manufacturing premises which are predominantly retailers or caterers, shall be sampled at a frequency based on their food standards risk score. The potential sampling frequency from the Food Law: Code of Practice is as follows:-

Risk Category	Sample Frequency
A	Once per year
B	Once every two years
C	Excluded from programme.

The limitations on sample numbers do not allow Housing & Protective Services to sample at this frequency. To bring the sample numbers within the Public Analyst's allocation, premises have been omitted from the sampling programme which sell food in pre-packed form (as this food should be checked by the Home Authority). Also omitted from the sampling programme are those businesses which are identified at Section 2 of the General Policy of Housing & Protective Services of East Dunbartonshire in relation to food standards.

Samples will be taken from remaining businesses during food standards inspection based on risk assessment and local knowledge.

When premises have been selected for sampling, an appropriate food shall be chosen to be sampled from the premises. The food chosen shall have a statutory compositional standard or recommended compositional standard against which it can be tested. It is also preferable that the food be one which is handled or prepared on the premises.

5.4 National and Regional Sampling Programmes

It is the intention of Housing & Protective Services to participate, wherever possible, in food surveillance programmes, relevant to East Dunbartonshire, which are co-ordinated by the following bodies:-

- (a) European Union Food Surveys,
- (b) Public Health Laboratory Service/LACORS Surveillance Programmes,
- (c) Food Standards Agency Surveillance Programmes,

It is the intention of Housing & Protective Services to participate, wherever possible in Food Surveillance Programmes, relevant to East Dunbartonshire which are co-ordinated by the West of Scotland Food Liaison Group or the Scottish Food Co-ordinating Committee.

Samples taken in relation to national and regional sampling programmes will normally be taken over and above routine programmed samples. However, project samples can be substituted into the routine programme if the project sample is to be taken from one of the premises due to be sampled that month.

5.5 Enforcement Samples

Enforcement samples shall also be taken over and above routine samples. Enforcement samples may be substituted into the sampling programme where it is appropriate to do so and in particular where the sampling allocation would otherwise be exceeded.

6.0 SECTION SIX - BACTERIOLOGICAL SAMPLING PLAN

- 6.1 The bacteriological sampling plan shall also satisfy Housing & Protective Services statutory and Home Authority obligations. The plan shall be formulated by targeting areas of greatest public health significance.

Housing & Protective Services shall therefore set up a sampling programme concentrating on high risk foods which are known to support the growth of pathogenic bacteria.

The number of samples proposed should be within sample limits based on the population of the Council. The allocation of food samples is presently set at 108 per annum (approximately 1 per 1000 head of population).

6.2 Home Authority Element

The Home Authority Principle requires Housing & Protective Services to monitor foods manufactured or processed within East Dunbartonshire. The allocation of sampling resources to premises will be heavily influenced by local knowledge and past experience of the premises. All manufacturers/processors will be sampled at least as an annual basis, however based on the scope and types of the business, all home authority premises are at the present sampled at a higher frequency.

Foodstuffs submitted for examination will be tested against the standards specified in EC Regulation 2073/2005. Where these standards do not apply to a specified foodstuff or where it is considered appropriate to test for other organisms as part of a suite of examinations such foodstuffs will be tested against the Health Protection Agencies Guidelines.

6.3 Routine monitoring element

Non-manufacturing premises which are predominantly retailers or caterers, shall be sampled at a frequency based on their food standards risk score. The sampling frequency indicated by the Code of Practice is as follows:-

Risk Category	Sample Frequency
A	Once per year
B	Once every two years
C	Excluded from programme

The limitations on sample numbers do not enable Housing & Protective Services to sample at this frequency. Accordingly programmed bacteriological samples are targeted at manufacturers and high risk food operations. However, where national or local circumstances dictate the bacteriological sampling initiative may be redirected on a temporary basis from the programme in order to carry out an investigation into a particular foodstuff or range of foods.

6.4 Selecting foods to be sampled

The food to be sampled shall have been handled or processed on the premises. If the food has statutory standards to meet it shall be examined accordingly. Otherwise foods shall be examined to ensure that they have been produced in a hygienic manner and are safe to eat.

6.5 National and Regional Sampling Programmes

It is the intention of Housing & Protective Services to participate, wherever possible, in food surveillance programmes, relevant to East Dunbartonshire, which are co-ordinated by the following bodies:-

- (a) European Union Food Surveys,
- (b) Public Health Laboratory Service/LACOTS Surveillance Programmes,
- (c) Food Standards Agency Surveillance Programmes,

It is the policy of Protective Services to participate, whenever possible in Food Surveillance Programmes, relevant to East Dunbartonshire which are co-ordinated by the West of Scotland Food Liaison Group or the Scottish Food Co-ordinating Committee.

Samples taken in relation to national and regional sampling programmes will normally be taken over and above routine programmed samples. However, project samples can be substituted into the routine programme if the project sample is to be taken from one of the premises due to be sampled that month.

6.6 Enforcement Samples

Enforcement samples may also be taken over and above routine samples. Enforcement samples may be substituted into the sampling programme where it is appropriate to do so and in particular where the sampling allocation would otherwise be exceeded.

7.0 SECTION SEVEN - FOOD COMPLAINTS

Each year Housing & Protective Services receives complaints from consumers concerning the safety or quality of food they have purchased. Housing & Protective Services shall investigate each complaint and where necessary submit the food for analysis or examination. It is the policy of Housing & Protective Services that all food complaints shall be investigated in accordance with the Housing & Protective Service Policy on Food Complaints and Procedures.

8.0 SECTION EIGHT - STATEMENT IN RELATION TO POLICY REVIEW

- 8.1 This Sampling Policy shall be reviewed at least once per year by the Principal Officer - Food Safety.
- 8.2 The review shall have regard to all new legislation, Codes of Practice and to changes which may occur in respect of the food premises profile within East Dunbartonshire.

