



# HS05

# Food Safety Policy

<b>Organisation</b>	Somerset Council
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## Policy on a page

Somerset Council's activities are diverse; however, a common element in several of its main functions involves the provision of food. Examples of Council food providers are school meal provision, outdoor centres, library cafes and children's disability care homes.

The aim of this document is to confirm Somerset Council's commitment to maintaining the highest standard of food safety and to give guidance and instruction to all relevant personnel on the Council's requirements to satisfy both the applicable legislation and good industry practice.

In some cases, food facilities are operated by Council Services within Somerset Council which directly employ food handlers. In these cases, the Council is the operator of a food business within the meaning of Article 3 (3) Regulation 178/2002.

Where the provision of food is contracted or franchised to persons or businesses which are not employed by or part of the Council, the Council may not be deemed to be the operator of the food business within the meaning of the Regulations. In exercising all due diligence, it is essential that all such concerns pertaining to providing food on behalf of the Council are required, through contractual or other means, to maintain standards comparable to those required of the Council itself.

## Food Safety Policy Statement

It is the policy of Somerset Council (the Council) to protect the health and welfare of all individuals who consume food produced, processed, prepared or otherwise handled by any food facility operated by the Council or contracted by or on behalf of the Council.

The Council will develop, standardise, implement and review effective controls and procedures to ensure that all of the afore-mentioned food facilities comply fully with the Food Safety Act 1990, all Regulations made thereunder and all EU and other

relevant legislation in force in the UK which relate to manufacture, storage and distribution of food.

This policy does not apply to staff bringing food into corporate premises, as such staff with allergies and they should consult their manager and Facilities Management for that site about their individual needs and concerns.

## Responsibility

The Council is responsible for ensuring that the food it provides is safe. The implementation of the Food Safety Policy is a line management responsibility. [Heart of the Southwest Trading Standards Service](#) will provide professional advice, assistance and expertise to each service area or operating entity in the implementation of the Policy and the development and establishment of necessary controls, in co-ordination with the appropriate line management.

## Implementation of the Policy

For the purposes of the Food Safety Act 1990 and its relevant statutory provisions, Somerset Council is deemed to be the proprietor of a food business and is accountable as such in law. The Chief Executive represents the Council and would be the focus of any formal enforcement action taken against the Council by a food authority.

## The Corporate Health and Safety Unit will:

- Offer advice regarding this policy and associated guidance.
- Maintain and communicate this policy.
- Review this policy at intervals not exceeding 3 years.
- Audit compliance with this policy.

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# 1. Hazard Analysis and Critical Control Point (HACCP)

**Somerset Council food facilities shall have documented systems in place to control food safety problems. Safer Food, Better Business will be used to document these systems based on the principles of HACCP where the Council is the operator of the food business.**

## 1.1 Legal requirement

Article 5 of Regulation 852/2004 requires that:

1. Food business operators shall put in place, implement, and maintain a permanent procedure or procedures based on the following HACCP Principles:

- a) Identifying any hazards that must be prevented, eliminated or reduced to acceptable levels,
- b) identifying the critical control points at the step or steps at which control is essential to prevent or eliminate a hazard or reduce it to acceptable levels,
- c) establishing critical limits at critical control points which separate acceptability from unacceptability for the prevention, elimination or reduction of identified hazards,
- d) establishing and implementing effective monitoring procedures at critical control points,
- e) establishing corrective actions when monitoring indicates that a critical control point is not under control,
- f) establishing procedures, which shall be carried out regularly, to verify that the measures outlined in subparagraphs(a) to (e) are working effectively; and
- g) establishing documents and records commensurate with the nature and size of the food business to demonstrate the effective application of the measures outlined in subparagraphs (a) to (f).

2. Food operators shall:

- a) provide the competent authority with evidence of their compliance with the above in the manner that the competent authority requires, considering of the nature and size of the food business,

b) ensure that any documents describing the procedures developed in accordance with the above are always up to date,

c) retain any other documents and records for an appropriate period.

## **1.2 Hazard Analysis Critical Control Points (HACCP)**

The principles (a) – (g) in 2.1 (1) form the basis of a formal system known as HACCP which may be applied to any catering operation. However, the nature and complexity of any system used will, in practice, depend on the nature and complexity of the food operation. For example, where a selection of higher risk foodstuffs is prepared, hazard analysis may need to address each catering step for each ingredient. A less complex operation may take a more general approach in analysing each step.

Food facilities coming under the purview of Somerset Council vary widely from large scale catering to tea and biscuits provision. Detailed HACCP systems will not be appropriate for all facilities, but all facilities must have a system which should include the following elements:

- Identification and analysis of hazards at each step.
- Identification of controls to minimise or eliminate each hazard.
- Determination of control points which are critical to food safety.
- Establishment of controls.
- Monitoring of controls.
- Recording of checks (as appropriate).
- Periodic review.

## **1.3 Record keeping**

In accordance with Regulation 852/2004 relevant documentation and adequate records are required to be kept in all Somerset Council controlled food facilities for a minimum period of 12 months.

The level of documentation in each case will be determined by the competent person or team (see 2.4) carrying out the hazard analysis.

## **1.4 Competent persons**

In accordance with Regulation 852/2004, Annex II, Chapter XII those responsible for the development and maintenance of the procedures referred to in Article 5(1) of the above Regulation or for the operation of relevant guides must receive adequate training in the application of the HACCP principles.

# **2. Traceability and withdrawal of unsafe food**

**2.1 Somerset Council food facilities shall have documented systems and procedures in place to ensure unsafe food can be readily identified and removed from service or sale.**

## **2.2 Legal requirement**

Articles 18 and 19 of EC Regulation 178/2002, brought into force by the General Food Hygiene Regulations 2004, require that the traceability of food shall be established at all stages of production, processing and distribution by the food business operator and that, if it believes food is not in compliance with food safety Page 9 requirements, it shall immediately initiate procedures to withdraw the food and inform the competent authorities thereof.

## **2.3 Record keeping**

To comply with the legal requirements of Article 18, the following records must be kept:

- Name, address of supplier, nature of products which were supplied.
- Name, address of customer, nature of products which were delivered. This requirement is not necessary when the customer is the final consumer.
- Date of transaction /delivery.

These records must be kept for a minimum period of 12 months.

All Somerset Council food facilities shall have documented systems and procedures in place to ensure they are able to give the consumer sufficient and accurate information on the specified food allergens.

## **2.4 Withdrawal of unsafe food**

To comply with the legal requirements of Article 19, a documented procedure should be in place and be immediately initiated for the withdrawal of food, should the food not meet or is suspected of not meeting food safety requirements. The Trading Standards Officer from the Heart of the Southwest Trading Standards Service shall be contacted as soon as possible so he/she can take the appropriate action.

# **3. Food hygiene training**

**All personnel employed in Somerset Council food facilities shall be properly and adequately trained in food hygiene matters.**

## **3.1 Legal Requirement**

Regulation 852/2004, Annex II, Chapter XII requires that:

Food business operators are to ensure:

- a) that food handlers are supervised and instructed and/or trained in food hygiene matters commensurate with their work activity,
- b) that those responsible for the development and maintenance of the procedure referred to in Article 5(1) of this Regulation (see 2.1) or for the operation of relevant guides have received adequate training in the application of the HACCP principles.

**‘Food handler’** means any person involved in a food business who handles or prepares food whether open (unwrapped) or packaged. Food includes all drink (water, alcoholic beverages, etc.) and ice.

Training must be commensurate with work activities, and it follows that, for example, staff who handle and prepare high risk food will require more in-depth training than those handling low risk or wrapped food. However, supervisory or managerial staff who may not actually handle any food could be expected to undergo a higher level of training in order to effectively supervise handlers of high-risk food.

### **3.2 Staff who must be trained.**

To demonstrate compliance with the legislation Somerset Council categorises food facility employees who must be supervised and instructed and/or trained as follows:

- A. those not directly involved in the preparation and personal handling of open (unwrapped) food, but who are employed as support staff to the food facility, e.g., handlers of wrapped food, hot food delivery persons, cleaners, dedicated maintenance personnel,
- B. those handling, preparing and serving open (unwrapped) food, e.g., cooks, kitchen assistants, servery staff, etc,
- C. managers or supervisors who are responsible for staff handling any type of food. This category may include managers or supervisors who do not actually handle food themselves.

### **3.3 Level of training required**

A food hygiene training regime must be applied to all food facilities coming under the purview of Somerset Council and must meet or exceed the following requirements:

#### **Stage 1: The essentials of food hygiene applicable to the specific food facility or activity**

Before starting work all categories of staff (A, B & C) must receive written or verbal instruction in the essentials of food hygiene and be able to demonstrate clear understanding.

### **Stage 2: Awareness training**

All categories of staff (A, B & C) must undergo hygiene awareness training within four weeks of commencement of duties. This instruction may duplicate training already received but must also provide training specific to particular jobs/tasks, controls or monitoring points, etc. This training will also form a module of formal training.

### **Stage 3: Formal training**

All category B and C staff must, within 3 months of appointment, undergo training to level 2 which equates to a standard, certificated food hygiene course, accredited by one of the following organisations:

- The Chartered Institute of Environmental Health (CIEH).
- The Royal Society for Public Health (RSPH).
- The Royal Environmental Health Institute of Scotland (REHIS).
- Society of Food Hygiene Technology.
- Highfield Awarding Body for Compliance (HABC).

Where training is not accredited by any of the organisations listed above, the person operating the food business must be able to demonstrate that training given is of the appropriate standard and equates to level 2.

Food hygiene training to level 2 is incorporated into other vocational courses and employees who have already undergone such training need not repeat it.

Where appropriate, category C staff (managers and supervisors) may be required to undertake formal training to intermediate (level 3) or advanced level (level 4).

### **Stage 4: Refresher training**

Having undergone formal certificated training, all food handlers must receive, as well as any appropriate, ongoing in-house food hygiene training, refresher/update training at least every five years. Such refresher training should be accredited by one of the afore-mentioned organisations and result in award of a renewed certificate. Where training is not accredited by any of the organisations listed, the person operating the food business must be able to demonstrate to the satisfaction of the Trading Standards Officer from the Heart of the Southwest Trading Standards Service that training given is of the appropriate standard.

## **4. Temperature control of food**

**Effective systems and procedures for temperature control shall be instituted in all Somerset Council food facilities to prevent the significant growth of harmful organisms and food borne infections.**

#### **4.1 Legal requirement**

Requirements for temperature control of food are embodied in the Food Safety and Hygiene (England) Regulations 2013, Regulation 32, Schedule 4.

These regulations address all steps from storage to service and apply to foods which, without temperature control, might support the growth of harmful (pathogenic) bacteria or the formation of poisons (toxins).

Note: All temperature control provisions relate to the temperature of the food and **not** the air temperature of the holding unit.

#### **4.2 Chilled food**

The legal requirement for the maximum temperature of chilled food is 8°C.

To maintain this temperature, refrigeration equipment used in all food facilities coming under the purview of Somerset Council must be capable of maintaining an air temperature of 5°C or less.

Cold food on display or for service may be warmer than 8°C, but **only once** for a period not exceeding 4 hours. In all Somerset Council food facilities, food that has been on display at a temperature warmer than 8°C for a period more than 4 hours must be discarded and properly disposed of.

#### **4.3 Hot food**

Hot food must be kept at 63°C or hotter when it is:

- In the kitchen awaiting service or dispatch.
- Being transported to a servicing point at any distance.
- On display in a serving area where hot holding display facilities are available.

Where there is no equipment for temperature-controlled display at the place of service, hot food may be held for **one period** at a temperature cooler than 63°C, provided that the period does not exceed 2 hours from the time that the food is packed into insulated containers (in the case of transported food), or from the time that food is removed from hot holding for service. If food remains uneaten after this time it must be discarded and properly disposed of.

#### **4.4 Containers for transporting**

Food Regulation 852/2004, Annex II, Chapter IV specifies requirements for conveyances and/or containers used for transporting foodstuffs.

**Regulation 852/2004, Annex II, Chapter IV specifies requirements for conveyances and/or containers used for transporting foodstuffs namely:**

- a) Conveyances and/or containers used for transporting food stuffs are to be kept clean and maintained in good repair and condition to protect foodstuffs from contamination and are, where necessary, designed and constructed to permit adequate cleaning and/or disinfection.
- b) Receptacles in vehicles and/or containers are not to be used for transporting anything other than foodstuffs where this may result in contamination.
- c) Where conveyances and/or containers are used for transporting anything in addition to foodstuffs or for transporting different foodstuffs at the same time, there is, where necessary, to be effective separation of products.
- d) Where conveyances and/or containers have been used for transporting anything else other than foodstuffs or for transporting different foodstuffs, there is to be effective cleaning between loads to avoid risk of contamination.
- e) Foodstuffs in conveyances and/or containers are to be so placed and protected as to minimise the risk of contamination.
- f) Where necessary, conveyances and/or containers are used for transporting foodstuffs are to be capable of maintaining foodstuffs at appropriate temperatures and allow those temperatures to be monitored.

**In any situation where food is required to be transported from/to a Somerset Council food facility, the specification of conveyances, containers and procedures must satisfy the above requirements and be capable of achieving the temperature requirements of this policy.**

## **5. Maintenance of premises and equipment**

**The structure of Somerset Council food facilities and the equipment used therein shall be of appropriate, sound construction and shall be properly and efficiently maintained.**

### **5.1 Legal requirement**

Article 4(2) Regulation 852/2004, Annex II, Chapter I specifies general requirements for food premises and Chapters II and III contain specific requirements relating to

maintenance of premises, surfaces, articles, fittings and equipment (see Food Safety Guidance section 4 maintenance of premises and equipment). Terminology varies but has the overall purpose of facilitating easy cleaning and avoiding or minimising risk of contamination.

## **5.2 Responsibility for maintenance**

Responsibility for maintenance of the structure of food facilities and the equipment used therein varies throughout Somerset Council food facilities and may depend on the ownership of the premises, leasing and/or contractual arrangements, etc. For example, a contractor operating a Somerset Council food facility would not normally be responsible for repair or maintenance of the structure but might be contractually responsible for repair or maintenance of equipment. In any circumstances the allocation of responsibility must be clear, and the proprietor of the food business must be able to demonstrate the ability to comply with the requirements whether he/she is directly responsible or not.

## **5.3 Maintenance procedure**

Article 4(2) Regulation 852/2004, Annex II, Chapter I, general requirements for food premises:

1. Food premises are to be kept clean and maintained in good repair and condition.
2. The layout, design, construction, siting, and size of food premises are to:
  - a) permit adequate maintenance, cleaning and/or disinfection, avoid or minimise air-borne contamination, and provide adequate working space to allow for hygienic performance of all operations,
  - b) be such as to protect against the accumulation of dirt, contact with toxic materials, the shedding of particles into food and the formation of condensation or undesirable mould on surfaces,
  - c) permit good food hygiene practices, including protection against contamination and, in particular, pest control,
  - d) where necessary, provide suitable temperature-controlled handling and storage conditions of sufficient capacity for maintaining foodstuffs at appropriate temperatures and designed to allow those temperatures to be monitored and, where necessary, recorded.
3. An adequate number of flush lavatories are to be available and connected to an effective drainage system. Lavatories are not to open directly into rooms in which food is handled.

4. An adequate number of washbasins is to be available, suitably located for cleaning hands. Washbasins for cleaning hands are to be provided with hot and cold running water, materials for cleaning hands and for hygienic drying. Where necessary, the facilities for washing food are to be separate from the hand-washing facility.

5. There is to be suitable and sufficient means of natural or artificial ventilation. Mechanical airflow from a contaminated area to a clean area is to be avoided. Ventilation systems are to be so constructed as to enable filters and other parts requiring cleaning or replacement to be readily accessible.

6. Sanitary conveniences are to have adequate natural or mechanical ventilation.

Directorates must ensure that, for all Somerset Council food facilities, a documented procedure is in place by which defects can be reported to the responsible party. The procedure must ensure that urgent matters are prioritised and that appropriate time limits are imposed for compliance. Records of maintenance requests and stages of progress to completion must be kept by the proprietor of the food business, the party responsible for maintenance, or both where appropriate, to demonstrate the effectiveness of the procedure.

## **6. Enforcement of food safety law**

**Personnel employed in Somerset Council food facilities shall co-operate fully with the authorised officers of enforcing food authorities.**

### **6.1 Legal provisions**

Administration and enforcement of food safety legislation is embodied in the Food Safety Act 1990. Sections 5 and 6 of the Act deal with “food authorities”, “authorised officers” and “enforcement authorities” as amended by the Food Safety and Hygiene (England) Regulations 2013, Regulations 4 and 5. The powers of entry of premises by authorised officers are found in section 32, as amended by the Food Safety and Hygiene (England) Regulations 2013, Regulation 16.

For Somerset Council food facilities, the enforcing authority for the enforcement of the Food Safety Act 1990 and its relevant statutory provisions will be Somerset Council’s environmental health team.

The authorised Council Officer will usually be a Trading Standards Officer from the Heart of the Southwest Trading Standards Service who has the power to enter Somerset Council food facilities at “all reasonable hours”. This would normally be taken to mean any time that the premises is manned and access to the food facility is possible.

The officer should always be requested to produce a duly authenticated document showing their authority before entering the premises.

## **6.2 Routine inspections**

Inspections by the Trading Standards Officer from the Heart of the Southwest Trading Standards Service will normally be routine. The principal purpose of a routine inspection is to determine compliance with food safety legislation; however, the officer will also carry out a risk assessment which will determine the frequency of future routine inspections.

The officer will also have regard to the Food Standards Agency's E. Coli 0157 Control of Cross-contamination Guidance for food business operators and enforcement authorities which provides guidance on compliance with applicable food hygiene legislation contained in Regulation (EC) No 852/2004.

The food facility will be rated by the officer under the Food Standards Agency's National Food Hygiene Rating System which aims to provide consumers with at-a-glance information about hygiene standards in food businesses.

On completion of the inspection, the officer will prepare an inspection report and, if appropriate, a schedule detailing works necessary to comply with legislation and the time allowed to comply. The officer may also incorporate recommendations into the report but should always confirm that they are not legal requirements. If the report is prepared at the food facility, it may be handed to the person the officer considers to be managing the facility. If the report is prepared elsewhere after the inspection, it will be sent by post to the person that the officer considers is the food business operator, within the meaning of Article 3(6) Regulation 178/2002.

## **6.3 Forwarding of reports**

When a Trading Standards Officer from the Heart of the Southwest Trading Standards Service or a Food Safety Officer from Somerset Council's Environmental Health team presents a report that includes requirements or recommendations in respect of any Somerset Council food facility, a copy of the report must be forwarded to the Senior Catering Advisor without delay.

## **6.4 Non-routine visits**

Non-routine visits by the Trading Standards Officer from the Heart of the Southwest Trading Standards Service or a Food Safety Officer from Somerset Council's Environmental Health team may arise as a result of an incident, such as food poisoning, or perhaps following a complaint. The Senior Catering Advisor must be advised of all non-routine visits as soon as possible by telephone or email.

## 6.5 Food incident notification

If staff at a food facility become aware of a possible food poisoning outbreak or complaint, the Senior Catering Advisor must be contacted as soon as possible by telephone or email so that they can advise the correct course of action.

## 6.6 Food facilities operated by others

Where Somerset Council is not the proprietor of the food business, e.g., a contractor or franchisee operates the food facility:

- 1) the requirements of 6.2 and 6.3 must be incorporated into the relevant contract or agreement, and;
- 2) the contract or agreement must include the requirement for a formal waiver to be given by the proprietor of the food business to permit the disclosure of food safety enforcement information, specific to the subject food facility, to Somerset Council.

# 7. Registration of food premises

**Somerset Council food facilities shall be registered as food premises with the relevant food authority.**

## 7.1 Legal requirement

Article 6(2) Regulation 852/2004 requires that all food premises register with the food authority (Somerset Council) in whose area the premises is situated. The obligation to register and notify changes falls on the operator of the food business; however, if the premises is used by more than one business the responsibility rests with the owner of the premises.

## 7.2 The purpose of registration

Registration is required to:

- Provide information to food authorities so that they can target their enforcement resources more effectively.
- Identify premises in the case of a hazard warning.
- Identify hygiene training needs.
- Contact food businesses with information on food law.

**It is an offence for food premises not to be registered.**

Although there are some exemptions for certain low risk premises and activities, it is currently assumed that all Somerset Council food facilities are registerable as food premises.

### **7.3 Notification of changes**

Where significant changes occur in a food facility, for example a change of contractor, the Council's Environmental Health Team must be informed so that registration details can be amended. The responsible Directorate must ensure that the proprietor of the food business notifies the Council's Environmental Health Team of the changes in registration details.

## **8. Food labelling**

**All Somerset Council food facilities shall have established procedures in place to be able to inform customers about foods that contain allergens and genetically modified ingredients or derivatives thereof.**

**8.1** Under Article 9(1)(c) of the food information to consumers (FIC), all Food Business Operators (FBOs) must declare the presence, whether for use as an ingredient or a processing aid, of any of the 14 major allergens listed in Annex II to the Regulation see Guidance, in all cases it should be noted that in accordance with Articles 12 and 13 of the FIC the mandatory information must be:

- Easily accessible
- In a conspicuous place
- Easily visible
- Clearly legible

**Information must be indelible (where appropriate for example on food labels where it needs to withstand handling). The information must:**

- Not be hidden
- Obscured
- Detracted from or interrupted by other written or pictorial matter or any other intervening material
- All information provided about allergens must be accurate, however it is provided.

### **8.2 Genetically modified foods**

#### **8.2.1 Legal Requirement**

Labelling requirements for specific foodstuffs that have been genetically modified or contain genetically modified ingredients are embodied in:

Regulation 1829/2003 through Articles 12 and 13.

These are enacted into UK legislation by the Genetically Modified Food (England) Regulations 2004. These relate to the labelling of products for retail and catering sale.

In general terms, all foods containing ingredients derived from genetically modified foods will now have to be labelled irrespective of whether GM material remains in the ingredient.

### **8.2.2 Labelling**

All foods served must be individually labelled with information about GM ingredients or derivatives.

Current rules require that all foods which are genetically modified, or contain genetically modified ingredients, should be labelled with information about this fact.

Foods that are bought in pre-packed and supplied in that state should already be labelled in compliance with the new rules.

For food supplied non-pre-packed or pre-packed for direct sale, each food item must be labelled with information about the presence of GM ingredients. In the case of food that is packed and sold on the same premises ('pre-packed for direct sale'), each pack should be individually labelled. Where food is sold loose, a label accompanying the food should indicate the presence of GM ingredients.

Where the food is not on display – for example, where food is ordered from a menu – the indication should be given by each item on the menu.

#### **Wording of the information**

This is defined in Article 13 of Regulation 1829/2003.

In summary though, the wording should be 'genetically modified' or 'produced from genetically modified (name of the ingredient)' or 'contains genetically modified (name of the ingredient)'. Where ingredients are listed the words should accompany the appropriate ingredient; otherwise, the statement should be clear on the labelling.

#### **Other labelling**

It is also a requirement to give further information about the genetically modified ingredient if, as a result of the modification, it is different from its conventional counterpart in respect of:

- i) Composition,
- ii) nutritional value or nutritional effects,
- iii) intended use of the food,
- iv) the implications for health of certain sections of the population,

or if it may give rise to ethical or religious concerns.

Although these are unlikely possibilities, care should be exercised if using GM ingredients (or foods containing them) to ensure that all information supplied with the food is reflected in the final labelling.

### **8.2.3 Determining compliance**

Departments must ensure that operators of food facilities take all reasonable steps to identify the GM content of foods supplied to them.

## **9. Pre-Packed for Direct Sale (PPDS) [Natasha's law]**

**The legislative framework around the provision of food allergen information is largely contained in the Regulation (EU) No. 1169/2011 on the provision of food information to consumers (FIC). The FIC imposes a duty on food businesses to ensure that all mandatory food allergen information (relating to 14 substances listed in the FIC that are known to cause allergies) is accurate, available, and easily accessible to the consumer.**

Under the FIC, food which is prepacked, for example a sandwich on sale in a school chilled cabinet, must be labelled with full ingredients and any of the 14 specified food allergens present must be emphasised in an ingredients list. For non-prepacked food the allergen labelling requirements differ. Any food that does not fall within the FIC definition of prepacked food is non-prepacked food.

### **9.1 Non-prepacked food**

Any food presented to the final consumer or mass caterer that does not fall within the definition of 'prepacked food' for any reason including food not within any packaging, or food packaged at the consumers request and PPDS food.

- In a physical retail environment this is likely to apply to foods which are sold loose from a delicatessen counter (e.g., cold meats, cheeses, quiches, pies and dips), fresh pizza, salad bars, bread or pastries sold without wrapping in bakery shops or via bakery counters, meat from butchers, etc.
- In a catering environment this is likely to apply to foods which are not sold prepacked, for example food from a takeaway, or meals served in a canteen or a restaurant.

### **9.2 Prepacked food**

This is defined in Regulation (EU) No. 1169/2011 (Article 2(2)(e)) as ‘any single item for presentation as such to the final consumer and to mass caterers, consisting of a food and the packaging into which it was put before being offered for sale, whether such packaging encloses the food completely or only partially, but in any event in such a way that the contents cannot be altered without opening or changing the packaging; ‘prepacked food’ does not cover foods packed on the sales premises at the consumer’s request or prepacked for direct sale. Food is considered prepacked when it is put into packaging prior to before being offered for sale and:

- is either fully or partly enclosed by the packaging; and
- cannot be altered without opening or changing the packaging; and
- is ready for sale to the final consumer or to a mass caterer.

### 9.3 Prepacked for direct sale (PPDS) food

Food that is packed before being offered for sale by the same food business to the final consumer:

- i) on the same premises; or
- ii) on the same site, or in this instance ‘site’ refers to a building complex such as a shopping centre or airport terminal in which the same food business operates from more than one unit within the building complex. FSA Food Allergen Labelling and Information Requirements: Technical Guidance – June 2020
- iii) on other premises if the food is offered for sale from a moveable and/or temporary premises (such as marquees, market stalls, mobile sales vehicles) if the food is offered for sale by the same food business who packed it.

**PPDS food does not include food packed at a consumer’s request, food not in packaging or food in packaging that can be altered without opening or changing the packaging.**

## 10. Glossary of terms used

**Allergen:** A substance, usually a protein, capable of inducing an allergic reaction.

**Authorised Officer:** Any person authorised in writing by a food authority to act in matters arising under the Food Safety Act 1990 as amended Food Safety and Hygiene (England) Regulations 2013 Regulation 12.

**Coeliac Disease:** This is an autoimmune disease caused by an adverse reaction to eating gluten, a protein in cereals namely wheat, rye, oats, spelt, kamut or their hybridised strains. Adherence to the gluten free diet is the complete medical treatment and having coeliac disease therefore requires significant dietary modification.

**Critical Control Point:** A step in a food operation where hazards must be controlled to ensure that a hazard is eliminated or reduced to a safe level.

**Due Diligence:** The legal defence, available in Section 21 of the Food Safety Act as amended by the Food Safety and Hygiene (England) Regulations 2013, Regulation 12, that a person took all reasonable precautions and exercised all due diligence to avoid the commission of the offence by himself or by a person under his/her control.

**Enforcing Authority:** For the purposes of this document, Somerset Council.

**Essentials of Food Hygiene:** Fundamental instruction in food hygiene given before a food handler is allowed to start work for the first time.

**Final Consumer:** This is defined in Article 3 (18) of Regulation (EC) No.178/2002 as 'the ultimate consumer of a foodstuff who will not use the food as part of any business operation or activity'. The final consumer will generally be the individual who will be eating or drinking the food or drink provided by the food business.

**Food Allergen:** This is the substance in a food that can cause an allergic reaction. Allergens are normally proteins, and, in some people, the immune system thinks allergens are foreign or dangerous. The immune response to these allergenic proteins is what leads to allergic reactions. Legislation focuses on 14 specific foods of public health importance (most potent and prevalent food allergens in Europe) which are listed in Annex II by the FIC.

**Food Allergy:** An adverse reaction to a food that involves the immune system and can be a potentially life-threatening condition. Symptoms can appear within minutes, or up to several hours after a person has eaten food they are allergic to. There is no cure for food allergy. An allergic individual must avoid the food which makes them ill.

**Food Authority:** For the purposes of this document, Somerset Council.

**Food business operator (FBO):** This is defined in Regulation (EC) No. 178/2002 (Article 3(3)) (General Food Law) as 'the natural or legal persons responsible for ensuring that the requirements of food law are met within the food business under their control'.

**Food Business:** This is defined in Regulation (EC) 178/2002 (Article 3(2)) (General Food Law) as 'any undertaking, whether for profit or not and whether public or private, carrying out any of the activities related to any stage of production, processing and distribution of food'.

**Food Handler:** Any person involved in a food business who handles or prepares food whether open (unwrapped) or packaged. [Food includes drink and ice.]

**Food Intolerance:** Most food intolerances do not involve the immune system and are generally not life-threatening. However, they can make someone feel very ill or affect their long-term health. Examples of food intolerance include lactose and gluten intolerance.

**Food Standard Agency:** The FSA is an independent government department responsible for food safety and hygiene across the UK. It works with businesses to help them produce safe food, and with local authorities to enforce food safety regulations.

**Food Premises:** Any premises used for the purposes of a food business.

**HACCP Hazard Analysis, Critical Control Point:** A management tool that gives a structured approach to identification and control of hazards.

**Hygiene Awareness Training:** Training to be given to food handlers within 4 weeks of commencement of duties which reinforces earlier training, gives instruction specific to the food facility and forms a module of formal training.

**Hazard:** A biological, chemical, or physical agent in, or condition of, food with the potential to cause an adverse health effect (Regulation 178/2002).

**Hazard Analysis:** Identifying hazards, the steps at which they could occur, and the introduction of measures to control them.

**Mass Caterer:** This is defined in Article 2(2)(d) of FIC as 'any establishment (including a vehicle or a fixed or mobile stall), such as restaurants, canteens, schools, hospitals and FSA Food Allergen Labelling and Information Requirements: Technical Guidance – June 2020 catering enterprises in which, in the course of a business, food is prepared to be ready for consumption by the final consumer'.

**Pre-Packed for Disposable Direct Sales (PPDS) [Natasha's law]:** The legislative framework around the provision of food allergen information is largely contained in the Regulation (EU) No. 1169/2011 on the provision of food information to consumers (FIC). The FIC imposes a duty on food businesses to ensure that all mandatory food allergen information (relating to 14 substances listed in the FIC that are known to cause allergies) is accurate, available, and easily accessible to the consumer.

**Regulation (EC) No 178/2002 (Retained EU Legislation) (as amended from time to time):** (EC) No.178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety.

**Regulation (EC) No 1829/2003 (Retained EU Legislation) (as amended from time to time):** (EC) No.178/2002 of the European Parliament and of the Council on genetically modified feedstuffs.

**Regulation (EC) No 853/2004 (Retained EU Legislation) (as amended from time to time):** (EC) No.853/2004 of the European Parliament and of the Council on the hygiene of foodstuffs.

**Regulation (EU) No 1169/2011(Retained EU Legislation) (as amended from time to time):** Regulation(EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004.

**Traceability:** The ability to trace and follow food, feed, food producing animal or substance intended to be, or expected to be incorporated into a food or feed, through all stages of production, processing, and distribution (Regulation 178/2002).

## 11. More information

Free online allergen training:

<http://allergytraining.food.gov.uk/>

For information and advice about food allergies and intolerances, visit the Food Standards Agency website:

[www.food.gov.uk/allergy](http://www.food.gov.uk/allergy)

For information on the EU Food Information for Consumers Regulation 1169/2011 visit:

[http://ec.europa.eu/food/food/labellingnutrition/foodlabelling/proposed\\_legislation\\_en.htm](http://ec.europa.eu/food/food/labellingnutrition/foodlabelling/proposed_legislation_en.htm)

For information on gluten, visit the Coeliac UK website:

[www.coeliac.org.uk](http://www.coeliac.org.uk)

For the Department of Education school food standards practical guide:

[School food standards: resources for schools - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

Allergen advice, training and posters in other languages from Trading Standards:  
[Food allergen resources](#)

## Governance Arrangements

### Policy Compliance

If any employee is found to have breached this policy, they may be subject to Somerset Council's [disciplinary procedure](#).

### Policy Governance

The following table identifies who within Somerset Council is Accountable, Responsible, Informed or Consulted with regards to this policy. The following definitions apply:

- **Responsible** – the person(s) responsible for developing and publishing the policy
- **Accountable** – the person who has ultimate accountability and authority for the policy
- **Consulted** – the person(s) or groups to be consulted prior to final policy implementation
- **Informed** – the person(s) or groups to be informed after policy implementation

<b>Responsible</b>	Corporate Health & Safety Unit
<b>Accountable</b>	Chief Executive
<b>Consulted</b>	LGR JNF Union Group, Health, Safety and Wellbeing Steering Group (HSWSG) and HR Committee
<b>Informed</b>	All members, employees, and volunteers

## Review and Revision

This policy will be reviewed as it is deemed appropriate, for instance when there is a change in statutory requirements and/or HSE guidance is revised, but no less frequently than every 36 months. Policy review will be undertaken by rolling programme established by the Corporate Health & Safety Unit (CHSU) and agreed by the Health, Safety, and Wellbeing Steering Group.

## Version History

Revision Date	Author	Version	Description of Revision
April 2020	Brendan O'Connell	V2.0	Full Review
April 2024	Pam Price	V3.0	Scheduled Review

## Document Notification

Approval	Name	Date
Corporate H&S Advisor	Daniel Thomas	March 2024
Executive Director of Strategy Workforce and Localities	Alyn Jones	March 2024
HR Committee	Committee	March 2024

## References and links

The following Somerset Council documents are directly relevant to this policy, and are referenced within this document:

[Food Safety Guidance](#)