**SECTION 8**

**ENFORCEMENT**

**HEALTH OFFICER**

**VISITS AND**

**INSPECTIONS**

**ENFORCEMENT HEALTH OFFICER (EHO)**

**VISITS AND INSPECTIONS**

When reading this section, find out the mechanisms of enforcement which apply to the country in which your business is located. The procedure may differ from that below, which applies to the U.K.

**1 INTRODUCTION**

* 1. Local Government Officers (including Trading Standards Officers

(TSO’s)) may visit or inspect catering premises for a variety of reasons. These include Food Safety, Health & Safety, Licensing, Fire Safety, Consumer Protection, Weights and Measures etc.

* 1. This procedure focuses attention on inspection by EHO’s and

Technical Assistants (TA). Health & Safety At Work, and more particularly for the provisions of Food Safety. The rules on notification within the Company hold good for any visit.

**2 POWERS OF EHO/TA**

2.1 An EHO has seniority over a TA but both have the full authority

of the Chief Executive, and to this end both have identical

powers of entryinto any commercial premises within their

jurisdiction. This applies to ALL catering premises.

2.2 Power of Entry is at “any reasonable hour” and this should be

related to the opening hours of the premises involved, i.e. in an

all-night restaurant 2 a.m.is not an unreasonable hour at which

to inspect. Anyone who prevents an EHO/TA from entering

commits the offence of Willful Obstruction.

2.3 Food Safety Law introduced proper definition to the purpose of

an EHO visit and a series of Government Codes of Practice

(COP’s) have been produced to regularise the EHO’s approach.

EHO’s will be required to work within the provisions of these

COP’s, the main points of which are embodied in this document.

2.4 In the course of an inspection an EHO may resort to any (or all)

of the following legally-backed measures:

1. Serve an Improvement Notice (now available under both

Health & Safety, and Food Safety Acts).

1. Serve an Emergency Prohibition Notice (Food Safety/Health & Safety).

(c) Take samples of food for analysis.

(d) Seize food.

(e) Take photographs and/or video recordings.

(f) Inspect unit documentation and computer records.

2.5 In the event of any of these actions, management should inform

immediately,by telephone:

(a) Their immediate superior.

(b) Company Food Safety Consultant (in the event of a

serious incident/complaint).

**3 ARRIVAL/RECEPTION OF AN EHO**

3.1 Unit management and supervisors should be trained in Health &

Safety and Food Hygiene, where possible they should be

designated the “management representative”. They must

accompany the EHO throughout the inspection.

3.2 When an EHO/TA announces their arrival, their identity card

**must** be checked on every occasion. The manager or senior

representative must be found quickly. Needless delays must be

avoided at all cost.

3.3 The reason for the visit should be ascertained before the

inspection starts.

3.4 Whether visiting all or part of the unit, the EHO must be

accompanied at all times. If there is more than one EHO/TA, a

like-number of management is to be available so that each

officer is accompanied should they decide to conduct separate

inspections.

3.5 Each accompanying Manager will make note of observations

made by the EHO and before leaving each area/room the

Manager should request the EHO to confirm all the observations

made.

3.6 Where an EHO expresses dissatisfaction on any matter, the

accompanying Manager should make positive response where

possible, but avoid any further commitment or argument over

the matter. If a simple remedy is available, use it; if in doubt

then simply take note of the matter.

3.7 Where the inspection ventures into food preparation areas, the

EHO and accompanying Manager should be suitably dressed in

clean, washable over clothing as befitting food handlers.

**Note:** Under the provisions of Food Safety Law, the EHO ought to

provide his own white coat and hat. The accompanying

Manager must dress identically but may already be in a food

room uniform. This will depend on the type of unit, but the

element which must be avoided is where the EHO is properly dressed and the escort is not.

**4 INSPECTION DEBRIEF**

4.1. On completion of the inspection, the EHO must be requested to

confirm his/her findings. The Manager will make a written note

of this. Where more than one EHO is involved each

EHO/Manager pairing must compare notes separately rather than

in a centralised meeting.

4.2 The Government Code of Practice (COP) on inspection requires

the EHO to divulge his findings before leaving the premises but

there may be certain circumstances (e.g. criminal investigation)

where the EHO will not be prepared to speak. Debrief should

always be requested in the interests of initiating positive response

and this fact should be communicated to the EHO/TA.

**5 COMPANY RESPONSE TO EHO MATTERS**

5.1 Where serious problems have been identified by the EHO, or

any of the matters already discussed in paragraph 2.4, the

Company’s Food Safety Consultants are to be contacted

immediately. They will contact the EHO within the next working

day. Therefore, it is imperative that the following

information is provided by the unit:

(a) Name of EHO

(b) Local Authority and telephone number

(c) Date and time of inspection

(d) Main points of concern, samples taken, etc.

(e) Complete the EHO Inspection Report Form at Annex A at

the end of this section and forward to Food Safety Consultants

and Regional Office as directed in the Action Section at the

bottom of the form.

5.2 The accompanying Manager should inform the EHO that this

course of action will be taken.

5.3 Where cleaning matters have been raised, if the EHO has

intimated that they may become the subject of prosecution, no

remedial action should be taken until company investigation has

been completed. This could involve photography, which might

be used in defensive evidence in court. Such instances must be

reported to the Company Food Safety Consultants immediately.

5.4 Response to cleaning matters should otherwise proceed without

delay.

5.5 Where maintenance matters have been identified unless they

present an immediate risk to Health and Safety and require

immediate attention, they should be remedied through the

medium of an action plan, drawn up in conjunction with the

Company Food Safety Consultants responsible in the agreed

time frame.

**6 EHO COMMUNICATIONS**

6.1 After the inspection the EHO/TA may initiate a written demand

for works to be undertaken. This may be issued before the EHO

leaves the premises or may be sent subsequently by post, fax,

etc.

6.2 Time limits for the completion of works are likely to be imposed.

6.3 The commonest form of communication is the Informal Notice, a

straight forward business letter on Council headed notepaper

setting out the matters requiring attention. In practice, this is

often done as a covering letter and schedule. It should be

Company policy to have full regard for this level of communication, known as an “EHO Notice”, and to respond to it

through the Company’s Food Safety Consultants.

6.4 Food Safety Law now introduces Formal Notices on food safety matters, the ones which can be served by an EHO are:

(a) IMPROVEMENT NOTICE

(b) EMERGENCY PROHIBITION NOTICE

(c) NOTICE OF APPLICATION FOR AN EMERGENCY PROHIBITION ORDER

6.5 **Improvement Notice.** Gives a formal notice to the proprietor of

the premises that the premises, practices, processes or

equipment do not meet the requirements of certain regulations.

The regulation involved will be specified, the reason why it is not

being complied with, what work needs to be done and the time

limit in which it must be completed.

6.6 **Emergency Prohibition Notice.** Informs the proprietor that either the premises, a process or a piece of equipment poses an imminent risk of injury to health, and requires the proprietor to **immediately** stop using the premises, process or equipment specified in the Notice. The reason for the prohibition is given, if it involves premises then a copy of the Notice will be affixed to the premises by the EHO to inform the public why they are closed. It is an offence to remove the Notice. The Council must then apply to the Magistrates’ Court within three days for the issue of an Emergency Prohibition Order.

6.7 **Notice of Application for an Emergency Prohibition Order.** Gives

notice to the owner of the EHO’s intention to apply to the Magistrates’

Court to have the action of the emergency prohibition notice confirmed

by an order of Court. It must be done within three days of the Notice.

6.8 Two further notices can be served by the EHO which are pursuant to prohibition or emergency prohibition. These are:

1. CERTIFICATE THAT THERE IS NO LONGER A RISK TO HEALTH and this “lifts” the prohibition.
2. NOTIFICATION OF CONTINUING RISK TO HEALTH which maintains the prohibition where the proprietor applied to have it
3. lifted and the Council is still not satisfied that the risk has been removed. The reason is given.

6.9 **A Prohibition Order** cannot be issued by an EHO: this can only be

applied by the Magistrates’ Court and in practice is likely to be following

a successful prosecution.

6.10 The Government have issued COP’s on each of these formal notices.

Further information can be obtained from the Company’s Food Safety

Consultants. SHOULD ANY UNIT RECEIVE ANY OF THESE

NOTICES THEY SHOULD INFORM THEIR REGIONAL DIRECTOR

AND THE COMPANY FOOD SAFETY CONSULTANTS

IMMEDIATELY.

**7 SAMPLING BY LOCAL GOVERNMENT OFFICERS**

7.1 Local Government Officers have wide powers to take samples.

This will usually involve an EHO (interested in Food Safety), or Trading Standards Officers (TSO’s) (interested in food composition, weights

and measures, and labelling). In some areas, the roles are combined.

7.2 Samples may be taken as a result of a customer complaint, as part of a survey or simply for routine checking.

The officer may purchase the sample, but he has the right to take

samples without payment.

Samples may be taken for a very wide range of tests including:

- Microbiological examination.

- Analysis for chemical contaminants (e.g. pesticides, etc).

- Analysis of composition against legal standards (e.g. is there

enough meat in the sausage?).

- Analysis of composition against claims on the label or menu.

- To check weights and measures against legal standards or

claims (e.g. correct measures of spirits, correct alcohol content,

weight of the steaks described on the menu).

7.3 Samples may lead to legal action. Two courses of action may be vital

when samples are taken:

(a) The analysis may be invalidated if samples are taken badly (e.g. microbiological tests will be meaningless if samples are allowed to deteriorate after sampling and before testing in the laboratory).

(b) Testing of duplicate or similar samples in an independent laboratory may provide useful information. Action must be taken immediately.

7.4 An officer visiting an operation for the purposes of taking samples must

be dealt with as for any other inspector visit. Whilst on site, he must be accompanied by a senior manager.

7.5 **Duplicate Samples**

(a) In some circumstances, the officer will formally divide the sample into three parts. One for his analysis, one for the owner of the food and the third to be retained by him as the “reference” sample.

In these cases, the company will automatically be given a sample.

(b) At other times (e.g. samples for microbiological examination) the inspector will take only one sample. He should be requested to take a duplicate sample for our own examination.

(c) Where neither of the above apply, the manager himself should take a duplicate sample. If necessary, the Company Food Safety Consultants must be consulted urgently as to how this should be done.

(d) When a duplicate sample has been taken by any of the above procedures, the Food Safety Consultants must be **immediately** contacted for advice on what to do next.

7.6 **Sampling Method**

Notes should be made as to how the inspector takes the

sample.

Important points will include:

- Tools used for taking sample.

- Container used.

- Precise time the sample was taken.

- Temperature of the food at the time it was sampled.

- How the sample was transported (insulated bag or box?).

7.7 It will be important to discover from the sampling officer why he is

taking the sample and how he intends to have it tested. Vital

information which should be noted includes:

- Name of sampling officer.

- Name of the authority for which he works.

- Precise description of sample.

- Quantity, amount or weight of food sampled.

* Date marks or packing codes where appropriate. Expiry dates are useful, but lot marks, codes embossed on the ends of cans and similar batch marks are better. If possible, keep the packaging and send to the laboratory with the sample.

- Reasons for sampling (routine, complaint, survey, etc.)

- What tests will be done on the sample.

- Where it will be taken for testing.

The sampling officer should be noting down the same details. He should be asked for a copy of his completed sample form. The form will also act as a receipt for the food taken or bought. If the sampling officer is unwilling to give a copy of the form, he must be asked to provide at the very least a receipt, for accounting purposes indicating:

- Time, date, name and authority of officer.

- Description of the food.

- Quantity.

- An indication that it has been taken as a food sample

7.8 **Reports**

The sampling officer should also be asked to send a copy of the

test results when they become available, to the unit or head

office.

Samples and the information gathered should be dealt with

following the advice from the Company Food Safety

Consultants.

When test results are received or any subsequent verbal report,

these should be immediately communicated to the Company

Food Safety Consultants.

The following EHO/TSO visit record should be completed after

each visit.

**ENVIRONMENTAL HEALTH OFFICER (EHO OR TRADING STANDARDS OFFICER (TSO)**

**(Note: Record details of EHO/TSO Visits and action required)**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Date of**  **Visit:** | **Name of EHO/TSO:** | **Local Authority:** | **Contact Tel. No:** | **Summary of Issues:** | **Escorted**  **By** | **Action Complete** |
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(This should be photocopied)