

# RIBBLE VALLEY BOROUGH COUNCIL REPORT TO HEALTH & HOUSING COMMITTEE

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Agenda Item No.

meeting date: 18th JANUARY 2023  
title: FOOD SAMPLING POLICY  
submitted by: MARSHAL SCOTT – CHIEF EXECUTIVE  
principal author: ANDREW DENT, HEAD OF ENVIRONMENTAL HEALTH

## 1 PURPOSE

- 1.1 For committee to review and agree the new 'Ribble Valley Borough Council - Food Sampling Policy'.
- 1.2 Relevance to the Council's ambitions and priorities:
  - Community Objectives – To make people's lives safer and healthier.
  - Corporate Priorities – To be a well-managed council providing efficient services based on identified customer needs.

## 2 BACKGROUND

- 2.1 Ribble Valley Borough Council is required to prepare and publish a food sampling policy and make it available to businesses and consumers in accordance with the Food Standards Agency (FSA) Food Law Code of Practice and Food Law Practice Guidance. The standard laid down in the FSA Framework Agreement on Official Feed and Food Controls must also be met.
- 2.2 Food sampling and subsequent analysis/examination performs an essential function, providing intelligence and evidence on the safety and authenticity of food on the UK market. By providing this information it forms a key part of official controls enabling appropriate action to be taken to protect the consumer.
- 2.3 Local Authorities have a duty to ensure food meets legally prescribed standards and sampling is a means of monitoring compliance. Ribble Valley Borough Council is required to prepare a sampling program using a targeted and risk-based approach that details the authority's intended food sampling priorities.
- 2.4 The Food Safety and Hygiene (England) Regulations 2013 and the Food Safety Act 1990 allow samples to be procured either by 'purchasing' or 'taking'. Due regard will be given to the requirements of the Food Law Code of Practice and Practice Guidance when the purchasing of samples is being considered.
- 2.5 Samples for examination are sent by courier to the **UK Health Security Agency (UKHSA), Food, Water and Environmental Laboratory York, Block 10, York Biotech Campus, Sandhutton, York, YO41 1LZ.**
- 2.6 Ribble Valley borough Council has been allocated credits by UKHSA for food sampling.

### **3 POLICY CONTENT**

- 3.1 The policy produced contains details on the purpose of food sampling i.e. routine sampling to monitor the safety of food manufactured within the Ribble Valley.
- 3.2 The policy also details the follow-up actions to be taken by officers further to receiving sampling results i.e. within 10 working days of receiving a borderline result, the officer will notify the food business operator (FBO) / manager of the food business of the results and interpretation in writing. Advice on improvements will be given.
- 3.3 A copy of the 'Ribble Valley Borough Council, Food Sampling Policy' is shown in **Appendix 1**.

### **4 RISK ASSESSMENT**

- 4.1 The approval of this report may have the following implications:
  - Resources – None.
  - Technical, Environmental and Legal – None.
  - Political – None.
  - Reputation – Food sampling will enhance the Council's reputation and assist with proving that food products manufactured and sold within the borough are safe to consume.
  - Equality & Diversity – No implications identified.

### **5 RECOMMENDED THAT COMMITTEE**

- 5.1 Approve the Ribble Valley Borough Council Food Sampling Policy.

ANDREW DENT  
HEAD OF ENVIRONMENTAL HEALTH

MARSHAL SCOTT  
CHIEF EXECUTIVE

For further information please ask for Andrew Dent, extension 4466

Appendix 1



Ribble Valley  
Borough Council

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[www.ribblevalley.gov.uk](http://www.ribblevalley.gov.uk)

# Food Sampling Policy

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## Policy administration

### Policy ownership

For any queries about this policy, please contact the plan owner.

<b>Department</b>	Environmental Health		
<b>Owner</b>	Mr Andrew Dent	<a href="mailto:andrew.dent@ribblevalley.gov.uk">andrew.dent@ribblevalley.gov.uk</a>	01200 414466
<b>Committee</b>	Health and Housing		

This policy is maintained and published on behalf of Ribble Valley Borough Council. A copy of this policy will be published on the Council Intranet and will be reviewed and updated as stated below.

### Version control and review date

Version	Date	Reason for Publication	Approved by Committee / Date	Review Date
V1.0	09/01/2024	New Policy as required by FSA.	Health and Housing Committee / XXX	09/01/2025

This policy will be reviewed, as a minimum, on an annual basis. However, consideration should be given to reviewing the policy should there be any changes in legislation or guidance. The policy/procedure owner will ensure the document is reviewed as stated.

### Equality implications

	Action	Yes / No
	An Equality Impact Assessment (EIA) has been completed	No
<b>EIA Hyperlink</b>		

### Supporting documents or legislation relating to this policy

Please include any supporting documents / legislation
1. Food Standards Agency (FSA) Food Law Code of Practice and Food Law Practice Guidance.
2. The Food Safety and Hygiene (England) Regulations 2013
3. The Food Safety Act 1990

## 1. Introduction

- 1.1 Ribble Valley Borough Council is required to prepare and publish a food sampling policy and make it available to businesses and consumers in accordance with the Food Standards Agency (FSA) Food Law Code of Practice and Food Law Practice Guidance. The standard laid down in the FSA Framework Agreement on Official Feed and Food Controls must also be met.
- 1.2 This policy sets out this authority's approach to food sampling.

## 2. General Approach

- 2.1 Food sampling and subsequent analysis/examination performs an essential function, providing intelligence and evidence on the safety and authenticity of food on the UK market. By providing this information it forms a key part of official controls enabling appropriate action to be taken to protect the consumer.
- 2.2 Local Authorities have a duty to ensure food meets legally prescribed standards and sampling is a means of monitoring compliance. Ribble Valley Borough Council is required to prepare a sampling programme using a targeted and risk-based approach that details the authority's intended food sampling priorities.
- 2.3 The Food Safety and Hygiene (England) Regulations 2013 and the Food Safety Act 1990 allow samples to be procured either by 'purchasing' or 'taking'. Due regard will be given to the requirements of the Food Law Code of Practice and Practice Guidance when the purchasing of samples is being considered.
- 2.4 Samples for examination are sent by courier to the **UK Health Security Agency, Food, Water and Environmental Laboratory York, Block 10, York Biotech Campus, Sandhutton, York, YO41 1LZ.**
- 2.5 Ribble Valley borough Council has been allocated credits by UKHSA for food sampling.

### **3. The Purpose of Food Sampling**

#### **3.1 Routine Sampling**

**3.2** Routine sampling may take place to monitor the safety of foods manufactured, distributed or retailed within the borough of Ribble Valley.

**3.3** All routine samples may be purchased anonymously or taken with the consent of the owners of the food by an authorised Officer. These food samples will be analysed or examined by the appointed Public Analyst or Food Examiner respectively.

#### **3.4 Informal sampling**

**3.5** The majority of samples taken for microbiological purposes will be informal, and form part of the monitoring/surveillance programme. Samples of food that are the subject of a consumer complaint and are brought to the department are also classed as informal, as are food samples submitted for expert opinion, pest identification, and those taken as evidence in their own right e.g. use by dates.

#### **3.6 Formal samples**

**3.7** Formal samples will be purchased or taken in accordance with the FSA's Code of Practice and Practice Guidance, by suitably trained, qualified and experienced authorised Officers. They will be examined or analysed by the appointed Food Examiner or Public Analyst. Formal samples will be taken where enforcement action may result if an adverse report is received following examination or analysis.

#### **3.8 Process monitoring**

**3.9** Samples may be taken from manufacturers of foods, during the manufacturing process, for the purpose of ensuring the safety of the end product and for assessing the effectiveness of the critical controls in the process.

#### **3.10 Primary Authority**

**3.11** In support of the Government's Primary Authority scheme, Ribble Valley Borough Council will notify the Primary Authority and if required the home or originating authority of any adverse results following sampling carried out.

### **3.12 Routine inspections**

**3.13** Sampling may form part of a routine inspection of a food business. It may take place if, during the inspection, the authorised Officer identifies a particular problem that needs further investigation or for obtaining evidence to support an investigation. It may also take place during an inspection for process monitoring purposes.

### **3.14 Food related complaints**

**3.15** On receipt of a food product complaint, the food product may be submitted for analysis, examination, or for expert identification, if this is deemed necessary for the suitable investigation of the complaint.

### **3.16 Food borne disease investigations**

**3.17** Where a particular premises or food produced within the Ribble Valley borough area is implicated in a case or cases of food borne disease, food samples may be taken and submitted for examination for the purposes of identifying any likely source of infection and controlling any risk to public health. These samples are likely to be taken formally. In the event of an outbreak of food-borne disease, relevant samples will be identified in consultation with the UK Health Security Agency (UKHSA).

### **3.18 Special investigations**

**3.19** Food samples may be taken and submitted as part of a special investigation, e.g. in response to a food hazard warning, or to other intelligence received about potential food safety issues. This may form part of a 'food incident' involving liaison with the FSA.

### **3.20 Co-ordinated Sampling Programmes**

**3.21** Ribble Valley Borough Council recognises the merit in participation in co-ordinated sampling programmes which will enable effective use of the Council's resources. The Council therefore may participate as appropriate in national, regional and locally co-ordinated programmes. This will collaboration with other local authorities in Lancashire via the 'Food Safety Liaison Group'.



## **4. Sampling Procedure**

- 4.1** Food samples are taken in accordance with the Food Law Code of Practice, Practice Guidance, and any other relevant legislation, guidance or protocols.

## **5. Follow up action**

- 5.1** When the results of a laboratory examination of the sample(s) are received, Officers will decide the appropriate follow-up action with due regard to any expert advice from the Food Examiner or Public Analyst. Regard will also be had to the Council's food safety enforcement policy. Where appropriate, liaison with the Primary/Home/Originating Authority will be undertaken.

### **5.2 Result categories and the Councils response**

#### **5.3 Satisfactory Results**

- 5.4** Within 10 working days of receiving a satisfactory result, the Officer will notify the food business operator (FBO) of the result and interpretation in writing, unless the sample had been taken unannounced when no notification will be sent.

#### **5.5 Borderline Results**

- 5.6** This category indicates the sample was at the level of borderline acceptable quality. Within 10 working days of receiving a borderline result, the Officer will notify the FBO / manager of the food business of the results and interpretation in writing. Advice on improvements will be given.

#### **5.7 Unsatisfactory Results**

- 5.8** This category indicates that the food sample did not meet the acceptable standards. At the earliest opportunity and no later than 10 working days following receipt of the results, the Officer will notify the FBO / manager of the food business of the results and interpretation in writing unless resampling is to be undertaken. In this instance, the results will be discussed as below. Advice on improvements will be given.

- 5.9** Resampling may be considered where:

- The premises sampled from has a poor record of compliance.
- In the view of the Food Examiner, the result obtained raises concerns about hygienic practices followed.

- Other similar batches within the same consignment need investigation to gain statistical information about the rest of the consignment.
- There is a serious risk to public health.

**5.10** Where resampling is to be undertaken the business will be visited by an Officer and the FBO/manager informed of the result and possible causes(s), means of improvement and also that a resample will be taken. Should a satisfactory or borderline result be obtained on resampling the FBO/manager will be notified as above.

**5.11** Should a further unsatisfactory result be obtained, an assessment will be made to determine further action which may result in formal action. In those cases where an arrangement exists for Primary, Home and Originating Authority referrals, the appropriate authorities will be notified.

**5.12** All non-compliances will be dealt with proportionately, consistently and in accordance with our enforcement policy and the Food Law Code of Practice.

## **6. Review**

**6.1** This policy will be reviewed on an annual basis and updated accordingly as required to reflect local and national priorities.