

## Introduction

# Dear Food Business proprietor or food handler

This special edition newsletter has been compiled to provide you with up to date information about two key issues that could impact upon you and your business.

**The first of these is the new food hygiene rating scheme.**

South Holland District Council has committed to join the National Food Hygiene Rating scheme. This will allow consumers access to information about the hygiene standards in our food premises. We have been operating a food hygiene rating scheme for several years now, but the new scheme is a six tier scheme and allows comparisons across the whole country.

**The second is recent guidance issued on E.Coli O157 bacteria.**

The article emphasises some very important guidance that has recently been issued to help prevent problems associated with E.Coli O157 bacteria.

Please take the time to read about these issues and if you have any queries concerning these or other food safety matters, please do not hesitate to contact the Food Safety and Licensing Team via the addresses listed below.

You can contact or make an appointment to see a member of the Food Safety and Licensing Team via:

Telephone: 01775 761161

Fax: 01775 711054

Email: [foodsafety@sholland.gov.uk](mailto:foodsafety@sholland.gov.uk)  
(Food Safety matters)

Email: [licensing@sholland.gov.uk](mailto:licensing@sholland.gov.uk)  
(Licensing matters)

Website: [www.sholland.gov.uk](http://www.sholland.gov.uk)

## Contact us

Translation available



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## New display for hygiene standards when eating out



Customers will be better informed when eating out, thanks to the introduction of a new scheme which tells them about the hygiene standards of food outlets.

South Holland District Council has announced that it will switch to a new way of displaying the hygiene standards of food businesses to consumers. The National Food Hygiene Rating Scheme (NFHRS) will be run across the District from 28th March this year.

This national scheme, developed by the Food Standards Agency (FSA) in partnership with local authorities in England, Wales and Northern Ireland, provides information on food hygiene standards to help people to choose where to eat out or shop for food. The new scheme will build on the success of the hygiene rating scheme that we have been running.

Food outlets, such as restaurants, takeaways and pubs, are inspected by food safety officers from South Holland District Council, to check that their hygiene standards meet legal requirements. The hygiene standards found at these inspections are rated on a scale ranging from zero at the bottom (which means “urgent improvement necessary”) to a top rating of five (“very good”).

These ratings will be available for anyone to view on the FSA website at [food.gov.uk/ratings](http://food.gov.uk/ratings) and the food business will be given a sticker and certificate and be encouraged to display these at the entrance to their premises. This is so that their customers can easily see them and decide if they want to go in.

Around one million people suffer from food poisoning every year, which leads to 20,000 receiving hospital treatment and 500 deaths. In England and Wales alone, this costs the economy £1.5 billion each year.

It is the aim of the FSA, in developing the FHRS, to reduce this number. The ratings will give consumers a glimpse of what is going on in the kitchen when they eat out, or behind the scenes at the places they shop, before they make their decision about which place they prefer to visit.

Food Safety and Licensing Team Leader,



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Craig Fowler, said, “Although we have run our own successful food hygiene scheme for a number of years, we have opted to change to the NFHRS, as we can see the benefits for local food businesses and the people that eat or shop in them. Having a single scheme which is consistent nationwide means

that the rating will have the same significance wherever people are buying food. The public will be able to use the information when deciding which food outlets to visit, and we hope that food companies will recognise that displaying a good hygiene rating is good for business”.

Catriona Stewart, Head of the Food Hygiene Ratings Team at the FSA said, “We recognise the real progress that has been made in improving hygiene standards in food outlets through ‘local’ food hygiene rating schemes, but, having a single nationwide scheme will mean a level playing field for businesses across the country, and consumers will be able to recognise and use the ratings in their own area, as well as further from home”.

## Key benefits of the scheme

The primary purpose of the National Food Hygiene Rating Scheme (NFHRS) is to enable consumers to make informed choices about the places where they eat out or shop for food and, through this, to encourage businesses to improve hygiene standards.

## For businesses:

- the scheme will be a good advertisement for businesses that comply with food hygiene law - good food hygiene means a good hygiene rating and a good hygiene rating is good for business
- it’s already a legal requirement for businesses to meet hygiene regulations
- having the six different ratings gives businesses room to improve
- The FSA and your local authority have tools to help businesses to do this

## For consumers:

- the NFHRS enables you to make an informed choice about where you choose to eat out or shop for food, as it gives you an idea of what’s going on in the kitchen, or behind closed doors.
- you can view the rating of the place where you choose to eat or shop by checking the sticker in the window, the certificate on display inside the premises or by going online at [www.food.gov.uk/ratings](http://www.food.gov.uk/ratings)

## Frequently Asked Questions

### ***What is the food hygiene rating scheme for?***

The scheme provides information on food hygiene to help you choose where to eat out or shop for food by giving you information about the hygiene standards in restaurants, pubs, cafés, takeaways, hotels and other places you eat, as well as supermarkets and other food shops.

The scheme also encourages businesses to improve hygiene standards.

## **Who runs the scheme?**

The scheme is run by local authorities in England, Wales and Northern Ireland in partnership with the Food Standards Agency (FSA).



Local authorities are responsible for carrying out inspections of food businesses to check that they meet the requirements of food hygiene law.

The FSA is the UK government department responsible for food safety. It gives local authorities advice, training and other support to help them run the scheme.

## **Is the scheme run in all parts of the UK?**

The Food Hygiene Rating Scheme is a “national scheme” run in England, Wales and Northern Ireland. A similar scheme is run in Scotland.

Each local authority can choose whether or not it wants to take part so the scheme is not running in all areas of England, Wales and Northern Ireland. Some local authorities choose to run their own local schemes.

The FSA is working with local authorities to encourage as many of them as possible to run the “national scheme” so you can compare hygiene ratings of food businesses in your local area and further away from home.

## **What types of food business are given a rating?**

Ratings are given to places where you can eat out such as restaurants, takeaways, cafés, sandwich shops, pubs and hotels. Ratings are also given to schools, hospitals and residential care homes.

Places where you shop for food, such as supermarkets, bakeries and delicatessens, are also given a rating.

Not all businesses in these groups are given a rating. This is because some businesses, for example a newsagent selling sweets, are a low risk to people’s health so are not included in the scheme. These businesses are said to be “exempt” from the scheme.

## **What does “exempt” mean?**

The two groups of exempt businesses are:

- businesses that are a low-risk to people’s health in terms of food safety and those that you perhaps wouldn’t normally think of as a food business - for example, newsagents, chemist shops or visitor centres selling tins of biscuits
- Child minders and businesses that offer caring services at home

These types of business can ask to receive a food hygiene rating if they wish. Only details of those in the first group will be published on [www.food.gov.uk/ratings](http://www.food.gov.uk/ratings) but those in the second group can share their rating with parents and others using their services.



## **How is a hygiene rating worked out?**

A food safety officer from the local authority inspects a business to check that it meets the requirements of food hygiene law.

At the inspection, the officer will check how hygienically the food is handled - how it is prepared, cooked,

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re-heated, cooled and stored. The condition of the structure of the buildings - the cleanliness, layout, lighting, ventilation and other facilities how the business manages and records what it does to make sure food is safe.

The hygiene standards found at the time of inspection are then rated on a scale. At the bottom

of the scale is '0' - this means urgent improvement is required. At the top of the scale is '5' - this means the hygiene standards are very good.

The rating given shows how well the business does overall. The business may do better in some areas and less well in others and the rating takes this into account. This includes those areas that need improving the most.

The officer will explain to the person who owns or manages the business what improvements need to be made and what action they can take to improve their hygiene rating.

## ***What do the different ratings mean?***

The food hygiene rating reflects the hygiene standards found at the time of inspection by a food safety officer from the business's local authority.

A business can be given one of these ratings

The hygiene standards found at the time of inspection are rated on a scale. At the bottom of the scale is '0' - this means urgent improvement is required. At the top of the scale is '5' - this means the hygiene standards are very good.

A rating shows you how well the business is meeting the requirements of food hygiene law. It gives you an idea of what's going on in the kitchen, or behind closed doors, so you can choose where you eat or buy food.

## ***How often will a restaurant or other food business be given a new rating?***

A new rating is given each time the business is inspected by a food safety officer from the business's local authority. Inspections will normally be carried out unannounced.

How often inspections take place depends on the risk to people's health. The greater the risk the more often the business is inspected.

If the business owner or manager makes improvements to hygiene standards, the business can ask its local authority for a visit to be carried out before the date of the next planned inspection. This means these improvements can be checked and a new rating could be given. The business will, however, need to provide evidence that the necessary works have been completed before such a request will be accepted.

## ***What does "awaiting inspection" mean?***

If a new business has been set up, or there is a new owner, it will not have a food hygiene rating to begin with but it may display a sticker or certificate that says "awaiting inspection". A rating will be given after a local authority food safety officer has inspected the business to check the hygiene standards.

## ***Why six tiers?***

The decision about the best scheme for England, Wales and Northern Ireland was considered very carefully by the FSA Board in December 2008, following a major public consultation. In opting for six tiers, the Board took account of all views, and also the aim to enable consumers to differentiate between the food hygiene standards at premises where they eat or buy food, and the aim to provide an incentive to businesses for continuous improvement.

## E.Coli 0157 Cross Contamination

As a food business operator it is vitally important you are aware of the risks that food poisoning poses to your customers and your business. E.Coli O157 is particularly dangerous as only a few bacteria can cause serious untreatable symptoms such as kidney failure and even death. There have been numerous serious outbreaks of E.Coli O157 and that is why the Food Standards Agency has issued this guidance.

**The FSA guidance on the control of E.Coli O157 contamination focuses on the following key control measures:**

### *Separation of equipment and areas which are used for raw foods/meat and ready to eat foods*

The use of separate equipment such as cutting boards, slicers, mincers and vacuum packing machines is essential. Provide separate working and storage areas for ready to eat foods. The guidance states that "the dual use of complex equipment should never be regarded as a safe practice".



### *High standards of personal hygiene. Staff must practice good standards of personal hygiene*

They must wash their hands thoroughly; before starting work, after handling raw foods/meat, before handling ready to eat foods, after visiting the toilet and after handling waste. Non hand operable taps (lever, foot, knee or infra red) are the most effective way of preventing cross contamination from tap heads. If you do not currently have such taps you are strongly

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advised to have the existing wash hand basin adapted (wrist operated lever taps can be obtained for under £30) or install a new wash hand basin with non hand operable water dispensing. Remember hot water must always be available for staff to wash their hands. Staff must wear appropriate protective clothing and change it if they go from handling raw foods/meat to handling ready to eat foods.

## *Cleaning and disinfection*

All surfaces and equipment that may have become contaminated with E.Coli O157 or are used for preparing ready to eat foods must be thoroughly cleaned and disinfected. You must be able to demonstrate that chemical disinfectants and sanitisers meet BS EN 1276:1997 or BS EN 13697:2001 standards. You may need to check this with your suppliers.



## *Procedures and training*

All food business operators are required to have documented food safety management procedures. Many businesses have adopted the Food Standards Agency - Safer Food Better Business procedures. Whatever food safety management system you use you must ensure appropriate E.Coli O157 food safety controls are devised and implemented. Staff must receive appropriate instructions, supervision and/or training to enable them to carry out their functions competently.



It is recommended that you read the full Food Standards Agency E.Coli O157 guidance document which can be viewed or downloaded via the Food Standards Agency website:

[www.food.gov.uk/foodindustry/guidancenotes/hygguid/ecoliguide](http://www.food.gov.uk/foodindustry/guidancenotes/hygguid/ecoliguide)

**During the next visit to your premises we will be expecting you to demonstrate that you are aware of the new guidance on E.Coli and have taken appropriate steps to control cross contamination.**

**To reiterate, E.Coli O157 poses a very real and significant threat to food businesses and consumers. We all have a responsibility to take all necessary precautions to prevent this bacterium causing illness and death.**

## DID YOU KNOW?

South Holland District Council offers  
Level 2 and 3 Food Safety in Catering Courses

*Group booking discounts available.*

For more details please contact the  
Food Safety and Licensing Team

# Police Reform and Social Responsibility (PR&SR) Act 2011



The PR&SR Act has now completed its Parliamentary passage and received Royal Assent. The Act will change aspects of the licensing regime established under the Licensing Act 2003. The changes will impact on both operators and Licensing Authorities and are aimed to deal with matters including:

- Late-night drinking
- Temporary Event Notices (TENs)
- Reducing burden and bureaucracy
- Recovering Licensing Authority costs

The principal aspects of the PR&SR Act will be brought into force during 2012. Some of the key changes that will be introduced include:

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## 1 The Licensing Authority as a Responsible Authority

The Licensing Authority (the Council) will gain powers to submit representations against licence applications and to initiate review proceedings of its own volition.

## 2 Primary Care Trusts as Responsible Authorities

The Act extends the categories of Responsible Authorities to include Primary Care Trusts. Accordingly, these bodies will be able to make representations to premises licence applications and initiate review proceedings.

## 3 Changes to “Interested Parties”

The term “Interested Parties” (i.e. anyone who lives or operates a business in the vicinity of a premise) will be removed from the 2003 Act. Instead anybody who lives or operates a business within the South Holland district will be permitted to submit representations or participate in review proceedings.

This wider geographical scope could mean for example that somebody who is resident on one side of the district could make representations regarding a premises some distance away from where they live.



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## 4 Reducing the Evidential Burden on Licensing Authorities

When considering applications for new licences, variations and when applying powers under review proceedings, the Licensing Authority will be able to take or impose such steps as it considers “appropriate” for the promotion of the licensing objectives. Under the current regime steps have to be to the higher threshold of “necessary”.

## 5 Temporary Event Notices (TENs)

Amendments to the procedures will require TENs to be served on the Council’s Safety and Environment Team as well as the Police. The PR&SR Act will allow these Responsible Authorities to make objections to TENs on the grounds of all four licensing objectives rather than just prevention of crime and disorder as is presently the case.

## 6 Early Morning Alcohol Restriction Orders (EMROs)

The Act extends the ability of the Council to issue Alcohol Restriction orders for any duration between 12 midnight and 0600 Hours. This is an extension of the powers introduced by the Crime and Security Act 2010 where a Licensing Authority, if it considers it necessary for the promotion of the licensing objectives can prohibit the provision of licensable activities between these times for limited or unlimited periods and across the whole or part of its area.

## 7 Suspension of Licence for Failing to Pay Annual Fee

Where an annual fee becomes late by over 21 days the Council will have the ability to suspend the premises licence.

## 8 Power for Licensing Authorities to set Fees

At present, licence application fees are set centrally by Government. The Council will gain the power to set its own fee levels, although this will be subject to constraints set out by Central Government.

**We will continue to monitor these new changes and keep operators updated on the proposed implementation dates in due course.**

## Do you have CCTV?



- Do you operate a CCTV system?
- If you have CCTV you need to register under the data protection laws.
- The notification costs an annual fee of £35.00 - no VAT is charged.
- The fee is payable to the Information Commissioner's Office.

### You can register in the following ways:

Online at [www.ico.gov.uk](http://www.ico.gov.uk)

By phone 0162 554 5740

## Internet and Mail Order Alcohol Sales

**We occasionally receive enquiries from people wishing to brew and sell their own alcohol.**

The Actual brewing of alcohol does not require a licence from the Council. You will only need a licence from us if you intend to sell or supply alcohol. However, brewers may need to register as a brewer or as a distiller with HM Revenues and Customs, and duty may need to be paid on any alcohol that you produce.

Businesses selling alcohol over the telephone, by mail order or over the internet will need to be

licensed in the same way as any other alcohol-retailing business - that is a premises licence and personal licence(s) will be required.

A premises licence must be held for the location at which alcohol is "appropriated to the contract" - typically this will be the warehouse or storage facility from which the alcohol is dispatched.

It is important to remember that with the internet and mail order sales the premises licence is required from where the alcohol is being dispatched (e.g. the warehouse) and not from where it is sold (e.g. the call centre).

A personal licence holder and Designated Premises Supervisor (DPS) will also be required at the premises where the alcohol is dispatched. The individual named on the licence as DPS must hold a personal licence.

Extra care must be taken to ensure that alcohol is not sold or delivered to under-18s, and the

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Licensing Authority, Lincolnshire Police and Lincolnshire Trading Standards will all expect to see a comprehensive list of measures in licence applications setting out how this would be achieved.

It is against the law to sell alcohol to minors. You should therefore think about the safeguards you

are going to put in place to ensure under 18s are not sold alcohol. Such safeguards must include a suitable age verification system.

In addition we would suggest that you include labels on your parcels stating that the parcel is “Not to be left with a person U18”.

## Can Alcohol be Offered as a Lottery Prize?

**Under the previous legislation** alcohol offered as a lottery prize was considered as a sale and required a licence. However, at the request of the Home Secretary this law was not normally enforced.

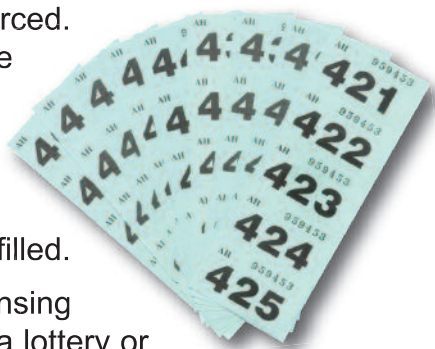
Section 175 of the Licensing Act 2003 removed this anomaly where certain conditions are fulfilled.

There are no licensing requirements for a lottery or tombola held at an “exempt entertainment”. An “exempt entertainment” is defined as a bazaar, fete, dinner dance or other similar entertainment limited to one day or extending over two days.

There are a number of conditions, which have to

be observed in promoting a lottery (as an incident to an exempt entertainment) where alcohol is offered as a prize. Some examples of these conditions are:

- (a) that the proceeds, after deducting certain specified expenses, must along with the proceeds of the “exempt entertainment”, be used for purposes other than private gain;
- (b) that the tickets can be sold only on the premises and during the course of the exempt entertainment;
- (c) that the lottery is drawn and the result declared during the exempt entertainment;
- (d) that the alcohol prize consists of or includes alcohol in a sealed container;
- (e) that no money prizes can be awarded.



## Gaming Machine Permits for Alcohol Licensed Premises

**If you are operating a pub or similar premises with a bar**, it may be that gaming machines have been provided on the premises or you may be thinking about installing gaming machines. In either case it is important that you remember that authorisation is required in order to install a gaming machine.

The responsibility for issuing gaming machine permits to pubs and other alcohol licensed premises was transferred in November 2005 from the Magistrates Court to the Council. Please note that previous gaming machine permits issued by the Magistrates Court have now expired.

A lot of licensees are confused with the HM Revenue and Customs permit issued for gaming machines. You are required to hold both a current permit issued by HM Revenue and Customs and a permit issued by South Holland District Council. Failure to hold both may result in prosecution and/or seizures of the machines.

There are two types of authorisation available for pubs and similar premises.

**For one or two gaming machines** you should notify the Licensing Team that you intend to take advantage of the automatic entitlement under the Gambling Act. You will need to complete a notification form

and send a one-off fee of £50.00 (no annual fees are payable).

**For three or more machines** you will need to apply to the Licensing Team for a Licensed Premises Gaming Machine Permit (LPGMP).

You will need to complete an application form and send a fee of £150.00 (also, 30 days after the initial grant date of your permit you will need to pay the first annual fee of £50.00).

Further information on gaming machines and what to do if the premises change hands is available from the Licensing Team.

There are different rules for gaming machines in sites holding a Club Premises Certificate issued by this Authority. Further information in relation to Clubs is available from the Licensing Team.



## Where is the Designated Premises Supervisor (DPS)?

Remember that the Designated Premises Supervisor (DPS) does not have to be on the premises at all times.



However, it is expected that they are a person with “hands-on” control over the running of the premises so that they are an effective contact for Lincolnshire Police and other Responsible Authorities, such as Environmental Health and

Trading Standards. If the DPS is away for any extended period of time, contact the Licensing Team for advice.

We would also encourage any alcohol-licensed premises to have at least one personal licence holder on the premises at all times. This may even be a condition on some licences. If you need any advice on obtaining personal licences for you or members of your staff, contact the Licensing Team.

It is an offence to allow sales of alcohol (made under the auspices of a premises licence) to be made without the authorisation of a person who holds a personal licence (Section 19, Licensing Act 2003).

Premises licence holders should be able to demonstrate that each alcohol sale has been sanctioned by a personal licence holder, either directly or by way of some written or oral authority. For the avoidance of any doubt this Authority recommends that authority is given in a written document.

## Where is your Premises Licence?

Your up to date premises licence (or a certified copy of the licence) must be kept at the licensed premises in the custody or under the control of:

- (a) the licence holder, or
- (b) a person who works at the premises and has been nominated in writing by the licence holder.

There must also be prominently displayed on the premises a premises summary and a notice specifying the position held at the premises by the person who is in control of the licence (or certified copy).

## Selling Your Premises or Just Bought a Premises?

**It is important that the premises licence is in the name of the person who will be operating the business.**

If you have taken over the business (unless you are the premises licence holder) you will not be authorised to carry on the licensable activities at the premises. If you have sold the business,

unless you ensure the licence is transferred, you will still be liable for the annual licensing fee for the premises. It is a simple application to transfer the licence, and the fee is only £23. The application forms are available from the Licensing Team.

## Change of Address - Personal Licence

**Personal licence holders are reminded that they must tell us of any changes to their address.**

Recently, we have been receiving more and more correspondence returned to us because the person it is addressed to no longer lives at the address we have on our system.

This is particularly important as early in 2015 we will start processing the renewal of personal

licences. Licence holders will be sent a reminder letter to renew. Obviously the reminder letter will not find the intended recipient if the address we have is out of date.

Any notification of a change of address must include the statutory fee of £10.50 in order for us to issue an amended licence and card.