



PERRY SCOTT NASH
associates limited

SIMPLY SAFE – MARCH 2009

FOOD SAFETY – RECEIPT OF GOODS

When food is delivered to a catering establishment, this is the first stage of the operation which needs to be controlled in order to prevent unsafe food from entering the premises. Goods delivered are to be checked for temperature and condition upon arrival and then placed immediately into the appropriate storage. Frozen foods must be delivered no warmer than -15°C, and should be placed immediately into storage, and maintained at -18°C or below. Foods requiring refrigerated storage must be rejected if the delivery temperature exceeds the legal requirement of 8°C. Ideally food should be delivered at 5°C, and suppliers must be able to produce records to prove that the correct temperature has been maintained throughout the journey. All goods delivered to catering establishments are to be packed securely and hygienically. No open, damaged, exposed or foods in discoloured packaging are to be accepted. Goods must automatically be rejected if there is any sign of pest infestation, such as mice droppings, and this must be recorded. Goods in transit must be stored safely and the supplier is to ensure that they are separated, are at the correct temperature and that there is no risk of cross contamination. Persons delivering goods must wear appropriate clean protective clothing, and delivery vehicles must be maintained in a clean and hygienic condition. It is critical to check the condition of delivery vehicles from time to time to ensure this is the case. As a general guide food products should be delivered at the following temperatures:

FOOD TYPE	RECOMMENDED TEMPERATURE	MAXIMUM TEMPERATURE
Chilled	5°C	8°C
Frozen	-18°C	-15°C

Where possible a designated person should be trained and made responsible for the receipt and storage of goods. A record that confirms that the relevant temperature and condition checks have been made should be maintained. Probe thermometers (which must be sanitised after every check and calibrated regularly) must be available and used for checking both delivery and storage temperatures. Effective delivery and recording procedures are fundamental to food quality and safety in any catering operation therefore all records must be completed, fully, legibly and accurately to ensure legal compliance and demonstrate the company's due diligence. Senior management must also carry out weekly checks of all records to confirm that food is being accepted at the correct temperatures. Where inconsistencies are noted, these must be discussed with the relevant employee and re-training carried out to prevent a recurrence.

Ask the expert: What happens if we sell alcohol to under 18's?

It is an offence for someone to purchase or attempt to purchase alcohol under the age of 18; and Trading Standards and the police regularly carry out surveillance of licensed premises and often use individuals to carry out "test purchases" to identify premises that are breaching their legal obligations. If any business sells alcohol to any person under the age of 18 years then they commit an offence and may lose their licence, including any personal licence held by people working in the premises. Any business caught selling alcohol to under 18's will have their licence revoked if they are caught on more than TWO occasions and the premises and/or your staff could face a fine of up to £5,000.

Perry Scott Nash Associates Ltd, Perry Scott Nash House, 2 Arlington Court, Whittle Way, Stevenage SG1 2FS
Tel: 01438 745771 Fax: 01438 745772 Email: info@perryscottnash.co.uk www.perryscottnash.co.uk



FIRE RISK ASSESSMENTS

A Fire Risk Assessment (FRA) is an assessment of the fire risks to occupants of a building and other people in the vicinity, to ensure that those people are safe from the risk of fire and its effects. In England and Wales (under the Regulatory Reform Fire Safety Order 2005 (RRO) a suitable and sufficient FRA is a legal requirement. The FRA must be compiled by a "competent person" meaning someone who has sufficient knowledge, experience and qualifications to understand the requirements for fire safety. The legislation represents a shift from concentrating on Fire Protection to Fire Prevention. A FRA is a systematic and structured assessment of fire risk designed to determine the efficiency of existing fire precautions and detail the need for additional fire precautions as significant findings. The objective of the significant findings is to set out measures that will reduce fire risk to a tolerable level. It's essential that all actions identified in the significant findings are addressed, and the FRA isn't treated just as a formality and filed away until the fire services request it. All items must be addressed, and as they are actioned, each item should be dated and signed. If you share your premises with others, you will have to co-ordinate your FRA with theirs. If you review your FRA due to changes in your premises, details of this review will also have to be shared with whoever shares the premises. A FRA is not intended to be a fire safety manual; it is a living document, in that it cannot remain valid for an unlimited length of time. Like all other risk assessments, your FRA will require reviewing annually, however, other cases for review would include:

- Material structural alterations to the building take place
- If there was a fire in the premises
- A significant change in fire precautions

If you require further information on FRA's you can contact our Client Services Team on 01438 745771.

LEGISLATION UPDATE

Health and Safety (Offences) Act 2008

This Act came in to force on 16 January 2009 and introduced fines and custodial sentences for a wide range of health and safety offences. The Act does not create any new offences but raises the maximum penalties available to the Courts.

The new Act extends to England, Wales, Scotland and Northern Ireland. As from January 2009, breaches of sections 2, 3, 7 and 37 of the Health and Safety at Work Etc Act 1974 and breaches of most of the Regulations made under the Act will carry fines of up to £20,000 per offence in the Magistrates Court, an increase from the former maximum of £5,000 per offence. Fines in the Crown Courts will remain unlimited. In addition to the increase in fines, the Magistrates Courts have been given powers to impose custodial sentences of up to 12 months for nearly all health and safety offences. Crown Courts will have the power to hand down custodial sentences of up to two years. Any offences committed before 16 January 2009 will be dealt with under the old limits for fines and imprisonment. As is usual with new legislation, the Sentencing Authority will be issuing guidelines to the Courts about appropriate levels of fines. We are likely to see offences for breaches of health and safety law rise to in excess of £10,000 per offence – monetary penalties will be far more prevalent than custodial sentences. Over time however, custodial sentences may become more common as the public's appetite for poor health and safety standards has got less and less – someone needs to take responsibility for causing serious injury or death to an employee or other person. The Corporate Manslaughter and Homicide Act 2007 should start ensuring that corporate bodies responsible for deaths at work are brought to justice.

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