

## FOOD SAFETY

### **Food Safety Act 1990**

The Food Safety Act 1990 is the main source of food safety law, though it seeks to establish general principles rather than imposing detailed regulations. The Act encompasses circumstances in which food and drink is not only sold but also where it is provided at functions whether or not payment is given in exchange. All churches are therefore likely to fall within the general requirements of the Act.

### **2006 Food Hygiene Regulations**

These regulations require for some procedures to have a documented food safety management system. The extent of the documentation will depend on the volume and nature of the operation. Sporadic preparation of food by individuals or groups for gatherings or for sale at charitable events does not qualify. A standard food safety management procedure requires that:

- hazards to food safety which might be present are identified;
- controls are in place to deal with these hazards;
- controls are carried out and if something does go wrong it is clear what should be done to rectify the problem;
- procedures are kept up to date;
- documents are kept to demonstrate what the procedures are;
- records are kept to show that procedures are working.

Simplified procedures and record keeping should be adequate for recurrent 'low' risk activities where food is brought onto church premises.

Comprehensive advice on food safety management from the Food Standards Agency can be found at [www.food.gov.uk/safereating](http://www.food.gov.uk/safereating) or from your local environmental health department.

### **Do the Regulations affect us?**

The answer is an unequivocal "yes", even if you are giving it free and you are all volunteers.

If you prepare and serve food at your church fellowships, anniversaries or pensioners' lunches etc you have to comply with legislation, as follows:

### **The Food Safety Act 1990**

The Food Safety Act 1990 is the main piece of legislation regarding food safety and gives local Environmental Health Officers powers of enforcement and breaches of it carry a fine of up to £20,000 per offence. The local EHO can call at your premises to ensure you are providing food which is fit for human consumption and that the premises are fit for the purpose.

### **The Food Safety (Temperature Control) Regulations 1995**

The Food Safety (Temperature Control) Regulations 1995 defines the temperatures that food should be stored or served at. Chilled foods must be stored below 8°C and hot foods kept above 63°C (Scotland has an additional law about reheated food). Fines for non compliance on temperatures alone are up to £5,000.

### **The Food Safety (General Food Hygiene) Regulations 1995**

The Food Safety (General Food Hygiene) Regulations 1995 covers the construction and cleaning of premises that provide food i.e. toilets do not open off a kitchen, all walls and food contact surfaces must be easy to clean and disinfect.

### **Food Prepared In Domestic Premises**

If there is regular domestic preparation of food for use at church gatherings, the Act requires the registration of the domestic premises, which will then also be subject to the appropriate regulations. However, church members and others ought not to be inhibited by this from supplying refreshments for church use on an infrequent basis. Although there is no official ban on home-made food being consumed or sold at a church, a basic risk assessment should be done. With non high risk foods, such as baked goods, there would normally be no problem, unlike the degree of risk encountered with easily spoiled foodstuffs, in which case it may be prudent to avoid introducing these from home and rather prepare the items on church premises or buy in from trade sources.

### **Planning Permission**

In general, churches do not require Planning Permission for serving food which is supplementary to ordinary church or community activities. Nonetheless, if a regular coffee shop or restaurant is run on church premises this might well require Planning Permission. Any building modifications may also entail Building Regulation Approval.

### **Compliance with the Regulations**

In summary, all the regulations relating to food safety and hygiene apply where food and drink is served, whether the church is registered under the Food Safety Act 1990, or not. Churches should therefore ensure that they do comply with the regulations and not dismiss them as “applying only to restaurants”. A regulation commencing, “the proprietor of a food business...” is just as likely to apply to “a deacon of a church...”

### **Penalties**

Contravention of the Act or the regulations could result in a criminal conviction. Ignorance of the law is no excuse, although if a church can demonstrate that the violation was through a temporary error, and had otherwise acted conscientiously, they can use the concept of ‘due diligence’ as a defence against prosecution. If your church is accused (maliciously or not) of serving food that caused food poisoning (after eliminating other potential sources) and you can show that you have taken reasonable precautions (see below), these factors, if not exonerating you, will be taken into consideration. This, however, would not be the case if all reasonable care had not been taken to prevent the specific offence.

## **Enforcement**

The Act gives Enforcement Officers authority to close premises not up to standards or to expect improvements to be made. Consequently, if a church does not fulfil the regulations, a hygiene improvement notice may be issued stipulating what is necessary to rectify the situation. If the work is not done, or if there has been a successful prosecution for contravening the regulations and there is public risk, the premises may be subject to a Prohibition Order.

## **Registration under the Act**

Registration is to enable the District Council (the authority charged with monitoring and implementing the proper observance of the Act and regulations) to know what food establishments are operating within its area to ensure that appropriate inspections are carried out. For example, a church registered under the Act simply because it provides teas or coffees after Sunday services will be considered a much lower risk than a church which runs a weekly luncheon club for the elderly. Registration is free with the Environmental Health Officer of the District Council in which the church operates. The District Council will provide further information on the food safety hygiene regulations which will be useful to the church.

## **What is the Answer?**

All of this may seem “over the top” and intimidating; even positively off-putting for any fellowship meals, but there are ways to address this amount of regulation simply and without great expense.

## **Reasonable Precautions**

All the regulations relating to food safety and hygiene, together with the condition of premises, principally kitchen surfaces and floors, washing up facilities etc will apply to church premises where food is served, whether or not this constitutes full meals or simple refreshments. It is therefore sensible that advice is sought from the District Council to ensure that the kitchen facilities comply with regulations when new amenities are being considered or the existing ones renovated.

Apart from what is mentioned above, there are two ways of taking reasonable precautions.

**Firstly**, look at your church kitchen with a critical eye.

Ask yourself questions such as...

- Can it be cleaned easily?
- Can food be stored away?
- Is the floor littered with kitchen utensils and other loose items that rarely get used?
- Are there mice present?
- How old is the fridge and does it get down to 8°C?

Use some common sense...

- Tidy up and remove unnecessary items that kitchens seem to collect.
- Put one person in charge with overall responsibility (e.g. for throwing out left-overs).
- Don't store the toilet cleaner next to the tea bags.

All of these matters are really basic common sense that the regulations seek to enforce.

**Secondly**, where a church conducts any substantial food preparation it is sensible for the church volunteer or paid worker in charge of the catering to be familiar with the food hygiene regulations. These deal principally with the approved temperature for hot and cold food and the essential separation of cold and cooked meats. In consideration of this, it would be advisable for the responsible person to take a course to be aware of what needs to be done and apply it to their own circumstances. One such course is the Level 2 Foundation Level (Basic) Food Hygiene Distance Learning Course (New Level 2) published by Advanced Food Safety Ltd. It costs £12 plus VAT and postage and issues a certificate to successful candidates. The certificate will help if the EHO calls. One or two can do the course and then teach the others who assist, so that everyone will be familiar with basic food hygiene rules.

Advanced Food Safety Ltd may be contacted at:

Advanced Food Safety Ltd  
Jubilee House  
5 Broad O'th Lane  
Shevington  
Wigan  
Lancashire  
WN6 8EA

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[www.food-safety.co.uk/advancedfood](http://www.food-safety.co.uk/advancedfood) or [www.allsafe.org.uk](http://www.allsafe.org.uk)

So be proactive in addressing this issue and don't wait for a food poisoning outbreak to force you into action.

For the convenience of church officers please click [here](#) and [here](#) for electronic versions of the **Statutory Instrument 1995 No 1763 – The Food Safety (General Food Hygiene) Regulations 1995** and the **Statutory Instrument 1995 No 2200 – The Food Safety (Temperature Control) Regulations 1995**.

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